Assistant Secretary of State James Kelly’s long-awaited visit to Pyongyang began a steady decline in US-DPRK relations after Pyongyang reportedly responded to Kelly’s allegations of North Korean cheating on its nuclear promises by defiantly acknowledging that it had been “compelled” by Washington to begin a uranium enrichment program to defend itself after being branded a member of the “axis of evil” by President Bush. To make matters worse, Pyongyang threatened to restart its frozen nuclear reactor and began removing monitoring devices and seals from its reprocessing and other nuclear facilities in a blatant attempt to force the Bush administration to the negotiating table, while attempting to drive a wedge between Washington and Seoul. Outgoing President Kim Dae-jung and President-elect Roh have echoed Washington’s call for immediate North Korea compliance with its nuclear obligations, but both have become increasingly critical of Washington’s steadfast refusal to enter into negotiations with the North. This has resulted in some US flexibility, with Washington agreeing to talk—but not negotiate—with Pyongyang. Meanwhile, North-South high-level dialogue continues despite the US-DPRK stand-off, but the growing nuclear cloud loomed over these discussions as well, especially after North Korean leader Kim Jong-il refused to see a high-level ROK delegation that had traveled to Pyongyang in hopes of defusing the crisis.
Introduction

The year 2002 (and especially the second half) will likely go on record as one of the most contentious and troubling periods in US-Korea (North and South) relations, at least until we see the end of 2003, which is already proving to be even more challenging. Assistant Secretary of State James Kelly’s long-awaited visit to Pyongyang began a steady decline in US-DPRK relations after Pyongyang reportedly responded to Kelly’s allegations of North Korean cheating on its nuclear promises by defiantly acknowledging that it had been “compelled” by Washington to begin a uranium enrichment program to defend itself after being branded a member of the “axis of evil” by President Bush. To make matters worse, Pyongyang threatened to restart its frozen nuclear reactor and began removing monitoring devices and seals from its reprocessing and other nuclear facilities in a blatant attempt to force the Bush administration to the negotiating table.¹

Pyongyang’s actions helped to spur growing anti-Americanism in the South, exacerbated by a tragic military training accident in June 2002 which took the lives of two South Korean teenage girls, especially after the US military (rightfully) refused to turn over the two soldiers involved to South Korean courts, trying and acquitting both before a military tribunal on charges of negligent homicide. Ruling party presidential candidate Roh Moo-hyun successfully rode the ensuing nationalistic bandwagon to a close victory over opposition party candidate Lee Hoi-chang, who was widely perceived (and labeled) as Washington’s preferred choice. By year’s end, outgoing President Kim Dae-jung and President-elect Roh were echoing Washington’s call for immediate North Korea compliance with its nuclear obligations, but both were becoming increasingly critical of Washington’s steadfast refusal to enter into negotiations with the North, ensuring a difficult diplomatic road ahead. This resulted in some US flexibility, with

Washington agreeing to talk—but not negotiate—with Pyongyang.

Meanwhile, North-South high-level dialogue continued despite the US-DPRK stand-off, but the growing nuclear cloud loomed over these discussions as well, especially after North Korean leader Kim Jong-il refused to see a high-level ROK special envoy who had traveled to Pyongyang in hopes of defusing the crisis.

As this article went to print, the stand-off continued, with the North demanding direct negotiations and a non-aggression pact with Washington, and the Bush administration insisting on DPRK compliance with past nuclear commitments as a precondition to future negotiations. While numerous parties tried to defuse the crisis, Pyongyang seemed content to light new fuses in a dangerous game of brinkmanship with the US, the UN, and the international community at large.

Assistant Secretary Kelly's Ill-Fated Visit

The long-awaited first high-level meeting between North Korea and the Bush administration finally occurred on Oct. 3-5, 2002 when Assistant Secretary of State for East Asian and Pacific Affairs James Kelly traveled to Pyongyang as President Bush’s special envoy. This visit, coming shortly after the announced resumption of South-North Ministerial Talks and a dramatic (and, at the time, seemingly successful) meeting in Pyongyang between North Korean leader Kim Jong-il and Japanese Prime Minister Koizumi Junichiro, was seen by many as a potential first step toward finally getting US-DPRK relations on the right track after a difficult beginning. These hopes were quickly dashed, however, even as a growing dispute between Pyongyang and Tokyo over the fate of Japanese citizens abducted by North Korea two decades ago undermined that leg of Pyongyang’s triangular diplomacy.²

At first, US accounts of the meeting were subdued, if not evasive. Upon departing Pyongyang, Assistant Secretary Kelly immediately went to Seoul and Tokyo to debrief Washington’s Trilateral Coordination and Oversight Group (TCOG) partners on his meeting. At an October 5 press conference in Seoul, he described the talks as “frank, befitting the seriousness of our differences,” but added that “they were useful too.” Kelly told reporters that he had “explained how comprehensive efforts by North Korea to address our concerns could lead to an improvement in US-DPRK relations.” While he took no questions at his Seoul press conference and cancelled a press conference in Tokyo, a State Department spokesman subsequently noted that these concerns covered “a full range of issues, including weapons of mass destruction, missile-development programs, missile exports, North Korea’s threatening conventional force posture, human rights failings, and the dire humanitarian situation.”

The North, as is its habit, was considerably less circumspect in describing the meeting. Pyongyang condemned Kelly’s “arrogant attitude,” declaring that the trip confirms that “the Bush administration is pursuing not a policy of dialogue but a hard-line policy of hostility to bring the DPRK to its knees by force and high-handed practices.” What actually transpired at the meeting was not disclosed, however.

What happened next was truly amazing. For the next 10 days, details regarding the Kelly meeting actually remained secret. Rumors were running rampant, however, ranging from optimistic scenarios about an emerging “grand bargain” to allegations that the US was about to abandon the 1994 Agreed Framework (under which Pyongyang was receiving heavy fuel oil and light water reactors in exchange for freezing its suspected nuclear weapons program). Finally, on October 16, Washington revealed that Assistant Secretary Kelly, based on conclusive evidence, had accused Pyongyang of embarking on a secret uranium enrichment program in direct violation of its denuclearization pledges to Washington, Seoul, Tokyo, the Interna-

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3 For a summary of the initial reporting on Kelly’s visit, see “Still A Long Road Ahead,” Korea Now, Oct. 19, 2002, pp. 16-17.
4 Ibid.
tional Atomic Energy Agency (IAEA), and the international community writ large.⁵

According to Secretary Kelly, the North at first vigorously denied this accusation but, in a startling about-face the next morning, First Vice Foreign Minister Kang Sok-Ju defiantly acknowledged to him that the North had indeed embarked on such a program, which Kang claimed it had a right and a compelling need to do, given Washington’s branding of North Korea as part of an “axis of evil.” (Subsequently, Washington’s “pre-emptive nuclear attack strategy” has also been cited as another motivating factor.) Washington remains unmoved and unconvinced, especially since the uranium enrichment program apparently began during the Clinton administration, at a time when Pyongyang was actively attempting to seduce Washington with promises of historic breakthroughs if President Clinton would only pay a visit to Pyongyang. (Recall that it was Pyongyang’s refusal to provide specifics or to make significant concessions on missile-related issues that caused Clinton to decide not to go.)

Neither Confirm Nor Deny?

Pyongyang initially (and uncharacteristically) had little to say about Kelly’s rendition of the meeting. Spinmeisters in the South began speculating, however, that Kelly may have “misunderstood” the North’s message. Pyongyang subsequently began playing this same tune, claiming that it had merely stated it was “entitled” to possess nuclear weapons—conveniently not mentioning that it had given up this entitlement when it signed the Nuclear Non-Proliferation Treaty (NPT). In the meantime, it remains publicly evasive about whether or not it actually had a clandestine uranium enrichment program.

In my own private discussions with North Korean interlocutors,

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⁵ Assistant Secretary Kelly provided a comprehensive accounting of his meeting on the PBS NewsHour with Jim Lehrer on Nov. 5, 2002, in an interview with Margaret Warner, in which he detailed his conversations in Pyongyang [see Online NewsHour for transcript].
another version of the conversation between Assistant Secretary Kelly and Vice Minister Kang has emerged. In response to a comment about Kang’s “confession,” I was told “the DPRK has not acknowledged having a nuclear weapons program. Kelly accused us and we asked for proof and he provided none.” They claim that Kelly was told by Minister Kang that the DPRK was entitled to possess nuclear and more powerful weapons to defend itself. Kelly asked if this meant that DPRK was admitting it had a nuclear weapons program, but Minister Kang, pursuing a ‘neither confirm nor deny’ policy, said “it’s up to you [Kelly] to judge based on my [Kang’s] comments.” This version is now also making its way into diplomatic conversations, even though it has been refuted by Assistant Secretary Kelly and other members of his team, who had no doubt what they heard: an admission that North Korea had a clandestine uranium enrichment program.

It should be noted that, contrary to some erroneous reporting, Minister Kang did not admit, nor has Pyongyang ever officially acknowledged, that the North actually possesses nuclear weapons, even though intelligence reports speculate that the North could possess one or two nuclear devises as a result of its pre-1994 plutonium-based program. Those knowledgeable about the uranium enrichment facility indicate it is several years away from producing weapons-grade material. Nonetheless, the uranium enrichment program violates the 1994 US-DPRK Agreed Framework—at least in spirit, although Washington argues convincingly that it violates the letter of the agreement as well—not to mention the NPT, the IAEA Safeguards Agreement, the 1992 South-North Joint Denuclearization Agreement, and the Pyongyang Declaration signed only a month before during Prime Minister Koizumi’s visit.

Washington’s response was clear, consistent, and unyielding: there will be no new negotiations between Washington and Pyongyang until the North lives up to its previous agreements. While Washington claims it was previously willing to take a “bold approach” in its dealings with the North, all this has been put on hold until the North

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6 During not-for-attribution discussions with North Korea representatives from Pyongyang’s Institute for Disarmament and Peace in early December in Singapore.
declares (and demonstrates) its willingness to give up its various nuclear weapons programs.\(^7\)

The international community quickly echoed these demands. Along the sidelines of the Oct. 26-27 Asia Pacific Economic Cooperation (APEC) Leaders Meeting in Los Cabos, President Bush, President Kim Dae-jung, and Prime Minister Koizumi signed a joint declaration calling on North Korea to dismantle its nuclear weapons program “in a prompt and verifiable manner and to come into full compliance with all its international commitments.” (It also reiterated President Bush’s February 2002 statement that “the US has no intention of invading North Korea.”)\(^8\) The assembled APEC Heads of State also issued a rare political statement calling on the DPRK to “visibly honor its commitment to give up its nuclear weapons programs.”

In addition, the Korean Peninsula Energy Development Organization (KEDO) Executive Committee, comprised of representatives from the ROK, Japan, US, and European Union, decided on Nov. 14 to “suspend” heavy fuel oil deliveries to the North to “condemn North Korea’s pursuit of a nuclear weapons program.” While an October shipment already en route to Pyongyang was allowed to proceed, future shipments would depend on “concrete and credible actions to dismantle completely [Pyongyang’s] highly-enriched uranium program.”\(^9\) Pyongyang’s protests over this decision seemed somewhat ironic, given its earlier assertion to Assistant Secretary Kelly that the Agreed Framework had already been “nullified.” (Interestingly enough, KEDO construction activity at the light water reactor site at Kumho continues, despite the nuclear stand-off, no doubt much to the relief of the largely-Uzbek construction crew.)

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Drama on the High Seas

Just when it appeared relations between the United States and North Korea could not get worse, a North Korean merchant ship, So San, flying no flag and with its markings masked, was stopped in the Indian Ocean on Dec. 9 by a Spanish ship participating in a UN-sanctioned multinational force to prevent the flow of weapons to al Qaeda or Iraq. US intelligence assets had reportedly been tracking the ship since it left port in North Korea and provided the tip-off to the Spanish ship which then conducted the maritime intercept. A US inspection team subsequently found 15 North Korean surface-to-surface missiles, reportedly hidden under bags of concrete, which had not been declared as cargo on the ship’s manifest.

A potential crisis was averted, however, when the government of Yemen acknowledged that it was the owner and intended recipient of the missiles. As a White House spokesman subsequently explained, “There is no provision under international law prohibiting Yemen from accepting delivery of missiles from North Korea. While there is authority to stop and search, in this instance there is no clear authority to seize the shipment of Scud missiles from North Korea to Yemen. Therefore, the merchant vessel is being released.” On Dec. 11, the ship and its cargo were released and permitted to continue on to Yemen, which pledged to maintain tight control over this inventory.

To an informed observer, the system worked exactly as it should. A suspicious ship was stopped, as it turned out with good cause. Once the destination of its cargo was confirmed and was deemed legal, the ship continued on its way. Everyone acted in accordance with the law; everyone, that is, except the North Koreans, who have yet to explain why their ship was operating without a flag and why the cargo was not declared. Nonetheless, Pyongyang demanded unspecified compensation for Washington’s act of “piracy” and “reckless state-sponsored terrorism.

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The conclusion I drew from the ship boarding was that Washington, despite accusations of unilateralism and pre-emptive tendencies, still follows the rule of law. However, Pyongyang may have drawn the conclusion, fed by speculation in the press, that Washington was so preoccupied with Iraq that it will issue the North free passes to misbehave or will go to any extreme to avoid a confrontation with Pyongyang. This could be a dangerous assumption. President Bush, during his visit to Seoul in February 2002, stated categorically that the US had no intention of invading North Korea. But this does not mean that Washington will stand idly by if the North puts the US or its friends and allies at risk. Just as military force was used to stop and inspect the North Korean ship, so too might it be used to prevent other attempts to proliferate, or in the face of imminent threats.

**DPRK Threats and Tirades, in Search of a Crisis**

Some (myself included) have speculated that North Korea may have actually been trying to create a crisis by sending an unflagged, unmarked ship into a sensitive, heavily-patrolled area where it knew it would be stopped and searched, and that Kim Jong-il might have been disappointed, perhaps even frustrated, that Washington did not take the bait.\(^{13}\) Perhaps not! But, within days, Pyongyang chose to generate a new, and not so easily resolved or avoided, crisis. On Dec. 12, Pyongyang announced that it intended to immediately restart its nuclear reactor at Yongbyon. The specified (implausible) reason was to produce electricity to compensate for the fuel oil suspension. This action alone would not have been overly troublesome, provided that IAEA safeguards remained in place. However, concurrent with this announcement, Pyongyang instructed the IAEA in writing to remove all its seals and monitoring cameras aimed at ensuring that the reactor operated in accordance with NPT safeguards; an action subsequently

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described by IAEA Director General Mohamed ElBaradei as “nuclear brinkmanship.”

Conventional wisdom argued that Pyongyang was creating a fuss in order to force the Bush administration into new negotiations and this certainly appears to be the case. But the timing of this escalation, one week before South Korea’s presidential elections, hardly appeared coincidental. At a minimum, Pyongyang would have factored the election into its timing. More likely, it represented a heavy-handed attempt to influence the outcome.

North Korea no doubt recognized that ROK-US relations were under considerable strain, exacerbated by the continued fallout over the June 2002 tragic military training accident (in which two South Korean teenagers were killed). Creating a crisis just before the election also helped to further feed growing discontent among many Koreans over Washington’s hard-line policy toward the North. This created a “win-win” situation for Pyongyang. Either Washington came to the table (where Pyongyang hoped to once again get rewarded for its bad behavior) or its refusal continued to feed anti-Americanism in the South. It is impossible to assess what role, if any, these actions played in Roh Moo-hyun’s narrow victory over the seemingly more pro-US opposition Grand National Party candidate Lee Hoi-chang, but the North is likely to perceive that its actions did make a difference.14

Any hopes that North Korea would moderate its actions after the elections were rapidly erased. Over the Christmas holidays, as many around the world were praying for peace, North Koreans were physically dismantling IAEA monitoring devices and expelling IAEA inspectors from the country. Most troubling was a report from the IAEA on Dec. 23 stating that Pyongyang was reopening its reprocessing facility. Without monitoring devices in place, the IAEA said it would be unable to assure that plutonium was not being extracted and diverted for weapons purposes. IAEA Director ElBaradei warned that the deteriorating situation raised “grave nonproliferation concerns.”15 Then again, that was Pyongyang’s intention, reinforced by

14 For more on this author’s views on this matter, see Ralph A. Cossa, “No Surprise That North Korea Tries Meddling in South’s Politics,” Orlando Sentinel, Dec. 18, 2002, p. 19.
its assertion that only direct negotiations and a non-aggression pact between Washington and Pyongyang would avert a “catastrophic crisis of a war.”\textsuperscript{16}

More Questions Than Answers

The crisis has raised more questions than the involved parties have seemed willing or capable of answering. In the weeks immediately following the start of the crisis, I gave a series of lectures on US Asia policy in Korea, Japan, and the United States. While the audiences and locations varied widely, the questions were remarkably similar.

The third most frequently asked question was “Why did North Korea decide to confess?” This is usually a two-part question (especially in South Korea); the remainder being “Is this part of a broader ‘confess and move on’ plan that signals their true intention once and for all to come clean and break with the past?” While one would fervently like to believe this to be the case, I suspect that the truth lies elsewhere.

My guess is that the real reason the North confessed was because it got caught red-handed in the act of cheating and, realizing that the Agreed Framework was all but dead and that the prospects of future cooperation with Washington were now less than zero, decided to arrogantly confront Washington in hopes that it could get another deal—not necessarily a better deal, just a new one that would somehow make a virtue out of their latest vice.

In short, Pyongyang was trying to make the best of a (self-inflicted) bad situation by reverting to its old confrontational form. The “fresh start” idea seems to have been born in the South, not the North,


although Pyongyang began playing variations of this theme, if not to actually get a new deal then at least to drive a wedge between Washington and Seoul.

The second most frequently asked question was “Why did the United States choose this moment to break the story?” This is a favorite of conspiracy theorists, who often add “Isn’t it because Washington was afraid that Seoul and Tokyo were getting too close to Pyongyang and wanted to derail this progress?”

The truth, of course, is that neither Seoul nor Tokyo needs Washington’s help in derailing their respective talks with Pyongyang; North Korea has done a great job of taking care of this without outside help. Remember that by the time Washington revealed the details of Assistant Secretary Kelly’s ill-fated visit to Pyongyang, the public backlash in Japan against North Korean leader Kim Jong-il’s Sept. 17 confession regarding the abducted Japanese citizens had pretty well insured that no real progress would be made on that front. The North’s track record since the June 2000 North-South Summit also suggests that little sustained progress would occur in this relationship either, beyond one-way efforts to provide unreciprocated benefits to the North.

One should also remember that the Bush administration initially chose quiet diplomacy, laying out the evidence to Pyongyang directly and secretly, rather than via a press conference or through leaks to sympathetic newspapers. It was only after rumors started spreading about the Kelly meeting—and after Pyongyang clearly signaled it was not interested in quietly resolving the issue, by publicly branding Kelly “arrogant” and “high-handed”—that Washington went public. Even since then, it has attempted to address the issue quietly through diplomatic channels—the only sabers one hears rattling are the ones from North Korea.

The best way to answer this second question is with another question: “Should Washington have pretended, despite obtaining what appears to be irrefutable proof of North Korean cheating, that everything was fine and entered into negotiations with Pyongyang while allowing the secret nuclear weapons program to continue unimpeded?” I think not!

The most popular question was: “Why is Washington intent on
using diplomacy vis-à-vis North Korea, when it appears so eager to
go to war with Iraq?” Admittedly, this was aimed more at criticizing
President Bush’s Middle East policy than his handling of the North
Korea situation. But it is nonetheless ironic that many of the same
people who criticized Bush for lumping Iraq and North Korea together
as members (with Iran) of an “axis of evil” seemed equally eager to
criticize him for understanding the difference between the two.

Regrettably, the question itself reveals just how badly the Bush
administration has mishandled Iraq. The truth, of course, is that Pres-
ident Bush has also been attempting to pursue a diplomatic solution
in Iraq; his administration has spent untold hours trying to deal with
the solution through the United Nations, albeit while waving a large
baseball bat to remind Saddam of the consequences, should diplomacy
fail. Waving a big stick in the case of North Korea is not yet appro-
priate, or necessary, and could even prove to be counterproductive
(as some would argue it has, in making Washington’s case with the
UN vis-à-vis Iraq). But it is useful to remember that military force
has not been completely ruled out in this case either—the distinction
between “invade” and “attack” or “preemptively preempt” should
not be forgotten—and it may yet come to that, especially if
Pyongyang’s actions start matching its inflammatory words.

Another big difference between Iraq and North Korea relates to
where we are in the diplomatic process. In Iraq, we are already at
step seventeen; that is to say, there have already been 16 UN Security
Council (UNSC) resolutions trying to bring Iraq into compliance with
its previous pledges. Time is running out, as President Bush frequently
reminds Iraq and the UN. On the Korean Peninsula, we are just now
beginning to get the UNSC involved. Diplomacy may still work.

Secondly, the stakes are much higher when it comes to North
Korea, not because of its suspected nuclear or assumed chemical and
biological weapons capabilities but because it possess the ability, with
conventional weapons, to cause great death and destruction on the
Peninsula. The assumption that it has weapons of mass destruction
adds to the danger and thus the need for a more cautious approach.
In simple terms, the US wants to prevent Iraq from reaching the stage
where it can threaten its neighbors (and US security interests) to the
degree that North Korea can today. North Korea, in my estimation,
is more dangerous. But this does not mean that Washington should join Pyongyang in trying to escalate the crisis. Keeping one's voice low, while still keeping all options on the table seems to be the best approach in dealing with North Korea.

While we continue to struggle for answers, it is interesting to note one question that seldom seems to be asked: “Why was North Korea cheating in the first place . . . and what does this say about the need for verification and reciprocity in any and all future dealings with Pyongyang?”

“Anti-Americanism” Continues to Rise

As noted, suspicions regarding US motives in confronting Pyongyang on its nuclear weapons program and the continued US refusal to yield to what Washington called North Korean “blackmail” helped raise anti-American sentiments to new heights in the South. For some reason, the North’s motives seem to be questioned less frequently. Even without the North’s largely self-generated crisis, however, 2002 turned out to be a rough year for US-ROK relations. Anti-US protests, including break-ins at US military facilities, were spiraling in the wake of the aforementioned death of two ROK teenage girls in a June 2002 US military training accident. South Korean protesters demanded that the soldiers involved, two American Army sergeants, be turned over to ROK civil authorities for trial, even though the ROK-US Status of Forces Agreement (SOFA) clearly specifies that incidents occurring in the course of the performance of military duty will be handled by military authorities. Some ROK officials made

17 For a more detailed accounting of questions and answers prompted from my discussions with people throughout South Korea, see “N. Korea: More Questions Than Answers,” Korea Times, Nov. 19, 2002.
19 For a detailed accounting of the accident and its immediate implications, see Donald G. Gross, “After the Koizumi-Kim Summit, Nothing is the Same,” Comparative Connections, Vol. 4, No. 3, Oct. 2002, which also provides a chronology of events surrounding the accident and its impact on US-Korea relations.
things worse by seemingly endorsing protester demands, rather than explaining that, had the driver of the vehicle during the military training exercise been South Korean, he too would have been tried in a (ROK) military court and not turned over to civilian authorities. Ironically, even as ROK officials were demanding that the SOFA with Washington be renegotiated, similar SOFAs were being negotiated to protect ROK peacekeeping forces operating overseas. The ROK media also helped to sensationalize the incident and its aftermath, paying little or no attention to US attempts to apologize, provide compensation, or otherwise address the problem.

The US military, no doubt proceeding with the best of intentions, made matters considerably worse, first by refusing to discuss possible SOFA revisions and, more importantly, through the highly-publicized individual trials of the military vehicle commander, Sergeant Fernando Nino, and the vehicle driver, Sergeant Mark Waller. On Nov. 20 and 22 respectively, both were found not guilty, further inflaming ROK sensitivities, especially since no one else in the military chain of command above the two young sergeants seemed to have been held accountable. This prompted additional peaceful and not-so-peaceful protests and heightened demands—from the ROK government as well as the general public and media—for SOFA revisions. On Dec. 10, in a belated attempt to defuse the situation (and hopefully make it less of a campaign issue), the United States reversed course and agreed to new negotiations aimed at modifying the ROK-US SOFA, something even the most conservative of the presidential candidates had been demanding.20

ROK Election Sends Washington a Wake-Up Call

Allowing anti-American sentiment to fester was a convenient, and as it turns out, successful tactic during the presidential elections. It no doubt served the interests and ambitions of the ruling Millennium Democratic Party’s candidate, now President-elect Roh Moo-hyun.

But, it is important not to read too much into the anti-American factor in the election, just as it would provide false reassurance to dismiss it completely.

Roh Moo-hyun did not run on an anti-American platform per se. He portrayed himself, first and foremost, as a political and economic reformer. Early in the campaign he reversed positions held during his more radical youth, announcing instead that he now supported the ROK-US alliance and the continued presence of US military forces on the Peninsula. He did, however, gain points among an increasingly nationalistic electorate (and especially with the 40-something and under crowd) with his statements that he would not “kowtow” to Washington and would demand a more “equal” relationship with Seoul taking the lead in dealing with the North. He was also an outspoken supporter of President Kim’s “sunshine” policy of engagement with the North, arguing that his more conservative opponent’s hard-line views (which closely paralleled the Bush administration’s) could lead to disaster. “Inter-Korean peace and cooperation is not a matter of choice,” he said the day before the election, “The survival of 70 million people is at stake.”

He also stated that, in the event of conflict between North Korea and the United States—“if the North and the United States go to the extreme”—the proper role for the ROK should be to “mediate the possible quarrel” and that he would “call for concessions from both sides so the nuclear issue can be resolved peacefully.” This was interpreted and widely reported as a declaration of neutrality (rather than backing an ally that had spent the last 50 years defending the ROK); The Washington Times interpretation read “We should proudly say we will not side with either North Korea or the United States.” He also stated that, in the event of conflict between North Korea and the United States—“if the North and the United States go to the extreme”—the proper role for the ROK should be to “mediate the possible quarrel” and that he would “call for concessions from both sides so the nuclear issue can be resolved peacefully.” This was interpreted and widely reported as a declaration of neutrality (rather than backing an ally that had spent the last 50 years defending the ROK); The Washington Times interpretation read “We should proudly say we will not side with either North Korea or the United States.”


reneging on a pledge to support Chung five years hence). Despite this election eve controversy, Roh managed to win the presidency with 48.9 percent of the vote (2.3 percent more than Lee Hoi-chang, who subsequently retired from politics after his second unsuccessful bid for the presidency).\textsuperscript{23}

After the election, President-elect Roh was quick to send positive, although not necessarily conciliatory messages to Washington, pledging to “closely cooperate” with Washington in handling the North Korean nuclear issue, while still asserting that relations between the two allies must “mature and advance.”\textsuperscript{24} He also repeated his call for SOFA revisions. President Bush immediately called to congratulate the president-elect and Roh’s office reported that the two “agreed to work closely together for peace on the Korean Peninsula and strengthen the South Korea-US alliance.”\textsuperscript{25}

While neither the election of Roh Moo-hyun nor the current wave of nationalistic feelings is likely to put the US-ROK alliance at serious risk, they should serve as a wake-up call for Washington. For the second time in recent months, a ruling party candidate riding an anti-American bandwagon has won a democratic election in a nation formally aligned with the United States. The Korean and German experiences send a clear signal, reinforced in recent global opinion polls, that the Bush administration’s premature fixation with Iraq and its overall hard-line image when it comes to dealing with friends and potential adversaries alike, are not serving America’s broader national security interests. Those most closely associated with this approach—Vice President Cheney and Defense Secretary Rumsfeld most readily come to mind, along with selected members of the US Congress—might want to reflect on its consequences. Washington must also do a better job in explaining its objectives and in reaching out to President-elect Roh and those who are not convinced that Korea’s future is inextricably linked to continued close security cooperation with


\textsuperscript{25} As reported by Sang-Hun Choe, “Bush’s Phone Call Lessens Concerns,” Associated Press Wire Service, Dec. 21, 2002.
Following the ROK presidential election, both outgoing President Kim Dae-jung and President-elect Roh began to more strongly echo Washington’s call for immediate North Korea compliance with its nuclear obligations, as did the international community in general. Following news that the North was removing IAEA monitoring equipment, President Kim announced that his government would “never go along with the North Korean’s nuclear weapons development,” once again demanding that the North abandon its nuclear and weapons of mass destruction programs. President-elect Roh subsequently warned Pyongyang that continued defiance of IAEA safeguards would negative affect inter-Korean exchanges. He also called on anti-US protesters to exercise “self-restraint.”

Nonetheless, both President Kim and President-elect Roh, and the ROK media and public in general, were becoming increasingly critical of Washington’s steadfast refusal to enter into negotiations with the North. This was especially true after a senior Bush administration official was quoted, on Dec. 28, as saying that Washington was considering a policy of “tailored containment” against the North in the belief that growing isolation, including the threat of economic sanctions (presumably approved by the UN), was the best way to force Pyongyang to give up its nuclear ambitions.26 “I am sceptical whether the so-called ‘tailored containment’ reportedly being considered by the United States is an effective means to control or impose surrender on North Korea,” President-elect Roh told reporters on New Year’s eve, “success or failure of a US policy toward North Korea isn’t too big a deal to the American people, but it is a life-or-death matter for South Koreans. Therefore, any US move should fully consider South Korea’s opinion.”27

Talk, Yes; Negotiate, No!

At year’s end, the State Department—despite holding firm to a “no negotiations” policy—seemed to be holding the door at least slightly open for some dialogue with the North. On Dec. 30, Secretary Powell explained (on NBC’s Meet the Press) that the United States was “looking for ways to communicate with the North Koreans so some sense can prevail.” That same day he mentioned (on CNN’s Late Edition) that “there are ways for them to talk to us. We know how to get in touch with them.” The subtle difference between talking to as opposed to negotiating with the DPRK provided Washington with some breathing space in its dialogue with the South, while setting the stage for what many (the DPRK specifically excluded) hailed as a major policy shift by Washington at the January 5-7, 2003 Trilateral Coordination and Oversight Group (TCOG) meeting.

At the TCOG meeting, all three parties called on North Korea to give up its nuclear weapons ambitions, stressing that “North Korea’s relations with the entire international community hinge on its taking prompt and verifiable action to completely dismantle its nuclear weapons program and come into full compliance with its international nuclear commitments.” But it included several key phrases which were seen as attempts by the Bush administration to wave some olive branches in Pyongyang’s direction, first by noting that the United States “has no intention of invading North Korea”—a written repeat of President Bush’s Feb. 2002 pledge—and then by stating that “the United States is willing to talk to North Korea about how it will meet its obligations to the international community. However . . . the United States will not provide quid pro quos to North Korea to live up to its existing obligations.”

As the Bush administration itself admits, this is more a change in emphasis than in policy. But at least it accentuated the positive, allowing President Bush finally to appear less unreasonable or stub-

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29 Text of the Joint Statement by the Trilateral Coordination and Oversight Group, as released by the US State Department, Jan. 7, 2003, posted on State Department web site.
born than North Korea's "Dear Leader," Kim Jong-il.

In this vein, Washington also stressed that it was prepared to pursue a previously-promised "bold approach" toward North Korea once it comes back into compliance with its nuclear obligations, in keeping with the TCOG declaration’s promise of a "return to a better path leading toward improved relations with the international community, thereby securing peace, prosperity, and security for all the countries of Northeast Asia."

Do They or Don’t They; Will They or Won’t They?

Unfortunately, the more Washington lowers its voice, the louder and more threatening Pyongyang’s rhetoric becomes. As the Bush administration continued to describe the situation as a "diplomatic showdown, not a military crisis," North Korea continued to take unilaterally provocative steps, to ensure that a crisis atmosphere prevails, while accusing the "Bush warlike group" of attempting "to provoke a war of aggression ... through its talk about ‘dialogue’ and ‘security assistance.’"

Meanwhile the North continues to try to have it both ways, claiming it needs a nuclear program to defend against Washington’s "preemptive nuclear threats" while at the same time claiming that it is not pursuing a weapons program, but merely trying to produce electricity. It also denies confessing that it had a clandestine uranium enrichment facility, even while telling New Mexico Governor Bill Richardson (former UN Ambassador during the Clinton administration, who earlier had conducted delicate negotiations with Pyongyang) that it was willing to discuss this program with Washington. It continues to blame Washington for the crisis and accuses the Bush administration of threatening its very existence, even though it alone is threatening war, even while Washington calls for a peaceful solution. Finally it claims that this issue is between Pyongyang and Washington alone, even as it expels IAEA inspectors and announces its withdrawal from the NPT, which makes it an international issue of the highest magnitude (and also makes UNSC intervention appropriate, if not essential).
Either Pyongyang wants to negotiate—or it wants nuclear weapons. If it happens to be the former, all it has to do is invite the IAEA to return and reopen its facilities (including the uranium enrichment plant) to inspections to prove that it is honoring past agreements. Bush’s “bold approach” will then follow. If it’s the latter, then nothing Washington will say or do is likely to have much impact. The fastest way toward securing a non-aggression treaty with Washington—Pyongyang’s stated goal—would be to pursue a formal Peace Treaty with Seoul, something the North has refused to discuss since it opted out of the Four-Party Talks in 1999. In fact, it steadfastly rejects direct peace negotiations with the South—for all President Kim’s great accomplishments, he has yet to get Pyongyang to acknowledge that Seoul is a legitimate interlocutor on Peninsula security matters.

This attitude was in evidence during the latest round of high-level North-South ministerial talks on Jan. 21–24, 2003 in Seoul—quite correctly, both Seoul and Washington have agreed that this channel of communications should be kept open. The North continued to demand direct negotiations with Washington, stating that other parties had no business interfering in this affair (not to mention threatening World War Three if the UN Security Council were to take action against Pyongyang). A follow-on effort by President Kim to send his special envoy and closest advisor on North Korean affairs, Lim Dong-won (who negotiated the June 2000 North-South Summit in Pyongyang), was likewise rebuffed when Kim Jong-il elected not to meet with Lim.

Now What?

The good news in this continuing drama is that, in general terms, Washington, Seoul, and Tokyo continue to speak with one voice—at least as regards the international community’s central demand: that North Korea immediately and verifiably come into full compliance with its previously agreed-upon international nuclear commitments.

But, more is needed, especially from the ROK, since its voice is the most likely to be listened to (and since strong statements by Seoul are the best way to convince Pyongyang that it has reached the brink and that its confrontational policies are driving Washington and
Seoul closer together). First and foremost, Seoul needs to disabuse Pyongyang of the notion that this is a Korea (North and South) versus US crisis, as Pyongyang has increasingly been declaring. North Korea has pitted itself not just against the United States, but against the entire international community by its decision to withdraw from the NPT and expel IAEA inspectors, while removing monitoring devices which would not inhibit Pyongyang’s reactivating its Yongbyon nuclear reactor (which it has every right to do) but would add credence to its claim that it is not pursuing nuclear weapons. After all, if Pyongyang declares war against the United States, as it continually threatens to do, this means a declaration of war against the ROK as well.

Second, Seoul should endorse Washington’s multilateral approach. Pyongyang turned a disagreement with Washington over the 1994 Agreed Framework into an international issue when it expelled the International Atomic Energy Agency. The next logical step is for the IAEA to bring the matter before the UN Security Council. Something the ROK should endorse and support (remember when it was US unilateralism that everyone was condemning). Insisting instead on direct US-DPRK negotiations turns 1994 on its head. Recall the uproar when the United States cut Seoul out of the negotiations leading up to the Agreed Framework? Remember also the pledge by then-Presidents Clinton and Kim Young-sam in April 1996 (at their Jeju island summit) that “separate negotiations between the United States and North Korea on peace-related issues cannot be considered?”

I agree that some form of direct dialogue between Washington and Pyongyang must eventually occur (a point acknowledged by Deputy Secretary of State Armitage in his recent Senate testimony), perhaps within the “5+5” setting currently being suggested. But,
Seoul should forcefully reject Pyongyang’s demand for a bilateral US-DPRK non-Aggression Treaty, not just because it would never gain US Senate approval (as Secretary Armitage pointed out), but more fundamentally because it undermines ROK national security interests by cutting Seoul out of the peacemaking process; a long-time DPRK objective that all previous ROK and US presidents have wisely rejected.

Third, Seoul must stop ruling out response options in advance. Statements that sanctions, or even the limited use of military force, are totally unacceptable quickly leave the UNSC (or Washington and its allies) with few options other than complete capitulation to Pyongyang’s demands or a catastrophic war. All options must be on the table if North Korea is to be convinced that it must compromise. Ruling out the use of force may make it more, rather than less, likely that it will ultimately have to be used. As former Secretary of Defense William Perry recently reminded us, the threat of a war on the Peninsula today, as horrible as it is, is not as destabilizing as allowing North Korea to pursue a nuclear weapons program that will ultimately allow it to hold all of Northeast Asia, if not the world, at risk.33

While no one wants to talk about the preemptive military option today, it should not be ruled out. If Pyongyang’s primary objective is regime survival, it will not launch a suicidal attack in response to a limited military action aimed at destroying its nuclear weapons production capability, since the end result of such an action would be the complete destruction of the regime it is desperately trying to preserve.

Seoul must explain to North Korea that any attempt to open its plutonium reprocessing facility at Yongbyon or otherwise pursue a nuclear weapons program directly violates the North-South Denuclearization Agreement negotiated by the “Great Leader” Kim Il-Sung himself (Kim Jong-Il’s father and sole source of legitimacy) and thus constitutes a hostile gesture toward the South. (A clandestine uranium enrichment program falls into the same category.) A failure to adhere

to these agreements should be sufficient to end any remaining ROK assistance programs to the North.\textsuperscript{34}

It's time for China to start speaking out much more forcefully on this issue as well. Beijing has the most to lose (after Pyongyang) if the North's decision to withdraw from the NPT reaches the UN Security Council floor. Does it risk it's equally important relationship with the South, and undo the past year's significant effort to get Sino-US relations on track, by backing an ungrateful North Korea? Does Beijing really want to be on the "wrong side of history" in this debate?

Finally, Washington needs to be more clear as to the nature of the crisis (including calling it a crisis, rather than just a "diplomatic challenge"). Comments by Defense Secretary Rumsfeld and other senior administration officials that it makes little difference if Pyongyang possesses two or eight weapons seem inappropriate, if not irresponsible. The more nuclear weapons the North possesses, the more likely it is to brandish them or to sell them to others. Once Pyongyang has a stockpile, it can also begin testing and refining these weapons, to include fitting them on missiles. The international non-proliferation regime is already at serious risk and Washington must acknowledge this to put the threat and broader implications into proper perspective, even as it closely coordinates with Seoul to avoid either overstating or dismissing the threat that an unchecked North Korean nuclear weapons program would pose to all states in the region (and most of all to the ROK). The decision, in early February 2003, to put long-range US bombers on alert for possible deployment to the region is a step in the right direction.\textsuperscript{35}

As long as Pyongyang believes that its policies are driving a wedge between Washington and Seoul (among others), it is likely to keep up its escalation game. It needs to hear in no uncertain terms from Seoul, and from Beijing, that it has gone too far, if there is to be any hope for diplomacy to work. More calls for a negotiated solution from Seoul and inscrutable nods and winks from Beijing just

\textsuperscript{34} For more suggestions on steps that the new ROK government should take, see Ralph A. Cossa, "Unsolicited Advice to President-Elect Roh," PacNet 6, Feb. 6, 2003.

won't do. Seoul and Beijing must be willing to join Washington and the rest of the international community in telling Pyongyang forcefully that it must behave or it will suffer (self-inflicted) isolation from the international community or much worse. President Bush's Jan. 28, 2003 State of the Union address said it best: “The North Korean regime will find respect in the world and revival for its people, only when it turns away from its nuclear ambitions.”