

## CHAPTER III

### NORTH KOREA'S POLICY POST – SIX-PARTY TALKS

Following the failure of Six-Party Talks, DPRK restarted the development of their nuclear and missile technology and doing it more eager than before. Meanwhile, a change happened in the US as President Barack Obama won the US Presidential Election at the end of 2008 and entered office in early 2009, replacing former President George W. Bush. This series of events eventually brings changes to the atmosphere of diplomatic relations between DPRK and the US, also DPRK with their neighboring states. However, DPRK was in need of an increase of funding, and eventually recognition, from adversaries, donors, and other countries, regarding their nuclear and missile program. To fulfill this demand, DPRK finally used the same, guaranteed-for-success strategy: to cause another new security crisis in the region<sup>1</sup>. The way DPRK stirred up the political situation in the Peninsula was relatively similar with the ones done in the previous years, that is by causing incidents and conducting provocations towards their neighbors and oppositions: the US, ROK, and Japan. Kinds of provocations done by DPRK also varied from cyber-attacks, illegal economic activities, attacks on oppositions' military vehicles and facilities, and arresting of foreign citizens trespassing DPRK's borders, and continuous nuclear & missile tests. This kind of strategy is considered very erratic to do by DPRK<sup>2</sup> since if a war were to break out, DPRK's chance of survival is small. Despite so, the

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<sup>1</sup> Andrei Lankov, *The Real North Korea: Life And Politics In The Failed Stalinist Utopia* (New York: Oxford University Press, 2013), p. 175.

DPRK assumed that the Obama administration will pay less attention towards them and their nuclear and missile goal; meanwhile, what they need to be accepted as a nuclear state is attention from major nuclear states.

<sup>2</sup> David Blair, "We could destroy you," *Obama Warns "Erratic" North Korean Leader*, <http://www.telegraph.co.uk/news/2016/04/26/us-developing-missile-shield-to-guard-against-nuclear-attack-fro/> (April 26<sup>th</sup>, 2016)

state managed to preserve their existence along with their nuclear and missile program.

### **A. North Korea at the End of Kim Jong–II’s Period**

The priority of DPRK’s policy following the failure of Six–Party Talks has been stated previously, that is to ensure the state’s survival through further development of nuclear and missile program, and they had done it well throughout the year, even at the end of Kim Jong – II’s presidential term. In May 2009, DPRK had proved that they were already capable of independently producing nuclear weapon system by conducting the second nuclear test after the first one in 2006; this one was eventually a technical success<sup>3</sup>. On July 2<sup>nd</sup> – 4<sup>th</sup>, 2009, DPRK conducted two more missile tests, making them a “powerful message” towards the United States as the tests were intentionally done near the US’s Independence Day. In November 2009, DPRK’s media announced that Pyongyang had managed to reprocess all fuel rods from Yongbyon Nuclear Reactor. One year after the announcement, visiting US’s inspecting scientist received notification that DPRK had managed to construct a uranium enrichment facility<sup>4</sup>. Unarguably, this 2009 series of nuclear and missile tests managed to anger governments throughout the world, including PR China, who was known as DPRK’s vital ally and caused UN Security Council to conduct emergency meeting following the tests. As a result, UN Security Council passed Resolution 1874 On June 12<sup>th</sup>, 2009, which contained sanction on DPRK’s weaponry, luxury goods, and financial economic activities related to the country’s military operations and inspection of DPRK’s ships suspected of loading military equipment. However, it still allowed the trading of nonmilitary and food supply.

As a part of their “crisis manufacturing” strategy to gain recognition and aid, DPRK managed to cause regional–scale

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<sup>3</sup> Andrei Lankov, *ibid.*, p. 176.

<sup>4</sup> Ramon Pacheco Pardo, *loc. Cit.*, p. 103.

incidents related to military activities at DPRK–ROK borders in the Yellow Sea, also referred as Northern Limit Line (NLL)<sup>5</sup>. Some of these incidents eventually caused property damage and loss of lives, both from civilian and military personnel. It began with the sinking of ROKS Cheonan, a *corvette* type ship owned by the South, that was sunk by DPRK’s submarine–launched torpedo on March 26<sup>th</sup>, 2010. Investigators of the incident came from ROK, US, Sweden, Great Britain, and Australia. The investigator team’s final report stated that the torpedo used in the incident was DPRK’s type CHT – 02D torpedo, and despite the torpedo did not directly hit the Cheonan, the shockwave from its explosion was enough to split the ship in two<sup>6</sup>. In response towards the incident, ROK government decided to cut all economic trade with DPRK and determined not to lift the sanction until Pyongyang issued an apology. Despite this, DPRK refused to apologize, calling the call for an apology “an intolerable mockery” as DPRK denied any involvement regarding Cheonan Incident<sup>7</sup>. The next incident was the artillery–shelling of Yeonpyeong Island on November 23<sup>rd</sup>, 2010, which killed two ROK marines and two civilians, and injured dozens more. Pyongyang claimed that the bombardment was the response towards ROK naval exercise in the sea; ROK admitted the presence of the exercise but argued that none of

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<sup>5</sup> Special Office for Inter – Korean Dialogue, *South – North Dialogue in Korea No. 74 (February 2008 – December 2009)*, p. 6.

<sup>6</sup> Brad Lendon, *S. Korea's final report affirms Cheonan was sunk by N. Korean torpedo*,

<http://edition.cnn.com/2010/WORLD/asiapcf/09/13/south.korea.cheonan.report/index.html> (September 14th, 2010)

<sup>7</sup> BBC News, *North Korea: 'No apology' for S Korea Cheonan sinking*, <http://www.bbc.com/news/world-asia-32013750> (March 24th, 2015)

the shots were fired directly at DPRK's territory<sup>89</sup>. During the bombardment, ROK responded by scrambling F-16 fighters along with land-based forces and returned fire at DPRK as the military evacuated civilians from the island. The bombardment incident was considered one of the deadliest confrontation between the two Koreas since the Korean War and managed to attract the attention of major international powers, such as the US, Russia, PR China, Great Britain, and the United Nations, who all stood to condemn the attack on Yeonpyeong<sup>10</sup>.

To add to DPRK's series of provocative actions, DPRK decided to detain US's civilians trespassing DPRK's borders. In June 2009, two US' journalists, Euna Lee and Laura Ling, was arrested by DPRK's authority for illegally entering DPRK's territory and they were sentenced to 12 years of hard labor. Despite DPRK repeatedly rejected pleas for clemency issued by the US government, it took two months for DPRK's authorities to finally release the journalists; it was even after the US' former President Bill Clinton decided to have a high-profile visit to DPRK to discuss denuclearization and the release of the journalists<sup>11</sup>. However, it did not take long for the political situation to deteriorate once more as DPRK again arrested another US' citizen named Aijalon Mahli Gomes, a US' teacher,

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<sup>8</sup> Peter Foster, *North Korean attack on Yeonpyeong Island is worst against civilians in 20 years*,

<http://www.telegraph.co.uk/news/worldnews/asia/southkorea/8153100/North-Korean-attack-on-Yeonpyeong-Island-is-worst-against-civilians-in-20-years.html> (November 23rd, 2010)

<sup>9</sup> BBC, *North Korean artillery hits South Korean island*,

<http://www.bbc.com/news/world-asia-pacific-11818005> (November 23rd, 2010)

Yeonpyeong Island is an island located near the Northern Limit Line (naval border between ROK and DPRK). Throughout history, the island has been a part of territorial dispute between the two Koreas since the 70s.

<sup>10</sup> Tania Branigan and Ewen MacAskill, *North Korea: a deadly attack, a counter-strike – now Koreans hold their breath*,

<https://www.theguardian.com/world/2010/nov/23/north-south-korea-crisis-conflict> (November 23rd, 2010)

<sup>11</sup> Ramon Pacheco Pardo, loc. cit., p. 104

in January 2010 and sentenced him to eight years of hard labor for the same reason: trespassing. Along with this arrest, DPRK displayed its intention not to quickly back down as they threatened the US that they would apply “wartime law”<sup>12</sup> on him unless the US refrained from blaming DPRK for Cheonan Incident. DPRK finally decided to release Gomes after another high-profile visit from the US, but this time by former President Jimmy Carter in August 2010<sup>13</sup>. These two incidents of arresting showed the preference of DPRK to have diplomatic discussions with US’ officials prior Bush administration, as DPRK viewed previous Bush administration to be “hostile” as Bush administration enlisting DPRK into “axis of evil” list<sup>14</sup> during the War on Terror.

### **B. North Korea during Kim Jong-Un’s Period**

DPRK’s “crisis manufacturing” agenda was proven to get more intense in 2011 when Kim Jong-Il, the Premier of DPRK, passed away, and Kim Jong-Un, his son, was appointed as his successor. For the sake of proving himself to be DPRK’s capable leader, he proposed the *Byeongjin* strategy: simultaneously develop state’s economy and nuclear weapons, on March 31<sup>st</sup>, 2013. Also based on the *Byeongjin*, the newly elected DPRK leader declared that DPRK is constitutionally a nuclear state and would not seek denuclearization goal. This newly issued policy was not denied even by the officials of DPRK to be fundamentally different from Kim Jong-Il’s government which saw denuclearization as the result of multilateral negotiations with neighboring states<sup>15</sup>.

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<sup>12</sup> Wartime Law or War and International Humanitarian Law is a part of international law that regulates inter – state relations specified in the condition of armed conflicts. Some of those regulated in the Law are the declaration of war, prisoners of war, prohibition of weapons, and more.

<sup>13</sup> Ramon Pacheco Pardo, loc. cit.

<sup>14</sup> Thought Head, *Bush Hate* (New York: iUniverse, 2009)

<sup>15</sup> Sung Chull Kim and Michael D. Cohen, *North Korea and Nuclear Weapons: Entering the New Era of Deterrence* (Washington DC: Georgetown University Press, 2017), p. 114.

During his term, Kim Jong–Un prove himself committed to the nuclear and missile program along with the *Byeongjin* strategy as he managed to make DPRK a more powerful state by arming DPRK with more powerful nuclear and missile technology. On February 12<sup>th</sup>, 2013, DPRK managed to conduct their third nuclear test, the first one in his period as the leader of DPRK<sup>16</sup>. Another major nuclear test conducted by DPRK was on January 6<sup>th</sup>, 2016, in which DPRK tested its first hydrogen bomb (a type of nuclear bomb more powerful than atomic bomb). Issues rose as the international community speculated whether DPRK had reached the stage which allowed themselves to develop a thermonuclear device, but the said hydrogen bomb test might involve some sort of nuclear fusion<sup>17</sup>. On September 3<sup>rd</sup>, 2017, DPRK managed to conduct their sixth nuclear test which caused a 6.3 magnitude earthquake. Following the test, DPRK claimed that the nuclear device tested was an ICBM-mountable Hydrogen bomb<sup>18</sup>.

Aside of nuclear tests, DPRK also aggressively develop their missile technology. Between 2011 and 2017, Kim Jong–Un’s DPRK managed to conduct 89 missile tests (success and failures combined), which is a massive increase of number compared to both Kim Il–Sung and Kim Jong–Il combined with only 31 tests<sup>19</sup>. In March 2014, DPRK tested two Rodong medium–range ballistic missile, just hours after the meeting

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<sup>16</sup> CNN, *North Korea Nuclear Timeline Fast Facts*, <https://edition.cnn.com/2013/10/29/world/asia/north-korea-nuclear-timeline--fast-facts/index.html> (September 4th, 2017)

<sup>17</sup> Sung Chull Kim and Michael D. Cohen, op. cit., p. 115.

Thermonuclear bomb (Hydrogen, or H-bomb) is a type of nuclear bomb that uses nuclear fusion (hydrogen isotopes’ fusion under extremely high temperature created from atomic bomb detonation) that can produce enormous explosive power. Compared to the atomic bomb decimated Hiroshima and Nagasaki in 1945, H-bombs can be 1000 times more powerful.

<sup>18</sup> CNN, *North Korea Nuclear Timeline Fast Facts*.

<sup>19</sup> Joshua Berlinger, *North Korea’s missile tests: What you need to know*, <https://edition.cnn.com/2017/05/29/asia/north-korea-missile-tests/index.html> (December 4th, 2017)

between the US, ROK, and Japan in the Netherlands<sup>20</sup>. On February 7<sup>th</sup>, 2016, DPRK conducted another long-range ballistic missile test and later claimed that DPRK's scientists had miniaturized their warheads to fit in a ballistic missile. This claim was confirmed by intelligence agencies that DPRK could already fit nuclear warheads into KN-08 Mobile Inter-Continental Ballistic Missiles (ICBM). On April 23<sup>rd</sup>, DPRK conducted an early stage submarine-launched ballistic missile (SLBM) test and another one on August 24<sup>th</sup>. Despite being the first stage, the missile could already reach 500 km, which at the time was the farthest of its type. The latest missile test in 2017 was the Hwasong-15 ICBM, which was launched on November 29<sup>th</sup><sup>21</sup>. Worries rose in internal ROK as their defenses were designed to intercept land-launched ballistic missiles, but not the submarine-launched ones<sup>22</sup>.

Even having differences with the previous government did not make DPRK stop causing incidents in the border, as DPRK's ships were repeatedly reported wandering around ROK – owned naval territory near the NLL borders at night in 2014. Despite having no weapon contact, ROK warned their nerve – wrecking neighbor not to violate NLL borders<sup>23</sup>. Another incident was involving DPRK's surveillance of ROK's activities as three DPRK drones crashed near Paju and Baengnyeongdo, ROK, in March 2014. One of the drones contained pictures of ROK's military installations and the Blue House, ROK's presidential compound; ROK made this a proof that DPRK was spying on them, but DPRK denied the ownership of the drones<sup>24</sup>. Another incident involving the

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<sup>20</sup> BBC, *North Korea profile – Timeline*, <http://www.bbc.com/news/world-asia-pacific-15278612> (January 9th, 2018)

<sup>21</sup> Joshua Berlinger, op. cit.

<sup>22</sup> Sung Chull Kim and Michael D. Cohen, op. cit.

<sup>23</sup> North Korea News.net, *Maritime incursion by North Korean warship sparks tension*, <http://www.northkoreanews.net/news/220229236/maritime-incursion-by-north-korean-warship-sparks-tension> (February 26th, 2014)

<sup>24</sup> BBC News, *South Korea: Drones 'confirmed as North Korean'*, <http://www.bbc.com/news/world-asia-27321668> (May 8th, 2014)

North–South border was the landmine incident in August 2015, in which two ROK soldiers on routine patrol were injured after a land mine exploded at the southern side of the Demilitarized Zone (DMZ). The land mine was suspected to be planted by DPRK’s General Bureau of Reconnaissance as a part of internal DPRK government’s “loyalty race”: the race of winning Kim Jong–Un’s attention regarding “crisis manufacturing” plan happening between DPRK’s military officials. Experts believed that the provocation was intended to cause conflicts in internal ROK, build up the tension, and regularly provoke the South. As a response, ROK relaunched the previously–halted loudspeaker propaganda to invite nearby DPRK soldiers to defect to ROK<sup>25</sup>. Responding to the propaganda, DPRK launched a counter loudspeaker propaganda and a warning missile shot to Yeoncheon, demanding ROK to stop their loudspeaker propaganda. Both sides later exchanged rifles, artillery, and rockets fire, but no casualties reported from both sides<sup>26</sup>.

Increasing sanctions from the United Nations and pressure from the international community made DPRK thinking of new tactics to fund their nuclear and missile program. To evade more sanctions to be applied on them, DPRK conducted several deceptive shipping practices with several tactics applied to hide the identity of the ships, the cargo being shipped, and the origin and destination of the cargo. Some of the tactics applied were:

- Physically hiding the identity of the ship (mainly through repainting their International Maritime Organization (IMO) identification numbers);
- Ship-to-Ship (STS) Transfer of cargo, which was the attempt to trade cargo at sea rather than ports;

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<sup>25</sup> Lee Sang Yong, Kim Ga Young, ‘Loyalty race’ leads to land mine attack, <http://www.dailynk.com/english/read.php?num=13400&catald=nk00100> (August 12<sup>th</sup>, 2015)

<sup>26</sup> Choe Sang – Hun, *North Korea and South Korea Trade Fire Across Border, Seoul Says*, <https://www.nytimes.com/2015/08/21/world/asia/north-korea-and-south-korea-exchange-rocket-and-artillery-fire.html> (August 20<sup>th</sup>, 2015)

- Falsifying documents related to the cargo and the carrier ships (bills, origins, invoices, list of packages, insurances, recent port calls, etc.); and
- Intentionally disabling and manipulating their ships' Automatic Identification System (AIS) in terms of ships' IMO numbers, names, and more, to hide their ships' movements during transfer of cargo moving from or to DPRK<sup>27</sup>.

### C. North Korea and South – North Dialogue in Korea

Being all–offensive towards their oppositions is not the only thing DPRK can do, as DPRK was engaged in multiple bilateral diplomatic discussions with ROK, their neighboring state which they saw as the US's puppet state<sup>28</sup>. ROK's Ministry of Unification refers the series of diplomatic discussions happening since 2008 as South–North Dialogue in Korea<sup>29</sup>, in which both ROK and DPRK discussed various issues regarding their relations, from economic issues, military activities, humanitarian matters, resolving incidents, to plans for reunification. Despite constant hostility between them both ever since the Korean War, both states were willing to conduct discussions instead of jumping to a conclusion for all–out war. This phenomenon was supported by the new stance developed by new ROK President in 2008, Lee Myung – Bak, which was to “solve problems through dialogue”. He repeatedly stated this stance on several occasions throughout the year of 2008<sup>30</sup>. Until 2017, there are four South – North Dialogue in Korea, each

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<sup>27</sup> United States' Department of the Treasury, *Sanctions Risks Related to North Korea's Shipping Practices*, [https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Documents/dprk\\_vessel\\_advisory\\_02232018.pdf](https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Documents/dprk_vessel_advisory_02232018.pdf) (February 23rd, 2018)

<sup>28</sup> Peter Hayes, Chung-In Moon, *The Future of East Asia* (Basingstoke: Palgrave Macmillan, 2018)

<sup>29</sup> South Korean Ministry of Unification, *South-North Dialogue in Korea*, [http://www.unikorea.go.kr/eng\\_unikorea/relations/dialogue/](http://www.unikorea.go.kr/eng_unikorea/relations/dialogue/).

<sup>30</sup> *Ibid*, p. 4.

series designated with numbers. For instance, South – North Dialogue in Korea occurring between February 2008 and December 2009 is designated as No. 74, and so on.

- a. No. 74 (February 2008 – December 2009)
  - Military Talks

The new President Lee Myung – Bak of ROK, during his inauguration speech on February 25<sup>th</sup>, 2008, announced that his government would focus on “Mutual Benefits and Common Prosperity.” A part of the goal was to tighten inter–Korean relations, to unite both Korea not based on ideology, but pragmatism, and to prepare the principle of Korean Unification which would bring prosperity to both North and South. Kim Jong-Il welcomed President Lee Myung – Bak’s decision and asked the holding of the 37<sup>th</sup> inter–Korean Working–Level Military Talks on October 2<sup>nd</sup>, which ROK agreed. During the discussion, ROK demanded DPRK to stop slandering President Myung–Bak and conduct a joint investigation on Mount Geumgang Incident (earlier on July 11<sup>th</sup>, 2008, Mrs. Park Wang–Ja, a tourist from ROK, was shot dead by a DPRK soldier for entering the restricted area). DPRK, on the other hand, demanded ROK stopped civic organizations from sending propaganda leaflets to DPRK territory and threatened to close down Gaeseong Industrial Complex in DPRK if the leaflet propaganda went on. The meeting was concluded with statements from both sides that they would take every single demand on the list and later examine those demand with central governments<sup>31</sup>.

- Economic Talks

Another talk occurred on earlier March 27<sup>th</sup>–28<sup>th</sup>, 2008, under the name of “Economic and Energy Cooperation Working Group” between two states in Panmunjeom. The talks discussed the implementation of October 3<sup>rd</sup>, 2007 agreement

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<sup>31</sup> Special Office for Inter – Korean Dialogue, Ministry of Unification, *South – North Dialogue in Korea No. 74 (February 2008 – December 2009)*, p. 21 – 26.

of Six-Party Talks and ROK's provision of equipment and materials needed for the achieving of October 3<sup>rd</sup> Agreement. On June 10<sup>th</sup>, five donor states (the US, PR China, Russia, Japan, ROK) held a meeting to discuss the continuation of the second phase, and on the next day, the Economic and Energy Cooperation Working Group met to talk about DPRK's denuclearization and energy aid. In the meeting, DPRK expected the acceleration of the economic assistance and cooperation from donor states for the sake of the second and third phase of denuclearization plan's continuation. The third talk occurred on September 19<sup>th</sup> following the previous inter-Korean agreement during Six-Party Talks, in which both states agreed to place mutual obligations of the second phase of denuclearization<sup>32</sup>.

On the previous occasion, in March 2008, DPRK noted ROK that they detained one of their workers working in Gaesong Industrial Complex for criticizing DPRK's government and would guarantee his rights during the investigation. ROK demanded the details of the investigation and the allowance to meet with the worker, which DPRK denied. In favor of solving this issue, DPRK's Central Industrial Zone Development Guidance Bureau asked Seoul for an inter-Korean meeting and requested everyone from the South who had responsibility and authority in Gaesong to attend the meeting, despite DPRK intentionally kept raising tension and critics towards their Southern neighbor. Later in the talk on April 21<sup>st</sup>, 2009, ROK demanded DPRK to improve communication, transit, and customs issues in Gaesong, release the detained worker, stop raising tension in the region by ceasing nuclear activity and return to Six-Party Talks. DPRK avoided discussing the worker's detainment but demanded ROK to focus on the improvement of Gaesong Industrial Complex, in which they requested ROK to increase land-lease fee and workers' wage and the construction of daycare and lodging facilities for the workers. Despite having no agreement,

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<sup>32</sup> Ibid., p. 35 – 39.

both states agreed to meet once more on June 19<sup>th</sup> in Gaesong. The next meeting still discussed the detainment as the priority and improvement of Gaesong Complex, but the North still put the Gaesong improvement as their priority, which eventually led to no agreement. No noticeable progress were made until the third one on July 2<sup>nd</sup>, 2009, in which the detained worker was released 137 days after his detainment on March 30<sup>th</sup>. On August 20<sup>th</sup>, DPRK agreed to lift the restriction of land transport to Gaesong, and thus began the reoperation of inter-Korean hotline, Kyung-Eui rail line, Office of Inter-Korean Exchange and Cooperation Consultation, and the Panmunjeom Red Cross Liaison Office<sup>33</sup>.

On September 6<sup>th</sup>, 2009, a large amount of water flooded from DPRK dam to Imjin River, causing deaths of 6 people from ROK. ROK sent a telephone message to DPRK, demanding explanation and apology. The North responded that the water contained in the dam was rising and they had to discharge some of the water, and they planned to notice ROK in cases if the same thing would happen. ROK was not satisfied with the answer as DPRK did not mention the loss of 6 lives during the incident. Seoul later demanded a working-level talk on this issue to be held on October 14<sup>th</sup>, which Pyongyang approved. The meeting resulted in an agreement consisting of several points: the use of inter-Korean rivers for mutual benefits, inter-Korean agreement and cooperation on the use of the river, and mutual trust on the use of the river. DPRK also offered condolences to victims' families for the losses and promised to note ROK in cases of future water discharging<sup>34</sup>.

#### - Humanitarian Talks

During the visit of Hyundai Group chairwoman to DPRK on August 10<sup>th</sup> – 17<sup>th</sup>, 2009, she issued a press conference on 17<sup>th</sup> which included an agreement of reunification of separated families over the Chuseok day

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<sup>33</sup> Ibid., p. 39 – 60.

<sup>34</sup> Ibid., p. 60 – 64.

(Korean Thanksgiving Day). ROK officials used this opportunity to have an inter - Korean Red Cross talk on August 26<sup>th</sup> – 28<sup>th</sup>, and DPRK approved this meeting. Both sides agreed as follows:

1. The reunion between separated families will be held September 26~October 1 at Mt. Geumgang.
  - a. The gathering will include 100 people from each side.
  - b. Submit the request for the confirmation whether 200 family members are alive or deceased (September 1).
  - c. Exchange documents for the meetings (September 15).
  - d. Exchange final list of family members (September 17).
  - e. Group reunions will be held at Mt. Geumgang visitation facility, and individual reunions will be held at Mt. Geumgang Hotel and other local facilities used in the past.
  - f. Preparation will begin five days before the reunions.
2. The South and North will continue to discuss the issue of separated families and other humanitarian issues as part of efforts to improve inter-Korean relations.

Another working-level talk was held on October 16<sup>th</sup> discuss humanitarian concerns, including the separated families' issue. In the meeting, ROK proposed a regular reunion plan at visitation facilities and the establishment of Inter – Korean Separated Family Visitation representatives at the Gaesong facility, but DPRK responded passively to the proposal and kept their stance on demanding humanitarian aid through the meeting. The meeting led to no agreement but to have a

humanitarian discussion in the future<sup>35</sup>. Some other issues discussed in the inter – Korean dialogue were DPRK’s attempt to Discontinue Inter – Korean Dialogue and Restrict Transit, Geumgang Incident, H1N1 Flu Treatment Aid to DPRK, Joint Inspection of Overseas Industrial Complexes, and DPRK High – Level Condolences Delegation visit to Seoul.

- b. No. 75 (January 2010 – February 2013)
  - Military Talks

Following the Cheonan Incident, the 38<sup>th</sup> working–level Military Talks were proposed by DPRK who refused to accept the result of ROK–led investigation team’s investigation of the incident. The talks were held in the Peace House, Panmunjeom, on September 30<sup>th</sup>, 2010. The South demanded the North admitting their involvement in the incident, apologize and punish everyone involved in it, stop any form of provocation and slandering towards ROK and their leaders. The North, on the other hand, demanded the South to stop the leaflet propaganda and admitting their repetitive border trespassing in the West Sea (DPRK reported the sighting of numerous mobilization of ROK ships when DPRK conducted routine duties). The talks resulted in no agreement as DPRK refused to accept responsibility for the incident and dispatched their investigation team. Just months after the incident, the artillery bombardment on Yeonpyeong Island occurred, and at the beginning of 2011, DPRK proposed talk with ROK to discuss the continuation of the previous talk and the recent incident. ROK hesitantly accepted since they know DPRK proposed this talk in their favor: gaining economic aid while refusing to accept any responsibility for the incidents. The talk occurred on February 8<sup>th</sup> – 9<sup>th</sup> with the South demanding the two incidents to be the main priority of the talks and the North to take responsibility for both incidents. The North insisted that they were not involved in Cheonan Incident and Yeonpyeong Incident was a form of defense against the South’s provocation

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<sup>35</sup> Ibid., p. 67 – 74.

(they viewed Yeonpyeong Island as a form of South's provocation). The talks resulted in no agreement as DPRK walked out from the forum and unilaterally announced their position in the incidents<sup>36</sup>.

- Economic Talks

Both Korea held another talk on February 1<sup>st</sup>, 2010, in economic issues under the name of 4<sup>th</sup> Working-Level Talks on the Gaesong Industrial Complex. The South demanded that both North and South to ease and simplify transit in Gaesong by changed the fixed-time transit into all-day transit by using Radio Frequency Identification (RFID) system to enter and exit the facility; they also demanded the development of the 3C concept of Kaesong's development: come-and-go, communication, and customs clearance, and to add, the construction of a dormitory. The North agreed to the 3C development but demanded it to be discussed in Military Talks because it was under DPRK Military's jurisdiction, and the talk should be limited to wages, dormitory, and other pending issues. Both Korea agreed to discuss the mentioned issues in the working-level military talks, and for the South to announce the venue and time of the next meeting. The next meeting was held on March 2<sup>nd</sup> to discuss the continuation of 3C implementation. The South proposed the division of the negotiation tracks and pointed several notes including the installation of RFID system to implemented as soon as possible (ASAP) along with the internet and mobile phone services. The North, on the other hand, agreed to divide the negotiation tracks if the South agreed to stop their aggressive action in the West Sea, and listed several necessary equipment and materials needed for the achievement of the 3C issues. Both Koreas agreed to hold the separated meeting as planned and later notify the venue and time of the meeting. However, the meeting did not happen because of the

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<sup>36</sup> Special Office for Inter – Korean Dialogue, Ministry of Unification, *South – North Dialogue in Korea No. 75 (January 2010 – February 2013)*, p. 35 – 43.

Cheonan and Yeonpyeong Incident. Before the second Gaesong talk, both DPRK and ROK agreed to have a working – level talk regarding Mount Geumgang and Gaesong Tourism on February 8<sup>th</sup>, 2010, in Gaesong. In the talk, the South demanded an investigation on the tourist’s death in Geumgang Incident, measures to prevent future incidents, and international guarantee for tourists’ safety, which before the addressing speech, the South led the prayer for the deceased, and demanded the North to apologize for the incident formally. The North expressed their condolences for the death of Mrs. Park but stating that it was an accident caused by the victim’s carelessness, and they stated that Kim Jong – Il had been noted by the authorities about the incident and agreed to guarantee “personal safety” and “prevention of recurrences”. Despite having no formal agreement, both states had noticed each other’s stance and would later determine the venue and time for the next meeting<sup>37</sup>.

#### - Humanitarian Talks

In humanitarian issues, both DPRK and ROK mainly discussed matters via the Red Cross as the NGO happened to be in both states and was known to keep both states in touch with each other. In September 2010, DPRK proposed a meeting to discuss the separated family reunion on *Chuseok* (Korean Fall Harvest Festival), and ROK agreed to meet on September 17<sup>th</sup> in Gaesong. In the meeting, the South demanded a larger scale of reunion and it was to be held in Mount Geumgang, but the North insisted the limitation of participant remained 100 and were unable to give confirmation for Mt. Geumgang’s confirmation as it was not negotiators’ capability to do so. Despite having no formal agreement, the two Koreas agreed to meet the second time on September 24<sup>th</sup>. In the second meeting, the South once again suggested the reunion to be held in Geumgang Reunion Center as it did not interrupt Geumgang’s tourism and that was what it was made for, but the North told

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<sup>37</sup> Ibid., p. 47 – 62.

the South that the reunion center was still “frozen” by the government and the issue had to be solved first to be able to use the reunion center. In the third meeting on October 1<sup>st</sup>, both states finally made an agreement on the reunion in which the reunion would be held on October 30<sup>th</sup> – November 5<sup>th</sup> and limited to 100 persons per side. This agreement came with a condition that DPRK would only allow the reunion in Geumgang only once and demanded a bilateral talk with the government of ROK to solve Geumgang tourism district issue. Following the agreement of the third meeting, inter – Korean Red Cross Talk was held on October 26<sup>th</sup> – 27<sup>th</sup> to discuss about how to solve the separated families issue forever. In this case, the South demanded the reunion to be held every month starting in March 2011 and the allowance of family members already attending the reunion to reunite again in any time and place as they wished. The South also demanded the verification of DPRK on the yet – found separated family members and every ROK citizen being abducted or detained. The North agreed on this in returns of food aid (500.000 tons of rice grains and 300.000 tons of fertilizer) as they argued that they were planning on expansion of humanitarian cooperation regarding separated families. Despite both states agreed to discuss it in later meetings, the meeting never happened because of Yeonpyeong Incident<sup>38</sup>. Some other issues discussed during the 75<sup>th</sup> Dialogue were Joint Study Tour of Overseas Industrial Complexes, Separated Family Reunion, Experts’ Meeting on Mt. Baekdu Volcano, and the death of Kim Jong Il and Funeral Delegation Visit to Pyongyang.

- c. No. 76 (February 2013 – December 2013)
- Political Talks

2013 saw an increase of tension in Korean Peninsula as the new leader of DPRK, Kim Jong – Un, began to withdraw DPRK from various peace and denuclearization agreements, launched another missile test, and threatened to close down

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<sup>38</sup> Ibid., p. 65 – 76.

Gaesong Complex. On June 6<sup>th</sup>, DPRK demanded the holding of a plenary talk regarding normalization of Gaesong and Geumgang tourism, which ROK agreed as ROK at the same time proposed the holding of a meeting regarding pending issues of two Koreas (Gaesong, Geumgang, and separated families). The final proposal accepted belong to ROK in which the meeting would be held in Panmunjeom on June 9<sup>th</sup>. In the meeting, the South proposed the discussion on the early three main issues, but the North demanded the discussion on all issues outlining the South, such as the joint commemoration of the June 15<sup>th</sup> Joint Declaration and July 4<sup>th</sup> Joint Communiqué, visit and contact by private organizations, and the pursuit of collaborative projects, and the place and time for the second meeting which was agreed to be on June 12<sup>th</sup> – 13<sup>th</sup> in Seoul. In the second plenary meeting, the name of the meeting was decided as inter – Korean authorities’ talks, but they could not determine who were to attend the talk as the South proposed South’s Ministry of Unification and North’s United Front Department, but the North proposed ministerial – rank officials, thus concluding in no agreement. Until today, the inter – Korean authorities’ talks did not happen at the time as DPRK denied ROK’s proposal to put the Ministry of Unification as the delegate of the South and the high – ranking officials as the delegate of the North and withdrew from the plan to have the inter – Korean authorities’ talks<sup>39</sup>.

#### - Economic Talks

On July 4<sup>th</sup>, 2013, ROK proposed a talk under the name of inter – Korean authorities’ talks which DPRK agreed this time as on the previous day, they allowed the Kaesong Industrial District Management Committee (KIMDAC) and Gaesong Industrial Complex (GIC) Tenant Association to examine the material and equipment and prevent any damage

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<sup>39</sup> Special Office for Inter – Korean Dialogue, Ministry of Unification, *South – North Dialogue in Korea No. 76 (February 2013 – December 2013)*, p. 17 – 25.

caused by the monsoon season and have necessary discussion. The Inter – Korean Working – Level Talks for the GIC happened in seven rounds (July 6<sup>th</sup> – 7<sup>th</sup>, July 10<sup>th</sup>, July 15<sup>th</sup>, July 17<sup>th</sup>, July 22<sup>nd</sup>, July 25<sup>th</sup>, August 14<sup>th</sup>) and discussed about the normalization of GIC and the maintenance of material and equipment in the complex. Both states agreed in the first meeting at Panmunjeom that the personnel of companies having facilities in Gaesong would be allowed to visit DPRK for equipment inspection, retrieval of raw materials and equipment, the guarantee of personal safety, and the subsequent meeting schedule. Despite so, they had not reached an agreement on the total normalization of GIC. In the second meeting at GIC Support Center, the South focused on the prevention of future suspension of GIC from the North, but the North focused on reactivation of GIC after the end of inspection without concerning about future suspension; both states failed to reach an agreement during this meeting. During the third meeting, the same issue was discussed as the South stated that the set of legal and institutional improvement of personnel and asset protection and prevention of future suspension was more important, and the North demanding the immediate reactivation of the GIC. In the fourth meeting, the South restated their consideration on the importance of prevention of resuspension issue, but the North stayed on their ground on how they view the possibility of resuspension, and to add, their stance on progressive normalization of GIC was quite different from the South. During the fifth meeting, ROK presented the revised version of agreement drafts and conducted discussion, such as the necessity to attract foreign companies to invest in GIC for the sake of GIC's sustainable development, but they still stood on their ground on some points, such as the prevention of resuspension. The North presented their own revised drafts which agreed to South's points and managed to agree on the providing of personnel and asset safety and protection and internationalization of GIC, but yet to agree on the prevention of resuspension as they began to focus on the issue during the sixth meeting. However, the sixth meeting resulted in no

agreement about the issue our time and venue for the next meeting as both states failed to narrow their difference of opinion. Following the development of the issue, ROK requested the seventh-round talk on July 29<sup>th</sup> which was responded by DPRK on August 7<sup>th</sup> with another proposal to hold the seventh meeting on August 14<sup>th</sup>, in which the proposal was accepted by ROK. During the meeting, both parties focused on the prevention of resuspension and several issues, including the protection and safety of personnel and assets in GIC. Both states finally reached an agreement on the prevention of resuspension of GIC and other issues related to GIC development. Other inter-Korean dialogue discussing economic sector were South – North Joint Committee Meetings for the GIC which occurred on September 2<sup>nd</sup>, 10<sup>th</sup> – 11<sup>th</sup>, 16<sup>th</sup>, and December 19<sup>th</sup>, 2013, and the South – North Joint Subcommittee Meeting for the GIC which occurred on September 5<sup>th</sup>, 13<sup>th</sup>, and November 29<sup>th</sup>, 2013<sup>40</sup>.

#### - Humanitarian Talks

Following the Chuseok holiday, ROK government proposed an inter-Korean Red Cross working-level meeting discussing about the reunion of war – separated families, which was later accepted by DPRK to be held on August 23<sup>rd</sup>, 2013, at the Peace House in Panmunjeom. The South demanded the increase of participants from 100 to 200 from each side, the consideration to hold the reunion three or more times in a year, the report of living status and addresses of certain people every month, and the resolving of the issue of POWs and abductees. The North stated that the participants' number should be kept for 100 each side, the reunion center in Mount Geumgang needed reparations, the addition of video reunion, and the allowance of additional people for accompanying the participants were mostly elderly people. Despite so, DPRK avoided the discussions regarding POWs and abductees. They later reached an agreement to hold the reunion on September

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<sup>40</sup> Ibid., p. 29 – 71.

23<sup>th</sup> – 30<sup>th</sup> in Mount Geumgang Reunion Center, video reunion to be held on October 22<sup>nd</sup> – 23<sup>rd</sup> and other issues regarding the report of living status of family members. However, DPRK unilaterally postponed the reunion four days before the reunion, being the first reunion since 2010 to be cancelled<sup>41</sup>.

- d. No. 77 (January 2014 – December 2015)
- Political Talks

The first political-themed dialogue in this period was the Inter-Korean High-Level Talks occurring on February 12<sup>th</sup> and 14<sup>th</sup>, 2014 about the normalization of North-South relations. This meeting was conducted after DPRK sent warning statement towards ROK that they could not continue Red Cross Talks to discuss the reunion on Seollal (Lunar New Year's Day) if ROK did not solve the problems with them regarding the cessation of joint US-ROK military exercise and mutual slander between both sides. During the first meeting on 12<sup>th</sup>, the South emphasized the importance of trust-building between two Koreas through the reunion of separated families and basic cooperation, and the importance of the North's denuclearization to improve the cooperation. The North responded that the improvement of inter-Korean relations would run well if the US-ROK military exercises and slandering towards DPRK's leaders were to be ceased. Both states did not manage to reach an agreement as South rejected North's proposal as they could not deliberately link humanitarian issues with military ones. In the second meeting on 14<sup>th</sup>, the South repeated their points during the first meeting, and the North responded by stating that humanitarian and military matters could not be separated and reunion by itself could not guarantee the improvement of inter-Korean relations. The meeting ended with an agreement that the reunion would be held as scheduled, the consideration of future talks regarding inter-Korean relations, and the cessation of slandering action between the two. As the reunion was planned to be held on February 20<sup>th</sup>-25<sup>th</sup>, the situation began to

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<sup>41</sup> Ibid., p. 75 – 80.

tense up again as DPRK launched a short-range ballistic missile on 21<sup>st</sup>, and released a statement regretting ROK's leaflet propaganda done by private organizations. Even until April, both states demanded each other to stop their provocations. Despite the tension between the two and the concern on the possibility of the Second talks of High-Level Meeting, both states agreed to hold a High-Level Meeting for DPRK's proposal who sent several of their high-ranking officials to the closing of Incheon Asian Games. On October 4<sup>th</sup>, 2014, both states' delegates met to discuss about the continuation of the plan for Second Inter-Korean High-Level Meeting, and the meeting happened to run well as Hwang Pyong-So, the Director of the General Politics Bureau of Korean People's Army (KPA) said, "We cleared a small path this time, but let us pave a great road in the future." This managed to change international community's view on DPRK to be an "escape from isolationism" as DPRK stated that the sending delegates to ROK into competitions and talks could improve inter-Korean relations. However, the situation went into a slope once more as DPRK's coast guard ship shot down balloons containing anti-DPRK leaflets on October 7<sup>th</sup> and some of the bullets fell into ROK territory, causing damage. Despite the proposal sent by ROK on October 13<sup>th</sup> to hold the Second Inter-Korean High-Level Meeting, DPRK did not give any positive response, stating that they would consider the talk if the South was willing to stop private organizations from spreading anti-DPRK leaflets, cease the US-ROK military exercises, and confirming their position on the unification of two Koreas and the competition between two ideologies, which ROK considered to be "unchangeable". On August 22<sup>nd</sup>-24<sup>th</sup>, 2015, an Inter-Korean High-Level Authorities' Meeting was held after the Landmine Incident in Paju which injured two ROK soldiers on patrol, followed by a shooting of ROK loudspeakers in the border. In the meeting, ROK demanded DPRK's apology for the landmine incident, but DPRK demanded ROK to stop their loudspeaker propaganda as a form of psychological warfare. The meeting occurred in three days non-stop, as both states were firm on their positions. At

the end of the meeting, both states made a joint statement which stated that DPRK regretted the incident happening in Paju which injured the two soldiers and withdrew their virtual state of war, and ROK agreed to stop the loudspeakers from broadcasting if no incidents were to occur. After several proposals given by both states towards each other to conduct Inter-Korean Authorities' Talks, the meeting under that name was held on November 26<sup>th</sup>, 2014 at Panmunjeom. In the meeting, the South stated the importance of Inter-Korean Authorities' Talks for the improvement of inter-Korean relations, and the North replied with a sense of agreement on the South's statement with an additional for the importance of Mt. Geumgang Incident solving. Agreement was reached as the meeting was agreed to be held on December 11<sup>th</sup> that year. On December 11<sup>th</sup>-12<sup>th</sup>, Vice-Ministerial Level Talks were held between the two in GIC Support Center, discussing how both states should solve the pending issues. The South proposed the solving of public welfare, inter-Korean communication and commuting, DMZ World Eco-Park, and more, but the North emphasized the importance of Mt. Geumgang to be solved first. Despite both states had intense discussions for two days, they failed to reach an agreement for their differences on which issue should be solved first as the South viewed Mt. Geumgang tourism (tourism) and separated family (humanitarian) issues were two different issues<sup>42</sup>.

#### - Military Talks

Inter-Korean Military Talks occurred on October 15<sup>th</sup>, 2014, as the response of border tension between two Koreas after North and South's vessels exchanged fire near Northern Limit Line, and the exchange of proposals to hold Inter-Korean Military Talks happening between October 8<sup>th</sup> and 10<sup>th</sup>. In the meeting, the South demanded the North to cease any military

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<sup>42</sup> Special Office for Inter - Korean Dialogue, Ministry of Unification, *South - North Dialogue in Korea No. 77 (January 2014 - December 2015)*, p. 17 - 46

provocations near the Northern Limit Line, but the North responded without any keynote speech that the South should stop the slandering of the North's leaders and the spread of leaflet propaganda. Until the end of the meeting, both states failed to reach an agreement. Both states expressed regret towards each other's position in the tension which was expressed via state media<sup>43</sup>.

#### - Economic Talks

A form of continuation of South–North Committee Meetings for the GIC, the fifth meeting was held on June 26<sup>th</sup>, 2014. The South proposed the improvement of GIC through internet services, labor wages, personal safety, attracting foreign companies, and other issues. The North avoided the talk about other things but to restate their previous position on labor wages and other labor–related issues, and the management of GIC. Both states failed to reach an agreement at the time, but state media from both states began to take interests in the meeting. During the sixth meeting on July 16<sup>th</sup>, the South presented a proposal on the improvement of commuting, communications, labor wages, internet services, and more. The North showed interests in the improvement of GIC's infrastructure, but avoided the talk about improving commuting, communications, and custom, and reaffirm their position on labor wage issue. Once more, both states failed to reach an agreement. At the 4<sup>th</sup> Meeting of Joint Subcommittee for the 3Cs on January 24<sup>th</sup>, 2014, continuing to discuss about the 3C of the GIC. During the meeting, the South proposed several improvements of the 3C system, such as the unrestricted passage should be completed on January 28<sup>th</sup>, the solving of internet services installations, and the 50% document inspections. The North agreed on the South's points, but acted passively in several issues, and demanded materials

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<sup>43</sup> Ibid., p. 49 - 52

and equipment. Another meeting under the name of Meeting for the Operation of the Commercial Arbitration Commission on March 13<sup>th</sup>, 2014, in which both states traded opinions in terms of commercial arbitration of the GIC. The South stated the importance of making GIC an international industrial complex thus the Commercial Arbitration Committee should be formed, and the North replied with a possibility of difficulties fulfilling the South's proposal because of differences in legal system between the two. Despite failing to reach an agreement, both states agreed on significance and necessity for a commercial arbitration system<sup>44</sup>. Other discussions under the name of South–North Dialogue in Korea (mainly about humanitarian issues) were Red Cross Working–Level Meeting discussing about Seollal family reunion on February 5<sup>th</sup>, 2014, Inter–Korean Working–Level Meeting for the Incheon Asian Games on July 17<sup>th</sup>, 2014, Inter–Korean Red Cross Working–Level Meeting on September 7<sup>th</sup>–8<sup>th</sup>, 2015 about the Chuseok family reunion.

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<sup>44</sup> Ibid., p. 55 - 71