

RECONCILIATION OR NORMALIZATION IN KOREA

Hans Maretzki

As a divided country with an indispensable right to unification, Korea exists in status quo of two states, originating from the split into two intransigent and irreconcilable systems. Axiomatically, national joining with systemic oneness is not possible, excluding a hybrid of two orders in one national country. Until one of the two systems disappears, both states should arrange with each other for good neighborly relations in the interest of peace, cooperation and a future democratic unification. That demands for the time being a rational *modus vivendi* of coexistence between the two states, with mutual recognition of their sovereign equality, independence and integrity. Of great importance is a decision to solve all Korean problems between the two Korean sides themselves, based on a feasible new Basic Accord; a pragmatic peace agreement; understandings on armaments reduction and enhanced mutual security; and expanding intergovernmental and economic cooperation. The sunshine policy failed to put due emphasis on the major necessity: an interstate normalization between the Koreas as a basis for a stable juridical framework for all forms of mutually beneficial exchanges, leaving aside the unsolvable contest for regime legitimacy.

A foreign observer cannot but discover some peculiarities in inter-Korean relations. That raises the question of why the two Koreas pursue reciprocally unique approaches. I would like to propose four possible explanations.

Beginning at the end. The two Korean states of same nation personify two incompatible worlds. It goes without saying that the political and socioeconomic systems, the social orders, and the ideological values are absolutely intransigent and unacceptable to each other, notwithstanding the proclaimed and agreed policy of mutual reconciliation between the two Koreas, which has the gist of political harmonization (in the words of Seoul experts, “principles of fraternity” or “compatriotic love”) instead of a rational normalization and rapprochement. Nobody has defined what reconciliation means, but in the case of two contesting system states it is not realistic policy. Political reconciliation requires an equal systemic basis, similar creeds, high mutual trust, and extended compromises, and is an indispensable part of normal relations.

In the same vein, the two Koreas should seek normal interstate relations including beneficial cooperation, not reconciliation or fraternization and not a particular mutual trust. What both Korea first need is a regular interstate status to overcome their mutual distrust by non-recognition as full-fledged states. Without interstate normality there is no contractual juridical framework for their exchanges, adjusted to the rules of international law. Negating each other’s sovereignty and juridical (not moral) legitimacy restricts the chances to act as equal states, and to agree on treaties that reconcile their different interests. The described relationship does not work if communist or anticommunist stereotypes are applied.

It is debatable why three ROK presidents favored reconciliation with the DPRK instead of searching first for rationalized and consequential normality and rapprochement. North Korea was always calling for reconciliation too, but this position was unbelievable given its

Juche philosophy and its intention to gain through revolutionary subversion. Ideological fundamentalists follow the conviction that those not with them are against them. Principally it could be said that reconciliation is of highest value, and supposedly what politicians really stand for. In national unification, we would get an enormous actual reconciliation after the joining of the parts. Then with former Cold Warriors from both sides living under one national roof, the question would be how the democratic winners would deal with the losers from the opposing side.

Kim Dae Jung occasionally has stated that his policy aimed at a win-win fusion. All well-meaning conceptions for an amalgam that upholds essential elements of two inimical systems under one roof have no chance of success. All contests between capitalism and socialism end with a winner and a loser. United countries offer a win for all solely through the restoration of the nation's fatherland.

Refusing mutual recognition. Putting ideological creeds aside, both the ROK and the DPRK are regular states in the international community; both are UN members and subjects of international law. Each side maintains parallel diplomatic relations with most states (except for the DPRK's non-recognition by the USA and Japan). In contrast, the two Koreas do not recognize each other, treat the other side as a provisional administrative entity, and deny each other's normality. Both sides until now did everything to continue that anomaly under the pretext of their common belonging to one nation, but in fact that position is detrimental to better intra-national understanding, to say nothing about detente on the peninsula.

Despite many assertions to the contrary, under Kim Dae Jung's presidency inter-Korean relations have at no time had a normalized quality. The particular situation of mutual non-recognition and the negation of the other's sovereignty undermine cooperation on a legally binding basis. The absence of normalized¹ interstate relations with a respective juridical fundament, stipulated in a basic state treaty,

weakens the binding character of intergovernmental understandings and contracts and favors trends of non-compliance. The DPRK's simple disregard for the Joint Declaration of the Denuclearization of the Korean Peninsula from February 1992 serves as an example. Moreover, declarations are not the same as an interstate treaty.

Marginally stated rapprochement does not function as long as both Koreas continue to stick to their "sole representation demand." The constitutional documents of each side contain the claim to be the only legitimate state in Korea. The DPRK constitution states in article 1: "The Democratic People's Republic of Korea is an independent socialist state representing the interests of all the Korean people."² A similar view related to liberalism is contained in article 4 in the constitution of the Republic of Korea. Both sides have produced numerous documents counting all Koreans as their citizens and considering the other side as lacking sovereign qualities. There are also numerous contradictions with all inter-Korean declarations in the agreements of both Koreas with third parties.

The non-recognition between the DPRK and the ROK and the anomalies in the US-DPRK relations create existential misgivings in Pyongyang. The renewed strife over nuclear weapons since October 2002 (not unlike that of 1993) caused the DPRK to publish an official memo³ addressed to the USA and featuring the usual exaggerated militant wording. It claims that the DPRK needs to possess any type of weapons, nuclear ones included, "so as to defend its sovereignty and right to existence," adding that the DPRK "values sovereignty more than life." Here the point is not to assess the DPRK's military position, but North Korea is not directly faced with the USA, but with South

1 "Normalized" refers to the particular inter-Korean relations; normal would be adequate to interstate relations between different nation-states.

2 *A Handbook on North Korea*, Seoul 1998, p. 167.

3 "Conclusion of non-aggression treaty between DPRK and US called for," KCNA, October 25, 2002, www.kcna.co.jp/contents/25.htm.

Korea backed by the US. And the political crux in the quoted argument shows that the DPRK is stuck in a corner with little elbowroom. Exchanges of threats and demands in matters of arms control will scarcely solve the dispute. Also seen from that angle, it would be more helpful to get the two Koreas into a state of mutually recognized sovereignty, amended by diplomatic relations between the US and the DPRK, in that way creating the stage for reasonable understandings helpful to implement the de-nuclearization of the peninsula and to enhance the mutual security between the South (joined by the USA and Japan) and the North.

Korean problems are better solved by the Koreans themselves. Both Koreas claim to be, and are, sovereign states, but tend to transfer the solution of inter-Korean issues to outside powers. The inter-Korean agreements from 1972 and 1992 contain many unilateral declarations pledging to solve Korean problems by the Koreans themselves. However, neither country ever went seriously ahead with that principle (the summit gave no proof), nor took the other earnestly at its word. The phases of bilateral talks on detailed issues are not taken seriously.⁴ Solving the essence of the problems on the peninsula between the Koreans would be the only efficient way to progress. Normalized relations with the ROK could have saved the DPRK many differences that they have with the USA. There is no impediment to the South and North signing a bilateral peace agreement that the United States and China could guarantee. North Korea addresses the US on security issues, and the issue of arms control occupies relations between Washington and Pyongyang,⁵ regardless of the fact that all KPA weapons endanger

4 The 8th inter-Korean ministerial talks in October 20/22 happened some days after North Korea's uranium enrichment project became known. The ROK side demanded the DPRK to stick to the 1994 US-DPRK framework but met with reluctance. The news did not mention as an object of the dispute the noncompliance of the North with the inter-Korean "Joint Declaration on the Denuclearization of the Korean Peninsula" on February 17, 1992.

5 Since the uranium enrichment project in North Korea became known, American

South Korea and no one else seriously. Kim Dae Jung asked the EU states to establish diplomatic relations with the DPRK but got no benefit of improved inter-Korean relations. All detours not only brought no benefits, they eroded Pyongyang's disposition to look toward Seoul as the key to solving their problems. Pyongyang should also be guided by more rational diplomatic calculations. The North's preference to make the Korean rapprochement a hostage of its differences with the US will never lead to satisfying solutions.

A widespread opinion claims that the US is not interested in giving Seoul a free hand for bilateral Korean solutions for the essential problems on the peninsula. No one among the leading ROK politicians for more than a decade has tried to couple two things: using the unshakable Washington-Seoul alliance to convince the US of the advantages of supporting a firm bilateralism; and approaching the DPRK with proposals for normalization, military detente and management coexistence supported by the US and the whole West. Initially all participating actors would hesitate, but the obstacles are in no way insurmountable. Thorough analyzes would demonstrate the clear benefits.

Reality displacements in the content of inter-Korean agreements. The most outstanding example of this phenomenon is the third of the three principles on Korean reunification from 1972, sworn to again in 1992 and 2000, which says that "a great racial unity as one people shall be sought first, transcending differences in ideas, ideologies, and systems."⁶ This statement severs the issue of the national split from the existence of two irreconcilable socioeconomic systems. Following the illusion of reconciliation, the Basic Treaty 1992 proclaimed an end to the propaganda race; i.e. the rivalry with invective and disputes from contrasting positions. Contests from intransigent ideologies are not

authors have written a vast amount of articles dealing with the problem as if it were a bilateral one between the US and the DPRK and referred to the ROK under aspects of supporting the US positions.

6 "The July 4, 1972 South-North Joint Communiqué," www.unikorea.go.kr/m31.htm.

really going to calm down and the systemic conflict is not going to be appeased or annulled. All communications—via information media, social-cultural exchanges, family contacts and tourism—demonstrate conflicting perceptions. Notwithstanding that, conflicting states are able to cooperate peacefully in the realm of factual interests and juridical fixed contracts.

The methodology for arranging interstate crisis management is dialogue and juridical agreements. There is one *sine qua non* for the negotiators: to exclude all systemic strife and all emotional differences. It sounds like a matter of course, but many inter-Korean negotiations run aground on Jucheist ideological reservations and reciprocal traditional liabilities. Therefore much realism and empathy is needed.⁷ The non-adaptability in basic interests demands that a clear interdependence be established for the limited scope of complementary interests through basic regulations, that serve as the principal statutes for detailed bargains on a wide range of intergovernmental relations.

The basic condition of unification

Many peculiarities in inter-Korean relations result from the disjunction of a nation that incontestably belongs together. The Koreans believe that their incomparable strong patriotic feelings and national cohesion convey a strong right to reunification. However, the elimination of the split has two difficulties that are not easily surmountable.

One problem deals with the diagnosis of the division's onset. It

7 A foreign observer gets surprised by the widespread art of politicians and a certain group of experts to produce beautifying assessments about limited and not very serious changes in North Korea or in judging slight and instable steps forward in inter-Korean relations. Take such statement like that on Sept. 23, 2002 on the restoration work at the two DMZ corridors, which said that the reconnection of the railways will reduce military tension substantially.

originated in Korea from the alien systemic conflict instigated by the Soviet Union, and from the installation of a second socio-political order in North Korea—first a soviet-socialist system and soon a Kimilsungistic system. The division has been primarily not national but systemic in nature. Every procedure to end the split demands the restoration of systemic oneness. There can be no formation of national unity without establishing a political, socioeconomic and societal unity, if not uniformity.⁸ That is axiomatic, whether one may like it or not. Systemic divergence is much stronger than national brotherliness, in the abyss between communism and anticommunism. There is no earlier chance for unity before one of the two systems disappears. Why do many politicians in the ROK ignore that axiom in recent years with wishful thinking of an amalgam by confederation or other forms of a mixed community? There is no “third way” neutralizing the systemic conflict, and no dichotomy of two socioeconomic and political systems in one national unit is feasible.

The other point is a differing nationalism. There is a traditional all-Korean national feeling alive. In contrast, a Juche-nationalism has grown up, a DPRK-bound strongly marked sense of a separate identity founded on the ideology of Kimilsungism. One could state that Jucheists are Koreans, but equipped with a particular “revolutionary” nationalism. On the other side, the national consciousness in the South underwent thorough changes, effectuated by modernizations, liberalism and pluralism. After a formal unity, it will take decades to harmonize the nation anew. There is a discrepancy between traditional national beliefs and the harsh reality of two longtime intransigent identities. Brothers and sisters right and left of the gorge simply no longer bear the same socio-political features.

Again, the split originated from the two rival regimes. The intense

8 In this sense were the attempts in South Korea to invent a differentiation between *de facto* unification through growing cooperation and *de jure* unification by a constitutional joining.

consciousness of national cohesion on both sides and all respective emotions are not strong enough by far to bridge the dissent between a politically pluralistic market economy order and Juche socialism. All strife is between political, socioeconomic and ideological adversaries; such antagonists are not capable of reconciliation on a national basis. Thus all inter-Korean understandings with the proclaimed goal of reconciliation circumvented the essence of the conflict and consequently failed to become blueprints for feasible normalization. Although inimical systems are unable to unite, they must still be able to coexist and cooperate as different countries. Historically, the split is a temporary case but accompanied by a permanent choice: division with confrontation or with interstate normality. If national feelings could succeed in creating a parallel positive intra-national exchange, it would be no contradiction.

Many paths to unification are doubtlessly imaginable. The basic truth however is incontestable: unification is not possible without systemic oneness. Let's assume that a systemic amalgam—a hybrid of DPRK socialism and ROK capitalism - is sheer illusion. Regimes that negate each other are not at all compatible; they cannot compromise to become one entity. As states they are able to coexist, but as rival orders they are unfit to coexist in one national union.

The jointly declared intention of the summit in June 2000 to join the nation into one entity comprising two systems and two governments on equal and *pro rata* footing had no chance and deviated from realistic decisions for mutual normalization. Why then state point one of the Declaration: both sides “agreed to resolve the question of unification”? If one tried earnestly to unite, it immediately would become a harsh contest of both regimes to gain dominance, a situation pregnant for conflicts and for playing out all grave imbalances (economic, political, and military) on the peninsula. While the two sides disagree in all non-national interests, appeals do not calm down the strife. Korea is not ripe for reunification because neither one nor the other state order is

ready to resign in favor of the needed systemic unity, not voluntarily and not in any way compulsorily. A realistic contemplation should temporarily count on the further existence of the DPRK and not set too much expectation on changes coming from leadership-instigated transitions in North Korea.

Experts interpreted the goal of the summit underlining the sunshine policy, as cooperation but not unification. This was not an acute objective, and was not earnestly meant. The summit was more a habitual attempt to advocate a common unification formula. One may attribute that to diplomacy, but staying polite is not constructive. The DPRK side produces another impression, claiming to want real unity. However the amended conditions abrogate its credibility. In the last UN session, the DPRK delegate announced, “the June 15 North South Joint Declaration is ... intended to achieve national reunification...” and he stressed, “the Korean people will firmly defend the Korean-style socialist system chosen by themselves and achieve peace and reunification of the Korean Peninsula under the outstanding army-based leadership of Kim Jong Il...”⁹ That again is not more than diplomatic shadow-fighting.

All efforts for more inter-Korean engagement would gain important momentum with an explicit or at least tacit understanding to carry out all interaction while consciously leaving out actually unsolvable national unification considerations. The public presentation of such a policy has appeal as a realistic acknowledgement of the cardinal essence of the split. A unity will not emerge from declared intentions; it will succeed with a historic evolution towards a transition in the North. A widely disliked truth cannot be denied: every real dawning of unification supposes the collapse of one of the regimes, which should be kept out of inter-Korean dialogue. If the South Korean philosophy of national unity is a democratic one, every respective initiative should be

9 KCNA, Pyongyang, September 20, 2002, www.kcna.co.jp.

left to internal decisions of the people in the North, and in reference to the different character of the regimes, to a respective voting or other decision inside the North first and a corresponding popular expression of desire in the South afterwards.

On the meaning of coexistence in Korea

The notion of coexistence came into use in the framework of Sunshine Policy. Indeed, coexistence could help to manage an improvement for the present two-Korea situation. Such a policy serves to replace the confrontation of states in systemic contest with a rational peaceful arrangement, delimiting on the one hand insoluble conflicting interests and cooperating on the other hand in compensatory or mutually beneficial interests. Such indispensable principles as mutual respect of sovereignty and territorial integrity, noninterference in internal affairs, equality in political relations and a mutual renunciation on attacking the other side are well known.

The policy of coexistence came into application during the Cold War. It referred to defusing regulations between opponents who represented intransigent systems. Coexistence - although the notion was not much used in the West - was contrasted against a potential military conflict and considered to be a flexible detente policy. The socialist regimes sought to reach cooperative understandings to stabilize their situation while hiding their internal interpretation, in the hope of cementing the systemic East-West dichotomy. The real idea in the East was to gain a better chance for survival through a dual relationship: a regulated differentiation between the systems and a manifold exchange with reciprocal, but in their content very different benefits.

When the Warsaw Treaty states professed coexistence, Kim Il Sung joined them only with a reservation, saying that it was useful for international relations in general, but not applicable to the divided

parts of Korea. That statement demonstrated his stance arguing strictly for national unity according to his revolutionary scheme and disliking accepted *status quo* of two Koreas. In the meantime, the power balance changed weightily in favor of the ROK. Without the potential to determine unification, the DPRK's existence rests factually on defending the *status quo*, whether it admits it or not. For strengthening the peace in the presently unchangeable situation, it was Kim Dae Jung who started to plea for South-North coexistence. But he did that with the wishful thinking that it would help to reconcile the divided brothers and sisters.

Coexistence policy is a matter between separate states; they coexist because they are unable to join. In that sense, Kim Dae Jung's package of coexistence and unification was least irritating by mixing the two-Korea and one-Korea strategies. The formula "unification through coexistence" is not a feasible paradigm. Coexistence was and will in the future be focused on a *status quo* policy. But up till now the Sunshine Policy has hesitated to draw such a conclusion,¹⁰ notwithstanding that it freely called the policy a temporary approach, as long as tangible unification is not within reach.

Between two parts of a divided nation, a pragmatic decision renouncing any alteration of the *status quo* would have a high value. It would work as a decisive basis of reciprocal security, amended by measures of military detente. Soberly seen, coexistence is an agreed stance to handle the unchangeable fact. In the given situation, coexistence serves not for brotherly merger and does not grow out from embracing and euphemistic promises of a structural community. In particular, it eases a rational state-to-state rapprochement on a contractual basis. The relation functions by disregarding and shelving the

10 It does not suffice if the White Paper of the Ministry of Unification in Seoul assumes that the summit understood the need "to acknowledge the reality of the division or to recognize each other's system." See *White Paper*, www.unikorea.go.kr, October 2002, Library.

ongoing ideological and regime controversies. Insofar as two states of one nation are unable to adapt to each other, pragmatic behavior helps to respect the other's existential interest. It is a regulation that moderates the nation's segregation into an accommodating neighborhood.

The appliance of coexistence reduces confrontation and could help to normalize the inter-Korean relations. The first summit offered a chance to explain to the leader in Pyongyang the logics of coexistence as a *modus vivendi* for 'two-Korea interstate relations' and fundamental for manifold cooperation, but the occasion was missed. Presumably it was more helpful in the given constellation to take reunification temporarily out of the South-North dialogue. Not, of course, as a waiver of the most righteous demand, but as a realistic assessment of the momentous situation, balanced by a strict proviso to activate the reunion at due time, when a democratic vote for unification becomes possible.

The main argument favoring such an interim solution is the undeniable reality of the impossibility of reconciling the two systems. Again, we are faced with the abyss between liberal capitalism and jucheist socialism. You unify only by reducing everything to one system, a situation currently without chance. Some politicians and many experts in Korea had a hard time to acknowledge that the systemic split like that in the prior divided Germany poses an imperative choice. Those who want to keep two systems alive cannot but defend, in fact and irrespective of what they publicly propagate, the separation into two states. Those demanding national unity have inevitably to stand up for or agree with the reduction to one system and one state, notwithstanding all lyrical musings on national brotherliness, reconciliation and federation.

Political rationality and international law forbid a violent military solution and also any interference to initiate a collapse on the other side. Moreover, all sophisticated ideas to initiate socialization of the DPRK from outside (once called soft landing) have no chance. The

necessary long gradual transition is not transferable. The voluntary discovery of transition trends inside North Korea, as some experts like to do, is also not efficient and more of a myth. In addition, the leadership there does not want to reshape the DPRK, not with a sequence of reforms and not at all by crossing over into the world of liberalism and market capitalism. The northern recipient of fine-tuned recommended reforms will not agree to become an object of outside direction. A substantial change of North Korea presupposes an internal turn away from the Juche order by a majority of the people.

The core problem in all inter-Korean projects is to grasp the unavailability of systemic oneness in every type of joint statehood. Those trying politics that is not based in that logic deviate from reality or follow cryptic intentions. However, a rational and peace-loving policy cannot sit idle and wait for what the historic future offers. Peace and cooperation on the peninsula is urgent, and that argues for the strategic compromise of immediate normalization. To avoid a setback with recurrent tense confrontation demands proper calculation: either the conjuration of a patriotic but hopeless reconciliation, or an understanding for coexistence suited to cope easier with the contemporary status quo of division. Of course a successful normalization must be based on reciprocal juridical equality and not emotional standards. A respectful policy creates occasions to reduce the mutual anxieties by reciprocal reductions of threats.

The factually existing two Koreas face each other under an anomalous state of affairs. They try to balance it with makeshift arrangements, but a great deal of them proved to be ineffective. Supposed that the DPRK follows its fundamental interest in self-preservation: could the manifested readiness of the ROK for cooperative engagement offer enough arguments to convince the other side to enter into a policy of real inter-state normality? The sides have to overcome a profound embarrassment: apprehensions that the weaker party, plagued by its socioeconomic debility and technological deficiencies, will be plunged

into accelerated erosion. But a realistic understanding could equalize that risk and offer benefits from normality, eventually strengthening the DPRK's survival capacity for a certain period.

Coexistence politics is a venture, and not a cheap gift for the DPRK; it offers no assurance for an internal safe continuation of the regime, only an outer guarantee for the state's security. But for North Korea, the advantage seems greater than the risks. Promising benefits are substantial economic relief through much lower expenditures for military purposes, a wider scope of international economic and technical support, the improved international position of the regime, and the benefits of growing inter-Korean mutual confidence building. On the other side, the DPRK does not have to waiver much from its positions, because its real behavior has been for a long time and remains truly a two-Korea course.

This, of course, would demand a reappraisal of North Korea's view on coexistence. Views like the 1993 ten points for national unity, where the third reads: "Unity should be achieved on the principle of promoting coexistence, co-prosperity and common interests and subordinating everything to the cause of national reunification,"¹¹ are still valid. That concept treated coexistence like neutrality (or political stand-still) between two systems in a confederation. In January 2001, the DPRK repeated the same: a beginning of reconciliation in side-to-side existence, and thereafter passing over into "the coexistence of different systems in one unified state."¹² But that belongs now into the basket of passed wishful thinking or tactical maneuvers. More sober was Kim Jong Il's statement during Koizumi's visit in Pyongyang about living "as nearest neighbors" and the intention "to promote coexistence and co-prosperity" with Japan.¹³

11 The 10-Point Program for The Great Unity of The Whole Nation for The Reunification of The Country, *KCNA*, April 7, 1993.

12 "On establishing Democratic Confederal Republic of Koryo - Best system for Reunification," www.dprkorea.com, January 2001.

Antipodal systems are never able to arrange neutralization; that should be understood for further inter-Korean dialogue. Socialism and liberalism compete with all admissible means, but the rivalry can be pacified, regulated, and freed from enormous costs. Two-Korea coexistence is not an ideal status, but a better substitute than mutual infliction of detriments and threatening the existence of the other state. Coexistence is by its nature not disturbance-resistant; a deep change of the situation like in 1989 in Germany may easily cause approval of the *status quo* to dwindle away. One has to take it as temporary stability.

Coexistence is by no means an agreement of mutual ideological tolerance. Agreed coexistence usually contains an obligation of non-interference, but that relates to state actions and does not include eventual wishes to avoid informational and socioeconomic competition, and there is actually not much prospect to moderate propaganda battles and subversive activities. It may be taken as triviality: one could quote a thousand published pieces from the credo of the past and the present DPRK leadership, highlighting ideological belligerency as a major principle of the own revolutionary stance. Indeed, the only helpful result was an improved culture in the political contest, surely more as result of positive experiences in cooperation, less than as the outcome of an announced reconciliation.

The recommendation to enter decidedly into coexistence has to clarify one sensitive point. Many interpret it as a policy to perpetuate Korea's division into eternity, to sentence the national idea to disappear into oblivion. Nevertheless, the German experience manifests the contrary. The mutual acknowledgement of two German states did not at all develop a separate national feeling. East Germany tried for over a decade to propagate its own socialist national identity, failed and gave it up earlier before the turn dawned. The contractual two-states relation enabled more mutual opening and strengthened the national

13 "General Secretary Kim Jong Il on September 14 gave answers ... with Japanese Prime Minister Koizumi Junichiro's visit to the DPRK," www.korea-np.co.jp/pk.

emotions prevailing among the populace on the East side. The temporary coexistence of two full-fledged states did not lower the feelings of national cohesion. To the contrary, in the moment the chance for practicable unification appeared on the horizon, all regulations for a dual statehood lost their meaning.

It must clearly be addressed: coexistence could be helpful, if the venture relies on intergovernmental and legally binding procedures. Coexistence limits the relationship to a businesslike balancing and compensation of conflicting interests, and it excludes the vagueness of reconciliation hopes. Normalization between states in systemic antimony cannot be more than conflict prevention and dialogue, agreements and respective institutionalization. The efforts should focus on relaxation, on interests-related manifold cooperation, and it can help in easing the extraordinary economic and social crisis on the side of the indigent partner.

An opinion on the Sunshine Policy

The case under question in the last decade was a changeover to relaxation instead of dangerous confrontation. Back from the summit with North Korea's leader, Kim Dae Jung interpreted that he received an agreement to "build peaceful coexistence." Unfortunately, that was not found in the Joint Declaration from June 15, 2000, and was never endorsed by Pyongyang's comments afterwards. Much euphoria¹⁴ about great progress, even a complete turn in South-North relations, accompanied the first summit.

Besides the dominant feeling, the Joint Declaration contained not

14 For example, *the White Paper* again emphasizes that in the summit, the two heads of state "have developed mutual respect and trust," and agreed on a "dialogue based on the mutual recognition of each other's system" (which they never did.), www.unikorea.go.kr, October 2002, Library.

many ensuing points on unification. It brought restricted and rare get-togethers of separated families, in tiny groups without privacy. In addition there was a renewed and generalized southern commitment to extend economic and other cooperation to North Korea. The result deserved respect as a starting point, but the effect for normality was meager. In contrast to the spreading enthusiasm around the world, remained Pyongyang cool. It obviously gained the most: in its international standing, in prospects for aid, and even won a point in its sham fight for unification. The major task in further designing interstate relations got no mention. Typical was the lack of deliberation on the unfulfilled Basic Accord from 1992. Half a year later, Kim Dae Jung mentioned what he omitted at the meeting: "The South and the North should lay a robust groundwork for peace through the end of the Cold War and strengthened economic ties this year."¹⁵

After more than four years of experiments, the Sunshine Policy got early impressions practical evidence; it aimed verbally at coexistence while displaying in practice a strategy of attempted relaxation and socialization toward the militant neighbor: a missionary policy¹⁶ instead of a consequential normalization. The outcome was that there was no lasting tension-reduction. The positive results were the amount of human aid, economic support, appropriate commercial exchange, and efforts for getting an improved atmosphere. The net amount of incentive assistance was rather important. Measured by the task to engage the DPRK for more openness, the investment was not overwhelming, and not very efficient in reciprocity.

The sunshine protagonists set much in hopes triggering impulses

15 "Pres. Kim Urges Patience Regarding NK Leader's Seoul Visit," from: www.korea.net, Jan. 21, 2001.

16 "The sunshine policy can be defined as a proactive policy to induce incremental and voluntary changes in North Korea for peace, opening and reforms through a patient pursuit of reconciliation, exchanges and cooperation." Chung-in Moon, "The Kim Dae-jung Government and Changes in Inter-Korean Relations: In Defense of the Sunshine Policy," *Korea and World Affairs*, Vol. 25, No. 4, Winter 2001, p. 516.

for reformatory changes in North Korea, to make it more suited for reconciliatory cooperation. The wishful thinking was outstanding. Modest comments stated imperatively that the DPRK must pursue reform and openness for the sake of its survival, despite knowing what Jucheists know, that the regime cannot ride out a transition. The official policy went further and predicted that the leader in Pyongyang would learn and enter a Chinese pace of reforms.¹⁷ The recommendation got no fruitful reaction. Finally, over-optimistic experts detected the launch of a process of transitions in North Korea, beginnings of market economy, cautious liberalizations, and a trend of pliability in face of the people's self-help to cope with the disaster they have to live in. Indeed, adaptations have taken place, like the monetization of the economy or some concessions to a tiny private sector in niche production and commerce. A realist finds only adjustments within the cage of Kimilsungistic directives, measures to raise the survival capacity without basic changes in structure and methods of power exertion. Principally, the Juche regime lacks the capacity to afford any serious reform; moreover does it not want to submit itself to suicide. Phantom policy detects "sunshine" reflections in the North.

The main failure of the summit was the missed occasion to disconnect the national issue from the need for regular interstate relations. The concession to the North, lifting unification to the focal point on the summit, deviated from the main task to clear a course toward coexistence. The North should at least tacitly retreat from its "revolution orientated" reunification scheme. Looking at European experience, two lessons are available. One favors Kim Dae Jung's intentions, the other

17 One of the protagonists stated looking back on 1991/93, "North Korea took a number of critical measures that helped it go down the road toward 'reform and opening' and since 2001 is the leadership there currently preoccupied with ... building up an 'economically strong and prosperous state' ... emphasizing the importance of exhibiting 'new thinking' and 'technological renovation'." Indeed, a wishful thinking. See Haksoon Paik, "North Korea's change in policy..." www.nautilus.org, PFO, April 16, 2001.

speaks against it. The first covers the rational aspect of the Sunshine Policy: confrontation together with outer pressure helps a dictatorial regime; a status-quo-based dialogue weakens hard-line positions. The second point meanwhile presents a self-made trap: coexistence works only with an ad hoc acknowledgement of the given power constellation, it demands the renouncing of attempts to change the regional structure of states and their balance.

And here is one crux in South-North relations: whether one advocates a relation of coexistence and gets a respectable detente, or one wants to cross over onto a unification course, which that means to transfer both Koreas into one entity, but then in systemic and national unity at once, which at the moment is an unfeasible project. The highly praised first Korean summit as a concession put two things into one basket which do not fit together.

All questioning about a regime change in North Korea has only one answer: keep waiting instead of thinking about interference. Historical evolutions cannot be accelerated, they demand waiting. That aside, sufficient space exists to transfer aid and to try to ferment a positive change via cooperation. But a transition of the order, a non-negligible precondition of national unity, is an internal matter of the North Koreans. And for that the world and in particular South Korea has patiently to wait, being free to speculate how a collapse of the Jucheist construct will happen. Realistic policy should count on a temporarily longer maintenance of the present, widely eroded but nevertheless militarily strong regime.

And the coin of systemic split has another side: Seoul cannot offer an assurance of survival for the regime in the DPRK, and Juche leaders reciprocally will never declare a promise of safety for the "capitalist order" in the ROK. The clause in the 1992 Basic Agreement, the sides shall respect each other's political and social system, is pure euphemism. The rationality of coexistence leaves the survival of one or the other regime out of all negotiations. Velvet-minded politics formulated

under sunshine, Seoul's policy does not intend to endanger the regime in Pyongyang¹⁸; the aim was to calm the other's dread. In his famous "Berlin Speech," Kim Dae Jung offered to guarantee the DPRK its "national security" and to assist for its economic recovery. In return he asked the other side to abandon armed provocation and give up developing long-range missiles. Such an idea needs not only announcements but treaties. The summit brought no breakthrough towards normalization. The intentions were ostensibly honest, but not credible here and there without a renewed type of relations. Worse, the philanthropy of the declarations eroded the needed pragmatism for rapprochement.

For instance, must Pyongyang remain ambivalent when three presidents of the ROK have declared that they do not intend to absorb North Korea? The hope was for a message creating confidence in Pyongyang, but regime competitors do not expect philanthropy. The politicians in the North are more suspicious, as indeed they should be, and not only because of the the credibility of the statements. In Pyongyang's view, utmost strength alone protects against absorption, and it seems not to be diplomatic to foster pretexts. In addition, when Korea will be unified become a discussion among the winners, which is still superfluous.

Observers who are familiar with the many complications inherent in normalization between the halves of a bisected nation cannot help to opine that the summit did not deal with the most urgent point: a regular interstate rapprochement and enforceable treaty-based understandings. Too much attention was spent for the daydream of a system-compromising unity; too much is expected from embracing engagement, too less has been envisaged for reciprocal steps of interaction between the states. The Sunshine Policy is not without alternatives; there are

18 Former Unification Minister Kang In Duk, "It remains Seoul's task to convince Pyongyang that reforms and door-opening will not endanger the North's leadership...", *Vantage Point*, February 1999, p. 11.

other peaceful options for inter-Korean solutions available.

Observations on functioning normalization between the Korean states

All past efforts to engage the DPRK had an element of inconsequence - the lack of attempts at interstate normalization, and the hesitation to formalize the relation by mutual recognition. Sure, North Korea gave no sign of being ready for such a step. A respective initiative could come only from Seoul. The effect of the early Sunshine Policy formula on the preceding of non-governmental economic engagements with the North was instructive. The Asia-Pacific Peace Committee, an institution of the WPK and an unusual address for regular commercial exchanges, emerged as a partner; it brought contacts but intentionally not interstate normalization. Another aspect was Mr. Chung's diplomacy, which was costly for both Hyundai and taxpayers. The Kumgangsan tourism did not bring a noteworthy opening or rapprochement; Pyongyang only gained hard currency and enhanced its bargaining pretensions.

The basic idea of normalization would be creating a stabilizing inter-Korean balance. No respective initiatives will last without a formal acceptance of the status quo of two states. That means agreed respect for the unchangeable contemporary factual situation. All setbacks in the inter-Korean situation since the communique from July 1972 and the 1992 Basic Accord onwards were preprogrammed. The latter treated both states explicitly as provisional and occasional entities, and negated their sovereignty. Focusing on an open status hinders achievement of the indispensable legally binding interstate treaties for cooperation under sensible neighborliness. The non-regulation permits each side to continue more or less hidden pretensions to surmount the division according to its own political basics, and that puts the

existence of the other side into question.

The non-recognition of two sovereignties is the basic defect of all detente efforts, those regarding denuclearization or arms reduction included. Upholding the non-recognition doctrines endangers each side's integrity and prevents a peaceful coexistence. A rapprochement between both Koreas will not be feasible without a fundamental clarity. The sides should recognize the status quo with the addition of the terms "factually given," and respect each other's sovereign equality, independence, self-destination and territorial integrity, if desired with a proviso "being states of the same nation and intending to decide respective issues at right time." The word "factual" is a reservation for a future case: if mutual understanding changes the situation, the proviso gives an assurance for national cohesion. Both inclusions would help to overcome many hesitations.

The summit 2000 could have started to find a reason able communication to demarcate the controversies incapable of compromise, which reduced those points that impede the normalization process. The described mutual recognition would not mean to acknowledge a fixed political system or a 'world view' or the acceptance of an eternal division. Recognition meant juridical equality of the other side, of its representative and ruling state institutions.

Proceeding to mutual recognition would require convincing chairman Kim to accept that agreed respect for each other's sovereignty would provide North Korea with enhanced security and outer stability too. Rationally judged it would be advantageous for its political existence and helpful to relax the conflict-inclined military confrontation. There was a first hint of a chance when Pyongyang's representative Jo told Madeleine Albright in the year 2000 that a turn in relations could occur "if and when the DPRK and our leadership are given strong and concrete assurances from the United States for the state sovereignty and territorial integrity for the DPRK."¹⁹ This proper idea should simply be transferred into inter-Korean dimensions.

Surely this must include the step of factually recognizing an internationalization of both Koreas' relations. They adhere separate to UN-Charter principles and apply international conventions as in all interstate relations. Only a gap has to be filled: the appliance of the UN-Charter on two-Korea relations, because normality means adherence to its principles. The unification proviso could be observed again by saying that the relations rest on "international law such as statutes" or on "principles and practices in accordance with international law." A follow-up was an exchange of official representations (state missions with diplomatic and consular functions) and not only of non-responsible liaison-bureaus. The situation would be alleviated by heralding a regular foreign policy between Seoul and Pyongyang. The fact that all North Korean activities concerning South Korea are directly in the hand of the WPK's Central Committee in Pyongyang could be taken as an internal matter. Nevertheless, should normalization on both sides be accompanied by a transmission of the exchanges to the formal level of state institutions? Until now South-North relations have intentionally not been international; they need to become at least quasi-international.

In the past inter-German relations from 1972 to 1989, the many governmental contracts creating different channels for exchanges and cooperation were mutually advantageous. Assuming that Korean relations are put onto an interstate juridical groundwork, all detailed understandings become much more reliable. There is enough on the agenda: a traffic and transit contract for railway, street and air transport; an agreement for private traveling; a contract for unrestricted family meetings; usual tourist travel regulations including norms for financial activities by private persons; a treaty on reciprocal acknowledgement of documents and official papers; a regular trade agreement

19 Jo Myong Rok, First Vice Chairman of the DPRK's National Defense Commission, at a Dinner in the State Department on October 10, 2000, *Associated Press*, Nov. 10, 2000.

(probably forming a free trade area); a financial interaction and profit returning agreement; customs and consular regulations for citizens from the other state working in common economic projects; and many other regulations too. The recent frantic activities to create two transport corridors through the DMZ could run into an impasse without a detailed agreement on the future technical standards of the transit ways, the accounting of costs and profits,²⁰ the transport control procedures and the treatment of personnel from the other state during the transit.

An important point is the context between political and military detente. Meanwhile worldwide diplomatic experience shows that normalization and political detente unavoidably have to precede; only afterwards understandings on military reductions and enhanced security can follow. There are little chances for a procedure in reverse order. That problem embarrasses also the demands of the Bush administration to discuss military reductions without first getting inter-Korean normalizations.²¹ The sequence for inter-Korean relations seems hardly deniable: the priority of political understandings as a prerequisite for negotiations on military reductions. The major hurdle for a military detente is not a specific weapon device, although particular dangers should not be underrated. The critical point is the DPRK's belief that a huge military might first of all assure its security. Pyongyang thinks always in terms of the "army-first line" and the accomplishment of political aims by arms strength. Such combative conviction cannot be lowered by abrupt arms control demands; positive reductions of

20 There are expectations on huge transportation profits for Pyongyang and economic advantages for the South from North Korean links to the Trans-China and the Trans-Siberian Railway. However the northern lines are not technically fit for efficient modern transport and so far has it been left open who will pay the huge sums for their renewal. The aid in material for the links at the DMZ of \$42 million is comparably only a small initiation.

21 Unconvincing seems a 'diplomacy' like Bush's verdict to persuade Kim Jong Il "that he must disarm," *The Washington Post*, October 10, 2002.

confrontation need compensation and are part of negotiated packages with political, economic and military elements.

The Basic Accord contained a declaratory non-aggression pledge, but no provisions came afterwards to make it practicable. In September 2000, the two Korean defense ministers met and agreed verbally to ease military tension and avoid war. Optimistic media called that historic progress. However the talking of generals in chief was only a novelty. More security for the peninsula will not dawn before negotiations are held tackling armed forces figures and arms reductions, a relocation of offensive weapons away from the DMZ, and a gradually growing mutual transparency in the military realm.

Occasionally North Korea launched radical disarmament proposals. For instance: "The confederal state should cut the military strength of both sides to 100,000 - 150,000 respectively... At the same time, it is imperative to abolish the Military Demarcation Line... dismantle all the military installations in its vicinity, dissolve military organizations in both parts and forbid military training of civilians."²² Or in September 2002, North Korean conference delegates spoke about a reduction of the KPA from 1.2 million to 700,000 men.²³ Regardless of how serious such radical reduction was meant, one could take such utterances as a starting point and negotiate aiming not only at lowered security balance but for quick respective economic benefits too.

The Basic Accord from February 1992 presents a complicated topic. Its lack of usefulness after a decade suggests the need to revise that treaty, because it principally embarrasses a mutual recognition of the Koreans by stipulating, "their relationship, not being a relationship as between states, is a special one constituted temporarily in the process of unification." It seems the accord was preponderantly more a result of diplomatic arts thought to improve the political climate. The docu-

22 On establishing Democratic Confederal Republic of Koryo - best system for reunification, January 2001, www.dprkorea.com.

23 *Korea Herald*, October 16, 2003, www.cankor.ca #102.

ment contains several inapplicable stipulations like article 1: “The South and the North shall recognize and respect each other’s system” or article 6 saying “South and North shall cease to compete...”²⁴ One notes that if the sides really meant “systems” and an end of rivalry, the coexistence experience from Europe shows that to be unfeasible.

Several years back, an official formulation in Seoul spoke about the “sign-posting peace agreement from 1992,” but the document was not a peace contract, although it declared in article 5 the intention to conclude an inter-Korean peace treaty, an important point in any case. But as a fundament for further relations, it did not contain as often asserted “all preconditions for normalization.” The deficit was the absence of substantial state-to-state regulations. At the end of 1991, both Koreas were very keen to get quick results and finished with a hopeful intent on national brotherhood. That led to a declarative agreement of intentions, insufficient to create a contractual and procedural rapprochement. The non-use of the Basic Accord afterwards demonstrated under the tests of harsh reality the failure of an unrealistic understanding. Its commitments gave no impetus for positive engagements. A reappraisal with realistic and binding stipulations as groundwork seems recommendable for the shaping of a two-Korea coexistence structure.

The task to conclude an inter-Korean peace understanding as part of a revised Basic Treaty or via a separate agreement stands as a fundamental element of the hoped-for coexistence. The Basic Accord contained the clear-cut commitment: “South and North Korea shall together endeavor to transform the present state of armistice into a firm state of peace between the two sides...”²⁵ During the last years that constructive idea was shortended to the idea that South and North Korea among themselves first reach and sign a peace treaty,²⁶ that

24 www.unikorea.go.kr/eg/m4130.htm.

25 www.unikorea.go.kr/eg/m4130.htm.

26 One finds more reasonable voices. “The counterpart of North Korea is not the

additionally the United States and China could guarantee. Such an agreement had to include the conversion of the ceasefire-line into a temporary regular borderline, a matter that should be dealt with only bilaterally, like other disputed aspects of the division line too. Besides, this prospect offers an inter-Korean peace more reliable than the expensive upholding of a huge mutual military threat.

It weakened the value of the Basic Treaty when the DPRK for many years persisted to conclude a peace alone with the US and to seek recognition bypassing normality with the ROK. That proved two things. Against Pyongyang's claim to be a true defender of national unity, such a course contradicts earnest inter-Korean understandings. Furthermore, it indicates attempts to get a separate solution with the US and to dodge the ROK on a factual two-Korea position of Pyongyang. It tries to improve singularly its own international position without promoting inter-Korean agreements. On the other side, it would be helpful if the US stood more in the rear and reprimanded the DPRK on the primacy of inter-Korean progress. It would be politically possible and a wise position too if the US transferred decidedly the competence for a peace conclusion to the ROK, similar like China gave a free hand to the DPRK. Under such aspect the Korean case seems easier to handle than in Germany's example.

With a peace contract the two Koreas could easier clarify the borderline's crossing, likewise through a normal state border, again with a reservation referring to its annulment in case of national unification. A common border commission had to work out contractual regulations removing single differences or aggravations in the handling of the border track. Agreed legal regulations for the corridors referring to an

United States, but South Korea, which should not be confused. What is the problem for North Korea to make a peace treaty with South Korea." See Hugo Wheekok Kim, Responses to Kim Myong Chol's '*Agreed Framework is brain dead; shotgun wedding is the only option to defuse crisis*,' http://nautilus.org/fora/security/0214A_Kim.html.

easy passage of transports and travelers were important. Until now, traveling between the Koreas depends on the discretion of the receiver state. Travelers need a status as citizen of a home state, want to rely on a respective interstate agreement, and finally need available consular protection. The procedure of the family reunions is far from a usual treatment for private visits from one to another country.

The last decades of inter-Korean disputes saw many Korean concepts for improving the situation. Until now no attempt was made to embark on a normalization initiative towards the DPRK that wasn't linked to the unification issue. No one tried to convince Pyongyang about the impossibility of exerting pressure through the arms race much longer, or vice versa to redirect more of its potentials from military to civil spending, permitted by an enhanced outer safety. The outlook would be the often-quoted peace dividend, submitting more persistently the argument that mutual normality and reciprocal substantial arms reduction would offer the North much wider existential space.

Considerable asymmetries prevail between North and South Korea: in basic conditions like in productive potential and economic wealth, in politically diametrical self-identifications and the so-called world-view, in interests and strategies, on the issue of mutual trust and credibility. Therefore, common understandings do not offer a balanced give and take. To find agreements that offer an approximate symmetry of advantages in interests will mostly not be possible. Mutual obligations with direct reciprocal benefit or undertakings of the same kind will be rare. In that sense, gaining opportune compensations from one or the other side plays a greater role. Sober and at the same time generous assessments about the wider scope of mutually beneficial results in that course are necessary.

A rational approach demands an empathetic attention to North Korea's stance with its back to the wall and also to respective irrationalities, which needs more explanatory diplomacy. Moreover, the nature

of the DPRK demands that it lower its anxieties about the risks contained in gradual opening and normalization with the outside world, and even to find a mutual understanding on the operability of risks in the process of rapprochement. Such statement seems self-evident, but there were in the past unrealistic promises and emphatic overstatements about engagement intentions, like the announced common prosperity, the denial of a competitive relationship (an assertion of win-win cooperation), promises to help “avoid collapse” or assurances about mutual respect for the other system.

Normalization agreements contain advantages and disadvantages for both sides. The peace dividend means that benefits will preponderate. The foreseeable erosive effects of the southern engagement in the North should not be hidden, but they have to be kept as unchallenging as possible. And from the very beginning it should be admitted that positive results in South-North normalization would not suspend the protracted contest between the two worldviews. That was a helpful inter-German aspect that in favor of rational relations transplanted the permanent grave conflictive elements partly into the rear. That would be a coexistence as a pacified balance of different forces and not the wishful ideal of “cooperative coexistence.” The sides are able to build a reciprocal sober confidence, but cannot assure survival for the other regime. Thus both enter into a venture.

One preponderant obstacle comes from the position in Pyongyang by which everything that leads to opening would increasingly disband the socialist regime. The dialogue in Korea started after all European transitions; the lead-over of reform experiments there into the breakdown of socialist regimes induced Pyongyang to beware of a similar trend. In the face of that is no other answer than to intensify the endeavors with transparent engagements for more South-North normality, in openly negotiated comparisons of yield from different approaches to the inter-Korean situation, and the raising of generous economic offers in exchange for political rapprochements. Understand-

ings of the inter-Korean type are founded on very complicated patterns of reciprocity, non-equivalent from the point of view of immediate results.

Without doubt it will be difficult to make the marked crossing to reciprocal recognition in Korea popular. It would trigger controversial intra-societal disputes in the South (on communications with the polity of “real Kimilsungism”), and it would demand an evident changeover in Pyongyang from hitherto tactical to a principal rapprochement, not to speak of changes of propaganda contents. Most South Koreans seem scarcely ready to grasp the DPRK as a state with own identity; vice versa many North Koreans are victims of an inimical ideological misperception about the ROK. To forego the awaited unification, to calm ideological pretexts, to bring moral antipathy and just or unjust accusations down to a rational ground, all demand difficult political reappraisals on both sides. Both are responsible: the ROK could submit more consequential proposals for a balanced coexistence; the North should discover the chance in such a type of neighborhood arrangement for a rational and beneficial solution for both sides.