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HANNES B. MOSLER

Lessons Learned? South Korea's Foreign Policy toward North Korea under the Moon Jae-In Administration

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HANNES B. MOSLER

Lessons Learned? South Korea's Foreign Policy toward North Korea under the Moon Jae-In Administration[1]

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Abstract

What are the characteristics of President Moon Jae-in's policy toward North Korea, and what lessons can be drawn for the future? More than 70 years have passed since the establishment of the two republics in 1948, during which continuous attempts have been made to achieve reconciliation, peace, and prosperity on the Korean peninsula. Even though the Korean War (1950–53) as well as the last authoritarian government in South Korea (until 1987) belong to the ever more distant past, neither, obviously, have the conflicts between the two Koreas ceased, nor has South Korea found a reasonable and effective way of addressing the conundrum. Against this backdrop of more than half a century of contentious inter-Korean relations, the paper examines the foreign policy (efforts) by the Moon administration (2017–2022) toward North Korea in order to shed light on challenges and opportunities for the future regarding the region of East Asia as well as inter-regional policy implications.

Keywords

Moon Jae-in, North Korea, South Korea, foreign policy, two-level game, USA, EU, Korean Peninsula Policy, Eurasia

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1 INTRODUCTION

Officially, South Korea's relations to North Korea began with the establishment of the two republics in 1948, but a first substantial foreign policy initiative toward the country emerged only with President Roh Tae-woo's so-called *Nordpolitik (Pukpangjŏngch'aek)* at the end of the 1980s. At this point South Korea was at a crossroads, in terms of its transition to formal democracy, regarding its successful industrialization, and concerning its pursued role within the international community. Since then, a lot of water passed under the increasing number of bridges spanning over the Han in Seoul, which saw the country undergo three changes of administration, accompanied by ideological discontinuities that had profound effects on South Korea's policy towards the North. Inter-Korean relations under conservative administrations were characterized by containment, estrangement, and hostilities, while those under liberal administrations were characterized by engagement, conciliation, and cooperation. Until today neither of the two approaches proved successful for achieving sustainable peace on the peninsula, not to mention denuclearization or unification.

70 years after the establishment of the two Koreas, when for a moment a great leap in solving the most pressing issues surrounding the peninsula seemed to be possible, for the first time ever a US President, Donald Trump, met with his North Korean counterpart Kim Jong-un not less than three times within twelve months. The most recent summit took place in the de-militarized zone between the two Koreas, and was also attended by the South Korean President Moon Jae-in. This was another first in Korean history, and at least on a symbolic level displays President Moon Jae-in's relentless effort towards mediating peace and prosperity on the peninsula and throughout the region. The Moon administration's Korean Peninsula Policy (*Hanbandojŏngch'aek*) is at the core of its New Northern Policy (NNP; *Sinbukpangjŏngch'aek*), and thus its success is linked to wider implications including a "logic of Eurasian integration" (Calder 2019: 35–38), for example in the form of a "EU-ROK Connectivity Partnership" (Pascha 2021: 15). However, ultimately, once again, substantial and sustainable rapprochement did not materialize. Against this backdrop, the present article examines President Moon Jae-in's foreign policy toward North Korea in order to shed light on the challenges and opportunities of South Korea's North Korea policy. Thus, the questions the article intends to answer are: What are the characteristics of the Moon government's North Korea policy? And, what are the lessons we can learn from past North Korea policies for a future policy toward the North?

To facilitate and guide the investigation, in the next section the paper briefly discusses the two-level game model followed by a cursory consideration of the democratic peace theorem and deliberative democracy theory, which are regarded as complementary elements of the study's main theoretical setting. The ensuing section provides an account of the evolution of South Korea's policies toward North Korea since the establishment of the First Republic in 1948, and thereby gives an overview on characteristic continuities and changes. This is followed by the examination of the Moon Jae-in administration's North Korea policy guided by the above theoretical conceptualizations by way of accounting for the commonalities and differences in approaching the Korean peninsula question. This is succeeded by a brief discussion of US and EU policies on North Korea, because of their immediate importance regarding the US' role and the potentially important role the EU can play regarding the Korean peninsula issue. The investigation concludes by summarizing major points of the assessment and the lessons that can be drawn.

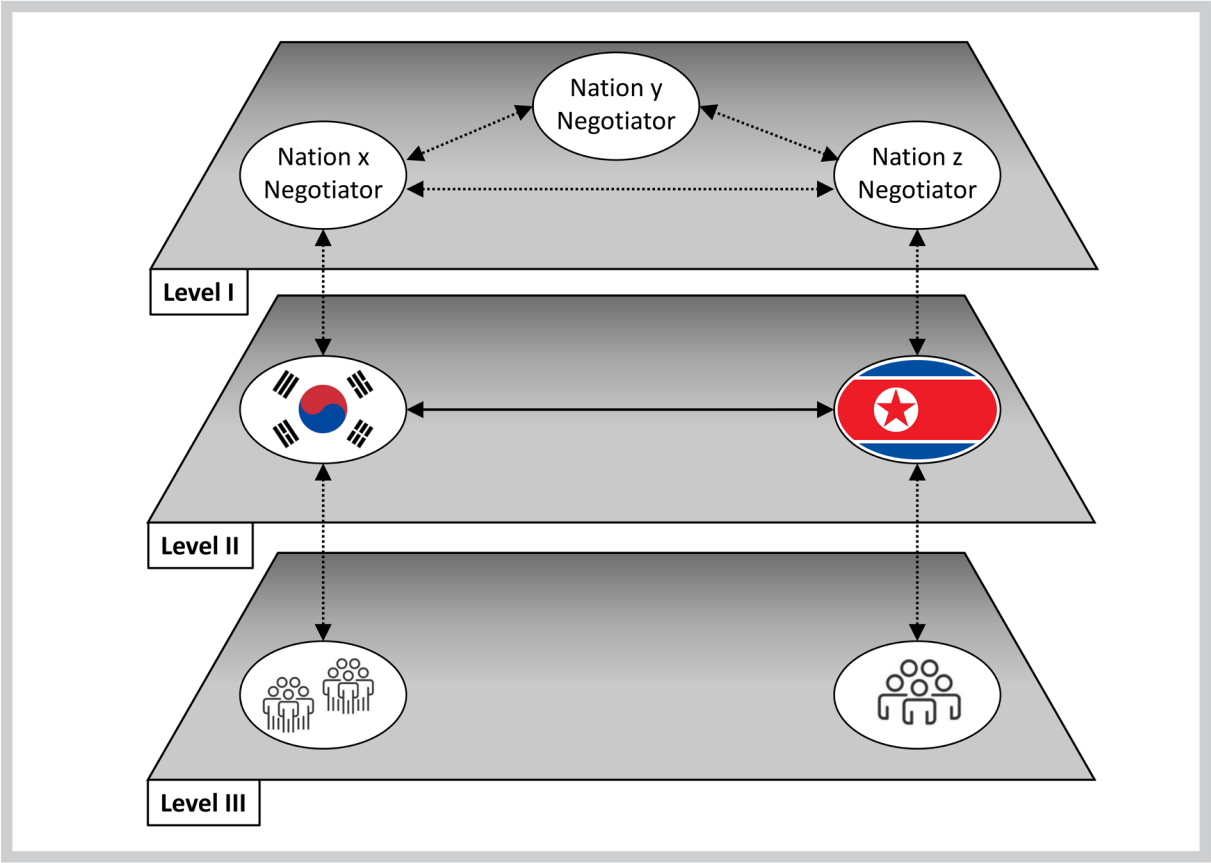
2 THEORETICAL SETTINGS: THREE LEVELS OF AGONISM AND DELIBERATIVE DEMOCRACY FOR PEACE

The analytical framework which this paper applies to the case is constructed by loosely adopting the main assumptions of the two-level game model (Putnam 1988; Moravcsik 1993), the democratic peace theorem (Chambers 2003; Maoz and Russett 1993), and the theory of deliberative democracy (Bächtiger et al. 2018; Gutman and Thompson 2004). This integrated framework allows the structuring of a systematic perspective on inter-Korean relations (i.e., where to look for what), and provides sufficient criteria for a consistent assessment (i.e., how to evaluate what), thus serving as a guiding grid for the investigation.

The concept of the two-level game in foreign policy is based on a particular strand of liberalist theory in international relations (Putnam 1988; Moravcsik 1993). As opposed to assumptions derived from (neo)realist theory, this approach does not disregard domestic politics as less relevant or insignificant than foreign policy, but takes both seriously as a constraining or as a facilitating factor. In other words, it breaks up the supposedly unitary actor to uncover crucial inner workings so as to more accurately observe causes and effects in foreign policy strategizing and decision making. However, that does not mean that all the other (neo)liberal conceptualizations are thrown out with the bathwater, such as the assumption that states (i.e., executive leadership) rationally pursuing their self-interests are constrained as well as enabled by the structures of an anarchic international system (cf. Waltz 1979). Instead, it means that assumptions about power dynamics at the international level are complemented (extended) with expectations around closely interrelated domestic power dynamics. This combination also involves conceptualizations of interpretivist perspectives, which help to understand how the effects of international and domestic dynamics are mutually constitutive or dependent by going beyond hard power and including soft power.

Essential postulations on the two-level game include that the executive negotiating with another country's leadership on the international level is dependent on dynamics at the domestic level, to which it is accountable. Domestic actors can be political institutions such as parliament, which has the authority to ratify international agreements in order to provide them with the necessary validity and effect, or the public, which potentially has the power to pressure the executive to refrain from sealing an agreement or pushing for it (see for example Morin and Paquin 2018: 234–237). A key concept in this regard is the interrelation of "win-sets" on the different levels. The win-set of a negotiator at the international level is defined by the number of agreements she can conclude with her counterpart, while the win-set on the domestic level is a function of the number of international agreements that would be supported by a constituent's majority (Putnam 1988: 437–442). In other words, the probability of negotiation success depends on strategy vis-à-vis the negotiation counterpart as well as on institutions, preferences and domestic-level coalitions (i.e., parliament and/or the public). Depending on the given circumstances, sometimes a larger, and at other times a smaller win-set can be facilitative for the executive's negotiation position vis-à-vis the other state's leadership. While at first sight a greater domestic win-set might seem to be more facilitative, because it quantitatively backs the negotiating actor more, under certain conditions a reduced win-set can likewise be supportive in that it can serve as an additional leverage argument vis-à-vis the counterpart (Putnam 1988: 440). In the case of South Korea's policy toward and respective negotiations with North Korea until now, however, instead an insufficient domestic consensus had been the constraining challenge for negotiations

Figure 1: Three-Level Game[2]



Source: author

as we will see below. This is closely related to South Korea's geopolitical particularities and historical trajectories, which make it necessary to add another level to the framework (see Figure 1) to account for the complex causes on and effects of inter-Korean interaction regarding the domestic as well as international actors. One way of accounting for this complexity is to assess policy choices and strategies within a matrix that considers the tensions between parochialist and internationalist policy orientations on a vertical axis, and between alliance dependence versus greater autonomy on a horizontal axis (Snyder 2018: 7–8).

The three-level game model is helpful for sharpening the understanding of this interrelationship by integrating assumptions of the theory of democratic peace. The democratic peace theory can be traced back to the preliminary yet basic arguments offered by Immanuel Kant in *Perpetual Peace* (1795). Referring to this initial account, the empirical literature refers mainly to the following four different contentions regarding democratic peace (Reiter 2012). Some argue that democratic states are in general more peaceful in their encounters in the international system ("monadic"), while others ascertain it is only among democratic states where the theorem of not going war holds ("dyadic"). Then again, others contend that the more democratic states there are in the system, the higher level of peace exists with the international system. Finally, a third faction makes the claim that there is no significant correlation between democracy and peace per se (ibid.). Until now various attempts at developing and updating the theory have been made which tend to agree on the basic assumption of (domestic) democracy having pacifying effects on the in-

2 The different levels do not necessarily represent a hierarchical relationship despite their vertical order and numbered labelling.

ternational level, though with different foci. This includes, for example, the structural argument about the complex decision-making structures in modern liberal democracies that have the effect of delaying and thus potentially inhibiting rapid escalation. Other accounts emphasize the participation of citizens in these decision-making processes as the crucial factor for dissipating the threat of escalation. Yet another way of explaining the pacifying effects of democracy is to assert that it is the externalization of the norms and mechanisms of conflict solving in democratic systems at the international level which promotes a basically respectful and trustful attitude vis-à-vis the negotiation counterpart, and thus significantly reduces potential aggression (Maoz and Russett 1993). Economic development and interdependence as a result of or condition for democratic development is yet another factor that can be considered for discouraging aggravating conflict between states (Mousseau 2009; 2013). In this way, the assumptions of the theory of democratic peace as discussed here can usefully serve to providing more concrete parameters to look for when analyzing the *quality of win-sets* in the relations of South and North Korea. Obviously, North Korea is a nondemocratic country, and thus we cannot expect mutually pacifying effects as predicted by most ideal assumption of the theory. Nevertheless, South Korea is a liberal democracy, which is why one can expect at least unilateral normative, structural and/or economic effects toward North Korea.

The degree of the effects, however, depends on the degree of the quality of democracy – de jure and de facto – in South Korea. Here, quality of democracy is loosely conceptualized as an eclectic perspective that is closer to maximalist (substantial) than to minimalist (formal) definitions of democracy such as participatory, consensual, and deliberative democracy. This is because this is helpful for operationalizing the quality of democracy regarding effectiveness and soundness of its conditions and procedures as a prerequisite for desired outcomes. In other words, integrating the key concepts of, for example, deliberative democracy allows for assessing core assumptions of the theory of democratic peace in a qualitative dimension such as participation, conflict solving procedures, and the generation of democratic values. Theory and practice of deliberative democracy draw on ideas of communication as a basis for democratic decisions, where the basic idea is to have something similar to Habermas' concept of an ideal speech situation as the basic condition for the exchange of arguments. That is, a situation in which people who deliberate on a certain issue would ideally be able to evaluate each other's assertions and arguments solely on the basis of reason and evidence, while shielded from any influences of physical or psychological coercion. This would guarantee that the participants' motivations are reduced to the intention of obtaining a rational, legitimate consensus that in the end is distorted as little as possible, and which is based on mutual understanding of the others' differing opinions on a given matter. However, at the same time, this does not mean that deliberation is free from conflict. On the contrary, conflict is important, not to say mandatory, to modern liberal democracies, because plurality is one of its key definitional components, while accordingly, contradicting positions tend to produce friction. How to address conflict is therefore crucial, and well encapsulated in the idea(l) of a constructive "agonism" understood as a struggle between adversaries as opposed to destructive "antagonism" (i.e., Schmittean struggle between enemies; Mouffe 2016). A decision-making process of this kind is assumed to strengthen democracy because it is thought to produce collectively binding decisions not solely based on mere majoritarian aggregation, but additionally also rooted in rational, yet agonizing, understanding and accountability. Correspondingly, the closer reality approaches this ideal, the higher the legitimacy and acceptance of the matters that are decided, and thus the higher the quality of the democracy, and more of the effects assumed by the theory of democratic peace can be expected to de facto occur.

3 THE EVOLUTION OF SOUTH KOREA'S FOREIGN POLICY TOWARD THE NORTH, 1948–2017

The historical development of South Korea's policy toward North Korea can be divided into a pre-democratization period with further subdivisions (Bak and Yu 2019; Khil 2005; Lee et al. 2017; Kim NK 2019; Kim HB 2019; Kim HS 2017; Hwang JH 2017; Snyder 2018), which is characterized by a generally passive and hostile stance, and a post-democratization period, which is characterized by either active engagement or conciliatory policies of deterrence, depending on the administration in power (see below). For reasons directly relating to the Cold War that had begun to overshadow the Korean peninsula at the end of the Second World War and intensified with the hot Korean War (1950–1953) as well as the Korean peninsula's integration into the bipolar world order, there was not much to be expected from either side of the 38th parallel until the end of the 1980s, when South Korea transitioned to formal democracy and shortly afterwards the Berlin Wall fell, accompanied by the breakdown of the actually existing socialist system in the following years. Accordingly, during the first five Republics under Presidents Rhee Syngman, Park Chung-hee, and Chun Doo-hwan (1948–1988), within an internationally hostile geopolitical environment the authoritarian governments displayed relatively low (economic, military, and developmental) capacities for autonomous activities in the region, and (therefore) relied heavily on the US alliance (see Snyder 2018: 10–19). The Rhee government ascertained that South Korea was the only legitimate government on the Korean Peninsula approved by the United Nations, and thus the North Korean government illegally occupied the Northern part of the country, which in turn led to the conclusion that unification was not negotiable but must happen in the form of re-conquering state territory by invasion (*muyrŏkpukjin t'ongillon*). The international and domestic conditions did not change much during the nine months of the Second Republic nor in the following 18 years of dictatorship under Park Chung-hee, which started with a military putsch in 1961, and thus the continuation of a basically hostile stance toward North Korea is not surprising.

The first signs of a thaw in the North Korea policy seemed to emerge towards the end of the 1960s in the context of US détente politics toward China, which in effect pressured South Korea over the following years into to finally advancing its own North Korea policy into the so-called Open Door Policy towards the Communist Bloc (*taegongsan'gwŏn munhogaebang chŏngch'aek*). One of the first results was the "Peaceful Unification Initiative Declaration" announced by Park in his presidential congratulatory speech on the 25th anniversary of Liberation Day on August 15, 1970. Two years later, in parallel with the process of the Inter-Korean Red Cross Talks, the July 4 Inter-Korean Joint Statement was announced in which the two Koreas agreed on the aims of independence, peace and great national unity. In the following year, the South Korean government announced the "Special Declaration on Foreign Policy for Peaceful Reunification" (June 23, 1973), and on January 18, 1974, it proposed signing a non-aggression pact with North Korea, which (on August 15, 1974) was further complemented by the proposal of the "Three Basic Principles of Peaceful Unification" for peaceful coexistence and peaceful reunification between the two Koreas.[3]

After Chun Doo-hwan's seizure of power in 1979 and during the ensuing Fifth Republic (1980–

3 The three principles were: signing a non-aggression pact between the two Koreas, conducting inter-Korean dialogue in good faith, and holding free general elections between the two Koreas based on the proportion of the respective populations.

1988) only low-level developments in South Korea's North Korea policy were detectable, the main reason being robust economic development coupled with increasing pressure from the US for less aggressive politics domestically as well as internationally. Rather halfheartedly the South Korean government made a proposal for mutual visits by the chief executives of the two sides in January 1981, and a year later (January 22, 1982), President Chun officially reaffirmed the principle of peaceful unification (*p'yŏnghwat'ongil*) through the "National Harmony, Democratic Unification Plan" (*Minjokhwahapminju T'ongilbangan*) envisioning unification based on the principles of the Korean nation, democracy, freedom and welfare. North Korea rejected the plan.

After democratization the evolving North Korea policy of the South can be divided into three phases of "beginning peace talks" under conservative Presidents Roh and Kim (1988–1998) who initiated peace discussions on the Korean Peninsula for domestic and international reasons, "active peace" under liberal Presidents Kim and Roh (1998–2008) who promoted the establishment of peace on the Korean Peninsula through dialogue and cooperation, and "denuclearization first policy" under conservative Presidents Lee and Park (2008–2017) who intended to resolve the North Korean nuclear issue first and then only afterwards establish peace on the Korean Peninsula (Bak and Yu 2018: 25–26).

Transition to formal democracy in 1988 was a turning point because the rules of the game were changed – at least formally. President Roh Tae-woo (1988–1993) was also a former military officer, who's support of Chun was crucial to Chun's ordering the Kwangju Massacre in 1980, nevertheless, he was elected to the highest office by fair, free, and direct elections. While tensions with North Korea continued in general terms the geopolitical environment had been turning relatively benign with the incremental deconstruction of the former foe of the actually existing socialist system. Also, the so-called "Miracle on the Han River" was in full swing, and beginning with the US the international community applied higher standards to the new economic powerhouse that was about to host the Olympic Summer Games. Against the backdrop of this "economic conditionality" (Mousseau 2009: 53), the Roh administration initiated for the first time a more open and active "Nordpolitik" (*Pukpangjŏngch'aek*) inspired by West Germany's "Neue Ostpolitik". In 1988, Roh proclaimed the "Special Declaration for National Self-esteem and Unification and Prosperity (July 7)", which was further elaborated a year later in the "Korean Community Unification Plan" (September 11, 1989). Finally, in September 1990 the first inter-Korean high-level talks were held, and a year later the "Basic Agreement between North and South" (*Nambukkibonhabŭisŏ*; December 13) as signed with the mutual pledge for reconciliation, non-aggression, exchanges and cooperation. While these attempts were clearly departing from the preceding authoritarian and hostile policies by pursuing a more international, multilateral approach, the efforts nevertheless remained passive and conservative in their quality, not to mention their implementation and effects. The same is true for the ensuing conservative administration under President Kim Young-sam (1993–1998), who was the country's first non-military president after democratization, but not much less conservative than his predecessor regarding North Korea policy. With his "National Community Unification Plan (Three-Step Unification Plan for the Construction of the Korean People's Community)" Kim in 1994 basically inherited the previous government's unification plan with only some minor modifications. Initially he did seem to pursue a more active and conciliatory policy toward the North, including the official statement in favor of an inter-Korean summit. But when the North Korean nuclear issue emerged (First North Korea Nuclear Crisis), the government quickly returned to a hardline stance and relations deteriorated into a standstill. The promising intervention by US president Carter, who planned a state visit to North Korea in June 1994, did not materialize due to the sud-

den death of Kim Il-sung. Nevertheless, President Kim, in concert with US President Bill Clinton, did initiate the Four-Party-Talks in 1997–98, which, however, were to no avail.

The election of liberal President Kim Dae-jung (1998–2003) heralded a profound change in the North Korea policy of South Korea from a hitherto conservative to a progressive orientation. Crucially, priority was now set on improving inter-Korean relations through exchange and cooperation rather than rushing into unification, and the government consistently pursued a policy of reconciliation and cooperation toward North Korea. At the center of this "Sunshine Policy" (*Haetpyŏtchŏngch'aek*) was economic support for North Korea decoupled from political issues. In September 1998, the Mt. Kumgang tourism project was approved, and South Korean entrepreneurs were encouraged to invest in North Korea. In 2000, the First inter-Korean Summit was held in Pyongyang where the "June 15 Inter-Korean Joint Declaration" was adopted, leading to joint activities in various non-sensitive fields such as religion, history, media, and education. Domestically, however, resistance to the new liberal administration by rightist-conservative forces increased, leading to the emergence of ideologically motivated political polarization. This was also in part a reaction to the Kim administration's attempts to change the basic perception of North Korea and North Koreans in the South by initiating an education campaign in schools and the general public.[4] After the successfully held FIFA World Cup in the summer, in October 2002 the Second North Korea Nuclear Crisis caused inter-Korean relations again to deteriorate quickly, this time at the international level as well.

The succeeding liberal President Roh Moo-hyun, (2003–2008) with relentless determination, sought to reweave the strands of a progressive and conciliatory North Korea policy. After democratization, the previous administrations had already shifted to a more moderate dependence on the US alliance, it was Roh who shifted gears once more, making efforts to obtain a certain degree of autonomy within the alliance. Nevertheless, he too sought a multilateral approach, which is also reflected in the Six-Party-Talks between North and South Korea, the US, China, Russia, and Japan (August 2003 – September 2007), which was made possible only because of the close alliance to the US. Still, at the same time, Roh also focused on inter-Korean relations, which is exemplified by, among other things, the implementation of economic cooperation in the form of the jointly operated Kaesong Industry Complex (in North Korea) which was initiated in 2004, and the Second Inter-Korean Summit in October 2007.

After ten years of liberal administrations, the conservative government under President Lee Myung-bak (2008–2013) once again turned North Korea policies upside down (Moon 2011). The official policy slogan was coined "Denuclearizing – Opening – 3000", and it meant exactly this in that order. Lee's administration expected North Korea to first abandon its nuclear weapons systems and then open up the country; only then would South Korea assist North Korea in reaching a per capita income of US$ 3,000 within the next 10 years (Suh 2009). Moreover, unlike previous administrations, it fully participated in the US-led Non-Proliferation Initiative (PSI), and proactively joined efforts to pressure North Korea concerning human rights violations. The ensuing conservative Park Geun-hye administration (2013–2017) followed the same path closely aligned with the US under a different slogan "Korean Peninsula Trust Process." This initiative sought relations based on mutual trust, however, preconditioned, again, by North Korea having to make the first move – ending its nuclear program. Only then would South Korea engage in negotiations and support the North with the aim of unification, which would supposedly usher in

4 Until the early 1990s, it still had been usual to have drawing contests at schools on who could draw the most terrifying North Korean with devil's horns. A turn in perception, obviously, was needed.

TIMELINE 1948–2014

24 July 1948	Rhee Syngmann is inaugurated as South Korea's 1st president
25 June 1950 – 27 July 1953	(6.25) Korean War
17 December 1963	Park Chung-hee is inaugurated as South Korea's 3rd president
15 August 1970	(8.15) Declaration of the Peaceful Unification Initiative
4 July 1972	(7.4) Joint Statement of North and South (Korea)
23 June 1973	(6.23) Special Declaration on Foreign Policy and Peaceful Unification
18 February 1974	Proposal of a North-South Non-Aggression Agreement
15 August 1974	Proposal of the Three Basic Principles of Peaceful Unification
1 September 1980	Chun Doo-hwan is inaugurated as South Korea's 5th president
22 January 1982	Proposal of a National Harmony, Democratic Unification Plan
25 February 1988	Roh Tae-woo is inaugurated as South Korea's 6th president
7 July 1988	(7.7) Special Declaration for National Self-Esteem, Unification, and Prosperity / Nordpolitik (Northern Diplomacy)
1 August 1990	Inter-Korean Exchange and Cooperation Act takes effect
17 September 1991	North and South Korea join the United Nations
20 January 1991	Joint Declaration of the Denuclearization of the Korean Peninsula
13 December 1991	Agreement on Reconciliation, Non-aggression and Exchanges and Co-operation between the South and the North (Basic Agreement)
12 February 1992	Basic Agreement regarding the Northern Limit Line
19 February 1992	(2.19) Inter-Korean Agreement on Reconciliation, Non-Aggression, and Exchanges between North and South Korea
25 February 1993	Kim Young-sam is inaugurated as South Korea's 7th president
18 June 1994	Kim Young-sam and Kim Il-sung agree to hold summit
8 July 1994	Kim Il-sung dies
25 February 1998	Kim Dae-jung is inaugurated as South Korea's 8th president
4 April 1998	Announcement of "Sunshine Policy"
9 March 2000	Kim Dae-jung's Berlin Declaration
13-15 June 2000	First inter-Korean summit
15 June 2000	(6.15) North-South Joint Declaration
25 February 2003	Roh Moo-hyun is inaugurated as South Korea's 9th president
12 May 2003	North Korea declared agreement of 1991 nullified
27 August 2003	First Round of Six-Party-Talks (North/South Korea, USA, China, Russia, Japan)
December 2004	Opening of Kaesong Industrial Complex
30 June 2006	Inter-Korean Exchange and Cooperation Act takes effect
2–4 October 2007	Second inter-Korean summit (Panmunjom)
4 October 2007	(10.4) Declaration on the Advancement of North-South Korean Relations, Peace, and Prosperity
25 February 2008	Lee Myung-bak is inaugurated as South Korea's 10th president
25 February 2013	Park Geun-hye is inaugurated as South Korea's 11th president
28 March 2014	Park Geun-hye's Dresden Speech

a "great bonanza" (*taebak*) for everyone involved. However, what happened instead was that North Korea reacted with provocations and more nuclear weapons testing, and the Park government in turn stopped operating the Kaesong Industry Complex as well as almost all other inter-Korean cooperation and exchanges.

In summary, this brief account of the last 70 years of South Korea's policies toward North Korea shows a relatively distinct pattern of fluctuation between conciliatory and hostile positions vis-à-vis the North depending on whether a liberal or a conservative president was in power (see Bak and Yu 2018; Hwang 2017; Kim HS 2017; Snyder 2018) pointedly summarized by Lee et al. (2017: 7–12) as follows (see table below). Concerning the overall aim of the policies toward North Korea, liberal governments share the characteristic of pursuing maintenance of the division while focusing on coexistence as a de facto form of unification, whereas conservative administrations have typically insisted on a legal, institutional unification. This is in part based on divergent perceptions of North Korea, where the liberal side would acknowledge the North Korean regime, and thus views it as a negotiating partner; the conservative leadership does not recognize North Korea, and logically, keeps its distance, identifying the North rather as a hostile opponent. This is related to the tendency of liberal presidents to use a "nation-centric approach" that regards inter-Korean cooperation as important, while conservative presidents are known for using a "state-centric approach" favoring international cooperation as more important (Kim KJ 2020: 140). Keeping in line with this fact, liberal governments practice a proactive engagement policy and therefore focus on means of inducement, while conservative governments employ containment tactics and, thus, persist in applying pressure. This leads liberal administrations to stress pragmatism and outcomes, while conservative administrations emphasize ideology and principles. Accordingly, liberal administrations are inclined rather to decouple political issues from economic (non-political) issues, allowing them to cooperate despite the North's continuing nuclear program, while conservatives couple the issues, thus, insisting on denuclearization first. Likewise, liberal policy strategy is based on a loose form of reciprocity that allows room for negotiation (equity), while conservative strategy usually dictates strict reciprocity (equality). What is more, liberals tend to place the emphasis on the particularity of human rights issues in North Korea, while conservatives stress their universality. A final difference in North Korea policy characteristics concerns decision processes and governance. Liberal administrations attach importance to policy coordination and consistency by designing the policy-making structures accordingly, striving for implementing governance by facilitating policy communication with and feedback from research institutions, academia, civil society, and the media. Whereas, conservative administrations are relatively negligent in making active use of policy-making organs and cooperation with civil and economic society.

Table: Characteristics of North Korea policy according to administration, 1948–2017

Liberal administrations	Conservative administrations
• Inter-Korean collaboration emphasis	• International cooperation emphasis
• Focus on pragmatism, results	• Focus on ideology, principles
• Recognition of North Korea	• Disapproval of North Korea
• Perceived as cooperation partner	• Perceived as hostile antagonist
• Object of engagement	• Object of containment
• Dialogue and cooperation first	• Denuclearization first
• Proactive governance means	• Neglect of governance means

Source: based on Lee et al. (2017): 12.

4 THE NORTH KOREA POLICY OF THE MOON ADMINISTRATION

As previously mentioned, the Moon administration's North Korea policy is part of its wider foreign policy strategies in the region, in particular the NNP.[5] However, as will be discussed below, compared to the hitherto referenced approaches, the North Korea policy of President Moon Jae-in can be subsumed under the liberal type, which differs from both the preceding liberal as well as conservative approaches and thus is identified as a third way to address the North Korea question. This "market-centric approach" emphasizes the ultimate incentive of co-prosperity on the Korean peninsula and the region (Kim KJ 2020: 140), and can be related to the concept of "economic peace" (Mousseau 2013: 188). However, while "co-prosperity" is indeed one vision of Moon's North Korea policy it is not the only and thus exclusively determining factor. It finds itself in a mutually constituting relationship with the primary vision of "peaceful coexistence", and thus a more appropriate characterization for the Moon government's North Korea policy would be a *liberal-republican approach*.

4.1 VISIONS, GOALS, STRATEGIES, AND PRINCIPLES

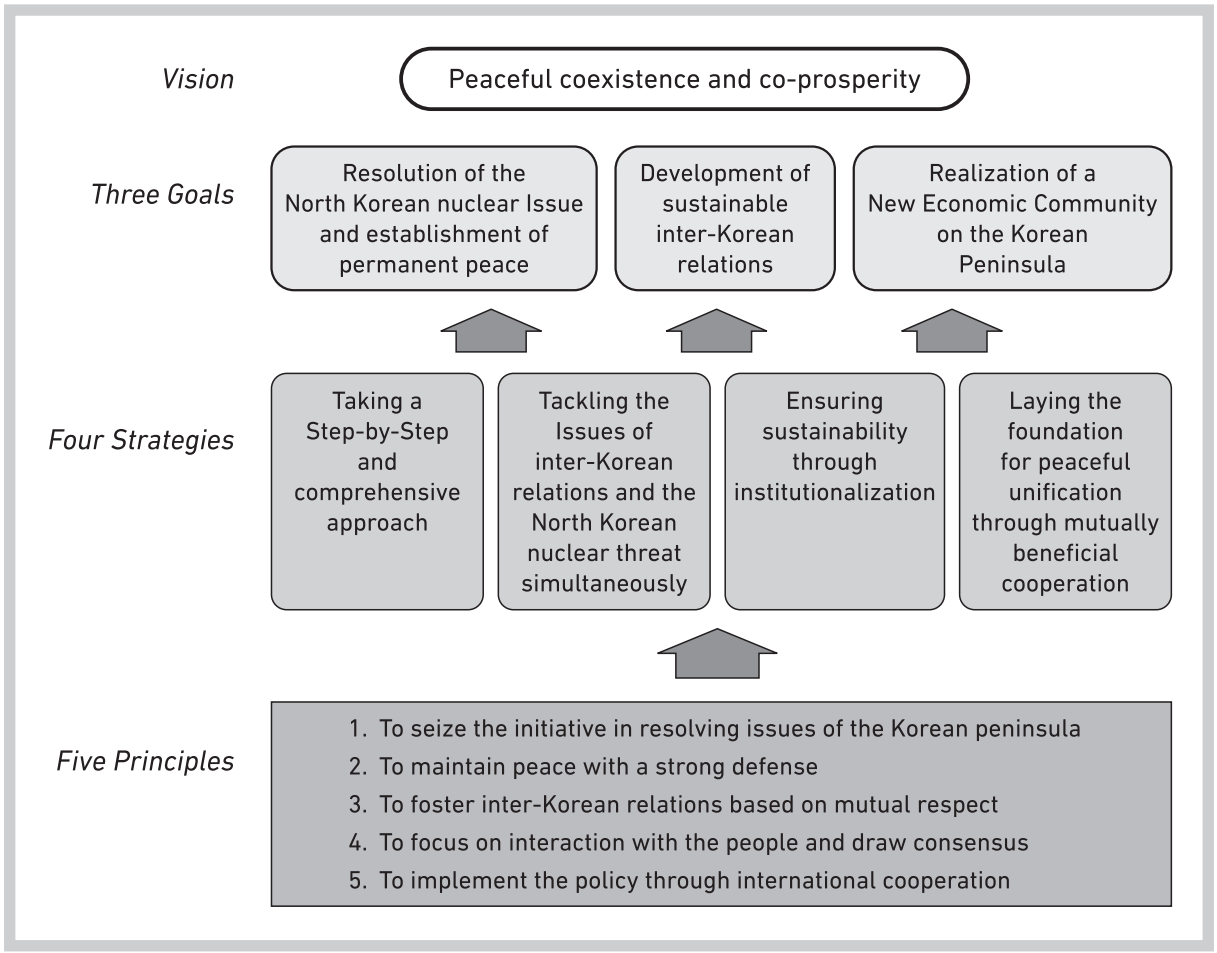
The Moon Jae-in-administration's policy toward North Korea is officially called "Korean Peninsula Policy (*Hanbandojŏngch'aek*)", which apparently already emphasizes that while North Korea and its nuclear weapons program may lie at the heart of issues to be solved, the administration approaches these questions from a more encompassing and holistic perspective (see Ministry of Unification 2021). The Moon administration's North Korea policy is also formulated as a "long-term and comprehensive policy" with the ultimate aim of achieving peace and prosperity on the Korean peninsula and in the Northeast Asian region as a whole. In this way the approach, which is thought to be "led by Korea", also includes the key component of integrating not only North Korea as a cooperation partner in this endeavor but also other neighboring countries as well as the whole international community. This idea of a multilateral approach is, of course, not novel to the North Korea policies of South Korea, but can be traced back to at least the Roh Tae-woo administration at the end of the 1980s (see above). Nevertheless, the Moon administration's approach is already in this basic perspective different from the preceding conservative South Korean administrations in the three visions that are pursued through this policy, namely 'peace first', 'mutual respect', and 'open policy'. By putting peace and prosperity first, the Moon administration intends to avoid complicating engagement with the North due to challenging tasks such as denuclearization and unification. While peace and prosperity at the same time might be too abstract or vague aims, by the same token they nonetheless potentially allow the various negotiating parties involved – including the US and China – to more easily agree on a wide range of issues to be pursued through joint efforts. In addition, to declare good intentions and mutual respect is an important principle and signal toward North Korea that the South neither wants North Korea to collapse, nor pursue a unification by absorption, or by other, artificial means (see Lee and Moon 2020). This clear position is not only an important statement for guaranteeing that North Korea need not anticipate a South Korean spearheaded unification of the Korean peninsula, but also a clear rejection of rightist-conservative stances on the topic within South Korea. Finally, the overall policies regarding the Korean peninsula are declared 'open', which means that the administration remains flexible to possible modifications according to

5 The Moon administration's vision of the NNP is to reach the goal of ushering in a peaceful and prosperous Northern Community with North and South Korea at its heart, with the Presidential Committee on Northern Economic Cooperation being established for serving as the control tower of this project (http://www.bukbang.go.kr/bukbang/).

developing relations, and also that the South Korean citizenry is enabled to participate, meaning that their interests are reflected in the evolution of the philosophy and measures.

The first of the three goals the Moon administration sought to realize was to peacefully resolve the North Korean nuclear issue by taking a leading role of a facilitating intermediary between the principal actors involved, and ultimately, to establish a permanent peace regime (see Figure 2 below). This final objective was thought to be achievable by the second goal, which aimed at developing sustainable inter-Korean relations based on existing agreements between the Koreas, and thus would ideally lead to an integrated and consistent institutionalization of relations. This also included the creation of a national consensus on South Korea's policies toward North Korea. Besides these political and societal elements, the third goal concerns realizing a new economic community on the Korean peninsula as a practical and worldly-wise way to promote close relations and prosperity as an important basis for peaceful coexistence on the peninsula but also including the whole region.[6]

Figure 2: Moon Jae-in's Korean Peninsula Policy



Source: Ministry of Unification (2017).

6 This third goal is the core linkage to the Moon administration's NNP and NSP in that it envisions the idea of the so-called "Three Economic Belts" running vertically on the west coast (Pan Yellow Sea Belt – transportation and manufacturing) and the east coast (Pan East Sea Belt – energy and natural resources) and horizontally at the 38th parallel (DMZ Belt – environment and tourism), which together constitute the "New Economic Map" to reach out to the Eurasian continent and the world (Ministry of Unification 2021).

These three goals are reflected in the four strategies taken up by the Moon administration, which are characterized by a step-by-step approach, simultaneously addressing inter-Korean relations and the North Korean nuclear threat, seeking sustainability through institutionalization, and preparing peaceful unification by way of mutually beneficial social and economic cooperation and exchange. It is particularly the first two pragmatic strategies that differ from the preceding rightist-conservative governments' approaches, and which offer much more realistic opportunities for progress on the matter. Importantly, denuclearization is not made a precondition for negotiations; at the same time, North Korea is provided with a genuine proposal for constructive engagement by simultaneously offering dialogue while maintaining pressure through sanctions. This way of approaching the conundrum is better suited when considering North Korea's security dilemma, and to induce a balanced and thus more realistic basis for productive negotiations. This strategy clearly departs from the preceding conservative administrations, which made the disbandment of the nuclear weapons program a precondition for substantial negotiations while virtually neglecting dialogue and trust-building. This is directly tied to the second strategy that emphasizes the simultaneous improvement of inter-Korean relations, facilitating multilateral talks for resolving the nuclear issue. In this way, based on fair, eye-level negotiation conditions, the improving inter-Korean relations are thought to be serving as the necessary trust base, from which the wider, multilateral engagement could be pursued more effectively and lead to more sustainable outcomes. This stronger focus on addressing the conundrum based on inter-Korean agency, which is one of the main threads in the Moon administration's North Korea policy, is therefore also reflected in the principles of pursuing a "Korea-led initiative" based on "mutual respect". In other words, while the explicitly multilateral efforts do not exclude or undervalue the role of other partners, it is made clearer than before that "[a]s the party directly concerned, we will take the lead in promoting inter-Korean reconciliation and cooperation, as well as establishing peace a co-prosperity on the Korean Peninsula" (Ministry of Unification 2021). In line with these three goals and four strategies, the remaining three principles concern "strong defense" vis-à-vis North Korea, "interaction with the people" domestically, and multilateral "international cooperation".

4.2 ACTUAL ACTIVITIES AND (NON-) ACHIEVEMENTS

How did these policy strategies play out in practice? Regarding international cooperation (Level I), President Moon, as a self-proclaimed mediator or facilitator, pursued a multilateral approach, while at the same time, of course, heavily focusing on the alliance with the US – more than, for example, President Roh Moo-hyun. In this way integrating the peninsula issue into a wider context as well as being firmly rooted in a strong partnership is thought to secure its own position vis-à-vis North Korea, but also that this would secure future agreements between the parties. At the same time or in parallel, and this is important, President Moon put a stronger emphasis on inter-Korean collaboration (Level II). He stressed the principles of trust and peace as well as mutual respect before anything else as a genuine attempt at rapprochement. In this way reinstating the importance of the two immediately concerned parties can be understood as a clear message to North Korea as well as to actors on the international level – to convey the idea of self-determination. Finally, the Moon administration put additional efforts into domestic concertation (Level III), which means that various efforts are made to reach out to the South Korean citizenry. In part this might be done by way of deliberative forums or mini publics for engaging citizens to reach a certain consensus on North Korea policy. In addition, the government also attempted to engage the conservatives for obtaining their consent to its North Korea policy and to agreements with North Korea.

Mutual respect and genuine trust building on the Korean peninsula (Level II)

Two weeks after the inauguration of Moon Jae-in, the Ministry of Unification approved humanitarian aid organizations to directly contact North Korea for the first time since the latter's fourth nuclear test in January 2016. This overture toward North Korea was followed by the "Berlin Initiative". On his state visit to Germany in early July 2017, President Moon Jae-in elaborated on his Berlin speech delivered at the Körber Foundation's historical venue in Berlin. Almost two decades earlier, the liberal progressive President Kim Dae-jung gave his crucial speech at Freie Universität Berlin, which would pave the way for the historic improvement in inter-Korean relations under the theme of his Sunshine Policy. In 2014, rightist-conservative President Park Geunhye tried to tap into the same symbolic capital when she made her speech at Dresden University to promote her *Trustpolitik* (see Park 2011; Yun 2013), which, however, failed to garner convincing support, not to speak of any positive effect. One of the main reasons was that she claimed to be offering an "extended hand" to North Korea; in actual fact, however, dialogue for her always presupposed North Korea to scrap all of its weapons first (see Kittel 2014). Moon in his "Berlin Initiative" at the historical site where the German unification agreement had been negotiated in 1990, challenged Park's actual *distrust* policy. One of his major points in this regard has been to refrain from issuing any ultimatums or impossible prerequisites which the North Korean leadership would be sure to reject, but instead would offer to enter into a dialogue with Kim Jong-un on an almost unconditional basis for solving tensions, and thus facilitate the ultimate aim of durable peace on the Korean peninsula. The other three concrete proposals that he laid out in this historic speech as practical ways to put into practice the abstract strategies of his North Korea policy were to mutually halt acts of hostility at the DMZ, conduct reunion events for separated families, and to jointly participate in the upcoming Winter Olympics in Pyeongchang. At the same time, he also made it very clear that any further provocation by North Korea would be met with equivalent counter measures by South Korea. Put differently, Moon in his Berlin speech intended to strategically combine a hawkish readiness to resist any aggression with the dovish preparedness to talk rapprochement and peace as laid out in his administration's North Korea policy as discussed above (Ministry of Unification 2021).

Half a year later the first Inter-Korean high-level talks took place in Panmunjom, where among other things it was agreed that a high-level North Korean delegation would visit South Korea during the Pyeongchang Winter Olympics in the following month (February 2018). On this occasion the delegates, among whom included high ranking politicians such as Kim Yong-nam, Chairman of the Presidium of the Supreme People's Assembly, and Kim Yeo-jung, First Vice-Chairman of the Workers' Party of Korea, paid a visit to the Blue House. In return only a month later, a South Korean special delegation was dispatched to North Korea, including Senior Special Envoy Chung Eui-yong, Director of the National Security Office, which would meet with Chairman Kim Jong-in in Pyongyang. Finally, in late April 2018, the first Inter-Korean Summit under the Moon administration took place in the House of Peace on the southern side of Panmunjom within the Joint Security Area. The three main points of the jointly adopted Panmunjom Declaration (*P'anmunjŏmsŏnŏn*) were to promote common prosperity and unification through improvement of inter-Korean relations, eliminating military tension and war risk, and establishing a permanent and diplomatic Korean peninsula peace regime. A month later, the two countries' leaders met again during the second Inter-Korean Summit, this time in the House of Unification (*T'ongilgak*) on the northern side of Panmunjom. The two leaders confirmed their close cooperation to safeguard the upcoming North Korea-U.S. summit (June 12) as well as ensuring denuclearization and peace on the Korean Peninsula. Also, the prompt implementation of the Panmunjom Declaration was reconfirmed, and it was

TIMELINE 2017–PRESENT

12 March 2017	Moon Jae-in is inaugurated as South Korea's 12th president
6 July 2017	Moon Jae-in's Berlin Speech
9–25 February 2018	Winter Olympics in Pyeongchang / North Korean delegation's visit
27 April 2018	Third inter-Korean summit (Panmunjom, Pyŏnghwaŭi chip)
27 April 2018	Panmunjom Declaration for Peace, Prosperity and Reunification of the Korean Peninsula
26 May 2018	Fourth inter-Korean summit (Panmunjom, T'ongilgak)
12 June 2018	First North Korea-USA summit (Singapore)
18–20 September 2018	Fifth inter-Korean summit (Pyongyang)
20 September 2018	Pyongyang Joint Declaration of September 2018
20 September 2018	Basic Military Agreement on Reconciliation, Non-Aggression, Exchanges and Cooperation
23 October 2018	Ratification of the Joint Declaration and the Basic Military Agreement by the State Council
27–28 February 2019	Second North Korea-USA summit (Hanoi)
30 June 2019	North Korea-South Korea-USA summit (Panmunjom, Inter-Korean House of Freedom)
5 October 2019	Working level meeting between North Korea and USA in Stockholm
16 June 2020	North Korea demolishes joint liaison office in Kaesong
14 December 2020	Inter-Korean Exchange and Cooperation Act is reformed to prohibit sending anti-North Korea propaganda leaflets to North Korea

agreed to hold a meeting of military officials to ease armed tensions and a meeting of the Red Cross for the reunion of separated families.

After further correspondence and high-level in-person meetings the two countries in September 2018 opened the Inter-Korean Joint Liaison Office in the Kaesong Industrial Complex. Shortly afterwards President Moon visited Pyongyang for a third inter-Korean summit (17–19 September 2018), at which the two countries on September 19 adopted the Pyongyang Joint Declaration (*P'ŏngyang Kongdongsŏnŏn*), which included the agreement on extending the cessation of military hostilities, pursuing substantial measures for advancing exchanges and cooperation, denuclearization of the Korean peninsula, and a state visit by Kim Jong-un to Seoul. In addition, the two Koreas signed the Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain (*Kunsabunya Nambukhabŭisŏ*), which details the measures to be taken for implementing the declaration's five major essentials of military détente.

In October 2018, the two Koreas resumed the inter-Korean railway survey to prepare future developments in reconnecting railway lines on the Korean peninsula, and subsequently with the rest of the world as both a practical and powerfully symbolic cooperative project (Cha et al. 2018). Parallel with South Korea's efforts towards reconciliation and trust building vis-à-vis North Korea, in the following month the Moon administration together with the US government established the Korea-US Working Group as a high-level negotiation forum for the two sides to coordinate their policy and activities regarding North Korea in particular concerning the issues of denuclearization, humanitarian aid, sanctions enforcement and inter-Korean relations. While the South Korean-US meeting was intended to

constructively enhance efforts on the Korean peninsula, it was criticized by North Korea and other observers as instead inhibiting the ongoing developments for reconciliation and peace.

After the initial period of a year and a half in office, President Moon was successful in fulfilling his ambitious policy innovation, which earned him an international reputation as "The Negotiator" (Campbell 2017). Until early 2018, Moon was able to consistently draw a clear line for North Korea's provocations by explicitly condemning statements, missile tests, and leveraging its alliance with the US. At the same time, however, the Moon administration eagerly mediated between North Korea and the US to finally succeed in bringing the two sides together on several occasions. It was only when US president Donald Trump at the Hanoi summit in February 2019 attempted to achieve a "big deal" under hawkish conditions, once more focusing on negotiations stipulating North Korea abandon its nuclear weapons as such, that relations started to deteriorate again (Park 2019). Since then, not only have negotiations between North Korea and the US stalled almost completely, inter-Korean relations, too, rapidly faltered.

Further official and civil exchanges between the countries followed, and in late June 2019 the two Korean state leaders met in Panmunjom with Trump for a multilateral summit. A year earlier, Trump and Kim had met at the first US-North Korean Summit in Singapore, and continued negotiations in Hanoi half a year later. The talks, however, did not produce tangible outcomes, and relations between the two parties cooled off, which is why the South Korean government eagerly promoted the Panmunjom meeting to bring the two leaders together again. They met only briefly, however, also the additional negotiations in October with high-ranking officials from the US and North Korea in Stockholm did not lead to any further progress. Inevitably, relations between the two Koreas deteriorated in the context of continuing missile tests by North Korea and military exercises by South Korea. Despite the many efforts, inter-Korean exchanges and cooperation failed to improve along with the stalemate in the negotiations between the US and North Korea. In addition, even though disasters such as the COVID-19 pandemic ever since 2020 and the flood damage occurring in 2021, interrelated Korean cooperation projects such as in the fields of health care and quarantine were not promoted. Likewise, the reunion of separated families did not proceed after having been held once in 2018. In 2020, North Korea blew up a joint inter-Korean liaison office and cut off official communication channels. In Spring 2021, North Korea felt additionally provoked by propaganda leaflets sent in increasing numbers by South Korean civil society organizations across the border. The South Korean National Assembly passed a law forbidding the sending of any further unsolicited pamphleteering at the end of March as an attempt to appease the North, and thus in June 2021 the agreement was reached to suspend the meetings for the time being. As of February 2, 2022, North Korea has tested not less than seven missiles since the beginning of the year prompting condemnations from the international community, and the USA to call for a meeting of the UN Security Council (United Nations 2022).

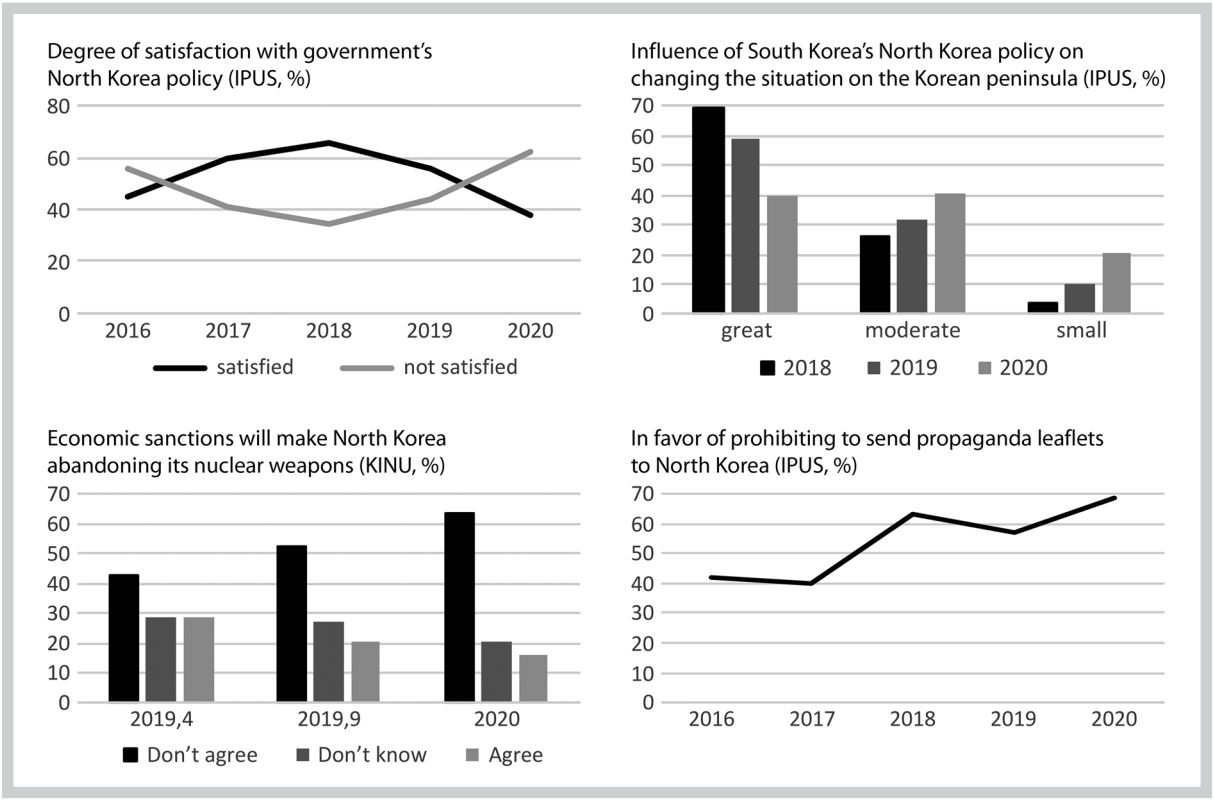
Deliberative concertation at home and across divides (Level III)

Since 2018, the Moon administration has promoted the initiative of a social dialogue for peace and unification to facilitate socio-political consensus on questions regarding the future of the Korean peninsula across the whole spectrum of liberal and conservative thought. In cooperation with the National Citizens' Council for a Social Dialogue on Peace and Unification Visions (*P'yŏnghwat'ongilbijŏn Sahoejeoktaehwa Chŏn'gugsiminhoe*; hereafter: Citizens' Council), which consists of seven major civil society organizations of various religious and ideological tendencies, the Ministry of Unification, local governments, and the National Assembly conducted deliberative congresses and surveys. Between 2018 and 2021, in total several thousand ordinary citizens and members of civil society organizations partici-

pated in the dialogue through various sessions of discussion and deliberation to finally adopt the Citizens' Agreement on Unification (*T'ongilgungmin Hyŏpyak*; Yi 2021). In this way, not only more people were supposed to acquire an opportunity to develop a better understanding of what is to be done, but in effect the sustainability of the policies would be strengthened due to better attuned positions, which is yet another aspect of possible improvement in light of the fact that heretofore there had been intense fluctuations in North Korea's policies that have been identified as one of their key weaknesses. These processes on the domestic level are not to be underestimated because, if successful, they can greatly facilitate interactions on level I and II. For one, domestic consensus will likely produce a crucial consistency in foreign policy. But also the process leading to consensus can have positive effects by contributing to the quality of the pacifying democratic norms that are externalized as a result of the negotiator having to take these domestic developments into account. While these efforts have shown positive effects on domestic rapprochement between opposing views on the topic, and thus this consensus promoting attempt as part of the overall North Korea policy is obviously a positive accomplishment, the crucial question that remains is in how far this dialogue can be sustainably institutionalized and extended to go beyond mere statements of intent (PSPD 2021: 74).

Also, the annual public surveys by the Korean Institute for Unification (KINU) and the Institute for Peace and Unification (IPUS) (see below) show that South Korea is still far away from anything like a societal consensus on the questions concerning the Korean peninsula. Up until 2018, expectations among the South Korean populace regarding unification rose significantly, only to decrease at the same rapid pace in the following year (IPUS 2021: 35; KINU 2020: 43). Similarly, the positive perception of North Korea as a partner for cooperation increased visibly to a high in 2018, but decreased afterwards though not at a much lower speed, and maintained a percentage

Figure 3: Selected survey items of public opinion on North Korea policies



Source: IPUS (2021) and KINU (2020).

of close to 50 % of the respondents, which is significantly higher than during the period of the two preceding conservative administrations (IPUS 2021: 87; KINU 2020: 64). Most of the remaining aspects such as North Korea's trustworthiness (IPUS 2021: 93; KINU 2020: 72) or the influence of South Korea's North Korea policy on changing the situation on the Korean peninsula (IPUS: 119), however, also nosedived after 2018. The same is true in the overall plummeting satisfaction with South Korea's overall policy toward North Korea (IPUS 2021: 115). At the same time, regardless of these short-term changes, the majority of the respondents turned out to be increasingly in favor of pursuing a peace agreement (IPUS 2021: 76; KINU 2020: 113); critical of economic sanctions as an effective means to achieve the North's cooperation (IPUS 2021: 121–123; KINU 2020: 97); and supportive of prohibiting the sending of propaganda leaflets across the North Korean border (IPUS 2021: 126). In this respect it is noteworthy that the differences according to ideology in these cases are minimal (KINU 2020: 114; IPUS 2021: 123; KINU 2020: 101; and IPUS 2021: 126 respectively). In addition, there is an increasing agreement among the respondents that peaceful coexistence is more fundamental than unification (KINU 2020: 46); that values of ethnic nationalism are less of an important reason for unification than before (IPUS: 37; KINU 2020: 48); and that unification should be pursued rather in the form of a union of states (confederation) than in form of a unitary state (IPUS: 63; KINU 2020: 52).

To summarize, in general terms during the first two years of the Moon administration (2017–2019) South Korea's citizenry became increasingly supportive of politics and policies related to North Korea to a significant degree, which is reflected in the surging positive evaluation of the respective issues above, only to become disappointed after the failed Hanoi Summit in 2019. In other words, the liberal North Korea policy pursued by the Moon administration is to a large extend in line with overall popular opinion, and the more successful the government's performance in realizing policy goals the stronger the support by the citizenry – and vice versa. Besides these short- to mid-term fluctuations, in a long-term perspective the surveys show that the South Korean populace demonstrates a growing critical-realistic perception of North Korea and perspectives on the Korean peninsula question. At the same time, however, there are still clear discrepancies between the two major political camps regarding the assessment of cases such as the overall evaluation of South Korea's North Korea policy (IPUS 2021: 116), the trustworthiness of North Korea's leadership (IPUS 2021: 94), and the perception of North Korea as a cooperation partner (IPUS 2021: 91).

This is not surprising given the fundamental cleavage between liberals and conservatives, which is based in the very question of how to perceive North Korea (Mosler and Chang 2019: 333–334). This basic conflict was also vividly detectable regarding the question of whether parliament ought to ratify agreements between the two Koreas. Even before the first summit between North and South Korea in April 2018, President Moon ordered his staff to prepare for the ratification of the later Panmunjom Declaration as a way to institutionalize the contents agreed upon. Only if the National Assembly ratified the agreement, he argued, could its contents be implemented open-endedly even if the political situation and/or administration changes (Yonhapnews 2018). The conservative opposition party, the Liberal Korea Party (today: People Power Party), however, rejected the request on the pretext of a different legal interpretation of the concerned article 60 of the constitution, while the actual reason for rejection can be better explained by its basic hostile stance vis-à-vis North Korea.[7] In legal

7 The respective part of the article reads as follows: "The National Assembly shall have the right to consent to the conclusion and ratification of treaties pertaining to mutual assistance or mutual security; treaties concerning important international organizations; treaties of friendship, trade and navigation; treaties pertaining to any restriction in sovereignty; peace treaties; treaties which will burden the State or people with an important financial obligation; or treaties related to legislative matters."

terms there are three main issues of concern (Kim Ji-jin 2019). The first question is whether North Korea is a legal person under international law. This, however, has been answered clearly in the affirmative. The second question is whether the agreement under consideration is a treaty in the legal sense, meaning a certain textual structure. Regarding the Panmunjom Declaration this question must be answered in the negative; for the Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain (Military Agreement), for example, the answer is in the affirmative. Third, an alternative way of bestowing the contents of agreements such as the Panmunjom Declaration with legal binding is to ratify an implementing act (*ihaengbŏmnyul*) with the respective contents (ibid.: 71). In the end, however, the parliamentary ratification of the Panmunjom Declaration failed, and President Moon approved the Military Agreement as well as the Pyongyang Declaration in the State Council (*kungmuhoei*) without considering parliament this time, which prompted the conservative opposition to accuse the government of neglecting the legislative, while insinuating a violation of the Constitution (Chosun Ilbo 2018).[8] This conflict over the question of ratification demonstrates vividly how the conservatives continuously try to frustrate the liberal government's North Korea policy, and thereby its institutionalization. At the same time, despite the scheming of the conservatives to make things more difficult (see Doucette and Koo 2016: 201), this case also shows how insufficient the efforts of the Moon administration were for a cooperative politics (*hyŏpch'i*) approach that would engage the conservatives. In short, while these attempts by the government to induce favorable conditions on the domestic venue (Level II) were well-intended, for the most part they were unsuccessful.

Multilateral cooperation-building abroad (Level I)

The Moon administration has been emphasizing the 'multilateral security cooperation in Northeast Asia' as one of its main efforts in promoting its Korean peninsula policy. However, despite the previously mentioned partial success regarding the cooperation with the US in the form of a reciprocal and responsible alliance, hardly any progress has been made with neighboring countries China, Russia, and Japan. South Korea-US relations did not develop into the desired mutually beneficial relationship in particular due to issues such as delaying the repatriation of the armed forces operational control (OPCON) to South Korea, excessive demands by the US for increased defense cost-sharing, and the pollution from US military bases in South Korea. Relations with Japan continued to be strained by well-known questions such as dealing with the past particularly Japanese war crimes, the decision to terminate the Korea-Japan Military Classified Information Protection Agreement (GSOMIA), and even legal issues regarding the compensation of victims of forced labor during the Japanese occupation. Likewise, relations with China deteriorated significantly due to the deployment of the US Terminal High Altitude Area Defense (THAAD) system as well as Chinese military aircraft repeatedly entering the Korea Air Defense Identification Zone (KADIZ) without prior notice in 2020. South Korea-Russia relations, finally, did see some progress in the beginning in the context of South Korea's New Northern Policy, which emphasized economic cooperation, and which was even followed up by establishing the joint Northern Economic Cooperation Committee. These preliminary developments, however, also fizzled out, and relations became strained when Russian military aircraft also entered the KADIZ without prior notice.

8 Discussion on the legal basis of inter-Korean agreements began in earnest in 2000 when Kim Dae-jung and Kim Jong-il held the first historic inter-Korean summit and adopted the June 15 Joint Declaration. At that time, the Kim Dae-jung government officially obtained the approval (*pijundongŭi*) of the National Assembly for the four major economic cooperation agreements signed in 2000. Due to the increasing importance of establishing a legal foundation, the Inter-Korean Relations Development Act was enacted in December 2005, which laid the basic institutional framework for succeeding agreements. For other forms of formalizing agreements see Yonhapnews (2018a).

The Moon administration early on beginning in May 2017 also began to proactively approach the European Union to explain their new North Korea policy, and to obtain support for their efforts by sending a special envoy to the EU for high-level talks (Mosler 2017: 9). The following year – when relations between the US, South Korea and North Korea developed rapidly – would see especially frequent exchanges between South Korea and the EU at the level of state leadership, ministerial and parliamentary levels, and various working levels in Brussels and other European cities as well as in Seoul (DKOR 2021; Ministry of Foreign Affairs 2021). While this reflects not only the proactive attitude of the Moon administration in seeking support for its North Korea policy, but also has repeatedly confirmed to a large extent shared views as well as values of the two sides, the European Union nevertheless remained reserved in its position regarding its sanction regime against North Korea, which is aligned to the US strategy and also goes beyond even these measures by way of additional own restrictive measures (see Ballbach 2019: 3–4). During the last two years since the stalemate between the US and North Korea in 2018, the extensive exchanges between South Korea and the EU saw an abrupt and comprehensive slowdown (DKOR 2021).

5 THE US' POLICY TOWARD NORTH KOREA

For obvious reasons US policy toward North Korea is crucial for the South Korean North Korea policy to be effective. However, as was recently pointedly summarized by former South Korean Minister of Foreign Affairs, Yoon Young-kwan, three main flaws of the US' policies toward North Korea have remained unchanged despite the variations in US administrations during the preceding decades (Yoon 2021).[9] First, the US has been irresolute at best on the matter of China's full cooperation. China is a key player in the Korean peninsula and thus crucial to account for and engage with. The US, however, seems to have been misjudging China's interests and hence willingness to cooperate in line with its own interests in this regard. As it is well known, for China the Korean peninsula has been as important as the "lips before the teeth", and continues to be so, and has even increased as the rivalry with the US has intensified. Nevertheless, the US bases one major strand of its East Asian strategy on the potential for cooperation with China on the North Korea question, and thus is a crucial element in the ongoing failures and frustration. More importantly, by misjudging China and confronting North Korea (see below), the US has effectively pushed North Korea even further into the arms of China. Here, the vast economic investment that China has made in North Korea is only one, albeit crucial, example besides the general political advantages China has been reaping ever since. Second, the US has been failing to understand and sincerely address North Korea's security concerns. Again, it is well known that North Korea is in a position that demands the highest security standards for its regime's survival. Irrespective of how one evaluates North Korea's political system, ideology, and the way people are being treated in that country one must acknowledge, that from the perspective of its leadership, security is of utmost importance. Thus, as long as negotiations do not concretely and conclusively address this conundrum, North Korea cannot alter its position or behavior even a little bit, as it fears being vulnerable to lethal attack. This lies at the heart of North Korea's nuclear weapons program, and thus as long as the US demands North Korea make the first bold step, there cannot be any progress in negotiations. Third, the US has been failing to be sys-

9 A similarly critical assessment was recently published by Davis (2021), a former lieutenant colonel in the US army.

tematic in approaching North Korea. Although security issues are at the center of the conflict, it is important to approach the conundrum not too narrowly focused on abolishing the nuclear weapons program only. In a more balanced approach, diplomatic and economic factors that are closely intertwined with the security issues must be considered simultaneously and equally. In other words, without viable concessions by the US to North Korea regarding sustainable diplomatic normalization and international development assistance up front, there is close to no chance that negotiations will see any substantial progress. The recent discussions about a possible end-of-war-declaration between the former adversaries are a case in point. While North Korea responded by indicating that while they are in principle open to such a declaration, there is no point in signing such a document if substantial questions regarding diplomatic normalization and international assistance are assured to a convincing degree beforehand (see Lee 2021).

6 THE EU'S POLICY TOWARD NORTH KOREA

The challenges, failures, and opportunities of the European Union's policies vis-à-vis the Korean peninsula are another important area of concern when contemplating the North Korea complex (see for example for Alexandrova 2019; Ballbach 2019; 2021; Bondaz and Ballbach 2021; Bondaz 2021; Pardo 2021). The first comprehensive EU strategy toward North Korea, which was established in the mid-1990s, was dubbed "Critical Engagement", and has three main goals. First, the strategy pursues supporting a sustainable reduction of tension on the Korean peninsula. Second, the strategy intends to contribute to securing the international non-proliferation regime on the Korean peninsula. Third, the strategy seeks to help improving the state of human rights in North Korea. This three-pronged strategy also involved actively participating in security dialogues regarding the Korean peninsula, and to engaging North Korea by way of economic and humanitarian assistance. Despite these desirable strategies and proactive and conciliatory efforts, tensions on the Korean peninsula have continued; North Korea has succeeded in building nuclear weapons systems, and human rights, do not seem to have improved either. What is more, at the beginning of the 2000s the EU began abandoning its constructive appeasement strategy toward North Korea. This is in line with the EU's "Common Foreign and Security Policy", which contains strong opposition to armament proliferation as well as strong commitments to the Atlantic relations with the United States. Thus, the EU has now shifted to a strategy of sanctions, applying pressure by way of repeated condemnation of North Korea's nuclear weapons system testing, while withdrawing from regional security initiatives.

Many experts and scholars on the matter have repeatedly made clear that this new strategy toward North Korea will encounter serious problems in trying to produce the desired outcomes (see Ballbach 2021; Bondaz 2020; Bondaz and Ballbach 2021). On the contrary, similar to the effects of US policy toward North Korea, these recent changes in the EU's stance will also likely have negative effects, contributing to perpetuating the vicious cycle surrounding the Korean peninsula question. Thus, in order to break the downward spiral in regional relations and achieve a virtuous cycle, the EU should again progressively and proactively engage with North Korea. While the EU's position in international relations in general, and the East Asian region in particular, differs from other significant players such as the United States and China, it nevertheless can play a constructive and facilitative role.

The increasing awareness of this role is to some degree reflected in the "EU strategy for cooperation in the Indo-Pacific" (EU 2021), which had

been made public in September 2021. All seven of its priority areas – sustainable and inclusive prosperity; green transition; ocean governance; digital governance and partnerships; connectivity; security and defense and human security – provide good opportunities for active cooperation with South Korea (Pascha 2021), as well as the basis for extending its direct and indirect engagement with the entire region. Against this backdrop, besides more detailed strategies (see for example Ballbach 2019; Bondaz 2020), engagement in general could include facilitating bilateral and multilateral forms of dialogue between concerned parties, supporting the realization and implementation of future agreements regarding the Korean peninsula, contributing economic resources as a way of promoting progress, supporting exchanges between people and actively engaging in other forms of support in areas such as disaster prevention, agricultural development, and environmental protection. These activities would not only contribute to facilitating a constructive multilateral dialogue, easing of tensions, and an immediate relief of the North Korean people's hardships, but above all this would help to promoting trust.

7 CONCLUSION

What are the characteristics and achievements of President Moon Jae-in's policy toward North Korea, and what lessons can be drawn for the future? As we have seen, the relations between the Koreas progressively increased in the first one-and-a-half years since President Moon Jae-in's inauguration in Spring 2017. This was the result of a wide array of dynamic contextual factors as well as the Moon administration's proactive efforts in facilitating dialogue and promoting peace on the Korean peninsula. The basis for this engagement was the need to carry forward the preceding liberal governments' North Korea policies, with some modifications. Under the Kim Dae-jung administration South Korea's policy toward North Korea turned for the first time into a conciliatory and constructive engagement. For the first time North Korea was approached not as the imperative enemy that was to be erased in order to unify the Korean peninsula under the South Korean regime, but the North was now to be understood as a potential partner for coexistence and cooperation for a shared future of peace and prosperity. This also included efforts to induce a change in the perception of North Korea and the Korean peninsula question among the South Korean populace away from the absolute and evil and toward the relative and civil. In addition, a shift was also made away from an unconditional focus on the alliance with the US to a focus on inter-Korean relations. These new directions in South Korea's policy toward North Korea were continued by the succeeding liberal President Roh Moo-hyun, and after a gap of nine years under conservative administrations, President Moon continued where President Roh had to stop due to his replacement by a conservative administration.

The key points of the Moon administration's refined North Korea policy include the goal of sustainable peace and prosperity, declaring readiness for dialogue for improving inter-Korean relations, and a proposed step-by-step approach for negotiating the denuclearization of the Korean peninsula. This approach takes North Korea seriously, it addresses North Korea as an opponent, but in the sense of a potential partner, and not as a Hobbesian or Schmittean enemy. It is shifting from a mutually destructive, antagonistic posture to a mutually constructive agonistic approach. This is a crucial quality in that it seriously considers the perspective of the opponent as a necessary precondition for a solution-oriented process. More concretely speaking, it was essential not to demand denuclearization before dialogue or withdrawal of sanctions, because for North Korea that would mean to strip itself of all

of its bargaining chips from the beginning. Conservative South Korean administrations as well as democratic and republican US administrations have been continuously pursuing this kind of irrational, naïve strategy, and it has been proven up until now that this produces only more tension, not less.[10] This was once more confirmed at the Hanoi Summit in 2019, when the US again pressured North Korea to first denuclearize before lifting any of the sanctions. This was the turning point in the negotiations, from which onwards the process rapidly deteriorated, which also was reflected in a worsening public opinion on the question in South Korea. The new Biden administration has so far not presented a more feasible policy toward North Korea, and thus at the time of writing there is hardly any movement in US-North Korean relations (see for example recently Suh 2021). Also, the continuing additional efforts by the Moon administration to restart inter-Korean dialogue and mediate US-North Korea engagement have not produced substantial progress.

Nevertheless, the fundamental insight that by now should be evident is that the most promising and desirable basic direction for a future North Korea policy is to maintain and to further enhance a liberal, democratic strategy and practice with the core aim of achieving peace and prosperity before anything else can progress. In other words, the architects of future approaches are well-advised to adhere instead to the principles of liberal North Korea policies to the extent that they initiate from the conviction of peace, prosperity, and taking into consideration the factual constraints of their counterpart. Overall, this involves three key tasks corresponding to the three conceptual levels:

First, on the international level (level I), South Korea's North Korea policy should foster and strengthen multilateral cooperation with key players. And these key players must include the European Union much more than in the past. Accordingly, continuous efforts are necessary to maintain and develop relations with important international actors such as the US and the EU above and beyond the neighboring states China, Russia, and Japan. In particular, greatly increased diplomatic efforts and initiatives are necessary regarding the EU, because of the clearly mutually shared values as well as the undeniable potential of the EU as a potentially effective facilitator in the region. Besides engaging Brussels, this must also include (transnational) public diplomacy aimed at interested publics in Europe and other regions. Last but not least, the EU's interests regarding the "Eurasian Super Continent" (Calder 2019) are more likely to increase as well as converge with those of South Korea, as, for example, in the form of an "EU-ROK Connectivity Partnership" (Pascha 2021).

Second, on the inter-Korean level (level II), South Korea's North Korea policy should cultivate and secure continuity and consistency in the design and implementation of policy contents in order to improve predictability, trust, and sustainability in inter-Korean relations. Thus, it will be crucial to cultivate continuity in the policy toward North Korea in order to provide not only an incrementally accumulated solid base, but also to reinforce predictability for the involved actors as important aspects for developing a constructive dialogue and negotiations.

Third, on the domestic level (level III), it will be important to expand and intensify deliberative efforts. This is crucial for pursuing, obtaining and maintaining lasting consensus among the South Korean public as well as across domestic political camps. And in turn, this will positively affect South Korea's North Korea policy on the inter-Korean as well as on the international level. Thus, the endeavor to achieve greater consensus concerning policy goals and strategies across political camps and among the populace through deliberative means must be continued, expanded, and intensified (domestic public di-

10 For a recent similar argument see, for example, Davis (2021).

plomacy). Domestic conflict over the right approach to Korean peninsula issues, beyond its divisive effect on society, also presents challenges to a consistent, continuous, and thus mutually trustful policy toward North Korea. However, by utilizing principles of the democratic peace theory and the two-level game theorem, these challenges (see Kim 2020) can be turned into an opportunity. Convergence toward socio-political consensus (acceptability set) based on deliberative-consensual democratic means will provide a strong domestic fundament for a trustful, convincing, therefore facilitating a sustainable policy negotiation strategy.

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