

After the Nuclear Negotiations: Sustaining Peace in Northeast Asia

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We are asked to focus in this discussion not so much on how to achieve denuclearization of the Korean Peninsula but rather on how to sustain peace there and in the wider North East Asian region once that formidably difficult task has been accomplished. Denuclearization of the Peninsula is a formidably difficult task because, to be worth the name, it has to involve ? although others' definitions may be wider or narrower ? not only North Korea verifiably relinquishing all its nuclear weapons and South Korea credibly pledging never to acquire or station them, but also the United States, and desirably China and Russia as well, giving credible negative security assurances not to threaten or use nuclear weapons there.

Achieving denuclearization and achieving a comfortably sustainable peace in the wider region are not separate enterprises, but highly connected ones. Not in the sense that denuclearization is the only peace and security issue in the region ? obviously there are others, above all the mounting tension between China and the United States. But the two aspirations are connected in the sense that, both in the case of achieving denuclearization and that of achieving sustainable peace in the wider region, this will only happen when two conditions are satisfied:

- first, that there is a fundamental change of mindset on the part of all the key players, away from a relentlessly competitive towards a constructively cooperative approach to security; and
- second, that there are formal institutional arrangements in place that consolidate and reinforce the instinct for peace, which in the present context means a formal Korean Peace Treaty, a North East Asian Nuclear Weapons Free Zone, and an effectively functioning East Asian Summit.

Mindset Change. The overwhelming, primary need is for every relevant political leader to bring to the geopolitics of East Asia a mindset focused not on confrontation and competition but on cooperation ? to adopt a ‘cooperative security’ approach. The idea of cooperative security has been round for a long time, but it is one of which we constantly need to remind ourselves, because it is the only rational and defensible way of conducting international relations in the contemporary world, and certainly the only rational and defensible way of conducting relations in an area as volatile as East Asia.

It embraces a number of distinct elements, but three in particular: the idea of common security, first articulated by the Palme Commission in the early 1980s, that security is best achieved with others, rather than against them; the idea of comprehensive security, that international security in the modern age is multidimensional, demanding attention not just to political and diplomatic disputes but underlying economic and social issues; and thirdly, the recognition there are an ever-growing number of non-traditional, transnational threats to both state and human security? like terrorism, climate change, unregulated population flows, health pandemics and proliferation of weapons of mass destruction ? that depend on cooperative solutions because they are beyond the capacity of any one state, however big and powerful, to solve for itself.

What cooperative security demands in practice are mind-sets that emphasise consultation rather than confrontation, reassurance more than deterrence, transparency more than secrecy, prevention more than reaction, and interdependence rather than unilateralism. Not all of the messages we have been getting from key players, both in relation to North East Asia generally and in the specific context of the Korean Peninsula, have been consistent with these principles.

A lot more is going to be required, for a start, from United States policymakers. Donald Trump’ s Presidency ? as long as it lasts ? is manifestly not conducive to achieving a stable, cooperative and mutually respectful environment in North East Asia, any more than anywhere else. But it’ s not just President Trump. We need to remember that it was his predecessor President Obama who in his 2016 State of the Union Address said, in the context of the TPP, “China doesn’ t set the rules in that region, we do.”

The US, right across the political leadership spectrum, is simply going to have to psychologically adjust

itself to the reality that it is no longer the world's sole superpower. That while it will have, for the foreseeable future, an important and for most countries in the region still welcome stabilizing role in East Asia, it can no longer expect to have primacy or dominance:

- that it is going to have to share strategic space with China;
- that it is not unreasonable for China to want to play a part in regional and global rule-making, not just rule-taking; and
- that there are acute risks not just to the regional but the global economy in the US launching an all-out trade war

against China rather than trying to settle grievances, legitimate as some of them might be, through mutually accommodating cooperation.

For China itself, there are also some mindset changes that need to be consolidated. Part of the new assertiveness we are now seeing in Beijing's approach to other states in the region and beyond is no more than can be expected from a country wanting to reassert its historical greatness after more than a century of wounded pride. But it would do more for our confidence in sustainable peace if President Xi Jinping much more consistently, and believably, used the kind of language he did when he visited my country, Australia, back in 2014. He told the Australian Parliament then that he understood that China was seen as the "big guy in the crowd" and that others "may be concerned that the big guy may push them around, stand in their way or even take up their place". And said in response that what China needed most, on the contrary, was both a stable domestic and peaceful international environment, that turbulence or war was utterly against its fundamental interests, that it was committed to peacefully addressing territorial and other disputes through dialogue and consultation, and that it wanted win-win progress with all its neighbours.

To be believed, of course, China is going to have to act in practice in ways that are more consistent with that language. Manifestly, it has not been doing so in the South China Sea, where it continues to reject the very clear international law of the sea that no state can claim sovereignty over some of the reefs and rocks on which it has now built major military installations. Some have also argued that its spectacular Belt and Road Initiative is inconsistent with a genuinely cooperative approach to international relations, that it is not really a 'win-win' enterprise at all, but designed to secure China's geostrategic as well as economic dominance, forcing small countries into a dependent relationship through debt. But while there are some outstanding concerns about issues about transparency and governance, I think they can be resolved, and that the BRI could indeed over time become a classic example of productive international cooperation.

Japan and South Korea are not themselves immune from the need for some national mindset changes. To be on the right side of history means escaping once and for all being prisoners of history. Japan should long ago have put behind it, as has Germany, any suggestion that it is not completely apologetic to all its neighbours for its war of aggression in Asia and the atrocities that were then committed. The comfort women issue continues to periodically nag away in the background of Korea-Japan relations, as does the Dokdo/Takeshima territorial dispute, which also owes something to lingering wartime memories but which should long ago have been resolved by legal adjudication or joint development negotiation.

It is also my instinct that for South Korea and Japan, as for my own country Australia, a little more visible independence from the United States ? less physical and emotional dependence on our traditional great ally ? would make for more healthily sustainable relationships around the region. I do not suggest for a moment that any of us should walk away from that alliance, but we do need to be alert to the possibility that, if current trends continue, our great and powerful friend may be more capable of precipitating a war than being either able or willing to protect us from its consequences.

The biggest mental makeover that is going to be required to achieve sustainable peace on the Korean Peninsula and the wider region is from North Korea. The paranoia about external and internal enemies that has so long consumed its leadership simply has to be dissipated ? paranoia which has led it to be comfortable living as a global pariah; to engage in some of the world's most systematic, prolonged and egregious human rights violations against its own people; to close off its society from economic development; and to build nuclear weapons in defiance of the Security Council and everyone else, including China.

There are some signs that Kim Jong-un is capable of the mental makeover required, and changed behaviour that would flow from it. But as South Korea under the administration of President Moon Jae-in has understood better than anyone else, that change is only going to be possible ? and be sustainable not only through the nuclear negotiations but beyond ? in the context of mindset changes from the United States and others of the kind I have described. North Korea is never going to put its regime survival at risk, and is never going to be bludgeoned into submission by economic sanctions or military threats. It is only through step-by-step trust-building negotiations, giving the DPRK real confidence that its national security and regime survival will be protected ? confidence of the kind that I for one think it has had some reasonable cause to lack in the past ? that present tensions will be defused, and lasting peace sustained.

Institutional Reinforcement. Just as institutional agreements and arrangements are not likely to be achievable or very durable if not accompanied by a cooperative mindset in the relevant actors, so

too is it the case that psychological or mindset changes without accompanying institutional implementation are not likely to have much practical impact at all. Each reinforces the other.

In my judgement there are three particular institutional arrangements which will be critical first, in consolidating the denuclearization of the Korean Peninsula, and second, in maximising the chances of achieving sustainable peace in the wider North East Asia region. They are a new Korean Peace Treaty, a North East Asian Nuclear Weapons Free Zone, and an effectively functioning East Asia Summit.

A New Korean Peace Treaty. Although various lesser measures continue to be proposed, which may have some utility ? for example a bilateral declaration between North and South Korea, or between the US and the North ? the only way of bringing a formal end to the Korean War is to convert the 1953 Korean Armistice Agreement into a binding Korean Peace Treaty. Doing that is easier said than done legally because the 1953 Armistice was not signed by states but the UN Command (UNC) on one side, representing some twenty international forces, and the Korean People's Army(KPA) army and Chinese Peoples Volunteer Army (PVA) on the other.

The most credible way forward, readily achievable if the cooperative will is there, would be for the Armistice to be supplanted by an agreement to end the war signed by the two Koreas, the United States and China, which would be endorsed by the UN Security Council under Chapter VII of the Charter as necessary for the restoration and maintenance of international peace and security in North East Asia.¹⁾

A more ambitious approach to a peace treaty, very attractive if it could be delivered, has been proposed by Morton Halperin, Peter Hayes, Chung-in Moon, Tom Pickering and Lee Sigall.²⁾ This would be what they describe as a 'Comprehensive Security Settlement in Northeast Asia', which would include the following elements: a peace treaty ending the Armistice Agreement; a six-party security council; declarations of non-hostility; an ending of sanctions over time; and provision of economic and energy aid to North Korea. And part of the package would be a North East Asia Nuclear Weapons Free Zone

A North East Asia Nuclear Weapon Free Zone.³⁾ This would embrace both Koreas and Japan. All the

1) See Patrick Norton , 'Ending the Korean Armistice Agreement: The Legal Issues' , Nautilus Institute, March 1997 <https://nautilus.org/publications/books/dprkbb/armistice/dprk-briefing-book-ending-korean-armistice-agreement/>

2) See Morton Halperin, Peter Hayes, Chung-in Moon, Thomas Pickering, Lee Sigal, ' Ending the North Korean Nuclear Threat by a Comprehensive Security Settlement In Northeast Asia' , Nautilus Institute, 26 June 2017, <https://nautilus.org/napsnet/napsnet-policy-forum/ending-the-north-korean-nuclear-threat-by-a-comprehensive-security-settlement-in-northeast-asia/>

3) See further Peter Hayes, 'Ending Nuclear Threat via a Northeast Asia Nuclear Weapons-Free Zone' , Nautilus Institute January 2015, <https://nautilus.org/napsnet/napsnet-special-reports/ending-a-nuclear-threat-via-a-northeast-asia-nuclear-weapons-free-zone/>

NPT nuclear-weapon states, including the US, China and Russia, while not being required by this treaty to relinquish their own nuclear weapons, would agree to abide by it (and in the process effectively protect a disarmed North Korea): they would give negative security assurances not to use or threaten to use nuclear weapons against non-nuclear armed states. The non-nuclear weapons states would undertake not to research, develop, test, possess or deploy nuclear weapons or allow them to be deployed on their territory.

And within this framework the DPRK would freeze expansion, start to reverse and ultimately dismantle its nuclear weapons, with a stringent monitoring regime. Protection would be given to South Korea and Japan by their having the right within a certain period to withdraw from the Treaty if its denuclearization provisions were not being effectively implemented.

East Asia Summit. A very encouraging institutional development for those advocating cooperation rather than confrontation as the way forward in North East Asia was the resumption in May last year, after several years lapse, of the China-Japan-Korea Trilateral North East Asia Summit ? aimed at downplaying longstanding disputes and grievances, promoting regional trade and investment, and better coordinating diplomatic relations, especially in relation to North Korea.

But an even more important development would be the emergence of the East Asia Summit as the preeminent regional dialogue, policymaking and tension-defusing body. Although it has not since it assumed its present shape in 2011 even begun to realise its potential, the EAS has all the ingredients to become just that, with its eighteen members including all the major regional players (including now the United States and Russia), meeting at leader-level, and mandated to address both economic and political issues.

Multilateral summit forums have been losing some of their shine in recent years, but they are inherently important vehicles not just for achieving economic and social policy goals but for maintaining sustainable peace. For a number of reasons:

- they can play a significant role in building mutual trust and confidence among their participants, particularly if they are repeated at regular intervals and include ample time for one-on-one and small-group exchanges;
- such meetings can set the policy agenda on crucial issues, from which participating leaders will be embarrassed if they backslide ? even if, as is often the case, agreement has been wrung out of them by strong peer pressure;
- summits can be an antidote to inertia, with the pressure of looming deadlines, and the need to produce “deliverables” ; and

- leader-level summits can achieve things that meetings of lesser political mortals cannot, leaders usually having much more authority to make decisions and commit resources on the spot.

States and their leaders who make a difference to their region and the world are of two basic kinds. There are those who are on the right side of history and those who are not ? those who make the right calls at critical, pivotal moments in national or world history and those who do not. The present generation of political leaders in this region, and among the outsiders who have played a big role in its security in the past, have some distance to go before they can be confident that future generations will think of them as true visionaries for peace.

But the resolution of tensions between the major players in East Asia is, for the foreseeable future, going to matter more for the peace of the world than what happens in any other theatre. And if they bring the right cooperative mindset to the task, and spend time and energy in building effective institutional reinforcements for that mindset, there are still some grounds for hope that catastrophe can be avoided.

