

December 2, 2021

**Uncertainty on the Korean Peninsula:  
Europe's Role in Breaking the Deadlock**

Prepared statement by:

**Duyeon Kim, Ph.D.**

*Adjunct Senior Fellow, Center for a New American Security*

*Columnist, Bulletin of the Atomic Scientists*

Before the

**European Parliament Committee on Foreign Affairs**

Chairman McAllister, Vice Chairs, DKOR Chairman Mandl, and distinguished Members of the Committee on Foreign Affairs and the European Parliament, thank you for the opportunity to appear before the Committee, virtually from Korea, to discuss a topic of vital importance to the international community. Before I delve into the specifics of where we are in terms of denuclearization and peace and how the European Union can help, I would like to begin with three topline observations of the current situation on the Korean Peninsula:

**1. North Korea is developing advanced and sophisticated nuclear weapons at a rate previously unimaginable, threatening international peace and stability.**

This year alone, Pyongyang has claimed to have tested cruise missiles, rail-launched ballistic missile, hypersonic glide vehicle, and a mini submarine-launched ballistic missile. Evidently, the regime has been checking off North Korean leader Kim Jong Un's wish list of advanced weapons systems to manufacture that he disclosed at his 8<sup>th</sup> Party Congress in January.<sup>1</sup> In short, Kim has been focusing on making tactical weapons that can be used in conflict, targeting South Korea, Japan, and Americans and Europeans living in both countries. Pyongyang's aim appears to be to protect the Kim regime, strengthen its deterrent, challenge U.S. missile defenses, and make his weapons more survivable. Perfecting the technology of these weapons also provides North Korea with political leverage in future negotiations with Washington.

**2. Prospects for nuclear diplomacy appear slim to none in the near future.**

The Biden administration wants to have diplomatic talks. It has reached out to North Korea on numerous occasions and methods, both public and private, to resume talks but Pyongyang continues to reject Washington's overtures. It has quickly become clear this year that Pyongyang is not interested in returning to the dialogue table, evidently because of the coronavirus pandemic. Pyongyang apparently sees the coronavirus as the biggest threat to its survival and

---

<sup>1</sup> "On Report Made by Supreme Leader Kim Jong Un at Eighth Party Congress of WPK," *The National Committee on North Korea*, January 9, 2021, [https://www.ncnk.org/resources/publications/kju\\_8th\\_party\\_congress\\_speech\\_summary.pdf/file\\_view](https://www.ncnk.org/resources/publications/kju_8th_party_congress_speech_summary.pdf/file_view).

fears importing the virus through direct contact with foreigners and through the import of goods. This explains why North Korea has been rejecting COVID-19 vaccines as well as humanitarian aid that Washington and Seoul would like to provide. North Korea also wants COVAX to be legally responsible for any deaths and adverse side effects from vaccines.

### **3. South Korea will hold its presidential election next March, which could impact alliance coordination with Washington on their approach toward North Korea.**

As members of the European Parliament, you know very well that three months prior is too soon to call any political race. The candidates for both the ruling progressive party and the opposition conservative party are practically neck-in-neck in the polls. Simply put, the progressives have favored front loading on rewards to induce desired behavior from North Korea while conservatives have preferred principled engagement entailing tit-for-tat denuclearization measures in exchange for benefits sought by North Korea.

## **PROSPECTS FOR DENUCLEARIZATION AND PEACE**

Mr. Chairman and distinguished Members of the Foreign Affairs Committee, prospects for North Korea's denuclearization are currently bleak because Pyongyang continues to develop its nuclear weapons capability, the international sanctions regime has unraveled considerably due to China and Russia's lack of enforcement, and diplomacy between the United States and North Korea remain at a stalemate. As mentioned earlier, the pandemic is an immediate obstacle to resuming diplomatic negotiations.

However, even if the pandemic subsides, challenges loom because North Korea continues to maintain its demand of preconditions before dialogue. They are the removal of key UN Security Council sanctions as well as an end to U.S.-South Korean defensive military drills and criticisms of North Korea's human rights violations. These maximalist demands are non-starters for the Biden administration or any U.S. administration, although they could be discussed as part of a comprehensive agreement after talks resume without preconditions.

Meanwhile, South Korea's progressive government under President Moon Jae-in is again pushing for a declaration that formally ends the Korean War despite North Korea's provocations and threats. The hostilities of the Korean War ceased in 1953 with an armistice and not a peace treaty. Since then, there has not been another war as the armistice has provided a framework for avoiding conflict while the United Nations Command and American troop presence have helped maintain stability on and around the Korean Peninsula.

North Korea has clearly stated it is not interested in an end-of-war declaration because it apparently understands that a symbolic and political declaration will not alter the armistice or U.S. military presence. Nevertheless, Pyongyang has recently been dangling hopes for such a declaration and even another inter-Korean summit if Seoul works harder to satisfy the Kim regime's demands and break from Washington. By employing parallel tactics of scorn and flattery toward South Korea, Pyongyang has been taking advantage of President Moon's desire to secure his peace legacy before exiting office next May.

Surely, everybody wants peace. But what does peace mean? A premature end-of-war declaration or even a peace treaty with a nuclear-armed North Korea has serious security, legal, military, and political implications.<sup>2</sup> It could provide a false sense of security, and depending on its language, it could potentially alter the armistice, the United Nations Command, and U.S. military presence. Such language would need to be absent any ambiguity for international lawyers to argue various interpretations. Otherwise, Pyongyang could demand a peace treaty that questions the presence of U.S. troops in the region before taking credible denuclearization steps. Even if a crystal-clear agreement is reached on a symbolic declaration, there is a risk that Pyongyang could still take a big victory lap, advertising the declaration as a defeat of the United States.

In short, an end-of-war declaration and eventual peace treaty should be part of a comprehensive agreement on denuclearization, normal relations, and peace.<sup>3</sup> Denuclearization and peace negotiations can be held in parallel, but formal peace talks should still begin after sufficient denuclearization has been achieved.

## RECOMMENDATIONS FOR THE EUROPEAN UNION

What can the European Union do to help?

### **1. All members of the United Nations and the European Union should continue to fulfill their obligation to enforce and implement existing sanctions.**

The purpose of sanctions is to dry up sources that finance North Korea's nuclear weapons program. The traditional method of sanctions may be difficult to impose because of North Korea's self-isolation, closing its borders due to the pandemic. Yet, North Korean vessels have been suspected of ship-to-ship transfers of goods on the UN sanctions list. Warships and aircrafts from Canada, Australia, the UK, and France have participated in multinational operations designed to stop ship-to-ship transfers of banned imports, such as coal and oil, to North Korea.<sup>4</sup> Germany's frigate the Bayern is also in the Indo-Pacific and has joined these activities. Coincidentally, I am currently in South Korea's port city of Busan to visit the Bayern tomorrow during its port call.

More of these activities by members of the European Union should continue in efforts to enforce sanctions obligations, curb the proliferation of weapons of mass destruction, and

---

<sup>2</sup> Duyeon Kim, "What's in a Name? Korean 'Peace' and Breaking the Deadlock," *War on the Rocks*, September 14, 2018, <https://warontherocks.com/2018/09/whats-in-a-name-korean-peace-and-breaking-the-deadlock/>.

<sup>3</sup> Duyeon Kim, "Negotiating Toward a Denuclearization-Peace Roadmap on the Korean Peninsula," *Center for a New American Security*, June 27, 2019, <https://www.cnas.org/publications/reports/negotiating-toward-a-denuclearization-peace-roadmap-on-the-korean-peninsula>.

<sup>4</sup> Ethan Jewell, "Canada spots 24 suspected ship-to-ship transfers in DPRK sanctions operations," *NK News*, November 25, 2021, <https://www.nknews.org/2021/11/canada-spots-24-suspected-ship-to-ship-transfers-in-dprk-sanctions-operations/>; Choi Soo-hyang, "N. Korea denounces Canada, France for monitoring illicit maritime activities," *Yonhap News*, October 25, 2021, <https://en.yna.co.kr/view/AEN20211025009600325>; Julian Ryall, "Why North Korea is wary of foreign warships in the region," *DW*, August 10, 2021, <https://www.dw.com/en/why-north-korea-is-wary-of-foreign-warships-in-the-region/a-58817459>.

demonstrate international solidarity in support of peace and security on the Korean Peninsula—and of course, in support of freedom of navigation and a rules-based international order in the Indo-Pacific as well.

The European Union could also do more to help impose sanctions on North Korea's cybercrimes because of the exorbitant amount of money it is believed to make through cyber theft and hacks to finance its nuclear weapons development.<sup>5</sup> Members of the European Union could help penalize third-party entities involved in trade and illicit financial activities with the North Korean regime.

**2. The European Union could contribute to jumpstarting diplomacy between the United States and North Korea by first persuading Pyongyang that there are safe ways to receive vaccines and humanitarian aid and safe ways to hold direct talks with the United States.**

I am aware that some of our European friends are in direct communication, including through virtual means, with North Korean officials in Pyongyang in various parts of the North Korean government. After sharing notes on safe ways to receive vaccines and humanitarian aid, European friends could also help persuade North Korea to return to dialogue with the United States without preconditions, and allow negotiations to function properly. We saw in 2018 and 2019 that North Korean negotiators were not allowed to discuss the nuclear issue, which in turn forced two summits—and limited the success of these summits—with then U.S. President Donald Trump.

**3. The European Union could penalize future North Korean weapons tests and continue to call out North Korea's human rights violations.**

The testing of all classes of missiles—short, mid, and long-range—and their components should be penalized as they pose grave threats to South Korea, Japan, the United States, and the international community. Nuclear and ballistic missile technology are in violation of UN Security Council Resolutions. There is also evidence that North Korea proliferates missile technology to the Middle East.

The EU should be applauded for again sponsoring a United Nations draft resolution condemning North Korea's human rights situation and urging Pyongyang to cooperate with COVAX to receive vaccines.<sup>6</sup>

---

<sup>5</sup> Andrea R. Mihailescu, "It's time to get serious about a pressure strategy to contain North Korea," *Issue Brief*, The Atlantic Council, March 4, 2021, <https://www.atlanticcouncil.org/wp-content/uploads/2021/03/North-Korea-IB-v3.pdf>.

<sup>6</sup> Ji Da-gyum, "UN 3rd committee adopts N.Korea human rights resolution, urges timely vaccination," *The Korea Herald*, November 18, 2021, <http://www.koreaherald.com/view.php?ud=20211118000710>.

**4. The European Union could continue to support U.S. policy toward North Korea.**

Members of the European Union have been vital partners over the years in support of Washington's approach to North Korea, especially on sanctions enforcement. The same degree of solidarity will be crucial in the months and years ahead to make progress on denuclearization, uphold the nonproliferation regime, and prevent North Korea from driving wedges between America and its allies. If and when negotiations proceed in earnest between the United States and North Korea, members of the European Union can also play a vital role in sharing your knowledge and experience in nuclear dismantlement, nuclear risk reduction, and confidence- and security-building measures.

Thank you.