North Korea’s latest nuclear and missile tests have forced the young administration of US President Barack Obama to grapple with policy toward the Korean Peninsula perhaps sooner than it wanted.

US political scientist Leon V. Sigal argues the administration’s reactions have so far repeated the mistakes of past policies toward North Korea.

NOT LONG AGO, it looked like full speed ahead with North Korea. President George W. Bush’s turnabout in response to the North’s 2006 nuclear test set Washington on a new course of diplomatic engagement with Pyongyang. By inducing it to disable its plutonium facilities at Yongbyon so that it could not restart them quickly, the United States was whittling away North Korea’s nuclear leverage. Once again, however, the Bush administration failed to sustain this promising diplomatic course. Instead, at the insistence of Japan and South Korea, it accused North Korea of wrongdoing and tried to punish it.

The election of Barack Obama should have meant clear sailing, with no hardliners on board to grab the helm and steer North Korea policy back onto the rocks. But despite its promise of change, the Obama administration followed Bush’s misguided course of crime and punishment.

This crime-and-punishment approach has been tried by administration after administration, without success. Far from giving Washington leverage, sanctions only confirm US hostility in Pyongyang’s eyes, giving it a pretext to conduct missile and nuclear tests, demonstrating the leverage it has and adding to it.

The turn off course began on June 26, 2008 when North Korea handed China a written declaration of its plutonium program, as it was obliged to do under the October 3, 2007 Six Party talks joint statement on second-phase actions. North Korea reportedly declared it had separated 38 kilograms of plutonium, a total that was at the lower end of US estimates. In a side agreement
with Washington, Pyongyang committed to disclose its uranium enrichment and proliferation activities, including the help it has given to Syria’s nuclear reactor.

Many in Washington, Tokyo and Seoul were quick to question whether the declaration was “complete and correct,” as required by the October 2007 agreement. How much plutonium the North had separated before 1991 was at the root of the dispute. Like many things about its nuclear efforts, no one outside North Korea knew for sure. The US demanded arrangements to verify the declaration before completing the disabling at Yongbyon and moving on to permanent dismantlement.

The trouble was, the October 2007 agreement had no provision for verification in the second phase of denuclearization. The day the North turned over its declaration, the White House announced its intention to relax sanctions under the Trading with the Enemy Act and to delist North Korea as a “state sponsor of terrorism” — but with a caveat. As Secretary of State Condoleezza Rice told the Heritage Foundation on June 18, 2008: “[B]efore those actions go into effect, we would continue to assess the level of North Korean cooperation in helping to verify the level of North Korean cooperation in helping verify the accuracy and completeness of its declaration. And if that cooperation is insufficient, we will respond accordingly.” She acknowledged that Washington was moving the goalposts: “What we’ve done, in a sense, is move up issues that were to be taken up in phase three, like verification, like access to the reactor, into phase two.”

In bilateral talks with the US, North Korea agreed to establish a Six Party verification mechanism and allow visits to declared nuclear facilities, a review of documents and interviews with technical personnel. These commitments were later codified in a July 12 Six Party communiqué. The North also committed to cooperate on verification in the dismantlement phase.

That was not good enough for hardliners in Tokyo, Seoul or Washington. They demanded that the commitment be put into writing, and Bush agreed. The US handed the North Koreans a draft protocol with intrusive verification procedures and on July 30 the White House announced it had delayed delisting North Korea as a “state sponsor of terrorism,” until the verification protocol was agreed to.

North Korean reaction was swift. Retaliating for what it took to be a reversal of the October 2007 accord, it suspended disabling at its plutonium facilities at Yongbyon on August 14, and it soon began restoring the facilities. On October 9, it barred International Atomic Energy Agency (IAEA) inspectors from Yongbyon.

With the disabling in jeopardy, US negotiator Christopher Hill met his North Korean counterpart Kim Gye Gwan in Pyongyang October 1–3, with a revised draft protocol in hand. Kim agreed to allow “sampling and other forensic measures” at the three declared sites at Yongbyon — the reactor, reprocessing plant and fuel fabrication plant. That might suffice to ascertain how much plutonium it had produced. If not, Kim also accepted “access, based on mutual consent, to undeclared sites” according to the State Department announcement.

Again, an oral commitment was not good enough for Japan or South Korea. They wanted it in writing. Nevertheless, Bush reversed course on October 11 and carried out the delisting. Rice’s phone call to notify Japanese Foreign Minister Hirofume Nakasone of the decision triggered an angry exchange.

Once again, Japan and South Korea pushed back and insisted on suspending energy aid without a written protocol including more intrusive verification arrangements. Faced with a united front, Bush again went along. On December 11, the US, Japan and South Korea threatened to suspend shipments of energy aid unless North Korea accepted a formal Six Party verification protocol. It was yet another ill-conceived legacy that Bush left to his successor.

In response to the backtracking, the North stopped disabling. In late January, it began preparations to test-launch the Taepodong-2 missile in the guise of putting a satellite into orbit.

Instead of undertaking a policy review to devise a North Korea strategy of its own, the Obama administration reacted to events. Without much guidance from above, the bureaucracy operated
on auto-pilot. In Asia, on her first overseas trip, Secretary of State Hillary Clinton sounded like she was reciting Rice’s talking points as she met with the Japanese abductees’ kin, spoke of “tyranny” in North Korea, and speculated about a “succession struggle” in Pyongyang. Her words and deeds were music to the hardliners’ ears in Tokyo and Seoul, but they struck a discordant note in Pyongyang, the party she most needed to persuade.

In the run-up to the test-launch, the administration was torn between its desire to resume negotiations and demands from Japan and South Korea to punish Pyongyang. Picking up public hints of Pyongyang’s interest in resuming talks, Clinton told a March 11 news conference, “We need to have a conversation about missiles, and it wasn’t in the Six Party talks. We would like to see it be part of the discussion with North Korea.” Ambassador Stephen Bosworth, newly named special representative on North Korea policy, told reporters on April 3, “We believe that defiance of a UN Security Council resolution is an action that requires that there be some consequences, and that will be our objective. At the same time, however, I would also say that we continue to look with great interest, and give great priority, to the need to resume the Six Party discussions with the goal of the verifiable denuclearization of the Korean Peninsula. And that remains, of course, our long-term goal. And we would hope to be able to return to that goal in as reasonable a period of time as possible.”

Asked about the agenda for negotiations, Bosworth, a veteran of the Korean nuclear dilemma, spoke not only about denuclearization, but also about “what might be required to normalize the relationship between the DPRK and the United States” and “how we can facilitate North Korea’s integration into the region.” Washington, he added, was open to bilateral talks: “I am prepared to go to Pyongyang whenever it appears to be useful.” He did not mention that North Korea had been told he could come only if it called off its launch. Asked about US leverage to pressure North Korea not to launch, he answered, “In my experience in dealing with North Koreans, pressure is not the most productive line of approach.”

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China agreed with that assessment. From its talks in Pyongyang in January, as well as North Korean media reports, China believed that any condemnation of the launch and imposition of sanctions would prompt retaliation by Pyongyang and delay negotiations. Yet it was not about to bear the blame in Washington for blocking UN action.

After the launch, Obama deferred to Japan and South Korea and sought punitive sanctions resolution in the UN Security Council. Even worse, Obama staked his prestige on a punitive course. “Some will break the rules, but that is why we need a structure in place that ensures that when any nation does, they will face consequences,” he said in a far-reaching speech on nuclear disarmament in Prague. “Rules must be binding. Violations must be punished. Words must mean something.” The nonproliferation regime, or NPT, certainly needs to be preserved and strengthened, but criminalizing a state’s violations or renunciation of the NPT is not the way to do it.
The sanctions against the North were worse than feckless. They gave Pyongyang a pretext to retaliate by reprocessing the spent fuel unloaded from the Yongbyon reactor in the disabling process. Extracting another bomb’s worth of plutonium put Pyongyang in a position to conduct another nuclear test without reducing its small nuclear stockpile, which it now has done. It is also threatening to restart its uranium enrichment effort, which could take years to yield significant quantities of highly enriched uranium. Much worse, in just a matter of months, it could also restart its reactor to generate more spent fuel for plutonium. Many saw the recent test-launches as driven by internal politics in the North since they came on the eve of convening the Supreme People’s Assembly to reelect Kim Jong-il chairman of the ruling National Defense Commission. North Korean media portrayed the launch as part of its campaign to “open the gate to a powerful and thriving nation” by 2012, the centenary of Kim Il-sung’s birth. Standing up to the neighboring powers also appealed to Korean nationalism. That would account for the timing if Kim Jong-il needed to shore up his regime, but there is little evidence for that proposition, despite the enduring faith in some quarters that his rule will somehow be short-lived.

However important domestic politics may have been in Pyongyang, they clearly mattered in Tokyo, Seoul and Washington. Battered by scandal and economic free-fall, Japanese Prime Minister Taro Aso saw his approval rating plummet to a low of 11 percent, raising grave doubts about the LDP’s prospects in upcoming elections. He insisted the north was preparing a “missile” launch, exaggerated the threat it posed to Japan and did little to discourage loose talk about shooting it down. An appeal to patriotism was his only sure vote-getter, and it worked: the rally-round-the-flag effect gave him a bit of a boost in the polls.

In Seoul, President Lee Myung-bak, a self-proclaimed pragmatist, was also faring badly in the polls, but his party and government were split over North Korea policy, forcing him to straddle differences between ideologues to his right and others of a more realist cast of mind. The internal division was most evident in Lee’s indecision over participation in the Proliferation Security Initiative. Some in the Blue House and elsewhere worried that getting too tough with Pyongyang held out little political benefit and risked further capital flight or, worse, a firefight in coastal waters. Hardliners, however, were pleased to make common cause with Tokyo. “Japan was once seen as a stumbling block to solving North Korea issues,” said one. “But now it has the most important role.” What role was that? If Washington and Pyongyang speed up talks too much, a senior South Korean official told Chosun Ilbo, Japan could help by “slamming on the brakes.” Their collaboration was not missed in Pyongyang, where the Foreign Ministry spokesman said, “Japan is primarily responsible for the breakup of the Six Party talks.”

Why did Obama allow himself to be trapped by Bush and the allies? After all, when asked in a July 23, 2008 presidential primary debate, “Would you be willing to meet separately, without preconditions, during the first year of your administration, in Washington or anywhere else, with the leaders of Iran, Syria, Venezuela, Cuba, and North Korea, in order to bridge the gap that divides our countries?” candidate Obama replied, “I would.” He defended his stance against attacks by then Democratic contender Hillary Clinton and Republican candidate John McCain.

Yet a major theme of his campaign was the need to repair America’s alliances and he let that take precedence over keeping a deal with North Korea. Obama was caught in a bind and ill-advised. Some key returnees from the Clinton administration approached North Korea with a facile fatalism that it would never negotiate away its nuclear weapons, so why waste political capital trying. Instead, they thought they could manage the problem, however unmanageable North Korea has shown itself to be. Other appointees who joined the administration later saw negotiations as the only way out, but without a policy review it was difficult to change direction.

If Washington, Tokyo and Seoul stay on their current course, they will run aground. Accusing a self-righteous North Korea of wrongdoing and trying to punish it is an unrewarding endeavor.
Many in Washington, Tokyo and Seoul say Pyongyang will never give up its weapons. All the speculation only encourages Kim Jong-il to think he won’t have to. The fact is, nobody knows, with the possible exception of Kim.

The crime-and-punishment approach has never worked in the past and it won’t work now. The step-by-step approach taken in the Six Party talks so far has failed to build much trust or to give either side much of a stake in keeping any agreement and has left Pyongyang free to use its nuclear and missile leverage. And use that leverage it has. Whenever it thought the US was not keeping its side of the bargain, North Korea was all too quick to retaliate — in 1998 by seeking the means to enrich uranium and testing a longer-range Taepodong-1 missile, in 2003 by reigniting its plutonium program and giving nuclear help to Syria and in 2006 by test-launching the Taepodong-2 along with six other missiles and then conducting a nuclear test.

The lesson that North Korea learned from 1998, 2003, and 2006, but the US and its allies have not, is that they lack the leverage to punish it for its transgressions or to coerce it into doing what they want.

The US needs a new strategy that focuses sharply on the aim of reducing North Korea’s leverage while adding to its own. At the same time, it needs to expand engagement and exchanges. Deeper engagement not only encourages change in North Korea: it is the only way to obtain leverage. North Korea may be willing to trade away its plutonium and enrichment programs brick by brick. Washington should be willing to give it some of what it wants in return. That would reward good behavior. It would also provide leverage to withhold if — and only if — the North does not follow through on its commitment to disarm.

Many in Washington, Tokyo and Seoul say Pyongyang will never give up its weapons. All the speculation only encourages Kim Jong-il to think he won’t have to. The fact is, nobody knows, with the possible exception of Kim, what the North will do. The US needs to find out. The only way to do that is through sustained diplomatic give-and-take. That requires it to ease North Korea’s insecurity, offering it meaningful steps toward a new political, economic and strategic relationship in return for steps toward full denuclearization — including diplomatic recognition, a meeting with Obama, a peace treaty to end the Korean war, negative security assurances and a multilateral pledge not to introduce nuclear weapons into the Korea Peninsula (turning it into a nuclear-free zone). This may also require additional security, agricultural and energy assistance, including conventional power plants or even nuclear power plants if that is required.

Leon V. Sigal directs the Northeast Cooperative Security Project at the Social Science Research Council in New York. He is the author of Disarming Strangers: Nuclear Diplomacy with North Korea.