

North Korea's Satellite Launch and Peace in East Asia

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On April 4, in the midst of heated debate about whether it was in fact a satellite or missile, North Korea launched the "Eunha-2" rocket in an attempt to put the "Gwangmyeongseong-2" satellite into orbit. While it appears that the satellite failed to make it into outer space North Korea's expanded capacity to conduct a long-range launch was confirmed. However, because transforming such a satellite into a ballistic missile requires the development of capability to re-penetrate the atmosphere and other forms of technology, it will still take North Korea quite a long time to produce an intercontinental ballistic missile.

International reaction to the rocket-launch was marked by confusion. The United Nations Security Council was immediately convened, a presidential statement issued and a sanctions committee to discuss concrete sanctions measures against North Korea was formed in conformity with Security Council Resolution 1718. In response, North Korea issued a statement proclaiming that it "firmly denounces the unjust attitude of the U.N. Security Council as a severe violation of the Republic's sovereignty and a grave insult to the [North Korean] people," proclaimed its intention to expel IAEA personnel, reactivate its nuclear reprocessing facilities and refuse future participation in 6-party talks.

At a point when military tension on the Korean peninsula are reaching a climax and the future of the 6-party talks have become unclear, this articles seeks to examine the background of the UN presidential statement, the prospects for 6-party talks and the intensification of militaristic competition occurring in East Asia in the wake of North Korea's rocket launch.

The UN President Statement and Sanctions against North Korea

The UN Security Council's presidential statement "condemn[ed] the April 5 2009 (local time) launch by the Democratic People's Republic of Korea (DPRK)," and designated it "in contravention of Security Council Resolution 1718 (2006)." Resolution 1718, which bans all North Korean activity related to intercontinental ballistic missiles, was adopted after North Korea's nuclear test in 2006. Article 8 of the resolution lays out sanctions against North Korea that prohibit the export to and from North Korea of items related to the production of Weapons of Mass Destruction (WMD) as well as some conventional weapons and luxury items and call on member states to freeze funds and financial assets related to North Korea's WMD program. However, directly after the nuclear test the

first steps to solving the North Korean nuclear problem were put in place through the 2.13 Beijing agreement and North Korea's agreement to de-active its reactors and other measures at the 6-party talks. Thus, these sanctions have in fact never been implemented. The recent presidential statement was therefore a proclamation of the enforcement of the sanctions stipulated in article 8 of Resolution 1718, which had to that point existed in name only.

The United States has made a list of 11 North Korean companies whose assets are to be frozen to submit to the Security Council and Japan, as might be expected, has added 3 more and is set to submit a list of 14. On the other hand, China and Russia have taken a negative stance to the sanctions measures being led by the U.S. and Japan and have urged discretion, emphasizing the importance of continuing the 6-party talks. Given this situation it appears it will be hard for the committee to decide the target of sanctions from lists of companies submitted by each country. This is because the United States and Japan are trying to include as many North Korean firms as possible in order to assure the sanctions' effectiveness while Russia and China, on the other hand, have showed marked tentativeness towards sanctions and are seeking to have only those firms for which there is clear evidence of involvement in WMD programs.

That China and Russia would take this attitude was predictable beginning with their opposition to issuing a Security Council resolution. At that time the U.S. and Japan had taken the position that North Korea was in violation of the article of Resolution 1718 that prohibits development of intercontinental ballistic missiles and supported strict sanctions while China and Russia countered that North Korea's satellite launch was in accordance with a sovereign nation's right to space exploration and therefore not a violation of the resolution. These opposing views led to debate over the level of sanctions resulting in a compromise in which a presidential statement would be adopted, but its content would strong enough to be comparable to a resolution.

As such the sanctions laid out in the UN presidential statement will most likely not be practically effective. Unlike a Security Council resolution, it is difficult for a presidential statement to have legally binding force. As such the efficacy of sanctions can be seen as dependent on the commitment of participating states. What is more, the two nations with the greatest zeal for sanctions—the U.S. and Japan—are already enforcing financial sanctions against North Korean firms, and the nation that could have the greatest influence on the North Korean economy—China—has taken a negative stance towards sanctions. As such, it is highly likely that the president sanction will function as no more than a symbolic warning to North Korea and a means for push for the resumption of 6-party talks.

The Reason for Deadlock in the 6-Party Talks

On December 3, 2007 a second-phase measure for implementing the 9.19 Joint Statement (the 10.3 Agreement) was announced. The 10.3 Agreement stated that North Korea would complete the deactivation of its Yongbyon nuclear facility by December 31, 2007, make a "complete and correct" declaration of its nuclear program by the same date and reaffirm its public promise not to transfer any of its nuclear materials, technology or knowhow. It also stated that the United States would make good on its promise to remove North Korea from its list of terrorism-supporting countries and end the application of its Trading with the Enemy Act and Japan would make earnest efforts towards normalization of relations. In addition, North Korea would receive 1 billion tons of heavy fuel oil in aid. In accordance with these provisions North Korea submitted a declaration of its nuclear program on June 26, 2008 and on June 27 publicized images of the destruction of the Yongbyon around the world. In bilateral talks at beginning of October of that year North Korea and the U.S. agreed on a concrete plan for verification and on October 11 the U.S. removed North Korea from its list of

terrorism-supporting states and ended application of the Trading with the Enemy Act. However, a “verification protocol” for North Korea’s nuclear declaration could not be agreed on at the 6-party talks held in December and they eventually broke down.

The principle issues at the heart of the break down were the question of “scientific sampling” and the verification of non-declared nuclear facilities. Although it was stated that an agreement on verification had been reached at the bilateral talks in October, North Korea’s understanding limited the targets of verification to deactivated facilities. Last December 10, ROK Special Representative for Korean Peninsula Peace and Security Affairs (Ministry of Foreign Affairs and Trade) Kim Sook reported that North Korea had said it saw “visitation of facilities, review of documented and interviews with related officials, as was agreed to in July, as a scientific process.” In other words, site visits of deactivated facilities, examination of related documents and interviews with technicians would be sufficient means of verification. South Korea, the United States and Japan, however, insisted that in addition to declared facilities, non-declared facilities had to be included and that scientific sampling was essential. This is because they were focusing on establishing how much plutonium North Korea had extracted since 1990.

North Korea adopted the position that because requiring scientific sampling as part of the verification protocol was the same as requiring the revelation of its entire nuclear capacity this could be agreed to without a promise of equal compensation. We can confirm this stance in a statement made by the Choson Sinbo (a newspaper run by Koreans in Japan sympathetic to North Korea) while the 6-party talks were in progress. On December 9, the paper claimed “if provision by which to ascertain the entirety of Choson’s [North Korea’s] nuclear program through scientific sampling is sought, naturally the U.S. and all other parties must establish the conditions for greatly accelerating denuclearization through commensurate measures.” In addition, despite the fact that the failure to agree on a verification protocol and obligations under the 10.3 agreement are separate matters, North Korea announced directly after the breakdown of the 6-party talks that if these obligations were not met its response would be firm.

For its part, the United States replied with a public statement that it would reconsider its North Korea policy. When adoption of a verification protocol became impossible, Whitehouse spokesperson Dana Perino announced that the U.S. would have to “rethink some of [its] action-for-action” principle and intimated at the possibility of withholding energy aid. Currently Japan, citing the problem of Japanese abductees to North Korea, has not provided any of the promised 200 thousand tons of heavy fuel oil and South Korea provided 146 thousand tons of promised economic and energy aid before stopping aid shipments in reaction to the lack of agreement on a verification protocol. As such economic and energy aid to North Korea corresponding to the 10.3 agreement stopped with China’s last provision in March.

Prospects of the 6-Party Talks

With the 6-party talks stalled and aid shipments delayed, North Korea has to find a way to alter the situation. Its intention to do so can be confirmed in the string of forceful statements issued at the beginning of this year. In a conversation on January 13, the spokesperson for North Korea’s Ministry of Foreign Affairs commented that “without fundamental removal of the United States’ policy of hostility and nuclear threat against Choson [North Korea] we will not first put down our nuclear weapons even in a hundred years.” In other words, through insistence on normalization of relations first and denuclearization later North Korea was saying that it cannot trust the U.S before the establishment of an amicable relationship of the sort represented by a peace agreement and therefore cannot give up its nuclear weapons. In addition, on February 2, the spokesperson for the

Supreme Command of the Korean People's Army said in an interview with Choson Central News Agency, "the only road" to denuclearization of the Korean Peninsula was for "all nuclear possessing states involved to disarm simultaneously" and that "denuclearization must be achieved through thorough verification of the entire area of the Choson Peninsula." This statement demonstrates North Korea's demand that it be recognized as a nuclear-possessing state and its desire to exclude Japan and South Korea, who take a hostile stance towards it, by carrying out bilateral disarmament negotiations with the U.S. rather than continuing the 6-party talks.

These and other comments, made at the beginning of the Obama administration, were a message to the new government that the price it would have to pay to get North Korea to give up its nuclear weapons was not only a relationship of amity but also includes a non-aggression pact and meeting other demands that North Korea has made in the past at the same time. The recent rocket launch can also be understood as a measure aimed at winning direct dialogue with the U.S. in which North Korea would have an advantageous position. The Obama administration is putting top priority on strengthening the Nuclear Nonproliferation Treaty (NPT). It is therefore hard for the U.S. to ignore North Korea's pressure given that whether North Korea accelerates its nuclear development or smoothly gives up its nuclear program will have influence on the NPT system.

Of course it would be difficult for bilateral negotiations between the U.S. and North Korea to take place at this moment. Directly after the UN presidential statement was issued North Korea made a statement declaring that it would "absolutely never participate again" in the 6-party talks and announced that it would expelled IAEA personnel and reactivate its nuclear facilities. In response to this, acting spokesperson for the U.S. State Department Robert Wood stated that North Korea would "pay the price for kicking [IAEA] personnel out" and said he was sure there would be additional sanctions put in place. As such it appears that a period of frozen relations will continue for the time being. Nonetheless it is known that the U.S. and North Korea are keeping at least a minimal avenue for communication open and with the U.S. repeatedly asserting it is open to dialogue it appears that talks with indeed occur after a fix period of time has gone by. However, if past precedents such as that the settlement of the freeze of North Korean accounts with Banco Delta Asia in Macau, which was handled in a similar way, tell us anything, should the present problem be settled through direct bilateral contact with the settlement then confirmed through 6-party talks, the 6-party talks will be dependent on how the progress of bilateral negotiations seems to be going.

Intensification of Militaristic Rivalry in East Asia

Competition for superiority in military strength in East Asia has intensified surrounding North Korea's rocket launch. On March 9 South Korea initiated the U.S.-ROK joint wartime reinforcement training exercise Key Resolve and combat maneuver training exercise Foal Eagle on the largest scale imaginable. The goal of this military training is not self-defense but rather the annihilation of the North Korean Army, the elimination of the North Korean administration and the creation of the conditions for unification of the peninsula. In addition the Aegis battle cruiser, the central element of the Missile Defense System (MDS), was mobilized for the first time making visible MDS' power, with South Korea declaring its active support of MDS directly after. In response, North Korea proclaimed that the military exercises were an "extremely dangerous war-like action, which may develop into war at any moment" and vowed stern response to any acts of aggression.

Further, the South Korean government confirmed its intention to participate full in the Proliferation Security Initiative (PSI). It stated that it would make official declaration of this decision on April 1, ended up delaying this announcement in consideration of relations with the North. North Korea, considering this to be a propagandistic move, warned that it would respond harshly to such an

action. On the March 18, the spokesperson for the North Korean Supreme Command admonished South Korea to “never forget for a second that Seoul is a mere 50km below the Military Demarcation Line.” This stern response came from the fact that North considers PSI a hostile policy of isolating and containing it.

PSI is a system of international cooperation established under U.S. leadership in 2003 with the goal of stopping or retarding transactions related to WMD and missiles through the patrolling of ships and aircrafts suspected of carrying materials necessary for making WMD. However, intercepting the vessels of a third party on the high seas based only on suspicion without approval from the nation in question is a violation of international law. Moreover, the military build-up required by PSI for the purpose of intercepting ships is also in violation of the UN Constitution, which stipulates that such mobilization of military force is only lawful when recognized as being in the service of the right to self-defense and approved by the UN. Therefore, despite the United States insistent requests, South Korea has judged that boarding and searching North Korean ships on the high seas has a great potential to cause harm to North-South relation and stimulating conflict and as such until now has maintained only an observer status in PSI and PSI vessel-interception training exercises. [1]

Japan has responded to North Korea’s rocket launch with wartime-like resolve. Operating the Missile Defense System at wartime capacity for the first time, it positioned Aegis ships installed with SM-3 interception missiles and readied ground-based PAC-3 interception missiles. On March 27 it also issued an advanced order to “destroy [North Korea’s] ballistic missile.” However, it later announced that it had judged that the rocket would not fall into Japanese territory, and therefore did not attempt an interception using the MDS. Even without an attempted interception, Japan has evaluated that this first-time operation of MDS at wartime levels was carried out smoothly. In addition, the Japan’s government believes that it has won its citizens’ approval for the MDS, for which it paid astronomical prices. According to a recent poll published in Yomiuri Simbun, 88% of Japanese citizens answered that they “feel nervous about North Korea’s missile development.” This was supported by a telephone poll reported by Huji TV, which said that 60% agreed with an increased in Japan’s defense budget. In fact, these responses are the result of a sense of crisis created by nearly of month of relentless propagandizing by the Japanese media and government about the danger of North Korea’s rocket launch and the importance of Japan’s defense system. In the end, Japan is seeking to use the recent launch as an opportunity to accelerate its military build-up, just as it did after the launch of the Daepodong-1 in 1998, after which it spent 1 trillion yen (US\$10 billion +) constructing the MDS. The fact is, Japan already had a plan to station PAC-3 missiles, introduced in March 2007, at some 10 bases in the capital and around the country by next year and plans to add Aegis vessels installed with SM-3 interception missiles in the future. It also plans to bring in American F22A Stealth Fighters as a next generation of fighter plans and is considering the introduction of early warning satellites.

Strengthening of the U.S.-ROK-Japan Military Alliance means no Peace in East Asia

It is likely they there will be a cool period in the wake of the rocket launch for some time, but it is also likely that the tensions will break and bilateral dialogue between the U.S. and North Korea will open the door towards an agreement. It is also true that Obama’s criticisms of Bush’s unilateral foreign policy and attempts to distinguish himself with “smart” foreign policy based on cooperation and compromise have stirred hopes that he will contribute to peace on the Korean Peninsula. But the fact is that in as much as the United States maintains its basic strategy for foreign affairs and security policy the difference between the two administrations is a small one of means and process. The United States, in order to push forth U.S.-centered neoliberal globalization, is expanding is

military intervention on an even greater scale than before, operating with the basic goal of maintaining the currently fracturing world order. In particular, in order to justify the maintenance of some 100 thousand troops and its nuclear and convention weapons strategy in East Asia, a region of great interest, the U.S. is playing up the rise of China as a regional power and North Korea's military threat. The result is that North Korea remains to the United States an object of crisis management that must be contained enough so that it does not cause too much disturbance—that is, a nation that must be dealt with in order to block the expansion of WMD and the support of terrorism.

As such, while with every new U.S. administration there have been expectations for progress in U.S.-North Korea relations, in fact the confrontational relationship of hostility between the nations has not changed. In fact, even when Bush became president there was a moment of hope that there would be a breakthrough in the wearisome negotiations of the Clinton administration, but this in the end turned out to be groundless optimism. Instead, emphasis of the military threat posed by North Korea was used as justification for strengthening the U.S.-ROK-Japan military alliance and negotiations have been used as a means for managing crisis without real intention to bring about a basic change in the U.S.-North Korea relationship. Looking at the issue from this perspective it is clear that there is no great difference between Bush and Obama's understanding of North Korea; Obama's negotiation-centered "smart" foreign policy is still focused on checking North Korea's WMD development and we cannot be optimistic that there will be a change in the strategy of attempting to apply pressure through reinforcement of military strength. We can see this from the Key Resolve military exercises, carried out directly after the start of the Obama administration, which paraded the strength of the new globalized U.S.-South Korea military alliance and took as their goal training for a wartime attack on the North Korean army and incorporation of South Korea's U.S.-made Missile Defense System.

In addition even if bilateral U.S.-North Korea dialogue moves forward and the 6-party talks are brought out of stagnation this will only manage the crisis temporarily without actually eroding the United States' dominance in East Asia. The position that amity with the U.S. and conclusion of a peace treaty are preconditions for the abolition of North Korea's nuclear program is being put forth in various places, but the fact is that only means exchanging the preservation of the North Korean system for acceptance of the U.S. troops stationed in East Asia. Furthermore, a possible temporary solution through bilateral dialogue will only eventually become new conflict, and in the process of confrontation between the U.S. and North Korea, attempts at military build-up by South Korea, Japan, China—indeed throughout East Asia—will gain strength. In the end, without dissolution of the tripartite ROK-U.S.-Japan military alliance, the fundamental stimulant of war, military confrontation and the threat of the outbreak of hostilities cannot but reappear again and again. The construction of the United States' Missile Defense System is the principle force in the militarization of the whole world and outer space and the ROK-U.S.-Japan military alliance, as a participant, is everyday taking on a more aggressive and war-like character. In addition, South Korea's attempts to demonstrate its military superiority to North Korea and its participation in military competition in East Asia are threatening peace on the peninsula and in the region. As such, what we need not is not sit back and observe a temporary resolution to the conflict through bilateral North Korea-U.S. negotiations but rather the expansion of a mass-based peace movement opposing participation in PSI and calling for the dissolution of the ROK-U.S.-Japan military alliance.

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Footnotes

[1] Based on South Korea's observer status it has followed the following 5 out of 8 provisions of PSI: 1) execution of WMD interception training during other joint U.S.-ROK military training, 2) receipt of briefings on overall PSI activities, 3) receipt of briefings on interception training 4) dispatch of an observation team during interception training in the vicinity of Korea 4) dispatch of an observation team during interception training outside the vicinity of Korea. If South Korea becomes a full member of PSI it will also participate in the other 3 provisions, which include: 1) full participation in PSI training, 2) material support for interception training in the vicinity of Korea, 3) material support for interception training outside the vicinity of Korea.