

Multilateral Diplomacy and the Korean Peninsula: Lessons from Conflict Resolution

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Introduction

Despite the fact that the hopes of many were raised by the Trump Administration's willingness to engage with Chairman Kim directly and with the DPRK in bilateral talks, the failure of the Hanoi summit to result in any concrete progress provides us with some lessons in what not to do and what to do in order to move towards a comprehensive peace on the Korean peninsula.

When thinking about the goals of any conflict resolution process, negotiation or even peace process, there are a couple of things to be kept in mind. The first of which is that these descriptions foreground the nature of the project as one that is engaged in a process; that is, something which not only has an outcome, but also has dynamics that will need to be watched and accounted for. The second thing that needs to be kept in mind is that conflict resolution often hinges upon deep analyses before engaging in negotiations, during the negotiation period and, importantly, during the implementation period of any agreement reached.

Failing to recognize the process-oriented nature of the conflict on the Korean Peninsula as well as failing to accurately analyze both the sources of the conflict as well as the goals and desires of all parties involved are the two major errors committed in this last round. In some senses we are fortunate that these failures have not, as of yet, derailed the possibility of any progress, but in order to move forward we should attempt to apply some of these lessons to the current situation.

Conflict resolution is a broad field, whose remit covers a great many different academic disciplines as well as a great many practices encompassing everything from family mediation to community-level contact and reconciliation to international negotiation practices, peacemaking, peacekeeping and post-conflict peacebuilding. Without trying to get too far ahead of ourselves in this forum, I think that it would be important to clearly define the goals of any multilateral peace process in the region and then outline where and how the knowledge and practices of conflict resolution can be of assistance.

What is it that the parties want? Conflict analysis as a tool of Conflict Resolution.

Given that the focus of this panel is to discuss how to transform the currently stalled bilateral negotiations between the US and DPRK into multilateral negotiations, we should begin by asking about the goals of each of the invited parties. In most negotiations, one assumes that the parties enter into the process through a sincere desire to achieve a peace agreement and that any agreement reached needs to satisfy certain criteria to be acceptable. However, this isn't always the case. Parties may enter negotiations in order to further other ends. For instance, some parties may be under pressure from powerful allies to enter negotiation or they may enter into talks in order to assuage domestic constituencies, but in neither case might they be really interested in or motivated to reach an agreement. This kind of "negotiating for side effects" may seem unlikely in such a high-stakes environment, but one cannot assume that the current US administration is as interested in achieving peace on the Korean Peninsula as they are in promoting the current US president as a "great dealmaker."

All this means is that before attempting to entice the US and DPRK to enter multilateral talks, one must ask serious questions about the goals of each party. Why would they enter negotiations? What benefits do the states and, more importantly, their leaders, expect to accrue? What costs might each leader suffer if the negotiations are unsuccessful? What costs might each leader suffer if the negotiations are successful? The lesson of Anwar Sadat, whose assassination came at least in part from his willingness to make peace with Israel, should not be forgotten. Nor should the lessons of either Saddam Hussein or Muammar Gaddafi, both of whom lost their lives after giving up their ambitions for nuclear weapons.

So, we need to start by asking, what does Chairman Kim want? Not just for his state, but for himself, his family and potentially his supporters in the regime? I'll leave the details of those goals up to the experts, but I would imagine that Mr. Kim's goals include improving the DPRK's economy and rehabilitating its status as a "pariah" state, but more importantly I would imagine that Mr. Kim wants

to ensure the survival of his regime and himself. Each of these are powerful factors driving him to make an agreement, but also putting severe constraints on how much and how many of his bargaining chips he'll be prepared to trade away to achieve his goals.

Then we need to ask similar questions about Mr. Trump and the US Administration. It seems clear that Mr. Trump would like to compare himself favorably with other US Presidents who have either brokered or signed major peace or arms control treaties. This would, for him, solidify his position as a legitimate president and would play into his self-perception as a dealmaker. This self-perception, perhaps more than any other factor, was likely responsible for his desire to "grab the brass ring" by going for a complete agreement rather than a step-by-step process. In contrast it seems clear that National Security Advisor Bolton is driven more by ideology, having gone on record a number of times to suggest military intervention in North Korea. While the goals of Secretary of State Pompeo are less clear, both of these advisors appear determined to extract maximum concessions for minimum exchanges.

Similar questions need to be asked of the four other parties proposed for inclusion in multilateral talks, the Republic of Korea, People's Republic of China, Russian Federation, and Government of Japan. In each of these cases we should do our best to ask both how these states, and their leaders, benefit either from the possibility of peace as well as the continuance of conflict.

Understanding the answers to these kinds of questions can help to gauge how likely any particular negotiation process is to end in success or failure. Understanding the different power centers and powerful actors in each country and their individual goals can help to establish what Robert Putnam described as "win-sets" or the range of acceptable outcomes for each of the parties coming to the table. If one can establish that there are overlapping win-sets, then there may be a basis for engaging in negotiations. If the win-sets are not overlapping, or there is a great deal of distance between them, then options other than negotiation need to be pursued until conditions change.

What openings exist or can be created? Ripeness for resolution as a goal rather than an obstacle.

If we assume that circumstances limit the possibility of opening multilateral talks at this time, there are conflict resolution concepts that we can use to think about either moving towards a situation where successful negotiations can take place or, at the very least, moves might be made to ease tensions and hopefully prevent a return to escalation.

In terms of conflict resolution, there are two concepts that can be applied to the situation in order to move towards negotiation or, at the very least, ease current tensions. The first is known as

ripeness for resolution, representing the idea that there are certain times or certain circumstances that make it more likely for negotiating parties to be willing to enter negotiations. There are two elements to this concept, objective conditions and subjective perceptions. Objectively one is often looking for what is described as a hurting stalemate, typically either with a just passed or averted catastrophe or an impending crisis. This can be quite difficult, and dangerous, to engineer and so is often out of the hands of most parties. However, one could see that the imposition and tightening of sanctions on the DPRK as an attempt to push Chairman Kim into negotiations. However, there are limits to a singularly objective approach to ripeness as it tends to increase tensions without providing a constructive outlet—often leading to further escalation. This is where the subjective element to ripeness comes in handy with its focus on the enticing opportunity or way out. In order for a party to engage in negotiations—or a peace process—there should ideally be both disincentives to continue the conflict and incentives to enter negotiations; most especially a belief that more is to be gained from the peace process than from the conflict.

Therefore, a combination of continued objective conditions and subjective perceptions needs to be created. Rather than just increase pressure, some outlet needs to be provided in terms of demonstrating to the DPRK the benefits of entering negotiations and—ideally—giving up its nuclear weapons program. In order to address that, we need to turn to our second concept, that of conciliatory gestures designed to act as confidence-building measures.

An additional reason to consider the use of conciliatory gestures comes from the usual negotiating pattern of the DPRK, which is to escalate tensions in order to force concessions from its negotiating partners. While this has been somewhat successful in the past, it may be less successful at this time both due to the mercurial nature of Mr. Trump as well as the clear opposition to a deal by Mr. Bolton. Therefore, in order to keep some small level of progress going until conditions for multilateral talks improve, it may be necessary to encourage the use of confidence-building measures to reduce tensions.

Gestures of Conciliation

Much as conflict escalation follows a logic and pattern of increases in the severity incidents, the number of issues at hand or the number of parties involved in a conflict, de-escalation follows a pattern of a reduction in tensions, a gradual increase in trust and some confidence that a negotiated agreement might be possible. One of the more important techniques that can be used to induce de-escalation are conciliatory gestures, often known as confidence-building measures.

In essence there are three types of conciliatory gestures, the first confer some kind of benefit upon

the target party. One example of this kind of benefit was the creation of the Kaesong Industrial Park, which was designed to provide the DPRK with a legitimate source of foreign exchange, and the symbolic elements of joint participation in the 2018 Olympics hosted in Pyeongchang.

The second kind of conciliatory gesture reduces negative sanctions against the target. Examples of this kind of cost-reduction include the reduction or removal of economic sanctions, a reduction or removal of threatening activities, such as the recent movement to remove loudspeakers and to at least partially disarm the DMZ in addition to the reduction in joint exercises by ROK and US forces.

The third kind of conciliatory gesture is one that combines elements of the first two, including both a conferred benefit and the reduction of a negative sanction.

Aside from their primary impact in changing the dynamics of a conflict by either conferring benefit or reducing costs, conciliatory gestures can have the effect of persuading the target that there is the possibility of a negotiated settlement and, furthermore, that the benefits of such a settlement will both outweigh the costs and will cost less than continued conflict. So, how does one impact the target with that intended message—assuming that one intends to send a message that a negotiated settlement is desired. Frankly it has to do with the risk incurred by the sender of the message—the conciliatory gesture—and that risk is determined by a few factors. The first factor is the extent to which the gesture is seen as irrevocable. In other words, gestures that impose a cost on the sender, typically by conferring a benefit on the target, are often seen as more genuine. These kinds of gestures can be substantial, such as the provision of aid or foreign exchange to the DPRK, or symbolic, such as the recognition that Mr. Kim received through his one-on-one meeting with Mr. Trump. These kinds of gestures are seen as more costly to the sender than those which merely stop imposing a cost on the target, such as the cancellation or postponing of joint military exercises by US and ROK forces. However, other cost-reducing measures, such as the removal of loudspeakers and weapons from the DMZ are less easily reversible, making this kind of gesture more genuine as well. For reference, one of the clearest, least ambiguous and costly gestures made in diplomatic history was Anwar Sadat's decision to travel to Israel and give a speech to the Knesset, in effect recognizing that state in direct contravention to pledges by other Arab states not to.

In seeking to identify conciliatory gestures that might have the potential to reduce tensions and induce the DPRK to remain at the negotiating table or to enter into multilateral negotiations, it is important to both understand its goals and to ensure that bargaining chips are left on the table for the actual negotiations. In other words, one should not expect Mr. Kim to give up all of his nuclear weapons information or capabilities as a gesture of conciliation, nor should the US or ROK compromise their security to bring Mr. Kim to the table. Instead areas like foreign aid or food delivery could be useful bargaining chips; as can continued symbolic outreach as was practiced with the Pyeongchang

Olympics to both serve Mr. Kim's needs to keep his people stable as well as provide some symbolic recognition of him as an equal national leader. Aid delivery might be seen as somewhat problematic in terms of supporting the DPRK and symbolic recognition is difficult to retract, making both of these gestures seem at least somewhat costly for the senders. This could, however, counteract the negative perceptions created by the failure of the Hanoi talks and could allow Mr. Kim to save some face with other power centers in the DPRK and so, should be seriously considered.

Finally, and this is an important point here, while many might be tempted to require positive responses from the DPRK in response to either US or ROK conciliatory gestures, one should be careful about such requirements. When one attaches conditions to conciliatory gestures, they become much less conciliatory. This finding, based on Charles Osgood's GRIT strategy, notes that the "if you do this, I'll do that" strategy tends to lead to escalation rather than de-escalation, and should be avoided. Instead, sending agents should consider what kinds of conciliatory gestures they can make, what kinds of risks or costs they are prepared to bear, and then communicate directly and clearly what their actions are going to be and why they are making them. In other words, if the sender wants to reduce tensions and encourage the DPRK to stay engaged in talks, they should communicate that the conciliatory gestures they are undertaking are designed to do this but are going to be made regardless of the response by the target.

Negotiation as a Process rather than a Game

In closing I want to reiterate the idea that negotiations and diplomatic talks are much more about process than about a series of moves or a game. Many businessmen, perhaps including Mr. Trump, tend to see negotiation as a psychological game in which one attempts to "defeat" one's opponent, to drive a hard bargain and gain all while giving up nothing in return. While this approach "might" be fine for the boardroom or the playground—and I would argue that it is not—it clearly does not work well in the realm of international diplomacy, especially when the potential use of WMD's is at stake. Regardless of how one feels about the DPRK as a state, or about their human rights record, or stated ambitions, one needs to come to the realization that one doesn't negotiate peace with one's friends, but with one's opponents. This means that it is often not helpful to play psychological games, nor to rely too heavily upon ideological arguments when trying to resolve a conflict as sensitive as that on the Korean Peninsula. However, that does not mean that a deal must be done at any cost, either to grab for the ring of peace or to satisfy the personal needs of any particular leader. Making peace must also be about exposing and understanding one's principles and applying them to the negotiating process. This essay has mostly focused on encouraging both the US and DPRK to engage in multiparty talks, but it is only through the discovery and adherence to

principles that any kind of negotiations can be considered successful. The goal of all of the parties should be to seek to understand both their own principles and that of the other parties to the negotiation. In looking to principles rather than positions, all the parties to any future talks just might be able to create win-sets that encompass all of the parties' principles; and that, in a nutshell, is likely the only way that a long-lasting peace and stability can be achieved on the Korean Peninsula.

