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## **Six-Party Talks and Conflict Prevention and Management: A Theoretical Assessment**

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### **I. Introduction**

Including the recently concluded first phase of the fifth-round of the six-party talks (SPT) in November 2005, five rounds of the talks have been held in search of peaceful resolution to expend the North Korea's nuclear ambition. Successive rounds of the talks, despite much criticism on the inconclusiveness and unproductiveness in their results, have heightened hopes for the birth of an unprecedented institutionalized form of multilateral cooperative security regime in Northeast Asia. Seemingly a wishful thinking was dauntingly first presented by China as early as in November 2003 when the talks were in adjourn between the first and second round. At the time, it only received lukewarm responses from the other members for their prior concerns with the sustainability of the talks, which was always in jeopardy by the North's brinkmanship diplomacy to restart its nuclear weapon development programs. The North's tactic literally preoccupied them to the extent that it did not allow them to envision the possible future course of the SPT even after it succeeds to achieve what it was originated for.

Nevertheless, China, once bewildered and confused about the international demand for multilateral approach to and its constructive role in dealing with the North's nuclear problem in multilateral context, has been persistently advocating for institutionalizing the talks. Although somewhat diplomatic, Chinese reasoning was simple: To sustain the momentum of the talks without subtle breakdown. Chinese advocacy at the time seemed very premature for a variety of reasons ranging from the obvious lack of trust and confidence among the members of the talks to other relevant socio-political and historical causes deeply embedded in the relationship among the Northeast Asian states. As the talks continue to prevail with successive issuance of four chairman's statements and one joint statement, whose contexts are highlighted by painstaking consensuses on the ground principles for potential resolution, observers have cautiously begun to realize the actual necessities for institutionalization and the potential effect on the consequences of such outcome.

In recent times, the prospect and potential for the institutionalization of the SPT have not gone unnoticed by both Chinese and western scholars. They are usually analyzed and discussed from two perspectives. While some extensively assess the constructive role that the institutional form of the SPT may play in enhancing the efficacy of executing resolutions decided by the

talks, others simply toy around with the idea of utilizing the opportunity for institutionalization. The latter point is predicated on the fact that such occasion simply never existed before, despite the incessant efforts to create one by the regional states. Both perspectives base their claims on what they see in the consequences of proactively pursued consensus-building efforts by the SPT member states. End result discourse of the last five rounds of the talks has revealed glowing rise in consensus among the six nations. Each round made a gradual, yet intense, progress in building consensus. What started out as a mere hearing of respective nation's stance on the North's nuclear issue tenaciously moved forward to reach the stage where it was possible to confirm objectives, identify issues, prioritize agendas, establish principles, and verify interests, all based on consensus. Along the negotiation discourse, critical elements to institution-building were founded on consensus basis, i.e. ideas, ideations, identity, and norms.

By the foundation of these elements, the prospect of the SPT's institutionalization is not as bad as the skeptics would like to claim. However, a serious question could naturally arise to challenge the very existence of such institution beyond its resolution function to the North's nuclear problem. In other words, what is the future usage of such institution? Once the North Korean nuclear ambition is curtailed or extinguished, would the institutionalized SPT be in demand? The answer to these questions will heavily be subject to how the six parties interpret, perceive, judge and define the North Korean problem. What their consensus have shown thus far is that the North Korean problem is not regarded as a mere issue-specific question, but rather an issue-area one concerning the fate of North Korea as a nation-state. As an issue-area concern, the North Korean nuclear problem is not only in direct concern with preserving the stability and peace of Northeast Asia and the Korean Peninsula, but also a question of transforming the North into a normal state through nation-building. Therefore, the resolution itself would have to be a package deal, as the orientation was revealed in the Joint Statement in September 2005.

For the successful transformation of North Korea with the regime in Pyongyang remaining intact, it would require a functional mechanism that could supervise all transactions for the nation's entire make over, prevent the nation from retreating or giving up to its isolationist posture, enforce necessary measures to guarantee cooperation and compliance, and enact preventive measures in case it falls back onto military means for resistance. In light of the nature and characteristics of the North Korean problem, potential for conflict is always dormant, justifying the need to build a mechanism that can manage and prevent potential conflict for the price of a well-ordered execution of resolutions. Thus, a conflict management and prevention (CMP) may well be in demand if the North Korean problem is expected to be peacefully resolved and transformed into a positive factor to the stability and peace of Northeast Asia and the Korean Peninsula.

The establishment of CMP and its function must be predicated on the successful founding

of a security institution that would be based on multilateralism, cooperation, and regionalism. Given the fact that the SPT is an invaluable opportunity to found such a regime in Northeast Asia, institutionalization would have to be pursued more actively at a higher level. It can not precipitate by a mere congregation of states with a simple intention to search for a resolution to a crisis. It requires much more than political, historic symbolism. Fortunately enough, the SPT have produced some critical elements conducive to institution-building, such as ideas, identity, ideation, and norms, as underscored in the Joint Statement and Chairman statements.

These elements, combined with their expected effects as emphasized by respective school of thought (i.e. neoliberalism, institutionalism, and constructivism), will facilitate the institution-building process through the realization of justifiable norm-building, bargaining-process, and collective implementation, which could eventually be all combined to act as institutionalization catalyses. The question of the institutionalization of the SPT does not seem to be surreal, and neither does the building of a CMP. States create international institutions to solve problems that they cannot solve alone,<sup>1</sup> and they use them to further their own goals, and *design* institutions accordingly.<sup>2</sup> In a narrow sense, they can rely on an explicit arrangement like treaties and conventions, which regulate behavior.<sup>3</sup> The format of the institution, however, is not too important and it certainly is beyond the scope of this paper.

Thus, the paper will first examine the reasoning and rationale behind the idea of institutionalization based on the context review of statements that the talks have produced and on the content analysis of the literature by the proponents of the idea of institutionalization. In an attempt to assess the feasibility of such an idea, it will examine if there has been any development by the six nations on the key elements conducive to institution-building, such as ideas, identity, ideations, and norms. Based on this framework of analysis and under the assumption that institutionalization is realizable, the third part of this paper will analyze why an institutionalized SPT could function as a conflict management and prevention mechanism by addressing the nature and characteristics of the North Korean nuclear problem as an issue-area challeng.

## **II. Reasoning and Rationale behind Institutionalization**

As early as November 2003 during his visit to Japan, China's vice minister of Foreign

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<sup>1</sup> Ronald B. Mitchell and Patricia M. Keilbach, "Situation Structure and Institutional Design: Reciprocity, Coercion, and Exchange," *International Organization*, Vol.55, No.4, Autumn 2001, p. 891.

<sup>2</sup> Barbara Koremenos, Charles Lipson, and Duncan Snidal, "The Rational Design of International Institutions," *op. cit.* p. 762 (emphasis added).

<sup>3</sup> Barbara Koremenos, Charles Lipson, and Duncan Snidal, "The Rational Design of International Institutions," *International Organization*, Vol.55, No.4, Autumn 2001,

Affairs, Dai Bingguo, reportedly explained his counterpart of his nation's vision on institutionalizing the six-party talks.<sup>4</sup> China justified the necessity for institutionalization based on a few potential advantages that it foresaw in institutionalization. It would be the only way, for instance, to have a gravitating affect on the sustainability of the talks by the actors that have almost zero confidence and trust in each other. A mere dialogue format of negotiation by such actors is difficult, if not impossible, to sustain without disruption or discontinuity, and can easily be susceptible to a subtle breakdown. In addition, institutionalized mechanism underpinned by the standing multilateral framework will allow for better implementation of whatever solutions the talks produces because all actors would be legally bounded by the norms and rules set by themselves. Furthermore, institutionalization of the talks would eventually, and could possibly, lead to the establishment of a security regime based on multilateralism and regionalism in Northeast Asia. Rising importance for nations to cooperate against both "transnational security concerns" and "non-traditional security threats" also makes this prospect very inviting.<sup>5</sup>

In addition, Mr. Dai also envisaged institutionalization as a necessary condition to "sustain the momentum of the talks." With respect to the meaning of institutionalization, China's interpretation of it was to transform the SPT into a regional security dialogue, such as security guarantee dialogue for Northeast Asia (*dongbeiyi anquan baozhang duihua*). Based on the rationale and reasons for institutionalization, Mr. Dai went further to explain the mechanism and responsibility of the institutionalized form of the talks. Since the SPT were held on sporadic basis, Mr. Dai emphasized, it was necessary to establish a "special small working group (*tebie gongzuo xiaozu*)," which could persistently continue talks on practical matters on regular basis.

On the personnel composition of such a group, he proposed it to be comprised of representatives from all six nations, and to act as a representing office. These representatives should hold an official status no lower than vice minister (*fubuzhang*) or director level (*sizhang*).<sup>6</sup> Under such a scheme, Chinese vice minister noted, working-level personnel of this representation should be all comprised of those at managerial level, at least. Furthermore, the chairmanship of the SPT that China has thus far assumed as the hosting nation of the talks shall

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<sup>4</sup> "Zhongguo nirang liufanghuitan zhiduhua (China plans to institutionalize six-party talks)," *Fenghuangwang*([www.pheonixtv.com.cn](http://www.pheonixtv.com.cn)), November 20, 2003.

<sup>5</sup> Jack Pritchard, "Beyond Six-party talks: An opportunity to establish a framework for multilateral cooperation in the North Pacific," paper presented at NORPAC Hokkaido Conference for North Pacific Issues, October 7, 2004, p. 6.

<sup>6</sup> "Spokesmen of MOFA: I hope the six-party talks institutionalized," *Renmin Ribao*, February 25, 2004. For a scholastic point of view, please refer to Jiang Xiuyan, "DPRK Nuke Problem and New Framework of Multilateral Security Cooperation in Northeast Asia," *SIIS Journal*, Vol. 10, No. 4, November 2003, pp. 24-37; Pang Zhongying, "Building Regional Security System," *China Daily*, March 26, 2004, and "Building a Regional Security Mechanism," *PacNet* (Pacific Forum CSIS), No. 13A, April 5, 2004; and Jaewoo Choo, "China's Plans for a Regional Security Forum," *Asia Times*, October 17, 2003.

be transferred to, and assumed by, other parties, rotating on a fixed period of time. It would allow the actors to be more respectful to and more responsible with the fate of the talks.

The notion of 'special small working group' would later witness a further development as the talks went on. As the Joint Statement was released, the idea of establishing a specialized working group received much attention and scrutiny. It was later disclosed that there was a convergence of idea that the group should be divided into two: working groups and expert groups. In proposing this, China was not alone, joined by South Korea and Japan.<sup>7</sup> They had a shared conviction that for an effective and sufficient implementation of what was agreed in the Statement should be managed and dealt by a group of appropriate representation. While the negotiation matter should be responsible by the working group, for instance, the three nations envisioned the task of designing implementation means and measures should be done by specialists and experts of concerned areas.

They had different ideas about forging the framework in which the sub-groups could function to meet their purposes. While China highly emphasized the need to draw up a big framework of stages in which the procedure for carrying out what was agreed in the Joint Statement, Japan and South Korea proposed that the talks should be separated into three tracks to figure out a way to implement it. According to Japan's head delegate, Kenichiro Sasae, "of the three tracks, one should involve nuclear abandonment and verification, one should be about economic and energy assistance to the North, and that another one should discuss bilateral ties and regional security cooperation."<sup>8</sup> Although he acknowledged the difficulties underlying in achieving this arrangement, however, Mr. Sasae greatly placed values on developing guidelines, if not a roadmap, by allocating responsibilities of each group. In his vision, "working groups should be set up for the first two tracks, while discussion in the third group should be carried out by the countries involved."<sup>9</sup>

What is noteworthy is that the US did not totally seclude itself in discussing the necessity to set up a working group. However, unlike the aforementioned three nations, US' idea of working group was later described to have included an additional group to focus solely on the human rights condition in North Korea. In collaboration with Japan, the US was not hesitant in relating the improvement in the human rights condition and related matters as one of the stipulations needs to be fulfilled by the North if it expects any kind of favorable treatment and arrangement as a result of dismantling all its nuclear weapons and programs.<sup>10</sup> On the last day of the talks, it turned out that Japan had narrowed down the working groups into two: One group to discuss

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<sup>7</sup> "6<sup>TH</sup> LD: China, S. Korea, Japan propose setting up 6-way groups," *Kyodo News*, November 9, 2005.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> "US, Japan eye working group on human rights at 6-party talks," *Kyodo News*, November 5, 2005.

North Korea's nuclear dismantlement and the verification of it, and the other to discuss economic and energy aid to Pyongyang.<sup>11</sup>

Indeed, the idea of working groups and further institutional arrangements proposed by China seems to have gained a significant progress. Nonetheless, despite the rising consensus, what China envisions in institutionalization does not fully explain the reason why the idea of institutionalization was presented at this particular stage. In other words, only to sustain and keep the momentum may not sound too convincing and persuasive to the parties absent of trust and confidence. Without an advanced fulfillment of such prerequisites, according to conventional wisdom, institutionalization will otherwise have to be surreal.<sup>12</sup> On the contrary, it is perhaps for this reason that China persistently remains an adamant proponent. Given the deficiency in trust and confidence among the member states of the talks, institutionalization may be a viable source that would bind them together as a cohesive unit, enabling them to sustain the talks as both solution-seeking and implementation mechanism without a subtle breakdown. In a related vein, institutionalization must have some compelling answers to how it could overcome the obvious and negative precondition, lack in trust and confidence among the regional states.

These answers are basically derived from the hard-learned lessons from the failure of the 1994 Framework, and from the ideas, principles, and norms that the members of the SPT relentlessly pursued throughout the successive rounds of the talks. While the former justifies all the purposes and reasons for setting and operating the talks in a multilateral format, the latter provides fundamental rules and principles (e.g. openness, multilateralism, and cooperation) to which the members of the talks have already committed with consensus. It is difficult to discern a causal relationship between the two in explaining the need for a multilateral setting because they are all interrelated. The notion of developing ideas, principles and norms may well be interpreted as a byproduct of the historical and political lessons from the failed Framework, as far as the regional states of North Korea are concerned. Simultaneously, if the failure of the Framework were attributed to the distrusting characteristics in the bilateral relationship between the US and the North, multilateralism, cooperation, and openness may serve as an overarching alternative strategy conducive to overcoming the ensuing disadvantages generated by the

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<sup>11</sup> "Japan proposes setting up 2 working groups in 6-way nuclear talks," *Kyodo News*, November 9, 2005.

<sup>12</sup> Vitality of confidence and trust to the institutionalization of multilateralism is well depicted in the following materials: Aaron Friedberg, "Ripe for Rivalry: Prospect for Peace in a Multipolar Asia," *International Security*, Vol.18, No.3 (Winter 1993/4), pp. 5-33; Richard K. Betts, "Wealth, Power, and Instability: East Asia and the United States after the Cold War," *International Security*, Vol.18, No.3, pp. 34-77; Charles A. Kupchan, "After Pax Americana: Benign Power, Regional Integration, and the Source of Stable Multipolarity," *International Security*, Vol.23, No.2 (Fall 1998), pp. 62-66; Gerald Segal, "East Asia and the Containment of China," *International Security*, Vol.20, No.4 (Spring 1996) pp. 107-135; and Douglas T. Stuart and William Tow, "A US Strategy for the Asia-Pacific: Building a Multipolar Balance-of-System in Asia," Adelphi Paper No. 229 (London: International Institute for Strategic Studies, 1995).

exclusive nature of the bilateral talks between such nations.

Institutionalization is therefore reckoned to be a necessary and compelling measure that could act to fulfill the void of trust and confidence,<sup>13</sup> especially in the circumstance in which external threats like the North's nuclear aspiration to national security seems much more overwhelming than the cost of distrust in potential collaborator for deterrence of such threats. However, the road to institutionalization will be not without serious challenges. Apart from the fact that the regional states have just begun to build some political consensuses as a way to improve their lack of trust and confidence, which are basically tarnished by the legacy of the Cold War,<sup>14</sup> growing nationalism in the individual state is severely hindering the nations as well as the region for an opportunity to plow the seed of confidence and trust.<sup>15</sup> Against this background, it may be better off for the states with no mutual confidence and trust to first build a framework for cooperation in which they can work their way up to building confidence and trust in one another.

The lesson from the failure of the Framework dictates that a strong commitment from the participating states, regardless of how deep their suspicion on one another's intention and action. This commitment has to be also enforced by some kind of legal ties and measurements. In other words, their commitment has to be legally binding, with checks and balances at work, agreed norms and regulations at work. Furthermore, states should not, at least in principle, allow their old distrustful perception of other's intentions and purposes to come into play,<sup>16</sup> especially at the inaugural stage of the institutionalization process. Once the preoccupation with the old image and perception has any saying in the process or in the outcomes of the process, it could only have a bad synergy effect on the actors' commitment to easily meltdown, as previously

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<sup>13</sup> A view tend to agree on this note is particularly shared by Jonathan D. Pollack when he relates one of the causes for the failure of the Agreed Framework to the lack of institutionalism. See Jonathan D. Pollack, "The United States, North Korea, and the End of the Agreed Framework," *Naval War College Review*, Vol.VI, No.3, (Summer 2003), pp. 1-34.

<sup>14</sup> The legacy includes differences in socio-political structure and system, disparate economies, adamantly uncompromising views on the regional history, and thereby, obvious discrepancies in mutual perception. Andrew Mack, "Security cooperation in Northeast Asia: Problems and prospects," *Journal of Northeast Asian Studies*, Summer 1992; Aaron Friedberg, "Ripe for Rivalry: Prospect for Peace in a Multipolar Asia" ; and Richard K. Betts, "Wealth, Power, and Instability: East Asia and the United States after the Cold War."

<sup>15</sup> James Cotton, "Whither the six-party process on North Korea?" *Australian Journal of International Affairs*, Vol. 59, No. 3, September 2005, p 276.

<sup>16</sup> A study the negative impact that such perception has had on the inter-Korean relations as well as on the former 'four-party talks' in the late 1990s is well depicted in Jin-Hyun Paik, "Building Peace Regime on the Korean Peninsula: Analysis and Assessment of Two Korea's Perspectives on Peace Regime-Building," *IFANS Review*, Vol. 3, No.4 (Seoul: The Institute of Foreign Affairs and National Security, August 1995), pp. 14-15.

witnessed in the four-party talks in the late 1990s that only perished with no substantive consequences to match the original goals and purposes.<sup>17</sup>

Furthermore, as a precondition for a proper execution of whatever solution the (institutionalized) SPT may produce, there is an absolute need for an establishment of a supervising and/or governing body. Without such a function, even if another framework is created as a resolution, already distrustful members will not sacrifice themselves to take the initiative to assume the imposed responsibilities and duties, nor will they be willing to render any kind of commitment to carry out the solution as they are very much doubtful of the other's commitment. As long as they perceive each other through a prism of distrust, they will only spare themselves only if others move first, thereby naturally making their own agreement and consensus obsolete. Such a case was vivid in the course of implementation of the 1994 Framework between the United States and North Korea in the following years.<sup>18</sup>

The fact to the matter is that their failure to observe what they have agreed in the Framework was not due to their lack of will or a sense of responsibility, but was rather out of their suspicion on the other's commitment to carry out the duties required by the Framework. In other words, while the US was skeptical of the North Korea's commitment to withhold its nuclear missile development program and testing, so was the North on the truthfulness of the US commitment to improve the bilateral relationship, albeit it was only conditional to the North's abidance to the Framework.<sup>19</sup> In the end, both states procrastinated observing their respective duties and responsibilities as one would impute them to the other. Unfortunately enough, as there is no witness who could verify and confirm how the Framework was supposedly to be implemented and in what sequences, only the two parties know who went about wrong with the Framework. In other words, the secretive and discrete nature of the negotiation process and conclusion of the Framework already inherently carried high risk for possible breakdown to begin with, considering the deficiency in trust and confidence between

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<sup>17</sup> Past high hopes by the Chinese scholars on the prospect of the four-party talks is well depicted Ding Shizhuan and Li Qiang, "*Chaoxianbandao heping jizhi jiqi qianjing* (Prospects for a peace structure on the Korean peninsula)," *Xiandai guoji guanxi(Contemporary International Relations)*, April 1999, pp. 42-44.

<sup>18</sup> The purpose of this paper is not to rehash the 'who did not do what' between the US and North Korea with respect to the due implementation of the Agreed Framework, and thus will avoid to deal with the matter here. Many analytical literatures on the North Korea's failure to fulfill its obligations and responsibility are easily found. Gregory Elich, "Targeting North Korea," (<http://www.globalresearch.ca/articles/ELI212A.html>) (accessed on December 31, 2002). However, irresponsible aspect on the US' part is dealt in a limited number of literatures. Leon V. Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea* (Princeton: Princeton Paperbacks, 1998).

<sup>19</sup> Ralph A. Cossa, "Six-party talks: Conditions for Success," (<http://www.atimes.com/atimes/Korea/EK13Dg04.html>) (accessed on November 13, 2003).

the two parties. Thus, in order to prevent such degree of recurrence with the SPT case, a governing body with authority to guide and supervise the implementation progress of the solution is naturally and logically in demand.

Last but not least, a lesson that could be inferred from the previous dealing between the US and North Korea is that the outcome of any kind of agreement reached with the North would be economically bearing. Based on what has been speculated thus far as compensation for the cost of North's renouncement of its nuclear ambition, it could be astronomical. The total economic package would depend on how the rest of the participating nations value the worth of the efforts made by the North in abandoning its nuclear ambition. Depending on how these efforts are perceived, the assessment on such value may also be conceivably subjective. Regardless, the price is speculated to be an unknown amount economic compensation for expected consequential diplomatic activities such as normalization of relations with Japan and the US. In addition, North Korea is reportedly seeking \$10 billion from Japan not only as a price of normalization but also as a compensation for the past wrongdoings during its brutal colonial rule during the first half of the last century,<sup>20</sup> let alone the price for its renunciation of its nuclear ambition. Additional price tag would include economic aid and assistance to the causes of the North's nation building efforts, which is too difficult to estimate by any standard, because the country has never taken up any kind of measurements.

The US, perhaps out of its own cognizance on such an economic consequence, may have foreseen the needs to institutionalize the SPT ahead of everybody when it mentioned at the World Economic Forum in January 2003 of the possible need to expand the number of the talks members to ten from six in the future. On January 25, 2003 the then US Secretary of the State Colin Powell conveyed such thinking to a representative of then South Korean President-elect Roh Moo-hyun's delegation, Jung Dong-young, also a former Prime Minister of National Unification who stepped down from the post in December 2005. Although Powell avoided making specific and explicit references, the message was interpreted to have revealed some aspects on the US' potential long-term perspective on its approach to the North Korean problem, i.e. "5+5." The US' thought of expanding the current talks to a group of ten nations that would include additional states such as France, Britain, Australia, and EU bears significant implications for the future course of the talks' development.

First of all, participation of these states would allow them to gain a first-hand experience to get a better understanding on the North Korean problem. Second, they will be a significant part of the peaceful solution of the North's nuclear problem for their potential to play a substantive and critical role for their highly respected international status and profile in international

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<sup>20</sup> *Kyunghyang Shinmun*, (<http://www.khan.co.kr/news/2000/06/12/20000612001632.html>) (accessed on June 12, 2000).

organizations, which may well be evident when the North Korean bill needs to be cashed.<sup>21</sup> Except for China, for instance, all these states could justifiably said to be members of epistemic community or trust board at international financial institutions.<sup>22</sup> They have the authority to grant the North's accession to international financial institutions, and they also have the power to decide whether or not to financially support the North's nation building efforts, given the membership granted. However, the North's membership can only be realized on one condition: the US will have to clear some, if not all, of the economic sanctions and trade embargoes against North Korea. This action will strictly stipulated by the normalization of the relationship with the North as well as the North's adoption of economic reform as a prerequisite to be met. All in all, it would have a positive impact on the institution-building by lessening the economic and financial burden to otherwise have to be shared by the five nations of the SPT.

### **III. Some Critical Elements for Institutionalization: A Theoretical Assessment**

Despite more than a decade-long effort by the Northeast Asian states to build a multilateral security regime based on cooperation and dialogue, the region has yet to witness a correlating result. Their efforts have only resulted in those at non-governmental level, or Track-II level. A number of Track II meetings such as CSCAP and NEACD have been in operation since the end of the Cold War. They have yet to ascend to the next level. The region's lack of governmental cooperation on security may well be reasoned from many different perspectives and many different levels. Key regional players like the US and China still prefer bilateral, rather than multilateral, cooperation when it comes to security issues of the region. Furthermore, China prefers security dialogue to remain a forum of dialogue and consultations, instead of a security mechanism with conflict mediation and resolution functions.<sup>23</sup>

Their perception and ideation on the regional security order, especially those of the US, have adamantly remained unchanged since the end of the World War I. The US' conception of

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<sup>21</sup> For its *Doimoi* policy (reform policy), Vietnam, for instance, was able to receive 1.6 billion dollars in ODA and 2.2 billion US dollars in FDI by the very outcome of the decision by these states. *Joong Ang Daily*, April 24, 2004.

<sup>22</sup> There are five executive directors in World Bank, for instance, who are appointed by the members with the five largest numbers of shares (currently the United States, Japan, Germany, France and the United Kingdom). The other Executive Directors are elected by the other members. In IFC and IDA, Executive Directors and Alternates of the Bank serve ex-officio as Executive Directors and Alternates of IFC and IDA (as long as the country that appoints them, or any one of the countries that have elected them, is also a member of IFC and IDA). Members of the MIGA Board of Directors are elected separately.

(<http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/ORGANIZATION/BO DEXT/0,,contentMDK:50004945~pagePK:64020054~piPK:64020408~theSitePK:278036,00.html>) (accessed on September 25, 2004).

<sup>23</sup> Amitav Archaya, "A Concert of Asia?" *Survival*, Vol. 41, No. 3, Autumn 1999, p. 88.

cultural ties and ideas of 'the East' still plays a significant role in shaping the regional policy.<sup>24</sup> Because of the US' pervasive posture in its foreign policy to East Asia, in Amitav Archaya's words, the agenda of the regional security will remain a "hostage" to the Sino-US relations. By the same logic, the regional security order still revolves around such school of thoughts as balance of power, rational gains theory, and alliance, instead of institutionalism, cooperation, and multilateralism.

To date, although the SPT has been held only for four and "a half" occasions, interest in its further development and transformation into an institution has already surfaced along the course. The idea of institutionalization of the talks was ironically first put forward by China, who once held an indifferent stance to the idea of dealing the North Korea's nuclear issue in multilateral context when the crisis broke out. Should the institutionalization of the talks come to fruition, it would have much greater implications for multilateral security cooperation paradigm than becoming the first of such kind in Northeast Asia.

First of all, unlike the conventional realist wisdom, states may not necessarily have to meet the prior prerequisites, or *post hoc* and *ad hoc* qualifications such as geography, history, perception, domestic politics, confidence and trust to build a multilateral cooperative security regime, if and when they are threatened and they all oppose that threat. In such a predicament in which a cohort of defensive minds prevails, the possibility of such threat becoming a cause for aggressive war against it would become low,<sup>25</sup> naturally refuting the realists' claim on a state's preference for relative gains than cooperation in an anarchic world.<sup>26</sup>

Second, cooperation as self-help would prove to be applicable to the case in the North Korean problem since international challenge of a potential threat is perceived to be for economic gains rather than political. According to Charles L. Glaser in his work of cooperation as self-help, "an adversary will engage in reciprocal restraint only if arms control promises to provide it with greater security than the competitive alternatives." By the same logic, inducement of an adversary to cooperation is feasible by a state by relying on its own resources, since the state's "ability to engage in an arms race is a central condition for its adversary's belief that arms racing is risky, and thus for its willingness to cooperate."<sup>27</sup>

Furthermore, since the intention of North Korea's nuclear diplomacy is not oriented toward expansion of influence (hegemony) or territory to maximize security as the offensive realism

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<sup>24</sup> Amitav Archaya, "A Concert of Asia?" pp. 84-87.

<sup>25</sup> John J. Mearsheimer, "The False Promise of International Institutions," *International Security*, Vol.19, No.3 (Winter 1994/95), p. 23-25.

<sup>26</sup> John J. Mearsheimer particularly shares this view when he states that "states in a realist world ... must be motivated primarily by relative gains concerns when considering cooperation," John J. Mearsheimer, "The False Promise of International Institutions," *Ibid.*, p. 12.

<sup>27</sup> Charles L. Glaser, "Realists as Optimists: Cooperation as Self-Help," *International Security*, Vol.19, No.3 (Winter 1994/5), p. 58-59.

would dictate, and it is rather geared toward other “important motives in addition to security.”<sup>28</sup> Its non-security motives like “greed” may be more effectively and efficiently managed through cooperation than one or two individual states trying to meet all the economic costs and demands as witnessed in the subsequently failed efforts to properly perform the Agreed Framework.

Third, lack of confidence and trust induces states to seek for a credible line of communication when confronted with an imminent threat and if that threat is primarily motivated for political economic reasons. It is particularly the case with the North Korean nuclear crisis because the same actors have already experienced an unpleasant precedent, in which lack of trust and confidence literally prevented the Agreed Framework to live up to its expectations. Given the lack of trust and confidence among the signatory states of the 1994 Framework, blame game was foreseeable as a possible impediment to its execution. While the North would blame the U.S., and vice-versa, for not sufficiently fulfilling the responsibilities laid out in the Framework, such blame game had only disallowed any progress toward its goal.

One lesson certainly stands out: bilateral agreement between the states that do not have trust and confidence in each other would never work out. Taking this experience into the second case of the crisis, concerned nations naturally may have realized that there must be a strong witness stance for any type of solution reached by the distrusted parties to be effective. Furthermore, if the nations all assume an objective and unbiased role of self-witnesses for the efficacy of the agreed solution, self-interested benefits will naturally be generated by taking such stance, thereby facilitating cooperation for further development for institution.<sup>29</sup>

Thus, the Northeast Asian region may now be possessed with right conditions for an inception of multilateral security cooperation institution. As emphasized by several institutionalists, conditional factors “such as the number of major actors in the system and whether military advantage favors offense or defense”<sup>30</sup> are clear in the region. In addition, the regional actors are well aware that the relative gains are “unlikely to have much impact on cooperation if the potential absolute gains (i.e. peace and nuclear arms race free) from cooperation are substantial or in any context involving more than two states.”<sup>31</sup> Under the premises, institutionalization of the SPT may not all seem too distant, if not timely. As China once stated, institutionalization could play a positive role in sustaining the talks based on the notion of self-interest and cooperation as self-help, overcoming the hindrance to achieving multilateral cooperation in security area under the current socio-political, economic, and

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<sup>28</sup> Charles L. Glaser, “Realists as Optimists: Cooperation as Self-Help,” *Ibid.*, p. 55.

<sup>29</sup> Robert O. Keohane and Lisa L. Martin, “The Promise of Institutional Theory,” *International Security*, Vol.20, No.1 (Summer 1995), p. 42.

<sup>30</sup> See David A. Baldwin, ed., *Neorealism and Neoliberalism: The Contemporary Debate* (NY: Columbia University Press, 1993), p. 323.

<sup>31</sup> Duncan Snidal, “Relative Gains and the Pattern of International Cooperation,” *American Political Science Review*, Vol.85, No.3 (September 1991), pp. 701-726.

historical parameters of Northeast Asia. Furthermore, it could also help the talks from falling into a sudden and abrupt end, as it was the case with the “Four-Party Talks” in the late 1990s. In short, to uphold the currently loose, yet fragile, format of multilateral talks, institutionalization may be an alternative.

Given the ever ripening environment and incessantly rising consensus for institutionalization, the following key elements including idea, ideation, identity, norms and rules require substantial review as to whether they cognitively pre-exist in the strategic minds of the involved states. It can be done by making an inference from their official statements and views reflected in their official policy with respect to this particular issue. Thus far, the six nations have made a substantial amount of such since the preparation period of the first-round of the six-party talks that was highlighted by the successful conclusion of the three-way talks in March 2003. Based on the empirical observation of official reports, statements, policy guidelines as well as the Joint Statement, it is safe to claim that the key elements do exist in the thinking of these nations, and are very much shared by each other. In other words, there is a strong consensus-building at work with respect to these critical elements.

- **Ideas** The role of ideas in determining the behavior of a state, and thus, policy-making outcomes in other words, articulates “the causal processes through which ideas exert effects.”<sup>32</sup> In recent times, ideas have gained much attention as one of the determinants of a state’s external behavior as would be manifested in its foreign policy, and their determinant effects could be possibly viewed from many different angles of perspectives, including theories, conceptual models, norms, world views, frames, and principled beliefs.<sup>33</sup> Although the definition of one’s idea, and therefore, its role as a determinant in policy-making process, may vary depending on how one frames his/her idea, the ideas that the decision-makers or nations hold are increasingly affecting how they define their interests in the beginning. Furthermore, since ideas alone may be subjective and not intersubjective, a collective form of ideas with a reference to concepts and beliefs held by groups (i.e. states) “stands above individual minds and is typically embodied in symbols, discourse and institutions.”<sup>34</sup>

In other words, ideas, especially in a collective form, are important in such ways that they would set the principled and normative beliefs that would have a degree of

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<sup>32</sup> John L. Campbell, “Ideas, Politics, and Public Policy,” *The Annual Review of Sociology*, Autumn 2002, p. 21.

<sup>33</sup> For a detailed study on the specific role that these elements defined to comprise of the definition of ideas in policy-making, see John L. Campbell, “Ideas, Politics, and Public Policy,” *Ibid.*, pp. 21–38.

<sup>34</sup> Jeffrey W. Legro, “The Transformation of Policy Ideas,” *American Journal of Political Science*, Vol. 44, No. 3, 2000, p. 420.

impact on the formation of a state's world view and perception as well as its identity and place in the international relations. Ideas of peaceful resolution to regional conflicts and peaceful way of seeking solution have played a very much significant role in preserving the current conditions of peace and stability in the Korean Peninsula. As Niklas Swanstrom proclaims, "the idea of prevention and management have been existing in the minds of leaders (of the Northeast Asian states), 'even in the most tense situation.'"<sup>35</sup> He claims that although there has not been a formal regional institution or regime that acted with such intentions and purposes in the region, however, the regional security issues and situation have all evolved around the idea of preserving the status quo and maintaining peace and stability at the utmost possibility.

At the outbreak of conflict arising out of various reasons, leaders and nations of the involved always relied on, and tried their best to resort to, peaceful means and measures, both at bilateral and multilateral levels. Thus, the idea of peaceful resolution for regional conflict is widely shared and practiced among the Northeast Asian states including North Korea. This notion has been persistently practiced and pursued based on the tacit recognizant that peaceful resolution of any intra-state conflicts is mutually beneficial to the interests of the parties involved. And the current North Korean nuclear problem is no exception. It is now only being further elaborated and reinforced by the notion of cooperation and multilateralism in the context of regionalism, thereby enabling multilateral cooperation perspective to be perceived as a common norm for practice.

The idea of multilateral cooperation has gained, and will continue to receive, tremendous support from the regional players, and is expected to have a positive impact on their negotiation and cooperative behavior because vital national security interests are at stake. This expectation is further emphasized by David Cotright that "positive incentives are often a powerful means of influencing behavior."<sup>36</sup> Alexander George further elaborates this notion by claiming that the offer of inducements of an economic, political, and security character can be highly effective in helping to deter nuclear proliferation, prevent nuclear conflict, defend civil and human rights, and rebuild war-torn societies.<sup>37</sup>

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<sup>35</sup> Nicklas Swanstrom, Mikael Weismann and Emma Bjonehed, "Introduction," in Niklas Swanstrom, ed., *Conflict Prevention and Conflict Management in Northeast Asia* (Uppsala: The Silk Road Studies Program, 2005), p. 13

<sup>36</sup> David Cotright, ed., *The Price of Peace: Incentives and International Conflict Prevention*, (Lanhan, MD: Rowman and Littlefield, 1997)

<sup>37</sup> Alexander L. George, "Strategies for Preventive Diplomacy and Conflict Resolution: Scholarship for Policymaking," *PS: Political Science and Politics*, Vol. 33, No. 1, March 2000, p. 17.

- **Ideations** Ideation, defined as a combination of political ideas and beliefs, is critical to institution-building in a sense that it will basically determine preference, choice, enactment, and implementation according to both its ascending levels of generality (e.g. specific programs, issue-area doctrines or policy paradigms, ideologies or public philosophies, and cultures) and to its possession by different politically relevant social entities (e.g. policy-makers, organizations, social groups, and society).<sup>38</sup> Ideation will have an affect on determining the way states in conflict will choose in their approach to the question of solution at both individual and collective levels. Thus far with respect to the North Korean nuclear problem, there has been a strong ideation founded by the involved parties as reflected in their commitment to the SPT: That is, to peacefully solve the problem and to build a nuclear-free Korean peninsula.

Such ideation is currently widely shared and accepted by all the six parties including North Korea<sup>39</sup> – despite its persistent chronicle threat to withdraw from the talks and to equip itself with nuclear weapons – fundamentally fulfilling the preconditions for institution-building efforts. The ideation of nuclear-free Korean peninsula also further consolidates compelling answers to the necessity of the SPT’s institutionalization by offering clear orientation and direction to the fate of the Korean Peninsula nuclear question. It also enhances the involved parties’ rational choice perspectives in their decision-making process. In sum, the ideation of peaceful solution and a nuclear-free Korean Peninsula will be catalyst to the foundation of institutionalization process of the SPT and the regional states’ commitment to accept possible resultant responsibilities and duties when institutionalization is realized in the context of multilateralism, regionalism and cooperation.

- **Identity** Identity is important in a sense that once formed, it will determine which means are acceptable in pursuit of goals and interests set forth based on perceived needs and norms. It acts as a fundamental basis for building collective ideas, interests and constitutes the fundamentals for norms and ideation. As important as it may look, defining and conceptualizing identity is not an easy task because it incorporates in its meaning both geographical and sociological characteristics. In defining it, Koremenos, Lipson and Snidal utilize membership concept or membership rule.<sup>40</sup> Whether the

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<sup>38</sup> Albert S. Yee, “The causal effects of ideas on policies,” *International Organization*, Vol. 50, No. 1, Winter 1996, pp. 69-70.

<sup>39</sup> The origin of such ideation particularly regarding the nuclear-free Korean Peninsula can be traced to as early as 1991 when the two Korea’s agreed to create such a peninsula in the 1991 and North Korea’s membership and commitment to the Non-Proliferation Treaty till 1994.

<sup>40</sup> Barbara Koremenos, Charles Lipson, and Duncan Snidal, “The Rational Design of

states involved in regional conflict are intra-states or extra-states, to solve regional conflict in the framework of bilateralism or multilateralism, it is imperative that actors are to be identified. It is particularly the case if and when a regional conflict involves a multiple number of intra-state players, identification of these players becomes essential and to an extent rather easy.

However, identification problem could be controversial as some states that are not usually confined within the geographical proximity of the state in conflict may perceive their interest to be valid and connected to that state. It could be geographically located out of the region as in the case of US with respect to the Korean peninsula affairs. Nevertheless, the US is always considered and identified to be a major actor in the Korean affairs and the Northeast Asian international affairs. As the selection process of membership for an institution is as critical as determining the means and measures in counteracting conflict, especially if these means and measures are to be employed based on multilateralism and regionalism, identifying legitimate players is very critical to the fate of institutional-building efforts. This selection process, as Hemmer and Katzenstein explain, “requires a strong sense of collective identity, since it is a particularly demanding form of international cooperation.”<sup>41</sup>

While identifying membership based on geographical location does not raise much challenge, however, conflict might arise on the question of inclusion of those who are physically apart. In light of this, regional identity, Amitav Acharya elaborates, “is usually developed through socialization and governed by political consideration seriously. ... An identity-based perspective looks beyond physical or structural constraints on regional identity. Regions are not geographically given or culturally pre-ordained. Region-building is a social and political act; like nationalism and nation-states, regions may be ‘imagined’ and constructed.”<sup>42</sup> Thus, identity of a region based on the scope and range of international relations is defined within the geographic confine that it does not just look “at what is common between and among its constituent units, but how the countries of the region, especially the elite, engaged in a process of socialization within an institutional context and in that processes ‘imagined’ themselves to be part of a distinctive region.”<sup>43</sup>

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International Institutions,” *International Organization*, Vol. 55, No. 4, Autumn 2001, p. 763 and p. 770.

<sup>41</sup> Christopher Hemmer and Peter J. Katzenstein, “Why Is There No NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism,” *International Organization*, Vol. 56, No. 3, Summer 2002, pp. 575-76.

<sup>42</sup> Amitav Acharya, “Do norms and identity matter? Community and power in Southeast Asia’s regional order,” *The Pacific Review*, Vol. 18, No. 1, March 2005, p. 103.

<sup>43</sup> Amitav Acharya, “Do norms and identity matter? Community and power in Southeast

- **Norms** Norm-building is a must for any kind of institutional-building efforts to become effective. Norms arise because it is needed to bring about cooperation in a mixed motive setting or a game with multiple equilibria,<sup>44</sup> and it also arises as a solution to problems posed by game situations, implicitly assuming an evolutionary natural selection process to explain why these solutions occur and persist.<sup>45</sup> Norms will be founded with an exceptionally important implication to the rules that institutions would have to adopt not only as guidelines but also as principles for actions to properly implement and pursue the founding goals and purposes of that institution. As Gregory A. Raymond puts it, “international norms are generalized standards of conduct that delineate the scope of a state’s entitlements, the extent of its obligations, and the range of its jurisdiction.”<sup>46</sup> “Norms are regarded as standards of behavior, defined in terms of rights and obligation. In these norms are general prescriptions of behaviour which regulate intentions and effects.”<sup>47</sup> When norms are not respected or violated, compliance questions will be seriously challenged, jeopardizing the very existence of the institution to a certain extent. In such cases, it will have to adopt sanctions on the premise that norms can not be considered merely as a “series of ‘oughts,’ but the possibility of sanctions is also an essential component”<sup>48</sup> and that states are subject to punishment when they violate the norms. Since norms are considered as “a set of intersubjective understandings and collective expectations regarding the proper behavior of states”<sup>49</sup> inherently co-exist with a given identity shared by these states.

Combined with the politics of regional identity, norm dynamics acts as an independent force in regional order. In other words, the interactions of actors, and here the states, are informed by various sets of norms, and geared towards delivering relevant outputs and achieving specific outcomes. In short, norms are defined as collectively expected modes of behavior.<sup>50</sup> As such, “norms help define goals and purposes of states,

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Asia’s regional order,” *Ibid.*

<sup>44</sup> Stephen Haugard and Beth Simmons, “Theories of International Regimes,” *International Organizations*, Vol. 41, 1987, p. 506-07.

<sup>45</sup> Edna Ullmann-Margalit, *The Emergence of Norms*, (Oxford: Oxford University Press, 1977).

<sup>46</sup> Gregory A. Raymond, “Neutrality Norms and the Balance of Power,” *Cooperation and Conflict*, Vol. 32, No. 2, 1997, p. 128.

<sup>47</sup> Annika Bjorkdahl, “Norms in International Relation: Some Conceptual and Methodological Reflections,” p. 13.

<sup>48</sup> Gary Geertz and Paul Diehl, “Towards a Theory of International Norms: Some Conceptual and Measurement Issues,” *Journal of Conflict Resolution*, Vol. 36, 1992, pp. 634-64.

<sup>49</sup> Annika Bjorkdahl, “Norms in International Relation: Some Conceptual and Methodological Reflections,” p. 15.

<sup>50</sup> Alain Guilloux, “Regional Governance and Disaster Response in Asia: ASEAN and

affecting actor interests and the way actors connect their preferences to policy choices.”<sup>51</sup> The most significant practical outcome of the norm-seeking and finding efforts underlies in the *ad hoc* commitment that the involved parties will act in unity to foster an integrated approach on all matters and developments when and if multilateralism and cooperation are adopted in the fundamental principles of peaceful solution of conflict. By this outcome, international norms will create permissive conditions for action, laying a foundation for the boundaries for foreign policy deliberation and execution.<sup>52</sup> Existence of norms can be found in “the discourse addressing a particular behavior, i.e. rhetoric.”<sup>53</sup>

Since norms are held collectively, “they are often discussed before a consensus is reached,” and thus, is also “context dependent.”<sup>54</sup> Norms can be either also formalized in written conventions or derived from informal agreements, and the formal written ones are not necessarily the most important.<sup>55</sup> Repetitive rhetoric expressed in a variety of forms can not be totally discarded as it both directly and indirectly is a form of expressing that meaningful and important consensus is in development. Based on the observation thus far with respect to the stated outcomes of the six-party talks process and related rhetoric, as well as demands made by the US, North Korea and the rest on each other, norms that institutionalized six-party talks may adopt can conceivably be as follows:

- cooperation
- consultation
- consensus
- legally-binding
- transparency
- avoidance of military measures
- guarantee of the security of North Korea

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the December 2004 Indian Ocean Tsunami,” paper to be presented at Workshop on Governance and Regionalism in Asia hosted by Center of Asian Studies, The University of Hong Kong, 8-9 December 2005, pp. 2-3.

<sup>51</sup> Annika Bjorkdahl, “Norms in International Relation: Some Conceptual and Methodological Reflections,” p. 22.

<sup>52</sup> Annika Bjorkdahl, “Norms in International Relation: Some Conceptual and Methodological Reflections,” p. 22.

<sup>53</sup> Annika Bjorkdahl, “Norms in International Relation: Some Conceptual and Methodological Reflections,” *Cambridge Review of International Affairs*, Vol. 15, No. 1, 2002, p. 13.

<sup>54</sup> Annika Bjorkdahl, “Norms in International Relation: Some Conceptual and Methodological Reflections,” *Ibid.*

<sup>55</sup> Annika Bjorkdahl, “Norms in International Relation: Some Conceptual and Methodological Reflections,” p. 19.

- integrated/unified approach
- creation and preservation of a nuclear-free Korean peninsula

In sum, institutionalized six-party talks will address security issues and related North Korean problems through consultation and dialogue rather than through conventional collective security and formal mechanism for settling dispute among the member states.

#### **IV. Six-Party Talks as a Conflict Prevention and Management (CPM) Mechanism**

What if the six-party talks institutionalized? Is institutionalized talks only good for solving the ongoing North Korea's nuclear aspiration? Or is there hope for institutionalized form of the six-party talks to sustain and evolve into a multilateral security regime, as many would like to see? <sup>56</sup> Can it function as a conflict prevention and management mechanism to perpetuate the peace and stability of Northeast Asia and a nuclear-free Korea? For the institutionalized arrangement of the six-party talks to function in such way in the future, some considerations on the design and form of institutionalization (treaty-based or compliance-based), mechanism (structural or direct prevention), and community building question (the form of governance) should be seriously dealt before discussing its feasibility.

For the institutionalized six-party talks to develop into a conflict prevention and management mechanism, a brief review on the definition of CPM is essential. The definition of conflict prevention is well-compiled by Chyungly Lee as follows:

The concept of conflict prevention is commonly used in both security and peace studies. It refers to policies and strategies for preventing political tension from turning into armed or violent conflicts. The paradigm stresses different conceptual elements of conflict prevention, like the scope, the measures, the actors, and the time-series. Yet both agree that the implementation of conflict prevention measures should be context-specific and case-based and that there is no universal

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<sup>56</sup> Japan's former top negotiator with North Korea, Hitoshi Tanaka, was reported to have claimed during the first phase of the fifth round of the six-party talks that "the ongoing talks should be transformed into a supervisory body for the implementation of resolutions reached on the issue in the future and evolve into a subregional security forum." Furthermore, Tanaka observed that the six-party arrangement "is the only way to provide a possible resolution to the question of North Korea," and that a comprehensive approach needs to be called upon that would encompass other issues such as normalization of ties between Japan and North Korea, energy cooperation and future economic cooperation, implying the future agenda and orientation of the institutionalized six-party talks. Mr. Tanaka had been responsible for the secrete negotiations that paved the way for Prime Minister Junichiro Koizumi's historic trip to Pyongyang in 2002. "Tanaka says 6-way talks can become supervisory body, security forum," *Kyodo News*, November 9, 2005.

resolution to conflict across regions or cases.<sup>57</sup>

In light of this concept, it is indeed recognizable how adequately important to respond the aforementioned concerns.

First, the design and form of institutionalization are critical in that they relate to the answer to how the institution will react when the founding aims and purposes are violated. For the institutionalized SPT to become a conflict prevention and management arrangement, for instance, it may be necessary to have structural function and authority so that it can take a punitive action against those who come in play with the violation of such aim and purposes. Thus, it will be difficult to conceive such arrangement to be founded on compliance basis as to treaty basis as the former would be deficient of all and any necessary governance structure to effectively monitor and act against the cause of conflict, regardless the form of such cause.

Secondly, the question of mechanism to prevent and manage conflicts is twofold: whether to rely on direct (operational) prevention and structural prevention. In other words, it is a question related to the strategy of prevention or management in dealing with conflict. In answering this question, Swanstrom views it as “different sides of the same coin and in many cases inseparable.”<sup>58</sup> It is because they are interrelated in their purposes and ends that they strive to achieve. As Lee illustrates, “direct (operational) prevention aims at reducing or eliminating violence in conflicts but not necessarily at rooting out conflicts as such, where as structural prevention is tied to long-term efforts of changing the environment of political tensions and preventing the occurrence and reoccurrence of violent conflicts.”<sup>59</sup> In Northeast Asia and the Korean Peninsula in particular, both prevention measures would have to come into play as the scope and foray of the conflict issues will naturally expand from the North Korean nuclear aspiration to reconstruction of the nation-state with an ultimate goal to transform North Korea into a normal state, which would behave and respect the norms and rules of the international society.

Lastly but not least, the form of governance that will be embedded in the community that the institutionalized SPT inspires can not go unnoted because of the discernable differences in the choice of preference by most of the regional states as reflected in ARF or ASEAN way and structural compellation to found a legally binding institution in the absence of confidence and trust.<sup>60</sup> However, one fundamental problem can easily arise from this argument. These two

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<sup>57</sup> Chyungly Lee, “Conflict Prevention in Northeast Asia: Theoretical and Conceptual Reflection,” in Niklas Swanstrom, ed., p. 51

<sup>58</sup> Niklas Swanstrom, “Concluding Thoughts,” *Ibid.*, p. 257.

<sup>59</sup> Chyungly Lee, “Conflict Prevention in Northeast Asia: Theoretical and Conceptual Reflection,” *Ibid.*, p. 53.

<sup>60</sup> The concept of governance employed here can be defined as in “the sum of the many ways individuals and institutions, public and private, manage their common affairs. It

notions of forming an identity on collective basis and founding a legally-binding unit are critical, yet they are not regarded as important in the debate of institutionalizing the SPT. The former is the basic identity problem that is somewhat tangible to the way the regional states would also like to incorporate their experience with ASEAN way into the founding principles of the SPT. While some of the regional states (i.e. China, North Korea, Russia, and perhaps South Korea and Japan) are too accustomed to the ASEAN way type of institutional setting in dealing with sensitive security issues, others like the US may be compelled to oppose to the idea of legal commitment to the institution with states it perceives to be competitors in its geopolitical strategic thinking. However, in light of the lessons that we have learned from the failure of the 1994 Agreed Framework, some degree of legal-binding is necessary for the institutionalized SPT to function in conflict prevention and management arrangement. Crisis imperative and structural imperative shown in the current negotiation process of the SPT, for instance, reveal that to enhance the efficacy of negotiation and implementation of adopted resolutions, legal authority that is concentrated in the hands of government must be delegated to those specialists who are to oversee the implementation process.

## V. Conclusion

Despite the short history of the SPT, there are strong consensuses conducive to its institutionalization. Timing of such call may be debatable as the methodological question to the sequencing of implementing these consensuses evident in the Joint Statement still remains unanswered. From the conventional theory of multilateral cooperation perspectives, the distrust between the two core states, namely the US and North Korea, may undermine the idea of institutionalizing the SPT, not to mention the efforts involved. However, as the nations of Northeast Asia succeeded in organizing an unprecedented congregation to discuss the regional security issues, they may have created their own land of opportunity that can facilitate a much bigger end, the establishment of an institutionalized multilateral cooperative security arrangement.

The arrangement could take a different form, i.e. regime, organization, or institution, depending on how the members of the talks will shape the ideas, identity, ideations, and norms.

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is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.” Commission on Global Governance, *Our Global Neighbourhood* (NY: Oxford University Press, 1995), p. 2, as quoted in Richard Burchill, “International Law’s Contribution to Democratic Multi Level Governance: The Position of Regional Intergovernmental Organizations,” paper prepared for conference on *Multilevel Governance: Interdisciplinary Perspectives*, 28-30 June 2001, University Sheffield.

In recent times, the an institution that is legally binding with superintendent-like authority over the implementation of what they have adopted as solution would enhance the talks' efficacy in achieving its goals and purposes. Denuclearization of the Korean peninsula is a long and winding process, by which all the nations involved can not avoid high economic and political consequences that can only be solved in sufficient and efficient manner via cooperation. Economic price for North Korea's renunciation of nuclear pursuit is too steep for a nation to bear by itself. Political challenge naturally arises from lack of trust and confidence, which could bring about, once again, whatever solution adopted easily fall into breakdown before full implementation.

As a means to undermine such chances for breakdown, the idea of institutionalization of the SPT has gradually been gaining support from the talks' member states. Their continuous efforts to not only sustain the talks but also seek peaceful solution have resulted in generating principles, identifying goals and objectives (ideas), establishing fundamental norms and forming a certain identity and ideations. These results were all founded based on consensus from the six nations. These elements are found to be substantial enough to forge the needed foundation on which the SPT can transform into an institution. Thus, having acquired some of the key elements to institution-building, the idea of institutionalization of the SPT may not be out of reach.

The idea can be justified for numerous reasons. From a historical and political perspective, there has never been an occasion in which all the regional states of Northeast Asia congregated at one place to discuss a regional security issue. It can act as a chance to plow the seed of trust and confidence by utilizing the six nations' desire to sustain the talks to its own advantage. In addition, as a result of increased mutual understanding through five rounds of the talks, we already begin to witness a drastic progress in their consensus-building efforts and resultant consensuses on the principles that can constitute a fundamental framework for potential resolution. Furthermore, all these developments have led the states to seriously discuss and share their vision and ideas of institutionalized form of the SPT.

It has become ascertain that an institution would better work in guaranteeing well-ordered execution of what the SPT generates as a resolution since it will be not an issue-specific but an issue-area solution that will constitute solutions to not only the dismantlement of the North's nuclear development program but also the nation-building question of the North. Thus far, what the SPT has shown with respect to the basic principle

for the nation-building and nuclear dismantlement question is that it will be carried out under one stipulation that the current regime in Pyongyang remains intact with its security guarantee. As long as the current leadership is in power, regardless the form and type the SPT adopts for its institutionalization, it can not totally discard the dormant potential for a conflict instigated by North Korea when it decides to retreat to the old fashion tactic of brinkmanship diplomacy, nuclear threat, and isolationism. From this perspective, the future direction and orientation of an institutionalized SPT beyond the original goals and purposes of the SPT may well be found in its function as a conflict management and prevention mechanism.