

K O R E A I N S T I T U T E F O R N A T I O N A L U N I F I C A T I O N

국제학술회의

한반도 평화통일, 어떻게 만들 것인가?

- 제네바 합의 이후 20년의 교훈과 과제

Peace and Unification on the Korean Peninsula:
The Twenty Years after the Geneva-Agreed
Framework

김영재, 최진욱, 박인휘 편



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한국정치학회 KPSA



민주평화통일자문회의



통일연구원

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▣ 본서에 수록된 내용은 집필자의 개인적인 견해이며,
당 연구원의 공식적인 의견을 반영하는 것이 아님을 밝힙니다.

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서문

김영재 2014년 한국정치학회 회장

최진욱 통일연구원장

서문

지난 20년의 회고와 새로운 시작을 위하여

한국정치학회, 통일연구원, 그리고 민주평화통일자문회의, 이 세 개 기관은 탈냉전기 직후 북미간 외교적 협상의 상징적 산물인 “제네바합의” 20주년을 맞이하여 국제학술회의를 공동 개최하게 되었다. 2014년 10월 10~11일 양일에 걸쳐 플라자호텔에서 “제네바합의 이후 20년: 대북정책의 새로운 이론과 전략”이라는 주제로 국내외 관련 전문가를 모시고, 지금까지의 대북 및 통일정책을 점검해 봄은 물론 나아가 향후 한반도 평화와 남북한 통일을 위한 새로운 비전과 전략을 모색하게 된 것이다. 특히 금번 회의가 성공적으로 추진될 수 있는 데에는 민주평통 박찬봉 사무처장님의 지원과 관심이 큰 힘이 되었음을 모두에 밝히는 바이다.

잘 알려져 있는 바와 같이, 2014년을 기준으로 20년 전인 1994년 10월 21일 스위스 제네바에서 미국과 북한은 “비핵화”와 “외교관계정상화”를 핵심 내용으로 하는 제네바합의(the Geneva Agreed-Framework)를 도출한 바 있다. 제네바합의의 핵심 내용은 미국과 북한이 양자외교 협상을 통해, 북한이 핵무기 개발 시도를 포기하는 대신 미국은 북한을 공식적인 외교당사자로 인정하는 대타협이 이뤄진 것이다. 물론 이 과정에서

북한의 고질적인 에너지 문제를 해결하기 위한 경수로사업 등과 같은 긴요한 아젠다들이 적절히 포함되기도 하였다. 하지만 주지하느바, 제네바 합의는 결과적으로 북한의 비핵화를 이끌어 내지도, 또한 미국이 북한을 외교적으로 승인하는 외교적인 빅딜로 이어지지도 못하였다. 제네바합의가 무효화되는 과정에서 미국과 북한은 서로에게 책임을 탓하며 지루한 책임공방 논쟁을 벌였지만, 대체로 북한의 고질적인 핵개발 의욕과 또 관련한 비정상적 대외행태에도 불구하고, 여전히 어느 누구의 책임인지 명확하게 설명하기에는 많은 어려움이 있다.

냉전 종식기를 대체로 1989년~1992년으로 삼는다면, 탈냉전기에 접어 든지도 어느새 20년이 훨씬 넘어가고 있지만 여전히 한반도는 남북한 대결구도로 상징되는 공고한 냉전질서 하에 머무르고 있다. 그 이유는 무엇일까? 지난 20세기를 대표하는 국제질서구조의 산물인 냉전질서로 인해 2차 대전 직후 분단을 맞이한 국가는 모두 5개, 이 중에서 독일, 베트남, 예멘은 통일되었고, 중국과 대만의 경우 통일은 되지 않았지만 국제사회는 대체로 ‘하나의 중국(One China)’ 원칙 아래 대만보다는 중국을 국제사회의 공식 일원으로 받아들이는 경향이 강하다. 그렇다면 한반도만이 유일한 분단지역으로 머물러 있어 여전히 냉전적 굴레에서 벗어나지 못하고 있다는 것을 의미하는데, 왜 그럴까? 더구나, 탈냉전기 이후 지난 20여년동안 우리 정부는 북한의 핵문제를 해결하기 위해 또한 북한을 변화와 개혁의 길로 유도하기 위해 다양한 정책을 구사한 바 있다. 하지만 결과적으로 비핵화를 달성하는 데에도 또한 북한의 변화를 이끌어 내는 데에도 실패하였다. 본 학술회의에 모인 연구자들의 문제의식은 바로 여기서 출발하고 있는 것이다.

과거 독일 통일의 사례를 살펴보면, 빌리 브란트 사민당 당수가 총리에 오른 시점이 1969년 그리고 동방정책을 적극 실시하기 시작한 1970년을 기준으로 대략 20년 후에 베를린 장벽이 무너지고 비로소 독일 통일이

가시화되었다. 한반도의 경우 탈냉전기에 접어들지 25년이 넘어가고, 특히 북미간 역사적 합의였던 제네바합의가 성사된 지 20년이 지났지만, 통일의 가능성은 여전히 요원해 보인다. 이러한 배경에서 한국정치학회, 통일연구원, 그리고 민주평통은 지금까지 20여년 동안 북한을 상대로 펼쳐진 다양한 대북 및 통일정책의 내용 및 문제점은 무엇인지, 현 상황에서 한반도 통일을 추진하기 위한 핵심적인 전제조건들은 무엇인지, 또한 과거의 경험과 교훈을 바탕으로 북한문제의 궁극적인 해결을 위해 향후 어떠한 전략과 정책을 수립해야 하는지에 대해서 해답을 찾고자 시도하게 되었다.

이번 국제학술회의에서는 지난 20년 동안 북한을 상대로 직접 정책결정에 참여한 경험이 있는 주요국의 학자, 기능주의적 접근의 한계를 넘어서서 제도주의에 입각한 남북관계를 이론화할 수 있는 세계적 학자, 북한을 상대로 다양한 관여정책의 적용을 연구하는 세계 각국의 학자 등 매우 다양한 배경의 전문가들을 모시게 되었다. 흔히들 ‘이론’과 ‘정책’을 모두 이해하고 파악하는 전문가들을 선정하기가 쉽지 않으나, 다행히 국내외적으로 한반도 문제에 대해서 이론적으로 천착하면서도 동시에 다양한 루트를 통해 현실정책의 경험을 쌓은 분들을 모시게 되었다. 결과적으로 한분 한분의 발표문이 소중한 분석과 비전을 담고 있어서, 이렇게 다시 책자 형식으로 출판하여 보다 많은 관련 전문가들과 그 내용을 공유하게 되었다.

여기에 모인 논문들은 크게 보아 네 가지 정도의 영역으로 구분해서 이해할 필요가 있는데, 우선 첫 번째 글들은 ‘제네바합의’가 끝까지 성공적으로 이어지지 못하고 어느 순간 파국을 맞은 이유가 무엇인지, 또한 이를 포함해서 지난 20년간 우리 정부와 국제사회가 추진한 다양한 대북정책의 가장 큰 문제점은 무엇인지 살펴보고자 한다. 두 번째 영역에 속한 논문들은 ‘이론과 해외 사례’에 초점을 맞추고 있다. 핵심적으로 표현하면, 지금까지 거의 모든 대북정책은 일부 예외적인 상황을 제외하고는 이론적

으로 '기능주의(functionalism)'에 의존하고 있다는 판단 하에, 이를 극복하기 위한 이론적 대안을 모색하고자 시도하였다. 또한 독일통일 사례와 중국-대만간 양안관계의 교훈 및 특징을 동시에 비교분석함으로써 이를 통한 한반도적 함의의 가치를 높이고자 하였다. 셋째 영역은, 분석의 수준을 다소 높여서, 한반도 통일을 위해 핵심적으로 해결해야 할 과제들에 대한 연구를 모아보았다. '북핵문제' '인권문제' '동북아외교환경' 그리고 '남북관계 제도화' 등과 관련한 시안들에 대한 분석들이 담겨있다. 마지막 영역에서는 이상과 같은 분석과 연구를 토대로 향후 우리 정부의 또한 국제사회의 대북정책은 어떠한 방향으로 정립되어야 하고 또한 어떠한 점에 유념하면서 전략을 수립해야 하는지에 대해서 연구해 보았다.

물론 돌이켜 보면, '제네바합의'를 포함하여 북한을 상대로 의미 있는 합의를 도출한 바가 없지 않았으나, 평화와 번영의 통일을 위한 여정은 아직도 갈 길이 멀어 보이는 것이 사실이다. 우리에게 통일은 근대 국가적 과제인 단일 국가를 이룩하고, 안보상황을 근본적으로 개선할뿐만 아니라 보다 완성된 민주주의와 사회구성원들의 자유의지를 적극적으로 발휘하는 가장 소중한 기회가 아닐 수 없다. 부디 여기에 모인 연구자들의 경험과 혜안이 이러한 소중한 기회를 더욱 앞당기는 계기가 되기를 기원한다. 마지막으로 이번 국제학술회의 연구결과물을 공유하는 모든 연구자들의 노력과 연구가 통일을 위한 의미 있는 씨앗으로 이어지길 진심으로 바라는 바이다.

끝으로 한국정치학회 연구이사로서 이번 국제학술회의의 기획단계에서부터 본 보고서의 출판에 이르기까지 전 과정을 진두지휘한 이화여대 박인휘 교수의 열정에 깊은 감사를 표한다.

2015년 2월 27일

발표자들을 대신해서,
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Years**

Yoon Young–kwan | Seoul National University

20 Years after the Geneva Agreed Framework

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20 Years after the Geneva Agreed Framework

- Since we are within days of the twentieth anniversary of the Agreed Framework, it is only natural that we look back before we look ahead at the North Korean nuclear issue.
- We might well be interested in a net assessment of what the Framework produced in terms of positive or negative results, as well as what lessons we have learned over twenty years of on-again, off-again negotiations.
- First, we should remember what we were aiming to do in the negotiations in 1993-4, namely to stop the North's nuclear weapons program and get them back into the NPT. In fact, we did both.
- The North had a 5 MW reactor producing about a bomb's worth of plutonium (Pu) per year, a chemical separation plant to extract the Pu from the spent fuel, and 50 MW and 200 MW reactors under

construction, all of which would have produced enough Pu for roughly 40 nuclear weapons per year by 2000.

- All these facilities were frozen in 1994. The smallest reactor and reprocessing plant resuming operation only after the Agreed Framework was abandoned by both sides in 2003, and the other reactors were never completed.
- So as much as we may wish to deplore the fact that the North probably has ten or so nuclear weapons, a substantial plutonium production capacity was shut down or delayed as a result of those negotiations twenty years ago, and therefore an arsenal of nuclear weapons was kept out of the hands of the DPRK.
- It is only fair to point out what the Framework failed to do, namely, stop the North from making a deal with Pakistan's A. Q. Khan network for centrifuge technology, which the North has almost certainly used to produce highly-enriched uranium for nuclear weapons.
- Acknowledging this, however, does not mean that absent the Framework, we would have been spared the emergence of that capability, only that the problem of the North's nuclear weapons threat was not solved by our negotiations two decades ago.
- If we ask why the Framework collapsed in 2002, the answer depends upon whether one accepts the DPRK or the U.S. view, in whole or in part. The U.S. asserts that the North simply cheated on the

deal by using secretly obtained centrifuge technology to enrich uranium—inconsistent with the North-South Declaration on Denuclearization and of the clear, mutually understood intent of the Framework to preclude secret fissile material production.

- The North’s view, as I understand it, is that the Framework was to have put us on a road to normalized relations, politically, economically and culturally, and that the U.S. failed to take the steps that were implied. The importance here is that they saw the loss of their nuclear weapons program without the gain expected in relations with the U.S. to meet their security needs.
- However one interprets the first decade after the Framework, all seem to agree that the second decade has been marked by “fitful engagement” on-again, off-again agreements that would not only end the DPRK’s nuclear weapons program, but extend to normalization of relations and an eventual treaty to replace the armistice and end the Korean War. While there were such agreements, they also failed to be implemented, and so the period has also been marked by the expansion of the North’s nuclear weapons and ballistic missile programs, with multiple tests of both over the years.
- The lessons one draws from all this depend a lot on the assumptions of causality with which one approaches the history. As a realist, maybe even a structural realist, I’ve always believed that it was at least possible that a deal could be struck with the North that ended its nuclear weapons program, but only if the North believed that

the political context was sufficiently altered by the deal so that the threat it perceives from the U.S. is removed or sufficiently mitigated.

- Understand, please, that the North's nuclear weapons can never be "irreversibly" destroyed: nuclear physics can't be made inoperable in North Korea; the option for the North to regenerate its program can't be made impossible for the DPRK any more than it can for South Africa, which produced six nuclear weapons and then disassembled them and ended its program.
- As for overall judgments, mine begins with the observation that twenty years of U.S.-ROK policy to defuse the North Korean threat have failed: the North has an active and growing nuclear weapons and ballistic missile program, it is not an NPT party, and it regularly engages in provocative and deadly actions aimed at the South that risk escalation to a catastrophic war.
- In addition, the North threatens the U.S. in particular with its enthusiasm for the sale of ballistic missiles (Rodong missiles to Iran and Pakistan) and sensitive nuclear technology (a plutonium production reactor to Syria). The U.S. is exquisitely vulnerable to a terrorist attack with an improvised nuclear device (IND), an event that is made substantially more likely by the North's acquisition of highly enriched uranium—should it be for sale.
- It also seems clear that hope is not a strategy: hope that China will solve the problem for us; hope that sanctions will solve the problem—

China prevents that; hope that regime collapse will solve the problem
—China prevents that too.

- And surely, containment, or its current manifestation as “strategic patience,” is not up to ending or even reducing the threat.
- So, yes, I favor an effort to restart negotiations, quiet discussions without preconditions, at first, to see if the North will, at least in principle, put its nuclear program on the table for incremental, but eventually complete dismantlement, in exchange for a comprehensive and incremental set of steps to normalization of relations.
- This makes sense to me only if (1) the nuclear weapons program can be truly ended over time, or else we risk legitimizing it, and (2) if the North will refrain from provocations against the South as well as missile (or rocket) and nuclear tests while discussions proceed—even as we become more sensitive to our own air and naval activity—in order to give negotiations some space.
- Nothing about all this will be easy. But if all we can say instead is “let’s don’t buy that horse again,” we will be taking the easy political posture rather than showing a willingness to do hard political work.

**Trying a Different Tack on DPRK Policy:
Thoughts on the 20th Anniversary of the
Agreed Framework**

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Trying a Different Tack on DPRK Policy: Thoughts on the 20th Anniversary of the Agreed Framework

The international community has mostly tried to deal with North Korea's nuclear ambitions "head on," making diplomatic frontal assaults to convince the leaders of the DPRK to abandon an asset that they apparently consider essential to their survival. Twenty years after the Agreed Framework, it may be time to consider an enfilade attack, using flankers and sappers instead of a charge uphill with bayonets fixed.

A "comprehensive approach" was always envisioned under the Agreed Framework (and indeed, under the Six Party formula as well), but it is time to try putting people before plutonium. The goal would be to shape the negotiating environment and give the nuclear talks a better chance to succeed. It will take time, and even launching such a "Helsinki Style" hard-headed engagement strategy will require high-level political backing not currently in evidence in Washington. But President Park Geun-hye's "Trustpolitik" and "Northeast Asia Peace and Cooperation Initiative" are promising, and could perhaps mobilize a somnolent Washington to action.

I . Denuclearization and Human Rights

The first test of the viability of this approach could come as soon as next month in New York. The UN General Assembly has an opportunity to do something important when it considers how to respond to the 372-page report of the Commission of Inquiry on Human Rights in North Korea (COI). As Amnesty International's Secretary General Salil Shetty has written, "A strong resolution needs to be adopted sending a clear message...that the Commission's recommendations will be acted upon and not kicked into the diplomatic long-grass." Avoiding the long grass will require some creative leadership by members of the Human Rights Commission (HRC) and the UN Security Council (UNSC).

For more than 20 years, the international community has struggled to rein-in the nuclear ambitions of the Democratic People's Republic of Korea (DPRK), while largely turning a blind eye to the root causes of the suffering of the North Korean people. It was understandable that diplomats would focus their energy on curtailing the North's pursuit of plutonium rather than concentrating their efforts on improving the lives of average North Koreans. The North's nuclear ambitions and its development of ballistic missiles—witness last month's KN08 rocket first stage static engine tests—pose a direct threat not only to the DPRK's neighbors, but also to the broader objective of global nuclear nonproliferation. And after all, until recently, no one had compiled a comprehensive record of the systematic brutality imposed upon the citizens of the DPRK by their own government.

II. But That Excuse for Inaction no Longer Exists

In a report as remarkable for its lack of hyperbolic language as for its stunning conclusions, the COI has documented a litany of human rights abuses inside the DPRK, including torture, rape, execution and mass incarceration of prisoners of conscience under horrifying conditions. As my former colleague Roseanne Rife, East Asia Research Director of Amnesty International, wrote, “The gruesome reality of life in North Korea is laid bare in the Commission’s comprehensive report. The gravity and nature of human rights violations are off the scale.”

The key findings of the commission include the following:

- There is almost complete denial of the right to freedom of thought, conscience and religion;
- Entrenched patterns of discrimination, rooted in the state-assigned class system, affect every part of life;
- Discrimination against women is pervasive in all aspects of society;
- The state has used food as a means of control over the population and deliberately blocked aid for ideological reasons, causing death of hundreds of thousands of people;
- Hundreds of thousands of political prisoners have died in “unspeakable atrocities” in prison camps in the past 50 years; and
- Security forces systematically employ violence and punishments that amount to gross human rights violations in order to create a climate of fear.

The COI found that crimes against humanity have likely been committed by North Korea, and it has written to North Korean leader

Kim Jong-un, warning him that senior officials may be held responsible.

For its part, the DPRK's state-run news media KCNA wasted no time in denouncing the UN report as libel based on fake evidence manufactured by the United States and other hostile forces. "The DPRK [North Korea] once again makes it clear that the 'human rights violations' mentioned in the so-called 'report' do not exist in our country." Later, KCNA personalized its attack, condemning Michael Kirby, the distinguished Australian judge who led the COI, saying his mission was "...to manipulate 'evidence' on the orders of Washington, lie about (North) Korea and oppose the Republic under an international alliance that is controlled by the United States."

III. Naming and Shaming: Poor Substitute for Effective Engagement

But the international community should not be too discouraged by North Korea's predictable rejection of the COI's findings. Naming and shaming alone will not positively influence the North's behavior, but at least we've got their attention. We should seize the moment.

At a ministerial meeting on the sidelines of the UNGA, U.S. Secretary of State John Kerry bluntly called on the DPRK to shut down its political gulags, and he noted that North Korea's leaders are not indifferent to scrutiny: "...On some level, North Korea's leaders do understand that their behavior brings shame upon their country in the eyes of the world. Why else would Pyongyang go to such extraordinary lengths to keep their prison camps secret? Why else would they refuse to allow access

to the Red Cross, the UN, and the international NGOs, or dismiss out of hand horrific accounts provided by defectors as mere propaganda?”

Kerry is right. This is not a hopeless undertaking. DPRK Foreign Minister Ri Su-yong’s appearance before UNGA this month—the first senior level DPRK official to attend the gathering in 15 years—demonstrated that Pyongyang cares about its international reputation. And the DPRK’s willingness to engage in human rights issues—albeit with caveats—has been demonstrated through its sometimes constructive work with members of the international community on the rights of children, the disabled, and the environment.

Ideally, the United Nations will rally and take action to address the concerns raised by the COI report. Navi Pillay, UN High Commissioner for Human Rights, put it this way: “[The Commission of Inquiry] has published a historic report, which sheds light on violations of a terrifying scale, the gravity and nature of which—in the report’s own words—do not have any parallel in the contemporary world. There can no longer be any excuses for inaction.”

The members of the HRC should seize this opportunity and use their power and influence to coax a reluctant UNSC into action. The United Nations should publicly and privately urge the North Korean government to act on the Commission’s findings, and it should be prepared to devote its own resources and expertise to support initiatives that will promote greater respect for human rights inside the DPRK through engagement.

North Korea’s “enablers”—especially China—will need to change their behavior for this approach to succeed. No country has more influence over the path of the DPRK than does China (although foreigners often

exaggerate that influence, wrongly believing that Beijing can dictate policy to Pyongyang). But China has made plain its contempt for the COI, which probably would never have been brought into being by the HRC in the first place had China not rotated off the Council in 2013. Dismissing the Commission's findings, a Chinese foreign ministry official said, "The inability of the commission to get support and cooperation from the country concerned [DPRK] makes it impossible for the commission to carry out its mandate in an impartial, objective and effective manner."

Of course, China, which normally stands on principle against foreign criticism of the "internal affairs" of other states, did not lift a finger to encourage Pyongyang to cooperate with the COI. Pyongyang resolutely refused to allow a visit by the commissioners, who repeatedly requested access to the North to discuss the growing mountain of evidence, including eyewitness accounts and satellite images commissioned by Amnesty International, USA, pointing to widespread human rights abuses.

IV. What Should Be Done?

As the world contemplates the stalemate over the DPRK's nuclear program, some are calling for more sanctions and pressure. Ambassador Glyn Davies as said that "blood-curdling" new sanctions are in readiness—presumably an assault on the North's financial lifeline by using Iran-style U.S. Treasury Department restrictions on dollar transactions by Chinese and other banks doing business with the DPRK. When considering the imposition of such new sanctions, one can easily envision the talking points from Washington. A senior government spokesman

will solemnly declare: “North Korea has a strategic choice to make...it can choose the path of denuclearization and respect for international norms, or it will find itself increasingly isolated from the global community.”

Pressure has its place in diplomacy, but given the poor implementation of the existing sanctions—cognac is flowing in Pyongyang, and the North has been able to acquire sensitive components needed for its uranium enrichment and missile programs—the effectiveness of new sanctions is very much in doubt. Reliance on sanctions should not become an excuse to neglect the very negotiations the sanctions are designed to influence.

The mind-numbing mantra from Washington—a policy of “strategic patience” thinly masking the symptoms of diplomatic sclerosis—has not helped the North Korean people or advance the goal of denuclearization. The daily tragedy of life inside the DPRK will almost certainly continue, as will its progress toward the development of a nuclear-armed ICBM, unless the international community becomes more creative and much more committed to a sustained process of principled, comprehensive, top-to-bottom multilateral engagement.

V. Practical Steps

The United States should seek the resumption of the Six Party Talks as soon as possible, and should be more flexible about the “concrete steps” it expects the DPRK to take in advance of those talks. Absent that flexibility, the Helsinki-style approach outlined here will not likely

work. That said, there are a few modest steps that could be taken now that might help shape the negotiating environment for resumption of the Six Party Talks, and which would also work over time to improve human rights conditions for the North Korean people, including those living outside the DPRK. The CSBMs proposed below do not necessarily have to wait for resumption of the Six Party Talks, and should be explored with or without resumption of the Six Party Talks.

- The United States and the European Union, working with like-minded countries, should quietly press China to immediately cease the unlawful practice of forcibly returning North Korean refugees to a country where they face persecution, torture and death. Consistent with its international obligations, China should be called upon to allow North Koreans to peacefully transit China or depart China for South Korea or other safe haven.
- The United States should back South Korea's Northeast Asia Peace and Cooperation Initiative (NAPCI), endorsing Track II engagement on less sensitive issues such as public health, the environment and food security.
- The United States should back South Korea's play to expand exchanges with the DPRK, to include especially family reunion visits.
- The United States should follow South Korea's lead and offer modest food assistance to the DPRK, administered by both the UN World Food Programme (WFP) and U.S. NGOs.
- The WFP, in partnership with other UN agencies, private

international aid organizations and the Red Cross, should be encouraged to expand carefully monitored food aid deliveries to the DPRK, with an emphasis on trying to reach some of the estimated 120,000 men, women and children incarcerated in the North's prisons.

- The United States should propose to the DPRK the resumption of joint U.S.-DPRK recovery operations for the remains of U.S. servicemen left behind at the end of the Korean War.
- The effective U.S. visa ban on visitors from the DPRK should end, and large-scale people-to-people initiatives—such as the long-delayed reciprocal visit to the United States by the national symphony of the DPRK—should be encouraged rather than blocked.
- The United States and like-minded countries should invest heavily in internet freedom and other means to increase the ability of the North Korean people to access reliable information online or over their cell phones. With broad backing by a coalition of religious groups, civil society organizations and human rights advocates, including Amnesty International, USA, the U.S. Congress recently made a downpayment on this approach by requiring the U.S. Broadcasting Board of Governors to spend not less than USD 25 million in FY 2014 on research and deployment of internet censorship evasion technologies, but the BBG has resisted implementing these initiatives.
- The United States and the ROK should propose to the DPRK a

meeting to discuss CSBMs on the Korean Peninsula, to include avoidance of incidents at sea in the West Sea around the Northern Limit Line.

- The United States and the ROK should propose to the DPRK reciprocal reductions in the scope of annual conventional arms exercises.

Longer-term, a Helsinki-style multilateral initiative offers the best hope of creating an environment in Northeast Asia conducive to peace and security and respect for human rights. Attempting to isolate the DPRK has not worked, and isolation will not help create the conditions necessary for those responsible for crimes against humanity to eventually be brought to justice. More sanctions piled on top of those already not being implemented are unlikely to bring about an epiphany in the thinking of North Korea's leaders when it comes to human rights or other matters.

Only pressure from within—brought by a generation of North Koreans who have more contact with the outside world and a deeper understanding of the failure of their own government to deliver justice and development to the people—is likely to convince the leaders of the DPRK to change course and begin to change the conditions now chronicled for all the world to see.

Twenty Years After the Geneva Agreed Framework: What have we learned?

Chun Yungwoo

The Korean Peninsula Future Forum

Twenty Years After the Geneva Agreed Framework: What have we learned?

I. A Reality Check

- Over the past twenty years, the five nations participating in the Six Party Talks (SPT), which together possess more than enough power resources to determine the fate of North Korea, have invested a non-trivial amount of diplomatic capital in denuclearizing North Korea. However, they have miserably failed to defuse an unacceptable challenge to their common security presented by one of the most impoverished states struggling with an existential crisis.
- North Korea has been resourceful enough to successfully fool and outmaneuver the international community in almost every step of the way and has been able to build up its nuclear capabilities and develop long-range means of their delivery.
- Over the past twenty years, the situation has become from bad to worse. And the goal of denuclearization seems more elusive than ever.

II. Why Have We Failed?

- First, North Korea's single-minded determination for nuclear armament has far outweighed the combined determination of the international community to halt and roll back North Korea's nuclear programs.
 - The North Korean leaders attach a sacrosanct value to nuclear weapons as the holy grail of the regime and a source of salvation from their existential crisis and an ultimate insurance policy for survival.
 - Their commitment to nuclear armament is such that they have been willing to pay any price short of a regime collapse and even sacrifice economic development and the most basic needs of life for the ordinary people in the pursuit of their overriding goal.
 - On the contrary, the U.S. and other partners have been committed to denuclearization to the extent possible primarily through diplomacy backed by promises of uncertain political and economic incentives. They were unable to muster the political will to impose sanctions harsh enough to change North Korea's strategic calculus in favor of denuclearization.

- Secondly, the lack of coordination among the key stake-holders also played a crucial part in the collective failure.
 - The five nations participating in the SPT may be united in their

goal of denuclearization. However, they have been pursuing different approaches and priorities which often turned out to be mutually destructive.

- For instance, China attaches a higher priority to the stability of the North Korean regime than to denuclearization and thus would object to any sanctions that can really bite North Korea. It would be most generous in giving lip service to the virtues of denuclearization and technically comply with the toothless and boneless Security Council sanctions it supported, while undermining any effectiveness of the sanctions in place by drastically expanding trade with North Korea in areas not covered by the Security Council sanctions.
- As such, North Korea was allowed to go around the sanctions and continue unabatedly to fund its nuclear and missile programs.
- Thirdly, a military option has been off the table from the beginning.
 - This turned out to be an assurance to the North Korean leaders that they can go ahead with nuclear armament without worrying about real consequences.
 - By excluding a military option, diplomacy has lost traction. It had to rely on the goodwill of Pyongyang to make progress, since the failure of diplomacy meant nothing more than the loss of promised political and incentives that North Korea has

never believed in their delivery.

- The net message that the six-party partners sent out to Pyongyang is: “We will be grateful to you if you are charitable enough to do us a favor through denuclearization. But don’t worry about the consequences if you don’t. We will do no harm to your regime stability even if you continue building up your nuclear arsenal.”

- Last but not least, mistaken policy choices and consistencies of policies on the part of the U.S. and other partners are also to blame.
 - In my view, it was a mistake for the U.S. to liberate North Korea from the constraints of the Agreed Framework when Pyongyang was caught cheating in 2002. It would have been smarter to keep North Korea on the hook and contain its plutonium program while dealing with its clandestine enrichment program. Letting North Korea loose for cheating made a dramatic turn for the worse.
 - Another mistake for the U.S. was in taking a fundamentalist approach to the provision of light water reactors (LWR) as part of the deal with North Korea. While the Bush Administration’s visceral aversion to the LWR is understandable given the inherent proliferation risk of LWR, denuclearized North Korea with light water reactors is less dangerous than a nuclear-armed North

Korea without light water reactors. The SPT could have a better chance of making a deal with North Korea if the U.S. could exercise greater flexibility.

- When the best option is unavailable, we can sometimes benefit from the flexibility of settling with the second best rather than giving full freedom to North Korea to go about building its nuclear capabilities without impediments. By taking a perfectionist approach, the U.S. ended up making the best the enemy of the good.
- The lack of consistency and changing priorities of the ROK administrations have enabled North Korea to secure significant financial resources from the South to fund its nuclear programs and withstand international pressure for denuclearization.

III. Pyongyang's Game Plan

- Kim Jong-un is openly committed to the “*Byungjin*” policy of pursuing economic development and nuclear armament in parallel.
- Ambitious as these twin mutually destructive goals may be even under the best of circumstances, Kim Jong-un has a chance of success if only two of his strategies work.
- One is to resume the SPT and make a deal with the U.S., whereby North Korea would be allowed to retain its existing nuclear capabilities on condition that it foregoes any further buildup or

upgrading of its nuclear arsenal and long-range missiles.

- In return for the nuclear freeze, North Korea would seek easing or lifting of sanctions, economic assistance and abandonment of U.S. “hostile policies” in the form of a peace treaty and normalization of bilateral relations.
 - If only North Korea succeeds in obtaining the easing and partial suspension of the sanctions, it can count on a drastic turnaround in external environment conducive to progress in the twin goals.
 - In order to resume the SPT, North Korea should convince the U.S. and other key stake-holders that capping its nuclear capabilities is more urgent and practical than clinging to the seemingly elusive goal of full and complete denuclearization. To this end, North Korea has every reason to demonstrate its unwavering determination to build up and upgrade its nuclear arsenal. In this respect, it helps to make believe that it is ready to conduct another nuclear test and a long-range missile launch at any moment, while playing up its uranium enrichment program.
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- Another goal is to induce the change of the ROK’s policy toward North Korea. The most immediate objective for North Korea is to obtain the repeal of the May 24 sanctions enacted in response to North Korea’s torpedoing of the ROKS Cheonan.
 - Once the May 24 sanctions are lifted, North Korea can count

on additional cash earnings of roughly USD 500 million annually, enough to provide a breakthrough to North Korea's twin goals.

IV. A Way Forward

- We are running out of good options.
- Strategic patience is not an ideal option. It may have outlived its utility. It is only better than allowing North Korea to return to the SPT on its terms and thus begin negotiations on condition that its existing nuclear arsenal is kept out of the agenda.
- A prerequisite for the resumption of the SPT is North Korea's commitment to denuclearization. Without North Korea's strategic decision to abandon its nuclear ambition once and for all on the basis of the September 19 Joint Statement, the SPT will go nowhere. It would become nothing more than a talk shop where North Korea would keep playing games, while demanding the repeal of the sanctions and treatment as a *de facto* nuclear weapon state until they find a pretext for the fourth nuclear test.
- North Korea should demonstrate its commitment to denuclearization and seriousness about the SPT through minimal confidence building measures, including voluntary declaration of its clandestine enrichment facilities and monitored shutdown of its known nuclear facilities.
- Given the sacrosanct value Pyongyang attaches to nuclear weapons,

the chance of denuclearization is close to zero even under the best of circumstances.

- Under the current circumstances, North Korea has no reason to abandon its nuclear ambition. The insurance premium North Korea is to pay in the form of *pro forma* sanctions is still a bargain given the utmost value they attach to nuclear weapons as an ultimate insurance policy for survival.
- However, I do not agree with those who argue that North Korea will never give up its nuclear capabilities at any price under any circumstances. There still remains a chance only if the five parties can change North Korea's strategic calculus.
 - If the international community can muster their collective political will to raise the insurance premium to the point of threatening the regime stability, it still has a chance of changing Pyongyang's strategic calculus in favor of denuclearization.
- Sanctions are not a panacea. However biting they may be, the sanctions by themselves cannot denuclearize North Korea. All we can expect from tightened sanctions is to strengthen the hand of diplomacy.
- Finally, those countries threatened by the combination of North Korea's nuclear and missile capabilities should work together to effectively counter and defend against North Korea's threats. Such water-tight military preparedness against North Korea's threats will

help in convincing the North Korean leadership that all the scarce resources they have invested in destructive capabilities and the sacrifices they had to endure in the wellbeing of the people have been in vain and ended up making North Korea less secure.

A Review of North Korea Policy in the Last 20 Years

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A Review of North Korea Policy in the Last 20 Years¹⁾

I. Problems of the North Korea Policy in the Post-Cold War Period.

1. Lack of Political Will to Implement a Fundamental and Comprehensive Solution of the North Korea Problem

Immediately after the collapse of the Soviet Union, the North Korean leader, Kim Il-sung was desperate. Back then, Kim Il-sung faced economic collapse, diminution of his conventional military forces, and diplomatic isolation. In interviews with *Asahi Shimbun* and *The Washington Times* in March and April 1992, Kim clearly expressed his wish to establish diplomatic relations with the U.S.

At that time, Kim had not yet decided to rely on the nuclear option

1) This is an updated and revised version of Yoon Young-kwan, "Realism on North Korea," *Project-Syndicate*, April 1, 2014, <http://www.project-syndicate.org/commentary/applying-diplomatic-deterrence-to-north-korea-by-yoon-young-kwan>.

as the last resort. Thus, there was much more room than now for the West, if they would, to guide North Korea toward a peaceful development without nuclear option, a safer exit for North Korea and its neighbors. The United States and South Korea should have embraced North Korea diplomatically at that time. Then, that may have mitigated North Korea's anxiety for its own security and weakened the incentive for developing nuclear weapons. But the U.S. and South Korean leaders were not willing to accommodate Kim's overture.

We need to learn from history. In framing a new international order after the Napoleonic Wars, Habsburg Empire's Prince Klemens von Metternich did not push a defeated France into a corner. Although Metternich sought to deter any possible French resurgence, he restored France's prewar frontiers. By contrast, as Henry Kissinger has pointed out, the victors in World War I has neither deterred a defeated Germany nor provided it with incentives to accept the Versailles Treaty. Instead, they imposed harsh terms, hoping to weaken Germany permanently. We know how that plan ended.

John F. Kennedy was in the Metternich mold. During the Cuban missile crisis, he did not try to humiliate or win a total victory over the Soviet Union. Instead, he put himself in Nikita Khrushchev's shoes and agreed to dismantle, secretly, American missiles in Turkey and Italy in exchange for withdrawal of Soviet missiles from Cuba. Kennedy's pragmatism prevented World War III. We are suffering now because such far-sighted statesmanship has been lacking in dealing with North Korea.

Of course, North Korea is not early-nineteenth century France or the USSR of 1962. In the eyes of Western political leaders, it has never amounted to more than a small, fringe country whose economic failings

made it appear to be poised on the edge of self-destruction. For the most part, world leaders preferred not to be bothered with North Korea, and reacted in an *ad hoc* way whenever it caused a security problem.

Though North Korea's security, economy, diplomatic relations are interlinked with each other and inseparable, the West focused mainly on the security dimension. For example, when the Geneva Agreed Framework was concluded in 1994, the U.S. policymakers tended to regard it mainly as a security agreement and had no will to improve political relations with North Korea. However, North Korea regarded the Geneva Agreed Framework as a political agreement. This discrepancy in the views of both sides on the nature of the Geneva Agreed Framework led to continuing mutual distrust and recurrence of the nuclear crisis in the later period.

North Korea was also responsible for not being able to settle down a political solution with the U.S. If North Korea had reciprocated in a timely manner following U.S. envoy William Perry's visit to Pyongyang in May 1999, President Bill Clinton's policy of engagement with the North might have been upgraded to a push for normalization of diplomatic relations. Instead, the North procrastinated, sending Vice Marshal Jo Myung-rok to the U.S. only in October 2000, near the very end of Clinton's presidency. A few months later, newly elected President George W. Bush reversed Clinton's North Korea policy.

The neoconservative policymakers of George W. Bush administration were unwilling to engage in give-and-take negotiations with North Korea. Instead, they just applied pressure and waited for the North to capitulate. Back then, North Korea was restarting its Yongbyon nuclear facility and producing plutonium, thus strengthening its bargaining position vis-à-vis

the U.S. Yet, precious time was squandered before North Korea's first nuclear test in 2006. Though Bush shifted his policy toward bilateral negotiations with the North a few months later, the Kim regime had become much more obstinate.

2. Difficulties of Sanctioning North Korea

Naturally, the policy choice left for the West was economic sanction against North Korea. However, this could not work effectively for two reasons. First, sanction works only when the target country has much to lose by being sanctioned. However, North Korea has long been economically isolated from the West and not much vulnerable to the sanctions by the West. This was the fundamental difference from Libya or Iran whose economies had been exposed much to the international economy. Since there was not much economic linkages between North Korea and the West, the West had no meaningful leverage against North Korea.

Second, the lack of a close international coordination with China was another problem. China, the most important economic supporter of North Korea, had not been much cooperative until a few years ago in implementing strict economic sanctions on North Korea. For example, while North Korea's dependence on South Korea and the West has been decreasing rapidly, its dependence on China has increased quickly during the last several years.

II. The Current Situation

Indeed, North Korea's behavior has become even more volatile in recent years. Its military attack on the South Korean corvette Cheonan and the shelling of Yeonpyeong Island in 2010 were unprecedented and raised inter-Korean tensions to the highest level in decades. However, after North Korea's defection from the February 29 Agreement in 2012 and its provocative third nuclear test in the spring of 2013, the U.S. government understandably seems to have no intention to pursue another round of negotiation with North Korea.

The problem is that regardless of how legitimate the cause of the U.S. for not negotiating with North Korea may be, North Korea will continue to produce nuclear materials and increase the number of its nuclear warheads rapidly due to its HEU program. As the result, North Korea's bargaining position will continue to be strengthened. Unfortunately, now is somewhat similar to the period 2003-2006 when George W. Bush administration wasted time without involving itself in a negotiation with North Korea.

III. What Should Be Done?

The policy options for dealing with the North Korea problem are not wide open. The regime change strategy will destabilize the Korean Peninsula situation further, and this cannot be a reasonable option. And the current stalemate will lead to the increase of North Korea's nuclear warheads strengthening its bargaining position. Then the remaining

option, whether we like it or not, is to begin talks with North Korea and try to produce a comprehensive solution which will begin from freezing North Korea's nuclear activities in return for some kind of rewards. When the leaders of South Korea or the West begin to talk with the North, they had better keep the following points in mind.

1. Utilize North Korea's Current Effort to Develop Its Economy

Kim Jong-un has been expanding the number of special economic zones and trying to induce capital investments from the West. And the nature of North Korean economy has much changed in the past 20 years since the big famine in the mid-1990s. The average ratio of informal income to the total income of North Korean residents was estimated as 84.1 percent (2005-2009). According to a specialist of North Korean economy, the ratio of foreign trade to national income of North Korea is 72.8 percent (2010) while that of OECD is about 40 percent.²⁾ The North Korean government cannot survive financially without income from foreign trade. While continuing its sanction against WMD-related materials, the West should try to utilize this opportunity for making North Korea more dependent on economic relationship with the West. Then the West will be able to use this dependent relationship as an important leverage against North Korea for inducing it to give up nuclear option sometime in the future.

2) Kim Byung-Yeon, "North Korea's Economy," in Yoon Young-kwan, ed. *Today's North Korea* (Neulpoom, 2014), p.97.

2. Make a Stronger Coordination with China to Freeze North Korea's Nuclear Activities, Negotiate, and Finally Denuclearize

As the result of more firm position which President Xi Jinping began to take on North Korea's nuclear program, there is a wider room for cooperation and coordination between China and the West than before.

3. More Active Role of South Korea

Considering the current political atmosphere in the U.S., the South Korean government will have to take the initiative in beginning a new dialogue between North Korea and the West with close consultation and coordination with the U.S., China, and other Six Party Talk members.

대북정책의 새로운 이론 모색? 기능주의를 넘어서

Theoretical Discussions and Beyond Functionalism

The Twenty Years' Experience of Policy
towards North Korea

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Designing International Law for the Korean
Peninsula

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The Twenty Years' Experience of Policy towards North Korea

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The Twenty Years' Experience of Policy towards North Korea

I. The Long Failure

As we look back at the history of inter-Korean relations, we realize that our policy towards North Korea has failed to achieve its intended objectives so far. Not only have we been unable to convince North Korea to abandon its nuclear weapons programs but also failed to guide it to follow the path of reform and opening along China's precedence. Most of all, the Korean nation's long-awaited desire of building stable and lasting peace on its Peninsula has not yet been materialized. Instead, mutual hatred and fierce competition loom large between the two Koreas. At the current juncture, it seems that we are at a loss for how to solve the North Korean nuclear problem and the North Korean problem itself.

A number of factors readily become apparent that explain why we have consistently failed to solve the problems associated with the presence of the regime in Pyongyang. First, our efforts lacked consistency. As South Korea has adopted a single 5-year term for presidency since its democratization, conservative and liberal coalitions—taking turns in

assuming power—have had different ideas about how to deal with North Korea. Thus, our North Korea policy has been swinging widely back and forth between left and right. Second, our efforts lacked coordination both domestically and internationally. South Korea's conservative and liberal coalitions, finding fault with each other, were busy criticizing the opponent's positions and failed to learn from the other's strength. South Korea and other concerned countries also failed to build a united front against recalcitrant Pyongyang. North Korea's neighbors all had separate timetables and plans for dealing with it. Some were more in a hurry and favored coercive tactics whereas others were more relaxed and preferred conciliatory measures.

Third, we have been too impatient. It will probably take herculean efforts of the concerned parties and a long time to place North Korea on the track of reform and opening. Engagement in general is an elongated process with many misleads and setbacks. Engagement of North Korea will be as hard and as prolonged as that of any rogue regimes. So we need to become more patient and wait for quite a while before we see the fruits of engagement efforts. Fourth, the presence of a shrewd North Korea frequently baffles our efforts to solve the problems associated with it. North Korea is the most recalcitrant and provocative counterpart anyone can imagine. For long, it has embodied a near totalitarian regime. North Korea has been defying a number of international regulations and norms. It lashes out at its neighbors without much justification both verbally and physically. It shrewdly takes advantage of any gaps that may exist due to difference in opinions among regional actors.

This article is an attempt to find a new path that seeks to learn from the past practice and experience of dealing with North Korea. We first

take a look at the nature of the North Korean regime under Kim Jong-un. It is followed by the investigation of the past cases of inter-Korean reconciliation. Next, we study the implications of International Relations theory for the improvement of inter-Korean relations. Lastly, some suggestions for designing a better North Korean policy and unification policy will be introduced.

II. The Nature of the North Korean Regime under Kim Jong-un

Faced with the stark reality that we have failed to solve the North Korean problem, we need some serious thinking about the identity and interests of our target. In a nutshell, we are up against an obstinate foe that is tenaciously clinging to its outdated standards and refuses to adopt a liberal path that seems to be taken by almost every nation on earth with a few exceptions. Opinions diverge as to the possibility of North Korea's reform and opening under Kim Jong-un. Some make hopeful forecasts about North Korea's changes whereas others remain rather pessimistic about it.¹⁾

Following Kim Jong-il's death in December 2011, Kim Jong-un rose to power as the sole leader of the Democratic People's Republic of Korea (DPRK) or North Korea. Kim is now in charge of North Korea as the Supreme Commander of the Korean People's Army (KPA), the First

1) Andrei Lankov, "Staying Alive: Why North Korea Will Not Change," *Foreign Affairs* Vol. 87, no. 2 (March/April 2008), pp. 9-16.

Secretary of the ruling Korean Workers' Party (KWP), and the First Chairman of the National Defense Commission (NDC). He assumed these positions between December 2011 and April 2012.

There has been wide speculation that Kim Jong-un's leadership would be anything but solid due to his youth and inexperience. Some even ventured to forecast that his regime would not take root and he would soon be replaced by senior cadres. So far, pessimistic predictions failed to materialize. At least for now, it seems that his leadership is largely unchallenged. The time-worn orientation of North Korea's "monolithic guidance system" is refusing to disappear.

It seems that Kim Jong-un has been successful in securing his power. He has frequently been reshuffling party, military, and cabinet officials and, in process, has produced the generation change and secured some sense of balance between the old hats and the young professionals. On the military front, Ri Yong-ho, Chief of General Staff of the KPA, was sacked in July 2012. On the civilian side, Jang Sung-taek was dismissed from his position as chief of the Administrative Department of the KWP and executed in December 2013 on treason charges. He was accused of being a leader of an anti-party and anti-revolutionary faction whose goal was to overthrow the state.²⁾ Power vacuum following the dramatic and tragic removal of Jang Sung-taek seems to have been filled by a new power bloc of the Organization and Guidance Department, Ministry of State Security, the military, and the Second Economy Committee.

In North Korea, there is an enduring tendency to return to absolute

2) Lim Jae-Cheon, "The Purge of Chang Song-taek," *Korea Policy* no. 21 (November/December 2013), pp. 45-47.

power. Kim Jong-un's rule bears remarkable resemblance to his two predecessors. Yet the density of absolutism is on the wane and, therefore, Kim Jong-un's grip of power is relatively weaker compared to Kim Il-sung's and Kim Jong-il's. There are two reasons why this is the case. First, the international environment has changed. When Kim Il-sung was in power, North Korea's seclusion from the rest of the world was more complete. The Cold War confrontation gave additional justification for Kim Il-sung's absolute rule. Currently, total isolation is virtually impossible due to the spread of globalization and the advance of the information age. Second, Kim Il-sung could claim full allegiance of his subjects and the people on the basis of his feats of the anti-Japanese military struggle. Unlike his grandfather, Kim Jong-un cannot make such claims, which results in the legitimacy deficit.

Despite the weakening of *suryong* power, no individual or group is capable of challenging Kim Jong-un effectively. It seems that, even under the *suryong* system, though, power struggles do exist in North Korea. North Korean elites have diverse institutional and personal interests and compete among themselves in order to receive favor from their leader or exert exclusive control on limited resources.

A clear division between pro-reformists and anti-reformists in the upper elite is yet to emerge. The majority seems to exhibit a herd behavior of rent-seeking. The leader hands out a special right to do business on a certain sector to a certain group in exchange for continued royalty. *Suryong* and his royal elite share collective interests in prolonging the authoritarian regime while the majority of the North Korean people suffer from the paucity of resource, opportunity, and information to improve the quality of their lives.

III. Previous attempts at inter-Korean reconciliation

It goes without saying that the history of the inter-Korean rivalry has been marred by high tensions and recurrent conflicts. Scarcely into two years since their foundation, South and North Korea collided head to head in the Korean War of 1950-53. Henceforth, the inter-Korean rivalry has recorded a number of crises, gaining a nickname of the tinderbox on the eastern end of the Eurasian Continent. Yet, curiously enough, the duo also experienced some occasions of reconciliation. We can select three cases of inter-Korean reconciliation: (1) Case 1 under the influence of *détente* (1970-73), (2) Case 2 in the wake of the demise of the Cold War (1988-92), and (3) Case 3 principally associated with Kim Dae-jung and his Sunshine Policy (1998-2007).

What factors contributed to the sudden outbursts of de-escalation between the two Koreas? Shocks of some sort have been present in all three cases. During the *détente* period, Sino-U.S. rapprochement was a major propellant behind inter-Korean reconciliation. Both Koreas needed to adjust to the dramatic changes in the international environment and make new initiatives toward each other. In the early 1990s, Gorbachev's political new thinking and the end of the Cold War provided opportunity and challenge in which President Roh Tae-woo practiced Nordpolitik and Kim Il-sung tried hard to buy some time for his regime's survival. The background of the Sunshine Policy was the Asian Financial Crisis of 1997 and the Great Famine of the mid-1990s in the North. Still, we are uncertain how strong an effect the financial crisis had on the South's engagement drive.

Power distribution has affected inter-Korean reconciliation. A newly

found balance of power between the two Koreas affected their strategic calculations in Case 1. In Case 2, it was rather the inequality of power that was the major engine of inter-Korean reconciliation. In Case 3, the further deepening of inequality in power distribution compelled two Koreas to act in the way they did. The leadership's desire to embolden its legitimacy seems to have been present in all three cases even though how strong an effect it had on reconciliation remains uncertain. With the backdrop of strong nationalism, the dramatic moment of inter-Korean thaw tends to captivate people's attention and, temporarily, boost the popularity of leadership on either side. Certainly, politicians did not shy away from the opportunities in which they could amass political gains from inter-Korean adventures.

No coalition shift had taken place in Case 1 while coalition shifts were clearly present in Case 3. Case 2 falls somewhere in-between as Chun Doo-hwan's hand-picked successor Roh Tae-woo later orchestrated a merger of three conservative parties into one. The second case was coupled with regime change from an authoritarian type to a democratic one as well. Kim Dae-jung of Case 3 can be named a peace entrepreneur with confidence and Roh Moo-hyun and Roh Tae-woo are also probable candidates though we are highly reluctant to code Park Chung-hee as one. Some kind of threat perception changes preceded all three reconciliation cases. In Case 1, great power politics aggravated both sides' security concerns. In Case 2, South Korean threat perceptions somewhat improved while North Korean's aggravated. In Case 3, at least among the liberal groups, South Korea could perceive much weakened threats emanating from North Korea although threat interpretation eventually became more complicated due to the latter's nuclear ambitions.

〈Table 1〉 Inter-Korean reconciliation cases

	Case 1	Case 2	Case 3
Shock	Yes	Yes	Yes
Power distribution	Unbalanced to balanced	Balanced to unbalanced	Deepening of imbalances
Legitimation	Yes	Yes	Yes
Coalition shift	No	Somewhat	Yes
Regime type	No	Yes	No
Peace entrepreneur	No	Somewhat	Yes
Threat perception	Yes	Yes	Yes

We see that each rapprochement had a different set of causal factors. The end product is the same, which is inter-Korean reconciliation; but causal mechanisms leading to it are all different from one another. Case 1 can be said to be a reactionary measure by the two Koreas against Sino-U.S. rapprochement. In Case 2, the external shock also was a major thrust even though the domestic impact (democratization) was critical as well. Case 3, it seems, is heavily influenced by coalition dynamics. Case 1 seems to be heavily influenced by international factors while Case 3 is the one of more domestically-driven. Case 2 falls somewhere in-between with balanced impacts of both internal and external.

In the last 20 years of inter-Korean history, the bilateral relationship has been swaying along with the dynamics of domestic coalitions. The liberal coalition and its conservative counterpart have taken turns in assuming power in the Blue House, presidential office. The liberal and conservative coalitions put forth a quite distinct set of programs distinguishable from each other. Even while both parties seem to endorse an engagement policy toward the North to some degree, their actual

practice, once each assumes power, could not have been further apart.

The liberal coalition is fond of fully engaging North Korea. It supports the idea that the more contact is better for the future of all Koreans. It is rather generous in assisting North Korea with humanitarian and other types of assistance. It used to stick to the thought that the North Korean nuclear issue was a bargaining chip. It still prefers solving North Korea's nuclear issue through diplomacy and dialogue. It favors continuation of engagement policy even while the North is yet to show its resolve to denuclearize. In this case, Pyongyang's denuclearization would be a by-product of its gradual transformation. The liberals argue that an early conclusion of some version of a peace treaty among the parties concerned will help ease Pyongyang's security anxiety and, therefore, would open the door towards its denuclearization. They are reluctant to directly tackle human rights issues with the North Korean authorities in fear that it would needlessly agitate it and hamper progress in inter-Korean relations and would prefer to expand humanitarian efforts to relieve the sufferings of the North Korean people. They believe that the United States is being too rigid in its approach toward North Korea and tend to have high expectations for China's constructive role in North Korea's future changes.

While the conservative coalition speaks volumes about the need to engage North Korea, its practice is closer to mixing containment and engagement. It prefers carefully dealing with North Korea with principled approach and an emphasis on reciprocity. It is critical of liberal's approach in that it has been overly generous with the consequence of encouraging Pyongyang's free-riding habits. It prefers conditional engagement in which the South's assistance would be conditional upon the North's efforts

for reform and opening. Conservatives prioritize solving the nuclear issue before Seoul launches massive investment in North Korea. They would like to contain North Korea with an aim to force North Korea to give up nuclear weapons programs once and for all. Conservatives tend to be cautious about the issue of peace treaty fearing that it might weaken the ROK-U.S. alliance. They think that North Korea's human rights issue needs to be dealt with urgently.

〈Table 2〉 Liberal coalition vs. conservative coalition

Emphasis on	Liberal coalition	Conservative coalition
Expanding economic cooperation	Strong	Medium to weak
Denuclearization	Medium to weak	Strong
Peace regime	Strong	Medium to weak
Human rights issues	Medium to weak	Strong
Humanitarian assistance	Strong	Medium to weak
Relations with China and the U.S.	U.S.=China	U.S.>China

Though not exclusively, the liberal coalition tends to rely on liberal, institutional and constructivist variables whereas the conservative coalition dwells on realist variables. The former emphasizes negotiations and dialogues while the latter underlines coercion and principled approaches. In essence, the following generalization can be made about two coalitions in dealing with North Korea: (1) the liberal coalition is more likely to take initiatives than the conservative coalition; (2) the liberal coalition is more likely to make concessions than the conservative coalition; (3) the liberal coalition is more likely to forgive than the

conservative coalition; and (4) the liberal coalition is more likely to emphasize dialogue than the conservative coalition. One should note that different ideas and positions exist within each coalition and that sometimes intra-coalitional differences are as diverse as inter-coalitional differences. Additionally, it happens that the differences of ideas between the two coalitions have over the years narrowed.

IV. Making Peace on the Korean Peninsula

It is well-known that International Relations paradigms make different diagnosis about the possibility of cooperation among states and how to generate peace among them. According to realism, international outcomes are decided by power relations and the structure of international politics. Security cooperation between the rivals becomes more likely when a third power rises in power and becomes a source of threat to both.³⁾ States are led to align with each other when they are facing a common security challenge. Secondly, hegemonic stability theory posits that a concentration of power creates a fertile ground for stability and order. A hegemon or a dominant state may impose security order by playing a police role or providing incentives for cooperation in the region.⁴⁾ However, realist peace tends to be transient and superficial as states are still suspicious of others' intentions, devoid of mutual trust, and opportunism and competition linger.

3) Waltz 1979; Walt 1987; Mearsheimer 2001.

4) Gilpin 1981; Wohlforth 1999.

Liberalism also promises various roads to making states more secure. Unlike realism, one strand of liberalism posits that the domestic characteristics of a state make difference in its external behavior. Democratic peace theory maintains that democracies tend not to go to war against each other for normative and institutional reasons.⁵⁾ Commercial liberals emphasize the effect of trade and investment on peace. According to them, economic interdependence breeds peace by raising the opportunity costs of military confrontation.⁶⁾ According to liberal institutionalism, international institutions promote regional cooperation by providing a forum for dispute resolution, linking issues, and reducing transaction costs.⁷⁾

For constructivists, creating new interests and identity is essential for lasting peace. They oppose the realist argument that the anarchical structure of international relations forces states to fall into the trap of self-help, the security dilemma, and power struggle. Constructivism posits that state interests and identities are not predetermined extraneously but socially construed through repeated interactions. According to it, a region of stable peace is predicated upon the formation of community at the international level.⁸⁾

In his study of post-World War II Western Europe, Norrin Ripsman

5) Doyle 1983; Russett 1993.

6) Doyle 1997.

7) Keohane 1984; Haggard and Simmons 1987; Keohane and Martin 1995.

8) Karl Deutsch et al., *Political Community and the North Atlantic Area* (Princeton: Princeton University Press, 1957); Alexander Wendt, "Collective Identity Formation and the International State," *American Political Science Review* Vol. 88, no. 2 (June 1994), pp. 384-396; Wendt 1999; Security Communities.

argues that its transformation from a region of conflict to a region of peace was first initiated by realist factors and then later sustained and deepened by liberal and institutional factors. The formation of stable peace between France and West Germany was a two-step process: realist transition and liberal endurance. First, peace was made possible due to the Soviet threat based on its conventional military superiority and the American commitment to counter it that included the nuclear umbrella. Second, increasing economic interdependence and institutionalization made it stick. Ripsman's study leads us to an eclectic approach.⁹⁾ Instead of heavily relying on a specific paradigm, it is conceivable that we investigate diverse paths to peace utilizing all the realist, liberal and constructivist factors.

Balance of power or threat does portend inter-Korean peace. As South Korea is aligned with the U.S. and North Korea with China, it does not seem probable that a common threat would unite the two Koreas. Two Koreas' threat perceptions are widely different from each other. Sometimes two Koreas stand on the same side when they are condemning Japan for the controversy of the territorial issue or its interpretation of the past history. But it is far-fetched to imagine that anti-Japanese stance would bring Seoul and Pyongyang together for sustained cooperation.

The liberal impact of democracy on inter-Korean relations cannot be envisaged at least for a while. South Korea has become democratized

9) For a call for an eclectic approach to International Relations, David A. Lake, "Theory is dead, long live theory: The end of the Great Debates and the rise of eclecticism in International Relations," *European Journal of International Relations*, Vol. 19, no. 3 (2013) pp. 567-587. Katzenstein.

since people's pro-democratic protests of June 1987 forced the Chun Doo-hwan government to accept popular presidential election. Its democratic transition was incremental and less violent compared to other drastic ones as the moderate faction of the ruling authoritarian circle made compromises for orderly transition with the moderates of the opposition group. But South Korea is up against the most closed and authoritarian regime on earth. Even though North Korea has permitted the spread of market activities nationwide and its people are receiving more information about the outside world through various and ever-expanding channels nowadays, its regime is yet to show signs of liberalization, let alone democratization. As democratic peace theory is applicable to the democratic dyads, the South Korean-North Korean dyad cannot be expected to entertain peaceful relations between themselves based on the democratic force. Yet, democratic peace tells us where we should be headed. We should endeavor to turn North Korea into a liberal and democratic regime. It may take heroic efforts and a sustained period of time, but all will be worth trying in the end.

The above discussion leads us to think that peace-building is a multi-layered, complex process where realist, liberal and constructivist forces are all in the play. We should not *a priori* privilege one paradigm at the expense of others in account for stability and order at the international level. In addition, we should not be tempted to think that each and every occasion of peace-building to follow the sequence of realist transition and liberal endurance. Peace can be initially built on liberal terms and then mature under realist influence. In some cases, all realist, liberal, and constructivist variables can simultaneously and jointly reinforce one another in turning a region of conflict into a region

of peace.

Are we doomed to continuously fail into the future in dealing with North Korea? We hope that it is not the case. Trying to learn from the past experience and seeking to make up for the past shortcomings, many proposals have been floating and some suggest a certain mixture of conservative and liberal ideas.¹⁰⁾ The liberal-conservative dichotomy has so far yielded more negative effects than positive ones. It is about time we produce a concerted program collecting the productive elements from each front. It is fortunate that over the years mutual learning across coalitions seems to be taking root albeit slowly. The middle-of-the-road program that suits both liberal and conservative factions' preferences and firmly supported by the general public will better serve our purpose of transforming the nature of the North Korean governance system.

10) For instance, see Kim Sung-Hwan, "Proportional Engagement: How to Deal with North Korea," *EAF Policy Debates*, No. 10, September 16, 2014.

Designing International Law for the Korean Peninsula

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Designing International Law for the Korean Peninsula

The Korean Peninsula is plagued by significant problems, including severe security threats, which transcend national borders and require joint action by states to solve. While choosing the correct substantive provisions obviously matters greatly to the success of any cooperative agreement, the Continent of International Law (COIL) research program¹⁾ posits that *design/procedural provisions matter*, too. When chosen correctly, the detailed institutional design provisions of international law help states confront harsh international political realities and thereby increase the incidence and robustness of international cooperation. The tremendous design variation across international law covering diverse issue areas (economics, environment, human rights, and security) with varying membership (bilateral and multilateral) including differentiated regime types over various geographic regions agreements is explained under one unified theoretical framework that focuses on the abstract cooperation problems these agreements seek to solve. In other words,

1) Barbara Koremenos, *The Continent of International Law*, forthcoming.

there is a strong underlying common logic to the way states design international agreements that transcend substantive issue area. Scientific testing with a random sample of international agreements corroborates the theory.

In what follows, I will highlight those aspects of the COIL theoretical framework that are particularly relevant to the Korean Peninsula. I will discuss what COIL says about how international law should be designed to best confront and solve these problems and, in doing so, I will refer to the 1994 Agreed Framework quite often as many but not all of its design features conform to the policy prescriptions stemming from COIL.

I . The Continent of International Law Theoretical Framework

A. Summary

States attempting to cooperate to realize joint interests or solve problems often face a set of common and persistent obstacles. These obstacles, what I call “cooperation problems,” can make otherwise beneficial cooperation difficult to achieve. For example, some issues, like trying to ban chemical weapons or trying to encourage the rights of women, pose huge information obstacles: how can one state know what other states are doing? Such uncertainty about behavior is absent in issue areas like the settlement of a bilateral debt for which behavior is quite transparent. Fears that one’s partner in cooperation might cheat on an agreement might make certain states unwilling to go forward with

cooperation, despite the gains that could potentially be realized. Likewise, uncertainty about whether cooperation will be beneficial in all possible future conditions might make states forego current cooperation and the short-term gains it could bring simply because cooperation is perceived to be too risky.

Additionally, particular characteristics of the states involved often make cooperation more or less challenging. Some issues, like the stationing of military bases, involve actors of very different size and power, like the United States and Greece. This *asymmetry* is absent in issues of arms control between the superpowers.

Cooperation problems such as these as well as state characteristics often have a dynamic element. For instance, unpredictable changes in bargaining power may leave states in a situation of being bound to agreements whose division of gains no longer reflects their relative bargaining power. If their power has fallen, states will not complain; but if it has risen, they might. Indeed, they might go so far as to renege (or cheat) on an agreement whose gains have become too small relative to their bargaining power.

Drawing on contract theory and game theory, I link such *cooperation problems*, like uncertainty about the future or uncertainty about behavior, to *dependent variables of institutional design*, like finite durations or centralized monitoring provisions, through a series of *conjectures*.²⁾ Consider the following examples. When there are incentives to defect from an agreement, as in particular environmental agreements for which

2) Many of these conjectures are found in "The Rational Design of International Institutions" (Koremenos, Lipson, and Snidal 2001).

free-riding off of others' cooperation is the dominant strategy, one can imagine that a third party could play a useful role in arbitrating disputes and setting punishments. *Ex ante*, all parties would agree to such centralization or delegation in the face of this enforcement problem since that is one way to ensure Pareto superior mutual cooperation rather than mutual defection.

I also link *characteristics of states*, like whether there are power asymmetries among the actors or whether the set of potential cooperators is characterized by great regime or interest heterogeneity or even by large numbers, to dependent variables of institutional design, like voting rules, imprecision, and centralization. For example, in a cooperative endeavor that relies on the resources or power of large states but that includes small states as well, it is not surprising that powerful states would require asymmetric procedural rights before they were willing to disproportionately fund or otherwise implement the cooperative mandate.

Thus, self-interested states, while not wanting to give up control for no reason at all, will usually impose self-constraints through international law when it helps them solve their problems. If creating and then delegating to an international organization helps states realize their goals, they are likely to do so. At the same time, they tend not to lose themselves in these institutions, but rather they incorporate provisions that insure themselves against unwelcome outcomes. If they are among the most powerful, they might give themselves weighted voting to better control institutional outcomes or require unanimity in decision-making. If they fear uncertain outcomes, more often than not they leave open the possibility of renegotiating, escaping, and/or completely withdrawing

from their agreements, depending on the specifics of the outcomes they fear. And if they are worried about states failing to comply with, or opportunistically interpreting international law, they tend to design certain kinds of monitoring and/or dispute settlement mechanisms. In this way, the (often harsh) actualities of international politics are incorporated into the theory itself, resulting in a project grounded in reality and not situated in ideal worlds where international law reigns simply because it is international law.

The framework thus relies on two main building blocks: the underlying cooperation problems that bring states to the negotiating table and certain characteristics of those states. These building blocks are fundamental to understanding international institutional design. *COIL differs then from frameworks that rely on the specifics of the issue area or the details of the region of the world for answers.* This does not mean that such factors are irrelevant, but they are important in so far as they inform our understanding of the cooperation problems and actors—that is, cooperation problems themselves can and should capture factors ranging from historical relations to the institutional context, if any, under which the international agreement is being negotiated as well as the specifics of the region. The focus on cooperation problems instead of issue area or region enables us to see that the Convention on the Elimination of Discrimination Against Women (CEDAW) shares important underlying characteristics with the Agreement for Environmental Cooperation between Denmark and Oman (underlying both agreements is a desire to export norms) and that CEDAW also shares different, but equally important, characteristics with the Chemical Weapons Convention (behavior is not transparent).

COIL builds on the Rational Design of International Institutions (Koremenos, Lipson, and Snidal 2001) but refines it substantially both theoretically and empirically.³⁾ ⁴⁾ Overall, the move is towards an increasingly applied and policy-relevant research program.

COIL's focus is on design, not compliance. Still, COIL does provide evidence that international law matters in the following way: The theoretical framework assumes states want to solve cooperation problems and realize joint gains through law. Particular cooperation problems (independent variables) call for particular design solutions (dependent variables). There is large-n confirmation with a random sample of international agreements (see fn. 3) that when the independent variables (e.g., particular cooperation problems) are present, so are the dependent variables (e.g., particular design provisions). Finally, case study evidence shows that negotiators spend time on these details in ways that the theory predicts and that the mechanisms are at work and meaningful.

3) The empirical contribution is a dataset featuring 234 randomly selected agreements across the issue areas of economics, environment, human rights, and security. With two separate set of coders for the cooperation problems (the independent variables) and the design dimensions (the dependent variables), the dataset allows the testing of both my theory as well as other theories regarding international agreement design. See Koremenos (2013) for more information on this aspect of the research program.

4) In a nutshell, COIL trades off some parsimony for more accuracy. First, there is a refinement and unpacking of the overly broad dimensions of design in the original Rational Design formulation: In particular, Centralization and Flexibility, and to a smaller extent Control and Scope, are carefully disaggregated. Additional cooperation problems are added to the framework: Commitment/Time Inconsistency Problems and Norm Exportation. Finally, COIL further sacrifices parsimony in an effort to examine interactions among both independent and dependent variables and begins the investigation of what might be best left informal—that is, it might be optimal to leave some provisions implicit within formal international law.

Thus, while international law exists under anarchy, states design this body of law rationally—in ways that make sense if and only if they are seeking to solve their joint problems and to stabilize these solutions. They do not neglect the details as they would if law did not matter in their calculus. Nor do they simply follow a uniform normative template because it is the “correct” way to make law. They meticulously tailor the law to their cooperation problems. The design of law is consistent with the goal of effectiveness given harsh political realities.

B. Exploiting COIL for Policy Prescriptions

While COIL has been used to *explain* the tremendous variation in the design of international law and reveal how systematic that variation is, the framework can also be used *prescriptively*. Thus while the typical agreement in the COIL sample follows “rational design” principles, the framework also identifies outliers and can sometimes even explain their ineffectiveness through their failure to adhere to these principles. Take the Moon Treaty as an example.

The Moon Treaty is in force only for about fifteen states, none of which has any interest in and/or capacity for reaching the moon in the near future. (This is a far different statistic than that for the Outer Space Treaty, which does not violate any COIL design principles and is in force for 98 states including the United States, China, and Russia.) The Moon Treaty is not written according to COIL principles—it ignores the realities of international politics. The Rational Design conjectures that Asymmetry in Power should lead to Asymmetric Control is without a doubt implicated in this case given the potential resources on the

moon and the almost prohibitive expense of exploiting them.

Article 4 of the Moon Treaty states: “The exploration and use of the moon...shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development.” Furthermore, the Moon Treaty calls for the creation of international regime in the future that would govern the exploitation of the moon’s resources when such exploitation becomes feasible (Article 11, paragraph 5). The voting rules for this future regime are not stipulated. Article 15 further states, “If difficulties arise in connection with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General [of the UN].” Thus the treaty mentions the Secretary-General but *not* the Security Council, which, of course, is composed of the states able to reach the moon.

The Moon Treaty also provides that the moon and its natural resources are the “common heritage of mankind.” The principle contained in the Outer Space Treaty is the “province of all mankind” (Article 1, paragraph 1). The province of all mankind and common heritage principles are two very different principles. The “province of all mankind” principle in this issue area implies that all states have the nonexclusive right to use space. It does not imply any legal status regarding assets and/or property rights. The “common heritage” principle contained in the Moon Treaty refers to the legal status of property rights.⁵⁾ In the Moon Treaty,

5) The superpowers and the developing states disagreed on this point. The developing states won the negotiation game (an interesting case worthy of future research). The treaty was drafted during the 1970s, when many developing countries promoted the New International Economic Order. Some

therefore, there is no incentive for the rich and powerful states to contribute to exploiting the moon's resources since all states will benefit equally and presumably (will) have equal say.

In an issue area like the exploitation of the moon that involves major financial investment and the exercise of great technological capability, states are unwilling to cede control to an undefined international regime. One can find evidence that these provisions were responsible for the non-ratification of the treaty by the United States.

The involvement of the Secretary General but not the UNSC, which would give powerful states indirect control, put another nail in the coffin. The Outer Space Treaty, too, is symmetric in terms of its substance and procedures but, substantively, it is not asking large states to transfer their resources or share their power with small states. In other words, the *Distribution* problem (see below) is much more pronounced in the Moon Treaty than in the Outer Space Treaty.

COIL cannot explain why the Moon Treaty was designed this way. A declassified report from 1974 suggests that the treaty was not seen to be that important or urgent to either superpower, perhaps because the Outer Space Treaty was in place and resource exploitation was certainly not around the corner. The COIL framework does, however, shed light on the Moon Treaty's paltry ratification record and its status as a "failed" agreement. In this case, the formal voting rules were taken serious enough to precipitate the failure of this treaty.

Having introduced the COIL framework, I will now use it to think

developing countries explicitly referred to these principles in the *travaux préparatoires* (Danilenko 1989, Reynolds 1995: 115).

prescriptively about the dilemma on the Korean Peninsula.

II. Solving Cooperation Problems through Agreement Design: The Case of the Korean Peninsula

COIL identifies eight distinct and recurrent cooperation problems states potentially face alone or in various combinations, some of which depend on characteristics of the states and some on the underlying environment. The COIL cooperation problems capture *interests* (traditionally encapsulated through underlying **enforcement** and **distribution** problems but also engaging more altruistic interests like promoting **norms** as well as challenges posed by **time inconsistent preferences/commitment problems** and **coordination**); and *constraints* (posed by underlying **uncertainties about the state of the world, behavior, and other actors**). In what follows I will highlight the cooperation problems most relevant to the Korean Peninsula and the ensuing policy prescriptions.

It is important to note that different subsets of actors are characterized by different configurations of underlying cooperation problems. Therefore, different design solutions are called for. In what follows I separate (when possible) the analysis of the KEDO group and the analysis of the problems between KEDO and North Korea.

A. Cooperation Problems among the United States, South Korea, and Japan

While the traditional focus is on the problems between North Korea and the rest of the World (ROW), there is a unique combination of

cooperation problems facing the set of actors necessary for an agreement that is in some sense nested within the North Korea-ROW ultimate agreement. This set of actors is composed of South Korea, Japan, and the United States, that is, the KEDO founders. I will begin with this situation.

First however, I want to make one brief point. When facing a severe *Distribution* problem (defined below) like the ROW faces with North Korea, states must design institutional mechanisms that rely on altering the relative costs and benefits of cooperation and defection. This is often accomplished by increasing the *Scope* of the cooperative endeavor, as articulated in the original Rational Design volume:

Scope increases with the severity of the Distribution Problem.

Increasing scope can be accomplished via rewards/bribes and/or coercion/threats. From this point on, I take it for granted that the originators of the 1994 Agreed Framework rightly chose rewards. As morally distasteful as that might be, the goal is to solve cooperation problems, and **rewards** were and remain the best choice.

Given that bribes/rewards are part of the solution to the overall problems of the Korean Peninsula, South Korea, Japan, and the United States (KEDO group) face three particularly challenging cooperation problems that were not adequately solved in the original KEDO framework: The interaction of a *Distribution Problem* with a *Coordination Problem* and a *Commitment Problem*. Let me define each of these and then spend some time first on the particular design implications of the interaction of *Distribution and Coordination* and then the design

implications of the *Commitment Problem*.

A Distribution problem captures the different preferences states have over which alternative cooperative agreement to implement.

At one extreme in which actors prefer the same cooperative outcome, there is no distribution problem. Distribution problems are greater when actors want to cooperate in a “Battle of the Sexes” games according to the intensity with which they prefer alternative cooperative outcomes. At the other extreme, in a zero-sum game, the problem is strictly distributive since a better outcome for one leaves less for the others.

None of the major issue areas is exempt from distribution problems—not even human rights. Just as issues like the death penalty, abortion, and torture ignite major debates among parties domestically, these same issues animate international human rights negotiations, the majority of which are as fraught with distribution problems over which rights to include, which to prohibit, and even how to define the rights themselves as are trade negotiations over import duties, disarmament agreements over which weapons to ban or reduce, and allotted quotas for sub-issues like fishing in environmental agreements.

In the case of the KEDO group, the bribe is both very costly and controversial. As Ambassador Stephen Bosworth stated: “They are three countries dealing with a question in which they have a common stake, but over which they have severe differences on how to deal with the DPRK” (quoted in Wit 1999: 64). Thus the various ways to change the incentives of North Korea and the various ways of splitting the costs

of doing so are at the heart of the distribution problem.

While all agreements require “coordination” on agreement text, COIL has a very specific definition of a coordination problem.

In situations characterized by underlying Coordination problems, actors must coordinate on exactly one outcome to be better off cooperating. The worse it is to ‘miss’ some specific solution, the more severe the Coordination problem.

In the case of the KEDO group, especially given the characteristics of the recipient of the bribe, coordinating on the exact nature and specifics of the bribe is of paramount importance. Otherwise, North Korea could say that the bribe was not what was promised and it has an excuse to renege on its end.

With respect to the Commitment problem, while complying with the terms of an agreement may be in a state’s interest today, noncompliance may be in this same state’s interest in the future.

A Commitment problem refers to a domestic commitment problem or a time-inconsistency problem—that is, a situation in which an actor’s best plan for some future period may not be optimal when that future period arrives.

In other words, the payoffs of cooperation are inconsistent over time. This problem may stem from less than stable regimes, which can use international law to tie the hands of successive regimes.

The 1980 “Agreement for the Promotion and Protection of Investments”

(UNTS 19536) between the United Kingdom and Bangladesh is characterized by an underlying Commitment problem. Given its tumultuous political history, including military coups in the 1970s, Bangladesh has a credibility problem regarding the safety of outside investments. Hence it needs to tie its hands in the present so that it will not cave into possible future pressures to nationalize or expropriate outside investments. This is especially important given outsiders' perception of the likelihood of a regime change in Bangladesh, and these potential investors will not likely invest without some credible commitment on the part of Bangladesh to uphold its promise.

While usually I do not consider democracies like those that comprise KEDO as having domestic time inconsistency problems, for this issue area, such problems do indeed underlie the cooperative endeavor. Any hint at noncompliance by North Korea affects public opinion in the United States, Japan, and South Korea, which in turn affects legislative bodies' willingness to continue supporting the project.

Thus considering COIL's eight cooperation problems, *Distribution, Coordination, and Commitment Problems* are the most pressing and salient for the KEDO group. I next talk about institutional design solutions, first those that stem from the interaction of both Distribution and Coordination problems and then those that stem from a Commitment problem.

Solving Distribution and Coordination

In what follows, I elaborate the four possible combinations of Distribution and Coordination problems, thereby extending the original Rational Design framework. Specifically, I refine the conditions under

which flexibility can accommodate Distribution problems as the Rational Design conjecture, “Flexibility increases with the severity of the Distribution Problem,” predicts. I find particular kinds of flexibility mechanisms can help states solve their Distribution problems as long as these Distribution problems are *not* interacted with Coordination.⁶⁾

Both Distribution and Coordination

In many issue areas where there is a Distribution problem, there is also a Coordination problem in which complete coordination is necessary, e.g., one clear boundary, one clear technical standard. Take the example of export quotas in a commodity agreement. When states wanted to cooperate to stabilize and raise the price of coffee, they needed to coordinate exactly on a supply of coffee to ensure that the price would be what it was intended to be. Oversupply by one state would cause the price to change, and defections in such strategic situations actually can cause the entire agreement to fail. This was the case for many attempts at coffee cooperation before the 1962 International Coffee Agreement (see Bates 1997 and Koremenos 2002). Not only is complete coordination necessary or the parties will be worse off, but states also have to divide the coffee market—the epitome of a Distribution problem. Consider the famous Battle of the Sexes game. Coordinating on an exact movie (or ballet) is not mentioned as a necessary condition. But most would agree that, in such a situation, coordinating on different movies is worse than no cooperation at all!

6) This section of the paper draws on Koremenos and Hong (2014).

Distribution without Coordination

By contrast, consider a human rights agreement that calls for the abolition of child labor. If some states define a child as someone under 18 and act accordingly while others define a child as someone under 15, as long as both are reducing child labor however they define it, both states are better with the agreement than without it. Surely, the state that defines a child as under 18 would prefer the other state to act in a similar fashion, but it still prefers the other state reducing child labor for those under 15 than not reducing at all.

Only Coordination

Consider bilateral tax treaties to prevent avoidance of tax and double taxation. States must harmonize their tax laws and information exchange in order to ensure the successful implementation of such agreements, which are aimed at both preventing tax evasion and limiting double taxation.

Neither Coordination nor Distribution

Some cooperative endeavors have neither Coordination nor Distribution problems underlying them, like those that encourage sharing of scientific information. For example, there is a set of agreements for which Germany sends scientists to developing countries to help them with issues like plant protection.

As mentioned, the original Rational Design conjecture, *Flexibility increases with the severity of the Distribution Problem*, is refined in COIL. Specifically, I consider the flexibility mechanism of (im)precision

and the interaction of Distribution and Coordination. When state actors face a Distribution without a Coordination problem, as they do in the human rights example mentioned above, vague language can be used to solve the Distribution problem.

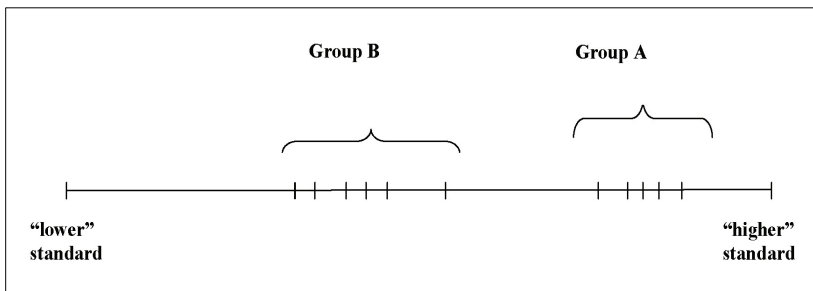
Consider the negotiation of a human rights agreement as a strategic interaction between two states, State 1 and State 2, which comprise the subcommittee drafting the agreement. These two states have asymmetric preferences over a particular substantive human rights norm yet they believe in the importance of human rights standards. This common interest sets them apart from certain other states that have no interest in setting and spreading human rights standards.

Suppose the standard in question is women's rights and the scale of this norm ranges from 1 to 10. The norm equals 1 when women are considered not equal to men in any way and 10 when women are not only considered equal in every way but also all national laws and pay rates must be changed to reflect this standard. State 1 has NORM 8, including non-discrimination against women in the workplace enforced by a state agency, while State 2 has a NORM 6, including non-discrimination against women in the workplace. Three strategies are equally possible for each state: 1) proposing a standard based on its own norm, 2) proposing a standard based on the other's norm due to the process of persuasion, and 3) walking away from the negotiation. Consider the following scenario. If either state needs to change its standard, it prefers no agreement at all to an agreement with a higher or lower standard. Still although both states strongly prefer to remain with their own specific norms, as long as they are not pressured to switch to the other's standard and thereby pay the implementation costs

of such a change, they accept that the other party will remain regulated by its own norm. They do prefer an improved international human rights standard on women's rights to no agreement at all.

The outcome just described can be achieved through the design provision of vague language, a form of flexibility. The language of the treaty could read, "Women will not be discriminated against in the workplace, and this right shall be enforced by state agencies when possible given constitutional or other constraints," or "non-discrimination in the workplace enforced by state agencies, as long as the new policies do not run counter to national laws." Employing such language, human rights agreements accommodate states with asymmetric preferences over the specifics of substantive human rights standards but with a common desire to raise standards for third parties. Importantly to States 1 and 2, represented by Group A in the Figure below, states whose behavior reflects norms that fall below that which can be interpreted through the vague language, States in Group B, are forced to change at least somewhat if they want to be in compliance with the agreement.

〈Figure〉 Vague Language to solve Distribution but no Coordination



Now consider the problems facing KEDO. Not only must the three states solve the Distribution Problem, they must coordinate on exactly one way of solving it. The terms of how this bribe might be split cannot be left vague to solve the Distribution problem; the Coordination problem implies that one solution must be chosen otherwise the whole point of exchanging rewards for changes in North Korean behavior falls apart. Put differently, if the figure above were redone to represent spatially various ways to split the cost of the reward to North Korea, *only one solution* along the horizontal line would be possible, e.g., either “30%, 30%, 40%” or “40%, 40%, 20%” or “State A is responsible for one reactor regardless of whether it can entice other actors to contribute etc.” Imagine if the KEDO agreement employed vague language like, “The United States will pay a substantial amount toward the cost of the heavy fuel oil.” One can imagine the endeavor being seriously undermined because the phrase “a substantial amount toward” could be interpreted in almost endless ways, depending on the political preferences of those with the purse strings. Put bluntly, with imprecise language, the Coordination problem will fail to be solved.

Thus the following COIL conjecture (also found in Koremenos and Hong 2013), which given space constraints I will simply state here, is relevant:

Ceteris paribus, agreements that are characterized by either **No Distribution but Coordination problems** or **Distribution and Coordination problems** are more likely to be **precise** than those characterized by **Distribution but No Coordination problems**.⁷⁾

The human rights negotiation described above is characterized by an underlying Distribution but not a Coordination problem. Thus an imprecise agreement is a rational solution. In fact the relative imprecision of many multilateral human rights agreements can be explained by COIL's theoretical framework. It's worth mentioning that real international law tends to conform to this logic. In the COIL random sample of agreements across the issue areas of economics, environment, human rights, and security, the probability that an agreement is very imprecise *increases by sixfold* in the presence of a Distribution without Coordination problem.

Any KEDO agreement, on the other hand, is characterized by both Distribution and Coordination problems. The rational solution therefore is a **precise** agreement. By that, I mean an agreement with the responsibility of the costs and any contingencies carefully spelled out. In the COIL sample, the probability that an agreement is very precise *increases by threefold* in the presence of a Coordination problem.

Nonetheless, at least as far as I understand it, the 1994 KEDO agreement was anything but precise. As one of Snyder's (2000: 20) paper headings so aptly captures it, "KEDO's internal co-ordination challenge: Who pays for what?" While not being able to estimate the exact costs of the project is understandable, the agreement still needs to define either the shares that each state will pay once the costs become clear or exactly which state will be responsible for which component regardless of the ultimate costs. Instead, the 1994 KEDO agreement stipulated that, with respect to the reactors, South Korea would "assume 70% of the cost," Japan

7) See Koremenos (forthcoming) for a fuller treatment.

would make “a significant contribution,” and “the United States would seek a smaller ‘symbolic contribution’ from Congress” (Wit 1999: 66). With respect to heavy fuel oil, Japan would contribute “some funds,” with the United States taking “the lead in making a financial contribution and in raising funds from other countries” (Wit 1999: 66). As Wit (1999: 66) states: “These understandings are insufficient.”

Solving Commitment Problems

As mentioned, for this particular issue area and in light of the history of the Agreed Framework, the United States, Japan, and South Korea are characterized by a domestic time inconsistency or Commitment problem. For example, with respect to the heavy fuel oil, Japan contributed USD 19 million in early 1996, only to withdraw later on and refuse to pay any additional funds (Wit 1999: 67). As Snyder (2000: 15) explains, “the Agreed Framework implicitly depends on the idea that the LWR project itself cannot go forward to full completion unless North Korea also improves its relationships with KEDO members; however, the flip side...is that KEDO is vulnerable to political tensions...”

In the United States, it seems President Bush had very different preferences than those of President Clinton. Changes in Congress also undermined the ability of the United States to follow through on its commitment.⁸⁾

Similar dynamics were present in Japan, as the following quote from 1998 reveals:

8) The fact that the Framework Agreement was not legally binding exacerbates these issues.

Japan's decision to resume over Korean Peninsula Energy Development Organization (KEDO) cooperation has sparked an acrimonious fight between the government and the ruling Liberal Democratic Party (LDP), as well as tension among government agencies over how to disburse the contribution to KEDO. In view of such internal disarray, getting an already skeptical Diet's approval for KEDO funding is likely to be extremely difficult.⁹⁾

Finally, South Korea also is subject to such pressures: ““In Korea, support for the LWR project has reflected the ups-and-downs of inter-Korean relations...”¹⁰⁾

In the presence of Domestic Commitment problems, the COIL framework prescribes some kind of centralized body that can interpret and/or adjudicate any dispute or issues of noncompliance:

Centralization/Delegation increases with the severity of the
Commitment Problem

By rendering agreements more legalized, dispute resolution provisions offer a device to solve Commitment problems. As Goldstein *et al.* (2000: 393) argue, “Governments and domestic groups may also deliberately employ international legalization as a means to bind themselves or their

9) United States. Dept. of State. *Japan: Spat over KEDO Issues*. Washington: U.S. Department of State, Bureau of Intelligence and Research, Oct. 29, 1998. PDF.

10) United States. Dept. of State. *Asia: Impact of the Financial Crisis on KEDO Funding*. Washington: U.S. Department of State, Bureau of Intelligence and Research, Dec. 11, 1997. PDF.

successors in the future. In other words, international legalization may have the aim of imposing constraints on domestic political behavior.” In addition, dispute resolution mechanisms provide recourse for other actors to punish a government for deviations from its announced plans, altering the incentive structure faced by governments.

Again, real international law tends to conform to this logic. In the COIL random sample of agreements, the probability that an agreement calls for either adjudication or arbitration *increases by tenfold* in the presence of Commitment problems. Thus, this prescription is not a far-fetched ideal that has never been used. Quite the contrary!

Delegation to a third party, like an arbitration tribunal, would give each KEDO member more credibility—that is, there would be an additional hurdle to a new president or a changed Congress undermining or weakening the United States’ commitments under the agreement or a new Diet doing a similar thing in Japan. The tribunal could be set up along the lines of those found in many economic agreements—each disputing party chooses one of the arbitrators and the two then agree on a third. Or a mechanism could be set up within the broader KEDO group. Importantly, this body to which a dispute or disagreement over interpretation would be delegated would have to be set up precisely in advance, just as it is in so many well-designed agreements with underlying Commitment problems.

Expanding KEDO

While I have focused on the three main cooperation problems facing KEDO—Distribution, Coordination, and Commitment Problems, it is

worth addressing one final COIL conjecture that relates to the KEDO group:

Conjecture: Asymmetry of Control increases with Asymmetry of Contributions/ Power

The bribe is very, very expensive. Bringing in China, Russia, and the EU as additional members and allowing them **voting rights weighted by relative contributions** is rational. Also, having more power in an organization is appealing to Congress and thus might be a weak but potential rationale for increasing its commitment. Yes, according to Wit (1999: 67) “KEDO’s structure, which gives no decision-making role to countries other than Board members, makes it unlikely that non-Board members will provide more funds.”

B. Cooperation Problems between North Korea and the United States/KEDO

With respect to the major goal of denuclearizing the Korean Peninsula, I have already mentioned the Distribution problem and the necessity of rewards/bribes to be used to change North Korea’s incentives. Additionally, there are three other challenging underlying cooperation problems: *Uncertainty about Behavior*, *Enforcement problems*, and *Commitment problems*. Given the Commitment problems I have discussed, let me define the other two and then discuss the design implications.

Uncertainty about behavior is probably the type of uncertainty most

discussed in the Institutionalist literature. Reciprocity as a strategy to induce cooperation only works if an actor can identify the behavior of its partner in cooperation.

Uncertainty about Behavior refers to uncertainty regarding the actions taken by others.

Often it is simply difficult to know what other states are doing—in particular, if they are cooperating or defecting. Consider weapons of mass destruction. Whatever a state may say publicly, it is very difficult for others to ascertain whether it is pursuing technologies associated with the development of such weapons.

There is great evidence that uncertainty about behavior is an almost insurmountable obstacle to cooperation in this issue. Past experience has indicated that not even inspections by the International Atomic Energy Agency completely eradicate ambiguities about whether North Korea is in compliance given its history of destroying evidence of its nuclear past.

An Enforcement problem is present when actors have incentives to defect from cooperation.

This is perhaps the cooperation problem that has garnered the most attention over the past three decades in political science scholarship. Enforcement Problems are the predicament at the center of Prisoner's Dilemma (PD) and public goods problems. Even if a cooperative arrangement makes everyone better off, some or all actors may prefer

not to adhere to it because they can do better individually by cheating. Issues are characterized by *enforcement problems* when actors find unilateral noncooperation so enticing that they risk sacrificing long-term cooperation.

Enforcement problems can be found in all major issue areas featured in COIL. Whether the subject is nontariff barriers in trade, limits on pollutants like carbon monoxide emissions, or limits on nuclear weapons, many states would be better off if they could cheat while their partner(s) cooperated.

For the issue of denuclearization (including compliance with the Nuclear Nonproliferation Treaty), there is much evidence that North Korea has incentives to cheat. Perhaps that, too, is how North Korea sees KEDO's incentives (or the incentives of certain administrations within the United States) with respect to the bribe.

Solving Uncertainty about Behavior (and Enforcement Problems)

Monitoring systems are a form of centralization designed to inform states whether their partners in cooperation are complying with their obligations or not. Under many conditions, many of which are elaborated by game-theoretic models of cooperation such as the repeated Prisoner's Dilemma game (e.g., Axelrod 1984), information about compliance is crucial, and losing that information is like losing the "holy grail," as the following quotes regarding the delayed ratification of the NEW START Treaty reveal:

For the first time in 15 years, U.S. officials have lost their ability to inspect Russian long-range nuclear bases, where they had become

accustomed to peering into missile silos, counting warheads and whipping out tape measures to size up rockets...

“The problem of the breakdown of our verification, which lapsed December 5 [2009], is very serious and impacts our national security,” Sen. Richard G. Lugar (R-Ind.), one of the chamber’s top nuclear experts, said in a recent hearing...

“It was the holy grail to get on-site inspections, boots on the ground in the Soviet Union,” said Franklin Miller, who worked in arms control for more than two decades, ending up as special assistant to President George W. Bush.¹¹⁾

Monitoring provisions are a response to informational problems in international cooperation, in particular, Uncertainty about Behavior. On the most intuitive level, if states don’t know what other states are doing with respect to their agreement obligations, they would like to obtain some additional information on this—and monitoring provisions are an institutionalized solution, providing such information. Absent such additional information, cooperation is fragile, as states may stop cooperating in response to doubts about the other side’s behavior; or they may apply unwarranted punishment strategies. As pointed out by Morrow (1994: 387), “applying the proper sanctioning strategy is difficult when compliance is difficult to monitor.” Moreover, if the behavior of other states is not perfectly observable, what is actually observed is often easily misinterpreted—the most prominent and dramatic, examples are

11) Each of these are direct quotes from the following article written August 17, 2010: <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/16/AR2010081605422.html>

when flocks of geese and meteor showers supposedly triggered nuclear alerts during the Cold War. Not coincidentally, Abbott (1993) refers to some monitoring provisions as “assurance provisions.” Thus, a relevant COIL conjecture is as follows:

Other things equal, agreements that are characterized by high Uncertainty about Behavior are more likely to include monitoring provisions than those not characterized by this cooperation problem.

When it comes to designing monitoring provisions, one important choice is whether monitoring is delegated to other actors or whether states rely on self-reporting. As just discussed, Uncertainty about Behavior can be considered a prerequisite for the existence of monitoring provisions because, if there is no such uncertainty, there is little need to gather information on compliance. However, the effect of Uncertainty on Behavior on the design of monitoring provisions is influenced by the strategic incentives of states.

Specifically, self-reporting is not problematic if there are no incentives to defect and therefore no incentives to misreport information. Why would states misreport their own behavior in settings where the underlying problem is one of relative harmony, for instance? In such situations, states might still find it very useful to gain information on each other’s behavior, especially if they need to condition their actions on this information, as in certain scientific endeavors. But given each state can be expected to reveal this information truthfully, self-reporting is an efficient mechanism; at the same time, states give up little sovereignty

since they are not inviting other actors to monitor their behavior.

However as Abbott (1993: 26-27) notes, the utility of self-reporting is limited by fears that states will fail to report their behavior accurately. These fears are particularly pressing when states are facing incentives to defect on an agreement. In such a situation, self-reporting is hardly useful to resolve uncertainties about behavior. In fact, if behavior is not easily observed and states have incentives to defect, it is tempting for states to behave one way and claim to have behaved another way.

This leads me to the following COIL conjecture:

Other things equal, agreements that are characterized by high Uncertainty about Behavior are more likely to incorporate self-reporting only if there are few incentives to defect, like underlying Enforcement problems. Agreements will feature delegated monitoring only if Uncertainty about Behavior is aggravated by incentives to defect, like underlying Enforcement problems.

KEDO and the rest of the world face both Uncertainty about Behavior and Enforcement Problems with respect to North Korea; thus an agreement should **delegate monitoring functions to a third party**, just as it has been done with the IAEA.

With respect to the COIL random sample, when states face Incentives to Defect, Uncertainty about Behavior has a large, positive, and statistically significant effect on the probability that monitoring tasks are delegated. In fact, the probability more than doubles from 34.4 % to 69.8%.

Solving Enforcement Problems

In the presence of Enforcement problems, the COIL framework prescribes some kind of centralized body that can interpret and/or adjudicate any dispute or issues of noncompliance as well as the inclusion of punishment provisions.

Other things equal, the presence of Enforcement problems results in centralized dispute resolution.

Other things equal, the presence of Enforcement problems results in the inclusion of punishment provisions.

Enforcement problems are ameliorated by dispute resolution provisions and by punishment provisions. By explicitly identifying violators (and violations), noncompliant states can incur costs. By authorizing punishments, sometimes collectively, punishments become more credible and therefore more effective. Collective punishment in particular can be difficult to achieve, and Thompson (2009) aptly identifies a sanctioners' dilemma that can be alleviated through international institutions.

Punishment can take the form of the withdrawal of rewards. For instance, each incremental step of the reward can be based on some verifiable incremental step taken by North Korea. Instead of political interpretations of each other's behavior, KEDO and North Korea would delegate to a third party. Once the third party rules, the prescribed behavior would follow.

In the COIL random sample, the probability that an agreement calls for either adjudication or arbitration increases more than *fivefold* in the

presence of Enforcement problems. Likewise, an agreement with an underlying Enforcement problem is on average 29 percentage points more likely to have a formal punishment provisions than an agreement without an enforcement problem.

Thus, to solve the Enforcement problem, an agreement should include institutional design features like **rewards and punishments and/or dispute resolution provisions** to try to change the short-term incentives of states to defect. Still, there remains the possibility that a “quick withdrawal” could offer a strategic advantage to the withdrawing state, in the same way that a “sneak attack” offers an advantage to a state at war. It can be assumed that the withdrawing state knows that it wants to withdraw before it announces it. If it could withdraw immediately, it could have a strategic advantage by surprising other states with the announcement since other states would not have had time to accommodate. Including a withdrawal, notice period levels the playing field for all states, reducing fear that the remaining states would be taken advantage of and eliminating the advantage to withdrawing.

For these reasons, COIL proposes the following hypothesis:

Other things equal, agreements that are characterized by an underlying Enforcement problem are more likely to include notice periods than those not characterized by an underlying enforcement problem.

Should states choose to include a withdrawal notice period in their agreements, the same reasoning applies to the length of the notice period. When states fear a bad payoff from another state’s withdrawal because

of the underlying strategic structure of the situation in which they are cooperating, they will want greater warning time to be able to adjust their policies.

Other things equal, if the parties conclude an agreement with a notice period, those agreements that are characterized by an underlying Enforcement problem are more likely to feature longer notice periods than those not characterized by an underlying enforcement problem.

Indeed, having an underlying Enforcement problem is significant for explaining the notice periods of withdrawal clauses in the random sample. Having an underlying Enforcement problem increases the probability of having a notice period by 45 percent. Moreover, having an underlying Enforcement problem increases the length of the notice period by about three months, which, given the range of typical withdrawal notice periods, is quite large. Moreover, all of these results are highly statistically significant.

In 2003, North Korea withdrew from the NPT with only a one-day notice, citing that it had already fulfilled the balance of the official 3-month notice period when it gave notice of withdrawal in 1993, a withdrawal that it subsequently suspended. Any new agreement with North Korea should specify that each **withdrawal** is subject to the entire **notice period**; furthermore, the notice period should perhaps be at least **six months long**.

Solving Commitment Problems

Just as I argued that the KEDO group would benefit from delegating authority to a third party to arbitrate disputes to solve its commitment or time inconsistency problem, such delegation would also be useful between North Korea and its partners in cooperation. While arbitration through some internal body or set of ad hoc arbitrators would likely suffice in the KEDO case, I recommend **delegation to the International Court of Justice** to help solve the underlying Commitment problems between North Korea and the United States/ROW. Sometimes just the “threat” of delegation helps keep actors on the right path.

Another design element that can help solve the Commitment problem is a sub-provision of withdrawal provisions—what I define as the *withdrawal waiting period*. A withdrawal waiting period is the designated period of time before a member that wants to withdraw from the agreement is fully freed from its commitments under the agreement. Some agreements specify a certain amount of time that member states must remain bound by the agreement before they are even allowed to give notice to withdraw. In addition, while members are usually freed from their commitments on withdrawal, some agreements extend a state’s commitments *beyond* the point of its withdrawal. Bilateral investment agreements, for example, usually extend protections for investments that were made before notice of termination an additional number of years.

With respect to what kind of strategic problem might call for a withdrawal waiting period in the first place or a longer withdrawal waiting period conditional on having one, consider commitment problems or time inconsistency problems. Negotiating, ratifying, and complying with international agreements often poses some heavy initial short-run costs

before longer-term benefits can be enjoyed. Domestic political pressures may be such that certain leaders will want to withdraw because of these short-term costs before long-term benefits are realized.

This tradeoff between short-term costs and long-term gains is not only a problem for states vis-à-vis other states, but is also often an issue within a signatory state. A forward-looking leader may want to sign an agreement that is unpopular with the domestic audience because of costly technological adjustment or some other kind of initial heavy investment, but that will reap substantial social welfare enhancing benefits in the long run. Alternatively, a state with high levels of turnover among political leadership may want to strengthen its credibility. The problem posed by short-term losses and long-term gains is very typical of a *commitment problem*: an actor's best plan for some future period is inconsistent over time.

In addition, because an early withdrawal by one state reduces the payoffs to the remaining states in the agreement, which then may have paid too high a price for the reduced expected payoffs, under certain conditions *ex ante* states would want to prevent themselves collectively from withdrawing prematurely to avoid a net loss.

I therefore hypothesize that agreements whose goal is partly to solve an underlying Commitment problem are more likely to have wait periods than those without such a goal. All states will find it in their interest to write such a provision, whether they are tying their own hands or those of their partner(s) in cooperation who have the Commitment problem.

Other things equal, agreements that are characterized by an underlying Commitment problem are more likely to include withdrawal wait periods than those not characterized by an underlying commitment problem.

Should states choose to include a withdrawal wait period in their agreements, the same reasoning applies to the length of the wait period. When states fear their own or another state's premature withdrawal because of the underlying strategic structure that poses short-term incentives to stop cooperating, they will want to tie their hands for a longer period.

Other things equal, if the parties conclude an agreement with a wait period, those agreements that are characterized by an underlying Commitment problem are more likely to feature longer wait periods than those not characterized by an underlying commitment problem.

Thus any agreement between KEDO states and North Korea should include a **withdrawal wait period**. In my sample of international agreements, an underlying Commitment problem increases the probability of having a wait period by 39 percent and increases the length of the wait period by almost 12 years.

III. Other Design Implications from COIL Framework

States may want to try to solve a particular problem but be unsure about the future consequences of their own actions, the actions of other

states, or the actions of international institutions—including the institutions they create. This kind of uncertainty, with its frequent distributional implications, is uncertainty about the state of the world.

Uncertainty about the state of the world refers to uncertainty regarding the consequences of cooperation.

The uncertainty can be scientific and technical or it can be about politics or economics. The negotiations for the Nuclear Nonproliferation Treaty (NPT) were characterized by underlying State of the World Uncertainty. Many states refused to tie their hands indefinitely until they figured out how the agreement worked in practice. Would the political terms of European integration be altered if Germany and Italy committed to a nonnuclear status, while France and the United Kingdom kept their nuclear weapons as the treaty allowed? Future uncertainty was profound, also engaging issues of security and economics.

COIL argues that flexibility provisions can help states confront such uncertainty. In the case of the NPT, its *finite* duration provision, which includes a 25-year duration with a potential subsequent extension, made the difference in terms of ratification for many the non-nuclear weapon countries. In fact, this detail of international law was important enough to be the object of debate in year six of the seven years of negotiation!

An agreement between the KEDO states and North Korea should have a **limited duration and an extension provision**. The duration should be long enough to get the job done so to speak, but not so long that

states are nervous about committing forever.

Finally, given the Enforcement problem, **no reservations** should be allowed to any agreement. (For an explanation of this recommendation, see Koremenos (forthcoming) and Koremenos and Hong.)

IV. Final Thoughts

In sum, while the 1994 Agreed Framework certainly went part of the way toward solving important problems, the next set of negotiated agreements ideally would feature similar substantive provisions, but contain many more procedural provisions that make the commitments more precise and verifiable. Delegation, with the potential for punishments, to solve disagreements would also greatly help sustain the cooperative endeavor.

V. Summary of Policy Prescriptions

A. Cooperation Problems within KEDO

To solve the interaction of Distribution and Coordination problems, the KEDO agreement must be very precise regarding how the reward is to be split among the KEDO members. Contingency plans must be laid out and not left to be determined as events unfold.

To solve the Commitment problem, the agreement must delegate to a centralized body that can interpret and/or adjudicate any dispute or issue of noncompliance.

To solve the Asymmetry of Contributions and encourage broader participation, the central KEDO body should have voting weighted by contribution.

B. Cooperation Problems between North Korea and the United States/KEDO

To limit Uncertainty about Behavior interacted with Enforcement Problems, regular monitoring should be performed by a third party (the IAEA).

To ameliorate the Enforcement problem, the agreement must include dispute resolution provisions that call for the explicit identification of violators and violations and that authorize punishments. The agreement should also contain a withdrawal provision with a long notice period. No reservations should be allowed.

To solve the Commitment problem, the agreement must delegate to a centralized body (the International Court of Justice) that can interpret and/or adjudicate any dispute or issue of noncompliance. The agreement should also contain a withdrawal provision with a long waiting period.

To limit Uncertainty about the State of the World, the duration of the agreement must be limited with an extension possible.

남북관계와 신뢰 구축 이론

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남북관계와 신뢰 구축 이론

I. 서론

2014년 11월 독일은 베를린장벽 붕괴 25주년을 기념한다. 2015년 10월에는 통일 25주년을 기념할 것이다. 그러나 남북한은 여전히 분단된 상태이며, 대립과 갈등의 기본구조가 바뀌지 않았다. 독일의 통일은 1972년 12월 동서독 기본조약이 체결된 이후 20년 만의 일이다. 남북한은 1992년 2월 남북기본합의서를 발효시킨바 있다. 동서독 기본조약은 전문과 10개의 조항, 그리고 경계선 문제(제3조)와 관련한 위원회 구성과 교류협력 문제(제7조)와 관련한 추가사항을 담은 추가의정서로 구성되어 있다. 남북기본합의서는 전문과 화해, 불가침, 교류·협력, 그리고 수정 및 발효에 관한 조항 등 25개의 조항으로 구성되어 있다. 동서독 기본조약보다 남북기본합의서의 내용이 더 자세하다. 남북한은 남북기본합의서의 화해, 불가침, 교류·협력 분야의 이행·준수를 위한 각각의 부속합의서를 1992년 9월에 발효시켰다.

또 남북한은 2014년 10월 현재까지 두 차례의 정상회담, 아홉 차례의 총리(급)회담, 20회가 넘는 장관급회담, 고위급접촉, 비밀접촉 등 총 630회 이상의 대화와 접촉을 가졌다. 이러한 대화와 접촉을 통해 통일 3원칙

을 담은 7.4남북공동성명을 비롯하여 수많은 합의와 합의서를 산출했다. 개성공단은 10년째 가동되고 있으며 북한 측 노동인력 5만 명 이상이 매일 출근하고 있다. 개성공단을 제외한 일반교역 및 위탁가공이 5.24조 치 이후 사실상 중단되었으나 남북교역 규모가 2012년에는 근 20억 달러에 달하기도 하였다. 남북교역이 시작된지도 25년이 지났다. 2008년 7월 이후 중단된 상태에 있으나 한때는 연 10만 명 이상의 한국 국민들이 금강산 관광을 하였다. 개성공단 사업과 금강산·개성 관광 사업을 지원하기 위한 군 당국 간의 통신선이 설치되었고, 여러 차례의 군사실무회담도 열렸다.

그러나 이와 같은 대화와 접촉, 교류가 남북관계의 근본적인 성격을 변화시키지는 못했다. 한반도는 군사력이 가장 밀집한 지역이며, 남한과 북한은 여전히 군사적 대치관계에 있다. 북한은 핵무기를 개발하고 이제 핵보유국으로서의 전략을 추진하고 있다. 북한의 군사위협에 대한 한국의 대응 의지도 강화되면서 남북 간의 군사적 대치와 갈등, 안보 당국 간의 공방은 오히려 증폭되었다. 1970년대 초 남북대화가 시작된 이래 남북관계는 무수히 많은 부침을 겪었다. 남북관계가 진전되는 것처럼 보이다가도 어느 날 갑자기 남북관계는 긴장에 휩싸인다. 남북관계의 교착국면이 지속되다가 어느 날 갑자기 막힌 물꼬가 터지기도 한다. 그만큼 남북관계는 안정적이지 못하며 서로에 대한 믿음, 즉 신뢰가 결여되어 있다.

남북 간 교류·협력이 시작된 이후의 남북관계를 회고하면, 경제와 사회 문화 분야에서의 교류·협력의 양적 확대가 정치·군사적 신뢰구축으로 이어지지 않았다. 지난 몇 년 동안에는 북한의 공세가 더욱 강화되었다. 또 북한은 최근 부쩍 한국 정부의 정책에 대하여 “흡수통일을 실현해보려는...불순한 속내”를 서슴없이 드러내 놓는다고 비난한다.¹⁾ 대화와 접촉을

1) “국방위원회 대변인 담화”, 2014. 4. 12.

시작한 지 40년이 지나고, 인적·물적 교류를 시작한지도 25년이 지났다. 그럼에도 불구하고, 남북관계는 여전히 불안정하고 신뢰가 결여되어 있으며 평화공존의 상태도 실현되고 있지 않다. 무엇이 문제인가?

본 논문은 이러한 문제 인식에서 그동안의 남북관계를 남한과 북한이 각기 전개한 정책의 맥락에서 살펴보고, 관계개선과 평화정착을 위한 신뢰구축의 방향을 이론적 관점에서 제시해보고자 한다.

II. 남북관계 개선과 평화 정착을 위한 한국 정부의 정책

1. 냉전시대 이전

1960년대에 ‘선 건설, 후 통일’의 기치를 내건 박정희 정부는 1970년 8월 15일 ‘평화통일 기반조성을 위한 접근방법’ 구상을 통해 대화와 교류를 통한 남북관계 개선, ‘선 평화 후 통일’ 등의 노선을 내세웠다. 남북한의 첫 합의서인 7.4남북공동성명에서는 통일 3원칙 이외에 긴장상태 완화, 신뢰 분위기 조성, 중상·비방 중지, 무장도발 금지, 남북 간 다방면 교류, 적십자회담 개최, 서울-평양 간 직통전화 개설, 남북조절위원회 구성·운영, 합의사항의 성실한 이행 등에 합의하였다.²⁾

1973년 6월의 ‘6.23평화통일외교선언’에서는 평화통일 노선 위에서 상호 내정불간섭 및 상호 불침략, 남북대화 지속 노력, 남북한 국제기구 동시 참여 및 유엔 동시가입 불반대, 이념과 체제가 다른 국가에 문호 개방 및 개방 촉구 등을 밝혔다.³⁾ 이어 1974년 1월 18일 대통령 연두기자 회견에서 남북 상호불가침협정을 체결하여 통일 시까지의 평화공존을

2) 국토통일원, 『남북한 통일·대화 제의비교 (1945~1986)』 (서울: 국토통일원 남북 대화사무국, 1986), p. 124.

3) 위의 책, p. 144.

제안하였고, 1974년 8월 15일 ① 평화정착을 위한 상호 불가침협정 체결, ② 문호개방, 신뢰회복을 위한 남북대화의 성실한 진행과 다각적 교류·협력 실현, ③ 토착 인구비례에 의한 남북한 자유총선거 등 ‘평화통일 3대 기본원칙’을 천명하였다.⁴⁾ 박 대통령은 1977년 1월 12일 연두기자회견에서 ‘선 평화, 후 통일’의 원칙을 재확인하고, 남북 불가침협정 체결 후에는 주한미군 철수에 반대하지 않겠다고 언급했다.⁵⁾

전두환 정부는 1982년 1월 22일 남북한 기본관계에 관한 잠정협정의 체결을 제안하였다. 동 잠정협정 속에는 호혜평등에 입각한 상호관계 유지, 분쟁의 평화적 해결, 체제인정과 내정불간섭, 휴전(정전)체제의 유지·군비경쟁 지양과 군사적 대치상태 해소, 교류협력, 서울·평양 상주 연락대표부 설치 등이 포함되었다. 이어 1982년 2월 1일 서울-평양 도로 연결, 이산가족 상봉, 설악산·금강산 자유관광 공동구역 설정, 공동어로 구역 설정 등 사회개방 및 교류·협력 분야 이외의 긴장완화 분야에서 비무장지대 공동경기장 시설 마련·이용, 자연생태계 공동학술조사, 군사 시설 완전철거, 군사책임자 간 직통전화 설치·운용 등 20개 시범실천사업을 제안하였다.⁶⁾

당시 북한에 대한 인식은 무력에 의한 공산화 통일 야욕을 버리지 않고 있으며, 폐쇄적이고 병영화된 무력도발 집단이라는 불신에 토대를 두고 있었다. 통일은 북한 지역에 자유민주주의를 확산하는 방식으로 이루어져야 하는 것이었다. 그리고 평화통일을 위해서는 남북 간 신뢰를 쌓고 대화를 통해 전쟁을 방지하며 비정상적인 남북관계에 종지부를 찍어야 한다고 주장했다. 따라서 남북 간 신뢰회복의 중요성을 강조하고 호혜평등, 관계 개선과 평화정착을 위한 여러 제안들을 하였다. 그러나

4) 위의 책, p. 156.

5) 위의 책, p. 174.

6) 위의 책, pp. 244~246.

그러한 제안들이 실천되기 위한 내외의 조건은 제대로 구비되지 않은 상태였다.

2. 냉전시대 이후

사회주의 진영이 대전환의 과정에 들어간 1980년대 후반 등장한 노태우 정부는 국제환경의 변화를 능동적으로 수용하는 북방정책을 추진하였으며, 대북정책에서도 전환적인 입장을 가지고 정책을 전개하였다. 노태우 정부는 1988년 7월 7일 민족자존과 통일번영을 위한 특별선언(7.7선언)에서 적극적인 남북 교류협력의 추진과 한반도 평화정착 여건의 조성을 위해 미국과 일본 등 한국의 우방과의 관계 개선에 협조할 용의가 있음을 밝혔다. 7.7선언은 “남북대결의 시대를 청산하고 폐쇄된 북한사회를 개방으로 유도하며, 그 상호관계를 협력관계로 전환하여 남북관계를 ‘선의의 동반자 관계’로 승화시키려는” 의도가 있음을 밝혔다. 특히 북한에 대한 인식에서 적대의 대상이 아니라 “상호신뢰·화해·협력을 바탕으로 공동번영을 추구하는 민족공동체의 일원으로 인식”함으로써 북한관의 전환에 기초하고 있음을 강조하였다.⁷⁾ 구체적인 정책선언들로는 남북 상호교류와 자유왕래, 이산가족의 서신왕래와 상호방문, 남북한 교역 문호개방, 우방국의 북한교역 불반대, 북한의 우방과의 관계개선 협조 등을 제시하였다.⁸⁾

이어 1988년 10월 18일 제43차 유엔총회 연설에서 노 대통령은 한반도의 평화정착을 위해서는 “남북한이 모든 이해 당사국들과 합리적이며 정상적인 관계를 구축할 수 있어야 한다”고 강조했다.⁹⁾ 1989년 9월 11일 제147회 정기국회 개회식 대통령 특별연설을 통해 한민족 공동체 통일

7) 통일원, 『1990 통일백서』 (서울: 통일원, 1990), pp. 49~50.

8) 위의 책, pp. 52~56.

9) 위의 책, p. 66.

방안이 천명되었다. 동 방안은 단계적 통일방안을 제시하면서 남북대화의 추진을 통한 신뢰회복, 적대적 남북관계를 교류협력의 관계로 전환, 한반도 평화정착을 위한 군사적 신뢰구축과 군비통제의 실현, 휴전(정전)협정 체제의 평화체제 전환 가능 등이 강조되었다.¹⁰⁾

1992년 2월에 발효된 남북기본합의서는 남북 간 화해, 신뢰구축과 관계개선, 평화정착 등과 관련된 가장 포괄적인 내용들을 담고 있다. 남북기본합의서에는 서문에서 정치군사적 대결상태 해소, 긴장완화와 평화 보장, 다각적 교류·협력 실현 등을 담았으며, 제1장 남북화해의 장에서 체제 인정·존중, 내부불간섭, 비방·중상 중지, 파괴·전복 행위 금지, 정전상태의 공고한 평화 상태로의 전환, 평화상태가 이룩될 때까지 군사정전협정 준수 등에 합의하였다. 제2장 남북불가침 장에서는 무력 사용 및 무력 침략 금지, 정전협정에 규정된 군사분계선과 쌍방 관할 구역의 유지, 군사적 신뢰조성과 군축 협의·추진 등을 담았다. 그리고 제3장 교류·협력의 장에서는 경제교류·협력, 경제 이외의 여러 분야에서 교류·협력, 자유 왕래와 접촉, 이산가족 서신왕래와 상봉, 철도·도로 연결 및 항로 개설, 국제무대에서의 협력 등을 담았다.

이러한 합의를 이행하기 위해 분과위원회와 공동위원회 등이 구성되었으나, 실천에 이르지 못하고 남북기본합의서는 사실상 무용지물이 되었다. 그렇다고 하여 남북기본합의서에 담긴 관계개선과 신뢰구축, 평화정착과 관련한 부분들이 추진되지 않은 것은 아니다. 그 이후 역대 한국 정부는 대북정책 구상에서 신뢰구축, 평화공존, 평화정착, 평화체제 등 평화의 문제를 대북정책의 목표, 추진전략, 추진기조 또는 추진과제로 제시하였다. 또 국가안보목표 차원에서 평화의 문제가 제시되었다.

김영삼 정부는 통일정책과 관련 국민합의를 강조하였다. 김영삼 대통령은 취임사에서 '감상적 통일 지상주의'를 배격해야 하며, 통일에 대한

10) 위의 책, pp. 76~87.

국민적 합의가 필요하다면서 북한에 대해 “서로 협력할 자세를” 갖추자고 제안하였다. 그리고 “어느 동맹국도 민족보다 더 나올 수는 없다”고 강조했다.¹¹⁾ 김영삼 정부는 ‘접촉을 통한 변화’를 기조로 삼았다. 통일이 현실로 다가오고 있다면서 “실제적 가능성 속에서 통일을 논의하고 준비“해야 한다고 주장하기도 하였다.¹²⁾

그러나 북한이 핵확산금지조약(NPT) 탈퇴를 선언하고 ‘서울 불바다’ ‘전쟁 불사’ 등의 발언으로 남한을 위협하면서 김영삼 정부의 대북접근은 초기의 입장과는 다르게 나타났다. 김영삼 대통령의 대북인식은 곧 “핵무기를 갖고 있는 상대와는 결코 악수할 수 없다”는 인식으로 바뀌었다.¹³⁾ 김영삼 정부에서부터 북핵 문제는 남북관계에 압도적 영향을 미치기 시작했다. 교류·협력이 꾸준히 증대되었으나 남북관계에서 신뢰를 쌓아가기 어려운 상황이 전개되었다.

김대중 정부는 통일보다는 남북관계 개선에 역점을 두는 ‘햇볕정책’을 내세웠다. 취임사에서 김대중 대통령은 “남북관계는 화해와 협력, 그리고 평화정착에 토대를 두고 발전시켜 나갈 것”이라고 강조했다.¹⁴⁾ 따라서 정책목표는 “평화·화해·협력의 실현을 통한 남북관계 개선”으로 제시되었다. 노선이 특별히 달라진 것은 없으나 ‘햇볕정책’은 북한을 보다 긍정적으로 이해하는 방향으로 설정되었다. 정책 3원칙으로는 무력도발 불용, 흡수통일 배제, 가능한 분야부터 남북화해·협력 적극 추진 등을 내세웠다. 그리고 안보와 협력의 병행 추진, 평화 공존과 평화 교류의 우선 실현, 북한의 변화 여건 조성, 남북 간 상호 이익의 도모, 남북 당사자 해결 원칙하에 국제적 지지 확보, 국민적 합의에 기초한 대북정책 추진을 추진

11) 김영삼 대통령 취임사, “우리 다함께 신한국으로”(1993. 2. 25), 통일원, 『통일백서』 (서울: 통일원, 1993), p. 239.

12) 위의 책, pp. 20~22.

13) “대통령 취임 100일 기자회견”, 1993. 6. 3.

14) 통일부, 『통일백서』 (서울: 통일부, 1999), p. 35.

기조로 설정했다.¹⁵⁾ 또한 상호주의를 핵심 전략으로 채택했다. 정책 추진 방향으로 남북기본합의서 이행·실천, 정경분리 원칙에 입각한 경제협력 활성화, 이산가족문제 우선 해결, 대북지원, 한반도 평화환경 조성 등이 강조되었다.

동시에 김대중 정부는 국가 안보 목표로 ① 한반도에서의 전쟁 억제와 항구적인 평화체제의 구축, ② 남북관계 개선과 평화공존관계 정착 및 통일기반 조성, ③ 과감한 구조개혁을 통한 국가경쟁력 회복과 경제 재도약을 설정하였다. 국가 안보전략 기조로는 ① 확고한 안보태세를 통한 전쟁 억제와 냉전대결 구조 해체를 통한 한반도 안정과 평화기반의 공고화, ② 남북관계 개선과 평화공존관계 구축, ③ 국가의 안정 보장과 번영 및 발전의 도모를 제시하였다.¹⁶⁾

그러나 김대중 정부는 시간이 지나면서 상호주의 원칙을 버리고 교류·협력 우선주의로 정책을 변경하였다. 남북정상회담이 열린 이후로는 남북기본합의서 이행·실천이 6.15공동선언의 이행으로 축소되었다. 다양한 분야에서 인적, 물적 교류가 확대되었으나, 무력도발 불용의 원칙과 안보와 협력의 병행 추진 전략은 그 의미가 역시 축소되었다. 임기 중반 이후의 선공후득(先供後得)에 입각한 남북 교류·협력 중심의 정책 추진은 실질적인 신뢰의 조성을 통한 남북관계 개선과 평화공존관계의 정착을 실현하기에는 충분하지 않았다. 북한은 약속 불이행을 다반사로 저지르고 핵무기 개발과 미사일 개발을 지속하였다.

노무현 정부는 한반도가 북핵 문제로 인해 갈등과 분쟁으로 점철됐다고 하면서 대북정책은 남북관계 수준을 넘어 동북아지역의 평화와 공동번영의 문제로 접근해야 한다고 보았다.¹⁷⁾ 탈냉전의 흐름과 남북정상회담

15) 위의 책, pp. 35~42.

16) 국방부, 『국방백서』 (서울: 국방부, 1998), p. 51.

17) 통일부, 『참여정부의 평화변영정책』 (서울: 통일부, 2003), p. 5.

등으로 한반도에 평화정착의 기회가 찾아왔다면서 북핵문제의 평화적 해결과 이에 토대한 남북 간 실질협력 증진, 군사적 신뢰 구축 실현을 통한 한반도 평화증진을 목표로 내세웠다. 또 남북 공동번영과 동북아 공동번영의 동시 추구를 목표로 삼았다. 상호 신뢰 우선과 호혜주의를 추진원칙의 하나로 내세웠다. 국가안보목표로는 ① 한반도의 평화와 안정, ② 남북한과 동북아의 공동번영, ③ 국민생활의 안전 확보로 설정하였다. ‘한반도의 평화와 안정’은 확고한 안보태세 확립, 잠재적 위협에 대한 대응능력 구비, 한반도 평화체제 구축을 통한 항구적 평화 보장을 추구하려는 것이다. 그리고 네 가지의 전략기조 중 첫째로 한반도 평화정착과 남북한 공동번영 추구를 통한 평화통일 기반의 조성, 동북아 공존·공영의 토대 마련을 제시하였다.¹⁸⁾

노무현 정부는 남북관계를 화해·협력 모색기(1998~1999) → 화해·협력 진전기(2000~2004) → 화해·협력 정착기(2005~)로 평가하였다.¹⁹⁾ 첫 남북정상회담 이후 증대된 교류협력 상황을 화해·협력의 진전과 정착으로 보았다. 그러나 북한이 2006년 9월 핵실험을 단행함으로써 노무현 정부의 정책은 커다란 비판에 직면하였다. 북한의 핵실험 직후 노 대통령이 “포용정책에 효용성이 더 있다고 주장하기도 어렵지 않겠는가.”라는 입장을 보이기도 하였으나, 대북지원을 통한 남북관계 개선 우선 정책이 변경되지 않았다. 이러한 배경에는 ‘북한 이해하기’의 인식이 전제되어 있었다. 따라서 북한에 대해 많은 물질적 지원과 협력을 제공하였다. 결국 북한에 대한 식량과 비료 지원에 대해 한국 사회에서 ‘퍼주기’ 논란이 대두되었다. 결국 상호 신뢰 우선과 호혜주의에 입각한 실질적 협력 증진, 군사적 신뢰 구축 실현을 통한 한반도 평화증진 등의 목표를 달성하지 못했다. 북한의 핵실험으로 북핵문제의 평화적 해결에도 실패하였다.

18) 국방부, 『2006 국방백서』 (서울: 국방부, 2006), pp. 27~28.

19) 통일부, “2006년 업무추진계획,” 2006. 3.

이명박 정부는 김대중 정부와 노무현 정부 기간 동안 나타난 남북관계의 외형적 성장이 질적 발전을 이끌어내지 못했다고 보았다. 한국의 지원과 협력에 상응하는 북한의 변화를 끌어내지 못했다고 평가했다. 북한이 선군정치를 고수하고, 개방과 변화에 나서지 않으며, 남북 간 긴장완화와 신뢰구축이 제대로 이루어지지 않았다는 것이다. 또 북핵문제가 최우선 과제로 다루어지지 않았으며, 두 정부 아래서의 대북정책에 대한 국민의 우려와 비판이 증가했다고 평가했다.²⁰⁾ 이에 따라 남북관계를 실용과 생산성의 기준에 따른 성과를 내도록 추진하고 원칙에 철저할 것을 강조하였다. 중점 추진과제로는 진정성 있는 남북대화, 한반도 평화정착, 상생과 호혜의 남북경협, 사회·문화 교류 활성화, 인도적 문제 해결 등을 제시하였다.²¹⁾ 이명박 정부는 소위 ‘원칙 있는 남북관계 발전’ 추구 노선을 견지하였으며, 정책목표는 ‘비핵·개방·3000 구상’으로 상징되었다.

국가안보전략으로 이명박 정부는 ① 한반도의 안정과 평화 유지, ② 국민안전 보장 및 국가번영 기반 구축, ③ 국제적 역량 및 위상 제고로 설정하고, 그 기초의 하나로 새로운 평화구조 창출을 제시하였다. ‘새로운 평화구조 창출’이란 남북관계의 미래지향적 발전, 한미 간 공통의 가치와 신뢰를 바탕으로 한반도 평화정착과 지역안정 및 세계평화에 기여하는 ‘21세기 전략동맹’ 추진, 그리고 주변국들과 긴밀한 협력관계 구축 등이다.²²⁾ 세부과제로 군사적 신뢰구축 및 군비통제 추진을 제시하였다.²³⁾

이명박 정부는 스스로의 정책을 “원칙을 바탕으로 유연한 대북정책을 통해 남북관계를 정상적으로 발전시켜 나가고자 노력하였다”고 하면서, 그러나 “북한이 남북대화를 거부하고 강경조치를 지속하면서 남북관계를 악화시켰(다)”고 평가하였다.²⁴⁾ 결국 북한이 근본적인 태도를 바꾸지

20) 통일연구원, 『이명박정부 대북정책은 이렇습니다』 (서울: 통일연구원, 2008), p. 9.

21) 위의 책, pp. 18~33.

22) 국방부, 『2008 국방백서』 (서울: 국방부, 2009), pp. 34~35.

23) 위의 책, pp. 118~125.

않았기 때문에 남북관계에서 실질적인 성과를 거두지 못하고 남북관계가 악화되었다고 북한에 모든 원인을 돌렸다. 금강산 관광객 피격 사망, 천안함 폭침, 연평도 포격 등 북한의 공세가 간단없이 지속되었으며 이러한 요인들이 남북관계의 악화에 영향을 미친 것은 사실이나 남북관계의 퇴보를 어느 일방의 잘못으로만 돌릴 수는 없다. 이명박 정부의 정책에서는 전략적 유연성을 찾을 수 없었다.

박근혜 정부의 대북정책은 크게 두 가지의 평가에 토대를 두고 있다.²⁵⁾ 첫째, 남북관계가 “북한의 도발 → 위기 → 타협 → 보상 → 도발의 악순환” 반복에 따라서 불안정한 평화와 대결구도에서 빠져나오지 못한다는 것이다. 둘째, 북핵문제 등 한반도 안보위기에 근본적 해결이 필요하다는 것이다. 따라서 북한을 국제사회의 책임있는 일원으로 견인하고, 남북 간 및 북한과 국제사회 간 신뢰 형성을 토대로 북핵문제의 근원적 해결을 추진하며, 지난 정부 정책의 장점을 수용하면서 통합적인 접근을 모색해야 한다는 것이다. 남북관계 발전과 한반도 평화정착, 그리고 통일 기반 구축이 3대 정책목표로 설정되었다. 1970년대 박정희 대통령이 평화통일 기반조성, 남북관계 개선, 평화정착 등을 제기한 것과 비교하면 흥미롭다.

국가안보목표로는 ① 영토·주권 수호와 국민안전 확보, ② 한반도 평화 정착과 통일시대 준비, ③ 동북아 협력 증진과 세계 평화·발전에 기여 등으로 설정하였다. ‘한반도 평화정착과 통일시대 준비’란 남북 간 신뢰구축을 통한 한반도 평화정착과 통일시대의 준비를 말한다. 여기에는 북핵문제의 평화적 해결에 최선 경주, 남북관계 정상화 및 발전 노력, 통일의 적극적 추진이 포함된다. 국가안보전략 기조로는 튼튼한 안보태세 구축, 한반도 신뢰프로세스 추진, 신뢰외교 전개를 제시하였다.²⁶⁾ 그리고

24) 통일부, 『대북정책 이렇게 해왔습니다』 (서울: 통일부, 2012), p. 10.

25) 통일부, 『한반도 신뢰프로세스』 (서울: 통일부, 2013), p. 7.

한반도 신뢰프로세스를 통한 남북관계 발전의 과제 중 하나로 ‘지속가능한 한반도 평화정착’을 제시하고, 군사적 신뢰구축 및 실질적인 군비통제 추진과 ‘DMZ 세계평화공원’ 조성을 세부 과제로 설정하였다.²⁷⁾

이상에서 살펴본 바와 같이 1970년대 이후 역대 한국 정부는 남북관계 개선, 남북 간 신뢰회복, 신뢰조성, 평화공존, 평화정착, 교류와 협력 등 신뢰형성과 남북관계 개선, 그리고 평화정착의 문제를 지속적으로 제기하여왔다. 그러나 앞서 지적한 바와 같이 남북관계는 여전히 신뢰의 결여와 대립·갈등의 구조를 특징으로 한다. 박근혜 정부가 “대화와 교류협력 중심의 포용정책과 원칙 중심의 대북정책 모두 북한의 의미있는 변화를 이끌어내지 못했다”²⁸⁾는 평가를 대북정책 추진의 배경으로 들고, “신뢰를 바탕으로 북한의 변화를 이끌어 내겠다”는 것은 이를 반영한다.²⁹⁾

III. 남북관계와 한반도 평화문제에 대한 북한의 정책

남북관계와 한반도 평화문제와 관련한 북한의 주장은 정전협정 체결 이후 지금까지 거의 변하지 않았다. 북한은 기본적으로 남북관계(북남관계)라는 말이 “외세에 의한 민족분열의 비극에 의한 것”이며 “외세에 의하여 강요된 비극을 외세에 의거하여 해결하려” 하는 것은 어리석은 짓이라고 주장한다.³⁰⁾ 한국(남조선)은 미 제국주의가 강점하고 있으며, 북한에 대한 지배 야망을 실현하기 위하여 “남조선의 반통일세력을 부추

26) 국가안보실, 『희망의 새 시대 국가안보전략』 (서울: 국가안보실, 2014), pp. 15-22.

27) 위의 책, pp. 68~70.

28) 통일부, 『한반도 신뢰프로세스』, p. 7.

29) 국가안보실, 『희망의 새 시대 국가안보전략』, p. 19.

30) 윤금철·한남철, 『조국통일3대헌장과 우리 민족의 과제』 (평양: 평양출판사, 2010), p. 129.

겨 북남대결을 적극 조장하여”왔다는 것이다. 또 한국은 미국의 대조선 적대시 정책을 앞장서 수행하고 있다고 본다.³¹⁾

북한은 미국이 냉전이 종식되고 국제적 환경이 변화된 상황에서도 남한에 대한 ‘강점’을 지속하고 있다면서, 한반도와 동북아시아 지역의 정세불안정의 근본원인이라고 주장한다.³²⁾ 즉, 미국은 한반도에서 분단 구조 지속과 남북관계 발전을 가로막고 있는 근본적 장애물로 인식되고 있다.

북한 또한 남북관계 개선을 위해서는 “북과 남 사이에 불신과 대결의 상태를 해소하고 호상신뢰와 화해의 분위기를 조성하여야 한다.”고 주장하고 있다. 그런데 북한은 남한의 보수집권세력이 “반공화국대결을 정책화”하고 남한의 군부가 북한을 ‘주적’으로 보는 적대정책을 추진하고 있기 때문에 남북관계 개선이 이루어지지 않고 있다고 주장하고 있다.³³⁾ 제1차 남북정상회담 이후 북한은 6.15공동선언과 10.4선언의 이행을 줄 곳 주장하고 있다. 그런데 그 기반은 이른바 조국통일 3대헌장에 두어야 한다는 것이다. 조국통일 3대 헌장은, ① 자주, 평화, 민족대단결의 조국통일 3대원칙, ② 고려민주연방공화국 창립방안(고려연방제), 그리고 ③ 조국통일을 위한 전민족대단결 10대 강령을 말한다.

북한이 주장하는 자주는 주한미군 철수이며, 평화는 한·미 군사연습 중단이며, 민족대단결은 남한 사회에서 국가보안법 철폐, 공산당을 옹호하는 활동의 자유로운 허용 등을 말한다.³⁴⁾ ‘고려연방제’의 핵심은 남북한의 사상과 제도를 그대로 둔 상태에서 국가라는 모자를 씌움으로써 “하나의 민족, 하나의 국가, 두 개 제도, 두 개 정부”의 통일국가를 성립시키자는 것이다. 전민족대단결 10대 강령은 “현존하는 두 제도, 두 정부를 그대로

31) “조선민주주의인민공화국 국방위원회 정책국 대변인 담화”, 2014. 9. 27.

32) “조선민주주의인민공화국 외무성 군축 및 평화연구소 대변인 담화”, 2014. 9. 5.

33) 윤금철·한남철, 앞의 책, pp. 132~139.

34) 위의 책, pp. 46~54.

두고 각당, 각파, 각계각층의 모든 민족 구성원들을 대표할 수 있는 범민족 통일국가를 창립” 하려는 것으로³⁵⁾ 북한의 통일전선전술의 전형적인 투영이라고 할 수 있다.

북한은 박근혜 정부 출범 이후 한국 정부의 정책에 대해 ‘흡수통일’을 목적으로 하고 있다고 격렬하게 비난하고 있다. 한반도 신뢰프로세스는 “체제통일의 각본”이며, ‘드레스덴 선언’은 “체제통일에 대한 공공연한 선언”이라는 것이다.³⁶⁾ 북한은 한국의 노태우 정부가 북방정책을 추진할 때부터 한국이 흡수통일을 의도하고 있다는 비난을 시작했다. 통일부의 한 분석 자료에 따르면, 노동신문에 출현한 ‘흡수통일’ 비난 빈도는 노태우 정부 기간 71회, 김영삼 정부 기간 57회, 김대중 정부 기간 16회, 노무현 정부 기간 29회, 이명박 정부 기간 91회로 분석되었다.³⁷⁾ 보수정부의 기간 동안에 더 많으나, 북한과의 교류협력을 강조했던 진보정부 기간 동안에도 그러한 입장을 변경하지는 않았다. 박근혜 정부에 들어서 ‘흡수통일을 의도하고 있다는 비난의 빈도가 크게 증가하고 있다. 한국 정부의 정책을 이렇게 인식한다면, 남북 간의 “호상신뢰와 화해의 분위기를 조성”해야 한다는 북한의 주장은 한국 정부의 정책 전환을 주장하는 것으로 볼 수 있다.

한편 평화문제와 관련 북한은 주한미군 철수, 북·미 평화협정 체결, 미국의 대북 적대시 정책 철폐 등을 일관되게 주장하고 있다. 북한은 본질적으로 한반도에서 안보·평화문제는 미국과 해결해야 한다는 입장을 유지해왔다. 북한은 미국이 대북 적대시 정책을 취하고 북한의 사회주의체제를 말살하려 하기 때문에 정전협정 체제를 평화협정 체제로 전환할 의사가 없다고 본다. 미국이 이념과 제도가 다른 대부분의 나라와 외교관

35) 김태영, 『애국애족의 통일방안』 (평양: 평양출판사, 2001), p. 97.

36) 『노동신문』, 2013. 6. 2, 2014. 4. 3.

37) “‘흡수통일’ 관련 북한의 주장”, 통일부 분석자료, 2014. 5.

계를 수립했음에도 북한과의 외교관계 수립을 거부하는 것이 그 증거라고 주장한다. “현재 유엔 성원국의 86%를 차지하는 166개 나라가 공화국과 외교관계를 수립하였음에도 불구하고 미국만은 의연히 공화국을 국제사회에서 공존할 상대로 여기기를 거부하고 있다”는 것이다.³⁸⁾ 사실 북한은 유엔회원국 193개국 중 미국과 외교관계가 없는 극소수 중의 하나이다.

미국이 북·미 평화협정 체결을 주장하는 이유는 기본적으로 주한미군의 존재와 연관되지만, 한국이 군사적 자주권이 없다고 보는 데도 원인이 있다. 북한은 북·미 평화협정 체결을 주장하면서 1980년대에는 북·미 회담에 남한의 참여를 제안하기도 하고, 1990년대에는 한국과는 남북기본합의서에 따라 불가침에 합의했으므로 미국과 새로운 평화보장체계를 수립할 것을 제안하기도 하였다. 또 1996년 4월 한·미가 새로운 항구적 평화체제의 구축은 남북한이 주도해야 한다는 입장에서 제안한 남한, 북한, 미국, 중국이 참여하는 4자회담에 마지못해 참여하기도 하였다. 4자회담은 1997년 12월부터 1999년 8월까지 여섯 차례 개최되었다. 이 회담에서도 북한의 북·미 평화협정 체결 주장과 주한미군 철수, 한미합동군사 연습 중지 등의 주장은 견지되었다. 한반도 평화를 저해하는 본질적 문제를 우선 해결하지는 것이었다.

제2차 북핵문제가 등장한 이후 이의 해결을 위해 구성된 6자회담이 진행되는 과정에서는 북한은 정전상태에서는 핵포기가 불가능하며, 평화체제가 구축되어야 미국의 대북 적대시 정책이 포기된 것으로 인정할 수 있다는 입장을 보여주었다. 또 북한은 평화체제 수립은 한반도 비핵화의 실현을 위해 반드시 거쳐야 할 노정이라는 입장을 견지하고 있다.³⁹⁾

냉전체제 종식 이후 북한은 사회주의진영 몰락의 영향이 북한에 파급되는 것을 방지하는 것이 무엇보다 중요했다. 1990년대 북한은 체제의

38) 조선중앙통신, 『조선인권연구협회 보고서』, 2014. 9. 13.

39) “조선민주주의인민공화국 외무성 담화”, 2005. 7. 22.

생존이 최우선이었다. 남북기본합의서를 산출한 남북고위급회담에의 호응은 체제 방어적 목적이었다. 북한은 ‘누가 먹고 먹히는 방식의 통일’이라는 흡수통일에 대한 우려를 가지고 있었다. 남북교류의 물꼬가 터진 이후 전개된 남북관계는 기본적으로 정치군사적 관계 개선보다는 경제사회적 거래의 확대를 통한 실리의 확보에 있었다. 김정일은 ‘선군정치’라는 위기 관리 기제를 동원했다. 동시에 군사안보적 차원에서 핵무기 개발과 미사일 개발을 체제생존의 전략이자 수단으로 삼았다. 북한은 핵무기의 개발이 체제 방어를 위한 ‘불가피한 선택’이었다고 주장한다. 사실 북한에게 핵무기는 체제 방어는 물론 정권과 김일성 가계에 의한 유일지배 독재체제의 보전·유지를 위한 유력한 수단이다. 북한은 미국의 핵위협 때문에 북한이 결국 핵을 보유하게 되었다고 주장한다. 북한은 핵을 통해 미국과 대화통로를 열고 관계 개선을 위한 접근을 모색하였다. 또 핵무기의 개발로 미국과의 대화 통로를 유지하고 있다.

북한은 1970년대에는 미국과의 평화협정 체결을 통해 한반도에서 자신의 우월적 위치를 차지하려고 의도했다면, 1990년대 이후에는 미국과의 평화협정 체결을 체제 방어의 기제로 인식하고 있는 것으로 평가된다. 1990년대에 미국과의 핵협상 과정에서 북한은 평화협정 체결, 새로운 평화보장 체계의 수립을 주장하였다. 북한에게 미국과의 관계 개선은 체제 유지의 유효한 수단으로 간주되었으나, 미국에게 북한과의 관계 개선은 핵문제의 해결을 위한 수단이었으며 관계 정상화는 완전 해결 이후의 문제였다. 북핵문제의 해결이 실패하고 북한이 핵보유국이 된 상황에서 한반도 평화체제 구축의 관점에서 본 공고한 평화정착 문제는 핵문제 해결 이후의 문제로 보아서는 안 된다.

IV. 남북관계의 이론적 분석: 신뢰 구축의 방향

1. 역대 정부 대북 정책의 이론적 평가

2010년 5.24 조치 이후 남북관계의 교착상태가 지속되고 있으나, 남북 관계가 완전히 단절되지는 않았다. 그렇다고 해서 1990년대 이후 이루어졌던 남북관계의 양적인 증가가 남북관계의 본질을 바꾸지도 못했다. 교역과 왕래의 성격이 쌍방 지향적이기보다는 여전히 일방주의적이며, 남북 간의 신뢰가 형성되지 않았기 때문이다. 그 근본적인 원인은 체제의 성격에서 비롯되는 상대방에 대한 인식과 정책의 차이 때문이다.

남한은 산업화의 단계를 거쳐 민주화를 달성했다. 경제성장에 기반을 둔 민주화는 냉전시기와는 달리 북한에 대해서도 수용적이며 전향적인 정책을 선택하게 하였다. 그러나 북한의 경우 체제의 본질과 정권의 속성이 변하지 않음에 따라서 남한 자체를 전향적 또는 수용적으로 인식하기보다는 환경과 상황의 변화를 수용하는 정책을 때때로 선택하였다. 그러면서도 전통적인 대남정책의 일관성을 유지하여 왔다.

1970년대 이래 한국 정부의 통일정책과 그 하위 정책으로서 대북정책은 형식적인 측면에서는 기능주의 논리의 기반위에 있다. 남북한이 첨예한 대결과 경쟁을 벌이고 있는 상태에서는 상호 간의 갈등이 상대적으로 적은 분야에서부터 관계를 맺어 확산시켜나가자는 정책이었다. 이러한 정책은 1988년 '7.7선언'으로 본격적으로 전개되었다. 그러나 1990년대 초 발생한 북핵문제는 지금까지 남북관계를 지배해오고 있으며, 역대 한국 정부는 이 문제의 해결을 정책의 최우선 순위에 두었다. 그러나 북핵문제는 오히려 더 악화되었다.

노태우 정부의 대북접근정책은 탈냉전의 국제적인 환경변화와 맞물리면서 북한을 남북대화의 장으로 유도하였다. 남북기본합의서는 지금까지 남북한 사이에 이루어진 가장 포괄적인 합의서이다. 남북기본합의서와

그에 기반을 둔 각종 남북 기구의 구성 및 가동을 추진한 것은 신기능주의적 접근이었다. 그러나 남북기본합의서와 활성화된 남북회담이 남북관계의 지속성을 보장하지는 않았다.

김영삼 정부의 민족공동체 통일방안은 화해·협력단계 → 남북연합단계 → 통일국가단계의 3단계 통일구도이다. 화해·협력단계는 남북 간의 적대와 불신을 줄이기 위해 상호협력의 장을 열어 가는 단계이며, 남북연합단계는 교류·협력이 더욱 촉진되고 평화가 제도적으로 보장되는 단계로서 남북합의에 따라 법적·제도적 장치가 체계화되어 남북연합 기구들이 창설·운영된다. 통일국가 단계는 1민족 1국가의 제도로써 남북한이 하나의 국가로 통합되는 정치통합을 이루어 통일을 완성하는 단계다. 남북연합단계는 화해·협력단계를 거쳐 성립하는 것으로 설정되어 있는데, 이는 초보적 수준의 정치적 통합 단계라 할 수 있는 남북연합단계가 충분한 교류·협력의 축적 과정을 통해 이를 수 있다는 기능주의적 접근 논리에 따른 것이다. 동시에 남북 간 거래의 증가가 동질성을 증대시켜 점차 통합으로 나갈 수 있다는 거래이론의 시각이 내재되어 있다.

김대중 정부의 ‘햇볕정책’의 기본구상은 북한이 체제에 대한 불안 없이 변화를 모색할 수 있도록 환경을 조성하기 위해서는 ‘포용’을 통해 북한 변화를 유도해야 하며, 이를 통해 남북관계를 개선하고 궁극적으로는 평화통일 기반을 조성하겠다는 정책이었다. 그러나 2000년 3월의 베를린 선언은 상호주의의 포기를 의미하였다. 결과적으로 김대중 정부 시기 남북관계에서 성과가 두드러진 부분은 대북지원과 남북경협이었다. ‘햇볕정책’이 수용한 ‘포용’(engagement)은 상응하는 관계를 확장시켜 나간다는 데 그 본질이 있었으나, ‘껴안기’(embracement)로 나타났다. ‘햇볕정책’은 한국의 대북정책에서 수용한 신기능주의적 접근을 기능주의적 접근으로 회귀한 것으로 평가할 수 있다. 이론적 측면에서 노무현 정부의 정책도 기본적으로는 기능주의적 접근으로 볼 수 있다. 그러나 기술적·경제적인 비정치적 영역의 경험을 정치적·군사적 영역으로 의도적으로 확장시키

려 구상했다는 점에서는 신기능주의적 접근을 가미한 것으로 평가된다.

이명박 정부의 대북정책은 교류·협력 중심의 정책과 북한에 대한 불균형적 인식에 대한 비판적 평가의 반영이었다고 볼 수 있다. 그러나 북한이라는 완고한 상대방에 대하여 원칙에 지나치게 경도되는 정책을 추진하는 경우 커다란 반작용을 유발할 수 있음을 경험하였다. 원칙에 철저히 하되 유연성을 발휘하겠다는 정책추진 기조는 실제에 있어서 적실성 있고 시의성 있게 반영되지 못했다. 북한이 국제사회의 보편적 행동 양식과 규범에 익숙하지 않다면 그러한 방향으로 유도하도록 정책적, 전략적 유연성을 때로 발휘할 필요가 있었다.

2. 남북 간 신뢰 구축의 방향: 신뢰 구축 이론의 적용

박근혜 정부는 ‘신뢰’를 국내정책과 대북정책의 핵심가치로 선택하였다. 대북정책에서 신뢰는 “튼튼한 안보를 바탕으로 남북 간 신뢰를 형성함으로써 남북관계를 발전시키고, 한반도에 평화를 정착시키며, 나아가 통일의 기반을 구축하려는 정책”으로 개념이 규정된 ‘한반도 신뢰프로세스’로 나타났다.⁴⁰⁾ 그러나 신뢰는 일방적으로 쌓을 수 있는 것이 아니다.

신뢰는 사회적 자본이자 국가 간 관계에서 협력적 행동양식을 가져오는 태도이자 가치이다. 신뢰에 관한 여러 접근과 이론 중에서 한 이론은, 신뢰는 “특정한 맥락에서 자신의 이익의 명운을 상대방의 통제 아래 기꺼이 두고자하는 의지를 포함하는 태도”라고 정의하고 있다. 이러한 의지는 “다소의 불확실성 속에서도 신뢰를 의탁 받은 타방이 자신의 이익을 어느 정도 희생하더라도 신뢰를 의탁한 일방의 이익을 보호해줄 것이라는 믿음에 기반한다.”⁴¹⁾ 결국 국가 간 관계에서 신뢰는 두 상대방이 서로

40) 통일부, 『한반도 신뢰프로세스』, p. 6.

41) Aaron M. Hoffman, *Building Trust: Overcoming Suspicion in International Conflict* (Albany: State University of New York Press, 2006), p. 17.

자신의 이익이 어느 정도는 손해 볼 수 있다는 것을 알고 그것을 받아들일 수 있는 자세로 상대방에게 접근하고 행동할 때 쌓이기 시작할 수 있다. 적대적 상대방 간의 신뢰 축적의 시작은 어느 일방만의 변화만을 강요해서는 안 되는 것이다. 국가 간의 관계개선을 위해서는 신뢰하는 관계가 구축되어야 한다. 그런데 신뢰하는 관계의 구축은 일국의 “지도자가 상대방이 신뢰할만하다는 믿음의 토대 위에서 자국의 이익에 대한 통제를 위임하는 정책을 만들 때 발전”할 수 있다.⁴²⁾

대립과 갈등, 적대관계에 있는 남북한이 이처럼 상대방을 신뢰할만하다고 믿고, 신뢰하는 관계를 만들어 신뢰를 구축하는 일은 결코 용이한 일이 아니다. 남한은 남한대로 북한의 정책과 행동과 태도를 믿지 못하며, 북한은 북한대로 남한의 정책과 행동과 태도를 믿지 못한다. 남북 간 신뢰의 결여는 남한과 북한이 각각의 의지를 실현하고자 하는 정책을 상대방에 대한 ‘진지한 고려’ 없이 추진했기 때문이다. 위에서 논의한 국가 간 신뢰에 관한 한 이론을 적용하자면, 남북한이 서로 자신의 이익을 어느 정도 손해 볼 수 있다는 점을 기꺼이 알면서 수용하고 상대방에게 자신의 정책에 대한 어느 정도의 통제를 허용할 수 있을 때 상대방을 신뢰할 수 있다는 믿음이 생길 수 있으며, 이를 토대로 신뢰하는 관계를 구축하여 신뢰를 쌓아 나갈 수 있다. 이러한 신뢰구축의 방향을 다음과 같이 제시한다.⁴³⁾

첫째, 남북 간 신뢰의 구축은 한반도 신뢰프로세스 구상의 기본 문제인 식과 접근의 토대이자 핵심과제인 남과 북이 약속을 지키는 것이다. 적대적 상대방 간의 관계 개선은 상대방에 대한 불신이 지속하는 상황에서도

42) Aaron M. Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, p. 17.

43) 이하의 논지는 필자의 줄고, “박근혜정부의 대북정책: 한반도 신뢰프로세스와 정책 추진 방향,” 『통일정책연구』, 제22권 1호 (2013. 6. 30)에서 제기되었으며, 여기에서는 다소 수정·보완하였다.

합의한 작은 약속의 이행으로부터 출발한다. 사회적 관계에서 신뢰구축은 행위자 간 상호 행위가 정상적인 것으로 인식되고 그러한 정상적인 것의 지속적인 재생산을 통해 만들어질 수 있으며, 그러한 행위의 반복과 재확인을 통해 ‘우리’라는 인식이 쌓여나가야 한다.⁴⁴⁾ 이러한 논리는 폭력적 갈등으로 대치하고 있는 국가 간 관계에도 적용할 수 있다.

남북관계에 상대방에 대한 근본적 불신이 내재하고 있고 거래 행위에서도 상대방의 행위와 의도에 대해 불신을 버리지 못하고 있는 상황에서 거래 행위, 즉 약속이나 합의의 이행이 반복적으로 나타나고 그러한 행위가 정상적인 것으로 인식이 되고 확인·재확인되는 과정이 신뢰를 구축하는 과정이다. 약속의 이행을 통해 신뢰하는 관계를 형성하면 그 관계를 통하여 신뢰의 누적 상황을 만들어 갈 수 있다. 이러한 과정의 지속은 신뢰하는 관계의 제도화를 이룸으로써 상대방에게 기꺼이 나의 이익에 대한 통제를 믿음을 갖고 위탁할 수 있게 되는 것이다. 실천적 차원에서 7.4공동성명, 남북기본합의서, 6.15공동선언, 10.4선언 등 그동안 남북 간에 이루어졌던 합의들의 기본 정신이 존중되고, 이를 실천하겠다는 의지의 재확인이 필요하다. 남북한이 자신만의 의제가 아니라 상대방의 의제도 충분히 협의하고 서로의 이익을 어느 정도 손해를 보면서 상대방의 이익을 수용할 수 있다는 열린 자세를 가지고 대화를 재개하고, 실질적 협상을 추진하여 세부 사항들을 상황 변화에 맞게 조정·실천해나가면 남북관계의 정상화를 향한 길을 찾아갈 수 있을 것이다.

둘째, 남북한은 신뢰를 쌓아나가기 위한 계기와 명분이 필요하다. 남한의 입장에서는 자신의 정책에 대하여 북한을 어떻게 이해시켜 긍정적인 호응을 유발하여 그 정책을 실천할 수 있는가의 문제다. 만약 적대감과 불신이 어느 일방보다 타방이 더 크다면, 상대적으로 불신이 적은 일방이

44) Jan Philipp Reemtsma, *Trust and Violence* (Princeton: Princeton University Press, 2012), p. 27.

신뢰를 쌓는 과정을 먼저 시작하는 것이 합리적이다.⁴⁵⁾ 또 먼저 화해조치를 취하는 것이 신뢰를 증대시키고 상대방에게 무엇인가 줄 수 있다는 것을 보여줄 수 있다. 다만 이런 경우 화해조치가 상대방으로 하여금 일시적인 계략으로 인식되지 않고 적대적 관계를 바꾸고자 하는 진정성이 있는 것으로 인식되어야 한다.⁴⁶⁾ 반면에 신뢰를 쌓아가기 위해 먼저 선의의 조치를 취하는 일방에 대해 상대방이 계속 호혜적인 조치를 취하지 않으면 상호간의 인지적 적응이 수반되지 않는다. 우리는 그동안의 남북관계에서 바로 이러한 상황을 경험하였다.

따라서 남북 간의 신뢰를 쌓아가는 방안은 어느 일방의 선의가 상대방에게 이용당한다는 인식을 최소화하도록 행위의 의도를 명백히 하고 상대방이 호혜적인 반응을 보이도록 명분을 쌓는 것이다. 적대적 상대방 간에 어느 일방의 제안이나 정책이 상대방에게 '정상적인 조치(상황)'으로 인식되거나 최소한 자신의 이익을 침해하는 '비정상적인 조치(상황)'라는 인식이 적다고 인식이 될 때, 의구심을 가지면서도 반응을 하게 될 것이다. 이러한 점에서 정치적 상황과 구분하여 북한 주민의 열악한 삶을 개선해 주기 위한 대북 인도적 지원을 투명성 있게 지속적으로 추진해나가는 것은 관계 개선을 위한 진정성을 보여주는 하나의 방법이 될 수 있다.

셋째, 신뢰의 구축을 지속적인 과정으로 만들기 위해서는 남북한이 상호 공존과 안전보장에 대한 확신을 가지도록 해야 한다.⁴⁷⁾ 남한은 북한의 군사적 위협을 경계하며, 그러한 점에서 북한도 미국의 '적대시 정책' 철폐를 내세우는 한·미의 군사적 위협을 강조하고 있다. 상호 군사

45) Dean G. Pruitt, "Strategy in Negotiation," Victor A. Kremenyuk, ed. *International Negotiation: Analysis, Approaches, Issues* (San Francisco, CA: Jossey-Bass Publishers, 1991), p. 88.

46) Dean G. Pruitt, "Strategy in Negotiation," p. 88.

47) 박영호, "김정은의 북한과 남북관계 발전을 위한 과제" (사)코리아정책연구원 주최 '새로운 남북관계를 위한 해법 I' 주제 학술회의 발표논문, 대한상공회의소 의원회의실 (2012. 9. 19), p. 13.

적 위협에 대한 의구심이 크게 완화되지 않는 한 교류와 협력이 안정적으로 정착되기도 어렵고 진정한 관계 구축을 하기도 어렵다. 안보에 대한 확신이 없으면 상대방과의 협력관계에 임하지 않는 것이 과거 냉전체제 아래서의 동서관계의 가장 큰 특징이다. '정상적인 남북관계'를 만들어가기 위한 신뢰의 구축을 위해서는 북한 지도부가 체제생존과 정권안보에 어느 정도의 자신감을 가지고 남한과 직접적으로 평화문제를 논의할 수 있도록 해야 한다. 한 국가가 자국의 구조적 조건이 안정화될 경우, 거래 상대방과의 상호작용의 지속성과 빈도를 증진시킬 가능성을 높인다. 오래전부터 남한은 북한의 대미·일관계 정상화 과정을 지원하겠다는 입장을 보여 왔다. 이러한 입장을 구체적인 실천의 행동으로 보여줄 필요가 있다. 북한의 대미·일관계 개선 및 정상화는 북한의 체제유지와 정권안보에 대한 우려를 불식시켜 주는 수단이자 북한을 국제사회의 합리적 일원으로 견인하는 방법이다. 북한의 체제유지와 정권안보에 대한 안정감의 회복은 대남관계에서의 정책변화를 억제하는 측면도 있으나, 남북 간 경제·사회문화 협력관계의 확대와 북한의 미·일 및 여타 서방국가와의 거래관계 확대는 군사적 차원의 대남 적대전략을 제한하는 요인이 되며, 따라서 조심스런 개방·개혁을 위한 다양한 차원의 남북대화를 촉진하는 요인이 될 수 있다. 이러한 점에서 남북관계를 유엔회원국으로서의 국가성을 인정한 관계로 운영할 필요가 있다. 이러한 관계가 통일을 포기하는 것은 결코 아니다.

넷째, 남북관계의 정상화는 특정 정권이나 시기에 얽매이지 않고 지속 가능한 남북관계가 구축되어야 가능하다. 따라서 남북관계는 어느 일방만이 아니라 쌍방에게 이로운을 가져오는 쌍방 지향적이며 호혜적인 관계로 발전되어야 한다. 남북 간 교류·협력은 이러한 관계를 만들어가기 위한 좋은 수단이다. 남북 교류·협력이 어느 일방에 의해 주도될 때 남북관계는 불안정하다는 것을 우리는 경험으로 배웠다. 남북한이 쌍방 지향적 관계를 하나하나 만들어 나갈 때 상대방에 대한 돌이키기 어려운 신뢰를 쌓을

수 있다. 남북대화와 교류·협력은 상호성의 관계를 발전시키고 그러한 방식의 관계 발전이 신뢰를 누적하여 관계의 강도와 심도가 강화되는 선순환의 관계 발전으로 전환될 때야 비로소 남북관계는 정상화의 단계로 진입할 수 있다.

다섯째, 이러한 관계의 형성과 발전은 한반도에 지속가능한 평화가 동시에 추진·구축될 때 탄력을 받을 수 있다. 교류·협력의 진전이 정치·군사적 신뢰구축과 상호 영향을 주면서 추진될 때 신뢰의 토대가 단단해질 수 있는 것이다. 또 북한의 핵문제도 한반도 비핵화공동선언, 9.19공동선언, 2.13합의, 2.29합의 등 기존 합의들의 정신을 존중하고 이행의 동력을 다시 확보해나가야 한다. '북핵 불용'과 비핵화의 목표는 한반도에 공고한 평화상태를 구축하기 위해 꾸준하고도 지속적으로 추진되어야 한다. 국제적인 핵협상의 경험사례나 지나온 북핵문제의 전개과정을 볼 때, 궁극적인 비핵화의 목표 달성을 위해서 비핵화의 프로세스는 당연히 대북정책의 주요 과제로 포함되는 것이다. 특히 지난 20년 이상 북핵문제가 남북관계의 발전을 저해하는 핵심 걸림돌이 되어왔으므로 역으로 남북관계의 발전을 통해 북핵문제 해결의 동력을 찾아보는 것도 유효한 대안을 찾는 방안이다.

여섯째, 신뢰는 남북 간 차원만이 아니라 국내적 차원과 국제적 차원을 포함하여 추진되어야 하며, 또 관련 시안들과 상호 영향을 주고받으면서 추진되어야 실효성을 가질 수 있을 것이다. 신뢰는 남북 간의 신뢰를 쌓아가는 것과 더불어, 국내적 차원에서 '남남갈등'을 완화하고 정책에서의 공감대를 넓혀가며, 국제사회에서 한국의 정책에 대해 신뢰를 얻는 것이 동시에 추진되어야 한다. 사실 국민적 합의는 역대 한국 정부의 대북·통일정책 추진과정에서 항상 강조되었다. 그러나 정치·이념·지역 등을 매개로 한 '남남갈등'의 발생은 때때로 대북정책을 둘러싼 첨예한 갈등을 유발함으로써 정책 자체의 동력을 상실하게 만들었다. 자유민주주의 체제 아래에서 선택된 정책에 정통성과 추진동력을 확실하게 부여하는

것은 다양한 의견을 수렴하여 반영하는 국민적 합의이다. 그러나 국민적 합의는 정부가 내세운 정책을 일방적으로 이해시키고 수용하도록 하는 것을 의미하지 않는다. 정부의 정책은 항상 비판에 노출되어야 하며 건설적 비판과 대안을 수용함으로써 발전할 수 있다는 인식이 국민적 합의의 전제가 되어야 한다.

그리고 국제협력은 한반도문제의 국제화가 심화된 상태에서 과거 어느 때보다 중요하다. 한반도 문제의 1차적 당사자는 남한과 북한이다. 그러나 한반도의 정세변화와 현상변경 문제에 참여한 이해관계를 갖는 한반도 주변국과 국제사회와의 협력의 유무와 그 정도는 우리의 대북·통일정책의 성과에 매우 큰 영향을 미친다. 통일외교의 경우, 우리의 정책에 대한 이해와 지지 확보 이외에도 한반도 안보 및 북핵문제와 같은 핵심 현안의 해결 등을 위해 미국, 중국을 비롯하여 국제사회와의 긴밀한 협력이 필수적이다. 특히 동북아지역 평화와 협력의 틀 속에서 한반도 문제를 풀어나가는 것이 우리의 국가이익과 주변국의 국가이익을 상호보완적으로 추구할 수 있는 방법이 될 것이다.

마지막으로, 남북관계의 발전은 대북정책의 분야별, 행위자별, 정책추진 주체별 균형적인 인식을 갖고 전반적인 조정의 과정을 통해 추진됨으로써 성공적인 결과를 기대할 수 있다. 북한 문제는 현상유지와 현상타파, 민족문제와 국제문제, 국가발전 등의 여러 문제가 중첩적으로 관련되는 문제다. 남북관계에서는 상대방 북한 때문에 선도하는 분야가 있을 수 있고 또 근본적인 구조를 바꿀 수 있는 분야가 있을 수 있다. 각 분야별 정책 영향력에 대한 세밀한 전략과 행동계획이 필요하다. 또 남북관계는 일방적인 것이 아니라 쌍방 지향적인 것이 되어야 한다. 따라서 대북정책은 기대에 의해서가 아니라 현실 적합성, 실현 가능성 등을 고려하여 강구·추진되어야 한다. 이러한 목표와 목표 달성을 위한 정책 우선순위가 세워지면 이를 달성하는 과정에서 일관성을 유지하며, 동시에 상황의 변화에 따른 전략적 유연성도 발휘해야 한다. 특히 대북·통일정책은 외교

와 안보, 그리고 경제정책과 상응하면서 추진되어야 하므로 이를 충실하게 반영할 수 있는 국가전략 콘트롤 타위가 필요하다.

V. 결론

1970년대 초 남북대화가 시작된 이래, 특히 노태우 정부 이후 역대 한국 정부는 나름대로 남북관계 개선과 평화정착, 그리고 평화통일의 기반 구축을 위한 정책을 제시하고 추진하였다. 정책 추진과정에서 때로는 일시적인 성과를 거두고 때로는 정책의 성과가 무색할 정도로 퇴보하는 상황도 경험하였다. 한국 정부의 대북·통일정책은 그 기본 노선과 정책기조에 있어서는 상당한 지속성을 가지고 있다. 그러나 정책목표를 달성하기 위해 추진하는 방법의 토대가 되는 북한에 대한 인식과 상황에 대한 판단 등에 있어서 차이가 있었으며, 그 차이는 접근 방법의 차이로 나타났고 이에 대해 남한 사회에서는 격렬한 논쟁과 갈등이 유발되기도 하였다.

남북관계는 서로의 입장에서는 선의의 국가 간의 관계가 아니다. 즉 본질적으로 상대방에 대한 불신을 전제로 하고 있다. 이러한 불신을 깨뜨리기 위해서는 남과 북이 모두 자신의 정책을 일방적으로 상대방이 수용하도록 하는 정책이 되어서는 안 될 것이다. 물론 인간의 존엄성과 자유, 민주주의 이념과 가치, 국제사회의 보편적 기준과 관행, 규범 등을 양보할 수는 없다. 그러나 행위의 상응성과 교호성을 통한 신뢰의 구축을 위해서는 자신의 이익을 어느 정도 양보할 수 있는 열린 자세가 필요하다. 그 시작은 총체적 국력의 우위에 있는 한국으로부터 나와야 한다. 국가 간 관계에서 적대적 관계를 극복하고 신뢰를 구축하여 관계 발전을 해나가기 위한 많은 이론이 제시되었지만, 문제는 실천이다. 그 실천은 인식의 변화로부터 출발한다. 북한이 국제사회의 이탈자라고 해서 일방적인 변화

를 강요하거나 먼저 변하기만을 기다리고 촉구하는 것은 그렇게 바람직한 일이 아니다. 남북관계는 이상의 세계가 아니라 상대방이 있는 전략적 게임의 현실세계라는 점을 잊어서는 안 된다.

해외 통일 사례 관련 연구

Case Studies on Unification

독일 기민당과 사민당의 통일 기여도에 관한 비교평가

고상두 연세대학교

독일 기민당과 사민당의 통일 기여도에 관한 비교평가

고상두

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독일 기민당과 사민당의 통일 기여도에 관한 비교평가

I. 서론

대북정책은 북한을 적으로 간주하는 안보정책과 북한을 같은 민족으로 보는 통일정책의 양면적 성격을 가지고 있는 매우 민감하고도 복합적인 정책이다. 이처럼 대북정책을 둘러싸고 적지 않은 가치와 신념의 대립이 있기 때문에, 대북정책을 둘러싼 논쟁은 종종 심각한 정당간의 갈등을 유발하여 왔고, 이것은 남남갈등의 원인이 되었다. 독일과 한국에서는 동방정책과 햇볕정책이 정치사회적으로 많은 비판과 논란을 불러일으켰다는 점에서 매우 유사한 측면을 보이고 있다.

1969년에 브란트가 추진한 동방정책은 동독 공산당이 오래 전부터 주장해 온 2국가론을 수용함으로써 독일의 분단을 영구히 고착화시키고, 동독을 합법화하는 잘못을 저지른다는 비판을 받았지만, 동서독 관계개선이라는 성과를 가져왔다. 1970년에 역사적인 동서독 정상회담을 성사시켰고, 같은 해에 소련 및 폴란드와 상호무력포기조약을 체결하였다. 그럼에도 불구하고 야당인 기민당은 브란트 수상에 대한 불신임 투표를 주도하였고, 단지 2표가 부족하여 그를 퇴진시키지는 못하였다.¹⁾

이에 대응하여 브란트는 자신의 동방정책에 대한 신임을 국민에게

직접 묻기 위하여 1972년에 조기총선을 실시하였다. 이 선거에서는 국민의 91.1%가 투표에 참가하는 유례없는 열기를 보였고, 선거 결과 사민당이 기민당을 누르고 전후 역사상 처음으로 제1당이 되었다.²⁾ 총선 참패 이후 기민당은 비교적 온건한 헬무트 콜에게 당수직이 이양되었고, 10여 년 동안 기존의 보수적인 통일정책을 새로운 국제환경에 적합하게 바꾸는 노력을 하였고, 수정된 통일정책을 당론으로 확정한 1982년 선거에서 재집권할 수 있었다.³⁾

수정된 통일정책이란 아데나워의 통일정책에 브란트의 동방정책을 접목한 것이다. 콜에 의해서 독일의 통일정책은 기민당과 사민당의 정책노선이 초당적으로 결합되는 계기를 갖게 된 것이다. 이 글은 그동안 독일통일에 대한 기여도 평가에서 브란트의 동방정책을 과도하게 강조한 것에 대하여 문제를 제기하고, 기민당의 기여도에 대한 관심을 통해 양당의 정책적 기여를 균형적으로 평가하는 데에 연구목적이 있다.

독일은 어떻게 통일을 달성했는가? 아데나워는 “힘의 정책”을 통해 통일하고자 하였다. 동독의 후견국인 소련과의 협력을 증진하여 소련으로 하여금 동독의 포기를 감수할 수 있는 만큼 서독과의 협력 이득을 느낄 수 있게 하려고 노력하였다. 브란트는 “접근을 통한 변화정책”을 통해 동독에게 경제적 지원을 하는 대가로 동독을 변화시키려고 하였다. 독일 통일은 아데나워와 브란트의 노력이 함께 맞아 떨어진 시점에 이루어졌다. 1989년이 되었을 때, 접근을 통한 변화정책은 그동안 동독을 내부적으로 변화시켰고, 소련의 고르바초프 서기장은 자신의 개혁정치에 필요한 서독의 대규모 지원을 받기 위하여 동독을 포기하였다.

1) 한스 기스만, “독일의 동방정책과 한국통일: 유사점과 차이점 및 교훈,” 프리드리히 에버트 재단 국제학술회의 발표논문 (2001. 5. 17), 3 쪽.

2) Biographie: Willy Brandt, 1913-1992, www.ahm.de/lemo/html/biografien/brandt_willy

3) 박형중, “70년대 사민/자민 연정의 신동방·독일정책과 정치논쟁,” FES Information Series 2001-01 (서울: 프리드리히 에버트 재단, 2001), 2 쪽.

독일의 이러한 통일방식은 우리에게 많은 시사점을 준다. 이 글은 독일이 어떠한 접근방법으로 통일을 달성하고자 했는지를 살펴보고자 한다. 아데나워는 소련에 대하여 어떠한 정책을 취했으며, 브란트는 동독에 대하여 어떠한 정책을 취했는지 알아보고, 이러한 정책노선이 분단기간 동안 어떻게 실천되었는지를 살펴보고자 한다. 그리고 독일의 통일방식을 한반도에 어떻게 적용할 수 있는지를 검토할 것이다.

II. 독일 기민당과 사민당의 통일 접근법

초대 수상인 아데나워는 독일 통일을 달성하기 위한 방안으로서 “힘의 정치”를 추구하였는데, 여기서 힘이란 군사력이 아니라 경제력을 의미하는 것이었다. 기민당은 먼저 유럽통합을 추진하여 서독의 전후 경제력을 회복하고 강화한 다음, 그 힘으로 통일을 이룩하겠다는 구상을 제시하였다. 아데나워는 동독을 소련의 위성 국가로 보았고, 독일의 통일은 동독의 후견국인 소련의 양보를 통해서만이 가능하다고 생각하였다. 그러므로 서독은 경제적 우월성과 영향력으로 소련을 서독 편으로 끌어들여야 한다고 보았다. 그렇게 되면 소련으로서는 서독과의 관계악화를 불사하면서 동독을 수호하는 것보다 동독을 포기하는 것이 이득이 된다는 입장에서 분단문제를 처리하는 결정을 내리게 될 때가 올 것이라고 보았다.⁴⁾

아데나워의 “힘의 정치”는 당시 서독국민들이 요구하였던 두 개의 정반대 요구를 동시에 수용하려고 고민한 결과 나온 정책이었다. 분단직후 서독국민은 유럽 편입을 주장하는 세력과 동독과의 통일을 주장하는 세력으로 양분되었다. 이러한 딜레마를 해결하는 방법으로서 아데나워는

4) Bernd Feuerbach, "Die Diskussion über Phasen und Probleme der Deutschlandpolitik 1945-1990," Ingrun Drechsler (Hg.), *Gertrennte Vergangenheit, gemeinsame Zukunft* (München: dtv, 1997) p. 20.

국민의 두 가지 요구에 우선순위를 부여하여 선 유럽 편입, 후 독일통일이 라는 정책을 추진한 것이다.⁵⁾

아데나워는 냉전이 그리 아주 오래 지속되지 않을 것으로 보았고, 또한 소련은 사회주의 체제의 결함 때문에 경제적 어려움을 겪게 되어 동구 사회주의 진영의 지배를 언젠가는 포기할 것으로 전망하고, “힘의 정치”에 큰 기대를 하였다. 특히 1953년 동독 노동자 항거는 아데나워를 매우 고무시킨 사건이었다.⁶⁾

동방정책은 사민당의 정치가 예곤 바에 의해 설계되었다. 그는 그 유명한 1963년 투칭(Tutzing)에서의 연설에서 “접근을 통한 변화”를 주장하며 동독과의 화해 협력의 필요성을 역설하였다. 브란트 또한 베를린 시장 시절 동방정책의 정신 하에 동독 정부와 통행협정을 체결하여 동서 베를린간의 통행을 크게 개선한 바 있다. 아데나워의 “힘의 정책”이 소련과의 협력을 추구하였다면, “접근을 통한 변화정책”은 동독을 협력의 대상으로 삼은 것이다.

브란트는 “1민족 2국가론”을 주창하였는데, 이에 따르면 독일 민족에게는 국제법적으로 인정받는 두 개의 국가가 존재하며, 이들 국가들은 동일한 민족에 기반 하기 때문에 서로 외국이 아닌 특수관계에 있다는 것이다. 이에 따라 서독정부는 단일 민족국가로의 통일 필요성은 강조하면서도 동독정부의 국제법적 정당성을 인정하여 할슈타인 독트린을 폐기하였으며, 동독과 거의 모든 영역에서 협력 협정을 체결하여 민족분단의 고통을 우선적으로 극복하려는 노력을 하였다. 즉 두 개의 국가를 인정하는 대신

5) Dieter Grosser, "Triebkräfte der Wiedervereinigung," Dieter Grosser, Stephan Bierling, Friedrich Kurz (ed.) *Die sieben Mythen der Wiedervereinigung*, (München: Ehrenwirth, 1991). p. 13.

6) H.-P. Schwarz, "Die Deutschlandpolitischen Vorstellungen Konrad Adenauers 1955-58," H.-P. Schwarz(Hg.), *Entspannung und Wiedervereinigung*, (Stuttgart 1979), pp. 18-22.

에 민족의 동질성은 증대하여 민족통일을 먼저 한 후에 국가통일을 이룩한다는 것이었다. 그리하여 동독이 동서독간의 관계를 자유화하는 만큼 동독의 국제적 위상확대를 돕고, 동독이 국경을 개방하는 만큼 동서독간의 경계를 국경으로 인정하겠다는 생각이었다.

III. 서독의 이원적 통일역량

1. 소련에 대한 힘의 정치

서독은 1955년에 소련과 국교를 정상화하고 경제적 협력관계를 수립하였다. 이것은 동독과 수교한 나라와는 외교관계를 갖지 않겠다는 “할슈타인 독트린”을 소련에게는 예외로 한 것이다. 서독이 할슈타인 독트린을 선언하였음에도 불구하고, 정작 동독의 종주국인 소련과는 외교관계를 수립한 것은 동독을 고립시키면서 동독의 후견국과는 긴밀한 협력관계를 맺는다는 아테나위의 “힘의 정치” 구상을 따른 것이다.

전후 동서냉전이 격화되는 상황에서 소련은 서독이 미국 및 서유럽과 긴밀한 관계를 강화하는 것을 우려하게 되었다. 그리하여 전후 10년이 된 1955년 9월 소련 공산당 서기장 후르시초프는 아테나위 수상을 모스크바로 초청하여 독일군 전쟁포로 송환문제와 외교관계 정상화에 관하여 논의할 것을 제의하였다. 이에 따라 아테나위 수상은 대규모 사절단을 이끌고 소련을 방문하였고, 정상회담 다음 달인 10월에 600명을 시작으로 독일군 포로들이 단계적으로 귀환하였으며, 양국 간에 대사관이 개설되었다. 동독 지도부는 서독이 독일을 대표하는 유일한 정부임을 주장하고 있는 상황에서 소련이 서독과 대화 협력을 하는 것에 대하여 우려와 불만을 나타내었다.

독일과 소련간의 협력이 새로운 발전단계로 접어들게 된 것은 대규모

경협 사업이었다. 사실 1950년대 말에 서독의 철강기업은 소련이 필요로 하는 파이프라인 건설용 강관을 공급하고자 하였으나, 미국의 반대로 무산되었다. 미국은 1962년에 나토 수출금지법(NATO Embargo)을 주도적으로 만들어 서독의 대소 교역이 크게 제한을 받았다.

1960년대 후반에 이르러 소련은 유전개발 과정에서 생산하게 된 천연가스의 판매를 오스트리아, 이탈리아, 프랑스 그리고 서독 정부에게 제안하였고, 브란트는 이러한 민간경제 차원의 협력이 양국간 신뢰를 구축하는 밑거름이 될 것으로 보았다. 그리하여 1970년 루르가스(Ruhrgas)는 연간 300억 입방미터의 가스를 향후 20년간 수입하기로 장기도입 계약을 체결하였다. 이와 동시에 독일의 철강기업이 2,000 킬로미터에 달하는 가스관을 소련에 대운수출하기로 계약하였다.⁷⁾ 당시 소련의 체코 침공으로 동서간의 대립이 악화된 상황이었지만 서독은 가스를 통해 동서대립이 완화될 것으로 기대하였고, 에너지 외교는 소련과의 정치적 협력관계를 지지하고 때로는 선도하였다. 서독의 소련 천연가스 도입사업은 국내외적으로 큰 반향을 불러일으켰고, 이탈리아와 프랑스도 소련의 가스를 도입하기 시작하였다.

1973년 소련의 천연가스가 파이프라인을 통해 서독에 최초로 공급되었다. 이차대전에서 서로 싸웠고 냉전을 맞이하여 서로 대적하였던 서독과 소련이 경제적으로 긴밀하게 협력하기 시작한 것이다. 때마침 제1차 석유 파동 발생하면서 에너지 도입의 다변화 차원에서 소련으로부터의 에너지 수입이 크게 늘어났다.⁸⁾ 서독과 소련의 가스교역에 정치적 장애가 없었던 것은 아니다. 1979년 소련의 아프가니스탄 침공으로 미소 데탕트가 종식되고 동서대립이 재연되면서 레이건 행정부는 서독의 소련 가스의존도에

7) Die Zeit, 2013. 10. 18.

8) Gawdat Bahgat, "Europe's Energy Security: Challenges and Opportunities," *International Affairs*, Vol. 82, No. 5, 2006, p. 967.

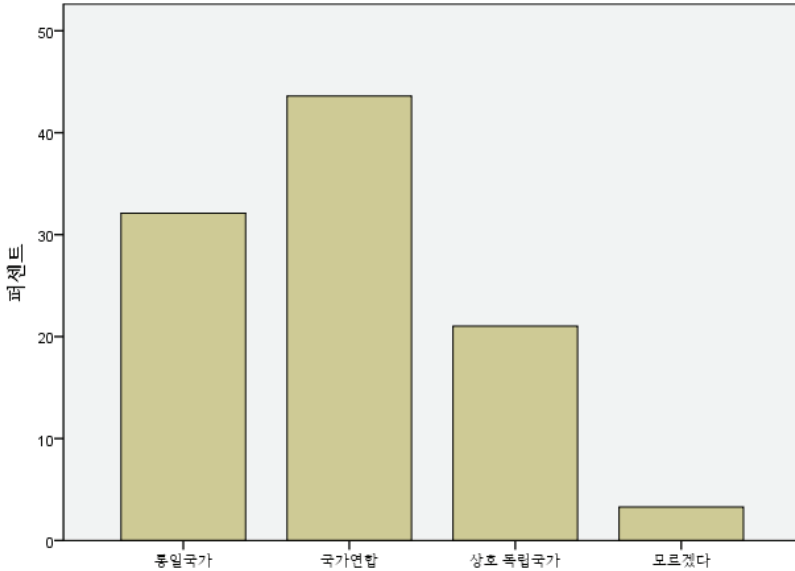
우려를 표함으로써 서독과 외교마찰을 빚기도 하였으나, 서독 정부는 가스수입량을 더 이상 늘리지 않는 선에서 미국과 타협하였다.⁹⁾

서독이 소련에 힘의 정치를 구사한 결정적인 시기는 1989년 11월 베를린 장벽의 붕괴라는 급변사태부터 2+4회담이 열린 1990년 9월까지의 10개월이었다. 서독이 급변사태 후 단기간에 고르바초프의 통일승인을 얻어낼 수 있었던 것은 소련에 대한 경제력의 구사 덕분이었다. 베를린 장벽 붕괴직후의 기간은 통일에 대한 불확실성의 시기로서 동독의 체제붕괴가 독일통일을 보장한 것은 아니었다. 첫째, 동서독 주민들의 통일에 대한 믿음이 약하였고, 둘째, 소련이 통일에 대한 가장 큰 걸림돌이었다.

아래 그래프는 베를린 장벽 붕괴 직후인 1989년 12월에 서독 주민들에게 10년 후 동서독이 어떻게 될 것인지를 묻는 질문에 대한 응답결과이다. 설문조사 결과를 보면 10년 내에 독일이 통일될 것으로 전망하는 주민은 32.1%에 불과하였고, 동서독이 국가연합의 형태로 공존할 것이라는 의견이 43.6%에 달했으며, 10년 후에도 여전히 서로 독립된 국가로 남아 있을 것이라는 의견도 21.0%나 되었다. 이러한 분위기에서 기민당의 콜 수상은 1년 이내에 독일통일을 이루어낸 것이다.

9) Hanns-D. Jacobsen, Heinrich Machowski, Klaus Schröder, "Perspektiven der Ost-West-Wirtschaftsbeziehungen," Hanns-D. Jacobsen, Heinrich Machowski, Dirk Sager (Hg.), *Perspektiven für Sicherheit und Zusammenarbeit in Europa*, p. 324.

10년 후 동서독은 어떻게 될 것이라고 생각하는가?



출처: Ploitbarometer, 1989년 12월 (n=975)

베를린 장벽 붕괴이후 동서독의 공존이 10 년은 지속될 것 같은 분위기는 동독 자유총선거를 거치면서 반전되었다. 동독주민들이 적극적으로 통일을 요구하게 된 것이다. 하지만 국제법적으로 완전한 주권을 돌려받지 못하였던 서독은 전승국의 승인을 받아야 했고, 특히 소련의 승인이 절실히 필요하였다. 고르바초프가 공산당 서기장이 된 후 개혁정치를 펴기 시작하였을 때, 소련의 변화를 감지하고 페레스트로이카 정책을 적극적으로 지지하여 고르바초프의 호의를 얻었던 콜 수상은 소련의 통일 승인을 얻기 위하여 적극적인 노력을 하였다.

1990년 서독은 개혁정치의 실패로 어려움을 겪고 있던 고르바초프를 위해 10억 마르크의 생필품 지원을 제공하였으며, 소련 정부의 재정위기를 돕기 위하여 50억 마르크의 차관을 공여하였고, 동독에 주둔하고 있던 30만 명의 소련군 철수비용으로 120억 마르크의 지원을 약속하였다.

그 결과 1990년 7월 카프카즈 별장회담에서 소련의 통일승인을 얻어내었고, 9월 2+4 회담에서 국제적으로 조인되었다. 이것은 소련에 의해 공식적으로 동독이 포기된 것을 의미한다.¹⁰⁾

2. 동독의 변화를 위한 접근정책

(1) 경제 교류협력

동서독의 경제 교류협력은 분단과 무관하게 진행될 수 있었던 분야였다. 내독 교역의 기원은 이차대전 후 전승국에 의해 4개로 분할된 점령 지역 간의 물품거래에서 시작되었고, 이것은 분할된 독일을 하나의 단일 경제 단위로 간주한 포츠담 조약 제14조에 근거를 두었다.¹¹⁾ 하지만 1949년 동서독 정부가 출범한 이후 동방정책이 실행되기 전까지 양독간의 교역은 담보상태에 머물렀다. 그리하여 1960년대에 내독 교역은 연간 20억 마르크 수준이었다. 동방정책의 실시와 함께 44억 마르크로 급증하기 시작한 내독 교역은 1985년에 155.4억 마르크라는 사상 최고의 수준에 도달하게 되어 15년 만에 교역량이 530% 증가하였다.

서독의 경우 내독 교역은 통일정책의 주요 요소였다. 1965년 에르하르트 수상은 내독 교역은 물품거래만을 의미하는 단순한 비즈니스가 아니라, 동서독에 떨어져 살고 있는 주민들을 실감 있게 결합하는 역할을 한다고 말하였다.¹²⁾ 그리고 동방 정책과 함께 서독은 동독에 대한 신용 제공 수준을 높였다. 동서독 간에는 교역상 발생하는 수지적자 문제를 해결하기 위해 청산용 용자제도인 스윙이 마련되었고, 이에 따라 각 교역 당사국은 용자 한도 내에서 무이자로 초과 수입할 수 있었다. 서독정부는

10) Deutschland Welle, 2010. 7. 13.

11) Joachim Nawrocki. *Die Beziehungen zwischen den beiden Staaten in Deutschland*, (Berlin: Verlag Gebr. Holzappel 1988) p. 15.

12) Haendcke-Hoppe-Arndt(1995), p. 1549.

동독을 위하여 1968년에 2억 마르크에 불과하였던 스윙 한도액을 지속적으로 늘려서 1976년에는 8억 5천만 마르크 수준으로 높였던 것이다.¹³⁾

브란트 수상은 1972년에 동독과 기본조약을 체결하여 그때까지 서독이 고집하여 온 단독 대표권을 포기하고, 동독을 국가로 인정하였으며, 이듬해 유엔 동시 가입을 실현하였다. 하지만 동독이 외국이 아니라는 사실을 내독 교역에 대한 서독의 입장에서 분명히 하였다. 즉 기본조약에서 내독 교역은 기존의 베를린 협정에 따른다고 명시함으로써 양독간 교역은 국제 교역이 아니며, 동서독간의 국경은 관세법이 적용되는 국제법상의 경계선과 다르다는 사실을 천명하였던 것이다.¹⁴⁾

서독이 동독을 국가로 인정하게 되면서, 서독 내부에서는 분단이 고착화되는 것이 아니냐는 우려가 제기되었다. 그러나 동방정책은 정치적 분단을 인정하였지만, 내독 교역을 활성화시킴으로써 경제적 통일성을 확인하고 촉진하는 성과를 거두었다. 브란트의 관점에서 독일의 통일은 동서독 주민들이 평화롭고 자유로이 왕래하고, 풍요롭고 인간다운 생활을 누리게 된다면 실질적인 이루어지는 것이라고 보았다.¹⁵⁾

과거 야당시절 동방정책을 비판하며 위헌소송까지 제기하였던 기민당은 1982년 집권 후에 사민당의 동방정책의 기본노선을 계승하였을 뿐만 아니라, 1983년과 84년 두 차례에 걸쳐 동독에게 약 24억 마르크의 차관을 제공하였다. 이것은 미소 간에 새로운 대결분위기가 고조되고, 양독 간에 긴장이 팽배해진 시점에 이루어진 것이라는 점에서 큰 의미가 있으며, 서독은 대규모의 차관을 제공하면서 동독정부로부터 주민들의 방문, 전화, 서신 등에 대한 규제 철폐, 국경선에 설치된 자동발사기와 지뢰의

13) Karl C. Thalheim. *Die wirtschaftliche Entwicklung der beiden Staaten in Deutschland*, (Berlin: Landeszentrale für politische Bildungsarbeit 1988) p. 121.

14) 박광작. “구 동서독의 경제협력과 한국에 대한 시사점” 『통일경제』 1996년 12월호, p. 56.

15) 황병덕. 동서독간 정치통합연구, (서울: 민족통일연구원, 1996), p. 10.

부분적 제거 등을 반대급부로 받아내었다. 이로써 동서냉전의 최전선인 독일에서 가장 긴장이 많이 완화되는 역설적인 현상이 생겨났다.¹⁶⁾

(2) 사회문화 교류협력

사회문화 분야의 동서독 교류협력을 살펴보면 동독의 입장에서 체제에 대한 부담이 작고 협력의 이득이 큰 분야부터 시작되었음을 알 수 있다. 그리하여 공식적인 교류협정의 부문별 순서를 보면 정치이념의 영향을 가장 작게 받는 체육 분야(1974)가 제일 먼저 이루어졌고, 그 다음에 문화 분야(1986) 그리고 과학기술분야(1987)의 순으로 이루어졌다.

체육협정은 1970년 동서독 체육회담이 개최된 후 4년만인 1974년에 체결되었는데, 협정의 주요내용으로는 교류종목의 선정 및 확대, 접경지역에서의 스포츠 교류, 청소년 스포츠교류 등이다. 협정에 의해 동서독은 매년 체육행사 계획을 함께 확정하였다.

문화협정은 1973년에 협상을 개시하였으나 13년 후인 1986년에 협정이 타결되었다. 그 이유는 정치 이념의 차이로 인해 협력의 내용과 방식에서 견해 차가 컸고, 동독정부는 사회주의 체제유지에 대한 위협 가능성을 우려하였기 때문이었다. 문화협정에 따라 동서독은 각각 50개의 사업계획을 마련하여 추진하였고, 교류사업의 분야별 비중은 예술, 학술, 교육 분야를 각각 2:2:1로 정하였다. 문화교류에서 가장 활발했던 부문은 동서독이 공히 세계적인 수준의 역량을 가지고 있던 연극과 음악 공연이었다. 반면에 미술 분야는 협력에 한계가 있었다. 동독 미술이 추구하였던 “사회주의적 사실주의”는 서독 대중들의 관심을 끌지 못하였다. 학술분야에서도 인문사회 분야의 협력은 이념적 문제로 인하여 한계가 있었다. 예외적

16) Karl Wilhelm Fricke. “Merkwürdige Schlußstrich-Diskussion” *Deutschland Archiv*, 28 Jg. Feb. 1995, p. 114.

으로 독일어 사전 발간을 위한 공동사업은 매우 성공적으로 진행되었고, 이 사업에 필요한 비용은 양독의 언어통합에 관심이 있었던 서독이 거의 부담하였다. 교육 분야에서 가장 획기적인 협력분야는 대학 간 자매결연 사업이었다. 1987년 서독의 자브뤼켄 대학교와 동독의 칼 맑스 대학 간에 최초의 대학자매결연이 체결되었고, 강의 및 연구에서 교류와 협력이 이루어졌다.

1987년에 체결된 과학기술교류협정은 문화협정의 학술교류부문과 사업상 부분적으로 중복되지만, 주로 자연과학 분야의 교류를 강화함으로써, 문화협정의 학술교류가 인문사회분야에 중점을 둔 것과 차별성을 보였다.¹⁷⁾

이상과 같이 사회문화 분야의 교류 이외에 동서독은 상주 특파원 제도의 도입에 합의하였다. 그리하여 1972년 동서독 기본조약 체결이후 서독의 언론기관이 동독정부에 상주 특파원 신청을 하였고, 이중에서 28개 언론기관의 특파원이 허가되었다. 또한 서독의 본에는 6명의 동독 특파원이 상주하였다. 상주 특파원 이외에도 문화행사, 체육행사, 박람회 등을 취재하기 위한 서독 언론인의 단기 동독방문이 이루어졌고, 1976년에 연인원 680명에 이르렀다.

도시 간 자매결연도 동서독의 교류협력에 큰 기여를 하였다. 최초의 자매결연은 1985년 동베를린을 방문한 자알란트 주지사 라폰텐이 호네커 서기장과의 회동에서 전격적으로 제의하여 성사되었다. 그리하여 호네커의 고향인 자알란트 소재 자루이스(Saarlouis)와 아이젠휘텐슈타트(Eisenhüttenstadt) 간의 자매결연이 이루어졌다. 동독은 도시 자매결연에 대하여 초기에는 조심스러웠으나, 점차 이득이 많다고 보고 적극적으로 나서 총 62건의 자매결연이 성사되었다.¹⁸⁾

17) 통일원, 『동서독 교류협력 사례집』, 1993년 12월.

18) 통일원, 『동서독 교류협력 사례집』, 1993년 12월.

서독은 동독과의 교류협력 사업을 실행함에 있어서 첫째, 비용분담의 원칙을 확실하게 고수하였다. 모든 상호방문의 경우 주최 측이 숙박비, 사례비, 일비 등을 포함한 현지 발생비용을 부담하고, 방문자 측은 행사지 도착까지의 교통비를 부담하기로 합의하였다. 특히 과학기술협정을 체결할 때에 서독은 “상호이익의 균형”이라는 기본원칙이 준수되고 있는지를 감독하는 위원회 설치를 관철하였다. 둘째, 서독의 연방의회는 동독의 인민회의와 공식적인 접촉과 교류를 거부하는 입장을 견지하였다. 그 이유는 인민회의가 민주적인 자유선거에 의해 선출되지 않았으므로 민주적인 정통성이 없다고 보았기 때문이다. 이처럼 서독은 국내적으로 퍼주기 논란에 빠지거나 동독체제의 비민주성을 외면한다는 비판을 받지 않도록 노력하였다.

V. 결론

통일 후 독일에서는 누가 통일에 기여했는지에 관한 논의가 있었다. 통일 수상 콜은 아테나위의 정치적 손자인 동시에 브란트의 동방정책의 원칙을 계승하였다. 따라서 독일통일의 기여논쟁에서는 아테나위와 브란트의 통일정책이 모두 의미 있었다는 결론이 내려졌다. 우리의 경우에는 아직도 보수와 진보의 통일정책이 서로 대립적으로 맞서고 있다. 독일의 경험으로부터 시사점을 찾는다면, 한반도 통일을 위한 대북정책에서는 진보적 노선이 유용하고, 주변국정책에서는 보수적 정책이 유용하다는 것을 알 수 있다.

통일을 위한 대북정책은 북한의 자유화와 민주화를 위한 여건을 조성하는 데에 그 목표를 두고 추진하여야 할 것이다. 독일통일의 기폭제가 동독의 내부적 변화이었던 것처럼, 한반도 통일은 북한의 변화에서부터 시작될 것이다. 동독 주민들의 반정부 시위와 서독행 탈주로 정권이 흔들

리자 소련의 개혁정치가 고르바초프는 동독지도부에게 개혁개방을 요구하였고, “동독식 사회주의”를 고집하던 호네커가 퇴진하게 되었다. 이후 등장한 개혁파가 정치적 자유화를 선언하고 동서독 국경의 자유로운 통행도 허용되었다. 이러한 맥락에서 대북정책은 무엇보다도 북한 주민들의 인권개선과 정치적 자유 확대라는 목표를 위해 추진되어야 할 것이다.

통일을 위한 주변국 외교는 중국과 러시아를 대상으로 추진되어야 할 것이다. 현재 양국은 고르바초프의 소련만큼 개혁적이다. 다만 아직 북한에 대해 압력을 행사하려는 적극적인 의지가 약하다. 따라서 중국과 러시아로 하여금 한반도의 통일이 국익에 더 보탬이 된다고 설득하는 노력이 필요하다. 무엇보다 북한이라는 완충지대가 사라지더라도 그들의 국익에 부정적으로 작용하지 않는다는 점을 강조해야 한다. 중국과 러시아는 안보 이슈를 제외하고는 북한보다 한국에 더 가깝다. 그러므로 한반도 통일이 동북아 안보긴장을 줄이고 접경교역의 이득을 극대화시킨다는 점을 보여주는 협력 청사진을 제시해야 할 것이다. 이를 위해 중국과는 안보적 협력을 러시아와는 경제적 협력을 강화해야 할 것이다.

우리의 대북정책은 아직까지 20년에 걸쳐 논란 중에 있다. 이제 초당적인 통일전략의 수립이 필요한 시점이 되었다. 보수와 진보 세력이 내세우는 통일정책의 장단점을 결합하여 정권의 성격과 무관하게 실행할 수 있는 초당적인 통일노선을 우리 모두가 함께 만들고 그에 합의해야 할 것이다.

북핵문제 해결을 위한 새로운 접근

North Korea's Nuclear Issue

U.S. Strategy Regarding the North Korea Nuclear Issue: History and Prospects

William Tobey Harvard University

A New Thinking for Resolution of the North Korean Nuclear Issue

Koo Bon Hak Hallym University of Graduate Studies

U.S. Strategy Regarding the North Korea Nuclear Issue: History and Prospects

William Tobey

Harvard University

U.S. Strategy Regarding the North Korea Nuclear Issue: History and Prospects

I. Introduction

Standing in the White House Cabinet Room in June 1994, facing the most serious North Korean nuclear crisis, then-Secretary of Defense William Perry worried that he and America's top generals were about to offer President Bill Clinton a choice "between what is disastrous and what is merely unpalatable."¹⁾ ²⁾ In Perry's view, the disastrous option would be "allowing North Korea to get a nuclear arsenal," while the merely unpalatable alternative would be foreclosing that threat, "but thereby risking a destructive non-nuclear war"³⁾ —a war that could kill perhaps a million people.⁴⁾

1) Ashton B. Carter and William J. Perry, *Preventive Defense: A New Security Strategy for America*, (Washington D.C.: Brookings Institution Press, 1999), p. 123.

2) Perry was quoting from a 1962 letter from U.S. Ambassador to India John Kenneth Galbraith to President John F. Kennedy about U.S. policy toward Vietnam.

3) Carter and Perry, pp 123-124.

For over six decades, U.S. policy toward North Korea has attempted to navigate between the disastrous and the unpalatable, with lamentable results. This has been particularly true of efforts to halt the DPRK's nuclear weapons program. As U.S. administrations veered between diplomacy and threats, bribery and coercion, the only constant has been the North's relentless pursuit of an atomic arsenal. Pyongyang's progress has variously slowed or accelerated, but it has never halted.

II. The George H. W. Bush Administration

While the DPRK signed the Nonproliferation Treaty (NPT) in 1985, its Safeguards Agreement with the International Atomic Energy Agency did not enter into force until April 1992, almost five years later than required by the Treaty.⁵⁾ In 1989, the North's Yongbyon reactor shut down for three months—sufficient time to remove the fuel rods containing enough plutonium for perhaps one or two nuclear weapons. Without Safeguards, there was no immediate way to verify what North Korea had done. The North later admitted to separating a small amount—fewer than 100 grams—of plutonium from damaged fuel rods, in a single project in 1990. The IAEA concluded, however, that North Korea had

4) Susan Rosegrant and Michael D. Watkins, *Carrots, Sticks, and Question Marks: Negotiating the North Korean Nuclear Crisis*, (Cambridge, MA: President and Fellows of Harvard College, 1995), case study prepared for the National Security Program at the John F. Kennedy School of Government.

5) Article III of the Nonproliferation Treaty requires that Safeguards Agreements “shall enter into force not later than eighteen months after the date of initiation of negotiations,” which in turn were to begin not later than a state's deposit of ratification.

conducted several reprocessing campaigns and that the total amount of plutonium separated might have amounted to kilograms.⁶⁾ One official averred, “Impurities in the plutonium actually showed that it had been produced in three separate batches over three years.”⁷⁾

Nonetheless, the year 1992 began hopeful with regard to the North Korean nuclear issue. In addition to the Safeguards Agreement, the North-South Denuclearization Agreement entered into force in February, paralleling the restrictions of the NPT, and also banning uranium enrichment and nuclear fuel reprocessing on the Korean Peninsula, ostensibly blocking the two paths to making nuclear weapons. Furthermore, in January, U.S. Undersecretary of State for Political Affairs Arnold Kanter met with Kim Young-sun, a secretary of the Workers’ Party of Korea—the highest level U.S.-North Korean meeting to date. Kanter had previously held a senior arms control and nonproliferation position on the National Security Council Staff and was thus expert on the nuclear issue.

He made clear to the North Koreans in New York that:

“[T]hey stood at a crossroads. If they lived up to their obligations and if they followed through on what they’d agreed to do, both in a bilateral context and in the NPT context, then that would open the door to them partaking of the economic miracle

6) David Fischer, *History of the International Atomic Energy Agency: the First Forty Years*, (Vienna, Austria: International Atomic Energy Agency, 1997), p. 288.

7) David Sanger, “West Knew of North Korea Nuclear Development,” *New York Times*, March 13, 1993, p. A4.

that was going on in East Asia, rather than being left behind. However, if they chose the other path, they would continue to be isolated politically, undermined economically, their people would suffer, and their regime didn't have a future.”⁸⁾

Kanter's former boss, Lieutenant General Brent Scowcroft, then the U.S. National Security Advisor said later, “There was some hope that the North was finally emerging from its isolation and was prepared to become a more normal member of international society.”⁹⁾

That hope would turn to doubt as 1992 unfolded. IAEA analyses concluded that Pyongyang had failed to disclose the extent of its reprocessing efforts, but the Agency could not determine their full scope without taking additional samples from waste storage tanks. Pyongyang, however, refused access to those facilities, and instead attempted to conceal its activities. Far from resolving suspicions, each IAEA inspection seemed to deepen them.¹⁰⁾ Thus, the Agency did not know if North Korea had grams or kilograms of plutonium—and the difference could be a nuclear weapon capability.¹¹⁾

When George H. W. Bush left office in January 1993, the issue of undeclared plutonium in North Korea lingered, and with it questions of whether or not Pyongyang would comply with the Nonproliferation Treaty.

8) Rosegrant and Watkins, p. 9.

9) Rosegrant and Watkins, p. 8.

10) Mitchell Reiss, *Bridled Ambitions*, (Washington, D.C.: Woodrow Wilson Center Press, 1995) p. 249.

11) Fischer, p. 289.

III. The Clinton Administration

As the Clinton administration settled into office, the issue escalated sharply. Frustrated by North Korean intransigence, IAEA Director General Hans Blix requested a special inspection of the waste sites, under procedures specified in the DPRK's Safeguards Agreement. Pyongyang refused. In response, and in the face of clear evidence of North Korean cheating and concealment, the IAEA Board of Governors found the North in violation of its Safeguards obligations, and under the IAEA Statute, on April 1, 1993, referred the matter to the United Nations Security Council. Two weeks earlier, seeing the likely chain of events, Pyongyang announced the decision to withdraw from the NPT, effective June 12, 1993.¹²⁾ North Korean Ambassador Kim Yong-nam's letter to the Security Council said that the request for special inspections was an "undisguised strong arm act designed to disarm the DPRK and strangle our socialist system, which jeopardizes its supreme interests."¹³⁾

Not for the last time, the crisis appeared to peak. If North Korea successfully withdrew from the NPT, it would be free to produce—and to sell to the highest bidder—as much fissile material as it could. The Security Council could attempt to sanction the North, but Pyongyang threatened that any such move would be treated as an act of war—bluster

12) International Atomic Energy Agency, "Fact Sheet on DPRK Nuclear Safeguards," accessed on October 4, 2014 at http://www.iaea.org/newscenter/focus/iaeadprk/fact_sheet_may2003.shtml

13) United Nations Security Council, "Letter Dated 12 March 1993 From the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Addressed to the President of the Security Council," S/25405, March 12, 1993.

not easily dismissed given Pyongyang's well-deserved reputation for violence and erratic behavior. Finally, using sanctions to coerce an autarkic society, with at least one friendly neighbor, was not obviously a winning strategy.

Moreover, the permanent members of the United Nations Security Council were key to any effective international action against North Korea. Russia, Britain, and France favored negotiations, believing that the United States "had all the cards—all the carrots—and would induce the North Koreans to cooperate with the NPT."¹⁴⁾ China supported the North's longstanding objective of gaining direct access to U.S. negotiators. So, despite the dangers inherent in rewarding North Korea's brinksmanship, the Clinton administration ultimately concluded that "Tactically you had to try negotiations to make it possible to get further Security Council action."¹⁵⁾

The first round of talks in early June produced a joint statement of principles including "assurances against the threat and use of force ... peace and security in a nuclear-free Korean Peninsula ... [and] support for the peaceful reunification of Korea."¹⁶⁾ In that context, the North "suspended" its withdrawal from the NPT. Significantly, for the first time, the United States also pledged to respect North Korean sovereignty.

Special inspections at the two sites holding waste material to improve the IAEA's understanding of how much plutonium the North might have produced remained the primary U.S. objective. Meanwhile, the

14) Rosegrant and Watkins, p. 16.

15) Rosegrant and Watkins, p. 16.

16) United States Department of State, "Joint Statement Following the U.S.-North Korea Meeting," June 11, 1993.

North continued to reject such inspections and even resisted full implementation of its “suspended” Safeguards Agreement. The United States, Japan, and South Korea actually tried to rein in the IAEA during this period, for fear of being painted into a corner by the combined actions of a recalcitrant DPRK and a zealous IAEA. They did not want an impasse, which might return the issue to the Security Council and perhaps ultimately lead to war.¹⁷⁾

Eventually, though, Hans Blix pushed too far. On December 2, 1993, he reported to the IAEA Board of Governors that the inspections program “cannot be said at present to provide any meaningful assurance of peaceful use of the DPRK’s declared nuclear installations and materials.”¹⁸⁾ In its ponderous way, the IAEA cried out that it could no longer verify North Korean compliance with the NPT. In a recent summary of events in North Korea, the IAEA Secretariat noted dryly that, “Between May 1993 and March 1994, the Agency performed limited Safeguards activities related to technical work and maintenance of containment and surveillance systems.”¹⁹⁾

Although talks continued with indifferent results, relations between the DPRK and the IAEA deteriorated. In March, the North halted an inspection of the reprocessing plant and Blix recalled the inspectors. In response, on March 21, the IAEA Board of Governors declared the North to be in further noncompliance with its Safeguards obligations

17) Rosegrant and Watkins, pp. 25–26.

18) IAEA Factsheet.

19) International Atomic Energy Agency, “Application of Safeguards in the Democratic People’s Republic of Korea,” GOV/2011/53-GC(55)/24, September 2, 2011, p. 3.

and again referred the matter to the UN Security Council.

On May 14, the North began to remove the fuel rods from the Yongbyon reactor, while refusing to allow the Agency to monitor the process. With the operation complete, on June 2, Blix sent a letter to the United Nations Secretary General saying that the IAEA's ability to verify that nuclear material had not been diverted from the Yongbyon reactor had "been lost."²⁰⁾ Meanwhile, the North threatened to reprocess the spent fuel rods, separating more plutonium that could be used to make nuclear weapons.²¹⁾ As the Security Council considered further economic sanctions, Pyongyang threatened to turn Seoul into "a sea of flames."²²⁾

By June 15, the administration was facing calls for military action. Former National Security Advisor Brent Scowcroft and his former deputy Arnold Kanter argued that, "Pyongyang must be made to understand that if war is unavoidable, we would rather fight it sooner than later, when North Korea might have a sizable nuclear arsenal. Likewise, it must understand that if war comes, it will result in the total defeat of North Korea and the demise of the Kim Il-sung regime. The stakes could hardly be higher. The time for temporizing is over."²³⁾

The next day, Defense Secretary William Perry found himself in the Cabinet Room brooding about the terrible options he was about to present to President Clinton.

Like Perry, two of his top aides, Undersecretary John Deutch and

20) Rosegrant and Watkins, p. 36.

21) Carter and Perry, p. 128.

22) Carter and Perry, p. 129.

23) Brent Scowcroft and Arnold Kanter, "Korea: A Time for Action," *Washington Post*, June 15, 1994, p. A25.

Assistant Secretary Ashton Carter, were both trained as scientists. They looked at the problem differently than the diplomats at the IAEA. They had for months argued that the U.S. position “demanded both too little and too much of North Korea.”²⁴⁾ In their view, the IAEA’s obsession with verifying the nature of past actions was too much for Pyongyang to accept, while too little attention was being paid to shutting down the reactor at Yongbyon and preventing the future operation of two larger reactors then under construction. They argued for deferring the special inspections in return for a freeze on new activity, including reactor operations.²⁵⁾

Dramatically, the National Security Council meeting that was to contemplate military options was interrupted by a telephone call from former President Jimmy Carter, who had gone to Pyongyang to try to work out a deal. Carter conveyed a proposal from the North to negotiate directly with the United States. President Clinton instructed his National Security Advisor to respond that the United States:

“Would be willing to begin negotiations, provided that the North would freeze all activities at Yongbyon while negotiations were under way, and that negotiations would point the way to a permanent end of the nuclear dimension of the North Korean military threat.”²⁶⁾

24) Carter and Perry, p. 127.

25) Carter and Perry, p. 127.

26) Carter and Perry, p. 132.

Four months later, on October 21, 1994, the United States and the DPRK signed the Agreed Framework, which essentially froze North Korean nuclear reactor activities, in return for political and economic benefits, including heavy fuel oil shipments and construction of two light water power reactors. The North was to comply with the NPT and the North-South Denuclearization Agreement, but resolution of the past plutonium discrepancies was deferred.

In the United States, the deal faced a barrage of criticism, specifically that it: undercut the IAEA, damaging nonproliferation efforts not only in North Korea, but elsewhere;²⁷⁾ failed to include effective verification measures, especially for facilities beyond Yongbyon; propped up and prolonged a brutal and dangerous North Korean regime with substantial economic support; and, submitted to blackmail, providing all the wrong incentives for nuclear brinkmanship to both Pyongyang and to other states.

To these criticisms, supporters of the Agreed Framework responded that the most important fact was that North Korea was no longer running the Yongbyon reactor and thereby producing plutonium. They argued that while it was in force, the Agreed Framework prevented the production of more than 100 North Korean nuclear weapons.²⁸⁾ The other issues, while perhaps important, were less urgent than the imminent

27) An echo of the plutonium discrepancy issue can be heard in the controversy over how to resolve so-called “possible military dimensions” of Iran’s nuclear program.

28) Robert Gallucci, PBS *Frontline Interview*, March 5, 2003, accessed on October 4, 2014 at <http://www.pbs.org/wgbh/pages/frontline/shows/kim/interviews/gallucci.html>

threat of more fissile material for nuclear weapons.

Unstated, but important to this argument was a broad assumption about the general course of world events in 1994. The Berlin Wall had fallen in 1989, and so too had the Soviet Empire. Democracy was taking root in former communist countries in Eastern Europe. There was a strong sense that time was not on the side of totalitarian dictatorships. Kim Il-sung himself was said to be deeply affected by the object lesson of the death of his friend and fellow dictator, Romania's Nicolai Ceausescu.²⁹⁾ Moreover, even in the nuclear realm, there had been astounding progress. South Africa ended its nuclear weapons program in 1989 and joined the NPT in 1991 as a non-nuclear weapons state. Belarus, Kazakhstan, and Ukraine would give up the nuclear weapons they inherited from the Soviet Union under the December 1994 Budapest Memorandum, and the negotiations were well underway as the Agreed Framework was signed.

Thus, there was a sense that if the immediate crisis—in which North Korea had time on its side because it controlled the pace of reprocessing, and thereby confronted the United States with terrible options—could be averted, then longer term historical trends would place time on the side of America and its allies. While this bet did not pay off, it was not necessarily unrealistic.

Of course, the Agreed Framework did not end the Clinton administration's responsibility to deal with North Korean nuclear issues.

29) Donald P. Gregg, interview by Charles Stuart Kennedy, Association for Diplomatic Studies and Training, Foreign Affairs Oral History Project, March 3, 2004, p. 21 accessed on October 4, 2014 at <http://www.adst.org/OH%20TOCs/Gregg,%20Donald%20P.toc.pdf>

Significantly, the administration could not certify to Congress in 1999 and 2000 that North Korea was not pursuing a uranium enrichment capability.³⁰⁾ Clearly, the Clinton administration had picked up some indications that the North might be cheating on the Agreed Framework, but time apparently ran out before it could pursue either those suspicions or the “more for more” approach that it contemplated in its final days.

IV. The George W. Bush Administration

The shock of the September 11, 2001 attacks was compounded almost immediately by what looked like a potential tidal wave of nuclear proliferation. In August 2002, a dissident Iranian group disclosed what turned out to be covert uranium conversion and enrichment facilities in Iran. During the summer of 2002, the Bush administration saw growing evidence of North Korean pursuit of uranium enrichment. A. Q. Khan and his associates were marketing equipment and technology necessary to make nuclear weapons to several countries, including Iran, Libya, and North Korea. And, of course, the Iraq issue loomed, even if the essence of the intelligence judgments regarding Baghdad’s weapons of mass destruction programs would later prove false. The fear that nuclear weapons and terrorism might one day converge transfixed Washington, and a cresting proliferation tsunami could only make matters worse.

In the North Korea case, as the evidence of cheating on the Agreed

30) Mitchell B. Reiss and Robert L. Gallucci, “Dead to Rights,” *Foreign Affairs*, March/April 2005, accessed on October 4, 2014 at <http://www.foreignaffairs.com/articles/60634/mitchell-b-reiss-robert-gallucci-et-al/red-handed>

Framework became more conclusive, the Bush administration felt compelled to act. This was not an issue that could be ignored. Like other administrations facing the politico-military constraints on the Korean Peninsula, it sought a diplomatic option.

In early October 2002, Assistant Secretary of State James Kelly and an interagency team traveled to Pyongyang with a two-fold brief: confront the North with evidence that it had cheated on the Agreed Framework by pursuing a uranium enrichment program and demand that it halt this work; and, outline a so-called “bold approach” that could lead to an entirely new relationship between Washington and Pyongyang.³¹ Conceptually, the latter was akin the Clinton administration’s “more for more” ideas, while the former had been on its “to do list.”

Unfortunately, the North refused to correct its violation of the Agreed Framework and chose not to pursue discussion of the “bold approach.” In November 2002, the Korean Peninsula Energy Development Organization (KEDO), which managed provision of the Agreed Framework’s energy benefits for the DPRK, announced that it had suspended heavy fuel oil deliveries starting in the December, pending concrete and credible actions by the North to dismantle its uranium enrichment program. In December, KEDO also suspended construction at the light water reactor project in North Korea. In January 2003, the North responded by withdrawing from the NPT, expelling IAEA inspectors, and restarting the reactor at Yongbyon.

31) Victor Cha and James Kelly, “Pyongyang Blues,” *Foreign Affairs*, March/April 2008, accessed October 4, 2014 at <http://www.foreignaffairs.com/articles/63228/victor-cha-and-james-kelly/pyongyang-blues>

The Bush administration believed that one of the weaknesses of the Agreed Framework was that China did not have a stake in it. Beijing was not a party and therefore had no direct interest in North Korean compliance. President Bush felt strongly that this needed to be reversed. He first pursued three party talks between the United States, China, and North Korea, and then expanded the group by adding Russia, Japan, and South Korea. The logic was that if the world's strongest economic, military, and political powers could band together, they might persuade North Korea to abandon its nuclear weapons program, and later to adhere to the agreement. He also sought to invest Beijing, as the host of the talks, with an interest in the success of any agreement produced there.

All along, the Bush administration followed a two-track strategy, seeking a negotiated end to North Korea's nuclear weapons program, while continuing sanctions to stem North Korea's proliferation activities and limit its financial resources.

At the Talks, the United States sought the "complete, verifiable, and irreversible" dismantlement of the North Korean nuclear weapons program. North Korea's stated objective at the Talks was "freeze for rewards." Three rounds of Talks ended inconclusively.

Eventually, in September 2005, the parties concluded a joint statement that appeared to define a broad solution to the issue. "The DPRK committed to abandoning all nuclear weapons and existing nuclear weapons programs and returning, at an early date, to the Treaty on Nonproliferation of Nuclear Weapons and to IAEA Safeguards."³²⁾ In

32) "Joint Statement of the Fourth Round of the Six Party Talks," September 19, 2005.

return, the North was promised political, economic, and energy benefits.

Just before the Six Party negotiators issued their joint statement, the U.S. Treasury Department designated a small bank in Macao, Banco Delta Asia SARL, as a primary money laundering concern, effectively cutting it off from the U.S. banking system and, more importantly, other banks who wished to do business in the United States. The action caused a run on the bank and was front-page news as delegates gathered in the morning when the fourth round of the Six Party Talks was to conclude. While dramatic, this was entirely consistent with earlier U.S. actions to limit North Korean illicit activities. The North returned to the Talks in November 2005, but later refused to continue, citing U.S. "hostile policy."

On October 9, 2006, North Korea conducted its first nuclear weapons test. In response, the United States attempted to spur the other Six Party participants, particularly China, into stronger action. Unfortunately, the Talks had evolved from a means to marshal pressure on the North to abandon its nuclear weapons program, to a means for Beijing to manage Washington's responses to Pyongyang's provocations. Thus, Beijing focused on holding additional rounds of talks in December 2006 and February 2007, instead of pressing North Korea to reverse its dangerous course.

In the February round of Talks, the North committed to shutting down and sealing the Yongbyon reactor, fuel fabrication plant, and reprocessing facility, and to re-admitting IAEA inspectors. U.S. personnel entered North Korea to monitor this work in November of 2007 and remained until they were expelled in April 2009. In June 2008, North Korea destroyed the cooling tower of the Yongbyon reactor.

By the end of the George W. Bush administration, the Yongbyon facility had again been shut down, but the North had conducted a nuclear test and removed and likely reprocessed a reactor core load of fuel. No progress had been made toward disclosing, let alone shutting down, the North's uranium enrichment program. Against mounting evidence of its existence, Pyongyang continued to stonewall.

Moreover, it became increasingly clear that Beijing would block any strategy designed to pressure the North into completing and complying with an agreement to end its nuclear weapons program. Chinese aid to, trade with, and investment in the North all increased substantially, blunting the effects of sanctions.

V. The Obama Administration

Despite having come to office with an avowed willingness to meet with leaders adversarial to the United States, including North Korea,³³⁾ President Obama was met with deeper hostility from Pyongyang. U.S. personnel monitoring the shutdown of the Yongbyon facilities were expelled in April 2009. Also that month, the North launched a multi-stage missile test. On May 25, 2009, North Korea conducted its second nuclear test.

In 2010, matters got worse. In March, a DPRK torpedo sank the ROKS *Choenan*, killing 46 sailors, in an unprovoked attack. In November,

33) Elise Labott, "Clinton, Obama in War of Words Over 'Rogue Leaders'," CNN July 25, 2007 accessed October 4, 2014 at <http://www.cnn.com/2007/POLITICS/07/25/clinton.obama/>

North Korean artillery bombarded Yeonpyeong Island, killing several civilians and wounding more than a dozen. Also in November, North Korea revealed a uranium enrichment facility it had constructed at Yongbyon to former Los Alamos National Laboratory Director, Siegfried Hecker, and two colleagues.³⁴⁾

The facility was built between the time of the departure of American experts from Yongbyon in April 2009 and Hecker's visit in November 2010—19 months. Hecker describes a “modern, small industrial-scale uranium enrichment facility with 2,000 centrifuges....”³⁵⁾ The facility gives lie to Pyongyang's denials that it was pursuing a uranium enrichment program. It strains credulity to believe that North Korea could quickly and successfully install such a facility without having had prior experience at another location.

The Obama administration responded warily to the North's provocations, articulating a doctrine of “strategic patience.” A senior administration official explained that, “What we're focused on is changing North Korean behavior. We are not focused on getting back to the table. We recognize that diplomacy, some form of diplomacy with North Korea, is inevitable at some point. We're not really there.”³⁶⁾

In a twist bizarre even in the context of convoluted North Korean

34) Siegfried Hecker, “A Return Trip to North Korea's Yongbyon Nuclear Complex,” Center for International Security and Cooperation, Stanford University, November 20, 2010, p. 1, accessed October 4, 2014 <http://iis-db.stanford.edu/pubs/23035/HeckerYongbyon.pdf>

35) Hecker, p. 1.

36) Glenn Kessler, “Analysis: North Korea Tests U.S. Policy of ‘Strategic Patience’,” *Washington Post*, May 27, 2010 accessed October 4, 2014 at <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/26/AR2010052605047.html>

policy, relations would sink further in the wake of the failed “Leap Day Deal,” on February 29, 2012. Struck early in Kim Jong-un’s reign, the accord swapped a moratorium on missile and nuclear tests, and uranium enrichment, along with IAEA monitoring, for a U.S. pledge of 240,000 tonnes of food aid. Just over two weeks, the deal collapsed when the North announced a “satellite launch” that the United States believed would violate the deal—setting a new record for the shortest-lived deal with the DPRK.

On February 12, 2013, North Korea conducted its third nuclear test. Later in 2013, commercial satellite images suggested that the North had restarted the plutonium production reactor at Yongbyon.³⁷⁾ It also appears that the enrichment facility at Yongbyon has been expanded. Thus, there are now no constraints over or international inspections on North Korea’s nuclear program.

Strategic patience appears to have calcified into paralysis. Burned by the North’s surprising initial hostility, nuclear tests, and erratic behavior over the Leap Day Deal, the Obama administration is highly unlikely to take risks to advance its North Korea policy. Indeed, the administration is, to the extent it can, trying to gather foreign policy wins to solidify the President’s legacy. North Korea is far too unpredictable to fit that agenda. Thus, little progress can be expected over the next two years.

37) Madison Park, “Satellite Images Suggest North Korea’s Yongbyon Nuclear Reactor Restarted,” CNN, September 12, 2013 accessed on October 4, 2014 at <http://www.cnn.com/2013/09/12/world/asia/north-korea-nuclear-reactor/>

VI. Future Administrations

The painful experience of dealing with North Korea has taught some hard lessons that have likely been learned by both Republicans and Democrats. President Obama has been no less wary of the North than President George W. Bush. No American president will likely ever again trust this North Korean regime to abide by an agreement. Similarly, it seems highly unlikely that the current North Korean government would ever agree to give up its nuclear weapons program. Thus, while there may be good reasons to talk, the denuclearization of the Korean Peninsula is no longer one of them.

If the road to denuclearization is blocked at Pyongyang, another route must be found. As the North's most generous aid donor, largest trading partner, most enthusiastic investor, and only real friend, China remains the key to success. North Korea is not viable (such as it is) absent Chinese support. Sanctions cannot be effective if China seeks to undermine them. Therefore, China must be made to feel that peaceful reunification is in the Middle Kingdom's interest.

Today, Beijing mistrusts reunification because it fears the consequences of possible instability and because it wants to avoid the stationing of U.S. forces on its border. It may also want to protect its substantial and growing investments in North Korea. Much can be done to address these concerns, while protecting Korean and American interests.

The current climate of rising regional tensions in North and South East Asia will, to be sure, complicate the diplomacy. Five years ago, maritime boundary disputes threatened to complicate resolution of the central regional security issues—now they are becoming the central

regional security issues. Still, if Washington, Seoul, and Beijing are able to work together to create the conditions for more secure peace and prosperity in Northeast Asia, it might also help to diffuse those tensions.

There should also be no illusion that even with genuine Chinese support for peaceful reunification, it would be quick, easy, or happen any time soon. This is about setting conditions for a favorable outcome years hence. The North Korean regime is likely hard, but brittle. It will stand up to strong pressures, but when it collapses, it will shatter—possibly releasing dangerous shards.

Washington and Seoul can work together to provide long-term reassurance to Beijing. At the very least, they can learn some of the lessons from the current security debacle in Europe on outcomes to avoid. In the event of peaceful reunification of Korea, the United States, in cooperation with the ROK, should be prepared to offer credible assurances that it would not move its forces north, and indeed that in the absence of a DPRK threat, U.S. ground forces would be less necessary on the Peninsula.

Similarly, Seoul can make clear that with reunification, enormous infrastructure investments in the North would be necessary and profitable, and that Chinese capital would be welcome, while current investments would be respected. Closing the economic sucking chest wound that North Korea inflicts on Northeast Asian prosperity would lift living standards in China's rust belt, and offer great potential for regional economic growth. As China's natural economic growth rate decelerates, this may become more appealing to Beijing.

China should also be reminded that North Korean provocations contravene its stated security interests—increasing the salience of nuclear

weapons and missile defenses, making the continued presence of U.S. forces more rather than less likely, drawing the United States closer to its allies in Japan and South Korea, and causing the very instability that Beijing professes to oppose.

To address the North Korea issue, policymakers in Washington and Seoul will need to lift their chins, to look over the horizon geographically and temporally. The solution is not in Pyongyang and may not come any time soon. Nonetheless, it makes sense to begin now to lay the foundations for a more peaceful and prosperous Northeast Asia.

A New Thinking for Resolution of the North Korean Nuclear Issue

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A New Thinking for Resolution of the North Korean Nuclear Issue

I. Recent Development

It has been two decades since the Geneva Agreed Framework has been adopted for providing a solution to the North Korea nuclear issue. The North Korea nuclear issue, however, has only gotten worse since then, and North Korea has conducted three nuclear explosions in 2006, 2009, and 2013. Kim Jong-un seems to develop nuclear capabilities in order to keep his country to survive and to consolidate his power. North Korea has stated in its revised Constitution of 2012 that it possesses nuclear weapons, and Kim Jong-un announced a “dual track policy (*byungjin* line),” economic development with nuclear weapons, at the New Year Address of 2014. This implies that North Korea has no intention to give up its nuclear weapons.

For the past two decades, related parties have tried to stop North Korea’s nuclear weapons development through various measures such as summit talks, multilateral meetings, economic support, and sanctions, but none of them were successful or effective at all. They have tried

to persuade the North to give up nuclear program with economic assistances or sanctions, but the North continued its program with various effective tactics such as abrogation of agreements, tension creation, dialogues, securing economic assistances, etc. Economic sanctions against the North through the UNSC Resolution has not been effective due to the negative attitudes of China and Russia. Though Chinese pressure on the North has been strengthened after the third nuclear explosion in February 2013, North Korea has attempted to avoid Chinese pressure by wooing Russia to go together.

China has officially opposed the North's nuclear program by agreeing on UNSC Resolution after the North's third nuclear explosion. Since then, China has repetitively announced its objection to the North's nuclear program, and many Chinese scholars and journalists have also criticized the Kim Jong-un regime's relentlessness. Although North Korea's dependency on China in the bilateral trade went up to about 85%, North Korea watchers agree that their relations are not as intimate as they used to be. It has been four years since Kim Jong-un has succeeded power, but he has never visited Beijing or had a summit meeting with Xi Jinping. On the other hand, South Korea and China already had several summit meetings, and Xi Jinping has even paid his visit to Seoul before visiting Pyongyang. These recent developments merely show Chinese frustration toward the Kim Jong-un regime.

However, we do not expect the North to give up its nuclear program easily only because of its recent unstable relationship with China. Kim Jong-un has made it very clear to the world that nuclear weapon is the North's last measure to defend the regime and also its greatest asset to protect Kim Jong-un's authority. Kim Jong-un intends to use its nuclear

bluff to open opportunities to secure any financial aid in conversations with the South and the U.S.

The U.S. stands firm as it holds its position steady that it will hold no conversation before North Korea dismantles its nuclear program. South Korea's President Park is also stern and adamant about receiving a sincere apology from the North Korean government for the Cheonan and Yeonpyeong incidents first, before lifting South Korea's "May 24 Sanctions" or finding other measures to improve the South-North relationship. With no change in either party's circumstances, resolving the North's nuclear issue has been in stalemate for a while now. And finding resolution to the North Korea nuclear issue will only get more difficult if so.

II. North Korean Nuclear Issue: A Retrospect

A. The First Nuclear Crisis

In September 1991, South Korea and North Korea began the Peninsula denuclearization negotiation as soon as the U.S. Armed Forces in Korea withdrew its tactical nuclear weapons from the Peninsula. Both the South and the North signed the "Declaration for Denuclearization of the Korean Peninsula" and the Peninsula was in the most peaceful state since its separation half a century ago. Immediately after the joint declaration, North Korea's suspicious nuclear activities were brought to IAEA's attention.

North Korea joined the IAEA in 1974 and the NPT in 1985. Then

it made the full scope Safeguards Agreement with the IAEA on April 10, 1992, and also submitted its first report for its 16 nuclear facilities on May 4, 1992. However, the IAEA was suspicious about the North Korean report which omitted the nuclear reprocessing facilities in Yongbyon. North Korea then announced withdrawal from the NPT when the IAEA requested a special investigation for that reason. This was the beginning of the first nuclear crisis.

In October 1994, the Geneva Agreement was signed by the U.S. and the North. Following the agreement, the North was to call off its withdrawal from the NPT, freeze its nuclear facilities, and permit IAEA's special investigations. Accordingly, the U.S. was to support 500,000 tons of heavy oil every year and build two 1,000 MWe light-water reactors (LWR) for North Korea. Naturally, the North's nuclear tension calmed down and a peaceful resolution to the nuclear issue was highly anticipated.

The North nuclear suspicion surfaced up again when it was reported that the North was pushing Uranium Enrichment Program (UEP) in 1999. North Korea had intentionally interrupted the IAEA's investigation process, and the tension between the North and the U.S. had gotten worse. The U.S. and the North continued to broil surrounding issues of the delivery of main parts of the LWR and investigation of suspicious sites. In December 2002, the U.S. announced that it is putting all heavy oil support for North Korea on hold. And this was followed by the North's announcement, the cancellation of the nuclear freeze, which basically broke the entire conditions of the Geneva agreement.

The U.S. wanted to verify the North's nuclear freeze, and the North wanted to receive the key components to building the LWR before its nuclear dismantlement. North Korea, however, was afraid that the LWR

would not be complete even if they completed nuclear dismantlement, and the U.S. was suspicious that the North would continue its nuclear weapons development if it provides all main parts with incomplete dismantlement and resume its nuclear program. The Geneva agreement failed because the agreement was not signed based on trust. The two parties have failed to overcome its mutual distrust which was accumulated over the past century.

B. The Second Nuclear Crisis

As questions and concerns for the Highly Enriched Uranium (HEU) program had increased, the U.S.-North Korea relationship further aggravated after Bush's inauguration in January 2002. President Bush was extremely negative about Kim Jong-il and the North Korean government's diplomatic moves. The Second Nuclear Crisis arose when Kang Sok-ju, then the North's deputy-minister of Foreign Affairs, mentioned the North's HEU program to James Kelly, then the U.S. representative in dealing with the nuclear dialogue with the North, who was to visit Pyongyang in October 2002. By then, the U.S. had already stopped supporting heavy oil to the North, and North Korea had also removed all monitoring cameras which were installed in its nuclear facilities in Yongbyon. North Korea also deported the IAEA investigation team out of the country. On January 10, 2003, North Korea announced its withdrawal from the NPT once again and restarted its 5 MWe nuclear reactor after a month in February.

For finding a peaceful resolution to the North's nuclear issue, the Six-Party Talks began on August 27, 2003. On its 2nd meeting, five

countries, excluding the North, announced its Chairman's Statements agreeing on a resolution based on the principle of CVID (Complete, Verifiable, and Irreversible Dismantlement). However, President Bush's hard line policy to the North due to his negative understanding toward Kim Jong-il, passage of the North Korean Human Rights Acts in the Senate, and the statement of "outpost of tyranny" by Secretary of the State, Condoleezza Rice, deteriorated the U.S.-North Korea relations and the nuclear resolution farther away.

In June 2004, during the 3rd Six-Party Talks, the U.S. had proposed a step-by-step solution to the North's nuclear issue. However, North Korea insisted that the U.S. withdraw its hostile policy first. Then North Korean deputy-minister of Foreign Affairs, Choi Su-hun, announced that the North had already weaponized by reprocessing 8,000 spent fuel rods. North Korea announced that it possessed nuclear weapons on February 10, 2005.

The Six-Party Talks continued on even after the North's nuclear possession announcement. The Six-Party Talks resulted in a joint declaration on September 19, 2005, which stated that North Korea will receive energy resources in return for abandoning its nuclear program, and also stated that the five parties will agree on the North's right of peaceful use of nuclear energy. The September 19 Joint Declaration agreed to form a Forum to discuss a peaceful regime on the Korean peninsula. A gradational multi-staged denuclearization of the North was anticipated.

Yet, during the 5th Six-Party Talks in December 2005, the seemingly peaceful resolution hit another dead-end because of different opinions between the North and the U.S. regarding the sequences of implementation of the Joint Declaration. The U.S. and the North failed

to reach an agreement, and the North conducted its first nuclear explosion on October 9, 2006, which made things worse than it ever was. UN Security Council took immediate action and adopted the UNSC Resolution 1718, putting economic sanctions to the North. Accordingly, South Korea reduced its exchange and cooperation program toward the North.

Nevertheless, the international society continued on putting in patient efforts for a peaceful resolution to the North's nuclear issue. In November 2006, U.S. President Bush mentioned that we could officially announce that "the Korean War is over once the North abandons its nuclear weapons." He expressed that the U.S. would be willing to change its North Korea policy and open up for a normal country-to-country relationship. The U.S.'s willingness to change its foreign policy and China's active arbitration brought back the six parties to the table on December 8, 2006 after a 13 month-long break. But did anything change then? No. The U.S.'s principle of "dismantlement first, security guarantee and economic assistance next," conflicted with the North's principle of "diplomatic normalization first, nuclear disarmament talks next." Their positions did not change and the Talks just died out not moving forward to the next steps.

In February 2007, the U.S. and the North finally agreed on a revised plan with a lower-intensity level denuclearization. The details of the "February 13 Agreement" were much more specific than the "September 19 Joint Declaration" such as: (1) North Korea will shutdown and seal the Yongbyon nuclear facility and accept IAEA's investigation; (2) the U.S. will supply 50,000 tons of heavy oil in 60 days, and 950,000 tons until the facility is dismantled; (3) five parties will provide supplies based

on equality and fairness; (4) U.S.-North Korea will begin bilateral talks; (5) Japan-North Korea will resume talks to normalize their relationship; and (6) all participating countries will focus on executing the necessary steps as soon as possible in order to normalize and maintain peace in East Asia.

However, the “February 13 Agreement” was not the perfect solution for all issues such as: (1) it only included the Yongbyon nuclear facility; (2) IAEA investigation was left out; (3) definition of nuclear disarmament was not concrete enough; and (4) LWR was not included. Therefore, the U.S. and the North announced their updated agreement after further negotiation on October 3, 2007: (1) North Korea agrees to shutting down all nuclear facilities; (2) North Korea will report its entire nuclear program in complete, absolute detail; and (3) North Korea will not transfer its knowledge of the nuclear technology and materials to other countries.

After the “October 3 Agreement” was signed, the U.S. resumed its supporting of heavy oil and food, and the North broadcasted the demolition of its cooling tower at Yongbyon nuclear facility to the world. Everything looked well in peace until the U.S. requested IAEA’s investigation to North Korea. North Korea again rejected their visit and the U.S.-North Korea nuclear negotiation stopped. In order to put hard pressure on the U.S., North Korea launched its long-range missile on April 25, 2009, and conducted its 2nd nuclear explosion on May 8th. The UN Security Council adopted Resolution 1874 and tightened up its restrictions against North Korea’s international trade, weapons transaction, finance, etc.

Since early 2010, there were many attempts to resume the Six-Party Talks. South Korea and the U.S. demanded that the North must take

necessary measures for denuclearization, while the North requested the U.S. take steps to normalize its relationship with the North. Therefore, the denuclearization dialogue could not resume. The Cheonan and Yeonpyeong Incidents further aggravated the North-South relations. On November 12, 2010, North Korea invited Dr. Hecker, professor at Stanford University, and showed sophisticated centrifuge facilities, which extract enriched uranium. Dr. Hecker estimated that the North can produce one or two nuclear bombs from that centrifuge system, which increased concerns on urgent denuclearization of the North.

The U.S. has pursued various policy alternatives from strategic negligence to direct engagement including bilateral dialogues toward North Korea to resolve the nuclear issue. The principle of the U.S. policy toward the Korean Peninsula has focused on maintaining a stable peninsula. The U.S. understood that direct strike to nuclear or long-range missile facilities of the North would further destabilize the Korean Peninsula. Based on that perception, the U.S. has made strenuous efforts to resolve North Korean nuclear and long-range missile issues through dialogues, despite North Korea's illegal activities such as drug trafficking, money launderings, counterfeiting, illegal transfer of nuclear and missile technologies, illegal arms sales, etc.

After the successful launch of a long-range missile and the third nuclear explosion in December 2012 and February 2013, respectively, North Korea emerged as one of the most important challenge to U.S. foreign policy agenda. Different from former President Clinton's approach, resolving North Korean issues through bilateral dialogues, President Obama has placed emphasis on multilateral approaches. As a result, the role of China has become very important as a chair country of the

Six-Party Talks and as a political and economic guardian state of miserable North Korea. North Korean issue has emerged as one of the most important issues among conflicting issues such as trade imbalance, devaluation of Chinese Yuan, climate change, human rights, etc. between the U.S. and China.

President Obama clearly showed his firm willingness to engage with North Korea during his election campaign and inauguration speech. Nevertheless, President Obama still waits North Korea to return to the negotiation table, under the strategy of “strategic patience.” The Obama administration made clear that bilateral dialogues between the U.S. and North Korea would be possible in case North Korea implements denuclearization measures first. He also declared that the U.S. was ready to negotiate a package deal including diplomatic normalization and large scale economic assistances.

Meanwhile, the U.S. and North Korea agreed on the Leap Day Agreement on February 29, 2012. The U.S. agreed to provide 240,000 tons of nutritional assistance to North Korea in return for North Korean nuclear and missile moratorium including the uranium enrichment program (UEP). North Korea also agreed on return of IAEA inspectors to Yongbyon facilities. Nevertheless, the Agreement failed due to North Korea’s long-range missile launch to celebrate the 100th anniversary of the late Kim Il-sung’s birthday.

President Obama was infuriated by North Korea’s violation of the Agreement and closed bilateral dialogue channels. North Korea again launched the long-range missile, called *Unha-3* (Galaxy-3), in December 2012 to break stalemated negotiation with the U.S. Different from previous negotiation style, however, the U.S. refused to provide incentives

to the North. Instead, the U.S. put very strong pressure on the North by adopting the UNSC Resolution 2087. The Obama administration further strengthened sanctions on North Korea by adopting the UNSC Resolution 2094 after North Korea's third nuclear explosion in February 2013.

The Obama administration's North Korea policy focused more on sanctions and pressure for resolving nuclear and missile issues, shifting from dialogues and negotiations of the Clinton administration. North Korea's recurrent violations of agreements contributed to that policy shift. North Korea forced the U.S. to negotiate by increasing tensions on the Korean Peninsula with provocations such as nuclear explosion, long-range missile launch, or actual armed provocations to South Korea. The U.S. was drawn into the negotiation and reached agreement by providing food and economic assistances. Then, North Korea repeatedly abrogated previous agreements and increased tensions on the peninsula. Against the North Korean brinkmanship strategy, President Obama decided to use sanctions and pressure and persuaded China to participate in the U.S. efforts to get maximum results. Nevertheless, it is not clear whether President Obama's policy will be successful or not. Sanctions against North Korea cannot guarantee resolution of nuclear and missile issues. Furthermore, the remaining term of President Obama is too short to resolve the issues.

III. Reasons for the Failure of Denuclearization

More than 20 years have been passed since the emergence of the

North Korean nuclear issue. Why did the U.S., South Korea, and international society fail to resolve the issue? First of all, the U.S., South Korea, and international society were deceived by North Koreans. Kim Il-sung strongly denied the nuclear program by saying that North Korea had neither intention nor willingness to develop nuclear weapons. His successor, Kim Jong-il, also deceived international society as if he was sincere for denuclearization by saying that denuclearization of the Korean Peninsula was Dear Leader's last instruction. In this manner, North Korea deceived the outside world and continued developing nuclear weapons.

Second, policymakers in South Korea and the U.S. did not have sufficient understanding of North Korea due to North Korea's international isolation and closed political system. Many North Korean observers, journalists, and specialists advocated that the North Korean nuclear program was for negotiation purposes to get more economic benefits and to improve its relationship with the U.S. Some depreciated North Korea's nuclear program because of its lower nuclear technology level and economic difficulties.

Third, lack of policy consistency of South Korea and the U.S. hindered effective policy making and implementation to stop the nuclear program. North Korea policies of South Korea and the U.S. moved back and forth between "sticks and carrots." Political leaders and diplomats were more or less optimistic about the denuclearization. They tended to believe that dialogues and negotiations were good signs for denuclearization. North Koreans however utilized dialogues and negotiations to buy time to develop nuclear weapons. Immediately after North Korean nuclear explosions and long-range missile launch, tensions increased on the peninsula, and the UNSC adopted resolutions to put sanctions against

North Korea. Nevertheless, as time passed by, politicians and diplomats worried about the continuation of stalemate and the lack of dialogue.

Fourth, lack of policy cooperation and coordination between South Korea and the U.S., especially during the Kim Dae-jung and Roh Moo-hyun governments, contributed to the failure of denuclearization. Kim and Roh governments' policy of economic assistances to the North alleviated international sanctions to stop the North's nuclear program. Different political schedules of the South and the U.S. also prevented them from cooperating to denuclearize the North.

Fifth, North Korea fully utilized strategic relations between the U.S. and China. China recorded more than 10% of economic growth for more than two decades since the economic reform and opening and succeeded in economic modernization. It had actively pursued to expand its sphere of influence toward the Asia-Pacific area under the leadership of Hu Jintao. The U.S., on the contrary, had executed the war on terrorism after September 11, resulting in tremendous financial and trade deficits. The U.S., though it was the only military superpower in the post-Cold War era, could not solely resolve various global issues such as terrorism, racial conflict, religious disputes, environmental degradation, etc. The U.S. needed Chinese cooperation to resolve such global issues, and also to resolve the North Korean nuclear issue. China, as an ally of North Korea, on the other hand, was the only country that can wield political influence on North Korea, because China had provided food and energy to the desperate North. Nevertheless, China utilized the nuclear issue to elevate its strategic status vis-à-vis the U.S. The U.S. was not possible to hit nuclear facilities of the North nor put the harshest sanctions to the North without Chinese assent. North Korea could maximize its

strategic interests by using “brinkmanship strategy” in the U.S.-China strategic relations of cooperation and competition.

Sixth, the Six-Party Talks will no longer be an effective mechanism to resolve the North Korean nuclear issue. The Six-Party Talks started from 2003 to resolve the North Korean nuclear issue through dialogue, and the six related parties agreed on “September 19 Joint Declaration” in 2005. Nevertheless, the Joint Declaration failed to inscribe detailed implementation measures. It was a simple gentleman’s agreement which needed additional detailed agreement to implement. Therefore, immediately after the Joint Declaration, the Six-Party Talks stalemated due to different interpretation on implementation order, measures for denuclearization, verification, etc. The U.S. and North Korea again agreed on additional agreements on February 13, 2007 and October 3, 2007. However, North Korea had already tested the first nuclear explosion in September 2006.

Seventh, the governments of Kim Dae-jung and Roh Moo-hyun were more or less optimistic about denuclearization of the North, but the North had no intention for denuclearization. The Kim and Roh governments were not active for denuclearization through sanctions and international pressures, causing conflict and confrontation with the U.S. and international community. Especially, President Roh’s comment such as “the North had some proper reasons for nuclear program” brought serious chasm on the ROK-U.S. cooperation. In such a circumstance, it was not easy to get Chinese cooperation for concerted efforts to denuclearize the North.

IV. Policy Alternatives for South Korea

Despite the four agreements, such as the Geneva Agreement, the September 19 Joint Declaration, February 13 Agreement, and October 3 Agreement, the North Korean nuclear issues has become further deteriorated with no clue to resolve. North Korea had three test explosions for technological development and to downsize nuclear weapons, and has developing highly enriched uranium (HEU) weapons. Nuclear specialists expect if the North implement another nuclear test explosion, the resolution would be more difficult.

As President Park Geun-hye mentioned in New York on September 24, 2014, a creative and multilateral approach is needed to resolve the North's nuclear issue. Measures such as economic sanctions and diplomatic isolation will not be effective to resolve the issue against the North which has been advocating self-sufficiency for a long time. Sanctions and isolation strategy will contribute to strengthening internal cohesiveness of the Kim Jong-un regime, and he will further stick to nuclear weapons to maintain his leadership.

Alternatives to resolve the North's nuclear issue can be listed from moderate to tough policies: (a) diplomatic normalization between the U.S. and North Korea; (b) large scale economic assistance; (c) implementation of a cooperative threat reduction program (CTR); (d) continuing Six-Party Talks; (e) maintaining current policy of strategic patience; (f) regime transformation of the North; (g) military threat; (h) surgical strike of nuclear facilities.

A. Strategic Patience

Strategic patience is the current policy of the Obama administration. The U.S. and related countries continue to put pressure and the U.S. will not accept dialogue with the North unless the North takes initiatives for denuclearization. In addition, the U.S. and international society put pressure on the North for its human rights abuses. It is certain that this policy of strategic patience, waiting for North Korean initiative for denuclearization, will not be successful. We have seen that economic sanctions and diplomatic isolation could not change Kim Jong-un's position on nuclear issue.

B. Denuclearization through Six-Party Talks

The Six-Party Talks have stopped its function since the September 19 Joint Declaration adopted in 2005. In order to implement the Joint Declaration, the U.S. and the North must agree on how to implement the Joint Declaration. They agreed on February 13 and October 3 of 2007, respectively, but failed to proceed to the final stage. Even if the Six-Party Talks resume sooner or later, it is not easy to produce new and consolidated agreement for ultimate resolution of the nuclear issue. Participants to the Talks have different interests on the Korean Peninsula, so they suggest different measures. Therefore, it is hard to expect the Six-Party Talks to resolve the nuclear issue anymore.

C. Cooperative Threat Reduction (CTR)

The CTR program is to dissolve weapons of mass destruction through mutual cooperation between threatening states and threat-taking states.

It was successful to dissolve nuclear weapons and materials within newly independent states from the former Soviet Union. The U.S. and Western European countries provided various economic incentives to dissolve nuclear weapons and materials, and successfully dismantled and removed them from their respective territories. This experience may apply to the North.

The CTR, however, must overcome many difficult processes. First of all, implementation of agreements is more important than producing agreements. Second, continuous cooperation until final dissolution of nuclear weapons and removal of nuclear materials with the North must be secured. Third, continuous and concerted cooperation among related countries to provide economic incentives and assistances must be guaranteed. Moreover, the CTR is a long-term project to complete. Various incentives to the North include: (a) security guarantee to the Kim Jong-un regime; (b) the U.S.-North Korea diplomatic normalization; (c) comprehensive economic assistance program including energy and social infrastructure; (d) provision of LWR; (e) purchase of spent fuel rods; (f) technology transfer and financial support to dissolve nuclear facilities, etc. Appropriate incentives and assistances will be provided as denuclearization proceeds.

D. Economic Assistance

Economic assistance may include: humanitarian assistance; expansion of the North-South trade; direct investment to the North; energy assistance; provision of a long-term development loan; supporting infrastructure construction, etc. South Korea may consider lifting of the

“May 24 Measures” against the North which was announced after the Cheonan Incident in March 2010. Nevertheless, North Korea is not expected to accept economic compensation at the expense of security. It is not certain that economic assistance will stop Kim Jong-un’s willingness to keep the nuclear program. If North Korea is negative to implement denuclearization in spite of South Korean measure to release the May 24 sanctions, North Korea will have a chance to vilify South Korea for fabricating the Cheonan Incident. Then, South Korea provides economic assistance with no returns from the North.

E. Diplomatic Normalization and Peace Treaty with the U.S.

The ultimate goal of North Korean foreign policy is to normalize relations with the U.S. North Korea has demanded bilateral dialogues with the U.S. as a precondition to improve their relations. The U.S., on the contrary, requested for the North to take initiatives for denuclearization as a precondition for the bilateral dialogue. Both requested the other party to take appropriate measures first. Therefore, a simultaneous implementation might resolve the precondition issues. The North starts denuclearization measures, and the U.S. and North Korea begin dialogue for diplomatic normalization. Simultaneous implementation might break the current stalemate.

South Korea and the U.S. must examine carefully the status of the ROK-U.S. alliance and the USFK after the U.S.-North Korean diplomatic normalization. Only if the North agree on maintenance of the alliance and the USFK, can South Korea and the U.S. positively consider

diplomatic normalization between the U.S. and North Korea. If North Korea understands maintenance of the ROK-U.S. alliance and the USFK, then the U.S. and North Korea can exchange lists of denuclearization and normalization measures and procedures, respectively. If they agree on the lists, then both sides can simultaneously implement measures to denuclearize and normalize their relations.

F. Regime Transformation

It is certain that the Kim Jong-un regime will not give up its nuclear program. Nuclear weapons guarantee security of the Kim Jong-un regime and consolidate internal cohesiveness of his regime. Kim Jong-un inscribed that the North Korean government is a nuclear weapon state in the constitution and declared dual track policy of nuclear weapons and economic development. He conveyed his strong desire to develop nuclear weapons. Under the current regime of totalitarian dictatorship, denuclearization of the North will not be accomplished. Unless the international society changes the current totalitarian regime, Kim Jong-un will not abandon his nuclear program.

South Korea, the U.S., China, and the international community support North Korea to move toward reform and opening. They must create a favorable environment in which the North Korean leadership feels comfortable when it moves toward reform and opening. If the North Korean leadership moves toward reform and opening, then related countries should support the North to continue reform projects and expand various assistances. Related countries must give hands to the North to transform its totalitarian and closed system toward democratic

and market economy system. Then, denuclearization of the North through dialogue and negotiation can be possible.

G. Military Threat and Pressure

South Korea and the U.S. may exercise military demonstrations and large-scale military drills to intimidate the North as a measure to put hard pressure. This hard line measure is needed for South Korea and the U.S. close cooperation and consultation with China and Russia to receive positive results from the North. Nevertheless, South Korea and the U.S. must consider negative effects in case the North resists against military intimidation. The North may increase military tension on the Peninsula, then South Korea will face various economic and political difficulties such as withdrawal of foreign investments, domestic political and economic disorder, downgrading of South Korea's credit rating, etc. Moreover, the North may not give up its nuclear weapons and nuclear program by military threat only.

H. Surgical Strike on Nuclear Facilities

A surgical strike is the most confident way to eliminate the North's nuclear capabilities. Surgical strike can remove core facilities related to manufacturing nuclear bombs such as nuclear reactors, reprocessing facilities, fuel rod manufacturing facilities, etc. Surgical strike needs very close cooperation between South Korea and the U.S., and must be planned secretly. The problem is that a surgical strike cannot remove already manufactured nuclear weapons, extracted and hidden plutonium, and facilities related with the uranium enrichment program. Surgical strike

could be an effective way to remove plutonium-based nuclear facilities before the North manufactures nuclear weapons. At present, it is almost impossible to remove the North's nuclear capabilities with just surgical strike.

V. Conclusion

It looks clear that Kim Jong-un sticks to nuclear weapons for security of his country and domestic political stability. North Korea has requested the U.S. and international community to recognize it as a nuclear weapon state. The U.S. currently is concentrating its foreign policy on the Middle East to remove revived terrorism threat posed by the Islamic State. China, though it pressed hard in spite of its alliance relationship with the North, is not able to block the North's nuclear program. In response against Chinese diplomatic and economic pressure, North Korea is approaching toward Russia to get diplomatic and economic support. Japanese move to talk with the North on the abduction issue may create a chasm in trilateral policy coordination among South Korea, the U.S., and Japan. The North-South dialogue has discontinued since the Cheonan and Yeonpyeong Incidents. Under these circumstances, the possibility is very low to resolve the North's nuclear issue through dialogue.

North Korea will implement the fourth nuclear explosion unless related countries fail to prepare measures to break the continuing stalemate. Many specialists expect that the fourth explosion might be either an HEP bomb or a miniaturized one. If the North conducts the fourth explosion, a peaceful resolution will become more difficult. It is urgent

to suggest measures for the North to come to the dialogue.

Maintaining the current policy of strategic patience, is not a good policy alternative to resolve the North's nuclear problem. A surgical strike is also not a good option because the North already manufactured several nuclear bombs and it has an HEU program. Military demonstration or intimidation will increase tensions on the Korean Peninsula which causes more negative effect on South Korea.

Therefore, possible policy alternatives for the South and the U.S. will be (a) economic assistance; (b) CTR program; (c) regime transformation; and (d) U.S.-North Korea normalization and peace treaty. These alternatives mean that South Korea and the U.S. cannot help but prepare coexistence with the nuclear-equipped North for a short period of time and pursue a long-term objective of denuclearization of the North. Economic sanctions and diplomatic isolation failed to denuclearize the North, because sanctions and isolation could not further damage an already devastated and isolated totalitarian regime. Now, South Korea and the U.S. must consider the most desirable measure that the North may take interest.

The ultimate goal of the Kim Jong-un regime is to establish diplomatic relationship with the U.S. Economic assistance, and a CTR program may be utilized as incentive measures in negotiations to normalize bilateral relationship between the U.S. and the North. Efforts to transform the North Korean regime should be a long-term goal of the South and the U.S. This means that we must seriously consider the U.S.-North Korea diplomatic normalization in return for denuclearization of the North. As the U.S. and the North agreed on February 13 and October 3 agreements, related parties discuss detailed and specific road map for

denuclearization and diplomatic normalization. Insisting ‘the other party implement necessary measures first’ cannot resolve the current stalemate and the situation will become worse. A simultaneous implementation will provide impetus to continue moving forward toward the final goal.

The denuclearization process can be divided into three stages. First is a confidence-building stage. South Korea and the U.S. provide humanitarian assistances and the North declare nuclear and missile moratorium as a first step. In order to continue the process, South Korea must consider abrogation of the “May 24 sanctions.” The North must be sincere to provide certain clue for the South to abrogate the “May 24 sanctions.” If it is successful, then the international community lifts sanctions made by the UNSC resolutions. The North-South dialogues and the U.S.-North Korea dialogues will contribute to building confidence among three countries—the South, the U.S. and the North. In this manner, South Korea will take measures to expand economic assistances and cooperations with the North. North Korea, at the same time, must take measures of initial steps to dismantle nuclear facilities and resume IAEA monitoring.

The second stage is to disable nuclear facilities of the North through CTR program. In the second stage, the U.S. and Japan begin dialogue to normalize their relations with the North, and the North takes measures by removing spent fuel rod to other countries in accordance with the CTR program. The U.S. allows trade and tourism with the North, and opens liaison office to Pyongyang. As the second stage moves forward, South Korea, the U.S. and related countries provide economic assistances and compensations to the North according to the CTR program. They also provide jobs for nuclear scientists and workers to change their

vocations. Then, the North closes its nuclear explosion site and takes measures to disable the IRT-2000 reactor.

In the third stage, the denuclearization process will be completed and the U.S. and Japan normalize their relations with the North. The U.S., Japan and the North exchange their embassies to Pyongyang, Washington D.C., and Tokyo, respectively. The U.S. and the North finally conclude a peace treaty. The North transfers plutonium overseas, dismantle nuclear weapons, and permanently close nuclear facilities.

The three stages explained above are simply for illustration. In case the North shows sincere willingness for denuclearization, more detailed and concrete measures will be discussed and suggested by South Korea and the U.S. At the current moment in which the Kim Jong-un regime sticks to its nuclear program, frequent provocations against South Korea and the U.S., and occasional increases of military tension on the Peninsula, makes it not appropriate to have bilateral negotiations for diplomatic normalization between the U.S. and the North. However, it is clear that the North wants diplomatic normalization and peace treaty with the U.S., and the U.S. wants denuclearization of the North. Therefore, we must find solutions by exchanging what both sides really want from each other. This will be the most practical method to resolve the nuclear issue. It might be a wishful thinking for us to believe that the nuclear issue can be resolved in a short period. South Korea and the U.S. must provide the North confidence of security. The denuclearization of the North will be possible if Kim Jong-un believes that his regime is safe without nuclear weapons.

The denuclearization of the North can also be made in case the Kim Jong-un regime collapses. At the current moment, unfortunately, it is

not optimistic that the regime will collapse. Therefore, we have to take a longer perspective toward the denuclearization from confidence-building with the North to diplomatic normalization and peace treaty between the U.S. and the North in the final stage.

So far we have four agreements with the North regarding the denuclearization of the North, but failed to implement agreements. The key point is how to build confidence between the U.S. and the North and between the South and the North. Though they agreed on denuclearization and peaceful resolution through dialogue in principle, they needed another agreement to implement the previous agreement. We must stop these past practices. South Korea, the U.S., China, and North Korea must meet together and put every detailed and concrete agenda on the table. They must negotiate sincerely and move step by step to form confidence toward the final goal of peace on the Korean Peninsula.

북한 변화를 위한 새로운 관여 전략

The North Korea Problem and International
Cooperation

The 'Agreed Framework,' Foreign Resource
Transfers to the DPRK, and Economic
Development in North Korea

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A Renewal of North Korea–China Relations?
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**The ‘Agreed Framework,’ Foreign
Resource Transfers to the DPRK, and
Economic Development in North Korea**

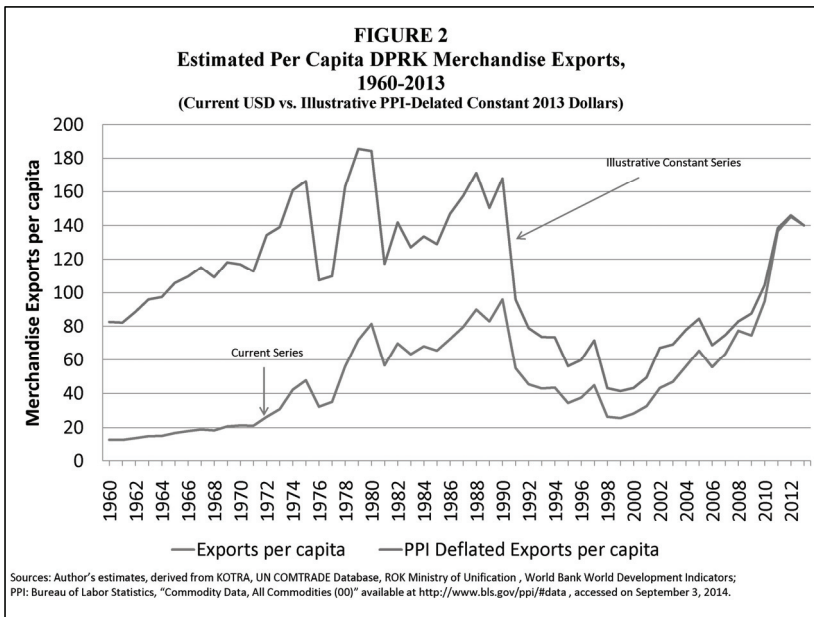
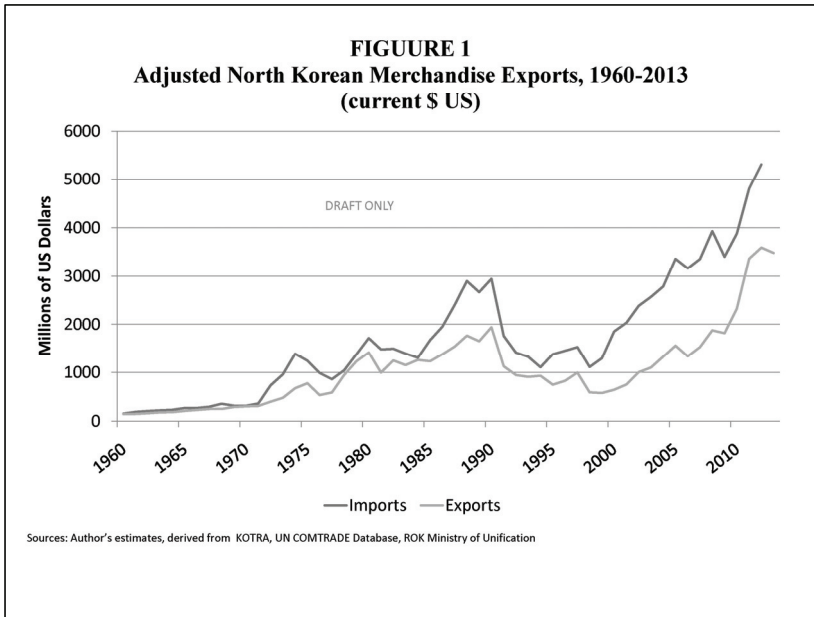
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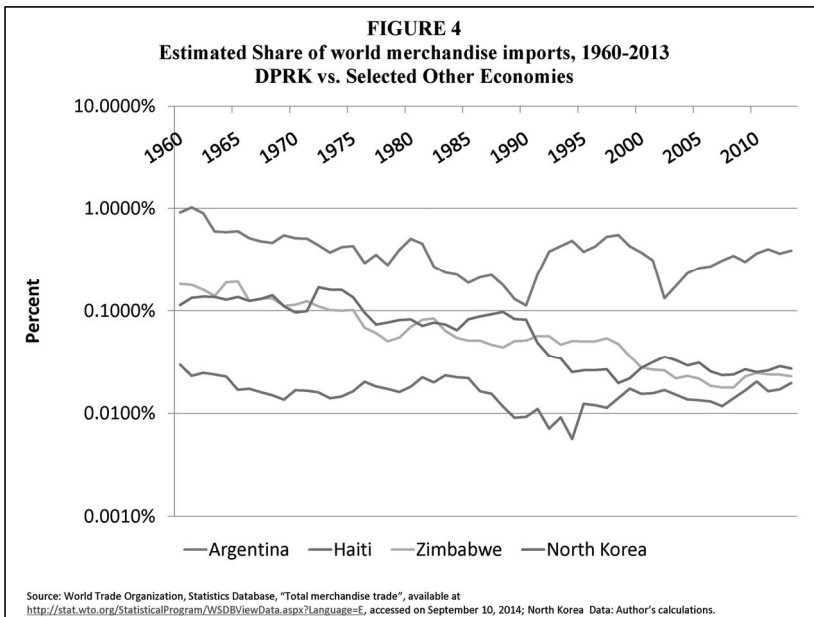
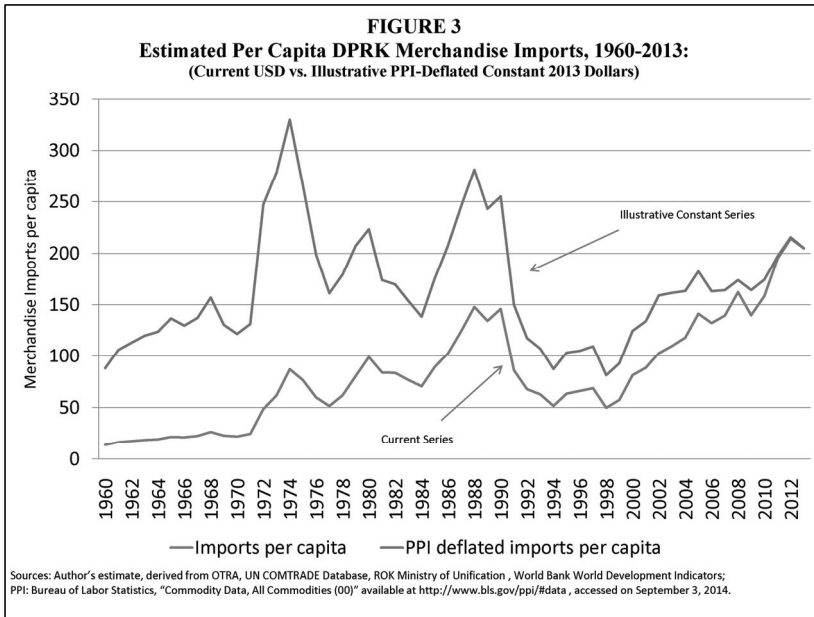
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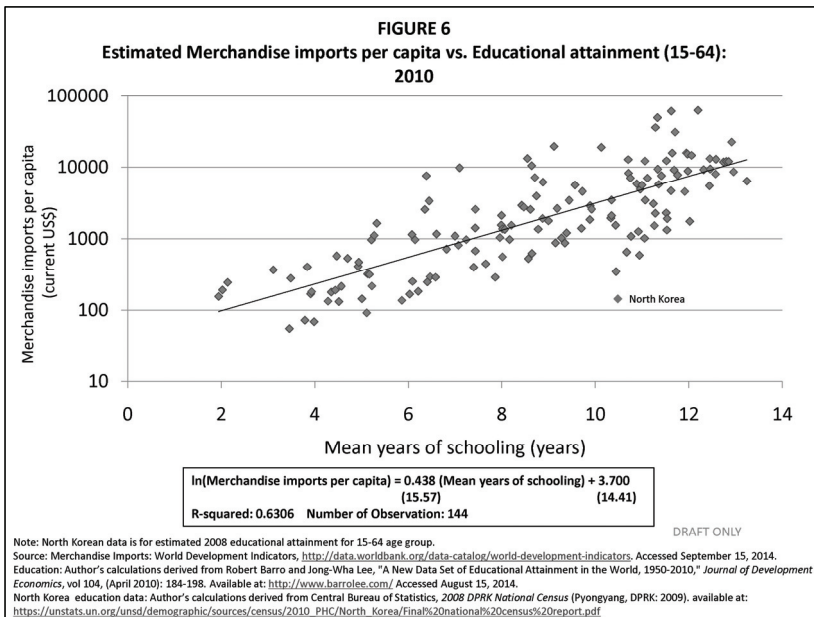
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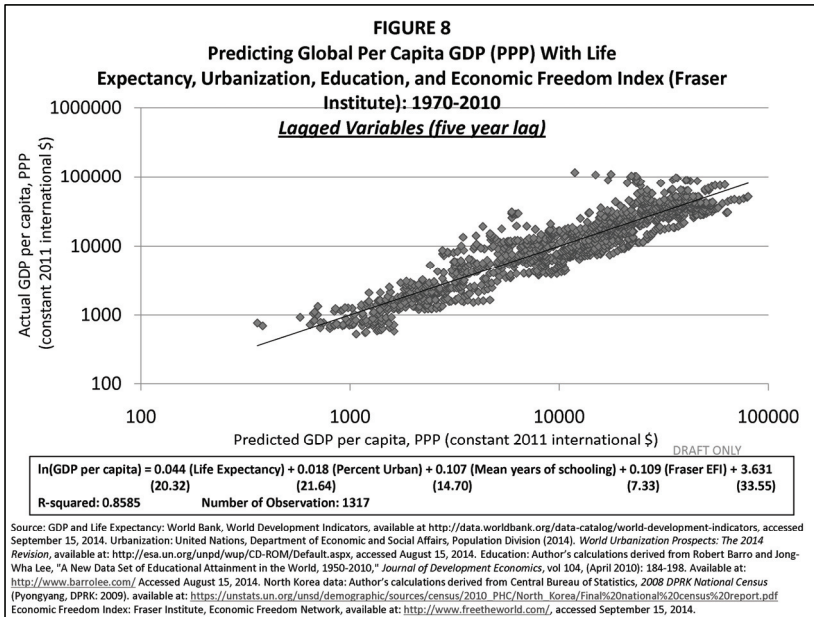
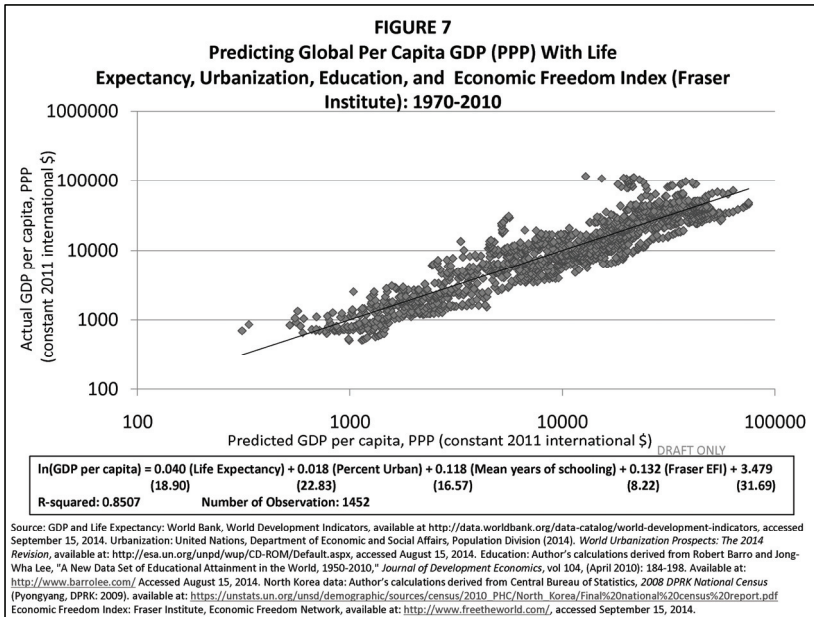
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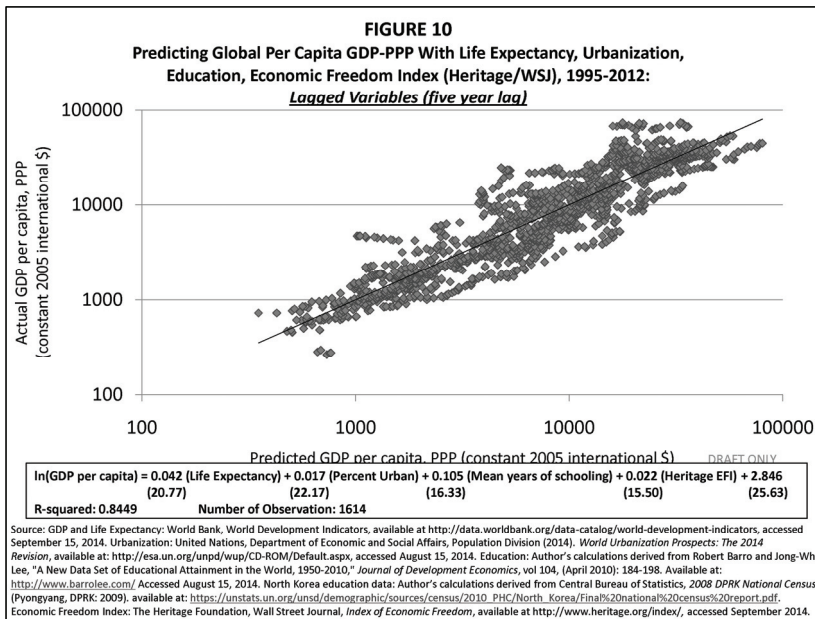
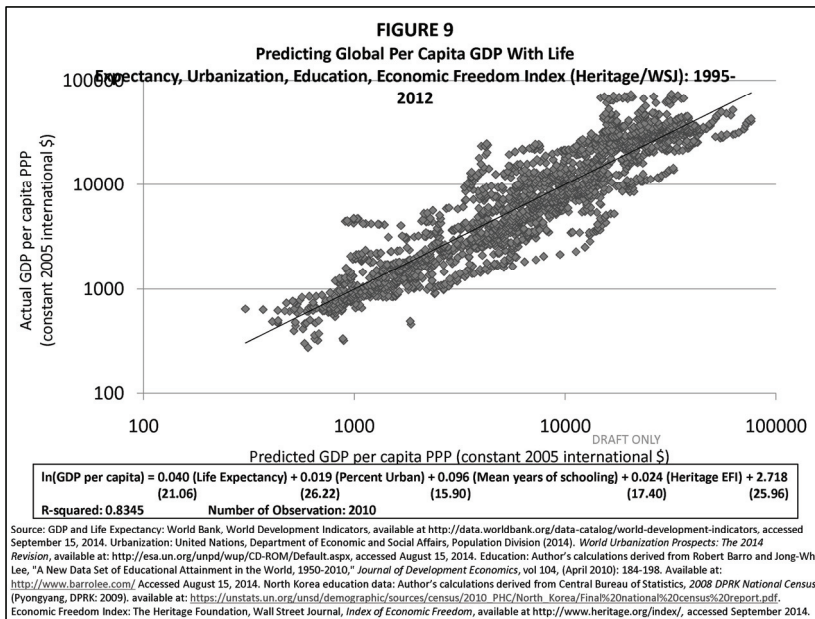
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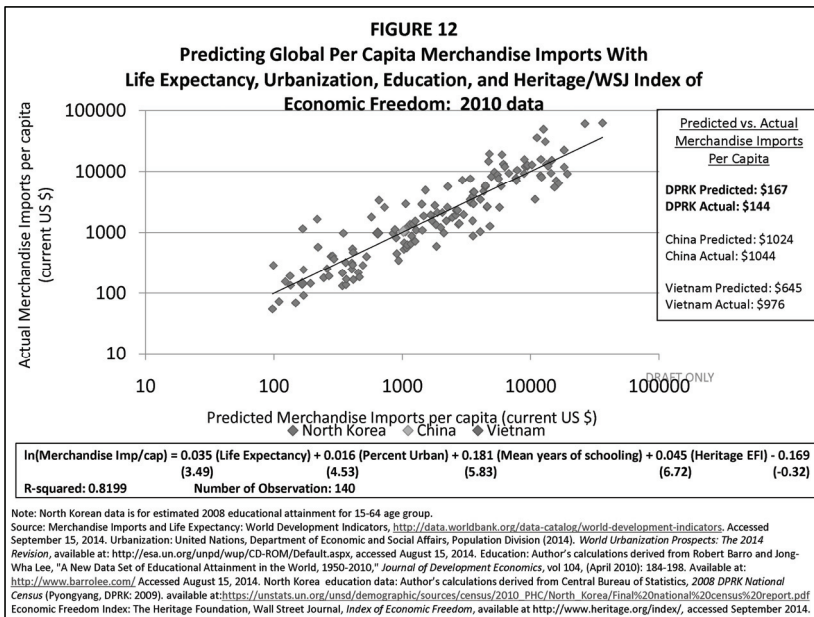
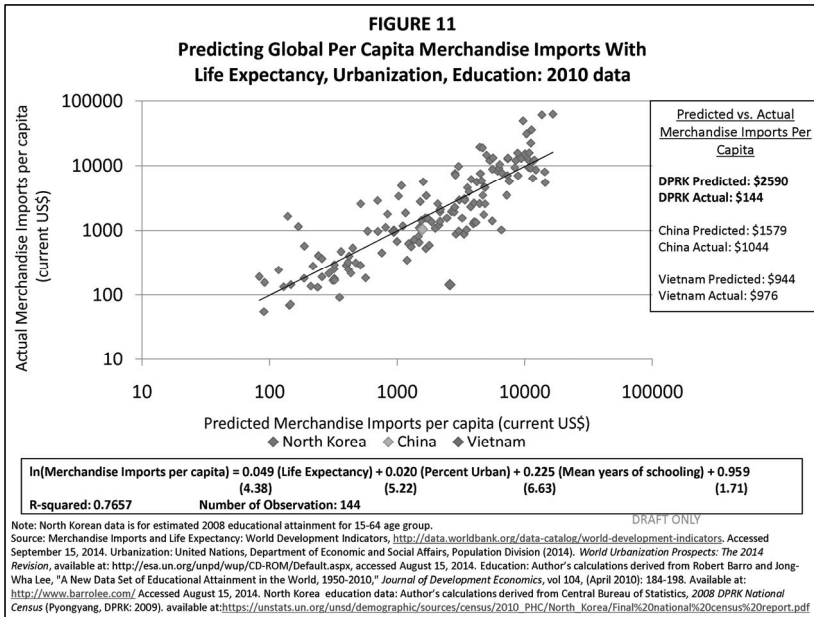


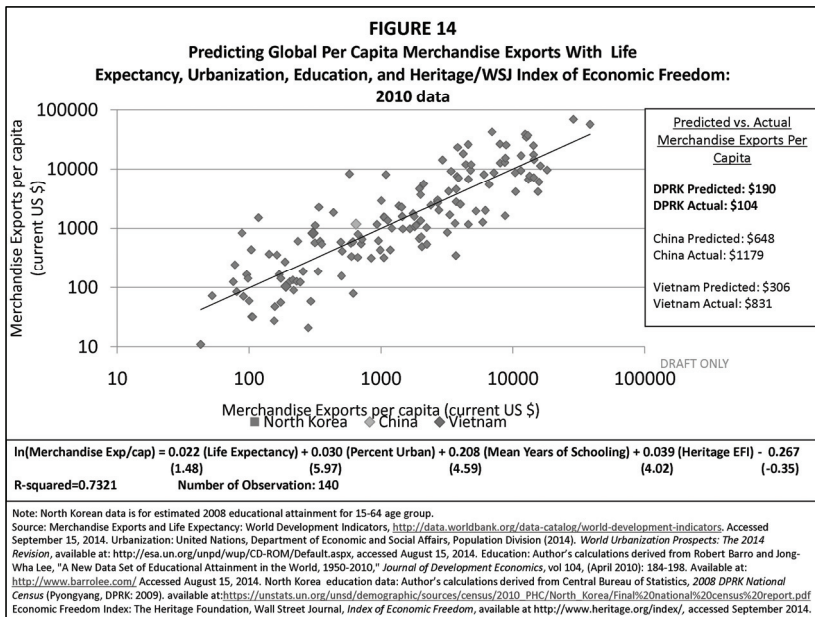
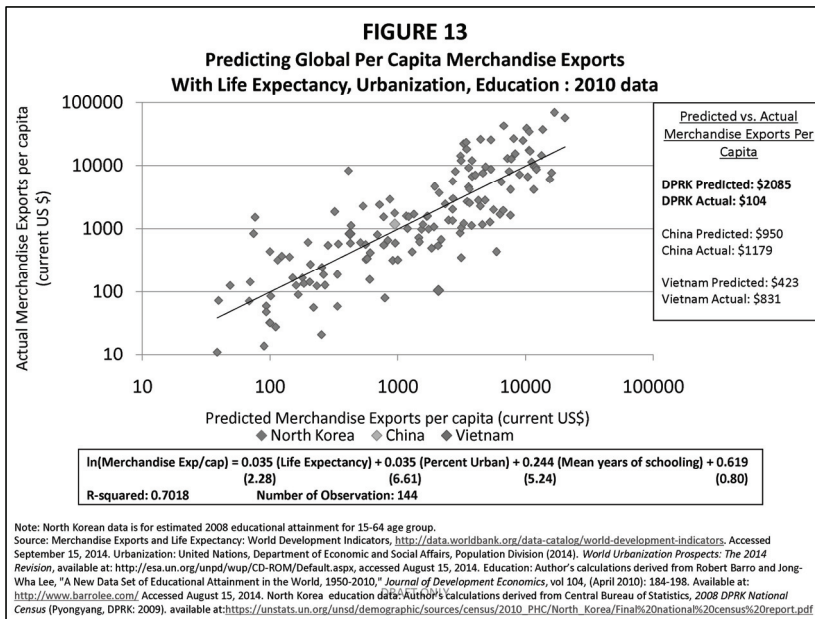


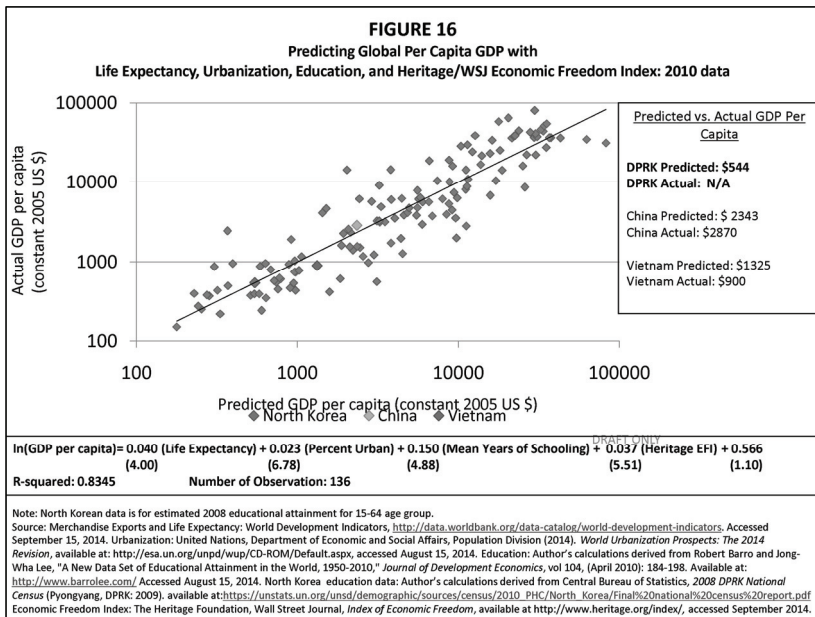
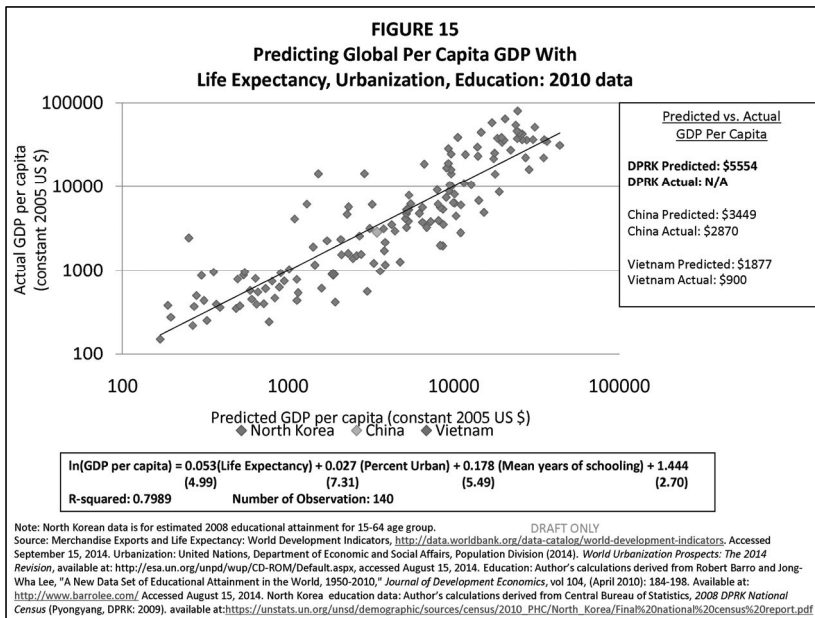












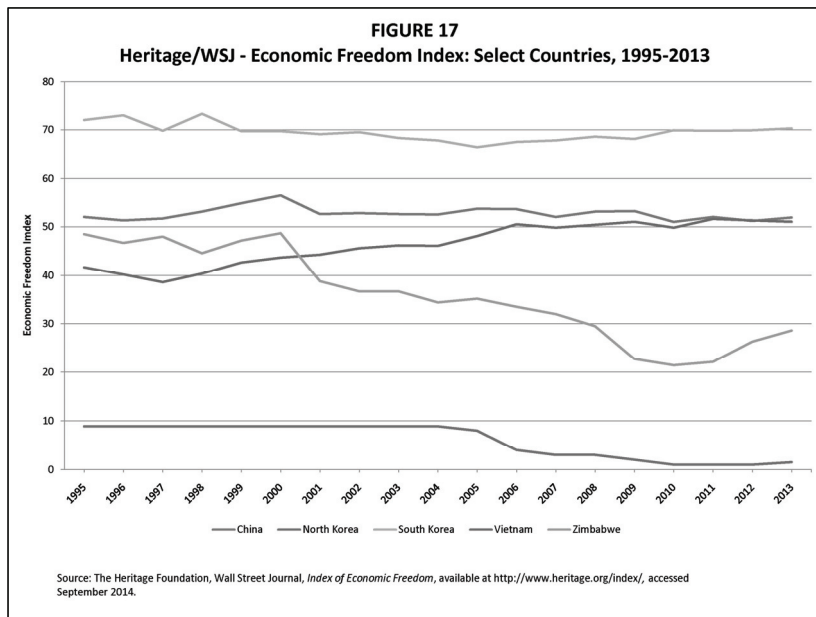


TABLE 1
Decomposing Differences in Predicted Economic Performance by Variables: DPRK vs. China and Vietnam, 2010

	China v. DPRK			Vietnam v. DPRK		
	GDP/cap (constant 2005 \$)	MerchExp/cap (current \$)	MerchImp/cap (current \$)	GDP/cap (constant 2005 \$)	MerchExp/cap (current \$)	MerchImp/cap (current 4)
LE	293	48	115	223	34	79
EDU	-465	-196	-251	-426	-165	-208
URB	-313	-123	-94	-604	-217	-164
EFI	2285	728	1225	1588	463	771
Total	1800	457	995	782	116	479

Note: Positive value means predicted advantage for China or Vietnam; negative value means predicted advantage for DPRK. North Korean data is for estimated 2008 educational attainment for 15-64 age group.
 Source: Merchandise Exports and Life Expectancy: World Development Indicators, <http://data.worldbank.org/data-catalog/world-development-indicators>. Accessed September 15, 2014. Urbanization: United Nations, Department of Economic and Social Affairs, Population Division (2014). *World Urbanization Prospects: The 2014 Revision*, available at: <http://esa.un.org/unpd/wup/CD-ROM/Default.aspx>, accessed August 15, 2014. Education: Author's calculations derived from Robert Barro and Jong-Wha Lee, "A New Data Set of Educational Attainment in the World, 1950-2010," *Journal of Development Economics*, vol. 104, (April 2010): 184-198. Available at: <http://www.barrolee.com/>. Accessed August 15, 2014. North Korea education data: Author's calculations derived from Central Bureau of Statistics, *2008 DPRK National Census* (Pyeongang, DPRK: 2009), available at: https://unstats.un.org/unsd/demographic/sources/census/2010_PHG/North_Korea/Final%20national%20census%20report.pdf.
 Economic Freedom Index: The Heritage Foundation, Wall Street Journal, *Index of Economic Freedom*, available at <http://www.heritage.org/index/>, accessed September 2014.

TABLE 2
Actual Results As Percent of Predicted Values from Global Regressions Predicting Performance on the Basis of GDP per capita (constant 2005 \$)¹, Urbanization, and Schooling: 1970-2010

Year	China	DPRK	Vietnam
1970		17.3%	N/A
1980		20.9%	N/A
1990		31.2%	25.4%
2000		43.2%	31.0%
2010		62.5%	36.7%

Merchandise Exports per capita (current \$)

Year	China	DPRK	Vietnam
1970		10.2%	14.0%
1980		14.5%	7.9%
1990		35.2%	7.9%
2000		53.0%	3.5%
2010		124.2%	5.0%

Merchandise Imports per capita (current \$)

Year	China	DPRK	Vietnam
1970		5.6%	13.1%
1980		8.5%	7.5%
1990		16.9%	10.1%
2000		29.2%	6.8%
2010		66.1%	5.6%

TABLE 3
US Economic Assistance to North Korea, 1995-2010
(current US dollars)

Table 1. U.S. Assistance to North Korea, 1995-2010
As of early March 2010

Calendar or Fiscal Year (FY)	Food Aid (per FY)		KEDO Assistance (per calendar yr) (\$ million)	6-Party Talks-Related Assistance (per FY; \$ million)		Medical Supplies & Other (per FY) (\$ million)	Total (\$ million)
	Metric Tons	Commodity Value (\$ million)		Fuel Oil	Nuclear Disablers		
1995	0	\$0.00	\$9.50	—	—	\$0.20	\$9.70
1996	19,500	\$8.30	\$22.00	—	—	\$0.00	\$30.30
1997	177,000	\$52.40	\$25.00	—	—	\$5.00	\$82.40
1998	200,000	\$72.90	\$50.00	—	—	\$0.00	\$122.90
1999	695,194	\$222.10	\$45.10	—	—	\$0.00	\$267.20
2000	265,000	\$74.30	\$44.40	—	—	\$0.00	\$118.70
2001	350,000	\$88.07	\$74.90	—	—	\$0.00	\$162.97
2002	207,000	\$50.40	\$90.50	—	—	\$0.00	\$140.90
2003	40,200	\$25.48	\$2.30	—	—	\$0.00	\$27.78
2004	110,000	\$36.30	\$0.00	—	—	\$0.10	\$36.40
2005	25,000	\$5.70	—	—	—	—	\$5.70
2006	0	\$0.00	—	—	—	\$0.00	\$0.00
2007	0	\$0.00	—	\$25.00	\$20.00	\$0.10	\$45.10
2008	148,270	\$93.70	—	\$106.00	—	\$0.00	\$199.70
2009	21,000	\$7.10	—	\$15.00	—	\$4.00	\$26.10
2010	—	—	—	—	—	—	\$0.00
Total	2,258,164	\$706.75	\$403.70	\$146.00	\$20.00	\$9.40	\$1,285.85

Source: Compiled by CRS from USAID; US Department of Agriculture; State Department; KEDO (Korean Peninsula Energy Development Organization).

TABLE 4
Officially Reported South Korean Aid to North Korea:
1991-2008 (current US \$ in millions)

Year	Total Assistance (our calcs)	Total Humanitarian	Food Aid	Fertilizer	Assistance through NGOs	Road & Rail	Mt. Kumgang Tours	Aid to ROK Business	Kaesong Industrial Complex	Family Reunions	Other
1991	0										
1992	0.71									0.71	
1995	236.6		236.6								
1996	12.89		3.76		3.07						6.06
1997	20.05				20.05						
1998	14.29				14.26					0.01	0.02
1999	28.88			28.53						0.35	
2000	180.99	163.1	76.69	83.42	2.99	12.89		0.44		2.75	1.81
2001	196.86	90.29	14.68	49.47	26.14	69.6	34.86	0.83		1.2	0.08
2002	278.71	175.37	84.63	66.6	24.14	53.5	26.71	2.2		20.56	0.37
2003	370.84	256.93	159.21	70.13	27.59	94.09	5.03	10.66		3.47	0.66
2004	340.35	196.31	98.25	84.46	13.6	96.55	6.2	27.78	6	3.68	3.83
2005	636.38	357.26	193.79	123.44	40.03	193.17	0.01	28.62	25.65	16.67	15
2006	483.83	226.65	10.65	125.66	90.34	93.06	1.28	50.16	80.75	15.91	16.02
2007	770.31	395.71	157.34	103.49	134.88	68.33	0.5	60.95	82.89	30.8	131.13
2008	209.56	54.11	3.91	0	50.2	14.38	1.52	9.79	52.22	19	58.54
Total	3,784.29	2,221.99	1,039.51	735.19	447.29	695.57	76.11	191.45	247.5	115.12	236.55

As appearing in Dick K. Nanto and Emma Chanlett-Avery, "North Korea: Economic Leverage and Policy Analysis," CRS Report RL32493, 22 January 2010.

TABLE 5
Officially Reported South Korean Economic and other Assistance
to the DPRK (\$ millions)

Year	Road and Rail	Mt. Kumgang Tours	Aid to ROK Business	Kaesong Industrial Complex	Family Reunions	Other
1991	-	-	-	-	-	-
1992	-	-	-	-	0.71	-
1995	-	-	-	-	-	-
1996	-	-	-	-	-	6.06
1997	-	-	-	-	-	-
1998	-	-	-	-	0.01	0.02
1999	-	-	-	-	0.35	-
2000	12.89	-	0.44	-	2.75	1.81
2001	69.6	34.86	0.83	-	1.20	0.08
2002	53.5	26.71	2.20	-	20.56	0.37
2003	94.09	5.03	10.66	-	3.47	0.66
2004	96.55	6.20	27.78	6.00	3.68	3.83
2005	193.17	0.01	28.62	25.65	16.67	15.00
2006	93.06	1.28	50.16	80.75	15.91	16.02
2007	68.33	0.50	60.95	82.89	30.8	131.13
2008	14.38	1.52	9.79	52.22	19.00	58.54
Total	695.57	76.11	191.45	247.5	115.12	236.55

Source: As appearing in Dick K. Nanto and Emma Chanlett-Avery, "North Korea: Economic Leverage and Policy Analysis," CRS Report RL32493, 22 January 2010.

TABLE 6
North Korean Merchandise Balance of Trade by country, 1960-2013 (Current US \$, millions)

Year	World Balance of Trade	China	Russia	South Korea	All Other	Year	World Balance of Trade	China	Russia	South Korea	All Other
1960	9.5	25.9	-31.2		14.8	1990	1006.5	270.3	733.4	-9.9	12.7
1961	42.9	21.9	5.6		15.4	1991	634.1	485.5	114.5	-90.0	124.1
1962	44.8	39.3	0.5		5.0	1992	462.9	439.6	190.5	-136.4	-30.8
1963	44.4	37.3	2.2		4.9	1993	414.4	381.3	114.2	-152.7	71.6
1964	49.9	40.1	10.4		-0.6	1994	174.6	287.9	15.8	-140.2	11.1
1965	61.1	31.1	10.5		19.5	1995	627.9	477.3	63.2	-131.7	219.1
1966	42.0	45.8	1.8		-5.6	1996	624.9	484.6	13.1	-89.1	216.4
1967	47.8	27.6	13.4		6.8	1997	527.8	477.5	65.3	-48.7	33.7
1968	109.1	32.2	68.4		8.5	1998	521.9	339.2	54.7	58.8	69.3
1969	29.5	11.0	-5.3		23.8	1999	715.8	323.7	47.5	122.4	222.2
1970	11.6	17.7	-0.1		-6.0	2000	1210.4	462.1	35.3	161.5	551.5
1971	51.0	38.0	-0.2		13.2	2001	1282.6	478.9	52.8	89.3	661.6
1972	336.7	72.9	178.8		85.0	2002	1379.2	267.7	65.6	369.8	676.1
1973	481.9	131.3	151.3		199.3	2003	1470.0	331.0	119.1	400.9	618.9
1974	710.5	134.6	85.3		490.6	2004	1461.0	374.0	221.0	367.6	498.4
1975	465.2	132.5	71.5		261.2	2005	1806.5	735.4	242.7	510.5	317.9
1976	454.7	143.0	108.6		203.1	2006	1833.3	929.7	191.2	440.3	272.0
1977	273.6	115.9	23.6		134.1	2007	1830.5	1001.0	83.3	440.8	305.3
1978	95.9	50.8	-11.8		56.9	2008	2056.9	1544.0	93.9	129.5	289.4
1979	144.8	48.7	3.4		92.7	2009	1590.1	1356.0	38.9	-29.6	224.9
1980	300.3	135.7	48.8		115.8	2010	1556.3	1419.0	35.5	5.7	96.1
1981	481.0	121.6	78.1		281.3	2011	1437.3	1231.0	95.9	49.1	61.3
1982	245.7	33.2	-17.1		229.6	2012	1716.3	1578.0	54.2	10.3	73.7
1983	240.5	69.6	-47.2		218.1	2013	1619.1	1656.0	105.3	14.1	-156.3
1984	44.8	7.4	17.3		20.1	Cumulative	36811.8	19444.9	7102.1	2325.5	7939.2
1985	444.0	18.4	410.4		15.2						
1986	572.8	22.5	558.7		-8.4						
1987	862.1	98.0	745.1		19.0						
1988	1134.7	171.7	1027.1		-64.1						
1989	1018.9	238.6	747.4	-16.9	49.8						

Sources: Author's estimates, derived from KOTRA, UN COMTRADE Database, ROK Ministry of Unification

TABLE 7
Estimated North Korean Merchandise Balance of Trade Deficit by Country, 1960-2013 (PPI- Adjusted Illustrative 2013 US \$, millions)

Year	World Balance of Trade	China	Russia	South Korea	All Other	Year	World Balance of Trade	China	Russia	South Korea	All Other
1960	61.0	166.2	-200.2		95.0	1990	1760.4	472.7	1282.7	-17.2	22.2
1961	276.1	141.0	36.0		99.1	1991	1107.1	847.6	199.9	-157.1	216.7
1962	287.5	252.2	3.2		32.1	1992	803.3	762.9	330.6	-236.8	-53.5
1963	285.8	240.1	14.2		31.5	1993	708.9	652.3	195.4	-261.2	122.5
1964	321.2	258.1	66.9		-3.9	1994	295.0	486.4	26.7	-236.8	18.8
1965	384.8	195.8	66.1		122.8	1995	1024.1	778.5	103.1	-214.8	357.4
1966	256.5	279.8	11.0		-34.2	1996	995.4	771.9	20.8	-142.0	344.7
1967	291.1	168.1	81.6		41.4	1997	841.3	761.2	104.1	-77.7	53.7
1968	648.9	191.5	406.8		50.6	1998	853.3	554.6	89.4	96.1	113.2
1969	168.5	62.8	-30.3		136.0	1999	1160.0	524.6	76.9	198.4	360.1
1970	63.9	97.6	-0.6		-33.1	2000	1855.2	708.2	54.0	247.6	845.4
1971	272.3	202.9	-1.1		70.5	2001	1944.0	725.8	80.0	135.3	1002.8
1972	1720.7	372.6	913.8		434.4	2002	2139.7	416.0	101.7	573.8	1048.2
1973	2178.2	593.5	683.9		900.8	2003	2165.1	487.5	175.4	590.5	911.6
1974	2701.2	511.7	324.3		1865.2	2004	2025.7	481.1	306.4	509.7	728.5
1975	1620.2	461.5	249.0		909.7	2005	2334.5	950.3	313.7	659.7	410.8
1976	1513.7	476.0	361.5		676.1	2006	2264.0	1148.4	236.2	543.7	335.7
1977	857.5	363.2	74.0		420.3	2007	2157.1	1179.0	98.2	519.5	360.4
1978	279.1	147.8	-34.3		165.6	2008	2206.6	1656.3	100.7	139.0	310.6
1979	374.2	125.9	8.8		239.6	2009	1870.7	1595.1	45.7	-34.8	264.7
1980	680.2	307.4	110.5		262.3	2010	1713.8	1561.9	39.1	6.3	106.5
1981	998.3	252.4	162.1		583.8	2011	1454.5	1246.2	97.1	49.7	61.6
1982	499.8	67.5	-34.8		467.0	2012	1726.4	1587.2	54.5	10.4	74.3
1983	482.9	139.7	-94.8		437.9	2013	1619.1	1656.0	105.3	14.1	-156.3
1984	87.8	14.5	33.9		39.3	Cumulative	62086.2	29136.7	14175.8	2884.7	15889.1
1985	875.1	36.3	808.9		30.0						
1986	1162.8	45.7	1134.1		-17.0						
1987	1705.8	193.9	1474.3		37.6						
1988	2159.0	326.7	1954.3		-122.0						
1989	1847.1	432.5	1354.9	-30.6	90.3						

Sources: Author's estimates, derived from KOTRA, UN COMTRADE Database, ROK Ministry of Unification
PPI: Bureau of Labor Statistics, "Commodity Data, All Commodities (00)" available at <http://www.bls.gov/ppi/#data>, accessed on September 3, 2014.

TABLE 8
Estimated North Korean Merchandise Trade by Decade

(Current US \$, millions)				(2013 US \$, millions)			
	Balance of Trade Deficit	Exports	Imports		Balance of Trade Deficit	Exports	Imports
1960s	481.0	2058.0	2539.0	1960s	2981.3	12716.3	15697.6
1970s	3025.9	6254.7	9280.6	1970s	11580.9	22412.4	33993.3
1980s	5344.8	13629.9	18974.7	1980s	10498.7	27204.8	37703.6
1990s	5710.7	9601.2	15311.9	1990s	9548.8	16171.7	25720.5
2000s	15920.4	12938.7	28859.2	2000s	20962.6	16755.0	37717.6
2010s	6328.9	12771.5	19100.4	2010s	6513.9	13068.3	19582.2
Total	36811.8	57253.9	94065.7	Total	62086.2	108328.5	170414.7

Sources: Author's estimates, derived from KOTRA, UN COMTRADE Database, ROK Ministry of Unification
 PPI: Bureau of Labor Statistics, "Commodity Data, All Commodities (00)" available at <http://www.bls.gov/ppi/#data>, accessed on September 3, 2014.

TABLE 9
North Korean Merchandise Trade Deficit by Country and Decade

(Current US \$, millions)						(2013 US \$, millions)					
	World	China	Russia	South Korea	All Other		World	China	Russia	South Korea	All Other
1960s	481.0	312.2	76.3		92.5	1960s	2,981.3	1,955.5	455.4		570.4
1970s	3,025.9	885.4	610.4		1,530.1	1970s	11,580.9	3,352.6	2,579.3		5649.0
1980s	5,344.8	916.7	3,568.6	-16.9	876.4	1980s	10,498.7	1,816.6	6,903.4	-30.6	1809.3
1990s	5,710.7	3,966.9	1,412.1	-617.6	949.3	1990s	9,548.8	6,612.7	2,429.6	-1,049.2	1555.7
2000s	15,920.4	7,479.7	1,143.8	2,880.8	4,416.1	2000s	20,962.6	9,347.8	1,512.1	3,884.0	6218.6
2010s	6,328.9	5,884.0	290.9	79.2	74.8	2010s	6,513.9	6,051.4	296.0	80.5	86.1
Total	36,811.8	19,444.9	7,102.1	2,325.5	7,939.2	Total	62,086.2	29,136.7	14,175.8	2,884.7	15889.1

Sources: Author's estimates, derived from KOTRA, UN COMTRADE Database, ROK Ministry of Unification
 PPI: Bureau of Labor Statistics, "Commodity Data, All Commodities (00)" available at <http://www.bls.gov/ppi/#data>, accessed on September 3, 2014.

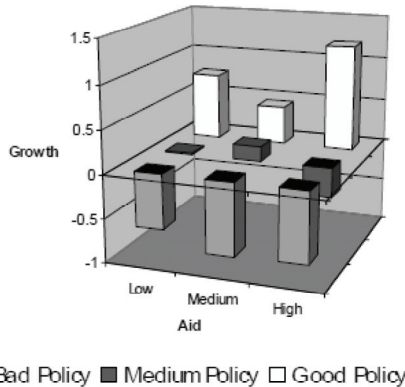
TABLE 10

Some Measures of "Aid Dependence" for DPRK vs. Sub-Saharan Africa and Least Developed Countries since 1960

	SSA(developing only): Aid/Merch Exp	LLDCs: Aid/ Merch Exp	DPRK 1: (Chi+Rus Trd Bal/Merch Exp)	DPRK 2: (Total TrdBal/ Merch Exp)
1960s	13.2%	19.8%	18.9%	23.4%
1970s	10.8%	43.1%	23.9%	48.4%
1980s	18.3%	74.3%	32.9%	39.2%
1990s	23.2%	68.3%	56.0%	59.5%
2000s	16.0%	31.6%	66.6%	123.0%
2010s	11.2%	21.7%	47.5%	50.7%

Note: For SSA and LLDCs "Aid" is Net official development aid and official aid received.
 Source: Net ODA and Merchandise Exports: World Development Indicators, <http://data.worldbank.org/data-catalog/world-development-indicators>. Accessed October 1, 2014. North Korea data: Author's estimates, derived from KOTRA, UN COMTRADE Database, ROK Ministry of Unification

FIGURE 18
Economic Growth, Foreign Aid and Recipient Country Policy:
Some World Bank Estimates



Source: Craig Burnside & Mark Dollar, "Aid, Policies and Growth: Revisiting the Evidence." World Bank Policy Research Working Paper 3251, March 2004.
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**A Renewal of North Korea–China Relations?
Chinese Strategic Thinking on North
Korea**

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A Renewal of North Korea-China Relations? Chinese Strategic Thinking on North Korea¹⁾

Currently, the opinions, conclusions, and recommendations on China-North Korea relationship within chorus of academics and public opinion in China reflect growing concerns and discussion. What this has meant for North Korea-China relations since North Korean launched a satellite in 2012 is nothing less than a renewal of the bilateral relationship. This is a change, brought about first of all by the third nuclear test run by North Korea and then by the new thinking of Sino-U.S. relationship, and finally by the rising role of South Korea in Northeast Asia. Although both sides' policy toward the other looks like a "new game," dictated by a sort of new thinking reducing much of the scope for an ideological strategy, the traditional framework formed by both countries is unshaken due to China's strategic consideration under the new Chinese leadership.

1) Any comments and observation in this paper are entirely the author's personal view and by no means reflect any official position of the government of the People's Republic of China.

I. China's Current Strategic Goals towards North Korea

Whereas Chinese foreign policy under Mao Zedong was often characterized by the revolutionary ideology, Chinese foreign policy today places its highest priority on serving the country's national interests, particularly within the East Asian geopolitical environment. When the Soviet Union was falling apart, there was a serious debate in China over whether China should take a lead among the socialist countries. In the end, Chinese government officials agreed that the main goals of Chinese foreign policy are to serve domestic affairs, improve Chinese economic development, and keep social stability. To achieve these goals, Deng Xiaoping quoted a Chinese Taoist saying to sum up the principles of Chinese foreign policy: "Keep a Low Profile; Never Be No.1, and Practice 'the Art of the Possible'" (韜光養晦, 絕不當頭, 有所作爲 *taoguangyuanhui, juebudangtou, yousuozuowe*). Since 2008, these principles have evolved into an emphasis on "improving friendly relations with other countries on a non-ideological basis," a position felt to be better suited to China's national interest. In this regard, Beijing remains highly concerned with the maintenance of stability along its borders.

Generally, China's strategic goals towards North Korea have been formed as follows:

1. China Will Ensure the Stability of the Korean Peninsula.

China has been firm in opposing any radical remedy in resolving the confrontation, especially regime change. Since the third nuclear test, China-DPRK diplomatic exchanges have reflected continued strain in the bilateral relationship. Contacts have remained limited to low-level visits. China, however, consistently made public calls for restraint on the Korean Peninsula from mid-January 2014 as Pyongyang stepped up its opposition to U.S.-ROK annual military exercises held from February through April. For decades, China has kept its consistent principles of the “No War and No Chaos in the Korean Peninsula”, opposing any military provocation and intervention from both sides. In 2010, the Chinese Ministry of Foreign Affairs (MFA) strongly opposed the military exercises run by the ROK and the U.S. This year, the MFA also expressed their concerns on the military exercises—“China disapproves not only the nuclear program run by the DPRK, but also the military exercise by the U.S. and the ROK.”

2. China is Trying to Persuade North Korea to Drop the Nuclear Program and Achieve Denuclearization in the Korea Peninsula.

China is a member of the NPT and fully supports and abides by the NPT regime. China does not support, encourage or assist any country in developing weapons of mass destruction (WMD) and their means of delivery. China supports international efforts in countering proliferation of nuclear weapons and missiles and related technologies

and materials in Northeast Asia.²⁾

When North Korea declared its decision to withdraw from NPT in January 2003, China expressed its serious concern, and stressed that the NPT was of major importance for preventing nuclear proliferation and promoting peace and security of the international community. China has strived to safeguard the universality of the NPT, and does not wish to see the Treaty being undermined.³⁾ China is firmly opposed to North Korean development of nuclear and missile programs, which constitute serious challenge to NPT and international efforts aimed at strengthening the global non-proliferation regime. China has called on North Korea to fully implement its NPT and International Atomic Energy Agency (IAEA) safeguards obligations.

China is seriously concerned about North Korean nuclear and missiles programs. China does not wish to see the emerging of another nuclear weapons state in its neighborhood. China needs a stable external environment to focus on its economic development. China is also concerned that North Korean nuclear program may incite sentiments in Japan and other countries in the region to develop their nuclear programs. Nuclear and missile proliferation in East Asia is not in China's security interest.

Therefore, China is firmly opposed to North Korean development of nuclear and missile programs. When North Korea conducted its nuclear tests, missile tests or satellite launching, the Chinese government issued

2) China's Non-Proliferation Policy and Measures,
<http://www.fmprc.gov.cn/eng/wjb/zzjg/jks/kjlc/fkswt/t410729.htm>.

3) Spokesperson on the Withdrawal of the DPRK from the NPT, January 13, 2003,
<http://www.fmprc.gov.cn/eng/wjb/zzjg/yzs/gjlb/2701/2704/t15906.htm>.

statements expressing its strong opposition and voted in favor of the UN Security Council resolutions and the presidential statements against North Korea.

When North Korea conducted its first nuclear test on October 9, 2006, the Chinese government, used strong words to express its resolute opposition to North Korea for its “flagrantly conducting nuclear test” in disregard of the universal opposition of the international community, and demanded North Korea to “live up to its commitment to denuclearization on the Korean Peninsula, stop any activity that may worsen the situation.”⁴⁾ On October 14, China voted in favor of the UN Security Council resolution 1718, which condemns the nuclear test as “a clear threat to international peace and security” and demands North Korea to “not conduct any further nuclear test or launch of a ballistic missile” and “abandon all nuclear weapons and ballistic missile programs in a complete, verifiable and irreversible manner.”⁵⁾ The resolution calls upon North Korea to return immediately to the NPT and the Six-Party Talks without precondition, and continue to comply with their NPT obligations and IAEA safeguards obligations. The resolution imposes severe sanction measures on North Korea, including inspections on shipments of cargo going to and from North Korea, freezing of the funds, financial assets and economic resources related to North Korean weapons programs. The resolution also places a ban on imports and exports of weapon systems, as well as an international travel ban and a ban on

4) Chinese Foreign Ministry’s statement on DPRK’s nuclear test, October 9, 2006.

5) UN Security resolution 1718, <http://www.un.org/News/Press/docs/2006/sc8853.doc.htm>

exporting luxury goods to North Korea.⁶⁾

When North Korea conducted its second nuclear test on May 25, 2009, the MFA again issued a strong statement, claiming the test “violated the relevant resolutions of the Security Council, impaired the effectiveness of the international nuclear non-proliferation regime, and affected regional peace and stability.”⁷⁾ On June 12, 2009, China voted in favor of the UN Security Council resolution 1874, which demands North Korea comply fully with its obligations under relevant Security Council resolutions, in particular resolution 1718. The resolution imposes further sanction measures, including expanding arms embargo on DPRK, banning financial assistance to DPRK nuclear program, and encourages UN member states to search DPRK’s cargo.⁸⁾

When North Korea conducted a series of ballistic missile tests on July 5, 2006, the MFA also expressed its “serious concern” over the tensions caused by DPRK’s missile test-firing.⁹⁾ On July 15, 2006, China voted in favor of the UN Security Council resolution 1695, which condemns DPRK’s missile tests as jeopardizing peace, stability, and security in the region, and demands that “DPRK suspend all activities related to its ballistic missile program.” The resolution bans all UN member states from trading material or technology for missiles with DPRK.¹⁰⁾ When North Korea conducted its satellite launching on April

6) Ditto.

7) Chinese Foreign Ministry’s statement on DPRK’s nuclear test, May 25, 2009, http://news.xinhuanet.com/world/2009-05/25/content_11433191.htm.

8) UN Security Resolution 1874, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/368/49/PDF/N0936849.pdf?OpenElement>

9) China expresses serious concern over DPRK’s missile test-firing, July 5, 2006, <http://hn.rednet.cn/c/2006/07/06/931546.htm>.

5, 2009, China supported the presidential statement by the UN Security Council of April 13, 2009, which condemns the launch as a violation of UN resolution 1718. The presidential statement demands that DPRK fully comply with its obligations under Security Council resolution 1718, and not conduct any further launch.¹¹⁾

When North Korea launched another satellite on April 13, 2012, China again supported the presidential statement of the UN Security Council, which “strongly condemns” the launch, and demands that DPRK comply with resolutions 1718 and 1874 by suspending all activities related to its ballistic missile program. The Security Council also expands sanctions on DPRK by designating additional entities and items.¹²⁾ The MFA Spokesperson stated that the presidential statement “reflects the fundamental consensus of the international community.”¹³⁾

When DPRK successfully conducted satellite launching on December 12, 2012, Spokesperson Hong Lei of MFA stated at the press conference on December 14, 2012 that the DPRK has the right of peaceful use of the outer space, but the right is subject to restrictions of relevant UN Security Council resolutions, and DPRK has the obligation to abide by relevant resolutions of the UN Security Council.¹⁴⁾ The

10) UN Security Council Resolution 1695, <http://www.un.org/News/Press/docs/2006/sc8778.doc.htm>.

11) <http://in.reuters.com/article/oilRpt/idINN1333144920090413>.

12) UN Security Council Presidential Statement on the Democratic People's Republic of Korea, April 13, 2012, <http://usun.state.gov/briefing/statements/187934.htm>. Security Council SC/10610, <http://www.un.org/News/Press/docs/2012/sc10610.doc.htm>.

13) Foreign Ministry Spokesperson Liu Weimin's Remarks on the Security Council Presidential Statement on the DPRK's Satellite Launch, April 16, 2012, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2535/t924270.htm>.

above-mentioned facts show that China has all along supported UN Security Council resolutions, and fully complied with the comprehensive measures imposed on DPRK.

When DPRK conducted the 3rd nuclear test in 2013, immediately after the test, Chinese Foreign Minister Yang Jiechi summoned the North Korean Ambassador and 'lodged a solemn representation' over the test. He said that China 'was strongly dissatisfied with and firmly opposed to' the test. Chinese media carried editorials and essays expressing frustration and opposition to the North Korean action.

3. Helping North Korea Could Support China's Economic Development, and China Could Be a Cooperative Partner with Both Koreas for Economic Development.

North Korea needs a large amount of aid from Beijing every year. China's friendship with North Korea in the long run may not be a liability. In reality, China has some demand for North Korea's raw materials, such as coal. At the same time, China's relationship with South Korea has continued to grow and it has become one of the largest trading partners of the country. To ensure rapid but stable economic growth, China really has to preserve closer ties with both Koreas. The Northeast region in China has lagged behind the southern part since the 1980s. Chinese believe that improving trade with both Korean states, especially with North Korea, can bring great benefits to this economically depressed

14) Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on December 14, 2012, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2511/t998567.htm>.

Chinese region. North Korea can provide raw materials and cheaper labor and South Korea can export high-tech products to boost China's domestic consumption.

4. China Can Provide a Possible Paradigm for North Korea's Development.

When former Premier Wen Jiabao visited North Korea in autumn of 2009, he remarked that he wished to introduce Chinese experiences drawn from its own economic reform and open-door policy to North Korea. China's rapid economic development offers a lesson to North Korea that a socialist country does not necessarily have to be poor. Ever since China's adoption of economic reform and the open-door policy, its vigorous economy has been attractive to North Korean leaders. Kim Jong-il visited China and met with China's high-ranking North Korean officials many times. Although there is little evidence that North Korea has any desire to import the Chinese model, it is true that China hopes to direct Pyongyang's attention back to its economy, and help it finally find its own way to reform its economic and political systems.

II. Chinese Unofficial Views and Public Opinion about North Korea

As the MFA generally expressed, China is a neighbor of the Korean Peninsula, and on the Korean Peninsula are significant benefits of concern. China's policy towards North Korea is increasingly influenced by Chinese

academics and public opinion.

In Chinese think tanks, most Chinese experts have discarded the concept that North Korea is a China's buffer zone. From the old perspective, because China used North Korea as a buffer zone to protect Beijing from attacks by its enemies, China was particularly keen to promote relationship with North Korea. However, as China has become more concerned about economic and trade relationships with neighboring states, this conception of a buffer zone has faded away. China's leadership now believes that the surest path to its paramount goal of regional stability is through economic growth. On the Korean Peninsula, on the one hand, China has improved its relationship with South Korea greatly since 1990s. On the other hand, North Korea has obtained the nuclear capability to threaten regional security. Those facts have rendered the buffer zone conception obsolete. Although the views on China-North Korea relationship among the academics are being argued, the Chinese have already formed a consensus that China should ensure the stability of Korean Peninsula and persuade North Korean leaders to reform when opportunities present themselves.

As for public opinion, according to a 2007 survey, China's favorable view on North Korea has declined dramatically from 39.8% in 2001 to 21.8% in 2007.¹⁵⁾ In 2003, China Youth Research Center published a report that showed Chinese youth viewed Russia, Pakistan, and North Korea as the three most favorable countries to China.¹⁶⁾ But, in 2010,

15) “中國人看朝鮮：好感漸淡，”<http://freereport.3see.com/items/2008/05/07/10827.html>. Zhongguorenkanchaoxian: haoganjiandan. “Chinese Views on North Korea: Declining Good View”.

16) 中國青少年研究中心課題組：“中國青年看世界調查報告”，《中國青年研究》，

The Shenzhen University surveyed college students about how they viewed North Korea. 77.6% of respondents in the survey agreed that North Korea is a socialist country, but is also poor and isolated. After several incidents involving South Korea, only 31% of students think that North Korea is a socialist country. However an overwhelming 85% of respondents still believe that North Korea is strategically important to China. 41% surveyed think that the U.S. should play the biggest role in the reunification of the Korean Peninsula, while only 26.7% think it should be China.¹⁷⁾ From this survey, we can infer that China's policy on North Korea has been constrained by its diverse domestic constituencies. But there is a consensus that North Korea is still important to China, which is in line with current Chinese policies towards the country. As *The Global Times* showed after Jang Sung-taek was purged, "Supporting the friendship between two countries is still the mainstream in China."¹⁸⁾

2005年第5期, 第21頁。Zhongguo qingshaonian yanjiu zhongxin ketizu, "Zhongguoqingniankanshijiediaochaogao", *Zhongguoqingnianyanjiu*, 2005, 5, p. 21 China's Youth Research Center, "the Report on World Views among Chinese Youth," *China's Youth Research*, No.5, 2005.

- 17) 張万坤 鐘佩雯, "大學生眼中的朝鮮: 以深圳大學為個案的調研", 《現代國際關係》, 2011年 第1期, 第57-61頁。Zhang Wankun, Zhong Peiwei, "Daxuehengyanzhongdechaoxian: yishenzhendaxueweigandediaoyan", *Xiandai guoji guanxi*, 2011, 1, p. 57-61. Zhang Wankun, Zhong Peiwei, "Views on North Korea in China's Colleges: A Study on Shenzhen University," *Contemporary International Relations*, No. 1, 2011, pp. 57-61.
- 18) 《環球時報: 希望內部政治尖銳的朝鮮終能穩定》, 2013年12月14日, <http://news.sina.com.cn/pl/2013-12-14/090828983434.shtml> "Huanqiu shibao: xiwang neibu zhengzhi jianrui de chaoxian zhongneng wending" ("The Global Times: Wish for Stability in North Korea.")

III. Emotional Ties to North Korea

Each country shares a similar emotional language and historical memory, so capitalizing on these similarities has always been used to improve public opinion about the other.

In China, there are so many emotional idioms applied to North Korea. These can be seen in the CCP's condolence letter on Kim Jong-il's death, which praises Kim's great achievements, emphasizes the traditional party friendship between the two nation, and ends with the striking sentence: "The Chinese people will always stand side by side with the DPRK people!"¹⁹⁾This emotional letter received very positive response from North Korean leaders and civilians.

On the North Korean side, the North Koreans understood how important the 2008 Beijing Olympic Games were to China. The government prepared the torch relay in Pyongyang a few months before the actual event, repairing the roads, renovating the main buildings and mobilizing residents to hold Chinese and North Korean flags to welcome the athletes. In addition, after the Sichuan earthquake in 2008, North Korea kept their national flags at half-mast on the day of China's national mourning. These acts of solidarity greatly improved China's view of North Korea.

This shared emotional language and related sense of solidarity are, from my perspective, very efficient tools for improving the Sino-North Korean relationship.

19) CPC Central Committee, "CPC Central Committee Sends the Message of Condolence over the Passing Away of Kim Jong Il", Dec. 19, 2011, <http://www.fmccprc.gov.mo/eng/news/t889650.htm>.

IV. Concluding Thoughts

The renewal of the bilateral relationship between China and North Korea since 2012 is more limited than the past. North Korean development of nuclear and missile programs concerns China's political, economic and security interests. China will continue to pursue its policy of standing for the maintenance of peace and stability of the Korean Peninsula, and standing for peaceful solution of North Korean nuclear and missile issues through dialogue and consultation. Concerning the bilateral relationship, the renewal of the relationship is being addressed by both countries. From my perspective, it mainly depends on the new Chinese policies on its neighboring countries, North Korean new leader's policy on China, the two Koreas' relationship, and the Sino-U.S. relationship.

The North Korea Problem and International Cooperation: Possible European Engagement

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The North Korea Problem and International Cooperation: Possible European Engagement¹⁾

The international community has reached an impasse on the North Korean nuclear issue. The main multilateral mechanism to discuss the issue, the Six-Party Talks, which brings together China, the U.S., Russia, Japan, and the two Koreas, has been moribund since 2009. Meanwhile North Korea's nuclearization has continued apace with it having conducted its third nuclear test in February 2013. North Korea has accordingly dropped down the foreign policy agenda of the United States in particular, not least due to the perception that North Korea has violated previous agreements and has shown a lack of commitment to denuclearization, so undermining its credibility as a serious interlocutor. Even relations with China—its most important ally—would appear to have cooled somewhat or become even tense, a sign perhaps that Beijing

1) This paper is heavily drawn from a previous paper released by ISDP and remodeled to fit the European situation: Institute for Security and Development Policy *Toward a Roadmap for Peace and Stability on the Korean Peninsula: Steps and Perspectives*, Asia Paper, May 2014, pp. 28 (<http://www.isdp.eu/publications.html?task=showbib&id=6381&return=>).

is losing patience with North Korea. Currently North Korea's three main counterparts, the U.S., South Korea, and China, have decreased its contacts with North Korea to a minimum. In a context of stalemate, this begs the question of where EU-North Korea relations stand, and whether the EU has a potential role to play on the Korean Peninsula and what strategy would be most appropriate. Indeed, as this paper argues, and notwithstanding important limitations, if it desires to be a stakeholder in international peace and security, the EU could and should be more engaged on the Korean Peninsula than it presently is.

I. EU-North Korea Relations

Despite the establishment of diplomatic relations with most of the EU member states,²⁾ only seven EU countries have actual embassies in Pyongyang. Early last month a top North Korean diplomat visited several European countries including Belgium and Germany in an effort to improve relations with Europe, one of many visits.³⁾ Pyongyang's diplomatic offensive have failed, however, in meeting with European government officials with the exception of Switzerland. Furthermore, the DPRK's enquiries about establishing a full diplomatic mission in

2) It should be noted that diplomatic connections between EU member states and North Korea have served as a conduit between the United States and the DPRK. Individual European countries have also been involved in the Demilitarized Zone and the Neutral Nations Supervisory Commission (such as Sweden).

3) "Top North Korea Diplomat heads to Europe," *Straits Times*, September 6, 2014, <http://www.straitstimes.com/news/asia/east-asia/story/top-north-korea-a-diplomat-heads-europe-part-apparent-diplomatic-offensive-r>.

Brussels have not been acquiesced to by the EU, much due to the reasons for the current sanctions that EU has put in place.

It is also evident that the EU as an organization has not sought a key role regarding the conflict on the Korean Peninsula and has had no real direct engagement since the Korean Peninsula Energy Development Organization (KEDO) was terminated in 2006.⁴⁾ Furthermore, while it expresses support for peace and stability on the Korean Peninsula through the Six-Party Talks, its role has rather been limited to providing humanitarian aid and assistance to North Korea and following in close step with the standpoints and resolutions of other international actors and especially the United Nations.

The EU has been especially critical of the human rights record of North Korea. This criticism has been further sharpened since the UN Commission of Inquiry on Human Rights in the DPRK released its findings earlier this year.⁵⁾ Several European countries have highlighted human rights to be a key obstacle to the improvement of relations. The second major issue is that of North Korea's nuclear and missile program. As a result of North Korea's nuclear tests and missile launches, the EU has implemented restrictive sanctions against DPRK following the United Nations Security Council (UNSC) Resolutions in 2006 (1718), 2009 (1874), and 2013 (2087). These sanctions are directly targeting the missile and nuclear program, but additionally the EU has imposed sanctions affecting trade, the financial sector, visa ban and transport (UN Security

4) The EU and the Democratic People's Republic of Korea, Fact Sheet, Brussels, April 29, 2013.

5) See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14255&LangID=E#sthash.cq7MZbZW.dpuf>

Council Resolution 2094), and independent actions outlined in Council Decisions 2013/88/CFSP, 2013/183/CFSP, Commission Implementing Regulation No. 370/2013, as well as Council Regulation No. 296/2013. There is presently no intention by the EU to lift these sanctions and all current political and economic contacts with DPRK are limited by these restrictions.

This has also limited the possibilities the EU has to trade with DPRK, notwithstanding the problematic business climate in the country. Even though trade has increased by 23.3 percent according to EU statistics, the scale of the trade is miniscule amounting to a total of less than EUR 100 million with the bulk of the trade in non-agricultural products and fuels. This contrasts with trade to South Korea which amounts to EUR 5,810 billion and which constitutes 2.2 percent of the EU's total trade.⁶⁾ The trade with DPRK is instead dominated by China (72.8 percent of the total official trade in 2012), ROK, and to a lesser degree India. Rather, the EU as an organization has been more engaged in providing humanitarian aid and agricultural support that since 1995 has amounted to more than EUR 366 million.⁷⁾ Moreover, national governments have engaged in humanitarian and development aid. However, the provision of aid has been hampered by the unwillingness of the DPRK to grant freedom of operation and recurring suspicions over the misuse of funds.

On the political level, the EU engages the DPRK in dialogues but these are currently rather superficial as human rights issues and North Korea's continued nuclear program continue to serve to constrain any

6) European Commission, Directorate General for Trade, Units A4/G2, 2014.

7) See: http://eeas.europa.eu/korea_north/index_en.htm.

real dialogue. Similar to the U.S. and other actors, the EU contends that North Korea must make clear progress in denuclearization and human rights if more substantive dialogue is to take place—a standpoint which the DPRK decries as the imposition of unacceptable preconditions.⁸⁾ It seems unlikely that EU will change its policy towards DPRK without any real change undertaken by Pyongyang on these issues. These are positions that limits any real impact EU could have in North Korea.

In sum, while the EU enjoys full-fledged political and economic relations with the ROK, its ties with the DPRK remain relatively marginal. Furthermore, it has not been a key player in multilateral talks concerning security issues on the Korean Peninsula. It has instead expressed support for initiatives such as the Six-Party Talks without itself being a key stakeholder with strategic interests in the region.

II. A Future Role for the EU?

The question is if the EU could have or even should have a role on the Korean Peninsula. What would speak for a more targeted involvement is that the DPRK has continuously approached the EU, both at a formal level as well as at an informal level, to increase its engagement and to normalize relations with the DPRK. The reason is partly a view that the EU could play a mediating role between the DPRK and the U.S. in which it would take a “softer” stance vis-à-vis the former.

8) Lee Sangsoo, “Towards Reset in U.S.-North Korea Relations?,” Policy Brief, No. 161, 2014, Institute for Security and Development Policy.

In discussions with North Korean officials, it is obvious that there is a perception, even if misguided, that EU could be more constructive and engagement oriented if not under the “U.S. influence.” On the ROK side, there is an articulated interest in the European experience in not only the Helsinki process but also in terms of integration, both at a regional as well as national level. Generally, there is an interest to include any actor, such as the EU and even Vietnam or Mongolia, which could help contribute to breaking the deadlock. Thus, there is an interest from both Koreas that the EU could potentially have a greater role to play.

Before examining what role the EU could assume, it is important to first note the limitations and what the EU is *not*. First and foremost the EU is not a hard security actor that can, or is interested, in playing a military role on the Korean Peninsula or even providing security guarantees to any one of the actors in the region. As witnessed by Russia’s provocations in Ukraine and annexation of Ukraine, even in its own neighborhood it is unable to assume such a role. While individual states such as the UK and France have a stronger military capacity, they are unlikely to become independent security actors in Northeast Asia. Second, the EU is not a suitable candidate to become one of the direct participants in the Six-Party Talks. The EU has not only failed to create the necessary structures for a common foreign policy with there being divisions among the member states on international issues, but there is also a justified concern that the inclusion of additional actors could further destabilize the process. It has been a consistent policy from DPRK to play the different actors against one other and exploit the poor coordination among them. Furthermore, by becoming an official partner in negotiations, it would limit any potential role to play as a neutral facilitator. Third, the

institutional model and lessons of integration of the EU are a reflection of the European setting and experience and are not readily adaptable to the context of Northeast Asia and there is no interest in exporting the institutions but maybe the experiences of the EU integration.

This is not to say that the EU cannot play a valuable role. The EU could offer a neutral space and good offices in conjunction with the initiatives already in place. Thus the EU could function more as a constructive partner in the process of peaceful engagement by adopting a mediating and coordinating role in an effort to move the main parties to overcome the current gridlock. However, it would be unrealistic to assume that the EU could be fully neutral in such a capacity. The EU has taken a very firm position against the DPRK's human rights record as well as its attempts to develop missile and nuclear technology. It is also hard to imagine the EU doing anything that would undermine its interests with the ROK—an important economic and political partner for many European states. If EU were to act as a facilitator, it would do so from its political, social and economic position but could still function as a third party assisting with good offices and additional resources.

Such limitations aside, the EU could still play a constructive role and it does have a deep experience of confidence building—the EU in itself is arguably the most ambiguous peace project ever initiated—that could make it an influential *soft* power actor in the Northeast Asian region and consequently on the Korean Peninsula. The development of a long-term process of trust building such as the Helsinki process could be a relevant lesson to be shared in the Northeast Asian context. The Helsinki Process started in 1972 with the Helsinki consultations that

led to the formal Conference on Security and Cooperation in Europe (CSCE) in July 1973. These discussions continued up to 1989 and have proved to be important for the ending of the Cold War, even if they initially were unpopular in the West. The importance of the Helsinki process is of course the progress in each of the four “baskets” (political/military issues, economy, human rights and implementation) but arguably the most important impact was the institutionalized discussion (and the informal sideline discussions) that moved the Soviet Union and the West closer to each other on a variety of issues, issues that not always was on the table and build confidence between all actors in the process.

It has also been argued that the EU could play a much more active role if it formalized diplomatic relations with the DPRK as it could have more leverage over North Korea through the promise of “carrots”.⁹⁾ However, doing so would “reward” the DPRK with a new and important political relationship, something that is currently impossible due to sanctions and the latter’s failure to denuclearize. Yet such a step in the relationship could be a factor to vector in when certain measures are taken in the human rights or denuclearization process. However, EU needs to increase its engagement in the region and with the regional structures. Its participation in regional initiatives such as the East Asian Summit, which Brussels has expressed interest in, would also be beneficial.

9) Mark Fitzpatrick, “North Korean Proliferation Challenges: The Role of the European Union, EU Non-Proliferation Consortium,” Non-Proliferation Papers, No. 18, 2012.

III. Defining EU Engagement

The current gridlock on the Korean Peninsula does not currently allow for any major advances on any side. Thus, the question is how to achieve enough momentum for renewed progress in reducing tensions and encouraging gradual rapprochement on the Peninsula. There is thus arguably a need for an interlocutor that could help to facilitate dialogue, oversee reciprocity in implementation of steps and agreements, and stimulate new intellectual ideas. At the same time, it should be clear that the role of such an actor should be closely aligned with the needs of the main parties on the Korean Peninsula especially of the two Koreas and not the interests of the great powers in the region. It is in such a capacity that the EU could potentially become engaged.

First and foremost, the format of talks needs to be defined. The reestablishment of the Six-Party Talks should not necessarily be a priority but rather an alternative formula of 2+4+? could be prioritized. This would place the two Koreas as the main parties (such a format would help to place greater importance to the bilateral relationship between the two Koreas) with China, Japan, Russia, and the U.S. being the additional parties. The question mark refers to other parties which have hitherto not been stakeholders in the process but which could have a role to play as a conduit for better engagement. These could include Mongolia, Vietnam, and also the EU. Second, it would be fruitful to reconnect to the old agreements, multilateral and bilateral, between the different actors in the region. It would be a mistake to formulate and sign fundamentally new agreements when all parties agree that the existing agreements have strong merits. Nevertheless, it is also important to realize

the failings of previous agreements. The role of the EU could be to seek to bring the parties back to the old agreements and to see what can be salvaged and improved so as to prevent the peace process from becoming derailed again. Here I view any third party as an overseer of the process and assisting parties to overcome problems and adhering to responsibilities. This would in practical terms involve, but not be excluded to:

- Distance the peace process from short-term domestic politics and refrain from aggressive political language in relations.
- Improvement of the verification regime in order to avoid misunderstandings and gain unmistakable standards in implementation.
- Standards and terms for “commitment for commitment, action for action” need to be improved in terms of scheduling, reciprocity and completion.
- In addition to the moratorium, clear standards need to be communicated what exactly can be viewed as provocative or hostile behavior and should be avoided in order to guarantee the continuation of the process and avoid additional misunderstandings and mistrust.
- Salvaging the best (and politically feasible) segments from the earlier agreements. Sewing together a package of documents would be a task of a neutral actor.

The primary task for a possible EU engagement is to then make out steps (creating and implementing alternative roadmaps) on all sides that make it possible to resume engagement and eventually continue processes that had already started. In doing so, such an actor would need to uphold the principle of reciprocity by establishing an agreement on initial steps

that could help the main parties to establish trust. Thus, all should be able to agree on a list of items that would demonstrate sufficient proof that re-engagement is worthwhile and understand what each party needs in order to move on.

IV. Towards a Roadmap¹⁰⁾

Following on from the above, a roadmap that serves the overall peace process and the achievement of final goals should be the aim of any third party, namely the EU, that intervenes in the process. This process should address all levels of engagement and provide clear measures such as questions of regional security and definition of common goals, cooperation in economy and technology, as well as people to people exchanges. In order to make possible a process that guarantees for commitment and reciprocity, an agreed schedule and gradual confidence building is advisable to implement. Before doing so, it is necessary to outline three of the key challenges that a roadmap needs to tackle:

- *Denuclearization*. Particularly the U.S. and ROK argue that North Korea needs to take practical steps in the direction of denuclearization (based on their view that the DPRK has a record of violating previously made agreements). Simultaneously the U.S.

10) For more information about a Roadmap for engagement see: Institute for Security and Development Policy "Toward a Roadmap for Peace and Stability on the Korean Peninsula: Steps and Perspectives," Asia Paper, May 2014, pp. 28, (<http://www.isdp.eu/publications.html?task=showbib&id=6381&return=>).

and ROK need to reaffirm their commitment to denuclearization of the Korean Peninsula. According to DPRK demands, this would involve a lifting of the nuclear umbrella. It is important that this is seen as a process rather than a direct result, very much in line with the European experience. It would be necessary to marry these two forms of denuclearization together with a selling argument.

- The DPRK demands a resumption of talks without *preconditions*. It has asked for more sincerity on the sides of the U.S. and the ROK. Domestic discord should not have an impact on the process. The DPRK envisions a *peace process* among equals. It is apparent that this will not happen without a basic trust building process, maybe something in line with the Helsinki process. DPRK will have to accept that some form of preconditions will have to be in place, even if only symbolically as neither U.S. nor ROK could sell engagement without preconditions at home. The EU could possibly provide the structure to engage in such a process but only with the willingness of the participating parties to engage in some initial compromise, a condition that is lacking at the very moment.
- Security concerns, on both sides, derive partly from military activities such as exercises on the Peninsula as well as the development of nuclear capacity in DPRK. This has led to additional mistrust and the perception of provocative behavior. This is accentuated by confrontational language and domestic situations that are not perceptive to perceived compromises. Measures by international actors are needed that help to minimize these concerns and EU

could here assist with its soft power. The EU has no military or geopolitical ambitions in the region and would rather add resources to counter non-traditional challenges and provide good offices.

Initial measures towards joint action

The first measures taken by the parties, and supported by external actors, should aim to provide the ground for a resumption of the peace process and implementation of previous agreements. Additional measures should be discussed and implemented in order to lay the basis for confidence building which include continuation of humanitarian cooperation, people to people exchanges, and the reinstatement of a North-South Basic Agreement that lays out a model for relation, exchanges, and cooperation. It ideally provides the ground for a joint commission for reunification affairs.

The key process on regional level is to reengage in the implementation of previously made agreements. Particularly the Leap Day Agreement (2012) provides steps for the DPRK to implement a moratorium on nuclear and missile tests including IAEA inspectors to resume monitoring of activities at Yongbyon nuclear reactor. This move should be reciprocated by humanitarian assistance from the side of the U.S., Japan but also from other external actors.

As a matter of reciprocity, a preliminary soft “peace agreement” paving the way for a peace regime between the key four parties of the DPRK, ROK, China, and the U.S. can be discussed as a basis for non-aggression towards the North. Such an agreement would ideally involve a commitment to a final denuclearization of the Korean Peninsula. Additionally, resumption of talks is necessary in order to review and

clarify the parameters of reengagement and the process particularly in terms of sequencing and reciprocity. Especially past items of contention that eventually led to the failure of past agreements need to be included. Thus the parties could define Joint Action on basis of previously made agreements and lessons learned from past failures.

At the same time, the ROK and DPRK should continue to bilaterally improve their relations and dialogue. One such possibility would be a Third Summit Meeting between the DPRK and ROK. During her election campaign, President Park Geun-hye mentioned the possibility of a third summit meeting with North Korean leader Kim Jong-un. Such a meeting would be a significant development and in addition to its symbolism, it could be a starting point for a process of negotiations on more sensitive issues such as the Northern Limit Line and eventually broaching the issue of disarmament.

Security and economic cooperation to build mid-to-long-term stability

If the parties succeed in building a degree of confidence in the process and on the parameters for reengagement, the next steps require the practical implementation of measures for denuclearization. With clear sequencing and reciprocity, this can be conducted in parallel with the provision of economic and energy assistance as well as initiating multilateral talks on regional security issues including steps toward normalization of relations and providing security guarantees to the DPRK. The parties need to be assisted in creating regional negotiations involving IAEA involvement and the introduction of formal or informal measures and safeguards that includes the DPRK's declaration of nuclear programs including its Highly Enriched Uranium Program (HEU).

It will be necessary to include economic compensation as well as cooperation that includes investments in and economic/energy assistance to DPRK that will function as a form of compensation. It is also necessary to include some form of partial lifting of sanctions, but only if real results are seen in the denuclearization process. The inter-Korean railroad and Russia's gas pipeline project as well as the establishment of special economic zones could be effective measures to bring the parties together.

Multilateral actions to build regional security will become necessary, and here an external actor could play a crucial role. It will be necessary to create steps toward normalization of relations including security guarantees to DPRK. Regardless of the outside perception DPRK feels threatened and this needs to be taken seriously but security guarantees also need to be extended towards ROK as well. At this stage, discussions on demilitarization of the West Sea (i.e. the establishment of a zone of peace) could be possible. It would be necessary for DPRK at this time to engage in regional nuclear safety and security discussions and even to discuss verification measures. This could then be the foundation to discuss Korean reunification and the institutionalization and normalization of Six-Party Talks or the 4+2+? format that was earlier outlined.

Final, and possibly elusive, goals

The end goals are what all sides have affirmed to be the long-term main objectives: the signing of a peace treaty and completion of denuclearization of the DPRK side. As such, the content and definition of the end goals are important for the parties but also for any third

party actor. Here the previously made “soft” peace agreement should be developed into a full-fledged peace treaty between the relevant actors as an end step. Such a treaty would entail the full normalization of relations and lifting of all sanctions. Parallel to the end goal of signing a peace treaty is the completion of the process of denuclearization including a verification regime according to IAEA standards the dismantlement of Yongbyon, establishment of a Highly Enriched Uranium (HEU) program. Simultaneously there would be a bilateral process regarding the principles of North and South Korea mutual engagement that would be the cornerstone for eventual reunification.

V. Conclusion

This paper has demonstrated that the EU has hitherto taken primarily a backseat role when it comes to the conflict on the Korean Peninsula and will most likely continue to do so. It does not have vital strategic interests at play in the region and has largely fallen in line with the resolutions of the United Nations, i.e., condemning the DPRK’s nuclearization and human rights record. However, the EU does possess a degree of credibility and capacity to play the role of a “facilitator”—notwithstanding limitations—to oversee a roadmap process involving the key vested actors on the Korean Peninsula.

The EU is not a hard security actor and most of its engagement methods should focus on the non-traditional security issues, e.g., good offices, dialogue, and trust building exercises rather than military security. The weakness of the EU is paradoxically its strength as well, as the EU has

no geopolitical interest in the Korean Peninsula and is seen more as a neutral actor. The European experiences, as an organization and for individual states, would be of great relevance.

If the EU should take on a greater role in the region, its focus should be on the Koreans. This is partly because the Koreans are the primary parties but also because of the disinterest from the U.S. to engage North Korea at this time. North Korea is not prominent on anyone's current agenda, but the EU could, at the very minimum, act to provide the primary parties with diplomatic resources or a location for continued discussions.

This said, it is unlikely that the EU will take on a central role in the Korean Peninsula. Brussels seems disinterested in the matter, and the EU currently does not have the diplomatic ability to further its relations. The most likely development of EU's role is a muddling through approach responding to the requests from Seoul and Washington D.C. This would be the most damaging role for the EU as it would not be able to assist effectively and would further tarnish its foreign policy record. It is much more plausible in the future for individual states within the EU to take on greater negotiating roles, than the organization itself.

남북관계 제도화를 위한 노력

Institutional Unification of the Two Koreas

North Korea's Future: Transition and Institutionalization of Economic Integration

Kim Byung-Yeon Seoul National University

Institutionalization of Inter-Korean Relations: Focusing on the Legal System

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남북관계의 제도화를 위한 근본적 접근: 포괄적 평화

김근식 경남대학교

North Korea's Future: Transition and Institutionalization of Economic Integration

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North Korea's Future: Transition and Institutionalization of Economic Integration

I . Introduction

The North Korean economy direly needs change. Currently, it fails to satisfy the basic needs of its population of 24 million people. North Korea has undergone a severe economic crisis during the mid to late 1990s. The collapse of the Soviet bloc, exacerbated by poor climate conditions in the mid 1990s hit hard the already fragile economy, which led to mass starvation that sacrificed at least a few hundreds of thousands of people's lives. Although it appears to have avoided mass starvation afterwards, it was largely due to external trade and aid as well as the expansion of markets from below. However, the economy failed to recover fully from the economic disaster and to feed the population with a sufficient amount of food.

The impact of North Korea's economic crisis does not remain as an internal problem within the Korean Peninsula. Instead of reforming its economy, North Korean authorities appear to have taken a different

direction such as causing military conflicts, launching long-range missiles, and developing nuclear weapons. In this way, it threatens international security and increases risk for neighbouring countries. North Korea's leader, Kim Jong-un, may believe that military build-up is the only choice to maintain his power. His choice, however, makes its economy difficult to escape out of a major crisis.

North Korea's economic crisis for the extended period implies that structural problems are deep-rooted within its system. Socialism was proven too inefficient even in its best forms, having suffered from chronic shortages of inputs and consumer goods, and lacked political legitimacy. As a result, most socialist countries made a transition toward a market economy following the collapse of the economy. Compared to socialist economies in Eastern Europe, the North Korean economy is more backward and less efficient. Hence, it is unlikely that it can sustain in its current form for the next decade.

North Korea's economic transition has clear benefits in addition to standard welfare gains from transition. North Korea can enjoy the later-comer's advantage by exploiting valuable lessons from previous experiences of transition in Eastern Europe and Asia. Moreover, the backwardness of the North Korean economy implies that it should learn from effective policies for economic development implemented in various countries. Lastly, well-designed economic integration between South and North Korea can facilitate the speed of North Korea's economic growth.

II. Economic Conditions in North Korea

The North Korean economy experienced a very low productivity level from the late 1950s, that is, the start of the socialist economic regime. Kim et al. (2006) estimated that capital productivity recorded -3.2% from 1954 to 1960 although labour productivity reached to 3.5% in the same period. It also suggests that the North Korean economy suffered from a very low efficiency: Controlling the stage of economic development, the North Korean economy was estimated to be less efficient by about 30% compared to that of the Soviet Union.

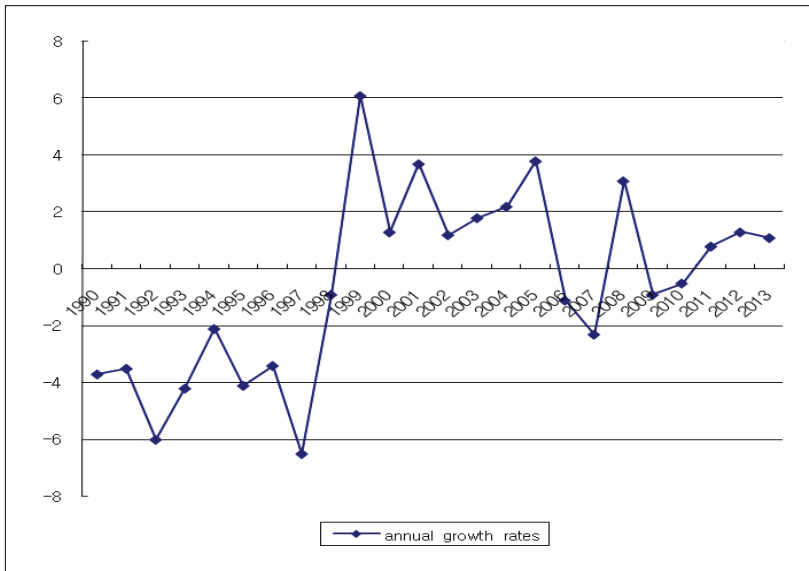
Using a physical indicator method based on the relations between income per capita and physical indicators such as life expectancy, infant mortality, and energy consumption per capita, Kim and Lee (2007) estimate that North Korean GDP per capita in 2004, amounts to mere USD 368. Using a similar method, Kim (2014) revised these estimates for the year of 2012: he estimates that North Korean GNI per capita in 2012 was USD 607 (in current USD).¹⁾

The following graph presents annual growth rates from 1990 to 2013 estimated by the Bank of Korea (various years). According to these estimates, the average growth rate per annum during the above period

1) Bank of Korea (2009) also provides an estimate of North Korean GNI per capita in 2008, which is USD 1,065. However, Bank of Korea notes that this figure should not be used as income per capita in U.S. dollars because the purpose of such an estimate is to compare North Korean GNI per capita with that of South Korea instead of providing an absolute level of North Korean income per capita.

was -0.53%. It shows the increase of average annual growth rate from -3.8% in 1990-1998 to 1.4% in 1999-2013. However, most of the increase in growth rates is accounted for by relatively favourable weather, international aid, and an increased volume of trade between North Korea and other countries including China and South Korea. This suggests that North Korean economy has not escaped out of its crisis yet.

〈Figure 1〉 Annual Growth Rates of North Korean GDP, 1990–2008



Sources: Bank of Korea (various years)

The literature on economic performance during the period of transition to a market economy suggests that growth in such a period is affected significantly by initial conditions before the transition.²⁾ In other words,

2) Initial conditions include the stage of economic development, conditions relative

poor initial conditions tend to lead to a sharper decline in output especially in the early period of transition. Kim (2008) finds that North Korea's initial conditions are relatively unfavourable, recording 15th out of 26 countries. With the assumption of *ceteris paribus*, such initial conditions cause an output decline amounting to 34-39% of GDP. This conjecture adds a gloomy feature to the future of the North Korean economy. It should be emphasized, however, that appropriate strategies and policies can help the recovery and sustained growth of North Korean economy defying the odds of initial conditions. The remainder of this paper briefly outlines such strategies and policies.

III. The First Pillar of Economic Development: Transition

The transition of North Korean socialist economy to a market one is imperative for it to recover the fragile economy and to make it follow the path of sustained growth. The experience of the former Soviet Union, Eastern Europe and Asia presents compelling evidence of the necessity for transition. There is no single country that preserved its socialist system but achieved sustained growth path for more than eighty years. In contrast, a number of market economies are successful in maintaining high welfare level for more than a few hundred years. There are

to geography and natural resources, the degree of economic distortions under socialism, and political and institutional capacity.

unsuccessful market economies as well as successful ones but there exist only failed economies among socialist countries. The market mechanism provides opportunities for a country to become rich but the history shows that socialism fails to sustain its mediocre level of welfare let alone attaining a high level of welfare suggested by Karl Marx.

Transition does not necessarily imply that all the features of socialism must be transformed within a short time. The optimal speed of transition depends on political constraints, initial conditions, and intended sequencing of transition policies. For example, the advanced Eastern European countries took less than ten years starting from the late 1980s or the early 1990s in transforming most aspects of socialist economies to market ones. In the case of East Germany, transition was so rapid in that most East German companies were privatized in less than three years after its unification with West Germany. In contrast, China started its transition from 1978 but the pace of transition was slow and gradual. China's strategy called "dual track approach" pursued the coexistence of plan track and market one but replaced the former with the latter step by step. Nevertheless, the Chinese transition is found to be very successful.

What would be the most important transition policies North Korea needs to implement at the initial stage of transition? The transition to a market economy requires two fundamental changes in socialist institutions: private property rights and freedom in market transactions. Unless there are binding political constraints, the best policy is to

transform property rights from the public one to a private one, and to allow free market transactions between the private entities. However, such approach may be viewed as politically dangerous because it undermines the political system of the North Korean regime. In such conditions, a minimal approach can be adopted. Decollectivization, that is, the transformation of collective farms to family farms, must take place in order to increase agricultural output substantially. According to Brauw et al. (2004), the Chinese decollectivization led to an increase in agricultural output by 7% per annum. Allowing freedom for market transactions applied to households is regarded as another policy component of the minimalist approach. Facilitating market transactions can act as an incentive mechanism for production. In addition, North Korean authorities should consider that enterprises are allowed to sell extra output exceeding output target specified by central and local authorities in markets.

Next priorities in transition policies should be on the provision of freedom to create small businesses. Small size household production units, repair shops, restaurants, and self-employed can be included in this category. Small businesses can buffer a shock arising from transition recession by boosting output and absorbing the unemployed. The growth of small enterprises can lead to the emergence of entrepreneurship and contribute to further expansion of large-size businesses.

Other transition policies can be implemented after the three policies outlined as above, namely, decollectivization, freedom for market

transactions, and freedom to open small businesses. They include the introduction of institutions supporting the market mechanism such as the two-tier banking system and fiscal system. In addition, price and trade liberalization should be implemented as well. One should consider large-scale privatization as policy requiring complex institutions and knowledge about financial markets among the population. Hence, the timing of large-scale privatization may be delayed to the final stage of transition unless there are urgent reasons.

In the case that a big-bang approach is feasible or unavoidable in North Korea, several steps described as above can be skipped implementing most transition policies excluding a large-scale privatization in the first several years of transition. This transition strategy is likely to be adopted when transition starts following the collapse of the North Korean regime. Nevertheless, the sequencing of transition policies, which allows North Korean institutions to have some time to be replaced with market ones, is still necessary. The lessons from the German unification should not be forgotten.

IV. The Second Pillar of Economic Development: Igniting Growth Potentials

North Korea shares similar features of developing countries. Hence, lessons from the experience of developing countries should be learnt and applied carefully. In addition, strategies of South Korea's catching

up growth are worth careful consideration.

Human capital is regarded as a key factor of economic growth. North Korean refugees who settled down in South Korea inform that the share of absentees and dropouts from schools is about 20 percent even in North Korean capital, Pyongyang. The reason is that schools lacking financial support from the government levy costs of running schools on parents, who subsequently withdraw their sons and daughters due to the high burden on the family's budget. Many schools fail to provide their students with textbooks, notebooks, stationary, etc. Hence, a priority should be given to providing education for most of the school-aged children. Malnutrition is faced by poor North Korean families in their everyday life. Support from international organizations and other countries should focus on relieving poverty of North Koreans.

North Korean authorities should develop policies that help informal economy activities be transformed to formal ones. Currently about 70-80 percent of household income is originated from the informal economy such as trading on markets, selling agricultural products cultivated on private plots, and producing basic consumer goods. These activities need to be formalized in a way to register at relevant authorities and to open bank accounts. The government should consider some incentives for formalizing household economic activities.

The worth of North Korea's mineral resources is estimated to be 140 times the North Korean GDP in 2008 (Kwon, 2009). Exporting natural resources or inviting FDI in extracting such resources can help to overcome capital constraints. However, North Korean authorities should pay sufficient attention to a possible danger of growth based on natural resources. It can increase wages too rapidly, causing other sectors of

the economy including manufacturing sectors less competitive in the world market. An optimal policy is to control the amount of export of natural resources and to check foreign investment in natural resources in a way to be consistent with economic growth strategy based on manufacturing.

In North Korea, competitive manufacturing industry requires low wages. The North Korean authorities should learn lessons from the experience of catching-up growth in South Korea. South Korea adopted export-led growth strategy initially based on low wages, which facilitated the growth of labour intensive industry. This strategy intended to exploit comparative advantages of the South Korean economy. Over time the economy evolved toward an economy based on heavy industry and technological innovations. The amount of export was a key policy target monitored by President Park himself who attended meetings for promoting exports.

V. The Third Pillar of Economic Development: Economic Integration

One of the most favourable economic conditions North Korea possesses is that it is surrounded by very dynamic economies. North Korea can easily access large markets offered by East Asian region. These economies are complementary to each other in that Japan and South Korea have comparative advantages in technology, Russia in natural resources, and China in labour. This provides excellent opportunities for North Korea to implement export-oriented growth strategy based on cheap labour.

In addition, the strategic importance of North Korea implies that financing capital necessary for building up its economy is not a binding constraint.

Given a large gap between South Korea and North Korea's income per capita, it is not desirable to integrate these economies rapidly. If it is possible, it will be optimal that the integration of the two Koreas take place in a gradual manner. That is, the process of European integration, instead of German unification, can be used as a benchmark for two Koreas' integration. In such a process, free labour mobility and monetary union should be implemented at a later stage of integration.

South Korea should remember to abide by one principle, that is, act as a helper but not a planner. In other words, South Korea should encourage North Korea to grow by itself and provide a stepping stone for sustainable growth. Empowering the capacity of institutions and people is key to sustainable growth. Also South Korea should pay attention to possible distortive effects of South Korean policies on the North Korean economy. For example, a large sum of aid or investment in North Korea might lead to an increase in wages of North Koreans, which will undermine the competitiveness of North Korean industries.

The collapse of North Korean regime can cause mass immigration to South Korea and neighbouring countries. In particular, it is difficult to limit North Korea's immigration to South Korea legally because the South Korean constitution states that North Korea and its citizens are part of South Korea. However, mass immigration will make it hard to adopt the gradualist strategy of transition and integration, increasing the cost of unification substantially. Policymakers should consider economic incentives to encourage North Koreans to stay in North Korea instead of migrating to South Korea. For example, ownership of land

and housing is given only to North Korean residents and entitlement to such ownership is revoked when they migrate to South Korea. Nevertheless, it is not likely that economic incentives are sufficient to prevent mass immigration and thus some temporary measures such as using work permit and migration visa should be introduced in addition to the provision of economic incentives.

Among the three pillars for North Korea's economic development, essential parts of transition policies should be implemented before the other two pillars, namely, catching-up growth and economic integration with South Korea. Economic integration should be gradual in accordance with the stage of economic development of North Korea. A hasty integration of the two Koreas may turn out to be too costly. At an early stage of integration, South Korea needs to contribute to poverty reduction and technical assistance. Gradually, it should expand the areas of economic cooperation including investment and privatization of North Korean firms. It should be remembered that the full integration between the two Koreas may take more than a few decades.

VI. Institutionalization of Economic Integration of the Two Koreas

Institutionalization facilitates the integration of countries at least partially by reducing transaction costs involving economic activities such as trade and investment. It may also help the two Koreas accumulate achievements step by step and make it difficult to reverse an integration process. Hence, it is not surprising to observe that institutionalization

accompanies an integration process.

The literature identifies the following five steps of economic integration.

- A free trade area (FTA): all barriers to trade are abolished
- A customs union (CU): FTA with a common external tariff
- A common market (CM): free movement of capital and labor in addition to CU
- An economic union (EU): a harmonization of economic and social macroeconomic policies in addition to CM
- Economic and monetary union (EMU): a common monetary policy in addition to EU.

A process of economic integration normally starts with trade because trade is relative easy to carry out without much risk. Furthermore, commercial trade yields economic benefits to both parties. Yet, international trade is often prohibited by high tariffs. By removing tariffs, the volume of trade will increase, which is likely to increase the GDP of countries involved in trade.

South and North Korea abolished tariff as both regard trade between the two Koreas as domestic not international. However, there exist policies of prohibiting trade between the two Koreas. In North Korea, South Korean goods are banned from selling at markets. The May 24 measure implemented by South Korea in reaction to the sinking of Cheonan naval ship in 2010 is another example of prohibiting free trade. These imply that the economic integration of the two Koreas has not yet reached its most basic stage. Hence, removing such barrier to trade can be considered as the starting point of economic integration.

The CM allows free movement of capital and labor. There are two

concerns in making CM between the two Koreas. First, income gap between South and North Korea is very high. Thus it is likely for a substantial number of North Koreans to migrate to South Korea if CM is implemented. South Korea is likely to suffer from economic cost that is expected to be very high. The North Korean authorities will not welcome such agreement because North Korea's regime stability may be threatened, triggered by mass migration of North Koreans to South Korea. Likewise, the free movement of labor in the Korean context refers to political unification in a way that South Korea absorbs North Korea. Hence, free mobility of labor should be allowed at the last stage of integration if the two countries adopt a gradual unification.

Free movement of capital can start earlier than that of labor. However, it would be difficult for South Korean investors to make a significant volume of investment into North Korea without institutional improvements in protecting the rights of investors. In addition, poor infrastructure in North Korea prevents a large volume of investment in North Korea. At the same time, it is unlikely for North Korea to improve property rights of South Koreans in the whole country. A realistic scenario is to have a special economic zone in which investors' rights are better protected and infrastructure is well-provided. Gaeseong Industrial Complex is such an example. Economic integration will be boosted by constructing more special zones. In doing so, it is recommended for both Koreas to delegate their power to an institution that aims at managing such a zone in accordance with agreed rules. Otherwise, transaction costs involving investment and running businesses would increase. Particularly, institutional procedure dealing with Investor-State Dispute Settlement should be established clearly and

implemented in a transparent way, because a survey of firms in investing in North Korea reveals the lack of this, which is the most important barrier to investment.

The European experience sheds light to a CM between the two Koreas. EU started with European Coal and Steel Community (ECSC) that was established in 1951. The prime motive of the ECSC was to put the coal and steel industries of Germany into the hands of some supranational powers, and thus preventing war between Germany and other West European countries. If the two Koreas agree that North Korea's industries of natural resource are co-developed and co-managed by international agencies including both Koreas, it will be a significant institutionalization of economic integration. At the same time, all the involving countries remove custom duties, import quotas, etc.

The EU is the next stage of economic integration. This stage requires North Korea to complete the transition of economic system toward a market economy. Otherwise, coordination in macroeconomic policy would not be possible. For instances, exchange rate regime suitable for a market economy should be introduced in North Korea. It is recommended for North Korea to adopt the fixed exchange rate regime at least for an initial period of transition. Over time, it needs to move toward a floating one. Otherwise the real appreciation of the North Korean currency will undermine the competitiveness of North Korean industries. If an equilibrium exchange rate is more or less established, a permanent peg to South Korean won can be introduced. During this process, a transitory institution such as European Exchange Rate Mechanism (ERM) may be introduced before a permanent pegging to South Korean won. Likewise, institutional disparities should be at least reduced during this

stage if not removed. For example, the system of transportation should be merged. Again delegated institutions rather than mediating ones are more effective in facilitating integration.

The currency conversion of North Korean won to South Korean one is the completion of economic integration beyond that of exchange rates. One central bank will become in charge of common monetary policy of the two regions. At this stage, free movement of labor can be allowed. This institutional integration definitely lays an economic foundation of political unification.

Institutionalization of Inter-Korean Relations: Focusing on the Legal System

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Institutionalization of Inter-Korean Relations: Focusing on the Legal System

I . Introduction

Unification of North and South Korea, is not about returning to the status before the division. Instead, it should be the procedure of admitting our historical reality and creating one national community under this historical condition. Unification includes not only the consolidation of two different political systems, but also the integration of economic system and socio-cultural perception. Thus, unification should not mean a 'status' which would end with the establishment of the new political government, but a 'process' which shall continue until economical, social and cultural integration is thoroughly achieved. In this sense, unification process has already begun, and is developing to near its completion.¹⁾

Inter-Korean relations has a dilemma related to the attitude toward each other. On one hand, domestic law suggests that peaceful unification should be achieved and thus inter-Korean exchange should be actively

1) Lee Hyo-won, *Understanding of Unification Law*, (Seoul: Pakyoungsa, 2014), p.5

supported. On the other hand, the difference of political system and ideology makes it difficult for both Koreas to admit each other openly. Additionally, as both Koreas are participating in global politics as proper nations, it can be problematic to simply apply domestic law to the other party. Due to this unique characteristics of inter-Korean relations, various legal conflicts between North and South has been solved through political compromises rather than judicial judgements. Another point is that acts concerning inter-Korean relations have been created as reactions to pending issues of each time, and thus do not reflect a broad, systemic understanding of the issue. As a result, South Korea could not develop a right tool to plan, direct, and administer unification policies. Furthermore, sometimes the policies even exceeded the norms that Unification Law suggests.²⁾

South Korean Constitution Article 4 defines that unification should be peaceful and be achieved through the principle of liberal democracy. Acts regarding inter-Korean relations and peaceful unification act as tools to solve diverse legal issues based on constitutionalism. They also prevent possible confusions during the process of unification and help a united Korea settle stably. As a result, constitutionalism offers legal stability and predictability in inter-Korean relations, and thus guide inter-Korean relations not drop out of united Korea's principle. This is why inter-Korean relations need to be institutionalized, to develop a stable and sustainable inter-Korean relations.³⁾

2) See Ministry of Unification(www.unikorea.go.kr) and Gaeseong Industrial District Management Committee(www.kidmac.com) for more information about inter-Korean exchange and cooperation.

3) See Lee Hyo-won, *The Normative System on the Exchange and Cooperation*

II. Legal System on Inter-Korean Relations

A. Basic Agreement Treaty

It is very difficult to solve the legal conflicts within inter-Korean relations, because of the difference of legal ideology and system of the two Koreas. Establishing a common legal system for the two Koreas to share in order to solve the conflict and contradiction is also hard to expect. Also, it is not desirable that we regulate inter-Korean relations completely through the international legal system. Thus, agreement treaties shall be the most realist and practical answer to solve legal issues in inter-Korean relations.

The Basic Agreement Treaty was signed in 1991, both Koreas agreeing that inter-Korean relations is a special, contemporary relationship needed in the procedure of achieving unification, and not a relation of nation to nation. The Treaty recognized that each Korea as a national state, and stated that the domestic issues shall not be disturbed. Current military armistice agreement shall be respected, and two sides shall not blame or slander each other. There had been arguments regarding the legal identity and force of the treaty, but Constitutional Court and Supreme Court did not support legal force of the treaty and decided that it is rather a political joint statement or a gentlemen's agreement.⁴⁾

between North Korea and South Korea, (Seoul: Kyeonginmunwhasa, 2006), p.13~164 for information about theory of the special relation between the North and South Korea, constitutional theory aiming to solve inter-Korean legal conflicts.

4) See Decision of July. 20, 2000, 98Heonba63(Korean Constitutional Court) and Decision of July. 23, 1999, 98Doo14525 etc.

North and South Korea held the first North-South Korean summit and stated June 15 Joint Declaration between North-South Korea in June 2000. Based on this, inter-Korean exchange grew, and various agreements were signed for these exchanges. On October 4, 2007, the two sides had a second inter-Korean summit and stated October 4 Joint Declaration between North-South Korea, confirming the spirit of June 15 Joint Declaration between North-South Korea as a result of the Basic Agreement Treaty and North-South Korean summit, which has a very important political meaning in development of inter-Korean relationship. It has its limitation, though, that it does not have any legal effectiveness to force the performance or punish its violation. This is due to the normative problem that a treaty cannot have legal binding force.⁵⁾

The treaties with legal effectiveness between the two sides are the most important. Among these are the four economic treaties (including those regulating topics about guaranteeing investment, the protection from double taxation, liquidating settlements and procedures regarding investment dispute settlements) and nine other agreements including the Agreement on Entering and Staying at Gaeseong/Geumgang Area treaty, for which the two sides have taken the necessary steps to make themselves law-binding for each government.⁶⁾ These treaties are signed under the intention of the two sides, that they carry legal binding. As

5) See Yoo Byung-hwa, "The Legal Character of Basic Agreement Treaty," *Korea University Law Review* Vol. 27, Law Research Institute, Korea University, 1992 ; Je Seong-ho, "The Legal Character and Effectiveness of Basic Agreement Treaty," *The Korean Journal of International Law*, Vol. 37, no. 1, 1992. for more detailed contents on Basic Agreement Treaty.

6) Ministry of Unification, "Rule Book of Gaeseong Industrial Area," 2014.

the two sides signed the Agreement Treaty in the same way as they signed each treaties and took following steps, they can be recognized as treaties in their content and in their form. Especially, these treaties are allowed or agreed by National Assembly of the two Koreas. This was to follow the right procedure of validating legal effectiveness, and thus to overcome the weakness that the Basic Agreement Treaty did not go through the prior consent of the National Assembly. South Korea also promulgated the treaty following the acts regarding law making procedures and stated it in official publication. This is based on the idea that the treaty has legal effectiveness and thus can show that these treaties do have legal binding forces.

However, North and South Korea could not realize the content of the agreement and could not sign the following agreements. There was no domestic legislation to practice the content of the agreement and as a result, the treaty cannot fulfill its role as the practical regulation but only suggest abstract principles. The two sides organized a business arbitration committee between the two Koreas when restarting the Gaeseong Industrial Complex in 2013, but overall, it cannot be denied that the treaties do have limitation with its legal force.⁷⁾

7) See Lee Hye-jin, "The Way to Secure the Effectiveness of the Agreements between North and South," *Reunification and Law*, Vol. 7, Ministry of Justice, August 2011; Kim Gye-hong, "The Study of the Case and the Way of Improvement of the Effectuation Procedure of the Agreements between two Korea following the Development of Inter-Korean Relations Act," *Legislative System*, Vol. 603, March 2008. for more detailed information of the way to secure the effectiveness of the Agreements.

B. South Korean Law

South Korean laws that regulate the relationship between North and South Korea relationships are the following: The Development of Inter-Korean Relations Act, the Exchange and Cooperations between Inter-Koreas Act and its executive order, the Funds for the Inter-Korean Relations Act and its executive order, the Criminal Law and National Security Law, the Protection and Support for settlement of defector from North Korea Act, the Identification of Life or Death, and the Promotion of Exchange Act. According to the theory of the special relationship between the North and South, the Criminal Law and National Security Law will be applied in the field of norms where North Korea is defined as a illegal group or the organization of anti-state, the Exchange and Cooperation between the North and South Act will be applied in the field of norms where North Korea is defined as the counterpart for conversation and cooperation for a peaceful unification. Laws that directly regulate the exchange and cooperation of the two Koreas will be mainly explained below.

The Development of Inter-Korean Relations Act, which was passed on December 29, 2005, regulates the necessary areas which are needed for the exchanges between the two sides. This act is established to guide the government to legally follow the right procedure in its inter-Korean relations policy, and thus enhance democratic legitimacy and clarity. This act is the basic act which offers legal basis for peaceful unification and inter-Korean policy, special law which reflects the unique characteristics of inter-Korean relations, and adjective law which protect the regulatory power of the treaty. In this sense, the act is a normative

basis of inter-Korean relations and peaceful unification. However, North and South Relation Development Act only suggest the basic principle of this relation and does not reflect the specific characteristic. Another problem is that it does not define the legal effectiveness of the North-South treaties.⁸⁾

The Exchange and Cooperations between Inter-Koreas Act was passed in 1990, and since has been revised thirteen times. The law was passed to instigate inter-Korean exchange and work for a peaceful unification in Korean peninsula. Enacting this law has an important meaning of embracing inter-Korean relations into constitutionalism, and thus recognizing North Korea as a partner of exchange and assuring people's right in North-South exchange. This act is to rule civilian exchange and cooperation, rather than governmental organizations. The act has played the role of legally supporting North-South exchange and cooperation, and has reflected the changes in inter-Korean relations through several revisions. The relation with this act and the National Security Law is important, in that North Korea is defined as an enemy country in one aspect and a partner of exchange and cooperation in the other. The application range and effectiveness need to be clearly stated to establish the normative standard of inter-Korean relations. The Constitutional Court stated that National Security Law and Exchange and Cooperation Act between two Koreas differ in their legislative purpose and regulation

8) See Ministry of Unification, "The explanation of the Development of Inter-Korean Relations Act," 2005; Ji Bong-do, "The Meaning and Task of the Enactment of the Development of Inter-Korean Relations Act," *Problem of Far-East* Vol. 309, November 2004 for the contents of the Development of Inter-Korean Relations Act.

object.⁹⁾ It is difficult to select Exchange and Cooperation Act between two Koreas as the basic principle of peaceful unification, because of the fact that this law reflects the reality of North and South Korea's military confrontation. The act is basically not to support exchange and cooperation, but instead control and regulate it.¹⁰⁾

Gaeseong Industrial Zone Support Act, established in 2007, allows administrative and financial support from the government to encourage Gaeseong Industrial Complex, and states that domestic companies and South Korean civilians that invest in Gaeseong Industrial Zone can receive special protection and support. It also states directly that this act has effectiveness in the North Korean area, although it is a South Korean act. This act is distinctive in that it limits its legislative purpose, application area and people to Gaeseong Industrial Zone and its related boundary, and in that it offers legal basis for support toward South Korean civilian and companies in Gaeseong Industrial Zone. However, the contents are not thorough or holistic. Because the contents are based on each bounding issues of the time and thus catalogical, there is limitation of this act to offer systemic and unified legal system.¹¹⁾

Special Act on family and inheritance between two Koreas, which

9) Decision of July. 29, 1993, 92Heonba48(Korean Constitutional Court)

10) See Ministry of Unification, "The Explanation of the Exchange and Cooperations between Inter-Koreas Act," 2009; Shin Jong-dae· Choi Eun-seok, "The System Change of the North Korea and the Legal System about the Development of the Relationship between North and South," *The Study on Public Law*, Vol. 36, no. 3 (February 2008), for the contents of The Exchange and Cooperations between Inter-Koreas Act.

11) Yoo Wook, "Enforcement and Inadequate Points of Legislature about Support for Gaeseong Industrial Zone," *Legal Tasks for Promotion of Gaesung Industrial Zone after inter-Korean Summit, 2007 Symposium*, pp. 98~104.

was established in 2012, aims to solve legal conflicts between dispersed families and administer property of North Korean civilians which they possess via inheritance or bequest. This act states special procedures on bigamy, real child confirmation, jurisdiction, supervision, and disposal of inherited property etc. in the lawsuit between North and South Korean civilians.

C. North Korean Law

North Korean laws that regulate the exchanges between the two sides are the following: The Economic Cooperation between the North and South Korea Act, The Gaeseong Industrial Zone Act, the Tourism in the Geumgang Mountain Act and Socialism criminal law. North Korea does not have a special law like the National Security Law of South Korea. It uses Socialism criminal law to handle the national security crime. Socialism criminal law stipulates the nation subversion conspiracy crime, anti-state incitement crime, treason and the crime of espionage in chapter 3 about the crime of anti-state and anti-people.

North Korea passed the Economic Cooperation between the North and South Korea Act in 2005. It regulates the general area of economic cooperation of the two Korea like the approval of cooperation program, a personal exchange, a material exchange, the way of employment, the ways of tax and payment. This law can be seen as a comprehensive law to regulate the North and South Korean economic exchanges like the Exchange and Cooperations between Inter-Koreas Act of South Korea. North Korea only regulates economic cooperation through this act and not socio-cultural field. Still, establishing basic law for inter-Korean

economic cooperation has an important meaning since this is an attempt to regulate inter-Korean relations through constitutionalism and is thought to be valuable in encouraging legislation of the two Koreas. However, it is difficult to say whether North and South Korea's Act of North Korea has its effectiveness since its enforcement is not identified. Also, its relation with other acts, such as The Gaeseong Industrial Zone Act needs to be verified. Another problem would be that there are no specific procedural rules supporting inter-Korean economic cooperation.¹²⁾

North Korea passed Gaeseong Industrial Area Act in 2002. Gaeseong Industrial Area shall be under North Korean sovereignty in principle and thus North Korean acts would be effective, even to South Korean civilians. This law states that on certain business related areas, other North Korean laws will not be applied. In Article 9, it states that "Business activities in the Gaeseong industrial area will be regulated by this law. Areas not regulated by this law will be dealt by the Guidance Center for the Central Industrial Area and the Guidance Center for the Industrial Area. There may be some disputes as to what the "Business activities in the Gaeseong industrial area" exactly means, but nevertheless it states that other North Korean laws will not be applied in this area. Instead, the Gaeseong Industrial Areas Act as well as the rules set forth by the Guidance Center for the Gaeseong industrial area will be applied.

North Korea established sixteen regulations since April 2003 until

12) See Ministry of Justice, "The Analysis of the Economic Cooperations between the North and South Korea's Act of North Korea," 2008 for more detailed information on the Economic cooperations between the North and South Korea's Act.

now (October 2014). The Gaeseong Industrial Zone Act states that Administrative Committee and Leading Agency shall be founded for the administration in Gaeseong Industrial Zone. In principle, administrative committee should manage Gaeseong Industrial Zone, and leading agency has the role to lead the plans of administrative committee wholly. The Administrative Committee is an institution taking care of executive administration of Gaeseong Industrial Zone, and most of its members are South Koreans, including the chairman.

Following Gaeseong Industrial Zone Act Article 25, the Administrative Committee has enacted 51 business regulation since November 2004 until now (October 2014). These rules seem to be regarded as only guidelines of the Administrative Committee, not independent legal norm, regarding North Korean legal system. It is thought that the Administrative Committee has established these rules because the leading agency did not show any movement for further detailed enforcement, especially while Gaeseong Industrial Zone Act and regulations were not completed. Gaeseong Industrial Zone Act, regulations, business regulations do have regulating power and effectiveness and are established under prior consultation with South Korea.¹³⁾ Nevertheless, the two sides have difficulties in reaching an agreement related to the detailed enforcement of leading agency. Gaeseong Industrial Zone Act is also abstract in content and limited in normative boundary and thus cannot perform its role

13) See Bae, Kim & Lee(LLC), *The Explanation of the Law and System about Gaeseong Industrial Zone*, 2005; Lee Hyo-won, "Legal System of Gaeseong Industrial Zone and Application of the South Korea's Administrative Punishment," *the Bar* Vol. 627 (Dec 2008), pp. 5~62, for more detailed information of the law about Gaeseong Industrial Zone.

as legal norm regulating North and South Korean exchange and cooperation.¹⁴⁾

Meanwhile, North Korea is promoting a new exclusive industrial zone project through revising Rason Business Trade Area Act in 2011 and establishing Hwanggumpyeong Wihwado Business Area Act. Hwanggumpyeong and Wihwado are thought to be developed through cooperation with China. They seem to refer to Chinese experience of exclusive industrial zone and North Korean legal system of Gaeseong Industrial Zone. Rason Business Trade Area Act and Hwanggumpyeong Wihwado Business Area Act do show some development such as adopting administrative litigation system, but still the overall evaluation is that they lack adjustment within the content and the system.¹⁵⁾

14) After halt of Geumgang Mountain Tourism, North Korea declared that Hyundai Asan's exclusive right is canceled on April 8th, 2011 and then designated Geumgang Mountain as a special area for international tourism. Furthermore, they are trying to change Geumgang Mountain Tourism Program by enacting Geumgang Mountain International Tourism Zone Act.

15) North Korea also tried to establish special administrative region in Sinuiju and offer broad autonomous right such as legislative, administrative and judicial power. 신의주특별행정구기본법(Sinuiju Special Administrative Region Act) was enacted in 2002, but Yang Bin, appointed as the first minister of Sinuiju Special Administrative Region, suspected of tax evasion, got arrested in China, and the project had stopped.

III. Ways toward Institutionalization

A. Principle of Institutionalization Procedure

The purpose of creating laws to regulate inter-Korean exchanges is to reach a peaceful unification and to increase exchanges. Thus, the legal principles required to create an effective law can be found in the study of North and South Korean relationship. The following principles should guide the maintenance of the laws:

First, it must be based on the rule-of-law. This is because South Korea's Constitution states that South Korea is a free democratic nation, one that is based on the rule-of-law, and because this is the best way to ensure that legal problems are solved not politically but legally, making the resolution predictable and stable. Thus, laws with regard to people's rights and duties, or laws with regard to the continuation of a nation must be passed through the National Assembly, in the form of a law. Furthermore, to ensure legal stability, the law must recognize the unique status of the inter-Korean relationship, and if there is a legally notable trust by the people with regard to these laws, it must be protected sternly.¹⁶⁾

Secondly, it must contribute to the exchange programs between North and South Korea—these laws must substantially instigate and provide North and South Korean exchange. Applying South Korea's own laws

16) Article 75 of the Constitution stipulates "The President may issue presidential decrees concerning matters delegated to him by Act with the scope specifically defined and also matters necessary to enforce Acts." The form of legislature which delegates specific and technical things about the peaceful unification and the relationship between North and South to administrative order, not to law may be helpful for flexible reflection of special characteristics of the relationship between North and South.

on all problems that may arise during the exchanges is not only unrealistic, but will cause problems in the inter-Korean relationship itself. Thus, any conflict in laws between North and South Korea must be resolved rationally, and to do this, South Korea needs to recognize North Korea's laws and systems in some areas.¹⁷⁾

Thirdly, all laws must be in harmony with other laws and systems. In other words, laws that regulate North and South Korean relationships must not be in conflict with those that regulate exchanges and trade. Furthermore, upper-level laws and lower-level regulations must also be in compliance and be systematic. However, it must also be noted that not only is the relationship between the two sides capricious, but also very political. And regulating all situations in itself is very difficult, and thus in many situations, administrative orders may be needed to resolve them. Especially, public law and private law are not distinct in the legal system of North Korea and the legal system of North Korea is divided into constitution, the law that regulates sector, regulation and detailed enforcement regulation. Considering these characteristics may give the regulatory power to the law.¹⁸⁾

Fourth, the laws must be made in accordance with the principle of mutuality. This means that South and North Korean relationships must abide by mutuality, but at the same time should be ready to forgo the principle in certain areas. In the Gaeseong Industrial Area in particular,

17) See Lee Hyo-won, "Domestic Effectiveness of the North Korean Law," *the Bar*, Vol. 583, 2005, pp.19~65 for more detailed information about the law of North Korea.

18) For more detailed information about the law of the North Korea, Yoo Wook, "Legal System and Understanding of the North Korean Law," *Reunification and Law*, May 2011, pp.50~101

North and South Koreans are not under the same conditions, and thus the principle of mutuality must step aside. In these cases, there must be clear rules as to when this principle will be ignored, and to what extent it will be not be applied. Especially, admitting reciprocity strictly can hinder exchange and cooperation when judicial assistance between North and South is needed. So modified reciprocity is necessary for the exchange and cooperation between North and South.¹⁹⁾

Fifth, there must be special attention to the Gaeseong Industrial Area. In this area, there are many South Korean laws that are being overlapped, and those laws are not systematic as well. Furthermore, Gaeseong is an important inter-Korean legal and political meeting point, and can act as an educational ground for the joint law-making after the unification of the Korean Peninsula. Thus, laws regarding the Gaeseong Industrial Area must recognize this unique status, and be made so that it can resolve the diverse legal conflicts that may arise due to the differences in the North and South Korean legal structure.²⁰⁾

B. Pending issues

Revising and developing the exchange laws face the long goal of preparing for the unification. Yet the following issues need immediate attention:

19) For more detailed information about the judicial assistance between North and South and reciprocity, Lee Hyo-won, "The Development of Relationship between North and South and Judicial Assistance of Two Korea," *Justice* Vol. 106, Sep 2008, pp.175~202

20) For more detailed information about the law enforcement in Gaeseong Industrial Zone, Lee Hyo-won, "The Plan to Secure Law and Order in Gaeseong Industrial Area," *Justice*, Vol. 124, June 2011, pp.352~376

First is the safety of the people. The basis for the exchanges between North and South Korea is the free travel between the two by its people, and their safety during the travel. The safety of the people is a very important issue, as the 2008 Geumgang Mountain South Korean Tourist shooting incident and the detainment of a South Korean worker in Gaeseong Industrial Area in 2009 clearly show. Currently, the only North Korean document existing regarding the safety of the South Koreans are the words inscribed on the invitation sent by North Koreans, and Article 10 of the Agreement on Entering and Staying at Gaeseong/Geumgang Area, which stipulates that the South Koreans in these areas cannot be tried in North Korean criminal courts.

In other words, Article 2 of the Agreement above stipulates "People must respect and obey the law and order in the district." Clause 1 of Article 10 stipulates "North Korea guarantees people's inviolable right of body, dwelling, property." Clause 2 stipulates "North Korea stops an offence against the law and order of the district and inspects and then notifies the offence to the South. North Korea gives a warning, fines or banishes to the South. In the case of severe offence agreed by the two, two sides arrange and handle it separately." Clause 3 stipulates "North Korea guarantees the fundamental rights while the people are inspected." These regulations stipulate banishment in principle about the crime of the people from the South. In other words, the Agreement adopts the personal principle as the exception of the territorial principle. So, South Korea has executive jurisdiction of criminal jurisdiction.

Meanwhile, the Ministry of Justice has passed 'guideline for criminal cases in Gaeseong/Geumgang Area', regarding the reality that criminal jurisdiction do occur within the exchange activities. However, these are

not enough. Instead, follow-up measures must take place ensure the following: to create a North and South Korean joint committee; the rights and duties of the South Koreans; the procedure in ordering a South Korean a fine, and the procedure for expulsion; the procedure and limitation of the North Korean government's investigations; the limitations of serious offenses; and the creation of a joint-Korean criminal code.

Secondly, there must be procedure regulation that is quick and effective. This is especially true in the Gaeseong Area, where the procedure laws must reflect the area's uniqueness, by sternly punishing acts that are a threat to national security or acts that are of political purpose, but at the same time actively supporting and protecting law-abiding exchanges between the two. By doing this, the laws will gain force as well as stability. To do this, laws must be revised to simplify communications, travel and customs, thus allowing for more South Korean goods to enter the area, while the procedure for approval on exchanges must be given more flexibility. The exchange and cooperation between East Germany and West Germany, between China and Taiwan are good examples for simplifying procedure of the exchange and cooperation between the North and the South.²¹⁾

Thirdly, a rational conflict resolving procedure must be created. Because of the differences in the North and South Korean legal structure, it is difficult to create a legal device to quickly solve the problems that arise. The two Koreas have signed the Procedures for Settling Trade Disputes

21) For more detailed information about the exchange and cooperation between China and Taiwan, Lee Sang-chul, "Study on Revised Ordinance of Relation between China and Taiwan," *Reunification and Law* Vol. 2, May 2010, pp.14 1~166

Agreement to principally solve the issues through arbitration, but the follow-up measures are still yet to take place. In particular, the North and South Korean arbitration committee, which was to be created within six months since the pact gained legal effectiveness, has yet to be created—and the rules needed for the two sides to exchange the drafts has also yet to be made. Furthermore, there lacks a legal system to execute court orders with regard to assets within the Gaeseong Industrial Area, and there is no joint evidence examination or legal cooperation, either. Thus, the two Koreas must open a summit as soon as possible and act on the problems above—creating the North and South Korean arbitration committee, making regulations that it requires, and signing other pacts as well.

C. Legal Institutionalization

Legal institutionalization is necessary in the following issues, to achieve developed inter-Korean exchange, cooperation, and a solid basis for peaceful unification.

First, a legal system, which can support inter-Korean exchange and cooperation stably based on awareness of divided reality, is needed. To do this, related acts have to be revised to enhance their normative power and effectiveness. The issues should be divided into the categories, a. issues that should be reflected in each Korea's legal system and b. issues that should be dealt through inter-Korean agreements. Based on this categorization, acts should be enacted or revised following the order of priority. Related acts should fit into the holistic legal system, not confronting with each other in its content and form. In case of South

Korean laws, revision and abolition should be carefully decided and be done gradually. North Korean law and inter-Korean agreements can be revised to fit with South Korean acts, although difficulty is expected as cooperating with North Korea is necessary.

Second, North and South Korean treaties should be compensated in diverse fields such as economic cooperation, politics, socio-cultural part. After checking how well the agreement is performed, South Korea can implement expected following procedures such as legislation, and also prepare for modification regarding issues that need agreement from both sides. North and South Korean treaties will be applied as a crucial precedent of legal and judicial consolidation in future unification procedure. Thus, the form, content, terms, signing agent, effectiveness boundary, and effectuation procedure of the agreement should be delicately considered. One option is to build a basic unified model of the treaty and adapting to each field and issue flexibly.

Third, modification of related legal system should be connected with international situation. Inter-Korean relations and unification has close relationship with international community and when inter-Korean relations merge into global society, the relation can stay stable. Especially, the special characteristic of inter-Korean relations can be reflected in the issue of strategic goods. The issue related to the place of origin can be stated in FTAs and procedure of product exchange should be simplified. International law and domestic law should be revised to reflect this special relation, while globally recognized international law should be respected. Also, institutional strategy to effectively adopt international law to inter-Korean relations is also needed.

Fourth, legal system about Gaeseong Industrial Area needs to be

completed. In Gaeseong Industrial Area, North Korean and South Korean acts, which are not unified under one system, are effective in a multilateral and multi-layered way. Gaeseong Industrial Area has an important meaning in that North and South Korea meet politically and economically. It can also be used as a case of legal integration when we achieve unification and change of North Korean system is necessary. Thus, legal system of Gaeseong area should reflect this special characteristics and should be able to solve diverse legal conflicts that may happen because of the difference of the two different legal systems. Especially, Gaeseong area's legal system should offer a unified overall system, so that the detailed enforcement can get along with Gaeseong Industrial Zone Act, regulations, agreement between two Korea in their contents and forms. Also, the enforcement needs to be enhanced so that the legal system do have a realistic normative power.

D. Preparing for a Peaceful Unification

To achieve social, spiritual unification, there are long-term legal issues to solve. This is to establish holistic and systematic legal system, to create a one united national community.

First, a legal system to prepare for peaceful unification and thus promptly and stably administrate the unification process is necessary. Military tension and social confusion is expectable during the unification process and administration strategy to minimize these possibilities is crucial. This legal system needs constitutional basis, and the basis would be gained through the agreement for reunification and following treaties. Agreement for reunification shall decide unified Korea's state form,

whether constitutional law of unified Korea should be enacted, which national system shall be included in the Constitution, and about government form, formation of the National Assembly, judicial organization. Statement about special legislation to help integration of civilians should also included, while settlement of system illegality and confiscated properties would be additional issues to solve after unification.

Second, integrating North and South Korean legal system is the next task. In a unified Korea, Constitution and administrative law would state legislation for state form and governmental organization. Based on this political integration, integration of civil, criminal, social law would follow. When necessary, special act or related act can be established. Standard to handle treaties that the two Koreas signed with other countries, legal system for the integration of economic, social, cultural fields are also necessary, as well as legal system related to relief procedure for political victims under communism, marriage and inheritance of separated families, land and property right in North Korean regions.

Fourth, we have to support legal modification in North Korea, preparing for North Korea's regime shift. It is expected that Kim Jong-un regime will try various changes based on communism system but trying to boost its economic development. North Korea's regime shift may be dependent on international situations, inter-Korean relations, and North Korea's inner domestic background, but the possibility of reform and open strategy exists. If North Korea tries regime shift, it will refer to the cases of China and Vietnam, which politically maintained communism but partially adopted market economy. A system to help North Korea develop a legal system regarding market economy would be useful.

Fifth, deep investigation on other divided countries and their

unification legal system is crucial precedent to refer to. The German case has been studied in many fields, but studies about unification law have been relatively weak and abstract. Focusing on the similarity and difference between Germany and Korea, study on legal system should be done regarding various cases in various fields. These studies include legal modification during exchange and cooperation, legal system during the unification procedure, and legal integration after unification. The case of legal device to stably progress exchange and cooperation between China and Taiwan, administrative special region system in Hong Kong and Macao, and law system for economic special regions also need to be studied empirically. Especially, to support the regime shift effectively, studies on Russia and central and eastern European countries and their regime shift would also be meaningful.

IV. Conclusion

Unification is no longer a political statement or an abstract ideology. Instead, it can surely be realized depending on how international situation or inter-Korean relations develop. Exchange within inter-Korean relationship has been growing since 2000. Various treaties have been signed within these processes and related acts have been passed. Judicial precedents related to divorce and inheritance are also growing as the number of dispersed families meetings and refugees from North Korea grow.

Currently, inter-Korean relations are very dependent on specific political pending issues even after 2000. Diverse legal conflicts should

be solved stably and rationally, but the difference between North Korean and South Korean legal system makes it difficult to solve conflicts in each specific case. The basic reason for this phenomenon is the division, which does not allow the two sides to exercise ruling power over each other, although each of them should have legitimacy and legality on the whole Korean peninsula. Since 2000, many legal systems are being prepared in diverse fields, including the agreement between the two Koreas. However, they lack effectiveness and ruling power, and specific systematizing job has to be done to prepare for peaceful unification practically. They will not only state about inter-Korean exchange and cooperation, but also normative standard for the unification process and integration process. Of course, the way to deduce the national agreement of all people should be prepared in a procedural aspect and the vision of a unified Korea should be suggested based on the Constitution and its unification principle, to achieve this legal institutionalization.

남북관계의 제도화를 위한 근본적 접근:
포괄적 평화

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남북관계의 제도화를 위한 근본적 접근: 포괄적 평화

I. 남북관계의 제도화: 필요성과 가능성

2000년 남북정상회담 이후 지금까지 남북관계는 순탄치 않았다. 남북 관계가 진전될 경우에도 우여곡절을 겪어야 했고 남북관계가 정체되거나 퇴행할 경우에도 지루한 신경전과 적대적 기싸움을 벌여야 했다. 어렵게 합의를 해놓고도 남북관계는 가다서다를 반복했고 화해 협력이 증진되는 가 하면 어느새 불신과 대립이 커지기도 했다. 그야말로 남북관계는 하루도 편안한 날 없이 진전과 퇴행, 정체와 교착, 화해와 불신의 롤러코스터를 되풀이했다고 해도 과언이 아니다. 대북 포용 정책 시기에도 경향적으로는 화해 협력이 증진되었지만 남북관계 개선이 결코 순탄하지 않았다. 대북 강경정책 시기는 남북관계 파탄 속에 한반도 긴장은 고조되었고 적대와 대립이 증대되었다.

가다서다의 단속적 남북관계 대신 지속적이고 선순환적인 관계 개선을 위해 이른바 남북관계의 ‘제도화’라는 과제가 제기되고 있다. 경제분야뿐 아니라 법제도적 차원에서도 남북관계를 제도화하면 중단과 재개의 불필요한 우여곡절을 피할 수 있다는 기대가 가능하다. 남북관계의 제도화가 필요한 이유는 합의와 불이행, 대화와 결렬 등 남북관계가 가다서다를

반복하기 때문이다. 따라서 남북관계의 제도화는 남북관계가 중단되거나 퇴행하거나 합의사항이 이행되지 못하는 상황을 막고 장기적으로 지속되고 거꾸로 퇴보하지 않으며 동시에 합의가 제대로 이행되도록 하기 위한 제도적 노력을 의미한다. 즉, 남북관계의 지속성과 불가역성 그리고 실천 담보성을 보장하기 위한 법제도적 장치인 것이다.

그러나 지난 남북관계의 역사를 돌아해보면 법제도적 장치로도 남북관계의 지속적 발전을 자동적으로 보장할 수 없었다. 남북 간 합의는 언제나 휴지조각이 되었고 심지어 정상회담의 합의사항마저도 쉽사리 폐기처분되었다. 수많은 합의서에도 불구하고 남북관계는 제도화되지 못했다. 합의문을 넘어 공장과 근로자 등 실물로 존재하는 개성공단마저도 2013년엔 너무도 간단히 폐쇄되고 말았다. 필요성에도 불구하고 도대체 왜 남북관계 제도화는 진전이 어려운 것일까? 모두가 원하는 되돌이킬 수 없는 화해 협력과 평화 정착의 남북관계 개선은 왜 안 되는 것일까? 남북관계의 문제점을 지적하는 많은 논의가 있지만 대부분은 남북관계 진전을 가로막는 근본적 구조적 원인을 분석하기보다는 남북관계 개선을 위해 해결해야 할 각론의 과제를 나열하는 데 그친 경향이 크다.¹⁾ 합의 불이행, 대화의 상시화와 정례화 미흡, 정경분리 미진 등 남북관계 개선에 못 미치는 현상들을 형식적으로 진단하는 데 그치고 있다.

그러나 이들 문제점은 남북관계 진전을 가로막는 현상적 원인이지 그러한 현상이 발생하는 본질적 구조적 문제점은 아니다. 왜 합의해놓고 불이행되는지, 당국 간 대화의 지속성이 왜 미흡한지, 정경분리 원칙이 왜 안 지켜지는지를 정확히 짚어내야 남북관계의 근본적 문제점을 알 수 있을 것이다. 가다서다를 반복하고 합의와 불이행, 재협상의 패턴을

1) 남북관계 개선의 문제점과 한계를 지적하고 향후 올바른 남북관계 발전방안을 제시한 논의들은 대부분 피상적 형식적 한계들을 나열하는 경향이 강했다. 박종철 외, 『2000년대 대북 정책 평가와 정책대안: 동시병행 선순환 모델의 원칙과 과제』, 통일연구원, 2012.

반복하며 화해 협력과 갈등불신의 사이클을 반복하고 소모적이고 지루한 힘겨루기를 지속하는 우리 남북관계의 근본적 문제점이 무엇인지 이제 차분하게 성찰적으로 들여다 볼 때가 되었다.

실제 남북관계의 제도화는 경제협력의 물질적 가시화만으로 그리고 남북의 법제도적 합의서만으로 가능하지 않음을 알 수 있다. 오히려 남북 관계를 중단시키고 퇴보시키며 합의를 이행 못하게 하는 근본 원인은 제도화의 미비가 아니라 남북관계 자체가 안고 있는 근본적 문제점 때문이다.

II. 남북관계의 근본적 문제: 우위와 열세의 딜레마

남북관계 진전이 어려운 가장 근본적 문제점은 분단체제의 상대방이 힘의 우열관계에 놓여있는 현실에서 비롯된다. 원치 않는 분단으로 인해 남과 북은 상대방을 타도와 적대의 대상으로 자리매김하고 이를 자신의 내부 통치에 활용해왔다. 강요된 분단이었기에 남과 북은 언제나 상대방을 자기 체제로 인입하고 흡수하려는 강력한 의지를 일관되게 가질 수밖에 없었다.

따라서 체제 우위에 있는 쪽은 언제나 열세에 놓인 상대방을 통일하려 하고 반대로 힘의 열세에 놓은 쪽은 어떻게든 우위의 상대방의 영향으로부터 벗어나려 할 수밖에 없다. 1970년대까지 북이 남쪽을 공세적으로 적화통일하려 했던 것은 그래서 오히려 자연스러운 일이었다. 마찬가지로 1990년대 이후 체제 경쟁에서 완전히 승리한 남쪽이 사상 최대의 체제 위기에 봉착한 북한을 흡수하려 했던 것 역시 누구도 말할 수 없는 것이었다. 더불어 열세에 놓인 쪽이 어떻게든 상대방에게 흡수되지 않기 위해 안간힘을 쓰고 체제 유지에 나서는 것 역시 당연지사였다.

탈냉전 이후 남북관계가 화해 협력의 계기를 마련했지만 지금까지

우여곡절의 남북관계를 보일 수밖에 없는 가장 근본적 문제점은 바로 여기에서 비롯된다. 즉, 분단체제의 속성상 힘의 우열관계는 우위의 체제가 상대방을 흡수하려 하고 열세의 체제는 인간힘을 다해 체제를 유지하려는 근본 속성을 가질 수밖에 없기 때문에 남북관계는 티격태격 우여곡절의 힘겨루기에서 벗어나기 힘든 것이다. 북한에게 남북기본합의서는 사회주의 붕괴 이후 체제 위기를 맞아 어떻게든 자신의 체제를 흡수통일로부터 지켜내려는 전략적 발로였고 반대로 남한에게 기본합의서는 화해 협력을 내세워 북한을 변화시켜 남한과 동일한 체제로 흡수하기 위한 전략을 숨기고 있었던 것이 사실이다.

김대중 정부의 대북 포용 정책도 힘의 우열관계에서 보면 근본적으로는 화해 협력과 평화공존을 내세우지만 궁극적 목표는 북한을 개혁개방으로 이끌고 옷을 벗겨서 궁극적으로 한국 주도의 평화통일을 이루려는 것임을 부인하기 힘들다.²⁾ 힘에서 밀리는 북한은 ‘우리민족끼리’와 ‘민족공조’를 내세우지만 이 역시 전략적 의도는 한국으로부터 얻을 것은 얻되 북한 체제를 위협하게 하는 체제 영향력을 최대한 차단하면서 남측의 흡수통일 공세를 막아냄으로써 체제를 유지하려는 것이었다. 결국 남북관계는 흡수하려는 한쪽과 절대 흡수당하지 않으려는 한쪽의 힘의 작용이고 그렇기 때문에 남북관계는 힘에 의해 한쪽이 완전히 무너지지 않는 한, 대화를 통해 관계 개선이 순탄하게 이뤄지기 힘든 구조적 딜레마를 갖고 있는 셈이다. 기실 햇볕정책이라는 자유주의적 접근도 체제 우위에 선 남측이 자신감을 갖고 북에게 화해 협력과 평화공존을 내세우는 것이고 경협과 교류를 통해 북의 대남 의존을 더욱 심화시킴으로써 북한의 체제 변화를 유도하고 결국은 자유민주주의로의 평화통일을 이루려는 전략적 접근이라고 보면 그 바탕에는 힘의 관점에 의거한 ‘현실주의’가 토대하고 있음을

2) 사적인 자리에서 김대중 대통령은 필자에게 햇볕정책을 ‘트로이의 목마’로 비유하기도 했다.

알 수 있다.³⁾ 결국 남북관계의 본질은 힘의 관점에서 정의되는 현실주의인 것이다. 그래서 본질적으로 갈등의 속성을 가질 수밖에 없다.

Ⅲ. 남북관계 제도화를 막는 구조적 문제들

힘의 관점에서 일방이 타방을 흡수하려 하고 반대로 상대는 결단코 체제를 유지하려고 하는 역관계가 바로 남북관계의 본질임은 결국 갈등을 전제로 하는 것인 바, 이같은 힘의 상충이 드러나는 구조적 문제점들이야말로 제도화를 장애하는 요인들이다.

1. 정전체제의 군사적 대치

한반도가 갈등의 씨앗을 배태하고 있음은 바로 정전체제라는 군사적 대치 상황이 극적으로 입증한다. 남북은 전쟁을 공식종료하지 않고 일시 중단하고 있는 상태이고 따라서 정전체제하에서는 한시라도 군사적 충돌이 발생하고 국지전이 재개될 수 있다. 간헐적으로 반복되는 남북의 군사적 충돌과 북의 도발 역시 정전체제의 불안정성에서 비롯된다. 서해교전과 연평해전, 천안함 사태와 연평도 포격 등은 사실상 전투행위였다.

남북이 항구적인 평화체제를 정착시키지 못하고 전투를 일시 중지하고 있음으로써 한반도 정전체제는 그 자체로 남북관계의 갈등의 구조적 토대인 셈이다. 김대중 정부 시기부터 이른바 ‘정경분리’ 원칙을 내세워 정치군사적 갈등과 상관없이 경제협력은 지속적으로 일관되게 진행될 수 있도록 노력했지만 결국은 군사적 긴장과 충돌은 남북관계를 교착시키고 경제협력을 방해할 수밖에 없었다. 2013년 봄의 개성공단 중단사태가

3) 김태현, “남북한 관계의 ‘이상’과 ‘현실’: 현실주의 국제정치이론의 입장에서 본 남북한 관계,” 2000년도 한국정치학회 추계학술회의 발표논문, 2000, pp. 12~13.

극적으로 입증하는 것이다. 정전체제하에서 정경분리는 사실상 불가능함을 깨닫게 한 셈이다. 결국 정전체제의 군사적 대치라는 구조는 남북관계의 진전을 가로막는 구조적 장애물인 것이다.

2. 분단체제의 정치적 대립

남북은 서로 원치 않는 분단을 겪었고 따라서 상대방은 결코 태어나서는 안될 정부였다. 상대방의 정치적 부인에 기초해서 각각의 정부가 출범할 수 있었다. 대한민국은 유엔이 승인한 한반도의 유일한 합법정부이고 조선민주주의인민공화국 역시 한반도의 유일 정통성을 자처하고 있다. 강요된 분단으로 탄생한 남과 북인 만큼 상대방을 정치적으로 부정하고 향후 통일은 반드시 자신의 정치적 정당성이 확대되는 방향으로 진행되어야만 했다. 적화통일과 흡수통일은 각각 상대방을 정치적으로 소거하는 통일노선일 수밖에 없었다. 분단체제하의 남북관계는 결국 남과 북의 정치적 적대와 대립을 구조적 토대로 하고 있었던 것이다.

노무현 정부 시기 북한이 제기했던 4대 근본문제는 남북관계가 아무리 진전되어도 해결하기 어려운 정치적 숙제들이었다.⁴⁾ 경협이 가속화되고 사회문화교류가 증대되어도 정치적으로 민감한 이슈는 여전히 남북관계에서 풀기 힘든 장애물이다. 상대방을 정치적으로 용인할 수 없는 근본적 구조 하에서 남북은 경제와 사회문화는 진전될 수 있을지언정 정치적으로 화해하고 협력하는 것은 사실상 불가능한 것이 되었다.

정전체제의 군사적 대치와 분단체제의 정치적 갈등은 결국 남북관계의 불균등 발전이라는 절름발이 현상을 낳게 된다. 대북 포용 정책의 시기에 남북관계의 현상적 문제점으로 매번 지적되었던 영역별 불균등 발전의 문제, 즉 정치군사적 차원의 진전은 부진한 반면 경제와 사회문화 분야의

4) 한미합동훈련 중단, 국가보안법 폐지, NLL 폐기, 참관지 제한 철폐

관계 개선은 상대적으로 활발한 것도 바로 이러한 구조적 문제에서 기인하는 것이었다. 남북이 상호 윈윈하는 경제협력과 상호 필요에 의한 일회성 교류는 그래서 남북관계 개선을 이끄는 주요 동력이었다. 그러나 본격적인 관계 개선을 위한 정치적 화해 협력과 군사적 긴장해소는 힘과 힘이 부딪치는 남북관계의 속성상 여전히 넘기 어려운 벽이었다.

3. 북미관계와 북핵 문제라는 외적 환경

남북관계 개선을 가로막는 빠트릴 수 없는 또 하나의 구조적 요인은 바로 북미관계라는 외적 환경이다. 남북관계는 자체만으로 진전과 후퇴가 결정되는 독립변수가 아니다. 북미관계의 부침에 따라 남북관계는 불가불 영향을 받을 수밖에 없다. 북미관계가 진전되고 핵문제가 협상으로 풀리는 형국이면 남북관계 역시 개선의 동력을 받게 되지만, 북미관계가 교착되거나 대립국면이 되면서 핵문제가 악화될 경우는 필연적으로 남북관계도 정체될 수밖에 없다. 물론 남북관계가 북미관계 개선을 추동하기도 하고 북미협상을 촉진하기도 하면서 적극적으로 북미관계의 유동성을 관리해내는 안전판과 촉진자 역할을 할 수도 있다.⁵⁾ 그러나 남북관계의 독자적 역할이 존재함에도 북핵협상 악화로 북미관계가 강경 대결로 치달을 경우, 이를 무시하면서 남북관계가 진전을 이루기는 현실적으로 불가능하다.⁶⁾ 한미동맹의 구조 하에서 미국이 북한과 힘겨루기를 하는데 적대적 북미관계를 무시한 채 남북관계를 진전시키기는 어렵기 때문이다.

또한 현실은 남북관계와 북미관계가 대부분 엇박자를 냈던 아픈 과거를 보여주고 있다. 한국 정부의 대북포용으로 남북관계가 개선되는 시기에

5) 2000년 남북정상회담 이후 북미 고위급 교차방문과 관계 개선 시도, 2005년 6.17 면담과 9.19 공동성명 도출

6) 노무현 정부가 2007년 임기말에야 남북정상회담을 개최할 수 있었던 것도 부시 행정부와 북한의 힘겨루기에서 북핵 문제가 계속 악화되었기 때문이었고 2.13 합의로 겨우 북핵협상에 숄통이 트인 이후에야 남북정상회담의 추진이 가능했었다.

미국은 대북 강경정책을 펼침으로써 남북관계 진전을 어렵게 했던 적이 적지 않았다. 김대중 정부는 남북정상회담을 성공적으로 개최했음에도 2000년 말 부시 대통령의 당선 이후 북미 대결 국면에서 힘겨운 노력을 기울여야 했고 노무현 정부 역시 임기 내내 부시 행정부의 선택포기와 대북 압박 기조 때문에 남북관계는 어려움을 겪어야 했다. 역으로 이명박 정부는 오바마 정부의 대북 협상을 반대하고 북미관계 진전을 말림으로써 남북관계와 북미관계는 엇박자를 내야만 했다. 결국 남북관계는 북미관계와 북핵 문제의 진전 여부와 연동되어 가다서다를 반복했던 셈이다.

4. 厭北·嫌北 의식과 被包圍 의식이라는 내적 환경

남북관계를 어렵게 하는 요인은 남과 북 내부에도 존재한다. 남측에 자리 잡은 염북과 혐북 의식이 남남갈등의 심화와 함께 확산되었고 남북관계 개선에 대한 동력과 기대는 상당 부분 사라졌다. 남북관계가 지속되면서 한국 사회에는 북에 대한 염증과 혐오가 지속적으로 증대되는 기이한 결과가 나타났다. 특히 이명박 정부를 지나면서 남북관계는 최악으로 치달았고 그 과정에 강경 대결의 남북관계를 지지하는 여론이 압도적으로 높아졌다. 남북관계가 악화되면서 역설적이게도 관계 개선의 필요성 대신 대북 강경론과 북한 책임론이 지배적인 여론으로 자리 잡은 셈이다.

이명박 정부의 남북관계 파탄은 북한에 대한 염증과 혐오를 더욱 강고하게 만드는 의도하지 않은 결과를 가져왔다. 3대 세습을 목도하고 핵실험을 겪고 천안함 사태와 연평도 도발을 당하면서 국민들은 厭北 의식과 嫌北 의식이 확고히 자리 잡게 되었다. 북과는 잘 지낼 수 없다는 회의가 깊어졌고 북은 어찌해볼 수 없는 집단이라는 인식이 확산되었다. 북한의 과도한 도발과 강경 맞대응이 지속되면서 상호 책임소재를 따져보기 전에 이미 대북 강경론은 정당화되어 버렸다. 북한과의 화해 협력과 정상적 관계 개선에는 아예 손사래를 치며 고개를 젓는 상황이 되고 말았다.

이명박 정부의 대북 강경정책에 대해 북은 입에 담을 수 없는 비난과 욕설을 퍼붓고 목숨과 생명을 앗아가는 군사적 도발을 서슴치 않았다. 천안함 사태와 연평도 도발은 한순간에 이명박 정부의 대북 정책 실패를 북의 책임으로 결론짓게 만들었다. 접촉사고를 내고 시비를 가리던 와중에 먼저 욕설을 해대고 손찌검을 하면 한순간에 그가 모든 책임을 뒤집어 쓰는 것과 같다. 결국 남북관계 경색의 과정에서 오히려 국민 여론은 대북 강경과 대결 상황을 지지하게 되었고 그만큼 남북관계 개선은 더 어렵게 되었다.

북측에도 사방의 적으로 둘러싸여 있다는 이른바 ‘피포위’(under-siege) 의식에 기초해서 수령제와 선군주의를 정당화하고 있는 바, 피포위 의식은 핵심적으로 남북 적대관계를 전제로 형성되는 것이다. 북의 선군주의는 핵무기 보유에 집착하는 체제 유지 경향성과 수령제와 후계자론을 고수하는 정권 유지 경향성이 결합된 고도의 전체주의와 획일주의의 표현이다. 그리고 이는 피포위 의식에 토대해 정당화되고 있다. 피포위 의식을 재생산하기 위해 북한 내부적으로 남북관계는 적대성을 일정 정도 유지해야 할 필요가 있고 이는 곧 남북관계 개선을 제약하는 요인이 된다.

5. 소결: 제도화를 막는 정치군사적 대결 구조

정전체제하의 군사적 대치와 간헐적 충돌은 수시로 남북 간 합의를 물거품으로 만들었다. 개성공단이라는 남북협력의 물적 토대마저도 군사적 긴장 상황은 너무 쉽게 허물어뜨릴 수 있다. 군사적 대결 상황의 파생물인 북핵 문제 역시 제도화를 가로막은 중대 요인이다. 남북의 의미있는 합의들도 매번 북핵 상황 악화 때문에 순탄한 이행을 완성하지 못했다.

분단체제하의 정치적 대결 역시 남북의 합의를 순탄하게 이행 못하게 하는 구조이다. 정상회담의 합의문마저도 남북의 정치적 갈등 하에서는

휴지조각이 되어버렸다. 정치적 대결은 남북대결에 그치지 않고 각각의 내부에 남북관계를 둘러싼 상호 적대와 갈등이 증폭된다. 북한 내부의 피포위 의식은 남북관계 진전을 막는 사회 저변의 토대이다. 대북 정책을 둘러싼 우리 사회의 남남갈등 역시 남북관계의 진전과 제도화를 막는 우리 내부의 장애요인이다. 결국 군사적 대치 상황과 정치적 대결 상황의 근본적 개선이나 해결 없이는 경제협력의 고도화나 남북 합의의 문서화와 법제화에도 불구하고 남북관계의 안정성을 담보하는 제도화는 불가능하다.

IV. 해법과 고민: 포괄적 평화체제?

남북관계 제도화를 막는 구조적 장애요인들을 해결할 수 있는 방법은 무엇일까? 정전체제의 군사적 대치 상황을 해소하고 남북의 정치적 대립을 완화시키며 나아가 북핵 문제 해결과 북미관계 정상화를 이뤄내고 남측 내부의 염북·협북 의식과 북측 내부의 피포위 의식을 해소해낼 수 있는 신통방통한 해법은 과연 무엇일까?

1. 정전체제의 평화체제로의 전환

남북관계 진전을 가로막는 정전체제의 불안정성은 원론적으로 평화협정 체결과 평화체제로의 전환을 통해 해소될 수 있다. 한반도에서 소극적 평화(negative peace)는 정전체제에도 불구하고 전쟁이 억지되고 군사적 충돌을 방지하며 한반도에 긴장완화가 이루어진 상태를 의미한다. 이는 군사적 긴장 가능성이 존재하지만 갈등을 예방(conflict prevention)할 수 있는 것으로서 ‘불안정한 평화’(unstable peace)를 말한다. 군사력에 기반한 억지에 토대하는 것이다. 여기에서 진전된 적극적 평화(positive

peace)는 평화협정 체결로 정전이 아닌 전쟁의 공식적 종식을 이룸으로써 갈등의 종결(conflict termination)을 이룬 상황이다. 이는 전쟁 가능성이 없는 갈등 부재 상태로서 안정적 평화(stable peace)를 의미하는 것으로 정전체제의 평화체제로의 법제도적 전환을 요구한다.⁷⁾

2. 남북관계와 연동된 평화체제

정전체제의 평화체제로의 전환은 단순히 평화협정 체결이라는 문서 하나로 담보되는 게 아니다. 오히려 남북의 정치적 적대와 대결 상황을 근본적으로 개선하지 않는 한 평화협정은 실질적 평화를 보장하지 못할 수 있다.

한반도 평화체제는 군사안보적 구성요소와 함께 본질적으로는 남북관계적 차원의 평화가 병행되어야 한다. 남북의 적대관계가 지속되고 정치적 대결과 반복이 심화되고 있는 상황에서는 그 어떤 화려한 평화협정에 서명한다 하더라도 남북의 평화는 불가능하고 당연히 한반도 평화는 자리 잡지 못한다. 즉, 남북의 적대관계 해소와 정치적 화해 협력 그리고 되돌이킬 수 없는 남북관계의 진전으로 한반도 평화의 물적 토대를 마련하는 것 없이 군사안보적 차원의 평화체제 논의는 그야말로 공허한 메아리일 뿐이다. 남북관계가 유동적이고 언제라도 적대와 대결의 긴장된 관계로 환원될 수 있는 구조라면 항구적인 한반도 평화는 충족되지 못한다. 군사적 신뢰 구축을 진전시킨다 하더라도 대결의 남북관계로 회귀할 가능성은 얼마든지 존재한다.

결국 한반도 평화체제를 이루는 데 가장 핵심적인 역할은 바로 남북관계일 수밖에 없다. 원론적으로 한반도 평화는 현실의 남북관계에 토대

7) 김근식, “평화체제와 남북관계: 상호연관성과 향후 과제,” {한반도 평화와 남북관계}, 통일맞이 토론회 발표문(2010.4.1), pp. 27~28.

해야 하고 평화의 진전 역시 남북관계의 진전과 연동될 수밖에 없기 때문이다.

한반도 평화체제는 남북관계 개선에 따라 상호 화해 협력이 증대되어야 가능하다. 탈냉전 이후 한반도 평화의 진전은 민족 화해의 개선과 남북관계의 진전에 따른 측면이 주요하게 작용했음을 부인하기 힘들다. 개성공단과 금강산 관광이 활성화되고 진전되면 군사분계선을 통과하는 사람과 물자의 교류가 일상화되고 이를 군사적으로 보장해주는 신뢰조치가 병행되어야 한다. 경험은 군사적 신뢰 구축을 이끌어내는 셈이다. 경제협력으로 군사분계선을 통한 남북의 인적 물적 교류가 활성화되면서 이를 보장하기 위한 남북의 군사적 조치와 합의가 진전되고 다시 군사적 신뢰 구축이 남북의 경제협력을 추동해내는 상호 선순환 과정이 바로 남북관계 진전이 한반도 평화를 증진시키는 상징적 사례라 할 수 있다.

역으로 남북관계가 적대와 대결이 지속될 경우, 한반도 평화체제 논의는 비현실적일 수밖에 없음도 마찬가지다. 상호 군축, 평화협정 당사자 문제, 평화협정의 조항, 주한미군 주둔 여부, 유엔사 해체 여부, 한미동맹의 변화 등이 적극적 평화를 위한 주요 쟁점이지만 이들 논의가 걸돌 수밖에 없고 매번 제시되는 과제들이 공허하게 들리는 이유는 아직 그것을 구체적으로 논의하고 고민할 한반도 상황이 아니기 때문이고 그 핵심에는 남북관계의 현 단계가 자리 잡고 있는 것이다.

결국 한반도 평화의 진전은 핵심적으로 남북관계의 진전과 맞물려 진행될 수밖에 없다. 관계의 평화 없이 문서나 조약의 평화는 취약한 평화일 뿐이다. 되돌이킬 수 없는 남북관계의 결정적 진전을 이뤄내면 정치적 화해 협력과 군사적 평화보장도 가능할 수 있을 것이고 그것이 병행되어야만 평화협정 체결이 실질적으로 한반도 평화 정착으로 이어질 수 있다.

3. 북핵 해결을 위한 평화체제

남북관계의 진전을 포함한 포괄적 의미의 한반도 평화체제는 북핵 문제 해결에서도 핵심적 역할을 할 수 있다. 장기 교착되어 해결 난망으로 여겨지는 북핵 문제를 지금 조건에서 진전시키고 평화적으로 해결할 수 있는 유일한 해법은 결국 평화체제 논의다.

북한은 2013.3.31 당중앙위 전원회의를 통해 ‘핵무력과 경제건설 병진 노선’을 공식 채택했다. 핵무기 불포기를 강조하는 것처럼 보이지만 역설적이게도 북한의 병진 노선은 오히려 경제건설의 절박성에 토대하고 있다. 경제와 핵무력 병진 노선에 담겨진 핵보유 논리는 ‘국방비를 추가로 늘리지 않는’ 가장 저렴하고 효율적인 안보 대책으로 설명되고 있다. 이는 1960년대 경제국방 병진 노선이나 김정일 시대 ‘국방공업을 우선하면서 농업 경공업을 동시 발전시킨다’는 선군 경제노선과는 구별된다. 기존에는 국방 병진을 위해 막대한 자원과 재정을 투입한다는 것이지만 지금 핵무력 병진 노선은 국방비를 최소화해서 경제건설에 매진하기 위한 논리다. 결과는 핵보유 기정사실화지만 논리는 경제건설을 위한 절박함인 것이다. 최고 인민회의에서 7.1 조치의 주역이자 시장개혁의 상징인 박봉주를 다시 총리에 복귀시킨 것도 핵무력 건설이 사실은 경제 회생과 경제발전을 위한 논리적 귀결임을 뒷받침한다. 지난 해 4.15 연설에서 ‘더 이상 인민들이 허리띠를 조이지 않게 하겠다’는 김정일의 연설 역시 절박한 경제건설의 필요성을 짐작케 한다.

핵무력 병진 노선이 미국과의 대결 상황에서 북의 안전 보장을 위해 채택한 것이라면 협상 국면에서 북이 안전 보장을 위해 줄곧 주장했던 것은 평화체제 협상이다. 북한은 이미 2005년부터 핵문제 해결을 위한 북미관계 정상화의 첩경으로서 평화협정 체결을 주장해왔다. 9.19 공동성명에 비핵화와 한반도 평화체제가 동시에 명기된 것도 그 맥락이었다. 6자회담이 중단되고 북미대결이 재연된 이후 북한은 2010.1.11 외무성

성명을 통해 향후 협상은 비핵화와 함께 평화체제 논의가 동시에 진행되어야 한다고 못박았다.⁸⁾ 경제건설을 위한 자신의 체제 보장과 안전 보장은 평화체제 전환에 의해 가능하다는 것이 북한의 일관된 논리였다. 결국 평화체제 논의가 북핵 문제 해결의 열쇠가 되어 있는 셈이다. 평화체제 없이 북핵 문제 논의는 이제 불가능하고 평화체제 논의를 통해 북핵 문제는 진전될 수 있다.

북핵 해결과 북미관계 진전이 남북관계 개선에 필수불가결한 조건이라면 한반도 평화체제 논의와 더불어 한미의 대북 ‘공동포용’(co-engagement) 기조를 확인하는 것이 필요하다. 매년 한국과 미국의 대북 정책 방향이 엇갈림으로써 그동안 남북관계가 북미관계의 부침에 따라 출렁거리어만 했다. 따라서 한국과 미국이 일관되게 공동으로 대북 포용 정책을 추진해야만 남북관계도 꾸준히 진전될 수 있을 것이다.

4. 관계의 평화, 내부의 평화

결국 남북관계의 진전이 한반도 평화에 기여하고 증대된 평화는 다시 남북관계 진전을 추동한다. 한반도 평화와 남북관계는 서로가 서로를 보완하고 강화시켜주는 상호적 관계인 것이다. 경험은 군사적 보장을 통해 신뢰 구축에 기여하고 다시 군사적 신뢰 구축의 증대가 남북경협을 더욱 활성화시키는 상호 선순환의 관계가 이를 입증한다. 관계의 평화가 한반도 평화의 토대가 되는 셈이다.

그러나 남북관계의 진전만으로 한반도 평화가 완성되는 것은 또한 아니다. 경제협력이나 사회문화적 교류가 한반도 평화의 우호적 환경을 마련하는 것은 사실이지만 그것이 자동적으로 군사적 적대관계를 해소해 내지 못하는 것은 사실이다. 2013년 남북의 군사적 긴장 고조 상황에서

8) ‘조선외무성 성명 평화협정회담을 제의,’ 조선중앙통신, 2010.1.11.

개성공단은 너무도 쉽게 무력화되고 말았음을 우리는 목도했다. 경험이 군사적 신뢰 구축의 필요조건은 되지만 남북의 적대적 대치를 말끔히 해소할 수 있는 충분조건에는 이르지 못하는 셈이다. 남북관계가 한반도 평화의 조건과 환경이 되지만 한반도 평화를 완성하는 도깨비 방망이는 아닌 것이다.

오히려 정치군사적 대치와 대결은 그 자체로 평화체제 논의를 통해 해소해야 할 필요성이 존재한다. 북핵 문제 해결과 함께 종전선언과 평화협정 체결 등 획기적이고 극적인 평화체제로의 전환은 정치적으로 우선 결심되고 관철되어야 한다. 그럼에도 불구하고 정치군사적 차원의 법제도적인 평화체제 마련이 진행된다 하더라도 이를 가능케 하는 남북관계 차원의 '내부적' 평화가 자리 잡지 못하면 평화협정은 사상누각일 뿐이다.

북한 인공기라는 이유만으로 아시안게임 참가국임에도 불구하고 인공기를 내려야만 하는 우리의 현실을 보면서, 북한 선수단을 환영하는 플래카드임에도 '북한'이라고 썼다는 이유로 철거를 요구하는 북측 사람들을 보면서 과연 지금의 남북관계와 우리 내부의 현실은 평화를 입에 올릴 수 없을 정도로 상호 적대와 분노 그리고 적개심과 오기로만 가득 차있음을 부인하기 힘들다. 작금의 우리 내부 분위기는 평화협정이 당장 사인된다 하더라도 결코 북한과는 평화롭게 공존할 수 없고 기어이 북을 타도하고 제거해야만 직성이 풀리는 위험한 반평화적 상태가 강하게 존재하고 있음을 부인하기 어렵다.

북한을 인정하고 북과 공존하려는 것보다는 북을 굴복시키고 혼내줘야만 올바른 남북관계라고 믿고 있는 우리 내부의 현실, 화해 협력과 평화공존의 주장마저 이제는 중북세력으로 치부되는 우리 내부의 골깊은 분열과 적대는 과연 한반도에 평화가 도저히 가능하거나 한 것인지 깊은 회의를 갖게 한다. 정전협정의 평화협정으로의 전환도 필요하고 군사적 신뢰 구축도 중요하고 경제협력과 사회문화적 교류 증대도 필요하지만, 가장 본질적으로 한반도 평화를 촉진하고 가능케 하기 위해서는 남북 간에

그리고 남과 북 내부에 커져히 쌓여가고 있는 상호 적대와 분노의 악순환을 이제라도 끊어내는 우리 스스로의 노력이 절실하다. 관계의 평화 없이, 우리 내부의 평화 없이 법제도적 평화체제와 문서로 보장된 한반도 평화는 공허할 뿐이다.

관계의 평화와 내부의 평화가 진정으로 정착된다면 그것은 곧 염북 협북 의식의 완화와 남남갈등의 해소에 기여하게 된다. 마찬가지로 북쪽에서도 대남 적대의식이 평화로운 관계로 대체되면서 피포위 의식이 약화되고 자연스럽게 선군과 수령제의 토대가 약화될 것이다.

5. 소결: 포괄적 평화

결론적으로 남북관계의 제도화를 위해서는 정전체제의 군사적 대치 상황을 해소하고 분단체제의 정치적 대결 관계를 개선하는 근본적 접근이 병행되어야 한다. 물론 경제협력을 통한 경제공동체 형성도 제도화에 기여하고 각종 합의사항의 법제화와 회담의 상설화 정례화 등도 제도화를 촉진하지만 그것은 필요조건이지 충분조건은 못된다. 정전체제의 평화체제로의 전환 그리고 그와 연동된 북핵 문제의 평화적 해결이 남북의 군사적 대결을 완화하게 되고, 평화체제와 선순환되는 남북관계의 개선과 상호 적대의식의 약화 및 내부 남남갈등의 해소를 통해 정치적 남북대결이 완화하게 될 경우어야 비로소 남북관계는 안정적으로 제도화되고 비가역적인 진전을 이룰 수 있을 것이다. 정치군사적 대결 상황과 여기에서 파생된 북핵 문제와 상호 적대의식의 해소를 위해 이제 남북관계는 ‘포괄적 평화’를 이루기 위해 노력해야 한다. 포괄적 평화에 기초할 때 비로소 남북관계 제도화는 가능성을 증대시킬 수 있을 것이다.

V. 현실 가능한 제도화: 중년부부의 남북관계

제도화의 필요성에도 불구하고 남북관계의 구조적 현실 때문에 제도화가 지지부진함을 감안한다면 이제 현실에서 작동 가능하고 실현 가능한 남북관계의 제도화를 고민해봐야 할 때가 되었다. 구조적 현실을 직시하고 변화된 환경에 걸맞은 보다 효율적이고 생산적인 새로운 남북관계 방식이 요구되고 있음을 인식해야 한다. 포괄적 평화가 도래하기 이전이라도 남북관계의 제도화를 위해 현실 가능한 노력을 기울여야 한다.

탈냉전 이후 남북의 화해 협력과 관계 개선이 진전되면서 김대중 노무현 정부시기에 햇볕정책과 대북 포용 정책에 대한 지지가 증대되었다면 이명박 정부 시기의 극단적인 정면 대결과 남북관계 파탄을 겪으면서 지금 국민 여론은 厭北과 嫌北 의식이 우세하고 대북 화해 협력 자체를 목적으로 하는 것에도 그리 탐탁지 않게 받아들이고 있다. 냉전이 끝나고 탈냉전의 남북관계를 거쳐 지금은 이른바 ‘재냉전’의 남북관계를 맞고 있는 셈이다. 이명박 정부 시기 남북관계 악화는 결과적으로 대북 강경정책이 총체적으로 실패했음을 드러내면서도 다른 한편으로는 북한의 강경 맞대응으로 인해 대북 여론의 악화와 북한책임론이 고착화되는 ‘역설적’ 결과를 가져온 셈이다. 접촉사고를 내고 시비를 가리던 와중에 먼저 욕설을 해대고 손찌검을 하면 한순간에 그가 모든 책임을 뒤집어쓰는 것과 같다.

이제 과거와는 다른 새로운 남북관계 방식을 고민해야 한다. 너무 좋아 하지도, 너무 미워하지도 않는 냉정한 실리 추구의 남북관계가 이제는 적절하고 필요할지 모른다. 감정에 치우쳐 한때는 북을 지나치게 설렘으로 접근했고 또 어떤 때는 북을 불구대천의 원수로 적대시했다면 이제는 감정과 정서가 아닌 이성과 실리에 따라 대화도 하고 압박도 하고 견제도 하고 합의도 하는 실속형 관계가 필요할지 모른다. 김대중 노무현 시기가 서로 죽고 못 사는 신혼과 연애의 남북관계였고 이명박 정부 시기가 서로를 원수처럼 여기는 증오와 권태의 남북관계였다면 앞으로 남북관계

는 일희일비하지 않고 끈기와 인내로 서로에게 익숙해기는 덤덤한 중년의 부부 사이가 오히려 나올지 모른다.

개성공단 실무회담이 7차례나 지속되었고 아무런 합의나 성과가 없어도 판 자체를 깨지 않고 만나고 또 만나서 결국은 상호 합의 가능한 지점을 도출해내는 과정은 과거와는 다른 새로운 남북관계의 좋은 사례다. 금년 들어 남북이 계속 신경전을 벌이고 상호 엇박자를 내며 자신의 주장을 굽히지 않았지만 10월 4일 북한 실세 3인방의 전격적인 인천 방문이 이뤄지고 여기에 박근혜 정부의 대북라인 실세들이 모두 환영하면서 급기야 고위급 접촉 재개에 합의함으로써 남북관계 정상화에 청신호가 켜진 것도 덤덤할 땐 덤덤하다가도 기회가 생기면 결실을 맺는 매우 현실적인 남북관계의 좋은 사례다.

현실적 남북관계의 모습은 서로 갑론을박하면서도 관계 자체를 파탄내지 않고 무덤덤하게 실속을 차리는 중년의 부부관계와 유사하다 할 것이다. 무던하게 서로 대화하고 서로 논쟁하고 가능한 합의 지점을 찾기 위해 만나고 또 만나는 데 익숙해야 한다. 과도한 애정과 지나친 분노는 이제 수면 아래로 내려놓아야 한다. 이제 남북은 끈질기게 마주 앉아 결국은 합의를 도출해내는 고진감래의 남북관계에 익숙해야 한다.

신혼과 권태의 시기를 지난 뒤 이제 우리는 담담한 중년의 남북관계를 준비해야 한다. 지나치게 흥분하지도 지나치게 미워하지도 말아야 한다. 그저 만나고 또 만나서 대화하고 또 대화하면서 결국 수용 가능한 합의 지점을 만들어 내고 조금씩 차분하게 천천히 합의사항을 실천하고 이행하면 되는 것이다. 중년의 남북관계는 과도한 애정행각을 벌이지 않는다. 또한 중년의 남북관계는 가정을 깨거나 이혼 불사의 부부싸움을 하지도 않는다. 그저 정 때문에 서로를 인정하고 서로를 존중하며 가정의 평화를 지켜내고 할 일을 할 뿐이다.

실리 추구의 실속형 남북관계, 중년의 남북관계를 위해서는 그래서 몇 가지 지켜야 할 사항이 있다. 첫째 한반도의 평화를 위협하는 군사적

도발과 긴장 고조는 가능한 한 억제되어야 한다. 가정이 깨져서는 안 되고 집안의 평화가 지켜져야 하듯이 중년의 실속있는 남북관계는 무엇보다 천안함·연평도와 같은 군사적 충돌과 전쟁위기만큼은 반드시 피해야 함을 전제로 한다. 둘째 서로를 존중하고 인정해야 한다. 신혼이나 이혼이 아닌 중년의 부부는 집안이 조용하고 평화롭지만 그렇다고 애정표현으로 요란스럽지도 않다. 평화로운 중년부부의 가정이 유지되기 위해서는 무엇보다 상대방에 대한 존중과 인정이 전제되어야 한다. 부인은 남편의 생각과 생활과 주장에 대해 마찬가지로 남편은 아내의 생각과 생활과 주장을 이해하고 인정하고 존중해야 가정은 평화로울 수 있고 관계가 지속될 수 있다. 김정은 체제와 박근혜 정부 역시 상대방을 무릎 꿇려야 할 굴복의 대상으로 여기는 대신 대화와 협상의 한 주체로서 존중하고 인정해야 한다. 셋째 중년의 남북관계는 어떤 일이 있어도 이혼이나 가정을 깨는 일은 피하고 부부로서의 관계는 지속적으로 유지해야 한다. 아무리 생각이 다르고 상대방의 요구를 수용하기 힘들어도 그래도 가정은 유지되어야 하고 이혼해서는 안 된다. 개성공단 실무회담처럼 입장의 평행선 때문에 합의가 없고 성과가 없어도 회담은 지속되어야 하고 대화 자체가 깨지거나 완전 파탄의 남북관계가 되는 것은 피해야 한다.

크게 흥분하지도 크게 분노하지도 않고 끝까지 관계를 유지하면서 상대방을 존중하고 인정함으로써 가정의 평화를 지켜내고 부부로서의 할 일을 해내는 것이야말로 현명하고 안정적인 중년의 부부관계이다. 이제 우리 남북관계도 그럴 때가 되었다.

중년부부의 남북관계를 위한 위의 세가지 조건은 사실상 한반도의 평화를 지키고 상대방에 대한 존중으로 관계의 평화를 이뤄가며 관계의 지속성을 유지한다는 측면에서 앞에서 언급한 포괄적 평화를 통한 남북관계 제도화와 일맥상통하기도 한다. 남북관계 중년부부론과 포괄적 평화론이야말로 향후 우리가 고민해봐야 할 남북관계 제도화의 현실적 접근일 수 있다.

한반도 통일을 위한 동북아 외교안보환경

Peace on the Korean Peninsula and
Northeast Asia

**Korea Unified and East Asia Transformed?
A Study in Statecraft**

Kim Tae-hyun Chung-Ang University

**The High Opportunity Costs of the North
Korean Nuclear Program for Confidence
Building in Northeast Asia**

Thomas J. Christensen Princeton University

Korea Unified and East Asia Transformed? A Study in Statecraft

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Korea Unified and East Asia Transformed? A Study in Statecraft¹⁾

I. Wither East Asia?

For good or for ill, East Asian international order is in transformation. The region as a whole has been rising fast. Japan, South Korea, Singapore, and Taiwan have caught up the West in their modernization effort, with others catching up fast. China and India, two most populous countries in the world, have recorded remarkable growth during the past decades so as to reshuffle the roster of world's great powers. The Association of Southeast Asian Nations (ASEAN) has accelerated its process of integration to become the second supra-national organization in the world.

Two schools of thought have been prevalent to comprehend the transformation. One may be called *globalist*, an optimist appraisal of

1) This paper is prepared for the delivery at the international conference on "the Twenty Years after the Geneva-Agreed Framework of 1994: What have we learned?" organized by Korean Political Science Association, October 10-11, 2014, Seoul Korea. This title of the paper parodies Zelikow and Rice (1997).

the process and consequences of the transformation. The region's rise and transformation have been riding on the sustained economic growth, interdependence and integration, as well as the "long peace" among the great powers, it sees. It will sustain future growth and peace. The other may be called *modernist* and presents a more pessimistic outlook. Political development in terms of nation/state building and democratization, and economic development in terms of industrialization and growth are in fact *modernization*, which the West had gone through by the early 20th century. The end results were the two World Wars. International consequence of modernization was catastrophic, it argues, with compelling reason. Between the two schools, there exists a "paradox." While the economic dynamism has bound countries in the region together, the political chasm among them has ever widened. They clashed over territory and disputed over history. President Park Geun-hye of South Korea named the discrepancy an East Asian "paradox" and called for an "initiative" for region's peace and cooperation.

To be fair, the transformation was driven in part by relatively exogenous factors such as differential economic growth, generally riding on harmless wish of the peoples for better standard of living in the globalized world market, but at the same time reflecting the different stages of development. But also, the transformation is and will be profoundly shaped by political choices of the nations, in which perceptions matter. Mutual perceptions and interplay of actions and reactions will lead the transformation to where no one has fully comprehended yet.

For example, China aspires to be a world power, a *natural* consequence of phenomenal economic growth in recent decades. It is natural in the sense that other nations would look up to, or be fearful of China's "money"

and “might.”²⁾ But with the distant memory of the imperial greatness and recent memory of the (semi-)colonial humiliation, the Chinese seem to want it *sooner* than *natural* through policy actions. Their actions may be either commanding or co-opting or both,³⁾ but cannot get through without affecting other nations, because power is relational and relative. The U.S. has noticed the shift of power to Asia, and tried to “rebalance” its policy by “pivoting” to Asia. Japan, feeling Chinese actions more commanding than co-opting, has accelerated its drive to a “normal state.” India, feeling similar pressure, turned to the U.S. by forging a civilian nuclear deal, to which China has responded harshly.

The transformation has also propelled smallish nations in the Southeast Asia to flock together. The Association of Southeast Asian Nations (ASEAN) expanded its membership to exhaust all states in the regional category in 1997. Then, its ten member states adopted the ASEAN Charter in 2008, and envisioned a “community” that covers politics and security, economy, and society and culture, moving away from the “ASEAN Way” they had long championed and toward the “EU Way,” seeking lessons from the experiences of the European Union and Europe.

European experiences are so rich and diverse that lessons from them are also rich and diverse. One of them that is particularly pertinent for the purpose of this paper is borne in the title of this paper. After the bloodshed of the two World Wars, Europe had gone through transformation both on a national level and on a regional level. Fascist “enemies” were transformed from within. The region had transformed

2) Lampton (2008).

3) The terms commanding and coopting are from Nye (2004)

itself from a fragmented land among modern-states, to an integrated land of a postmodern state. But the European transformation would have never been complete without solving a problem—the division of Germany.⁴⁾ Likewise, no matter how the transformation of East Asia progresses, in what direction and how far, it would never be complete without solving a problem—the division of Korea, the root cause of all the problem on the Korean Peninsula including North Korea's isolation and nuclear challenge and inter-Korean hostilities.

In what follow, I will zigzag across theory and history and across national level and regional level so as to argue that 1) the Korean problem has been exacerbated, rather than solved, due to the lack of coherent and consistent policy, 2) the lack of coherent and consistent policy was due to polarization and politicization of the policy process, 3) the polarization of policy positions is groundless from the seasoned analysis, and 4) in order to harness the energy of transformation of the region for good rather than for ill-coordinated approach by regional leaders apprehensive of the pitfalls that uncoordinated actions by each party, in pursuit of narrow and short-minded national interests. I will start my zigzagging journey from the Korean Peninsula.

II. The Sun versus the Wind

This month, October 2014, marks the 20th anniversary of the ill-fated Agreed Framework (AF), signed in Geneva in October 1994 between

4) Zelikow and Rice (1997).

the United States and North Korea to solve the North Korean nuclear problem. The twenty years since highlight the challenges North Korean problems have tenaciously posed and the opportunities that the concerned parties have missed so as to help the region transform itself for good. Indeed, various, bilateral and multilateral, efforts have been exerted to resolve the issue and occasional agreements ensued—the Joint Declaration of Denuclearization of the Korean Peninsula between two Koreas in December 1991, the Agreed Framework of 1994, and the Joint Statement of the Agreement of the Six Party Talks in September 2005. But none of them was able to prevent the North from conducting three nuclear tests, in 2006, 2009, and 2013. The international community responded with cascading sanctions through the United Nations Security Council (UNSC), UNSCR 1718, 1874, and 2087 respectively. With the North's nuclear program advanced and the sanctions imposed, the problem has become so complicated that the Obama administration is yet to attempt any serious diplomatic initiative, presumably feeling unable to, hence unwilling to tackle it and risk failure.

Besides the intrinsic complexity of the issue, there is another reason why it has been so difficult to reach an agreement and harvest from the agreements—the inability to foster coherent and consistent policies by the major parties concerned due to political factors. As the issue had gotten prominent, hence politically salient, political as well as ideological differences and rivalries overlaid the policy debates and formulation. Policy options were bifurcated, polarized, and politicized. As policy positions deemed to represent political positions, rather than policy expertise, policy analysts have become polemicists. Such a phenomenon has been particularly conspicuous in South Korea, where

the political fault-line had moved from regional rivalry to ideological differences, which, peculiar to the country, was formed along with their views and positions on North Korea.

President Kim Dae-jung, inaugurated in early 1998, used the metaphor of the Aesop fable where the Sun and the Wind disputed their power and contested to take off the cloak of a traveler in order to promote his policy of engagement to Pyongyang, which he dubbed the “Sunshine policy.” He provided generous aid to Pyongyang, launched inter-Korean business projects, and held the first-ever inter-Korean summit meeting, for which he had won a Nobel Peace Prize, a huge political boost. The opposition vehemently contested the policy and discredited the product, but was defeated in the next presidential election in December 2002. His successor President Roh Moo-hyun, in an apparent attempt to overcome “political regionalism,” tried to restructure the political parties along the ideological line, and even risked his presidency to impeachment. Politics and policy stance on North Korea had further polarized and politicized. Against vehement protest, he saved the Sunshine policy by holding the second inter-Korean summit in his last year as president, but could not save his party from losing the presidential election that ensued. The Sunshine policy was doomed.

President Lee Myung-bak from the opposing conservative party had increasingly turned to hardline policy so as to culminate in the “May 24 measures,” unilateral sanctions after the government concluded that the sinking of a South Korean naval corvette, *Cheonan*, in March 2010, had been committed by the North. President Park Geun-hye, who succeeded Lee in February 2013 from the same conservative party, has been unwilling or unable to engage in any serious dialogue directly with

Pyongyang, apparently from fear that such a policy may alienate her thinning popular support in the polarized politics.

The situation has not been any different in the United States, albeit to a less extent, commensurate with political salience of the issue. Criticizing it being too generous or soft, the Republican George W. Bush administration nullified the Agreed Framework, a product of the Democrat Bill Clinton administration. Only in his second term, the Bush administration had tried hard to engage Pyongyang so as to reach the September 2005 agreement, whose prospect was immediately marred by a separate, perhaps uncoordinated sanction by the Department of Treasury via the Banco Delta Asia (BDA) incident. It was the personal, heroic effort by Christopher Hill that saved the agreement from complete disarray by the end of 2008. Upon his inauguration, President Obama, from the more engaging Democratic Party, promised engagement but has not taken over the last-hour efforts of Christopher Hill from the Bush administration.

In the meantime, the academicians did not render any help to bridge the gap between bifurcated and polarized policy options so as to foster more coherent and consistent policy. In fact, the dilemma between engagement and containment had been well known to scholars in international relations, at least since Jervis (1976) outlined it in terms of the “spiral model” and the “deterrence model.” It should be the job of academicians to appreciate the complexity of the reality and the subtlety of the issue, and then clarify the conditions under which one is more efficient than the other. Instead, they too have taken side with a policy, and argued for it against the other. With schools of IR scholarship, neo-realism, neo-liberal institutionalism, or constructivism, scholars have

intensely disputed theoretical superiority of the “-ism.” Scholars in each school argued for one policy, consistent with the school, against another, consistent with the rival school, in order to prove the sincerity and purity of their commitment to the school.

But in international relations, like other social sciences, there hardly is any single theory that is better than others in accounting for all the aspects of complex reality. Sometimes, a combination of two or more theories, or analytic eclecticism, provides richer understanding and sharper explanation of reality.⁵⁾ Likewise, no policy is better than others in solving all the problems in the complex world. A combination of two or more policy tools offers a wider range of policy choices and more realistic prospect of success. Policy tools and options are not mutually exclusive but supplement each other. Engagement and containment are no exceptions. How to combine the two is the art of power, the essence of all statecraft.

III. Sanction and Engagement: Lessons from Myanmar

1. A Message from Myanmar

On November 19, 2012, President Obama delivered a speech at the University of Yangon, as the first U.S. President ever visiting Myanmar, which the Americans refused to call as such and instead called Burma.

5) Katzenstein and Sil (2010); cf. Allison and Zelikow (1999).

He said:

[H]ere in Rangoon, I want to send a message across Asia: We don't need to be defined by the prisons of the past. We need to look forward to the future. To the leadership of North Korea, I have offered a choice: let go of your nuclear weapons and choose the path of peace and progress. If you do, you will find an extended hand from the United States of America.⁶⁾

Why from Myanmar? Earlier in the speech, he recalled his inauguration address where he said “we will extend a hand if you are willing to unclench your fist,” listed the progress having made in Myanmar, and said “I've come to keep my promise and extend the hand of friendship.” Then, he was putting Myanmar and North Korea in parallel. Why? The two were under governments who ruled by fear, which the former Secretary of State Condoleezza Rice named as “outposts” of tyranny. The two have been suffering from the consequences of long isolation and international sanctions. Finally, Myanmar has transformed itself, and President Obama claimed at least partial credit for it. And he expects the same formula may work for North Korea.

In early 2014, Hillary Rodham Clinton, the Secretary of State for his first term who spearheaded Obama's Myanmar policy, published a memoir of her days in the Foggy Bottom, and remembered that her role for Myanmar's transformation was “a high point” of her time as

6) Barack Obama, (November 21, 2012). He repeated the message after meeting with South Korean President Park in Washington, on May 7, 2013: “Pyongyang should take notice of events in countries like Burma, which, as it reforms, is seeing more trade and investment and diplomatic ties with the world, including the United States and South Korea.” Barack Obama (May 7, 2013).

Secretary.⁷⁾ The case of Myanmar was an example where her strategy of “smart power,” “a skillful combination of hard and soft power,” or sanction and engagement, had succeeded. How did it work?

Since the popular uprisings and the brutal suppression in 1988 until 2008, U.S. policy toward Myanmar had been characterized by “cascading sanctions.” Washington had imposed new sanctions on top of old ones, as the sanctions had failed to achieve their proclaimed objectives, whereas the target government continued to act to the contrary. Washington demanded respect for human rights by release of Aung San Suu Kyi from the house arrest at minimum, and the regime change by respecting the result of 1990 election which the National League for Democracy (NLD), led by Suu Kyi, had won. In order to force Myanmar government to comply with the demands, Washington imposed a series of sanctions in the form of six laws passed by the Congress and five executive orders signed by the President.⁸⁾ But the military government of Myanmar acted to the contrary—denied NLD to the National Convention to draft a new constitution, closed universities as students demonstration continued, and put Suu Kyi, once released in 1995, back to house arrest in 1999. And as late as 2007, a peaceful demonstration by the monks, highly respected in the country, was bloodily suppressed.

In short, U.S. policy toward Myanmar for the 20 years of 1988-2008 was characterized by failed attempts of economic sanctions, and highlighted the paradox of economic sanctions as a means of statecraft.⁹⁾

7) Clinton (2014), p. 125.

8) For the list, see Martin (2012).

9) Drezner (1999). See below.

Then in three years of their office, Obama and Clinton listed Myanmar as a success story of their foreign policy? What happened and how did it happen?

2. Sanctions Paradox

To the critique, economic sanction is a deeply flawed tool of statecraft and riddled with a paradox: 1) it is generally ineffective in achieving its goals; 2) it is costly, being a double-edged sword, hurting not just the target but the sender as well; 3) it is against the value and principle of economic liberalism; 4) it is moralistically problematic as it hurts innocent citizens more than “criminal” leaders, and, a real paradox, 5) it has nevertheless been ever increasingly resorted to.¹⁰⁾

In a closer look, however, the paradox seems overstated. First, other means of foreign policy are not immune to the same paradox. Take the military action, the principal alternative, for example: 1) the probability of winning a war is not 100 percent, and even a victory in military campaign does not mean success in achieving the goal, with Iraq as a spectacular example; 2) it is costly, far more than economic sanction; 3) it is against the value of human dignity and peace; 4) no military action can be free from any collateral damage; but 5) states have never stopped fighting wars.

Second, its apparent ineffectiveness may have stemmed from sampling biases. For one, the impression that “sanctions do not work” represent a perceptual bias resulting from a few prominent cases, like Italian

10) Haass (1997).

invasion of Ethiopia or the cases of Rhodesia and South Africa, where sanctions apparently failed to deliver the objective fast enough to meet the expectation of the concerned. For another, the supposedly exhaustive list of sanctions in the 20th century¹¹⁾ is not free from sampling bias due to both conceptual error and observation gap.

As a means of statecraft, economic sanction could be either positive (rewarding, the carrot) or negative (punishing, the stick),¹²⁾ and the list includes only the latter. More importantly, sanctions may be threatened before imposed, either explicitly or implicitly. Threats, if successful, do not need to be delivered, and successful threats, particularly implicit ones, go unnoticed and not recorded in public. The sample is biased toward the imposed sanctions, once exposed part of an iceberg.

Then, seen from the perspective of bargaining, moreover, imposed sanctions are biased toward failure, because they already reflect failed bargaining. Sanctions are imposed because prior threats, even if implicit, had failed to elicit the target's compliance. The target must have refused to comply *rationally*, i.e., after calculating the expected costs and determining to bear them. Then, it is logical and natural that an imposed sanction does not work unless it incurs costs far greater than the target had expected.

Furthermore, even if the target's choice had not been "rational" by miscalculating the likelihood and/or consequences of the sanction, there are compelling reasons why the imposed sanction fails to achieve its objective. Unlike military means of statecraft, which can directly deliver,

11) Hufbauer et al. (1995, 2007).

12) Baldwin (1985).

like killing people, destroying buildings, occupying cities, and displacing governments, economic means of statecraft cannot deliver by themselves. It relies on other agent, in most cases, the target government, to do the job. One must *persuade* the target to do the job, by rewarding (or promising thereof) or by punishing (or threatening thereof) with the economic wherewithal. It is the target, not the actor, who does the job to deliver the objective. In that sense, economic statecraft is statecraft in its truest sense: getting others to do what is desired.

According to the literature on the subject, imposed (negative) economic sanction is supposed to work in one of three ways: 1) create pains to the target that outweighs the cost of complying such that the target *rationaly* decides to comply; 2) create pains to the general populace so as to motivate them to put pressure on the government, which is strong enough to move the government; and 3) generate a political consequence where an opposition force is strengthened (*vis-à-vis* the ruling regime) so as to topple the regime and then comply with the demands, hence subversion.¹³⁾

This logic is deeply flawed both in logic and in reality. First, if the sanction is imposed as a sequel to explicit/implicit threat that had failed, the target would not change its position unless the damage is beyond what it initially estimated, as noted before. And even so, the target would try to minimize the pain through other means available, rather than to comply with the demand and suffer from the consequences to be discussed further later.

Second, hurting the populace so as to put popular pressure on the

13) Pape (1997).

regime is off the mark, because the target regime is usually not democratic and accountable to the public. Also, hurting the populace, who is already weak vis-à-vis the regime, would further weaken their political power, except (desperate) popular revolt. If the target regime is weakened as a result of sanction to the point that it is vulnerable to popular revolt, the result would not be much different from the third, the subversion. Third, unless subversion or the regime change *per se* is the objective of the sanction, achieving the objective through subversion is too farfetched, as there is no guarantee that the new regime would deliver the objective in the end.

Therefore, economic sanction as a means of statecraft should aim at the target regime directly so as to change its calculus of decision and comply with the demands. Given this, there are multiple reasons why economic sanctions are not effective in forcing the target regime to comply with the demands, because the target is a living agent not a lifeless mass. And there are at least three ways through which the target tries to reduce any pain that sanction incurs, economic and political.

As for the economic pains, first, it attempts to “divert,” seeking alternative partners, especially in case of unilateral sanction. And over time, it becomes “immune” to any pain that the sanction causes. Second, as for the political cost, the public blame for the sanction, the target regime will try to “rally” the public around the flag, or appeal to the nationalist sentiment. In fact, a 20th century development with respect to economic sanction is that it has become a means of *ex post* “punishment” rather than *ex ante* prevention. And because “punishment” implies moralistic blame, it is easy to incite emotional reaction rather than rational calculation. Then, it incurs additional political cost, in the

opposite direction, to the regime if it complies with the demand, or “yields” to foreign pressure. Third, as for the political cost with respect to political rival, if any, the target regime may try to “reflect” any blame to the opposition.

Indeed, from the perspective of bargaining theory, once imposed, the bargaining leverage from economic sanction is already lost. The sender can regain bargaining power only by promising its lift, and lifting sanctions is rewarding, not punishing, engagement, not containment. The U.S. sanctions on Myanmar for 20 years did not work because they were simply imposed and Washington refused to engage, as to be seen below.

3. Sanctions and Engagement in U.S. Policy toward Myanmar

Economic sanction is supposed to be a means of statecraft, hence of strategic nature. But U.S. sanctions on Myanmar since 1988, in terms of six laws and five executive orders, are the results of politics rather than strategic decision. The politics has revolved around Aung San Suu Kyi, the powerful icon of Myanmar’s democratization such that when the Lady sang, Washington danced. While such a reversal may have reflected the lack of any genuine strategic interests on the part of the United States in Myanmar during and after the Cold War, the issue had become so charged politically and Myanmar had consequently obtained such an opprobrium that it required extraordinary efforts and maneuvers by the top diplomat to change the course, after she discovered important strategic interest in the country.¹⁴⁾

Over the years, however, the sanctions had generated profound consequences, some intended others unintended, which, in the end, contributed to the dramatic transformation of the country since 2011. The first and most direct consequence is of course economic. Internally, they hampered economic reform and growth. The autarkic policy of Ne Win's Burmese Way of Socialism since 1962 had completely failed such that in 1987 Myanmar then sued for the status of the Least Developed Country to the United Nations and was granted. Amid and after 1988 uprisings, Ne Win retired after admitting error, and the new junta, the State Law and Order Restoration Council (SLORC), decided to reform economy through privatization. Then, sanctions began to be imposed and reform did not produce intended results. Myanmar remains the poorest country in Southeast Asia with GDP per capita just about one thousand U.S. dollars in official exchange rate and less than two thousands even measured in the purchasing power parity (PPP). Externally, it resulted in trade diversion, to immediate neighbors. According to IMF statistics, in 2013, Thailand (35%), China (24%), and India (12%) together account for over 71 percent of Myanmar's total trade, while that with all the advanced economy was meager less than 17 percent.

Other consequences, with deeper implications, ensued. One is political. Sanctions by the West led by the United States distorted the market such that those who were politically privileged had benefited disproportionately from privatization and marketization so as to become more powerful politically and less inclined to comply with demands with sanctions. No middle class, who would be interested in reforms

14) Clinton (2014), pp. 101-126.

and democratization and exert pressure on the government for that, had been formed. Over the years, the ruling elite and the state they controlled had become more powerful vis-à-vis the society, the opposite result that the sanctions were supposed to deliver.¹⁵⁾

Another is diplomatic. With sanctions and the opprobrium they carried, Myanmar had become alienated and isolated. Diplomatic relations with the United States was reduced to the minister level, and there remained only tens of diplomatic representations in Myanmar out of 191 member states of the United Nations. International organizations adopted resolutions calling for Myanmar's reform or denouncing the regime's policy and behavior. In 2006, the UNSC even attempted to adopt a resolution to impose multilateral sanctions on Myanmar, which only China's veto prevented from happening.

As the veto by China signified, the most significant was Myanmar's overall dependence on China. As noted, China has become the second largest trading partner to Myanmar, next to Thailand, with 40 percent of imports coming from, and 24 percent of exports going to China. Given that the total trade volume of China is more than 200 times bigger than that of Myanmar,¹⁶⁾ such exchanges do not create inter-dependence but heavy dependence. This kind of asymmetric relations had generated overwhelming presence and overbearing influence of China in the country.¹⁷⁾

Feeling confident that their control of state and power was firm and

15) Cf., Taylor (2009); Thant Myint-U (2008).

16) In 2013, Myanmar's total trade was slightly less than USD 20 billion, while that of China was somewhere over USD 4 trillion.

17) Thant Myint-U (2011).

uncomfortable with overbearing influence of China, the ruling junta, the State Peace and Development Council (SPDC), adopted a new constitution in 2007-08, and ready to respond to any signal of engagement from Washington.

When Clinton became the Secretary of the State for her former rival, now President Obama, she saw exactly same picture as the Generals in Nay Pyi Taw, the new capital city of Myanmar—China's overwhelming presence and overbearing influence. And she realized how important the country was from the geo-strategic perspective. So she ordered review of U.S. policy toward the country, and concluded that “engagement versus sanctions is a false choice.” So, she spearheaded the new policy of engagement and succeed over two years, working laboriously, not just with the Generals, but with the Capitol Hill, capital cities in the region, and the Lady and her supporters. Myanmar held elections in 2010, and a new Constitutional government under President Thein Sein was inaugurated and the SPDC was dissolved in March 2011. Then, the speed and the extent of the reforms taken by the new government surprised all. The U.S. finally normalized its diplomatic relations the ex-pariah state with Clinton's visit late in the year and appointing new ambassador. Obama paid a visit to the country for the first time as a sitting president of the U.S. a year later, and hosted Thein Sein in Washington in May 2013.

It would be presumptuous to conclude that Myanmar's transformation was solely the result of the U.S. policy. Still, it seems fair to say that the engagement by the Obama administration has affected the speed and the extent of Myanmar's transformation very importantly. But it would be idiotic to say that engagement did the job that sanctions could

not, for it is both blades of the scissors that cut paper. Sanctions for 20 years did not work because Washington had not engaged, but they did generate long term consequences that created bargaining leverage which Washington was able to explore once it decided to engage. So without prior sanctions, engagement would not have worked.

IV. Sanctions and Engagement on the Korean Peninsula Reconsidered

1. North Korea and the Bill Clinton Administration: “Going Critical”¹⁸⁾

Indeed, the stick and the carrot are indispensable to each other, especially when dealing with “enemies” or those who do not trust each other. The stick alone would only make the adversary more distrustful and recalcitrant and less willing to comply. The carrot alone would only make the adversary more rapacious and demand more. Skillful combination of the stick and the carrot in terms of the extent and the timing does the job. So the Obama administration’s engagement of Myanmar could not have been timed any better—a new administration at the right moment. In that sense, a luck played a role. Maybe Myanmar was lucky, then. Or, was it Obama/Clinton who was lucky?

North Korea has never been lucky (or unlucky?) in the similar sense. In late 1991/early 1992, Pyongyang finally decided to comply with

18) Wit, Poneman, and Gallucci (2004).

demands from international community to sign the Safeguard Agreement (SA) with the International Atomic Energy Agency (IAEA), as required by the Non-proliferation Treaty (NPT) they joined in 1985. In the mid-1992, after submitting initial report to IAEA about their nuclear activities, Pyongyang began to get *ad hoc* inspection by IAEA officials. The timing was peculiar. IAEA used to be an organization that provided technical advices and even financial assistance in return for routine inspections, and its officials used to be friendly advisors. That had changed just before, amid repercussions from the Gulf War of 1990-91. Iraq had been a signatory to NPT and received routine inspections by IAEA. After Iraq was defeated, however, it turned out that Iraq's nuclear weapons program had progressed far beyond what IAEA had found. IAEA had faced harsh criticisms and had determined not to repeat the same mistakes. Starting with North Koreans, IAEA officials became interrogating inspectors rather than friendly advisors. So the first North Korean nuclear crisis began.

Through tough bargaining and escalation of crisis that reminded of the *Guns of August*, the crisis was going critical to the point of war scare in June 1994. It might have gone really critical without engagement in terms of former President Jimmy Carter's visit to Pyongyang in the middle of the month. The tension was defused and a deal was reached—Pyongyang would freeze its nuclear program in return for energy supplies of heavy fuel oil (HFO) and eventually two light water reactors (LWR) with the capacity of 2,000 MWe. Robert Gallucci and his team of negotiators secured the deal by signing the Agreed Framework (AF) in Geneva in October, of course not without tough bargaining.

The timing was not right and unlucky, however. On one, while

characterizing the crisis as a (half-) successful case of coercive diplomacy, comparable to the Cuban Missile Crisis of 1962, where *a quid pro quo* at a right time is essential for success, I lamented that the timing of Carter's visit was not perfect, expressing a "gut feeling" that if Carter's visit to Pyongyang had been later by a week, Gallucci would have had bargaining leverage, strong enough to take the 8,000 spent fuel rods out of North Korea, rather than sealing and leaving them there, and solve the issue for good or better.¹⁹⁾ For another, the supreme leader Kim Il-sung died on July 8, 1994, after promising the first ever summit meeting between two Koreas.

Mistiming and misfortune continued. In the mid-term election in 1996 in the U.S., the Republican Party won so as to control both Houses of the Congress, and the implementation of the Agreed Framework was hamstrung. The news of massive famine in North Korea since 1996 fueled the wishful thinking that North Korea might collapse soon so as to make implementation of the Agreed Framework either futile or unnecessary, which in fact was further delayed. Then, there came the Sunshine policy of the new Kim Dae-jung government in Korea, but the sunshine did not prevent forthcoming mistiming and misfortune.

In line with the Sunshine policy, in 1999, the Clinton administration appointed the former Defense Secretary William Perry, to a Special Envoy on North Korea, the highest ever, who drafted the so-called Perry Report on the conditions of engagement and personally delivered it in Pyongyang in 1999. Then, there was a historical inter-Korean summit in Pyongyang in June 2000, followed by Koizumi, Prime Minister of Japan and U.S.

19) Kim (2010). Cf., George, et al. (1994).

Secretary of State Madeleine Albright in ensuing months. President Clinton's visit was agreed upon in principle, subject to further negotiations on the issue of long range missiles. If the engagement by Carter in 1994 had been too early by a week, the engagement by three visits in 2000 might have been too much so as to make Pyongyang rapacious. Pyongyang sabotaged the negotiation on the terms of Clinton's visit, and his early visit, as early as in October 2000, was cancelled. Then, there came another misfortune that nobody ever imagined—the constitutional crisis following the Presidential election in the U.S. in November 2000, in which George W. Bush finally won with a series of law suits and Al Gore's concession. The “meltdown” had begun.

2. North Korea and the George W. Bush Administration: the “Meltdown”²⁰⁾

After stopping Bill Clinton's visit to Pyongyang, the newly inaugurated Bush administration began its lengthy review of North Korean policy and came up with tougher bargaining position of CVID (Complete, Verifiable and Irreversible Dismantlement of the nuclear program). But before it was ever put into test, another mistiming and misfortune happened with even bigger magnitude—the September 11 terrorists attack in 2001. The U.S. policy had fundamentally changed. In the State of the Union Address in January 2002, President Bush named North Korea as one of three countries forming the Axis of Evil. Engagement is out of question. The Bush administration would not and could not

20) Chinoy (2009).

engage an evil. So, when Assistant Secretary James Kelly finally visited Pyongyang in October 2010, his mission was not to engage, but to interrogate and prosecute North Koreans for the suspicion of a new nuclear program via highly enriched uranium (HEU). The second North Korean nuclear crisis had begun.

Claiming that Pyongyang admitted the HEU program and violated the terms of AF, the Bush administration moved fast: stopped shipping HFO and nullified AF. Then, Pyongyang moved even faster: withdrew from NPT, unsealed and reprocessed the 8,000 spent fuel rods. An acute crisis ensued. The Bush administration, on the eve of and ensuing Iraq War, was out of wherewithal, convened the Four Party Talks and then the Six Party Talks just in order to defuse the tension, and passed the buck to the soon-to-be rival China.

In February 2005, just as the Bush administration began its second term with Condoleezza Rice as the new Secretary of the State, North Korea announced that it had come to possess the nuke. The third North Korean nuclear crisis had begun and the tension had reached a new high so as to force Chung Dong-young, the Unification Minister and Number One or Two on national security affairs to rush to Pyongyang in July with an “heavy and big offer” of 2,000 MW electricity supply, not by building LWRs but through electric grids linked to the South. The Six Party Talks was reconvened, the crisis was defused, and an agreement was reached on September 19 with the Joint Statement. But it lived short, as the U.S. Department of Treasury designated the Banco Delta Asia (BDA), a Macao-based bank, as a “bank of concern,” which had frozen all accounts including the Pyongyang’s with cash deposits of USD 25 million. North Koreans got furious by comparing it to

“strangling” and stopped the Six Party Talks process, and eventually test a bomb in the next year, on October 9, 2006.

If the purpose of the test was to get international recognition of the status of a (*de facto*) nuclear weapon state, its success was doubtful. But if the purpose was to force Washington into a new round of engagement, with strengthened bargaining leverage, it was successful. While UNSC worked swift to impose sanctions on the North, Christopher Hill, the chief U.S. negotiator, worked hard to release and to deliver USD 25 million from BDA, and negotiated out “early harvest” by lifting another sanction, waiving Pyongyang from the list of the states sponsoring terrorism. Again, ill-timing and misfortune prevailed. Kim Jong-il, the Dear Leader, was down with stroke in August 2008. Again, the wishful thinking that North Korean regime, or state, might collapse soon prevailed. The Bush administration was to be over soon as well.

3. North Korea and the Barack Obama Administration: The “Strategic Patience”

When President Obama promised renewed engagement to the countries “ruled by fear” by saying “we will extend a hand if you are willing to unclench your fist,” there was renewed expectation that new round of bargaining on table would start soon. But Pyongyang opened the bargaining off the table, and first slammed Obama by launching a long range missile just hours before Obama announced his vision of a “world without nuclear weapons” in Prague on April 1, 2009, which would win him a Nobel Peace Prize by the end of the year. Then Pyongyang went ahead to test its second bomb in three months. UNSC imposed

another sanction. If the purpose of the test was to regain international recognition on its nuclear weapon capability, Pyongyang may have harvested a bit as the test result showed some progress. But if it was intended to force Obama administration and/or Lee government into bargaining table, it failed as the two governments were locked in the “strategic patience.” By the same time, Washington sensed an easy target to shoot for a diplomatic success, Myanmar, one of the “outposts of tyranny” together with North Korea. Why risk a failure even after all the hard works, which is likely from the past experiences? For Seoul, the test was a pretext just on time, to switch away from and discredit the predecessors’ policy on North Korea. But in order to test the new hardline policy, the Lee government had to wait more, but not too long.

In late March 2010, South Koreans were shocked to watch the naval corvette *Cheonan* cut into two pieces and sunk into the cold water of the West Sea. Forty-six sailors were killed. A blast with such a magnitude would be either by a sea mine or by a torpedo attack, and all the circumstances suggested that it might have been an act by the North. But still no smoking gun was found and an international investigation ensued. In two months, the government announced that a smoking gun was found, the remnants of a torpedo with North Korean design and handwriting. Then, on May 24, pertinent ministers gathered to announce on TV a set of measures of sanctions designed to: 1) punish the North to deliver justice and soothe the sorrow and anger of the families of the victims as well as the public; 2) deter the North from doing similar provocations again in the future; and 3) coerce the North to apologize for the act, and promise no such an act in the future. The U.S. and South Korean allies conducted naval exercise in the area

so as to reinforce deterrence with the carrier fleet USS *Ronald Reagan* in the summer. The Chinese vehemently protested both in words and in deeds. Within the same year, the North fired artillery shells on an island of the South and killed two marines and two civilians. The North never apologized. The sanctions had failed in achieving the objectives as statecraft, both deterrence and coercion. They only answered to the domestic outcry, not much different from U.S. sanctions on Myanmar. The strategic purpose of sanctions was lost for the political purpose.

Four years have passed. The Dear Leader is gone and was replaced by a 29-year old son in late 2011. Obama was re-elected in the next year. Park was elected a month later to replace Lee in South Korea. Both have still been waiting strategically and patiently for the sanctions, by the U.S., by Japan, by the UN, and by the South on May 24, 2010 to deliver, hopefully with China turning the screw. In May 2014, Japan broke the line and engaged Pyongyang using the sanctions as leverage to resolve the so-called “abductee” issue.

V. North Korea, the Korean Peninsula, and East Asia’s Transformation

European transformation had begun with transformation from within. Former fascist “enemies” had transformed from within, either forced from outside, by the victor, or fostered from within, reflecting their own pasts. The region as a whole grew together and integrated. When a thorn was removed in terms of German unification, the transformation was accelerated and complete. All of these took place under the shadow

of the global Cold War, which was over with the German unification.

East Asia's transformation has been driven by different factors. Amid the general rise of the region, the rise of China and others' responses to it are cross-acting with big complexity and a lot of uncertainties. One uncertainty is reduced, if not removed—the future of Southeast Asia and ASEAN. Early members of ASEAN had long aspired to form a pan-Southeast Asian organization. So Brunei was invited upon independence in 1984, Vietnam joined in 1995 to be followed by Laos, Myanmar, and Cambodia in 1997 and 1998. Myanmar was a factor to ASEAN's transformation. The U.S., along the line of its policy of sanctions on Myanmar, had opposed to Myanmar's accession. ASEAN answered by promising “pragmatic engagement” to promote Myanmar's transformation and ASEAN's own transformation. The cyclone Nargis of 2008 that hit Myanmar hard provided an occasion where ASEAN really “acted,” not “just talked” in its name. Now with Myanmar transformed and assumed the chairmanship of ASEAN in 2014, ASEAN's integration is only to be accelerated.²¹⁾

Other factors are in thick fog. A renowned Chinese scholar once apologetically explained the seemingly inconsistent, and often aggressive foreign policy behavior of China in terms of its divergent identities, formed in the course of complex history, and sued for patience. But the Chinese soul-searching would take time such that its inconsistent behavior would continue, and it is never certain what identity the Chinese would eventually come up with. And it is in the nature of international politics where the affected others would assume the worst and respond

21) NBR (2014).

accordingly. Among multiple actors, it would lead to the multiplex of action/reaction across actors, and chain actions over time.

Take the case of Japan for example. The rise of China, catching up from behind, would challenge Japan's self-image and identity hard. Having lived under the shadow of the United States, with multiple identities as a former enemy, a victor, and a patron and protector, would have been hard enough, if unspeakable. Living under the shadow of China, in addition, by accepting China's status, would be very hard to swallow. Resurrecting itself as number two, if not number one, would require resurrecting its image or identity in both their and others' minds. The world has transformed and the region is being transformed. Japan's new identity would not be that of "peace-loving and contributing to development and international cooperation," but as "normal" as others, which may create another multiplex chain of action/reactions.

Put the problems of North Korea and the Korean Peninsula in the context. What Pyongyang will do and will be has an explosive potential to shape, if not determine, the region's path to and destination of the transformation. My first and last visit to Pyongyang was in summer of 2006, months before its first nuclear test. I was shocked then that our bus from the airport to downtown had never stopped because there was no traffic light and were few cars in the streets. After eight years with three nuclear tests and cascading sanctions by the UN, Pyongyang had changed dramatically, it has been reported. More cars, traffic lights, cell phones, and luxurious department stores are observed. How? I asked my friends who know about the North better than I do. Income inequality, one answered: a few have accumulated wealth to enjoy such luxuries at the expense of many. How? I asked again. Marketization, another

answered. Through marketization from a former socialist system, which is distorted due to isolation and sanctions, those who are privileged politically have accumulated the wealth to enjoy luxurious life, at the expense of the large mass. I was reminded of what happened to Myanmar under the sanctions by the West led by the U.S.

Taking lessons from the case of Myanmar, I would conclude as follows. First, sanctions alone never deliver, but when engaged, sanctions offer potential bargaining leverage. Second, having bargaining leverage does not guarantee a favorable result, which depends on the bargaining skills. Third, the bargaining skills include mixing the stick and the carrot to varying degrees along with the time frame. Too much carrot too soon would not deliver, as it may make the target more rapacious. Too much stick too soon would not deliver either, as the target refuses to come to the table in the first place. Fourth, for the sanction to work through engagement, a regime that is strong enough to bear the political cost of compliance would be better, and maybe necessary.

VI. Conclusion: Going Beyond San Francisco

Donald Hellmann of the University of Washington used to say the Cold War was the only hegemonic war in history without having a Peace Conference.²²⁾ Since the end of the Cold War, a myriad of things have taken place so as to challenge and change the prevailing structure of the international system. Transformation of East Asia is the biggest

22) Hellmann and Pyle (2000).

and still unfolding challenge. How to harness it to control its energy and manage its direction will profoundly shape the future of the region, and for the matter, the world in terms of peace and prosperity.

So it is high time that world leaders, particularly those in Asia, approach it from the bigger and longer perspective and convene a regionwide conference of leaders with magnitude and agenda like a Peace Conference after war—a San Francisco Conference 2.0. The problems on the Korean Peninsula should be on top of the agenda.

**The High Opportunity Costs of the North
Korean Nuclear Program for Confidence
Building in Northeast Asia**

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The High Opportunity Costs of the North Korean Nuclear Program for Confidence Building in Northeast Asia

It is fairly obvious that North Korea is the most destabilizing factor in Northeast Asia security affairs. Pyongyang continues to develop a nuclear weapons capability and missile programs in defiance of the international community and its own previous commitments. All other states in Northeast Asia: the United States, China, the Republic of Korea, Russia, Japan, and Mongolia oppose these North Korean programs. North Korea has also destabilized the Korean Peninsula by conventional belligerence against the South, including two fatal attacks on South Korean service members and civilians in 2010. Finally, North Korea harms the Northeast Asia region and the rest of the world by proliferation and other criminal activities, including the audacious construction of a nuclear power plant in the desert of Syria—far from any electrical grid—in 2007. That construction led to a preemptive Israeli airstrike on the facility. Syria apparently chose not to respond. But if it had, and a Syrian-Israeli conflict ensued, North Korea would have contributed greatly to the creation of conflict far from home. That episode alone provides a sobering

lesson about the dangers of North Korean proliferation activities in the future.

Nothing in the above paragraph is particularly controversial or new. What I would like to focus on today is something that is less frequently discussed in the media and in academic circles: how North Korea's obstreperous behavior and the failure of the international community to curb it carries huge opportunity costs by precluding the creation of an inclusive regional security mechanisms in Northeast Asia. The continuing North Korean nuclear and missile programs do more than just threaten other countries directly and indirectly. They undercut the ability of other states in Northeast Asia to create meaningful multilateral confidence building mechanisms that could enhance trust and bolster stability among those other states.

Since confidence-building and stability by their very nature are regional public goods, all actors suffer from the opportunity costs created by North Korea's ongoing defiance of the international community. But it is arguably China that is paying the highest opportunity costs in the region for the behavior of its traditional ally in Pyongyang. Beijing has long complained that the United States hub-and-spokes alliance system addresses major security issues in a manner that excludes China and prevents a more inclusive and effective mechanism to cope with regional confidence-building. But unless North Korea complies with the demands of the international community and verifiably dismantles all nuclear weapons related programs, such a multilateral security mechanism is

difficult to establish. And if North Korea continues to defy the international community, such a mechanism is impossible to establish unless one is created in North Korea's absence but can still address the most important problem in the region: North Korean nuclear weapons development. But this "Six minus one" format is one that China seems reluctant to accept.

In early 2007, as part of the Six Party Talks process, the United States proposed a regional security mechanism to include the United States, its allies, South Korea and Japan, and non-allies, China and Russia: the concept was called the Northeast Asia Peace and Security Mechanism (NEAPSM). The idea was not to replace the U.S. alliance system with something new, but to supplement that system with a broader and more inclusive security dialogue for the purpose of building regional confidence. This concept, if fully implemented, should have met Beijing's understandable desire to be included in important discussions on regional security with the United States and its allies. But the idea was an aspiration and its creation was contingent upon North Korean progress toward verifiable denuclearization, something that never occurred.

The main reason that NEAPSM never formed is the North Korean nuclear issue and, by association, Beijing's refusal to either fully pressuring Pyongyang for continuing to develop its weapons programs or to fully isolate North Korea in regional security politics if it did not. Please allow me to elaborate. One cannot include North Korea in serious regional security discussions until it meets its previously negotiated commitments

as part of the Six Party Talks process. But North Korea refuses to do this, demanding a return to talks “without preconditions,” as if requiring compliance with previous commitments is somehow an unreasonable and new demand. In fact, it is North Korea that is leveling the precondition: it is asking the other members of the talks to disregard North Korean violations of all previous agreements, recognize North Korea as a nation with a legitimate nuclear weapons program, and negotiate with Pyongyang on that basis.

It seems to me that this problem presents only two plausible solutions, either of which would require a change in China’s previous policies: the other states in the Six Party Talks can apply sufficient pressure on North Korea so that it agrees to: 1) return to its commitments to denuclearize in the September 2005 Joint Declaration and the February 2007 action-for-action plan; 2) makes measurable and verifiable progress on denuclearization, and thereby enables its inclusion in a future NEAPSM. Alternately, the other five members of the Six Party Talks could meet on their own and discuss ways to pressure and persuade North Korea to give up its weapons and, in the process, build some degree of trust among the five nations.

So far, Beijing has not shown much interest in any of these options. Beijing seems unwilling to pressure North Korea seriously and persistently. While Beijing has signed on to UNSC resolutions regarding Pyongyang, it has also made clear that those sanctions should be limited and should not undermine the overall economic or political relationship

between Pyongyang and Beijing. More than any other international factor that PRC-DPRK economic relationship allows the North Korean regime to survive. Beijing apparently values North Korean regime survival over North Korean denuclearization (and Pyongyang surely knows this). A related problem is that Beijing in the past has seemed reluctant to meet with the other actors in the Six Party Talks in North Korea's absence to discuss new measures to address North Korea's defiance and how to reverse it. The United States understandably insists that North Korea can only rejoin serious multilateral security discussions when it has met the commitments it made earlier in such discussions; including Pyongyang in multilateral security conversations is not possible under current circumstances. So we return to the problem of insufficient pressure on Pyongyang over the nuclear and missile programs and the only country capable of leveling significant additional pressure at present is China.

The most direct result of Beijing's stance on these issues is that when Pyongyang feels unthreatened, North Korea continues to develop nuclear weapons and missile programs. The only concrete progress made in the Six Party Talks was in February 2007. That action-for-action plan, which included disablement activities at the Yongbyon facility, followed a few months in which China chose to apply greater pressure on North Korea. Beijing's patience had apparently worn thin following Pyongyang's first nuclear weapons test and the especially obnoxious performance of North Korean diplomats at the December 2006 round of the Six party

Talks in Beijing. Increased Chinese pressure appears necessary for getting Pyongyang's attention. This period of success in the talks was short-lived. North Korea began violating and re-interpreting its commitments soon thereafter. And especially when Kim Jong-il fell ill in 2008, Beijing seems to have placed much greater emphasis on bolstering North Korea's stability than on creating incentives for its denuclearization. The attitude in Beijing seems to be that the nuclear issue should not be allowed to undercut the overall economic and political relationship between Beijing and Pyongyang. That attitude has been made manifest in various high-level statements, in the overall economic relationship between the two countries from 2008 to the present, and in the recent Chinese construction of an expensive new bridge between the two countries. All of this means that Pyongyang has breathing room to continue with its programs and is very likely to do so.

So, why can't the other regional powers get together and talk about security matters other than North Korea? After all, in 2013 President Park laudably called for multilateral cooperative meetings to build more trust among regional actors, to include Mongolia. This seems a fine idea in principle but as soon as security enters the agenda, it would be highly contrived to try to avoid discussing the North Korean nuclear and missile programs and other aspects of North Korea's destabilizing behavior. Not only are these the most pressing security concerns in the region, but a whole raft of other security topics of concern to China are integrally tied to the North Korea threat: missile defense cooperation in the region;

military exercises of the United States, the Republic of Korea, and Japan; the development of new offensive strike capabilities in South Korea and potentially Japan; and U.S. development of greater conventional global strike capabilities, etc.

Many of the regional security trends of most concern to Beijing have been created or catalyzed by North Korea's destabilizing nuclear and missile tests and its conventional provocations. To seriously discuss these matters in a multilateral forum, one has to discuss North Korea. In 2010 China alienated many regional actors by refusing to criticize North Korea for its belligerence against South Korea, instead targeting as destabilizing the follow-on military exercises between the United States and South Korea in the Yellow Sea and the enhanced U.S.-Japan-ROK security discussions of that year. Beijing avoided explicit criticism of North Korea and instead responded negatively to the allied responses to North Korean belligerence. This very odd posture was one of the many factors that made 2010 such a bad year for Chinese diplomacy and for the region. In public opinion polls, trust levels toward China in places like Japan and South Korea plummeted in that year.

On a more philosophical level, North Korean nuclear and missile programs are the *least controversial* item on any multilateral agenda. This is the one regional phenomenon that everyone opposes. So they must be addressed effectively if a new multilateral confidence-building is to have any credibility. No one seems to seriously doubt Beijing's sincerity in opposing North Korea's development of these systems, only

its willingness to change policy significantly to try to stop that development. Other regional issues, like economic frictions, environmental concerns, and fishing disputes among the other five actors may seem less dramatic, but they are in a sense more contentious than the North Korean programs as there is no such consensus on the nature of the problems, nor on the desired end state once the problems are solved. If the actors in the region cannot successfully tackle the issue on which they all agree—North Korean nuclear programs—it is harder to imagine them reaching an agreement on issues of which they disagree more fundamentally.

To sum up, the inability to stop North Korea's universally condemned nuclear and missile programs has prevented Northeast Asia from creating an effective multilateral security mechanism with which to build confidence and trust and reduce regional tensions. Everyone suffers from this outcome, but no nation suffers more than China itself. North Korea's behavior stimulates reactions among the United States and its regional allies that Beijing would prefer not to see and Beijing loses an opportunity to enter into sustained multilateral security discussions with the United States and its regional allies. If, however the regional actors were somehow able to effectively pressure North Korea to give up its nuclear and missile programs, this would build a strong foundation on which to build a sustained multilateral security mechanism to supplement the U.S. alliance system. All regional states would benefit from that outcome, but no state would benefit more than China. Unfortunately, it seems the key

factor in these two scenarios is Beijing's willingness to reconsider its traditional policy of supporting North Korea for the sake of regime stability there. Beijing seems to value North Korean stability more than the benefits that would flow from either North Korean denuclearization or a unified peninsula under Seoul's leadership. To almost every country in the rest of the world besides China, those outcomes seem highly desirable compared to the status quo trends on the Korean Peninsula, and would be worth some risks to help produce. So, it is understandable why the entire problem of North Korea is such a burden for China's overall diplomatic portfolio and, by association, why unchecked North Korean misbehavior is such an obstacle to the creation of long-term, multilateral regional confidence-building mechanisms.

한반도 평화통일을 위한 새로운 접근과 전략

For Future Policy towards North Korea:
Making New Theories and Strategies

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Soeya Yoshihide Keio University

Directions for Upgraded North Korea Policy

Kim Sung-han Korea University

Institution Centered Approach for Korean
Unification

Park Chan-bong National Unification Advisory Council

Upgrading Seoul's North Korea Policy

Choi Jinwook Korea Institute for National Unification

**For Future Policy towards North Korea:
Making New Theories and Strategies**

Soeya Yoshihide

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For Future Policy towards North Korea: Making New Theories and Strategies

I. The Role of Japan for Peace on the Korean Peninsula

As to relations with North Korea, Japan already has a basic framework with which to deal with the related issues and to coordinate policies with other countries concerned. The “Japan-DPRK Pyongyang Declaration,” signed by the Japanese Prime Minister Koizumi Junichiro and the Chairman of the DPRK National Defense Commission Kim Jong-il on September 17, 2002, states in its Article 2 and Article 4 as follows:

The Japanese side regards, in a spirit of humility, the facts of history that Japan caused tremendous damage and suffering to the people of Korea through its colonial rule in the past, and expressed deep remorse and heartfelt apology.

Both sides shared the recognition that, providing economic cooperation after the normalization by the Japanese side to the DPRK side, including grant aids, long-term loans with low

interest rates and such assistances as humanitarian assistance through international organizations, over a period of time deemed appropriate by both sides, and providing other loans and credits by such financial institutions as the Japan Bank for International Cooperation with a view to supporting private economic activities, would be consistent with the spirit of this Declaration, and decided that they would sincerely discuss the specific scales and contents of the economic cooperation in the normalization talks.

Both sides confirmed that they would cooperate with each other in order to maintain and strengthen the peace and stability in Northeast Asia.

Both sides confirmed the importance of establishing cooperative relationships based upon mutual trust among countries concerned in this region, and shared the recognition that it is important to have a framework in place in order for these regional countries to promote confidence-building, as the relationships among these countries are normalized.

Both sides confirmed that, for an overall resolution of the nuclear issues on the Korean Peninsula, they would comply with all related international agreements. Both sides also confirmed the necessity of resolving security problems including nuclear and missile issues by promoting dialogues among countries concerned.¹⁾

1) (http://www.mofa.go.jp/region/asia-paci/n_korea/pmv0209/pyongyang.html)

Most presumably, the economic assistance committed to North Korea in the Pyongyang Declaration could be turned into an integral element of the unification project if it happens before diplomatic normalization between Japan and North Korea. If Japan-North Korea normalization is realized before the process of unification sets in, then Japan's economic assistance toward North Korea should contribute to filling the gap between South Korea and North Korea, reducing some of the unification cost over the long run.

Humanitarian assistance and rehabilitation projects in the process of or in the event of unification are as important as the military and political dimensions. Here, too, the role of Japan should be critical, particularly against the backdrops of accumulated experiences by Japanese NGOs and agencies in Afghanistan and Iraq. Japanese programs in Afghanistan include three main categories of assistance: capacity building in internal security, reintegration of demobilized Taliban soldiers into the Afghan society, and development (agriculture, infrastructure, education, health, refugee, election, and governance).

Japan International Cooperation Agency (JICA) is on the forefront in implementing these assistance programs in collaboration of many NGOs. The Korean International Cooperation Agency (KOICA) also has similar humanitarian assistance programs toward Afghanistan, and building effective coordination between JICA and KOICA in Afghanistan and Iraq should serve as an important step toward their mutual cooperation in similar programs in the event of the Korean unification.

The efforts should and could be well-coordinated with many NGOs devoted to the similar missions. Perhaps the governments of China, Japan, and South Korea could cooperate in creating a platform for their NGOs to get together and share information and experiences, which could also be an effective step toward confidence-building among the three countries.

II. On a New Model of Major Power Relations between the United States and China

In order to understand the strong urge for “a new model of major power relations” by the Chinese leadership, it should be important to decipher peculiar Chinese nationalism into two critical sentiments dominant among the Chinese. One is a strong awareness of victimization and humiliation toward the modern history of China since the 1840-42 Opium War. The other is a growing sense of confidence and pride among the Chinese, emanating from the recent spectacular rise to a great power status. These sentiments combine to make up unique nationalism among the Chinese people. As a result, many Chinese believe today that Asia with China as the strong center is a natural Asia, and that the time has come to bring Asia back to such “normalcy.”

For the Chinese, however, a strong China “reclaiming” their core interests in Asia should be compatible with a China engaging in the liberal international order at the global level. The Obama administration

has responded to this Chinese overture rather positively. In November 2013, for instance, National Security Advisor Susan Rice stated as follows:

When it comes to China, we seek to operationalize a new model of major power relations. That means managing inevitable competition while forging deeper cooperation on issues where our interests converge—in Asia and beyond. We both seek the denuclearization of the Korean Peninsula, a peaceful resolution to the Iranian nuclear issue, a stable and secure Afghanistan, and an end to conflict in Sudan. There are opportunities for us to take concerted action to bolster peace and development in places like sub-Saharan Africa, where sustainable growth would deliver lasting benefit to the peoples of Africa as well as to both our countries.²⁾

Arguably, the context in which Susan Rice referred to “a new model of major power relations” is primarily, if not exclusively, a global one, where China is regarded as an insider of the global system, and the United States is ready to coexist and work with such China. Rice’s reference to the United States seeking “to operationalize” such relations, however, were received with some alarm in some corners in Asia, precisely because, in the Asian context, the Chinese emphasis on “a new model

2) Susan Rice, “America’s Future in Asia” Speech, National Security Advisor Susan Rice Speech at Georgetown University, Washington D.C., November 21, 2013 available at: <http://www.whitehouse.gov/the-press-office/2013/11/21/remarks-prepared-delivery-national-security-advisor-susan-e-rice>

of major power relations” connotes Chinese wish to gradually decrease U.S. presence and influence from the region. This appears explicit from the statement by Xi Jinping, who reportedly said in California in June 2013 that “the Pacific Ocean is wide enough to incorporate [the interests of] both China and the U.S.”³⁾

This process, however, is bound to be a long-term one, and the danger of head-on strategic clash between the United States and China is not necessarily eminent, although the cause of possible strategic clash may be fundamental. It then follows that there is still room for interim measures to be taken, precisely with a view to slowing down the process of the fundamental danger to materialize and eventually to prevent it.

If one looks back on the history of international conflict, attempts to address and point at the heart of the fundamental cause usually do not produce positive results but rather tend to aggravate conflict. It also appears that preoccupation with the cause of the danger, no matter how fundamental it may be, would lead to the exclusive focus on the relationship between the United States and China, at the expense of the interests and the role of regional countries. Regional countries should also be players in the transformation of regional orders centering around the rise of China, who, after all, would be affected most directly and seriously by transforming strategic relations between the United States and China.

3) Willy Lam, “Beijing’s Aggressive New Foreign Policy and Implications for the South China Sea,” *China Brief*, Vol. 13, no. 13 (June 21, 2013)

Arguably, the fundamental danger of strategic clash might have do to with peculiar Chinese nationalism rather than any comprehensive or coherent strategy of Beijing. If so, accommodation of emotional elements as the foundation of a new strategic relationship between the Unites States and China does not sound right, particularly for the neighbors of China in Asia. The hope in the long run lies in Chinese liberal-internationalists. After all, today's economic success of China is nothing but the result of Chinese engagement with the postwar liberal international order, and in order for China to continue to grow, let alone to tackle various problems ahead, it has to remain within the system. In this sense, we need to build a long term "civil society strategy," with which to build complex networks of communication and relations with the Chinese civil society.

III. Toward Effective Cooperation between Japan and South Korea: A Lesson from the Obuchi–Kim Dae–jung Reconciliation

Looking back on the relations between Japan and the Republic of Korea during this century, Prime Minister Obuchi regarded in a spirit of humility the fact of history that Japan caused, during a certain period in the past, tremendous damage and suffering to the people of the Republic of Korea through its colonial rule, and expressed his deep remorse and heartfelt

apology for this fact.

With sincerity, President Kim accepted this statement of Prime Minister Obuchi's recognition of history and expressed his appreciation for it. He also expressed his view that the present calls upon both countries to overcome their unfortunate history and to build a future-oriented relationship based on reconciliation as well as good-neighborly and friendly cooperation.⁴⁾

The historic reconciliation in 1998 between Prime Minister Obuchi Keizo and President Kim Dae-jung was based on two basic understandings: the importance of historical reconciliation and the criticality of bilateral cooperation for peace and stability in Northeast Asia. As is well known, the central agenda for Kim Dae-jung was his reconciliatory approach toward North Korea sustained by his grand vision of the eventual unification of the Korean Peninsula. To realize this long-term vision, Kim Dae-jung believed, stable and cooperative relations with the neighboring countries are critical, and Kim Dae-jung's Japan policy should be appreciated first and foremost in this context. Obuchi understood Kim's strategic vision and agreed to include the recognition of Japan's wrongdoings during the colonial rule and the explicit apology in the joint declaration. Quite importantly, there was a sense of empathy toward each other between Obuchi and Kim Dae-jung.

4) "Japan–Republic of Korea Joint Declaration: A New Japan–Republic of Korea Partnership towards the Twenty–first Century," October 8, 1998

Important as backgrounds for this reconciliation were a series of conscientious attempts by the Japanese government since the early 1990s, despite not insignificant oppositions in Japanese politics and society, to face up the history of Japanese colonial rule and military aggression in the past. They included Prime Minister Hosokawa's unequivocal apology in a nationally televised press conference in Gyeongju, the Kono statement about the comfort women and the concomitant activities of the Asia Women's Fund, the Murayama statement at the occasion of the 50th anniversary of the end of WWII, and so forth.

Indeed, empathy is a precondition to building trust. The biggest problem in the current state of Japan-Korea relations, which is often said to be the worst since diplomatic normalization in 1965, is the almost total lack of empathy between the top leaders and the influential actors surrounding them in both countries. The result is naturally an ever aggravating vicious cycle, which prevents huge potentials of constructive cooperation from being realized.

Unlike in the late 1990s, it looks virtually impossible today to expect a positive synchronization of two tracks (the dimension of historical reconciliation and the aspect of natural cooperation in regional and global affairs) to happen. Concerned people in both countries should begin to contemplate once again the possibility of a two-track approach, where the sincere engagement (with empathy) in dialogues on history issues, on the one hand, and the serious coordination of cooperative policies and projects, on the other, should proceed side by side, without one

interfering the other. This approach of course assumes that both tracks are equally and unequivocally important.

Directions for Upgraded North Korea Policy

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Directions for Upgraded North Korea Policy*

I. Twenty Years' Nuclear Crisis

The North Korean nuclear crisis has been continuing for more than twenty years since North Korea withdrew from the Nuclear Nonproliferation Treaty (NPT) in 1993. Despite the Geneva Agreed Framework of 1994, North Korea had pursued a secret uranium enrichment nuclear program, which was disclosed by the United States in 2002. The reclusive nation conducted three underground nuclear tests in 2006, 2009, and 2012, but the international community has not recognized it as a nuclear weapon state.

Initially, the George W. Bush administration took a very hard line stance vis-à-vis North Korea, rejecting bilateral talks but seeking a Libya-style, “one sweep” CVID (complete, verifiable, irreversible dismantlement) of the nuclear program. However, all this changed when the Bush administration reversed its position after the testing of a nuclear

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weapon by North Korea in October 2006. The United States was then able to reach an agreement with North Korea by pursuing bilateral negotiations and by agreeing to follow a step-by-step approach in the denuclearization process. This agreement required that North Korea freeze its nuclear activities, and declare and disable its nuclear facilities and nuclear program. In return, the United States would provide food and energy, take North Korea off the list of states supporting terrorism, and provide security assurances.

The U.S. decision to take North Korea off the terrorism blacklist and the verification protocol that was negotiated between the United States and North Korea had both merits and demerits. With this agreement, the Bush administration managed to keep the game going—that is, keep the framework of negotiation operative. Before the end of the Bush administration, the United States had also accomplished a freeze (and possibly the continuous disabling) of the plutonium part of the North Korean nuclear program.

Many were hopeful that the Obama administration would pick up quickly where the Bush administration left off on the nuclear issue. Despite the “friendly” gesture from the Obama administration which was epitomized as “tough and direct diplomacy,” however, North Korea test-fired a long-range missile on April 5 and conducted another nuclear test on May 25 in the year of 2009 right after President Obama’s inauguration. North Korea was then apparently not interested in any grand bargain or comprehensive deal with the United States, and its top priority was to be recognized as a nuclear weapons state.

On April 13, 2012, North Korea launched its long-range missile to mark the 100th anniversary of the birth of Kim Il-sung, the founder

of North Korea. Although the launch was a failure, the U.S.-North Korea Leap Day Agreement of February 29, 2012 was undermined, and other efforts toward the North Korean nuclear issue was dealt a serious blow. In eight months after the failed launch, North Korea successfully placed a satellite in orbit on December 12, 2012, which was harshly condemned by the United States, Japan, and South Korea as a disguised test of long-range missile technology. The launch came a week ahead of the South Korean presidential election and roughly a year after the death of Kim Jong-il on December 17, 2011. In addition, a spokesman for North Korea's army command said on February 12, 2013 it had successfully conducted a third underground nuclear weapon test. He also said the test had used a miniaturized nuclear device with greater explosive power, implying that North Korea's nuclear weapons were being upgraded.

II. Nuclear Deadlock

In this light, North Korea has boycotted the Six-Party Talks (SPT) since early 2009 due to UN sanctions for its nuclear and missile tests. While the nuclear deadlock was continuing, Pyongyang recently demanded an end to the sanctions and the opening of SPT without any "pre-conditions."

U.S., Japan, and South Korea, on the other hand, urged North Korea to show its sincere commitments to denuclearization, which implied North Korea would have to take "pre-steps" for the resumption of SPT. Those pre-steps may include declaring a moratorium on nuclear and

long-range missile tests; suspending the production of weapon-grade nuclear material; and allowing UN inspectors from the International Atomic Energy Agency back into North Korea to assess North Korea's nuclear facility at Yongbyon and to verify the end of enrichment.

III. Upgraded North Korea Policy

Make a Strategic Decoupling Between Nukes and Human Rights

Against this backdrop, U.S. State Secretary John Kerry criticized North Korea's concentration camps as an "evil system" at the ministerial meeting on North Korean human rights at the UN last month. This reminds us of the George W. Bush administration which defined North Korea as a part of the "axis of evil" and one of the "outposts of tyranny." The Bush administration took a neoconservative approach of democratizing autocratic regimes through coercion for the sake of realizing international peace. It remains to be seen whether the Obama administration will take the similar path of trying to break a nuclear deadlock with the "human rights card."

The Bush administration coined the word of "regime transformation," if not regime change, as a way of putting pressure on the North Korean regime so that they can change their policy behavior in such issues as nukes and human rights. It also adopted the North Korean Human Rights Act. Then, the Bush administration was characterized by many experts as linking nukes with human rights for the sake of resolving the nuclear problem. This linkage strategy, however, has disappeared since the neocons left the administration after the Republican defeat

in the mid-term elections in November 2006.

If the Obama administration tries to link them as the Bush administration did, it will have to highlight North Korean human rights situation when North Korea resists cooperation on the nuclear issue while it will soften its human rights pressure when there is nuclear progress. Human rights, however, is the issue we have to pursue regardless of whether we have a nuclear breakthrough or not. This kind of a consistent and meticulous approach to North Korean human rights could paradoxically help us draw significant nuclear concessions from North Korea at some point in the future. This is a “strategic decoupling” between nukes and human rights rather than just a decoupling strategy.

For South Korea, a better place for dealing with North Korean human rights is not inter-Korean channels but multilateral diplomatic fields like the United Nations. In March 2014, UN North Korean Human Rights Commission of Inquiry (COI) adopted a variety of recommendations aimed at improving the human rights conditions in North Korea. The ROK government should thus make utmost efforts so that North Korea and the international community may take necessary measures to implement those COI recommendations. UN field office on North Korean human rights, which will be launched in Seoul at the end of 2014, could assist these efforts.

Start with Nuclear Freezing

Some experts argue that we need to lower the threshold for the Six-Party Talks (SPT) so that North Korea comes to them as soon as possible. The key is, however, not whether the threshold should be maintained or lowered, but whether North Korea’s Kim Jong-un regime is still

interested in denuclearization. We need to make North Korea freeze its nuclear programs first and move on to the process of denuclearization.

It would be lot better if North Korea accepts the missile and nuclear test moratorium, allowing IAEA inspectors back into Yongbyon, and suspending all nuclear programs before SPT is resumed. If not, we could propose a deal to see if the Kim Jong-un regime is willing to freeze its nuclear programs in return for resuming SPT. Once North Korea has announced its nuclear freezing, we will resume SPT and discuss further steps to get closer to improve the situation. IAEA inspectors should return to Yongbyon to make sure if North Korea has frozen its nuclear programs—plutonium as well as uranium enrichment. While they are verifying, five other concerned parties of SPT will start discussing how to reduce UN sanctions on North Korea through the consultation with the UN Security Council. When the freezing is verified, UN Security Council will reduce, not lift, sanctions. At the same time, the four concerned parties—the United States, China, South and North Korea—could start a “peace forum” as soon as possible to discuss how to replace the armistice agreement with the peace agreement to put a legal end to the Korean War.

If North Korea rejects this proposal and chooses the path of going nuclear by conducting a fourth nuclear test, it would have to face tougher sanctions. Then, we would have to make a thorough review of our North Korea policy to decide if we still need to engage or contain it to the extent of preserving regime survival.

Prepare Smart Sanctions

What we need to link with the North Korean nuclear problem is not human rights but sanctions. We can reduce sanctions when there is a nuclear progress, and vice versa. In this vein, being prepared for another failure of negotiations is important. The prospect of North Korea with a growing nuclear weapons arsenal could create new stresses for the ROK-U.S. alliance as well as the major powers relationship in Northeast Asia. The danger will be another perception and policy gap, this time between Washington's fears of nuclear exports and Seoul's concern that it will have to live with a nuclear North Korea.

Things could be worsened if North Korea takes the path of becoming a nuclear power and continues to make the stakes higher. The reality is that a nuclear North Korea is likely to be virtually isolated from the international community. In this sense, the international community should also be prepared to deal with the consequences of a possible collapse of North Korea. Regional cooperation will be essential in coping with these potential problems.

The key is to draw cooperation from China so that the sanctions regime will be effectively working against North Korea. At the same time, we need to work out upgraded sanctions that will be working better even without active Chinese cooperation.

Institution Centered Approach for Korean Unification

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Institution Centered Approach for Korean Unification

DISCLAIMER

The views in this paper are the author's own presented only for the purpose of academic discussion and do not reflect any of his public and private affiliations.

I. Bringing the Institution In

In theory, since its resurgence as the 'new' or 'neo-' institutionalism in the late 1970's and early 1980's, the institutionalism approach arguably took the center stage in most disciplines of social science including, among others, economics, law, sociology, and political science (Hereinafter, the institution is roughly defined as the "rule of the game"). In both domestic and international politics, especially, the slogan of "Bringing the State Back In" coined by Theda Skocpol brought the new institutionalism back in virtually on to the center of social science

discourse.

In practice, various state building contexts such as transitions of former Eastern European countries and transformations of so called “fragile states,” require the fostering of legitimate and sustainable state institutions. Particularly in German reunification, the institutional differences were swiftly resolved at the very beginning stage of the process by extending the West German institutional structure to the East.

However, in both practice and academic discourse of Korean unification, inter-Korean exchange and trade occupied the center stage and the institution has been cast aside as something to be dealt with at the very last stage of unification process. Worse still, it was left uncertain what the end state of the unified Korea would be like and through what process it could be achieved. As a result, the inter-Korean dialogue since 1972 and inter-Korean exchange and cooperation since 1988 have been beating around the bush and fell short of getting in to the substance of the matter of Korean unification.

Thus far it has been explained away by the possibility that exposing institutional conflicts between the two Koreas would lead North Korea to derail from the cooperative unification process. The disregard of institutions could have been acceptable as a means of maintaining status quo during the period of Cold War confrontation. But it is no longer valid now when the Cold War confrontation was resolved by former socialist countries’ voluntary shedding off of their respective socialist institutions. Furthermore, the Park Geun-hye administration of the Republic of Korea (ROK) declared “Laying a Foundation for Peaceful Unification” as one of the four Administrative Priorities and launched the Presidential Committee for Unification Preparation, implying a shift

from peaceful coexistence to peaceful unification of the two Koreas. Therefore, it is high time that we faced the music and brought the institution in from behind and periphery on to the fore and core of Korean unification, for both practical and theoretical considerations.

II. Institutions in the End State

We can discern two levels of institutional arrangement as the end state of Korean unification. One is domestic and the other is international.

Domestically, the extant institutions in the ROK are based on liberal democracy and market economy whereas those of North Korea on proletarian dictatorship and planned economy. Then what would the end state institutional structure of unified Korea be like? In contrast to the unified end state of “one state one institutional system” of the ROK’s Korean National Community Unification Formula (KNCUF), North Korean claim has been that Korean unification can be achieved with the discrete institutional structure virtually intact by employing confederation system. Although the confederation system can be useful as a means to manage the transition process, it is not cogent enough to be accepted as the end state: 1) Without replacing the North’s institutions which have been proven ineffective, the income gap of 28 to 1 in favor of the South will continue to grow wider, 2) With the ever growing income gap, we cannot prevent the exodus of North Koreans to the ROK just like in German unification, and 3) There has never been a case where totalitarian socialism institutions like the North and full-fledged democracy institutions like the ROK coexisted within a state

functioning consistently together. Therefore, the only rational choice for North Korea is to transition its institutions so that they can be compatible with those of the ROK. Although we can conceive of a new institutional design combining the two, it will only add to institutional instability for both sides.

In line with this, on the one hand, the ROK needs to consult with the North by putting institutional unification on the table of inter-Korean dialogues as the main entrance agenda rather than an exit one. The North's denunciation of the offer as 'absorption by the South' could be muted by such counter claims that the constitution for unified Korea will be newly drafted reflecting the will of all Koreans in accordance with the ROK's unification formula and that even the absorptive elements could be further cured by the agreement of North Korean people. The bottom line of the ROK should be that the institutional unification based on democracy and market economy is an inevitable rational choice for the good of North Korean people more than anyone else and that it is not meant to impose the ROK's institutions on to the North. The ROK could offer its own institutions for the North to adopt but the ROK should be open minded to accept the North's alternative offers as long as they are in harmony with democracy and market economy.

On the other hand, the ROK's unification preparation should be made with the clear direction of such institutional unification. The blueprint for Korean unification should portray the people of unified Korea enjoying freedom and prosperity under the institutional setting of liberal democracy and market economy. The specific preparations for unification should also be centered on how to modify the ROK's institutions, especially those embodied in the law, so that they could best fit for

the North's situation in the process of unification.

How to design an end state of international institutions in this region after Korean unification is still an open question. The Korean Peninsula has been the bone of contention among the major powers and every one of which has been engaged in at least one of the wars against the other to extend its sphere of influence to the Peninsula—the Sino-Japanese, the Russo-Japanese, and the Korean Wars. The economic potential of this region has not been fully cultivated partly due to Korean division and Korean unification will open a new window of opportunity for mutual peace and prosperity in this region. To prevent another war involving the Peninsula which will accompany even nuclear weapons and to bring the economic vitality to fruition, an international institution for regional peace and prosperity is needed. The unified Korea will also be in a good position to promote regional cooperation because it not only sits at the center of the region but also poses no direct threat to any of neighboring countries.

Park Geun-hye administration's Northeast Asia Peace and Cooperation Initiative aiming to emulate the Organization for Security and Cooperation in Europe (OSCE) can serve as a starter to design an international institution in this region. The international institution that I would term 'Organization for Peace and Prosperity in North East Asia (OPPNEA)' will include the unified Korea and such regional countries as Australia, Canada, China, Japan, Mongolia, New Zealand, Russia, and the U.S.

III. Institutions in the Process

The goal is clear now: to transition North Korean institutions to those of democracy and market economy. There can be various ways to reach the goal. But whatever way is taken, institutions can serve as a critical tool to reach the goal.

Regarding domestic regime transition, two kinds of processes have been suggested. The shock therapy, which is known as the Washington Consensus because it is preferred by the World Bank and the IMF located in Washington, D.C., aims to achieve the transition of both political and economic institutions in a short period of time whereas the evolutionary approach attempts to begin economic transition and gradually extend it to political transition through a longer period of time.

The transition process can be juxtaposed with the three stages of the ROK's KNCUF. The Formula consists of three stages of, in order, Exchange and Cooperation, South-North Confederation, and Complete Institutional Unification. When the Formula was first proposed on September 11, 1989, transitions in Eastern Europe were not yet complete and the fall of Berlin Wall and ensuing German unification were not in clear sight. In these circumstances, bringing the institutional unification upfront was seen as confrontational. So the ROK had to propose an evolutionary approach and push back institutional unification to the last stage.

But, things are quite different now. North Korean institutional system lost its ideological and practical grounds and its transition cannot be denied any longer. What matter now are how urgent the transition is

and whether we can manage the transition process or not. That is, the three stages need not to be in order and we can jump into the most appropriate stage as far as we can manage.

The urgency of North Korean transition is out of question. First of all, North Korea is laden with so many problems that call for urgent resolutions. According to the Report of Commission of Inquiry on North Korea, 'systematic, widespread and gross human rights violations have been and are being committed (and) in many instances, the violations found entailed crimes against humanity based on State policies.' There are several millions of separated families across the DMZ who are still in agony missing their loved ones and hometowns. North Korean nuclear development is threatening the security of the ROK, other regional countries, and the international nonproliferation regime. Economically, North Korean economic growth rate of close to zero percent means that we lose every year the North's potential growth rate if it had adopted market economy, which I estimate around 20 percent. The resulting increase of South-North income gap is shifting the burden of lifting up North Korean income level to South Koreans in the process of unification. Socioculturally, Korean identity between the two sides has been weakening to the point where North Korean defectors in the ROK find difficulty in communicating proficiently and continued ill nourishment in the North is causing differences in stature between Koreans in the South and the North. The list can go on and on to support the urgency of Korean unification. Then, should we wait until each of these problems is resolved individually before we begin to bring up the issue of Korean unification? Or should we change tacks and resolve all these problems in the process of Korean unification? To me,

the latter appears to be more plausible.

Thus, the determining factor should be manageability of the transition process. The feasibility of shock therapy for North Korean transition is supported by such facts that many former socialist countries successfully transitioned to democracy and market economy in this way, that North Korea is free from such complicating factors as tribal and religious conflicts, that rich human and natural resources in the North will be attractive enough to lure foreign direct investments, and that expected supports from the ROK and the international community can ameliorate the North's difficulty.

If many Koreans in either the South or the North are not in favor of the option, an interim institutional arrangement such as confederation can be employed. In this context, the confederation institutions could be designed in a way that can mitigate the two aspects of the shock therapy by incorporating those of evolutionary approach. One is to loosen the tempo or speed of the transition for the duration of interim confederation. The other is to narrow the extent of transition to economy first and then expand it to politics. This 'interim' confederation is different from the North's Confederation as the end state. It is not the same as the Confederation Stage of the ROK's unification formula because it would undertake major institutional transitions in the North rather simply 'preparing' for the institutional unification. To use another analogy, I would liken it more to the Ten-Point Proposal of Chancellor Helmut Kohl in German unification than one state two system formula for Chinese unification.

Even for the case of evolutionary approach, institutions can serve as an indispensable tool to manage the transition process. In an extreme

case, South Korean institutions can be implanted into the North one at a time and there is a possibility that the transition process can backslide. So, in order to lock the transition process and prevent the North from defection from the transition, any progress should be institutionalized. This institution centered approach on the initiation of unification process is also in some distance from the first, Exchange and Cooperation Stage of the ROK's unification formula because it deals with the institutional unification as the primary agenda rather than simply 'confidence building.'

Whatever approach is taken, it should be always made sure that the transition is mainly for North Korea and South Korean institutional change will be limited to such areas that are necessary to accommodate the transition in the North. This is so simply to minimize instability in the vortex of North Korean transition.

Thus far, I implied some caveats of the ROK's unification formula, revision of which is now being discussed in the policy circle of the ROK. However, I do not mean to suggest that the unification formula should be amended because if we are mired in the time consuming rhetorical discussion it could distract our concentration on the North's institutional transition. I believe the formula is still applicable to the institution centered approach for Korean unification.

In order to support the North Korean transition and Korean unification, various arrangements of international institutions can be considered. Korean unification is sovereign intra-Korean affairs and there is little room for institutional foreign engagement. Unlike Germany which, because it was held accountable for World Wars I and II, was divided by the Potsdam Agreement and unified by the Treaty on the Final Settlement with Respect to Germany (as known as the Two Plus Four

Agreement), Korea, which was suffering from undue annexation by Japan, was supposed to become independent in unity as early as possible. It means that it is up to Koreans themselves to resolve their own sovereign task of achieving unification. Nevertheless, the international community, particularly the four neighboring major powers, could work out an international institution in support of Korean unification. In that regard, I would propose the OPPNEA be launched before Korean unification with the ROK and North Korea participating separately until unification.

In addition, there are individual issues that call for separate institutional arrangements from the umbrella international institution. What comes first is the issue of North Korean nuclear development. Because it constitutes a direct and serious threat not only to the ROK but also to other neighboring countries and the international community as a whole, it has been drawing worldwide attention for a long time. As a means to resolve the issue, the Six Party Talks was set up in 2003. It has not been held since 2008 and currently its resumption is being debated. But even if it were resumed its effectiveness would remain questionable. I might add here that the deputy minister level is too low to be effective and should be upgraded to either minister or summit level to effectively deliver its mandate of North Korean denuclearization.

Another critical issue is North Korean human rights violations. These days the issue is considered to be at the intersection of state sovereignty and universality of human rights protection. The notion of the Responsibility to Protect, which was developed under the auspices of the UN, merits a special attention regarding protection of North Korean human rights because it significantly extends the role of international community across the shield of state sovereignty. Considering the

universal nature of the issue, it would make more sense if we made use of the existing international institutions like the UN Commission on Human Rights and the International Criminal Court. With regard to protecting North Korean human rights, the ROK is in unique position because North Koreans are lawful citizens of the ROK under its Constitution, which means that the responsibility of the ROK to protect North Koreans is more direct and significant than that of the international community in general.

Still another issue is how to finance the reconstruction and development of North Korea and beyond during and after unification. We will have to determine whether we will commission the task to the existing Asia Development Bank or establish a new regional finance institution like the European Bank for Reconstruction and Development (EBRD).

IV. Theoretical Aspects

Theoretically speaking, inter-Korean relations is international relations in nature in the sense that both the two relations operate under anarchy where there is no commonly accepted higher authority than each entity itself. In this anarchy, Koreans are endeavoring to achieve peaceful unification which is, at least officially, common good for all Koreans and their neighbors. After all, Korean unification simmers down to the question of 'cooperation under anarchy' in international relations theory.

To what extent international cooperation is feasible under anarchy is a pivotal issue between realists and liberals. For the case of inter-Korean relations, realists might highlight inter-Korean conflicts such as the Korean

War and other numerous provocations from the North to the South still counting-sinking South Korean warship with 46 marines and bomb shelling on Yeonpyeong Island. They would also look at the Korean unification as a survival game which leaves little room for mutual cooperation.

In contrast, liberals would emphasize the positive side of inter-Korean relations including the two rounds of inter-Korean summit, endurance of Gaeseong Industrial Complex, growth of inter-Korean trade when the two Koreas were conciliatory, and agreements of other inter-Korean projects. They tend to define Korean unification as a win-win game which allows wider window of opportunity.

The game of Korean unification involves both aspects of conflict and cooperation just like ordinary international relations. But it is more complicated than ordinary international relations in that its final goal is unification which by definition looks for more than a status quo or peaceful coexistence. At the same time the ROK has to guard against the possibility that the North might pursue unification under its own terms.

So, all in all, we can safely say that cooperation in inter-Korean relations is harder to come by than in ordinary international relations. That is why inter-Korean cooperation such as exchange and trade is lagging far behind those between the ROK and other neighboring countries.

With this in mind, how can we theoretically understand and explain Korean unification as cooperation under anarchy? Until today, theoretical discussions on Korean unification have been dominated by 'functionalism' in echo with the policy direction of previous administrations in the ROK. The functionalist approach claims that if the two Koreas promote

politically less sensitive issue areas such as economic and cultural exchange and trade between them, through the accumulation of confidence, it will lead to inter-Korean cooperation in more sensitive issue areas like security and institutional unity.

It turned out, however, that it was not the case in recent history of inter-Korean relations. It can make sense in European integration where all member countries share mature democracy and market economy and are free from security concerns thanks mainly to the security umbrella of the NATO. But in inter-Korean relations these conditions are not in existence. As a result, little progress has been made in inter-Korean relations and we are not sure how long it will take to move from the Exchange and Cooperation Stage to the next South-North Confederation Stage, not to mention to the final Complete Institutional Unification Stage.

As an alternative, I find the new institutionalism to be more promising for Korean unification. On the one hand, it will enable us to better understand North Korean society and the international community which are constructed upon numerous sets of institutions, official and non-official. What are the problems of North Korean institutions, how durable are they, or what would be the consequences-these are the kinds of questions we can ask about North Korea in terms of institutionalism.

On the other hand, it will provide us with a tool to manage the task of Korean unification. As we have seen so far, institutions play the central role in Korean unification. In many cases we are in need of designing institutions so that we can help the North develop as fast as possible while maintaining stability throughout the process of unification. As the theory suggests, both the institutions in the end state

and in the process will be the 'rational choice' of all Koreans.

In the end, functionalism and institutionalism, both of which belong to the liberal tradition of international relations theory, are not necessarily in conflict with each other. Functional activities can be reinforced when they are institutionalized while institutions can be translated into outcome through confidence building activities as is advocated by functionalism. Korean unification is a process of creating a new and better nation through the institutional transition to well-functioning democracy and market economy in the North.

Upgrading Seoul's North Korea Policy

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Upgrading Seoul's North Korea Policy

No North Korea policy has ever been successful or effective when it comes to how to stop North Korea's nuclear ambition and how to promote its reform. It is said that a North Korea policy is a choice among a bad policy, a worse policy, and the worst policy.

Needless to say, any North Korea policy would fail if the North closes the door and takes hostile position against the South at any rate believing that it serves best for its political stability. In fact, the failure of North Korea policy is attributed to North Korea itself. However, there also seems to be several reasons for the failure of South Korea and the international community to come up with an effective North Korea policy, and this paper is to figure out what those reasons are and how to upgrade North Korea policy.

I. Reasons for the Failure in Developing an Effective North Korea Policy

▶ A dramatic shift of Seoul's North Korea policy from one extreme to the other

There are two competing views on how to make a unified Korea. Some people think that unification is neither desirable nor likely at the moment, since unification may incur tremendous financial costs, and the ideologies and institutions of the two Koreas are vastly different from each other. They push back unification further into the future, although they do not necessarily deny it.

In the meantime, they are more interested in managing the division peacefully rather than promoting unification. It has been rooted in an optimistic view that large-scale inter-Korean exchange and economic cooperation will lead to change in North Korea. However, even a dramatic increase in inter-Korean economic cooperation in the 2000s was not able to stop North Korean nuclear program or ensure irreversible progress in the inter-Korean relations. Such engagement policy is often dubbed as a “North Korea policy without unification policy.”

Other people believe that the collapse of North Korea is inevitable, although it is not certain when it may happen. Unification may come suddenly after the collapse of North Korea. Accordingly, engaging North Korea and providing economic aid only contribute to delaying its collapse. “Strategic patience” faced criticisms of being negligent towards North Korea without any sincere attempts to deal with the North Korean issue, especially in the face of growing insecurity and need for tension alleviation.

The two competing views on unification led to extremely different North Korea policies. When a new government took office, Seoul's North Korea policy has shifted from one extreme to the other: soft policy to hardline policy, and vice versa. This dramatic shift made the supporters of the previous policy oppose the new policy, resulting in a so-called South-South conflict. It also takes time to articulate the new policy to North Korea and the international community.

► **Failure to make an international consensus on North Korea policy**

The U.S., South Korea, and China, in turn, have contributed to the survival of North Korea after the end of the Cold War, but there are reasons why the three countries failed to induce changes in North Korea and stop its nuclear development.

First, they believed that either economic assistance or economic sanctions could lead to North Korea's abandonment of its nuclear program, while they do not have accurate understanding of North Korea's intentions. North Korea had taken an ambiguous attitude towards its development of nuclear weapons in the 1990s and has maintained the ambiguity about the possibility of giving up the nuclear development since 2002. During this period, the international community has wasted time putting much effort in the negotiations with North Korea based on vague expectations. However, the North had declared itself a nuclear-weapons state in 2013 and stressed that its nuclear program is non-negotiable.

Second, they have underestimated the regime's durability and have

not taken the North Korean issue seriously, thinking that threats posed by North Korea's nuclear development and provocation will be resolved with the collapse of the regime. However, even under difficult economic conditions, the North has managed to sustain its regime by exercising strong control and allowing a certain level of market system. Resources have been concentrated in the core part of the regime leaving the peripheral part as it is. In other words, resources have been focused on powerful state institutions including the ruling Party, military and State Security Department, capital city of Pyongyang, and key industries such as arms industry, while other regional provinces, people's economy, and non-powerful organizations have not been taken care of.

Different views over North Korea's intention and durability hindered international collaboration and establishment of an efficient policy. South Korea had been left out during the attempt to address the North Korean nuclear issue through the dialogues between the U.S. and North Korea in the 1990s. In the 2000s, South Korea's efforts to improve inter-Korean relations had not been supported by the U.S. Also, China has been complaining about South Korea's North Korea policy since 2008.

II. Suggestions for a New North Korea Policy

▶ The international community to speak with one voice

The key to an efficient North Korea policy is to share an accurate analysis of North Korea's intentions and speak with one voice through policy collaboration. It is expected that policy collaboration among South

Korea, the U.S., and China will play an essential role in solving the North Korean nuclear issue. As there is no sign of good faith from North Korea regarding improvement of inter-Korean relations and denuclearization, it is important to make gradual progress settling the situations surrounding the region rather than making hasty decisions. Above all, on top of the strengthened ROK-U.S. alliance, China's firm stance needs to gain momentum, so that it can lead to sustainable policy change.

▶ A bipartisan North Korea policy of the South

It is impossible to implement North Korea policy successfully without a national consensus. Approval rating of the overall performance of the President is closely related to the rating of the administration's North Korea policy. A black and white differentiation between "unification policy without North Korea policy" and "North Korea policy without unification policy" should be converged into a "unification-oriented North Korea policy":

- North Korea policy should aim to build trust with North Korea "as it is" rather than promoting drastic change in the North Korean regime.
- Goals and policy directions are very clear under "unification-oriented North Korea policy." Beyond peaceful management of the division, establishing a unified Korea should be pursued.
- Various policy measures need to be developed to induce change in North Korea with patience.

- * Although humanitarian aid is provided to the North mostly for reconciliation between the two Koreas, it also contributes to recovering the homogeneity between the South and North Korean people from the perspective of unification.

► **Myth of economic leverage as policy means towards the North**

South Korea's economic superiority has been the major policy leverage against the North since the end of Cold War; for instance, weighing how much economic aid should be provided to the North, or whether economic pressure is necessary. However, it turned out that an economic leverage has certain limitations to change North Korea's behavior, although its validity cannot be completely denied. North Korea policy should not be a choice between engagement and sanctions. While unification-oriented North Korea policy aims to achieve the grand goal of unifying the two Koreas, what we need to do is to take a step by step approach. Start with small but achievable tasks and then move forward to the next step if they are successful. This process will in the end lead us to the end goal of unification.

최근 발간자료 안내

연구총서

2012-01	미국의 對韓 핵우산정책에 관한 연구	전성훈	14,000원
2012-02	북한부패와 인권의 상관성	김수암 외	11,000원
2012-03	보호책임(R2P) 이행에 관한 연구	이규창 외	11,000원
2012-04	EC/EU사례분석을 통한 남북 및 동북아공동체 추진방안: 유럽공동체 형성기를 중심으로	손기웅 외	14,000원
2012-05	김정은체제의 권력엘리트 연구	이교덕 외	13,000원
2012-06	독재정권의 성격과 정치변동: 북한 관련 시사점	박형중 외	11,000원
2012-07	북방삼각관계 변화와 지속: 북한의 균형화 전략을 중심으로	허문영, 유동원, 심승우	10,000원
2012-08	북한 핵문제의 전망과 대응책: 정책결정모델(Decision Making Model)을 이용한 전략 분석	홍우택	8,000원
2012-09	중국의 한반도 관련 정책연구기관 및 전문가 현황분석	전병곤, 양갑용	6,000원
2012-10	2000년대 대북정책 평가와 정책대안 '동시병행 선순환 모델'의 원칙과 과제	박종철 외	12,500원
2012-11	리더십교체기의 동북아 4국의 국내정치 및 대외정책 변화와 한국의 통일외교 전략	배정호 외	11,500원
2012-12	김정은 정권의 정책전망: 정권 초기의 권력구조와 리더십에 대한 분석을 중심으로	최진욱, 한기범, 장용석	7,500원
2012-13	신정부 '국가전략 DMZ 평화적 이용'	손기웅 외	8,000원
2013-01	남북러 가스관과 동북아 에너지 협력의 지정학	이기현 외	6,000원
2013-02	한국의 FTA전략과 한반도	김규륜 외	8,500원
2013-03	김정은 체제의 변화 전망과 우리의 대책	박종철 외	10,000원
2013-04	EC/EU사례분석을 통한 남북 및 동북아공동체 추진방안 - EC기 분석을 중심으로 -	손기웅 외	12,000원
2013-05	오바마-시진핑 시대의 동북아 국가들의 국내정치 및 대외정책과 한국의 대북 및 통일외교	배정호 외	11,000원
2013-06	북한사회 위기구조와 사회변동전망: 비교사회론적 관점	조한범, 황선영	6,000원
2013-07	인도적 지원을 통한 북한 취약계층 인권 증진 방안 연구	이규창 외	12,500원
2013-08	새로운 세대의 탄생: 북한 청소년의 세대경험과 특성	조정아 외	15,000원
2013-09	북한의 핵·미사일 대응책 연구	홍우택	6,000원
2013-10	북한에서 국가재정의 분열과 조세 및 재정체계	박형중, 최사현	7,000원
2013-11	북한경제의 비공식(시장)부문 실태 분석: 기업활동을 중심으로	임강택	11,000원
2014-01	북·중 간 인적 교류 및 네트워크 연구	이교덕 외	7,500원
2014-02	북한변화 촉진 및 남북친화성 증대: 이론발굴과 적용모색	박형중, 박영자	7,500원
2014-03	북한 비공식 경제 성장요인 연구	김석진, 양문수	9,000원
2014-04	신동북아질서 시대의 중장기 통일전략	성기영 외	7,000원
2014-05	'행복한 통일'로 가는 남북 및 동북아공동체 형성을 위한 통합정책: EC/EU 사례 분석을 통한 남북 및 동북아공동체 추진방안	손기웅 외	6,000원
2014-06	탈북청소년의 경제 경험과 정체성 재구성	조정아, 홍민, 이희영, 이향규, 조영주	14,000원

2014-07	한국의 대북 인권정책 연구	한동호	6,000원
2014-08	법치지원과 인권 증진: 이론과 실제	이금순, 도경옥	8,000원
2014-09	신뢰정책의 과제와 추진전략	박영호, 정성철 외	11,000원
2014-10	대미(對美)·대중(對中) 조화외교: 국내 및 해외 사례연구	김규륜 외	10,500원
2014-11	북한의 핵전략과 한국의 대응전략	정영태, 홍우택 외	12,000원
2014-12	중국의 주변외교 전략 연구: 중국의 대북정책 결정에 대한 함의	이기현, 김애경, 이영학	7,000원

학술회의총서

2012-01	The Outlook for the North Korean Situation & Prospects for U.S.-ROK Cooperation After the Death of Kim Jong-il		6,000원
2012-02	김정은 체제의 북한 인권문제와 국제협력		19,000원
2012-03	해외 이주 난민 지원제도의 시사점		12,000원
2013-01	유엔 인권메커니즘과 북한인권 증진방안		20,000원
2013-02	한반도신뢰프로세스 추진전략		19,000원
2014-01	한반도 평화통일, 어떻게 만들 것인가? -제네바 합의 이후 20년의 교훈과 과제		19,000원

협동연구총서

2012-11-01	북한 경제발전을 위한 국제협력 프로그램 실행방안(총괄보고서)	임강택 외	11,000원
2012-11-02	북한 부패실태와 반부패 전략 국제협력의 모색	박형중 외	10,000원
2012-11-03	북한 경제발전을 위한 국제협력체계 구축 및 개발지원전략 수립 방안	장형수 외	8,000원
2012-11-04	북한의 역량발전을 위한 국제협력 방안	이종무 외	8,000원
2012-11-05	북한의 인프라 개발을 위한 국제사회 협력 프로그램 추진방안	이상준 외	8,000원
2012-12-01	한반도 통일 공공외교 추진전략(I) - 공공외교의 이론적 조명과 한반도 주변4국의 對한국 통일 공공외교(총괄보고서)	황병덕 외	13,500원
2012-12-02	공공외교의 이론적 조명과 주변4국의 한반도통일 공공외교 분석틀	김규륜 외	8,500원
2012-12-03	미국의 對한국 통일 공공외교 실태	박영호 외	9,500원
2012-12-04	중국의 對한국 통일 공공외교 실태	이교덕 외	7,500원
2012-12-05	일본의 對한국 통일 공공외교 실태	이진원 외	8,000원
2012-12-06	러시아의 對한국 통일 공공외교 실태	여인근 외	7,500원
2013-26-01	한반도 통일 공공외교 추진전략(II) - 한국의 주변4국 통일공공외교의 실태 연구(총괄보고서)	황병덕 외	14,000원
2013-26-02	한국의 對미국 통일 공공외교 실태	박영호 외	8,000원
2013-26-03	한국의 對중국 통일 공공외교 실태	전병근 외	7,500원
2013-26-04	한국의 對일본 통일 공공외교 실태	이기태 외	8,000원
2013-26-05	한국의 對러시아 통일 공공외교 실태	조한범 외	6,000원

논총

통일정책연구, 제21권 1호 (2012)	10,000원
<i>International Journal of Korean Unification Studies</i> , Vol. 21, No. 1 (2012)	10,000원
통일정책연구, 제21권 2호 (2012)	10,000원
<i>International Journal of Korean Unification Studies</i> , Vol. 21, No. 2 (2012)	10,000원
통일정책연구, 제22권 1호 (2013)	10,000원
<i>International Journal of Korean Unification Studies</i> , Vol. 22, No. 1 (2013)	10,000원
통일정책연구, 제22권 2호 (2013)	10,000원
<i>International Journal of Korean Unification Studies</i> , Vol. 22, No. 2 (2013)	10,000원
통일정책연구, 제23권 1호 (2014)	10,000원
<i>International Journal of Korean Unification Studies</i> , Vol. 23, No. 1 (2014)	10,000원
통일정책연구, 제23권 2호 (2014)	10,000원
<i>International Journal of Korean Unification Studies</i> , Vol. 23, No. 2 (2014)	10,000원

북한인권백서

북한인권백서 2012	김수암 외	19,500원
<i>White Paper on Human Rights in North Korea 2012</i>	손기웅 외	23,500원
북한인권백서 2013	조정현 외	24,000원
<i>White Paper on Human Rights in North Korea 2013</i>	조정현 외	23,000원
북한인권백서 2014	한동호 외	24,000원
<i>White Paper on Human Rights in North Korea 2014</i>	한동호 외	23,000원

기타

2012	탈북자 관련 국제조약 및 법령	이규창 외	19,500원
2012	북한인권 이해의 새로운 지평	북한인권연구센터 편	20,500원
2012	알기쉬운 통일교육: 해외한인용	허문영 외	30,000원
2012	통일대비를 위한 대북통일정책 모색(통일대계연구 12-01)	박형중 외	15,000원
2012	통일한국에 대한 국제적 우려해소와 편익: 지역 및 주변국 차원 (통일대계연구 12-02)	박종철 외	14,000원
2012	Korean Unification and a New East Asian Order (Grand Plan for Korean Unification 12-03)	최진욱 편저	6,000원
2012	Korean Peninsula Division/Unification: From the International Perspective Kim Kyunyon, Park Jae-Jeok		13,000원
2012	중국의 국내정치 및 대외정책과 주요 국가들의 대중국 전략 배정호, 구재희 편		22,000원
2012	China's Domestic Politics and Foreign Policies and Major Countries' Strategies toward China	Bae Jung-Ho, Ku Jae H.	22,500원
2012	통일 비용 편익의 분석모형 구축(통일 비용 편익 종합연구 2012-1) 김규륜 외		11,500원
2012	'선도형 통일'의 경로와 과제(통일 비용 편익 종합연구 2012-2) 김규륜 외		9,000원

2013	유엔 인권메커니즘과 북한인권	북한인권사회연구센터 편	18,000원
2013	중국 시진핑 지도부의 구성 및 특징 연구 (중국 지도부의 리더십 분석과 한중정책협력방안 2013)	전병곤 외	9,000원
2013	통일 이후 통합을 위한 갈등해소 방안: 사례연구 및 분야별 갈등해소의 기본방향	박종철 외	13,000원
2013	한반도 통일에 대한 동북아 4국의 인식 (통일외교 콘텐츠 생산(1))	배정호 외	16,500원
2013	알기 쉬운 통일교육III: 북한이탈주민용	조정아 외	11,000원
2013	알기 쉬운 통일교육III: 북한이탈주민용 수업지침서	조정아 외	6,000원
2013	민주화 및 양질의 거버넌스 수립: 북한 변화와 통일을 위한 시사점 (통일대계연구 13-01)	박형중 외	13,500원
2013	시장화 및 빈곤감소형 경제질서 수립: 북한 변화와 통일을 위한 시사점 (통일대계연구 13-02)	임강택 외	12,500원
2014	The Trust-building Process and Korean Unification (통일대계연구 13-03)	최진욱 편저	8,000원
2013	통일대계연구: 4년 연구 종합논의 (통일대계연구 13-04)	박형중 외	8,000원
2013	정치·사회·경제 분야 통일 비용·편익 연구 (통일 비용·편익 종합연구 2013-1)	조한범 외	17,500원
2013	The Attraction of Korean Unification: Inter-Korean and International Costs and Benefits (통일 비용·편익 종합연구 2013-2)	김규륜 외	15,500원
2013	한반도 통일의 미래와 주변 4국의 기대 (통일 비용·편익 종합연구 2013-3)	김규륜 외	10,500원
2013	전환기 중국의 정치경제 (통일대비 중국에 대한 종합적 전략 연구: 통일시대 한중관계 전망 2013-1)	배정호 외	15,500원
2013	China's Internal and External Relations and Lessons for Korea and Asia(통일대비 중국에 대한 종합적 전략 연구: 통일시대 한중관계 전망 2013-2)	Bae Jung-Ho, Ku Jae H.	17,500원
2013	중국의 대내외 관계와 한국의 전략적 교훈 (통일대비 중국에 대한 종합적 전략 연구: 통일시대 한중관계 전망 2013-3)	배정호, 구재희 편	16,500원
2014	중국 권력엘리트와 한중교류 네트워크 분석 및 DB화 (중국 지도부의 리더십 분석과 한중 정책협력방안(2014))	전병곤, 홍우택, 신종호 외	9,000원
2014	북한의 시장화와 인권의 상관성 (『북한인권정책연구』 2014)	북한인권연구센터	11,000원
2014	동북아 4국의 대외전략 및 대북전략과 한국의 통일외교 전략	배정호, 봉영식, 한석희 외	9,500원
2014	2014년 통일에측시계	박영호, 김형기	9,500원
2014	통일한국의 국가상과 한중협력 (통일대비 중국에 대한 종합적 전략 연구 2014-01)	배정호 외	15,500원
2014	China's Strategic Environment and External Relations in the Transition Period (A Comprehensive Strategic Study on China in Preparation for Korean Unification 2014-02)		

		Bae, Jung-Ho et al.	18,000원
2014	Global Expectations for Korean Unification (Research on Unification Costs and Benefits 2014-01)	Kyuryoon Kim et al.	19,000원
2014	Lessons of Transformation for Korean Unification (Research on Unification Costs and Benefits 2014-02)	Kyuryoon Kim et al.	15,500원
2014	한반도 통일의 효과 (통일 비용·편익 종합연구 2014-3)	김규륜 외	14,500원
2014	신통일대계 구현을 위한 구조분석(신통일대계2014)	허문영 외	12,000원
2014	통일교육 콘텐츠 개발 IV (1)	조정아, 박영자 외	7,000원
2014	통일교육 콘텐츠 개발 IV (2)	조정아, 박영자 외	22,000원
2014	'그린 데탕트'실천전략: 환경공동체 형성과 접경지역 DMZ평화생태적 이용방안 (그린데탕트2014)	손기웅 외	17,000원
2014	2014 남북통합에 대한 국민의식조사	박종철 외	12,000원

연례정세보고서

2012	통일환경 및 남북한 관계 전망: 2012~2013	7,000원
2013	통일환경 및 남북한 관계 전망: 2013~2014	7,000원

KINU 정책연구시리즈

비매품

2012-01	통일재원 마련 및 통일외지 결집 관련 국민의 인식	김규륜, 김형기
2012-02	2012년 상반기, 북한 정책동향 분석: 북한 매체의 논조를 중심으로	박형중 외
2012-03	러시아의 극동개발과 북한 노동자	이영형
2012-04	오바마 2기 행정부의 대 한반도 정책 전망	김장호 외
2012-04(E)	The Second Term Obama Administration's Policy towards the Korean Peninsula	Jangho kim
2012-05	중국 18차 당대회 분석과 대내외정책 전망	이기현 외
2013-01	북한 지하자원을 활용한 DMZ/접경지역 남북 산업단지 조성방안	손기웅 외
2013-02	박근혜정부의 대북정책 추진 방향	최진욱 외
2013-03	박근혜정부의 통일외교안보 비전과 추진 과제	최진욱 외
2013-04	유엔조사위원회(COI) 운영 사례 연구	김수암 외
2013-05	Trustpolitik: 박근혜정부의 국가안보전략 - 이론과 실제 탐색연구 -	박형중 외
2013-06	서독의 대동독 인권정책	인지호 외
2013-07	2013년 북한 정책 논조 분석과 평가	박형중 외
2013-09	김정은 정권의 대남 긴장조성: 2013년과 향후 전망	박영자 외
2013-10	국내불안과 대외도발: 북한에 대한 적용 가능성 탐색	정성철
2013-11	2013년 북한 핵프로그램 및 능력 평가	김동수 외
2013-14	유라시아이니셔티브 구현을 위한 한러 협력 방안	조한범 외
2014-01	농업분야의 지속가능한 대북지원 및 남북 협력방안 모색	임강택, 권태진

북한인권: 국제사회 동향과 북한의 대응		비매출
2012	북한인권: 국제사회 동향과 북한의 대응, 제7권 1호	손기응 외
2012	북한인권: 국제사회 동향과 북한의 대응, 제7권 2호	손기응 외
2013	북한인권: 국제사회 동향과 북한의 대응, 제8권 1호	이금순 외
2013	북한인권: 국제사회 동향과 북한의 대응, 제8권 2호	이금순 외
2014	북한인권: 국제사회 동향과 북한의 대응, 제9권 1호	이금순 외

Study Series		비매출
2012-01	Study of Disciplinary Problems in the North Korean Army	Lee Kyo Duk, Chung Kyu Sup
2012-02	The Quality of Life of North Korean: Current Status and Understanding	Kim Soo Am et al.
2012-03	Basic Reading on Korean Unification	Huh Moon Young et al.
2013-01	Study on the Power Elite of the Kim Jong Un Regim	Lee Kyo Duk et al.
2013-02	Relations between Corruption and Human Rights in North Korea	Kim Soo Am et al.
2013-03	Easing International Concerns over a Unified Korea and Regional Benefits of Korean Unification	Park Jong Chul et al.
2013-04	'Peaceful Utilization of the DMZ' as a National Strategy	Son Gi Woong et al.
2014-01	Korea's FTA Strategy and the Korean Peninsula	Kim, Kyuroon et al.
2014-02	The Perceptions of Northeast Asia's Four States on Korean Unification	Bae, Jung-Ho et al.
2014-03	The Emergence of a New Generation: The Generational Experience and Characteristics of Young North Koreans	Cho, Jeong-ah et al.
2014-04	Geopolitics of the Russo-Korean Gas Pipeline Project and Energy Cooperation in Northeast Asia	Lee, Kihyun et al.
2014-05	Fiscal Segmentation and Economic Changes in North Korea	Park Hyeong Jung, Choi Sahyun

기타		
2014	북핵일지 1955~2014	조민, 김진하

통일연구원 定期會員 가입 안내

통일연구원은 민족공동체 실현을 위한 국민 역량을 축적하고 통일환경 변화에 적극적 주도적으로 대응할 수 있도록 통일문제에 관한 제반 사항을 전문적, 체계적으로 연구하고 있습니다. 본원의 연구성과에 관심이 있는 분들에게 보다 많은 정보와 자료를 제공하고자 연간 회원제를 운영하고 있습니다.

연간 회원에게는 간행물을 우편으로 우송해 드리며 각종 학술회의에 참석할 수 있는 혜택을 드립니다.

1. 회원 구분

- 가) 학생회원: 대학 및 대학원생
- 나) 일반회원: 학계나 사회기관소속 연구 종사자
- 다) 기관회원: 학술 및 연구단체 또는 도서관

2. 가입방법

- 가) 「회원 가입신청서」 작성
- 나) 신한은행 140-002-389681(예금주: 통일연구원)으로 계좌입금
- 다) 연회비: 학생회원 7만원, 일반회원 10만원, 기관회원 20만원

3. 회원 특전

- 가) 연구원이 주최하는 국제 및 국내학술회의 등 각종 연구행사에 초청
- 나) 연구원이 발행하는 정기간행물인 『통일정책연구』, *International Journal of Korean Unification Studies*, 단행본 시리즈인 연구총서, 학술회의총서, 협동연구총서 등 우송
- 다) 도서관에 소장된 도서 및 자료의 열람, 복사이용
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