



The North Korea Nuclear Deal: Our Students Did It

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ABSTRACT

There is no end in sight to the North Korean nuclear problem. And yet a group of international students in Geneva, Switzerland, have sketched out the contours of a possible deal. Their work, which describes mutual concessions and when/how they should be implemented, offers each of the concerned parties some helpful ideas on how to achieve a much-needed agreement.

INTRODUCTION

At the Global Studies Institute of the University of Geneva, Switzerland, Master's degree students in European Studies can choose a seminar on "The Art and Science of Negotiation" led by Professor Micheline Calmy-Rey, the former foreign minister and president of Switzerland. Among other courses, Professor Calmy-Rey teaches the theory of "Diplomatic Engineering," developed within the Swiss Federal Department of Foreign Affairs and other experts.¹ This theory is integrative in nature, seeking win-win solutions. It involves both mathematical/technical elements and procedural features derived from the Harvard method originally developed by Roger Fisher and William Ury in 1981. This theory also complements existing negotiation theory, integrating a problem-solving approach. Its goal is to implement pragmatic solutions to a given problem applying "situation-specific instruments and tools," as is done in engineering.²

At the end of the seminar, a simulated negotiation is organized every year on a different topic. For the semester that concluded in November 2018, the focus was the Korean Peninsula, given its timeliness. The students who participated in this exercise came primarily from the University of Geneva, though students from the Zurich Federal Polytechnic School (ETHZ) and the Moscow State Institute of International Relations (MGIMO) were also involved.

The 'delegations' to the simulated negotiation were mixed, i.e. with students from various countries and backgrounds. While assisted by experts, the students conducted the talks on their own. To make full use of the (limited) time available for this exercise (two full days only), the chair of the negotiation was entrusted to two retired professional diplomats: one from Switzerland and the other from the United Nations.

Basic Assumptions

Prior to the exercise, the students researched the history of the diplomatic initiatives surrounding the North Korean nuclear problem. They also received briefings from experts who worked on these initiatives or even who participated in them, including Mohamed ElBaradei, former Director General of the International Atomic Energy Agency (IAEA).

The simulation was based on the following assumptions: 1) agreement among the relevant countries to resume the Six-Party Talks³ and build upon past achievements of this framework and more recent bilateral successes (between North Korea and the United States, and between the two Koreas) is necessary; 2) no deal would be feasible without a series of reciprocal and step-by-step measures by all the parties; 3) acceptance of the end of the Korean War is a starting

¹ Tobias Langenegger and Michael Ambühl, "Negotiation Engineering: A Quantitative Problem-Solving Approach to Negotiation", ETH Zurich: *Negotiation and Conflict Management Research Paper*, No. 15-01, July 11, 2016.

² Micheline Calmy-Rey and Svenja Rauch, "The Art and Science of Negotiations: De-Politicizing and Technicizing Negotiations", in *WTO Accessions-The Upper Floors of the Trading System* (Cambridge: Cambridge University Press, 2017), pp. 55-69.

³ The Six-Party Talks, held between 2003 and 2009, included: North and South Korea, the United States, China, Russia, and Japan.

point to facilitate agreement on all other issues. In sum, the idea was that, for every concession by North Korea on its nuclear program, the other parties would have to reciprocate with steps of their own either in the military area (e.g. suspension of military exercises or withdrawal of forces) or in the economic area (lifting of sanctions).

Solutions Found

Throughout the negotiating process, the six ‘delegations’ of students sought to reach a win-win agreement. They reflected on the concessions each side could make (and at which stage of the process) to reach their goals.

After a preamble recalling the previous Six-Party and bilateral achievements as well as mutual interest among the concerned parties in ensuring peace and security on the Korean Peninsula, the agreement begins with a definition of what is meant by “denuclearization of the Korean Peninsula”:

- a) No testing, manufacture, production, receiving, possession, stockpiling, deployment, use, or threat of use of nuclear weapons by any state, including their means of delivery;
- b) Verifiable dismantlement or destruction of: any existing nuclear weapon; nuclear weapon production and testing facilities; any uranium enrichment and plutonium separation facilities; existing fissile material stockpiles;
- c) Acceptance of inspections by the IAEA in accordance with the Comprehensive Safeguards Agreement and the Additional Protocol;
- d) Transparency measures on any existing stockpiles and programs related to paragraph (b) above including their location [. . .].

Then the agreement provides for two implementation stages, following a reciprocal and step-by step approach.

Stage one, which is to be completed eighteen months after entry into force, includes the following roadmap:

- a) On the one hand, the United States, North Korea, and China negotiate and adopt a Peace Treaty; both Koreas establish diplomatic relations; the United States and Japan open liaison offices in Pyongyang; the United Nations Security Council cancels the sanctions adopted in Resolution 2375 (2017); and the United States reduces the level of its current conventional forces stationed in South Korea by ten percent;
- b) On the other hand, North Korea fully dismantles its nuclear material facility at Yongbyon under IAEA verification; North Korea continues the full cessation of testing of nuclear weapons and nuclear-capable ballistic missiles; both Koreas declare and reduce their current conventional military forces and armaments deployed close to the Demilitarized Zone (DMZ) by ten percent and move their forces ten kilometers away from the DMZ; North Korea and Japan resume high-level talks on the resolution of

the abduction issue and implement their 2014 Stockholm Agreement; and both Koreas jointly participate in cultural and sport events;

- c) Later, Japan dismantles its uranium enrichment, reprocessing, and plutonium separation programs; the United States further reduces the level of its forces stationed in South Korea by ten percent; the United States (without payment), China, and Russia supply North Korea with the nuclear fuel necessary for its peaceful nuclear program; the United Nations Security Council cancels the sanctions in its Resolution 2397 (2017); Russia and both Koreas negotiate a trilateral agreement to link Russia and South Korea with rail lines, liquefied natural gas pipelines and their electric grids via North Korea; both Koreas launch the Trans-Korean Railway;
- d) In exchange, North Korea declares the number of its nuclear-related facilities by distinguishing: uranium mining facilities, spent nuclear fuel reprocessing facilities, uranium milling facilities, R&D facilities and nuclear reactors; an International Verification Mechanism established by the agreement inspects the nuclear-weapon testing site at Punggye Ri to confirm its dismantlement; both Koreas provide a fixed venue for family exchanges;
- e) Later, the United Nations Security Council cancels the sanctions imposed by its Resolution 2270 (2016); the United States removes all its unilateral financial sanctions, abrogates its North Korea Sanctions and Policy Enhancement Act of 2016, and further reduces the level of its forces stationed in South Korea by ten percent;
- f) In exchange, North Korea dismantles all its fissile material production facilities under the verification of the IAEA and the International Verification Mechanism; it also dismantles the Sohae (Tongchang Ri) and Tonghae (Musudan Ri) Satellite Launch Facilities, and reopens the Kaesong Industrial Region (KIR) to be jointly operated with South Korea.

Stage Two, also to be completed within eighteen months, includes the following reciprocal measures:

- a) Japan and the United States establish embassies with North Korea in their respective capitals; the United Nations Security Council cancels the sanctions imposed by its Resolutions 2321 (2016) and 2371 (2017); and the United States further reduces the level of its forces stationed in South Korea by ten percent;
- b) As a response, North Korea declares the number of its nuclear warheads and places all its fissile material under IAEA verification; it ceases production of nuclear-capable missiles and shuts down all facilities producing such missiles under the verification of the International Verification Mechanism;
- c) Later, the Six Parties negotiate and adopt a Treaty on a Nuclear-Weapon Free Zone (NWFZ) in the Korean Peninsula, taking into account Japan's dismantlement of its uranium enrichment and reprocessing programs; the United States further reduces the level of its forces stationed in South Korea by ten percent; the United States, China, and Russia ratify the Protocols to the NWFZ Treaty and accordingly provide security assurances to both Koreas;

- d) In exchange, North Korea dismantles and fully eliminates all its nuclear weapons and fissile material under the verification of the Verification Mechanism; it re-accedes to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear weapon state and concludes with the IAEA a Comprehensive Safeguards Agreement with the Additional Protocol;
- e) The United States withdraws all its remaining conventional forces from South Korea, including its Terminal High-Altitude Area Defense system (THAAD);
- f) Finally, North Korea accedes to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention; it also signs and ratifies the Comprehensive Nuclear Test Ban Treaty.

The Agreement also includes provisions for the establishment of a Joint Implementation Commission (located in Beijing) as a mechanism to ensure regular communication among the Parties on compliance issues and an International Verification Mechanism (to be negotiated as a separate annex).

A Set of Mutual Concessions

The idea is that any viable and sustainable deal on North Korea's nuclear program can only be based on reciprocal concessions. In the set of solutions imagined by the students, each of the Parties made such concessions, while making some gains:

- a) **The United States** obtained: A verifiable denuclearization process within three years with a NFWZ in the Korean Peninsula, guaranteed by itself, China and Russia; and the possibility of snapback for bilateral sanctions. In exchange, it agreed to: a Peace Treaty as a first step, meaning recognition of North Korea's legitimacy; the eventual withdrawal of all its conventional forces from South Korea; the end of its nuclear umbrella for South Korea (as part of the NWFZ); the gradual lifting of sanctions; and the provision of nuclear material for North Korea's peaceful program.
- b) **South Korea** achieved: Recognition of its role as a mediator; a three-year frame for the full denuclearization of North Korea; the re-opening of the joint Kaesong Industrial Site; and a trilateral agreement on the railway connection. Its concessions included: Acceptance of a step-by-step and reciprocal approach including gradual lifting of sanctions; the continued stockpiling of nuclear weapons by North Korea until their final dismantlement; and the gradual withdrawal of US forces.
- c) **North Korea** was satisfied by: the gradual normalization of diplomatic relations with its neighbors; the gradual lifting of sanctions, starting with the most crippling ones; the continued stockpiling of its nuclear weapons until final dismantlement; the preservation of its peaceful nuclear program with guaranteed fuel supply; a NWFZ zone guaranteed by China, Russia, and the United States; the re-opening of the joint Kaesong Industrial Site, and a trilateral agreement on the railway connection. It conceded to: the legitimization of South Korea; the dismantlement of all its production facilities of fissile material

and nuclear-capable ballistic missiles, the declaration of all its nuclear facilities and warheads and the location of all its fissile material under IAEA verification, and eventually the total dismantlement of its nuclear weapons program; the re-accession to the NPT as a non-nuclear weapon state; the non-inclusion of Japan into the NWFZ (thus maintaining a US nuclear umbrella); the implementation of the Stockholm Agreement with Japan on abductions and inter-Korean family exchanges; the accession to the Chemical and Biological Weapons Convention and signature and ratification of the Comprehensive Test Ban Treaty.

- d) **Russia and China** obtained: The step-by-step and reciprocal approach that they favored; the gradual lifting of sanctions; the legitimization of North Korea; gradual withdrawal of all US forces from South Korea; a trilateral agreement on railway connection; the establishment of the Joint Implementation Commission in Beijing; the survival of the North Korean regime and the stabilization of the Korean Peninsula with a Peace Treaty, security guarantees, and prospects of investment in infrastructure. In exchange, they accepted: the non-inclusion of Japan into the NWFZ; and the provision of nuclear material to North Korea's peaceful nuclear program.
- e) **Japan** achieved: its non-inclusion into the NWFZ, thus maintaining the US nuclear umbrella; and implementation of the Stockholm Agreement on the abductions issue. Its concessions were: agreement to the dismantlement of its uranium enrichment and reprocessing as well as separation facilities; and the gradual lifting of sanctions.

Conclusion: A Model for Creativity

One expert once said that simulations “provide a forum where participants can move from analytical investigations to a virtual professional training environment, recognize and anticipate problems they may encounter ‘in the field’ and confront personal strengths and weaknesses.”⁴ More than this, students, in this case, demonstrated that with a real sense of purpose and motivation to achieve a win-win outcome, it is possible to overcome obstacles and find creative solutions. The text of the final agreement that they crafted has been sent to the Permanent Representatives of the Six-Party governments in Geneva. Let us hope that their negotiators will be inspired by this work.

⁴ Natasha Gill, *Inside the Box: Using Integrative Simulations to Teach Conflict, Negotiation and Mediation* (Zurich: ETH, 2015), p. 189.

ABOUT THE AUTHORS

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