

2 A Contemplation on North Korea Policy and Normalization of Inter-Korean Relations

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Abstract

The new ROK government's North Korea policy aims to normalize inter-Korean relations and bring peace to the Korean Peninsula. This requires reflecting on North Korea policy of the past and exploring new alternatives. This paper argues that what has caused abnormal inter-Korean relations and South-South conflicts are the imbalance of exchange and security, North Korea's prevalent wrong practice, and South Korea's lack of a policy that benefits North Korean people. It is important to rectify the wrong practices and eliminate policy uncertainty to build a denuclearization-peace regime on the Korean Peninsula and create sustainable inter-Korean relations.

※ The views expressed in this paper are entirely those of the author and are not to be construed as representing those of the Korea Institute for National Unification (KINU).

The divided system on the Korean Peninsula since the Cold War marked a transition from the Cold War-style confrontation and antagonistic relations to the era of dialogue and cooperation. Inter-Korean exchanges, such as the tour to Mt. Geumgang and the operation of Gaesong Industrial Complex (GIC) in the early 2000s opened an era where the interactions between the two Koreas were daily occurrences. However, the current inter-Korean relations are at an impasse for the long haul with more visible North Korea's nuclear threats emerging on the surface. This is mostly attributed to the fact that quantitative development in inter-Korean relations has failed to evolve into qualitative development. What sits at the unstable inter-Korean relations and South-South conflicts are the imbalance of exchange and security, North Korea's prevalent wrong practice, and South Korea's lack of a policy that benefits North Korean people. Addressing the pressing issues of the Korean Peninsula and creating sustainable inter-Korean relations require reflecting on the past and establishing a North Korea policy that ensures policy coherency and normalizing inter-Korean relations.

Imbalance of Exchange and Security

A total of five inter-Korean summits took place, starting with the inter-Korean summit on June 2000, one summit meeting in 2007 and three in 2018. The number of inter-Korean exchanges in the civil sector had skyrocketed during this period. The tour to Mt. Geumgang and the operation of Gaesong Industrial Complex (GIC) marked the beginning of the new era in inter-Korean relations where the people of the two Koreas could interact on a daily basis. Hyundai Asan and North Korea (Korean Asia Pacific Peace Committee and the North Korean National Economic Cooperation Federation) reached an agreement on the operation of the GIC project in August 2000. The ground-breaking ceremony took place in June 2003. Product manufacturing first started in a contracted business unit in a pirate complex in December 2004. Although the operation of GIC project came to

a halt in February 2016, it employed roughly 55,000 North Korean workers as of December 2015, and its accumulated production volume surpassed \$3.2 billion. Approximately 1.93 million South Korean tourists had visited North Korea through the tourism project in Mt. Geumgang from November 1998 to 2008.

However, inter-Korean relations reached its limits in resolving issues of structural instability, which are manifested in the form of imbalances of exchange and security. North Korean armed provocations were repeatedly committed even when inter-Korean relations flourished. Two instances of bombardment of Yeonpyeong broke out during the Kim Dae-jung government, which embarked on a new era of inter-Korean relations. The naval battle of Daecheong ensued in 2009. The sinking of ROKS Cheonan, a South Korean naval vessel hit by a North Korean torpedo, and the bombardment of Yeonpyeong broke out in 2009 during the Lee Myung-bak government. North Korea's provocations of large and small repeatedly occurred in the Park Geun-hye government, such as the three North Korean mines (PMD series) that exploded in the South's Demilitarized Zone in 2015. In the end, the tourism project in Mt. Geumgang was halted by the killing of a South Korean tourist by North Korean soldier in July 2008. Subsequently, the operation of GIC project was suspended in February 2016 due to North Korea's nuclear and missile provocations.

The repeated ups and downs of inter-Korean relations, despite meaningful achievements of the past, mostly stemmed from structural limitations expressed as imbalance of exchange and security. The history of inter-Korean relations raise a doubt on the functionalist perspective that expanded exchange and cooperation would eventually lead to improving peace and trust. China-Taiwan bilateral relations also bear mistrust and a sense of emotional distance despite its close economic exchanges. That is why it is important to establish sustainable and high-quality inter-Korean relations as opposed to simply expanding the qualitative inter-Korean contacts.

Prevalent Wrong Practices

In spite of negotiations of the last three decades, North Korea's nuclear issues have been mired in a vicious cycle of 'negotiation ► agreements and rewards ► violation of agreements ► escalating crisis ► re-negotiation.' Although the two Koreas agreed upon the Joint Declaration of the Denuclearization of the Korean Peninsula in 1991, North Korea refused to undergo IAEA mutual nuclear inspections in 1992 and eventually nullified the agreements. Even though North Korea and the US arrived at the Agreed Framework in 1994, North Korea withdrew the NPT in 2003 after it was accused of having produced highly enriched uranium (HEU) in 2002. North Korea pushed ahead with the first nuclear testing in 2006 even though the September 19 Joint Statement was agreed upon in 2005. South, North Korea, and the US reached an agreement on the goal of complete denuclearization at the inter-Korean summit in Panmunjom in April 27, 2018 and the Joint Statement of the DPRK and the US at the Singapore Summit on June 12, 2018. And yet, North Korea did not stop developing nuclear weapons and missiles. Despite the repeated nuclear negotiations, North Korea transitioned itself to a de facto Nuclear Capable Country and is now posing a threat to South Korea by manufacturing full-blown tactical nuclear weapons.

North Korea confiscated and froze all the South Korean-owned assets in the Mt. Geumgang region in late April 2010 after an inter-Korean summit, designed to resume the suspended tourism to Mt. Geumgang, broke off early April the same year. North Korea unilaterally dismantled the Haegeum River hotel and resort facilities in the Ananti golf club owned by Hyundai Asan in April 2022. South Korean-owned assets that North Korea confiscated, froze, and dismantled in the Mt. Geumgang region should be duly protected in accordance with inter-Korean agreements and the international commerce norms. Although Chairman Kim Jong-un ordered the dismantling of such facilities in consultations with the South, North Korea did not provide any explanations or consult with South Korea in advance before dismantling South Korean-invested facilities in the Mt. Geumgang region.

North Korea unilaterally blew up the Inter-Korean Liaison Office in June 2020, regarded as a symbol of inter-Korean relations, citing South Korean civil groups' sending of propaganda leaflets into North Korea as a reason. The Inter-Korean Liaison Office is an asset owned by South Korea and should rightly be protected under the international law. In September 2020, a shocking event occurred when a South Korean government official, who had drifted in the West Sea, was shot dead by a North Korean soldier. Immediately after the accident, North Korea's United Front Department sent an official apology containing excuses that would hardly be deemed justifiable while Chairman Kim Jong-un released words of apology. North Korea, however, did not respond to South Korea's demands that the North give full accounts of what happened, cooperate on searching for the body, and hold accountable those involved in the accident.

Such cases are merely a fraction of North Korea's unilateral and irresponsible actions. North Korea is absorbed into 'a self-centered worldview' dictating that the North should be the center of attention, which apparently hinders resolving issues on the Korean Peninsula. Advancing inter-Korean relations of any kind will be structurally limited if North Korea does not conform to the commonly-held view that one has to be held accountable for wrong acts and that agreements always accompany the obligation to follow through.

A Lack of Policy for North Koreans

The South Korean constitution stipulates that South Korean's exercise of sovereignty on the North Korean region is temporarily restricted due to circumstantial particularity conferred by the divided system of the peninsula although the North Korean region falls into the territory of the Republic of Korea. The North Korean people are potentially nationals of the Republic of Korea. That is why North Korean refugees, once entering South Korea, are automatically given South Korean nationality. In that sense, the ROK government should be responsible and be obligated to ease the pain, give relief aid, and improve the

quality of life for North Korean people. The ROK should reflect on whether a policy that could actually benefit the North Korean people had been implemented in the previous ROK governments.

North Korea is a country whose infringement on the human rights of its own people is at its worst when judged by international standards. The UN has adopted the resolution on the human rights situation in North Korea for 17 consecutive years until 2021. Although the ROK government had participated in the UN resolution on the human rights situation in North Korea as a co-sponsor from 2009 to 2018, it has only been involved in the adoption of the consensus since 2019. This was intended not to provoke North Korea to weather through the impasse in inter-Korean relations and to make a breakthrough in nuclear negotiations. In that regard, the ROK government is subject to the criticism: even when the international community—a third-party—took issue at North Korea's violation of human rights, South Korea neglected its constitutional obligations and responsibilities of the North Korean people.

The issue of the North Korean people's rights to knowledge and freedom of expression should also be pointed out. The freedom and the transparency of media has been the most crucial impetus in the development of South Korea's democracy that led the April 19 Revolution, the Gwangju Uprising, and the June 1987 Democratic Uprising. South Korea's anti-North Korea leaflet law (the enactment of the Inter-Korean Relations Development Act) has been controversial as it was enacted when North Korean's rights to knowledge were repressed, and North Koreans were forced to consume only manufactured information. South Korean civil groups' act of openly sending propaganda leaflets to North Korea should be restrained as such an act could trigger military collisions and jeopardize the safety of people residing in the border region. However, the efficacy of the current anti-North Korea leaflet law is contested as it defined the areas where disseminating a propaganda leaflet is prohibited quite broadly and that thus it unduly punishes those involved in the act. The principle of the freedom of expression should be applied equally both to South and North Korea. In the same

vein, North Korean people's rights to knowledge should be guaranteed.

Starvation is one of the most severe forms of human rights violations. Over several hundreds of thousands of people were starved to death during the Arduous March in the mid- to late-1990s in North Korea. The food crisis is an ongoing event to this day in North Korea. The amount given to East Germany from West Germany was annually 5.2 billion (German) mark (\$2.3 billion) from 1975 to 1988. Among them, the amount of money that was either directly or indirectly sent from West Germany to East Germany was annually 7.5 billion mark. There were no reported instances of humanitarian crisis or people who starved to death until Germany was unified. 31,755 dissents in East Germany and their 2,000 or so family members moved to the West Germany through Freikauf over the 27 years of the division. The costs incurred were an average of 40,000 mark per person. The trust built of the East Germans toward the West Germans and the 'internal bonding' created in the process were a determining factor to make unification possible in Germany. North Korea, in the face of chronic food shortage, fell short of one million ton of food a year, but the food aid from the ROK government after 1995 only amounted to a total of 2.855 million ton (roughly 1 trillion and 100 billion won). Policy changes caused by the shift of the government and the consuming South-South conflicts such as controversies over the so-called pork barrel policy have made the ROK role in alleviating North Korea's hunger crisis limited.

Despite various achievements and development in inter-Korean relations, it remains to be seen if the trust and 'internal bonding' of the North Korean people have been built toward South Korea. That skepticism mostly stemmed from the failure to implement a systematic and coherent policy toward North Korean people.

Normalization of Inter-Korean Relations

The 20th presidential transition committee released the 110th tasks of the state

affairs of the Yoon government in May 3, 2022. The North Korea policy of the new ROK government was specified in the promise no. 18 titled: "The ROK will normalize inter-Korean relations and will make a peaceful Korean Peninsula" among the fifth policy goals entitled "Global Hub to Contribute to Freedom, Peace, and Prosperity." This contains three policy tasks as follows: policy task no. 93. 'proceeding with North Korea's denuclearization', no. 94. 'normalizing inter-Korean relations and preparing for unification involving the public,' and no. 95. 'addressing humanitarian issues between the two Koreas.' Given this, the North Korean policy of the new government appears to have three axes: pursuing North Korea's denuclearization, normalizing inter-Korean relations, and addressing humanitarian issues.

Resolving pressing issues on the peninsula and establishing sustainable inter-Korean relations require rectifying the existing wrong practices and abnormalities. Above all, the imbalance of exchange and security should be resolved. In fact, the current inter-Korean relations, prone to potential military conflicts, are structurally vulnerable. North Korea recently declared its intention to develop tactical nuclear weapons targeting South Korea and warned of a possible preemptive nuclear use. Chairman Kim Jong-un mentioned in a speech delivered at a military parade celebrating the foundation of the Korean People's Revolutionary Army in April 25, 2022 that if the country's 'fundamental interests' are infringed upon, nuclear weapons could be used even when there is no nuclear war. North Korea appears to have adopted the most aggressive nuclear doctrine toward South Korea. That is why inter-Korean relations have a slim chance of improving without the progress on the nuclear front. However, advancing inter-Korean relations after a complete denuclearization is not realistic either given the complexity or stalemate in resolving North Korea's nuclear issues. More realistic alternatives would be to verify whether North Korea is seriously committed to a complete denuclearization and to advance inter-Korean relations in parallel with the progress of denuclearization. It is equally important to devise a military trust-building measure that could fundamentally root out potential armed conflicts by furthering the 'Agreement on the Implementation of the Historic

Panmunjom Declaration in the Military Domain of 2018.’

The ROK should shape a new practice under which North Korea abides by agreements and norms. Trust cannot be built, and North Korea will never attract any investment or capital if it continues to unilaterally violate the agreements and infringe upon the norms. North Korea must be held accountable for its wrong behaviors, and this principle should be applied to all the past malfeasance committed by North Korea. North Korea should be held responsible for instances of the past, present, and future, such as damages done to South Korean-owned facilities in the GIC and Mt. Geumgang, its killing of a South Korean official in the West Sea, and its abductions of South Korean people. The US has held North Korea accountable for the death of Otto Warmbier. In the end, owning up to one's mistakes will serve North Korea positively in the long-term. Although it is not realistically feasible to hold North Korea accountable first and then develop relations later, North Korea's wrong practices must be corrected at a certain point.

Resolving humanitarian issues between the two Koreas necessitates implementing a responsible North Korea policy toward North Korean people. The ROK should continuously strive to resolve humanitarian issues and improve the quality of life for North Koreans that could help alleviate the humanitarian crisis and allow for the free flow of information. To that end, a two track-approach should be explored and adopted: humanitarian issues and inter-Korean relations should be approached separately. In fact, the US has led the North Korea-US dialogue while responding sternly to North Korea's humanitarian issues. The US should uphold universal values and principles when it comes to resolving North Korea's humanitarian issues, including co-sponsoring the UN resolution on the human rights situation in North Korea. Policy should be implemented to respect North Koreans' rights to knowledge and freedom of expression while preventing possible accidental conflicts and guaranteeing people's safety in border regions. Given the limitations of the bilateral inter-Korean relations at the government level, the ROK government could explore how to utilize the role of the civil

sector to promote the North Koreans' rights to knowledge and freedom of expression. It is also necessary to separately approach North Koreans and the North Korean authorities. The North Korean leadership, engrossed in maintaining the dictatorship and developing nuclear weapons, should be regarded separately from the potential nationals of the Republic of Korea. Especially, South Korea should make ceaseless efforts to relieve North Koreans of their pain even when it incurs political burdens and costs on the ROK.

The ROK thus far has deployed a strategic ambiguity to alleviate the pressure of the US–China strategic competition and secure its national interests from international relations. However, strategic ambiguity, despite some upsides, can send a wrong signal to inter–Korean relations, and create mistrust in the alliance and the international community. Now is the time to explore the new policy orientation based on strategic clarity. The ROK should make it clear about desirable values, goals, and orientation that it seeks to pursue in inter–Korean relations, alliance, and international relations. Seoul should take a pragmatic stance that prioritizes its national interests based on such clarity. Making clear policy orientation for North Korea will positively impact building internal and external consensus and could send a firm signal to rectify North Korea's wrong practices. The most crucial criterion to evaluate inter–Korean relations should be sustainability, not performance–first approach. The ROK should build the public consensus based on the understanding that realizing common values of humanity and making a unified country that makes people happy are the overarching goals.

The world order is going through transition into the confrontational structure of democracy vs. autocracy with the aggravating US–China strategic competition and the enveloping Ukraine crisis. In response to this, the ROK should explore a new national strategy that combines the ROK's advancement grounded in universal values and its policy on North Korea and unification. It is time to drive North Korea's complete denuclearization, bring a permanent peace on the Korean Peninsula, and implement the National Community Unification Formula in phases. To make that happen, it is important to correct wrong practices prevalent in

inter-Korean relations, secure policy sustainability, and eliminate the uncertainty that obstructs the policy implementation. © KINU 2022