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**Task Force Report:
Rethinking US Policy Towards North Korea**

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Acronyms

CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CFK	Christian Friends of Korea
CMEA	Council for Mutual Economic Assistance
CNKHR	Commission on North Korean Human Rights
CRC	Convention on the Rights of a Child
DIA	Defense Intelligence Agency
DMZ	Demilitarized Zone
DPRK	Democratic People's Republic of Korea (North Korea)
DRL	Democracy, Human Rights, and Labor (Bureau)
EU	European Union
FAO	Food and Agricultural Organization
GHI	Global Hunger Index
GRS	Global Resource Services
IAEA	International Atomic Energy Agency
ICBM	Inter-Continental Ballistic Missile
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
KCNA	Korean Central News Agency
KPA	Korean People's Army
KWP	Korean Worker's Party
LFNKR	Life Funds for North Korean Refugees
LWR	Light Water Reactor

NAP	New Agreement Package
NFU	No First Use
NGO	Non-Governmental Organization
NKHRA	North Korea Human Rights Act
NNWS	Non-Nuclear Weapons State
NPT	(Nuclear) Non-Proliferation Treaty
NSC	National Security Council
NWS	Nuclear Weapons State
OECD	(Convention on the) Organization for Economic Cooperation and Development
PDS	Public Distribution System
PRC	People's Republic of China
ROK	Republic of Korea (South Korea)
SEZ	Special Economic Zone
SKV	Sakhalin-Khabarovsk-Vladivostok (Pipeline)
START	Strategic Arms Reduction Treaty
UN	United Nations
UNHCR	United Nations High Commission for Refugees
US	United States
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
WFP	World Food Program
WMD	Weapons of Mass Destruction

Background

Negotiations between the United States and the Democratic People's Republic of Korea have failed. The United States has engaged the DPRK through a multitude of approaches with some success, though they have all ultimately deteriorated due to policy inconsistency and inability to predict and accommodate the DPRK's erratic behavior. In the last decade, particularly with the DPRK's successful development of nuclear weapon capabilities, relations with North Korea have collapsed due to various factors. Many failures can be attributed to US policy inconsistency towards the DPRK, especially during periods of administration change in the United States; these failures, consequently, have been perpetuated by the DPRK's unpredictable reactions. Returning to negotiations through engaging the DPRK regime directly is increasingly important to national and global security as North Korea continues to proliferate.

Each successive US administration change has severely altered the US's approach to North Korea. Resulting US policy inconsistency has weakened the reputation of its commitment and negotiation efforts abroad, particularly with East Asian regional actors: Russia, Japan, the ROK, and China. These participants in the Six-Party Talks had set different expectations and conflicting goals that have led to the breakdown of negotiations; it is time to move beyond these failing deliberations. As the US faces internal policy disagreements over how to approach the North Korean issue, the DPRK continues development of nuclear weapons and the United States is losing the luxury of time. As the DPRK nears completion of missiles that can reach the US, it is crucial to begin negotiations that pursue non-proliferation as a short-term goal over the long-term goal of denuclearization. The denuclearization of the Korean Peninsula, the ultimate goal of the US, the DPRK, and regional actors, will have to begin with non-proliferation.

The appointed National Security Council members under the Bush Administration had self-assumed the lead of policy-making towards North Korea and implemented hardliner measures that have proved to be counterproductive to diplomatic progress previously set forth by the Department of State. This Task Force addresses the importance of establishing a new foundation of policy in which the Department of State is given the lead to pursue a more flexible approach on negotiations with the DPRK towards non-proliferation.

The near sixty-year old rocky relationship between the DPRK and the United States requires a near total overhaul of contradictory policy between administrations that has dominated engagement with the DPRK. Historically, most progress with the DPRK had been through direct dealings between the two nations. Drawing upon lessons learned in the Agreed Framework, the ROK's Sunshine Policy and Six-Party Talks, the Task Force recommends drafting new incentives in the form of a New Agreement Package to improve relations with the DPRK.

Policy Considerations

First and foremost, this Task Force recommends that the United States immediately cease hoping that North Korean regime change will occur. This underlying and informal approach has not only been unsuccessful, but has increasingly alienated the US from South Asian regional allies, as well as China, all of whom are chiefly concerned with regional stability. It is also important to soften hardline threats to the DPRK as a tactic, as threats are not working and alienates the DPRK further. It is crucial that the Department of State assumes the lead on policy-making with the DPRK and the full-time position of North Korea Policy Coordinator is restored.

Collaboration of the NSC & leading Department of State with oversight by the President of the United States has proven incredibly successful in the past. Additionally, encouraging cooperation with regional powers in East Asia through the proposed 2+4 Talks will launch negotiations.

The above suggestions are justified as they draw upon lessons of the past that in turn draft a comprehensive and innovative direction of reform for US policy to take a balanced and rational approach towards the DPRK. This Task Force has concluded: the Sunshine Policy of unconditional aid put forth by the Republic of Korea had experienced some success, however, it was unsustainable. On the opposite end, engaging and continuing Six-Party Talks to avoid a direct relationship with the DPRK has undermined the successes of the Agreed Framework. This Task Force seeks to establish an incremental and innovative policy that encourages a careful balance between contradictory policies. It is also apparent that long-term trust building through negotiations will be a lengthy process that will lead to long-term relations. Implementing future conditions to engage the DPRK directly will pave roads of opportunity. As of now, there is little to gain from continuing to ignore and threaten the DPRK with ambivalent sanctions and equivocating warnings of retaliation.

There is no guarantee of US policy-making success in the future, however, due to current internal factors of economic deterioration within the DPRK, as demonstrated in its annual Joint New Year Editorial 2011, conditions are ripe to appeal to its regime through conditional aid. If the DPRK responds negatively towards US offers or fails to meet conditional expectations, there should be incremental penalties which are proportionate to the offense and the US should make it clear that it will remain committed to positive engagement.

Recommendations

1) Engage the DPRK

It is crucial to engage the DPRK in negotiations with a more assertive focus on diplomacy. It is time to end overtly hostile policies in hopes that the regime will collapse or change; the United States should accept the less than helpful current regime and pursue negotiations. The United States should also consider, accommodate and expect North Korean brinkmanship tactics during future diplomatic negotiations to avoid negative repercussions by North Korean officials. The US should refrain from making inflexible statements such as the demanding “cessation of all nuclear activities” by the DPRK as a precondition to engagement, especially as steps toward non-proliferation is the important goal.

This Task Force also recommends that the US spearhead a multi-lateral interdiction effort to subvert the DPRK’s illicit revenue streams, an effort which would decrease the DPRK’s resources and increase the regime’s need for cooperation, without advocating for regime change. This would include working with regional actors through the 2+4 approach in curbing illegitimate relations with the DPRK; in turn the interdiction would increase inspections, including a larger potential leverage on monitoring nuclear safeguards. Due to severe current economic hardships of the DPRK, its willingness to engage positively with the outside world is a rare opportunity to develop a long-term and diplomatically based relationship.

2) The Department of State Takes the Lead

The US must take steps to create a sustainable, diplomatic apparatus in the form of the restored full-time North Korean Policy Coordinator who will coordinate administration policy on negotiations with the DPRK and facilitate diplomatic terms beyond the customary four years. This would shelter relevant staff and diplomats from short-term political shifts in the US. The

President of the United States should consult with Congressional leaders to create a new process of appointing specialist diplomats in the Department of State, which in turn should insulate the institution from frequent administration changes and subsequent swings in policy.

3) Engage with Regional Powers & Advocate 2+4 Talks

The United States should next move towards increasing cooperative efforts with the PRC, the ROK, Japan and Russia. Expanding US-PRC economic ties could be used to incentivize cooperation from China on issues pertaining to the DPRK, its largest ally. Chinese President Hu emphasized that pursuing this sort of dialogue was not only beneficial to peace, stability, and prosperity of the Asia Pacific region but will also carry positive implications for the world.

It is recommended that the United States pursue a multilateral coalition of support for the 2+4 negotiations approach in order to prevent similar noncompliance from the DPRK regarding the implementation of the New Agreement Package (NAP). Russia, Japan, China, and South Korea should promote adherence to the agreement by acting as signatory witnesses. The Six-Party Talks was a means of the Bush Administration to engage the DPRK indirectly, though conflicting interests of participating countries created a diplomatic gridlock. The 2+4 approach would adopt the previously intended framework of discussing regional interests with a primary focus on bilateral relations between the DPRK and the US.

4) The New Agreement Package

The United States should pursue a new agreement with the DPRK that encourages North Korea's commitment to nuclear nonproliferation. This should be accomplished through two methods: offering short-term incentives to encourage immediate reciprocation while utilizing long-term incentives to stimulate eventual normalization of relations with the DPRK.

This proposal would be a strictly bilateral agreement. First, the United States would deliver a statement of 'No Hostile Intent' towards North Korea, as the DPRK has required this as a stabilizing point for diplomatic relations. Following this, North Korea would rejoin the NPT and abide by all compulsory standards, such as verification by IAEA. Second, the regime would agree to suspend all weapons and ICBM research and plutonium enrichment. The DPRK stated that it would be willing to negotiate the transfer of all unused fuel rods to a third nation after these conditions have been met, thus eliminating a potential source of plutonium. Finally, any facilities currently or formerly related to the production or use of plutonium would be permanently dismantled. Uranium may be enriched for peaceful purposes and energy, but should not be permitted to proliferate to weapon grade capabilities.

In return, the United States would pledge to support both financially and technically the construction of either the new Light Water Reactor facilities or assist with the DPRK's current project of such a facility. A package of sustainable agricultural aid and steps to increase foreign investment in the DPRK's Special Economic Zones (SEZs) should also be offered as incentives for DPRK steps towards denuclearization. In short, conditional aid would be offered in exchange for the DPRK's permanent suspension of its plutonium production, as well as the cessation of ICBM, nuclear weapons testing, and the DPRK's rejoining of the NPT. This approach is especially attractive because it would provide a proactive measure in the nuclear issue while simultaneously fostering a stronger diplomatic relationship between both nations.

Rethinking US Policy Towards North Korea: Introduction

Marcus Foster

Concerns over the conduct of the Democratic People's Republic of Korea (DPRK) have been one of the most vexing problems facing US policymakers for the last six decades. Over years, the threat of war with the DPRK, human rights abuses, the threat of regime collapse, and the development of nuclear weapons have forced the US to confront a belligerent regime which it does not understand sufficiently and whose actions it can rarely predict.

Since the Korean War ended in 1953 with an armistice, but no peace treaty, the United States has had to contend with a nationalistic and closed society which claims to be the legitimate government of the Korean peninsula while supporting its allies in the Republic of Korea (ROK). This balancing act has resulted in often unfruitful talks and dead ends. The US has sought to prevent another Korean war and to prevent North Korea from gaining nuclear weapons.

A key weakness of US policy has been inconsistency. The Clinton administration came closest to achieving a comprehensive solution with the Agreed Framework of 1994 which sought to curb North Korea's nuclear ambitions while providing help for peaceful nuclear development along with provision of conventional energy sources. When President Bush took office, his administration took a tougher stance in its dealing with the DPRK, and the Agreed Framework broke down. North Korea took advantage of the breakdown and resumed nuclear development resulting in its first nuclear explosion in 2006. Along with formidable conventional forces arrayed along the DMZ with artillery pointed at Seoul, nuclear devices that may soon be weaponized, existing Nodong missiles that can deliver a conventional warhead on land or sea,

and possible development of a multi-stage rocket that may soon be capable of delivering a nuclear warhead to the US, it has never been more important to formulate a comprehensive and feasible policy for containing the threat the DPRK poses to the US and its allies.

This Task Force undertakes an ambitious project. In it, the authors seek to address an incredibly complex and rapidly changing issue. This Task Force recognizes that many solutions have been proposed and tried, with varying success. What worked in 1994 may be entirely ineffective today because of rapidly changing conditions including the proven existence of actual nuclear devices. Nevertheless, this Task Force argues that the past has taught valuable lessons that can still be applied to a possible solution. By addressing the failures and successes of past policies while proposing common sense new ideas, the authors maintain that tensions can be reduced and that the DPRK can be induced to give up its nuclear program. Both the Clinton and Bush administrations proposed and enacted policies toward North Korea. The Obama administration has yet to make serious, comprehensive moves in this problem. While it is important to prioritize foreign policy initiatives, this Task Force contends that US policy towards North Korea cannot be ignored. This Force argues that the recommendations in this report constitute the best chance of achieving a comprehensive solution to the problems the DPRK poses.

Themes of Recommendations

Any proposed solution necessarily must be all-encompassing if it is to meet US national security objectives laid out in the 2010 United States National Security Strategy document. In very general terms, this document spells out a policy of engagement with many partners (cooperative and not) to achieve global security and protect the global order of trade and peace

for all peoples Because DPRK actions pose a broad threat to these goals, it is imperative that a solution be very broad based. Accordingly, this Task Force seeks to address many issues in a comprehensive and coherent manner. This Task Force maintains that the greatest threat is the continued development of nuclear weapons and delivery systems by the DPRK. Future policy should focus on the nuclear issue but recognize the importance of human rights and the concerns of various allies. For example, the authors examine realistic ways of cutting off illicit money sources for the DPRK and encourage them to move toward international trade. This paper primarily addresses ways to deal with the nuclear issue. This Task Force also address issues of economics, human rights, conventional military capabilities, incentives packages, and the advisability of pressuring a collapse of the DPRK government. In any such endeavor, one runs the risk of not seeing the forest for the trees. By identifying a number of key issues, assigning relative importance to each then studying each in detail, this Task Force hopes to circumvent this problem. In studying this problem, a number of very specific problems with past US policy have been identified. This Task Force seeks to redress these problems with specific policy proposals. A few themes emerge within the recommendations. These are:

- Consistency in US policy and personnel.
- Incentives and sanctions.
- DPRK involvement in the world community.
- Engagement with US allies on common concerns.

One of the major problems with US foreign policy in general and North Korean policy in particular has been a lack of consistent policy and continuity in personnel. Nowhere was this

problem more prominent than in the transition between the policies of Bill Clinton and George W. Bush administrations. Conciliatory and more dovish policies under the Clinton administration gave way to a hard-line approach by Bush following his “Axis of Evil” speech in 2002. Many of the key provisions and assumptions of the Agreed Framework were reversed or ignored by Bush administration officials. By installing many new negotiators and harder line policies, US interests were harmed as North Korea did not know how to react and feared US aggression. As described in detail below, approaching foreign relations problems is much more difficult when policymakers change with every electoral shift in the US. Philosophies and strategies change rapidly, hindering progress and confusing. For example, a top-level diplomat to Korea named Charles Pritchard accused Bush administration officials of being insufficiently familiar with North Korea to be effective; Pritchard argues that early in the Bush Administrations’ tenure, many diplomats were picked more for ideological reasons than for expertise.¹

When diplomats do not have time to build the knowledge and relationships necessary for strong diplomacy, policy success is far less likely. An illuminating comparison with the practice of Norwegian diplomacy highlights this problem. Political scientist Ann Kelleher points out that Norwegian participants in negotiations often work for many years in the same positions and so gain the experience and trust to work effectively.² Even electoral shifts in Norway do not affect policy and personnel in conflict resolution situations as they do in the US. In the Norwegian sponsored Sudan peace process, for example, a team of highly experienced and trusted diplomats had strong connections with local officials and worked for years to create an enduring peace. The same consistency is needed in US policy. In the following pages, the theme of consistency in

¹ Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Washington, D.C.: Brookings Institution Press, 2007).

² Ann Kelleher, "A Small State's Multiple-level Approach to Peace-making: Norway's Role in Achieving Sudan's Comprehensive Peace Agreement," *Civil Wars*, no. 3-6, vol. 8 (2006): 289.

policy and personnel runs strong. Laying out short and long term plans, and sticking to them is essential if the US is to solve the myriad problems facing US-Korean relations. This Task Force maintains a solution to this problem is the proposal for a bipartisan working group which will address Korean issues over many years and so gain the necessary trust and experience to push for US interests. In addition, this Task Force suggests a number of policies of varying timescales.

This Task Force recognizes that both long and short term solutions are needed, the solution is to set in motion a long-term process rather than keep focusing on short-term results. By laying out a durable schedule of specific steps including incentives for certain actions, both the DPRK and others will know the effect of specific actions. By this consistency, the US can solve the issue of trust which affected relations under the Bush administration. As North Korea publicly declared, it was unclear whether the US would act aggressively in response to provocation. The theory was that this would hinder DPRK aggression. In reality, it pushed the North to become more insular and gave some credence to their justification for building nuclear weapons. By clearly laying out how the US will respond to specific actions, this kind of brinkmanship can be avoided. Another important theme concerns the relative importance of sanctions and incentives.

This Task Force contends that both an overly dovish and an overly hawkish view are ineffective when it comes to realistic solutions. A balance is needed which assures the DPRK that certain actions will have detrimental consequences and others will bring rewards. A carrot and stick approach is a tried and true method for effecting change, and one that should be applied to the DPRK. As seen under the Bush administration after 2002, solely relying on sanctions and considering negotiation as a bargaining chip only served to harden the DPRK's position. This theory rested on the belief that the DPRK would collapse under the pressure. This Task Force

argues that this assumption and strategy were ineffective and should be reversed. This Task Force's analysis suggests that the North is unlikely to collapse quickly and so should be engaged as a long-term entity. In the short term, it is proposed using incentives like a letter of non-aggression to bring the North to the table in hopes of bringing them to the table on the Nuclear Non-Proliferation Treaty. In return for concessions on their nuclear program the US will offer economic incentives. Through a slow process of negotiations, it is hoped to encourage the DPRK to engage in the world community. This theme of North Korean engagement in the world relies on the belief that, over time, the DPRK will see the advantages of trade and participation in global institutions. By no means will this be a short process, it will take years of dedicated work and consistent application of the recommended policies.

To bolster this, in the short term this Task Force recommends working with US allies to interdict and disrupt illegal money and goods going into and out of the DPRK. By slowing illegal trade the US can prevent diffusion of nuclear technology as well as weaken the DPRK's ability to function outside of formal systems, thereby pressuring them to engage in the world community.

The final theme in this Task Force's recommendations is that of multilateral engagement with US partners. The past has shown that rejecting negotiations altogether does not work. This Task Force maintains that working with allies and others should go hand in hand with bilateral discussions with the DPRK. This Task Force proposes the creation of a "2+4" structure for negotiations. Hosted by China, the US will negotiate with North Korea. Russia, China, Japan and South Korea will act as witnesses but have less involvement in negotiations than they did in the six-party talks. The DPRK has long stated a desire for bilateral talks with the United States, and

this Task Force maintains that a long-term bilateral forum supported by the four other powers will allow for productive negotiations.

US Interests

Now that the Task Force has presented general themes with which to approach the Korean issue, the authors will turn to specific US interests, and a brief discussion of how this Task Force's recommendations promote these interests. This document breaks down into six individual sections. These sections are not chronological, but more issue based. Their placement does not demonstrate the relative value placed on each, but tells a narrative that the authors feel best presents the case for a group of new policies.

The first section is about theme one presented above. As mentioned above, this is an important theme for US policy change. The 2010 National Security Strategy states that "In the past, the United States has thrived when both the nation and its national security policy have adapted to shape change instead of being shaped by it."³ Policy should be proactive. When the US continues to replace diplomats and policies, policy is *reactive*. This paper proposes a number of changes to improve policy consistency, including the creation of a bipartisan working group tasked with solving Korea issues. This will help to achieve another goal laid out in the National Security Strategy: "We are also improving coordinated planning and policymaking and must build our capacity in key areas where we fall short. This requires close cooperation with Congress and a deliberate and inclusive interagency process, so that we achieve integration of its efforts to implement and monitor operations, policies, and strategies." The paper sets a strategic stage for many of the more specific recommendations that follow. This Task Force begins with analysis of the domestic situation inside North Korea.

³ The White House, *National Security Strategy 2010* (Washington, DC, 2010), 9.

In a series of three papers, this Task Force discusses the politics, military and economics of the DPRK. This section addresses the conventional military threat posed by the North, along with a discussion of the various power groups inside the DPRK and how they receive their funding. A primary interest area is the discussion of how best to understand the power politics at play in the North. This Task Force recommends an approach which examines how power is distributed rather than the overly-simplistic view that Kim Jong Il runs everything. By better understanding how DPRK politics really work, the better the DPRK's actions can be predicted, and thus respond more coherently. Additionally, this section addresses the illegal revenue sources of the DPRK and ways to hinder them. The authors feel that this can help meet another important goal of the National Security Strategy. In a rare case of identifying countries by name, the Strategy says "If North Korea eliminates its nuclear weapons program, and Iran meets its international obligations on its nuclear program, they will be able to proceed on a path to greater political and economic integration with the international community. If they ignore their international obligations, we will pursue multiple means to increase their isolation and bring them into compliance with international nonproliferation norms."⁴ Another important domestic issue addressed is taken up by the next section on Human Rights.

As noted above, Human Rights promotion is important to US national interests but not as important as the nuclear issue. The next section addresses how the DPRK does not meet international norms and laws on human rights and discusses ways of helping the people of North Korea while simultaneously ensuring that aid goes to the people that need it most. The National Security Strategy states "The United States supports the expansion of democracy and human rights abroad because governments that respect these values are more just, peaceful, and legitimate. We also do so because their success abroad fosters an environment that supports

⁴ Ibid., 23-24.

America's national interests. Political systems that protect universal rights are ultimately more stable, successful, and secure.”⁵ The authors of this Task Force believe in these principles. Accordingly, it is recommended continuing aid, but distinguishing between unsuccessful and successful models of aid. For example, this Task Force recommends the unconditional provision of food aid, but other types of aid should be dependent on compliance with US and international agreements. This Task Force also discusses the issue of refugees from the DPRK who the Chinese government currently repatriates to North Korea where they are often imprisoned, tortured and killed. It is recommended to work with China and others on ways to improve the lives of refugees. Issues of Human Rights give way to the more pressing issues of denuclearization.

The next section is a more theoretical analysis of the past and future of incentives and sanctions. This Task Force argues that too much of either is ineffective and so propose the use of both. This is in accordance with the National Security Strategy's stance that “Nations must have incentives to behave responsibly, or be isolated when they do not.”⁶ This Task Force maintains that to reach the goal of bringing the DPRK into compliance with the Non-Proliferation Treaty, both incentives and sanctions are needed. This Task Force hopes to support the explicit claim of the NPT reflected in the Strategy: “The basic bargain of the NPT is sound: countries with nuclear weapons will move toward disarmament; countries without nuclear weapons will forsake them; and all countries can access peaceful nuclear energy. To strengthen the NPT, we will seek more resources and authority for international inspections.”⁷ This Task Force also hopes that in the long run, it will be clear to North Korea that engagement in the international community will benefit them as well as the US and its allies. The final paper draws together the preceding

⁵ Ibid., 37.

⁶ Ibid., 12

⁷ Ibid., 23

analysis into a discussion of negotiation strategy called the “two plus four” approach of engaging bilaterally with the DPRK while working with the other interested powers. This Task Force feel that this system has the greatest chance of correcting past problems and moving towards a comprehensive agreement.

Notes on Structure

This document was written by a group of 18 students, and is a collection of their efforts. The authors sought to arrange it in a way which best conveys the Task Force’s recommendations. Topics covered range from military to economic to political. Nevertheless, a common format generally is used for each section. This consists of:

1. Issue- A brief overview of what the paper will discuss
2. Background- Pertinent history of policies and actions
3. Interests- Why the topic is important to the US
4. Options- Discussion and analysis of policy options
5. Recommendations- What policy steps should be taken

Each of these papers is independent but flows toward the common goals listed above. The end of this document contains a list of the proposed changes to United States policy.

US Inconsistency: Findings and Recommendations

Ai Nakamura

Issue

The recent emergence of transnational challenges on the Korean Peninsula demonstrates the dire need for the United States to reformulate policy in this region. In the past this delicate situation has not experienced positive relations or diplomacy; this is not only due to actions taken by North Korea, but also US policy inconsistency. Over the last decade, inconsistencies in US foreign policy towards North Korea has hampered negotiations and proven counterproductive to issues of enduring national interest.⁸

Fundamental differences in ideology and diplomatic tactics between various US administrations have resulted in a confusing narrative of our approach toward North Korea.⁹ The frequent changes of diplomats such as William J. Perry and Christopher Hill and swing between hard-liner and soft-liner policy conveys a lack of commitment toward long-term and consistent diplomacy to the vulnerable situation in North Korea.¹⁰ All these factors contribute to a situation in which policy making is increasingly difficult and results in inconsistency, loss of US commitment, and loss of credibility abroad. Findings show that three factors; inter-administration inconsistency, diplomatic personnel inconsistency, and policy implementation inconsistency are in need of change to pursue successful diplomacy with North Korea. In light of these factors, this Task Force strongly recommends internal changes to create a more consistent

⁸ Mike Chinoy, *Meltdown: The inside story of the North Korean Nuclear Crisis* (New York: St. Martin's Press, 2008), 97.

⁹ *Ibid.*, 60-63.

¹⁰ *Ibid.*, 226-279.

form of diplomatic engagement by appointing bipartisan diplomats motivated by a common purpose, common interest and shared values to promote US interests. This Task Force also recognizes the need to work with other players in the region to achieve consistent policy objectives.

Background

Assessment of the US Administration Inconsistency

United States inconsistency resulting from administration changes severely undermines the ability to effectively negotiate with North Korea. History shows the patterns of divergent US policies towards North Korea during administration change, resulting in the transient implementation of foreign policies, preventing cohesive progress and improvement of previous agreements.¹¹ An example of such inconsistencies can be seen in North Korea's nuclear programs during the Clinton administration and George W. Bush's administration.

Between 1994 and 2000, despite tensions between democrats and republicans in Congress, both sides reached consensus on two important agreements concerning denuclearization under the Clinton administration.¹² The Agreed Framework signed on October 21, 1994 normalized relations between the US and North Korea and resulted in both bilateral and multilateral talks towards the positive goal of denuclearization.¹³ Policy direction was altered and these positive signs quickly disappeared after the inauguration of George W. Bush in 2001. The Bush Administration, specifically the newly appointed National Security Council, redirected policy toward North Korea from engagement to containment. Consequently, the new

¹¹ Ibid., 372-381.

¹² Stephan Haggard and Marcus Noland, "Sanctioning North Korea: The Political Economy of Denuclearization and Proliferation," *Asian Survey*, no. 3 (2010): 556.

¹³ Jong Park and Kentaro Hirose, "Does Domestic Polarization Affect the Credibility of International Commitment?" *Google Scholar*, http://scholar.google.com/scholar?hl=en&q=negotiating+with+north+korea+1992-2007&btnG=Search&as_sdt=0%2C48&as_ylo=&as_vis=0

administration managed to scuttle the enforcement of several agreements, including the Agreed Framework.¹⁴ Negotiations and safeguards put in place by the Department of State were replaced by “axis-of-evil” rhetoric and a hawkish approach from the NSC. This came in direct contradiction to the previous administration and prevented further progress in tension reduction.

Increasing partisan polarization of foreign policy seen in the Bush Administration affected our ability to make credible commitment in international bargaining with North Korea. Recently, scholars and experts have accused partisan polarization of causing devastating effects on foreign policy, provoking a “structural change”¹⁵ of US foreign policy making.¹⁶ In addition to this, partisan polarization evoked hostility within Congress and negatively impacted our ability to make consistent narrative of policy; the redirection of foreign policy from engagement to containment, the denunciation of North Korea as part of the “Axis of Evil” demonstrated inconsistency in our relations toward North Korea and failed to show credible commitments in international negotiations.¹⁷ Today, the structural change continues to affect efforts within the Obama Administration and impedes our progress in the six-party talks.¹⁸

This Task Force concludes that lack of agreement between the Obama Administration and North Korea during 2008-2011 was caused by the major change in US foreign policy in the preceding administration. Indeed, the structure today negatively impacts the bargaining stage and is compromising our reputation, international credibility, and likelihood of continued negotiations and future bargaining success in North Korea. The hostility between our two political parties affects our ability to come to consensus domestically. We are confident that to make negotiations with North Korea more effective, it requires avoiding of this partisan

¹⁴ Ed Shin, “US Diplomacy with North Korea During the Bush Administration,” *Google Scholar*, www.princeton.edu/research/cases/Shin4-09.pdf

¹⁵ Charles A. Kupchan and Trubowitz L. Peter, “Dead Center: The Demise of Liberal Internationalism in the United States,” *International Security*, no. 32 (2007): 7 - 44.

¹⁶ Robert Shapiro and Bloch-Elkon Yaeli, “Partisan Conflict, Public Opinion, and US Foreign Policy,” (Working paper, Columbia University, 2005).

¹⁷ Chinoy, 60-63.

¹⁸ Park and Kentaro.

polarization and for current and future administrations to take into account the successful precedents set by previous policies and stay consistent with policies.

Assessment of the US Diplomatic Inconsistency

Another factor that demonstrates our inconsistency is the partisan nature of our diplomats and short-term assignments. While inter-administration inconsistency affected our policy directions, the short-term nature of our diplomats hinders consistent and long lasting relationships that are gained with North Korea, The Task Force proposes that in pursuing further relations with North Korea, diplomats involved must be bipartisan and their terms to be sustainable through presidential transaction. Examples of diplomats that require this action are members of the State Department, especially the North Korea Policy Coordinator.

North Korea Policy Coordinator

Analysis of a former North Korean Coordinator suggested that the United States would be more effective in negotiating with North Korea by establishing a more long-term and mediating position. William J. Perry, the former Secretary of Defense, was appointed in 1998 by Clinton, in an attempt to give high-level attention to policy regarding North Korea during when engagement policy was under attack by conservatives in Congress and the media. Though he had a significant part in coordinating effective US policies between Japan, South Korea, and China, his term ended in 2000.¹⁹

Charles Prichard was another special envoy appointed to head negotiations. He advocated a balance of conditional “carrots and sticks” toward North Korea. Frustrated with the direction and ideological differences of the Bush Administration, he resigned from his position in 2003;

¹⁹ Michael Dutra and Gaurav Kampani, "CNS - The Forthcoming Perry Report," *James Martin Center for Nonproliferation Studies* (1999).

days before the six-party talks started.²⁰ Christopher Hill was then appointed as US ambassador to Korea from 2004 to 2005, the 25th Assistant Secretary of State to East Asia and Pacific Affairs and the head of the US negotiation team for the six-party talks with North Korea from 2005 to 2009.²¹ While his qualification and success leading six-party talk amounted for a longer term, at the change of administration in 2009, his position was brought to an end.²²

During administration change, it is normal to see changes in the position of Coordinator. Those involved in negotiation with North Korea, including Secretary of State, North Korea Policy Coordinator, and Assistant Secretary of East Asian and Pacific Affairs are appointed by the president and therefore had always been short-term. Setbacks in our negotiations are a direct result of partisan differences and short-term involvement; the role of Policy Coordinator cannot fully conduct his/her role effectively.²³

The responsibilities of coordinator, including examining North Korean policy, submitting a report on investigations, and serving the President and Secretary of State as special advisor of North Korea cannot be made effective with both ideological and time limitations at hand. The role also involves duties such as conducting interagency review of US policy toward North Korea, consulting with foreign governments regarding denuclearization of the Korean peninsula, providing policy direction and leadership of negotiations with North Korea in all respects.²⁴ Replacing officials so often is extremely costly to the United States.

Currently, our representative coordinator is Stephen Bosworth. However, his role is purely a part time position, as this role has been downgraded and split among several different

²⁰ Charles L. Prichard, *Failed diplomacy: the tragic story of how North Korea got the bomb* (Washington D.C.: Brookings Institution, 2007), 4.

²¹ Hyun Min Park, "Assistant Secretary Hill May Visit Pyongyang As North Korea Coordinator," *Daily NK*, <http://www.dailynk.com/english/read.php?catald=nk00100&num=1397> (accessed Feb. 6, 2011).

²² Ronda Hauben, "US Policy Toward North Korea Fails to Engage," *Ohmy News*, http://english.ohmynews.com/articleview/article_view.asp?no=385338&rel_no=1 (accessed Feb. 6, 2011).

²³ *Ibid.*

²⁴ "Bill Summary & Status - 109th Congress (2005 - 2006) - H.R.5122," *Library of Congress: Thomas*, <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:H.R.5122>: (accessed Feb. 7, 2011).

officials.²⁵ This position designed to negotiate with North Korea is now appointed to lower administrative levels, is split among several people, and has subsequently lost its ability to counter the infighting of domestic politics. A better alternative, and the one this Task Force recommends, is restoration of the former position of “North Korean Policy Coordinator,” with a role sustainable through presidential transition, bipartisan, and long-term commitment. We have devised this strategy in close consultation with scholars, critics and experts.²⁶ It is important to make contributions to restoring this position that has already proven effective for future negotiations.

The Task Force, therefore, concludes that the urgent focus of US policy towards North Korea must be to end its inconsistency in its diplomatic dealings. As the United States faces the task of security and stability through denuclearization, any US policy towards North Korea must be formulated with cohesive, constant and long-term narrative.

Assessment of the US implementation inconsistency

Another factor of US inconsistency are previous implementation of agreements. Historically, US policies assumed a DPRK collapse. This, in turn, perpetuated a lack of commitment to deal with the DPRK on a level field. While unpredictable North Korean foreign policy and tactics devised to deter negotiation are noted and recognized, the US should carefully examine its methods to maintain consistency. These points will be further addressed in latter chapters.

²⁵ Hauben.

²⁶ Park.

US Interests and Options

It is in our interest to establish fruitful, long term and consistent diplomatic ties with East Asia and North Korea in particular -- It is imperative to normalize relations. In recent years, North Korea's nuclear capabilities have understandably become the prominent issue of enduring national interest. In order to demonstrate our commitment to security and regional stability, we must recognize the importance of being consistent in our approach as well as to cooperate with our allies in the East Asia. In doing so, we recognize the importance of rebuilding credibility by recognizing our allies' demands.

More specifically, we believe that South Korea plays a vital role in negotiation with the North Korea. As the US heads to a new direction in our negotiation with North Korea, we must realign with our allies and make efforts to reduce hostility before we proceeding with our interest.

Recommendations

In the context of the recommendations above, the Task Force offers the following two key policy recommendations:

This Task Force stresses the importance of establishing a long-term, politically balanced envoy position concerned with North Korea. More specifically, this recommendation calls for the approval of restoring the former position of "North Korean Policy Coordinator" to manage DPRK relations and act as the primary actor in all engagements with the DPRK. With that said, this position is to be restored in its former entirety, in addition to the following conditions; the position must be extended beyond presidential appointment at four-year intervals. This position should also be appointed internally by a senior member of the East Asian Bureau committee

within the Department of State to avoid former tendencies toward partisanship; however, the president and the NSC should be allowed to nominate and approve the new envoy. Restoring this position is essential to conveying US commitment to normalizing relations with the DPRK on a long-term basis. The Secretary of State, Special Representative for North Korean Policy, Assistant Secretary of East Asian and Pacific Affairs should aid restoration of the North Korean Policy Coordinator position and all of these envoys should commit to consult regularly on incrementally updating DPRK policy, as it is an ongoing and fluctuating process.

When choosing the North Korean Policy Coordinator, it is crucial to appoint an emissary of “high social status”; appointing a delegate of high international and domestic status is favorable to the face value and respectability system that the DPRK closely abides by. It is recommended that the current part-time “Special Representative for North Korea Policy” Stephen W Bosworth continue his present position that would remain of lower status than that of the restored Coordinator, and does not receive a promotion to the restored position of the “North Korean Policy Coordinator.” Bosworth is a retired diplomat carrying deanship of the Fletcher School at Tufts University. Currently, his background is neither suitable nor strong enough in Korean studies to assume the full-time, long-term engagement with the DPRK. A full-time, level headed and highly influential diplomat should be promoted internally from within the Department of State; a qualified candidate would be a specialist in North Korea, speak Korean fluently, and convey a driving commitment to engaging the DPRK on an equal footing on a long-term basis.

The United States must transition and return nearly all authority over DPRK engagement from the Presidential National Security Council to the Department of State. The NSC, the President’s principal forum for national security and foreign policy affairs, carries a tendency to promote incredibly bipolarized ideals of engagement that may continue to be perceived as hostile

by the DPRK. These circumstances have so far severely hindered the progress of positive engagements with the DPRK and have already undermined the US' reputable commitment to stability and peace with North Korea. In order to successfully negotiate with the DPRK, authority should largely be left to the Department of State and stem from a background of diplomacy with undertones, not overtones, of national security. The NSC should be able to join and influence the proposed consultation meetings set forth in recommendation 1 between the Secretary of State, Special Representative for North Korean Policy, Assistant Secretary of East Asian and Pacific Affairs and North Korean Policy Coordinator.

If transition of authority to the Department of State proves impossible due to overarching national security concerns, is absolutely crucial to for the NSC to allow the restored North Korean Policy Coordinator to attend and consult with the NSC. The NSC should not carry absolute precedence of policy making and engagement towards DPRK without carefully drawing upon and considering recommendations of the Special Representative for North Korean Policy, Assistant Secretary of East Asian and Pacific Affairs and North Korean Policy Coordinator.

Regime Survivability: Introduction

US policy regarding the DPRK has been inconsistent often contradictory, failures that have prevented the US from achieving its regional policy goals. This section will attempt to provide a better understanding of the DPRK's internal structures and how these institutions restrict its foreign policy and international relations. It will examine the regime's inner workings and durability in order to understand how the US can gain North Korean trust and cooperation, negotiate more effectively, and create realistic policies in pursuance of national interests.

This section will begin with a discussion of the DPRK's internal politics and ideology, addressing the ways in which domestic factors affect the DPRK's foreign policy. The Kim regime has utilized nationalism, isolationism, and a "military first" policy in order to justify its authority. This ideology has created restrictions on the DPRK's ability to negotiate and cooperate with foreign powers. However, US policy has tended to view the DPRK's hostile actions as isolated incidents rather than symptoms of a dysfunctional political system that requires such aggression in order to maintain its legitimacy and authority. Through examining how the current regime creates policy and legitimizes its authority, this paper will propose several recommendations that will allow the US to work with the DPRK without overtly undermining its current regime.

The next paper will address the military capabilities of the North Korean People's Army, which make up a large portion of the DPRK's projected image in the world and is an ever-present factor in any of its negotiations and relations with others. The nuclear issue aside, the DPRK has one of the largest militaries in the world in terms of numbers, and possesses significant conventional weaponry. Although it lags behind the ROK in terms of technology and capabilities, the DPRK uses the military strength it does have as a political bargaining chip, one

that has significant implications for US national security and must be recognized and dealt with in future US policy.

The last section investigates the DPRK's economy and how, primarily through illicit enterprises, the regime is able to not only stay in power, but also to fund a nuclear weapons program and the world's fourth largest army. This section focuses on the several black-market enterprises and shell companies critical to the regime's survival as well as the office in the North Korean government that oversees these ventures.

Through these discussions we hope to create a comprehensive picture of how the DPRK functions and how its internal structures impact its interactions with the global community, particularly the United States. Understanding these factors will allow the US to create more effective and realistic policy and successfully promote its regional interests.

Politics, Ideology, and Legitimacy within the DPRK

Leslie Edwards

Issue

This chapter will identify the key players in the DPRK's internal decision-making processes, examine how these processes function and ways in which the regime legitimizes itself, before moving on to address what these domestic political factors mean for the impending transfer of power from Kim Jong Il to his successor. This analysis will demonstrate that, in order to achieve regional goals through cooperation with the DPRK, the United States must adopt consistent policies which allow the DPRK to cooperate with the United States without blatantly undermining its internal legitimization mechanisms. Gaining North Korean compliance with international policy and regulations will require the United States to understand and work around the limits of the DPRK's domestic politics, internal political mechanisms and the ways in which the regime legitimizes itself. The DPRK is currently undergoing economic and political transformations that will make it more amenable to US goals such as denuclearization and global economic integration. This chapter will identify the ways in which the US can help transform the current regime without overturning it entirely, and argue that survival of the DPRK's current regime is in the US's best interests.

Background

Political Structure

Although some degree of mystery still surrounds the internal political workings of the DPRK, it is both possible and necessary to understand many key aspects of its domestic political

structures. Understanding these internal power structures and decision-making mechanisms will allow the United States to more effectively negotiate and to better predict and react to the DPRK's actions, abilities that are becoming increasingly important as the DPRK develops its nuclear capabilities.

While there is some disagreement regarding classification of the DPRK's political structures, it can best be understood as a post-totalitarian state in which authority remains concentrated in Kim Jong Il, but in which some internal debate and independent institutional action are tolerated.²⁷ The following section will discuss Kim Jong Il and the political institutions that contribute to his policy decisions, examining the implications this context has for US interactions with the DPRK.

Kim Jong Il

In 1994, Kim Jong Il replaced Kim Il Sung as the DPRK's supreme leader, successfully taking over his father's role despite numerous challenges to his authority and a great deal of international uncertainty regarding the nation's future. After years of preparing to succeed his father, he officially took power during a time of intense domestic and international pressure. While a famine at home caused widespread starvation, the Soviet Union, North Korea's long-time ally and a major aid contributor, collapsed, restructured, established diplomatic relations with South Korea and ceased to offer the DPRK unconditional economic aid, moves which dealt the DPRK both economic and diplomatic blows and severely undermined its international stature.²⁸ These two events combined to foster widespread domestic unrest, weakening the DPRK's command economy and creating a flood of North Korean refugees into South Korea and

²⁷ Patrick McEachern, *Inside the Red Box: North Korea's Post-Totalitarian Politics* (New York: Columbia University Press, 2010), 2.

²⁸ Meredith Jung-en Woo, "North Korea in 2005: Making Profit to Save Socialism," *Asian Survey* 46, no. 1 (2006): 5.

China as citizens struggled to support themselves and their families without help from the government.²⁹ In short, Kim Jong Il faced a crisis unlike any his father had ever experienced.

Although devastating to his people, the reclusive Kim used this period of crisis as a convenient opportunity to restructure the DPRK politically to suit his own leadership strengths and to consolidate his still-tenuous control of the nation and its various institutions. Whereas his father was extremely charismatic, able to enforce his policy decisions through sheer force of personality, Kim Jong Il was much more suited to behind-the-scenes management.³⁰ His decision to shift to a 'military first' policy soon after his father's death therefore not only shifted focus away from his regime's economic and ideological failures; it also restructured the DPRK in a manner favorable to Kim's personality and leadership style by moving emphasis away from his inability to act as a passionate ideologue.

Though Kim Jong Il remains the state's supreme authority, he has adopted a distinctly different leadership style from that of his father. Under Kim Il Sung, the DPRK was a purely totalitarian state in which Kim Il Sung enjoyed absolute authority over all components of the nation, including party ideology, the military, the state, and foreign relations. Little or no internal debate was tolerated; all policy was derived from party ideology, as interpreted by Kim. However, in the years following Kim Il Sung's death, circumstances have necessitated a shifting leadership style that allows institutions to contribute their own knowledge and perspectives to internal policy debates. Kim Jong Il has shown himself to be intent on maintaining his own power, but within this framework he is willing to be pragmatic and flexible when it does not directly undermine his own legitimacy.³¹

²⁹ Michael Robinson, *Korea's Twentieth-Century Odyssey: A Short History* (Honolulu: University of Hawai'i Press, 2007).

³⁰ Andrew Scobell, *Kim Jong Il and North Korea: The Leader and the System* (Strategic Studies Institute, 2006), 16.

³¹ Jae-Cheon Lim, *Kim Jong Il's Leadership of North Korea* (New York: Routledge, 2009), 16.

Today, Kim Jong Il maintains the absolute authority of his father while allowing internal debates to help shape and inform his policy decisions, often allowing practicality to guide his actions rather than official ideology. Far from the uninformed despot many have assumed him to be, Kim is very actively engaged in ruling the DPRK, and has had tremendous success in consolidating his own power and ensuring the DPRK's survival through many domestic and international hardships. Although he does not command the respect that his father continues to receive even years after his death, Kim Jong Il has taken a very effective backstage approach to leadership, actively micromanaging and overseeing many key aspects of the DPRK. He has created a vertical institutional structure which ensures that he is the only individual familiar with all aspects of the DPRK's internal policies and that inter-institutional communication will not undermine his control of these organizations. This centralized structure makes it clear that, while institutions seem to be gaining power, Kim Jong Il remains the DPRK's most important source of policy, at least for the time being.³²

Internal Factions

Power has become more diffuse following Kim Il Sung's death, and now some power is exercised by three main institutions; the party (KWA), the military (KPA), and the state, all of which now contribute to internal debate and decision-making processes within the DPRK.³³ It is important to note, however, that although it is difficult to know with any degree of certainty the motivations for allowing such public dissent, increasing the debate permitted between these institutions is not necessarily representative of an unavoidable decline in Kim's power. It is possible that this limited debate is merely a method of obtaining a variety of policy

³² Ibid., 143-145.

³³ McEachern, 2.

recommendations, and for shifting blame for failed policy away from Kim and onto the institutions in which it originated. While the power exercised by these institutions has appeared to increase in recent years, these groups remain entirely subordinate to Kim Jong Il's authority. One must also note that these are not the only institutions within the DPRK. Other institutions, such as the judiciary system and the security apparatus, do not appear to contribute to internal policy debates in any meaningful way, and thus have no impact on United States interests and need not be included in this discussion.³⁴

Until 1994, Kim Il Sung strongly favored the Korean Worker's Party (KWP), the institution responsible for ideological work, primarily the articulation and enforcement of the DPRK's unique socialist ideology. After Kim Jong Il took power, however, the role of the KWP quickly shifted as it became increasingly clear that policy based purely on ideology was unsustainable, and often directly harmful to the DPRK's economic and political goals. In particular, the weakening of the information cordon as citizens fled the hardships of the famine made it difficult for the regime to continue preaching its utopian predictions regarding the nation's future.³⁵ Kim Jong Il has thus taken a more pragmatic approach to governing which has lessened the influence of the party, and although ideology is by no means irrelevant, the party is no longer an all-encompassing body to which all other institutions must turn for guidance.³⁶ It is possible that this lessening of party influence is indicative of Kim Jong Il's struggle to gain control over an inefficient institution entirely dedicated to promoting his father's policies, and that ideology will regain its former importance once Kim Jong Il has gained complete control over this institution. Additionally, in the past two years the party has appeared to regain some of its former power, supporting this viewpoint but also suggesting that Kim may feel a need for

³⁴ Ibid., 93-94.

³⁵ Ibid., 75.

³⁶ Sung Chull Kim, *North Korea Under Kim Jong Il: From Consolidation to Systemic Dissonance* (Albany: State University of New York Press, 2006), 94.

additional sources of legitimacy. This apparent shift toward ideology may indicate a broader strategic shift; however, it is not yet clear how much power Kim Jong Il will allow the party to regain, and to what degree this recent trend is simply a tool to further legitimize his own power.

The institution with the most political clout under Kim Jong Il is the military, formally known as the Korean People's Army (KPA). Under Kim Il Sung, the KPA was subordinate to party ideology; the KPA exercised no independent authority and had no role in internal policy debates. In recent years, however, the military has appeared to demonstrate an increased ability to participate in national policy debates and undertake independent actions without turning to the party for guidance. Although still well under Kim Jong Il's control, the military has enjoyed increased funding and an ability to 'freelance,' or act without direct instructions from Kim. The military now "plays the most significant role in upholding the Kim Jong Il regime," acting not only to protect national security, but to create and implement policy, a function previously reserved for the party. Kim is the chairman of the National Defense Committee, the small leadership body that guides all military policy, and supreme commanding general of the Ministry of People's Armed Forces, which exercises organizational and bureaucratic control over all branches of the military. Although these institutions are somewhat distinct from the KPA, Kim Jong Il's decision to lead these organizations indicates a broader shift toward military-based policy and strategy rather than ideology-based policy.³⁷

The rise of the military has clear implications for US interests. The military is more strongly committed to isolationist foreign policies than any other institution within the DPRK, exhibiting a strong suspicion of all outside powers. The military has the most to lose from any demilitarization of North Korean society or decrease in international tensions, and has therefore been understandably wary of any international engagement or domestic reform with the potential

³⁷ Lim, 150-151.

to weaken its influence.³⁸ It has strongly opposed cooperation with the US, Japan and South Korea and all proposed internal economic and political reforms. In order to effectively negotiate with the DPRK, the US must take the military's policy positions into account and recognize the increased influence and autonomy it has gained in policymaking. To gain the trust of the military and work to address its concerns, the US should consider the possibility of military-to-military talks as a supplement to other diplomatic channels.

The third major institution within North Korea is the state, which is essentially a bureaucracy responsible for implementing policy decided upon by the rubber-stamp Parliament. Once subordinate to the party, the state is now a somewhat independent actor, able to modify its structures and rules as it sees fit in order to more efficiently and effectively execute policy. Its implementation function gives the state a unique power to influence policy after it has already been decided upon, in addition to its ability to voice independent opinions during the formative stages of internal policy.

The state has become one of the least ideologically strict institutions in the DPRK, relying on experts and specialists to effectively establish and administer policy goals rather than ideology alone. This reliance on specialists has become especially prominent in the DPRK's Foreign Ministry, the branch of the cabinet that is responsible for foreign policy and negotiations.³⁹ Kim Jong Il and others in the DPRK have begun to recognize the necessity of expertise in the complex realm of international affairs, causing the state to rely more and more on trained experts to guide international policy rather than party officials, yet another sign of the party's declining influence. This has allowed the DPRK and its negotiators to develop a deep and thorough understanding of its neighbors, both friendly and unfriendly, an understanding that has

³⁸ Ibid., 172.

³⁹ McEachern, 88-90.

contributed to the DPRK's surprising success in international negotiations and power struggles, and which presents a stark contrast to the US's inconsistent approach to negotiations.

Acknowledging the rising power of the DPRK's institutions also explains many of the seeming inconsistencies in the DPRK's foreign policy, such as the contrast between the recent shelling of Yongbyon Island and the DPRK's calls for regional peace and cooperation.⁴⁰ If this post-totalitarian model is correct and institutions are indeed gaining independent power, it is entirely possible that the military was acting of its own accord, possibly contrary to Kim Jong Il's overall goals and strategies. It also raises the possibility that DPRK negotiators are not intentionally lying to US negotiations, but are genuinely misinformed due to a lack of inter-institutional communication.⁴¹ This possibility means that the US must attempt to engage multiple branches of the DPRK's decision-making structure, not just the Foreign Ministry, in order to gain an accurate view of what the DPRK is willing and able to concede in negotiations. In particular, the US should work to engage the conservative North Korean military through military-to-military talks.

Ideology and Legitimization

In the past two decades, international experts and observers have predicted the fall of the DPRK with increasing frequency. However, the regime has proved itself to be remarkably resilient, surviving everything from famine to stringent economic sanctions while preventing a popular uprising, civil war, or other collapse in its authority.⁴² In order to truly understand the survivability and strength of the current DPRK regime, one must examine how the DPRK has

⁴⁰ Martin Fackler and Mark McDonald, "North Korea Again Opts for the Unexpected: Restraints," *New York Times*, Dec. 21 2010.

⁴¹ McEachern, 3.

⁴² Lim, 173.

survived the numerous hardships it has faced in the recent past while still maintaining a high degree of legitimacy and stability.

Kim Personality Cult

The current regime's primary claim to legitimacy is Kim Jong Il's hereditary tie to Kim Il Sung. Kim Il Sung, who remains the nation's Eternal President, commands an impressively strong personality cult, based primarily on his military achievements and his articulation of *Juche* ideology.⁴³ Sung espoused a radical nationalist ideology and pursued policies that, although unsustainable, allowed the DPRK to enjoy a period of rapid economic growth during the 1960's and created a distinct national identity, both of which were badly needed in the post-war period and allowed him to enjoy astounding loyalty both during and after his lifetime.⁴⁴ He presented himself as the nation's 'parent leader,' using a race-based nationalist ideology to promote his unique ability to lead the vulnerable and defenseless Korean people.⁴⁵

While hereditary succession directly conflicts with the socialist principles initially endorsed by the new state, Kim Il Sung's claims that he was uniquely able to lead the DPRK made his son a logical choice as his successor. Kim Jong Il's claims to legitimacy are therefore first and foremost based on his ties to his father, the nation's most beloved figure, and all of his actions and decisions are done in his father's name. Kim Jong Il has essentially used his father's power and popularity to bolster his own, deriving legitimacy and power from his bloodline and exploiting his father's success by presenting himself as the "foremost advocate of his father's revolutionary tradition."⁴⁶

⁴³ Daniel Byman and Jennifer Lind, "Pyongyang's Survival Strategy: Tools of Authoritarian Control in North Korea," *International Security* 35, no. 1 (2010): 44-74.

⁴⁴ Robinson.

⁴⁵ Brian Myers, *The Cleanest Race: How North Koreans See Themselves and Why it Matters* (Brooklyn: Melville House, 2010), 93-97.

⁴⁶ Lim, 144.

Juche Ideology

The hereditary claim to legitimacy is tied to the regime's stress on self-reliance and racial purity, both important components of *Juche* thought, first articulated by Kim Il Sung in 1955.⁴⁷ *Juche* ideology has been interpreted in many different ways, but there are two elements that are particularly relevant to the United States; survivalism and self-reliance, both of which severely limit the regime's foreign policy options, particularly with regard to hostile powers such as the United States.

North Korea has been subjected to many trials due to its central location, most notably the Japanese colonization.⁴⁸ This has led North Koreans to be highly suspicious of international interference and involvement, adapting strictly isolationist policies and fierce anti-imperialist rhetoric. North Koreans view themselves as a long-suffering race that has been subjected to years of foreign abuse, particularly by the United States and its allies. All foreigners, regardless of race or nationality, are viewed with deep suspicion and distrust, even when they are sympathetic to the DPRK. North Koreans take great pride in their ability to survive the challenges the outside world has presented them. This race-based nationalist ideology has been a strong source of national unity and pride, featuring prominently in the DPRK's domestic propaganda. However, this emphasis on self-reliance has also put the DPRK in a difficult position in terms of international relations; while discontinuing its promotion of this nationalist ideology would undermine a significant source of domestic legitimacy and national identity, continuing to reject cooperation with foreigners decreases the DPRK's ability to negotiate with foreign powers and

⁴⁷ Kim, 65.

⁴⁸ Scobel, 4.

extract much-needed economic assistance and humanitarian aid.⁴⁹ Thus, *Juche* ideology is generally considered a restraint on policymaking rather than a strict formula. Particularly in recent years, the regime has shown itself willing to be ideologically flexible if it allows it to more effectively implement policy and achieve its goals.

Because so much of the DPRK's official ideology is based on anti-Americanism, this isolationism is particularly problematic in terms of the DPRK's ability to interact with the United States. The DPRK stands to gain quite a bit from normalizing relations with the US, including increased aid and economic cooperation; however, it has been reluctant to do so in fear of undermining its domestic legitimacy. The Obama Administration has declared itself willing to engage in relations if the DPRK ceases nuclear activities, a condition the DPRK cannot accept without undermining one of its primary legitimization mechanisms.⁵⁰ To make normalization of relations an acceptable proposition to the DPRK, the US would need to remove this condition. However, once relations are established, the US will be in a position to work with the DPRK more directly and effectively. It will no longer have to rely on China, which has shown itself unwilling to exert significant pressure on the DPRK due to concerns about regional stability. Establishing diplomatic relations would allow the United States to increase its economic exchange with the DPRK, improving its economic legitimacy, and would decrease the DPRK's perception of a US security threat and make denuclearization a much more palatable and realistic option for the DPRK.

It should also be noted that this isolationist ideology does not imply that the DPRK is entirely unconcerned with its international stature. Kim Jong Il actually has a strong desire for his country to be recognized as a major power. Additionally, because the DPRK currently

⁴⁹ Myers, 129.

⁵⁰ Jon Herskovitz, "North Korea Says it Wants to End Hostile US Ties," *Reuters*, Dec. 31 2009.

depends heavily on aid for its continued survival, it wants to decrease regional tensions and gain international recognition and legitimacy.⁵¹ However, the strong emphasis on isolationism and self-reliance means that any attempts to incorporate the DPRK into the global economic system will have to take place gradually in order to prevent a domestic legitimacy crisis.

Self-Defense

Since Kim Il Sung's death, the DPRK has justified many of its hardships in the name of a 'military first' policy that emphasizes the regime's duty to defend its citizens from threats posed by outsiders. The DPRK, reacting to years of US pressure, feels that there is a very real threat to the regime's existence from the US and its allies. This claim is not entirely irrational; until recently, US policy focused on toppling the DPRK rather than reforming it, hence directly threatening the regime. "North Korea genuinely feels that there is an external threat to its existence," and views its nuclear and military endeavors as deterrents rather than intentional provocations.⁵²

However rational, this defensive justification severely limits the military and nuclear policies the regime is able to pursue. In order to maintain a plausible ability to defend itself and its interests against hostile powers, the DPRK must continue to make relatively high investments in its military and defense sectors. These investments have caused the DPRK's military to increase dramatically in both size and strength in recent years, making this military first ideology especially troublesome to the US and the DPRK's neighbors. In recent years, the DPRK has exhibited a desire to increase focus on solving its many economic problems. This commitment

⁵¹ Lim, 167.

⁵² Glyn Ford and Soyoung Kwon, *North Korea on the Brink: Struggle for Survival* (London: Pluto Press, 2008), 147.

has not corresponded with a drop in military spending, and military spending remains high at the expense of other sectors.

By focusing on self-defense, the regime is also able to remove blame for its poor economic status, justifying these failures as a necessary byproduct of defending its national interests against an inherently hostile outside world.⁵³ Rather than undertake comprehensive economic reform, the regime has chosen to use its military to justify its continued rule. North Korea's nuclear ambitions must therefore be viewed as a symptom of a broader struggle for legitimacy in the face of economic and political failures rather than an isolated and provocative policy. In order to make denuclearization a reasonable choice for the DPRK, the US will first need to address these underlying factors and help the regime gain other sources of legitimacy.

In recent years, the regime has exhibited a desire to increase focus on solving its many economic problems, stressing practical solutions rather than the ideological ones it has previously endorsed. After witnessing the economic growth in China, and to a lesser extent in Vietnam, that was accomplished without undermining either regime's authority, Kim Jong Il has expressed an interest in implementing similar reforms.⁵⁴ The DPRK has emphasized attracting foreign investors to recently established Special Economic Zones (SEZs), although thus far it has seen only limited success. It has also allowed some currency liberalization, promoted its developing tourism industry, and tolerated increased entrepreneurship among individuals and local managers of state-owned companies. However, "these attempts are both overshadowed and hindered by the security crises on the peninsula."⁵⁵ Thus, this commitment to economic reform has not created a concurrent drop in the military's prominence, and military spending remains high at the expense of other sectors.

⁵³ Young Whan Kihl and Hong Nack Kim, eds, *North Korea: The Politics of Regime Survival* (Armonk, NY: M.E. Sharpe, 2006), 9-10.

⁵⁴ Michael O'Hanlon and Mike Mochizuki, *Crisis on the Korean Peninsula: How to Deal with a Nuclear North Korea* (New York: McGraw-Hill, (2003), 135.

⁵⁵ Ford and Kwon, 200.

The regime's desire for economic growth presents the US with an opportunity to push the DPRK toward global economic integration, and thus increase transparency and stability. However, domestic political restrictions will only allow the regime to pursue integration if it can be accomplished without undermining the DPRK's prized self-reliance, and the DPRK has therefore pursued primarily informal means of integration, such as loosened restrictions on international investment and trade. The SEZs provide an opportunity for the US and its allies, particularly China, to invest in the DPRK without undermining its autonomy, giving the DPRK the foreign capital and technology it desperately needs without the conditions that accompany aid and formal integration into the global economic community. The DPRK has also promoted tourist resorts, another way in which it can bring in foreign capital without undermining its information barrier or its authority. Through isolated attempts such as these, the DPRK has attempted to "balance its need for investment with its need to prevent the spread of outside ideas and information and to maintain control over the people and support for the regime."⁵⁶ In order to successfully integrate the DPRK into the world economic system, the US must take these competing factors into account.

Succession

There are many possible directions the DPRK could take following the death of Kim Jong Il, and understanding the likely courses has significant bearing on the US's long-term policy goals. This section will analyze the likely outcomes of succession and its implications for US goals.

⁵⁶ Kevin Shepard, "Buying Into the Hermit Kingdom: FDI in the DPRK," *Korea Economic Institute* 5, no. 11 (2010): 3.

Regime Strength

Just as when Kim Il Sung passed away, there is a possibility that Kim Jong Il's death will cause the DPRK to collapse. Ascertaining the likelihood of total or partial regime failure is an important preliminary step in determining appropriate and effective US policy. Previous US policy, particularly under the Bush Administration, focused on toppling the regime rather than reforming it.⁵⁷ This section will analyze the merit of this approach in today's international environment, and present alternate tactics that are more conducive to regional stability, arguing that the DPRK is in fact a sustainable political entity and that it is not consistent with US interests to continue to push for regime change.

As previously discussed, the DPRK has a history of successfully overcoming seemingly insurmountable challenges. The DPRK is the only totalitarian regime based on a cult of personality that has successfully weathered a transfer of power, a fact that testifies to the regime's strength. In a shifting national and international environment, the new regime will face new challenges, possibly necessitating significant changes to its current regime. However, it is unlikely that international forces will attempt to force the DPRK to collapse entirely; the failure of the regime would likely mean regional chaos, creating an economically strenuous flood of refugees to neighboring countries, the potential of unrest among a heavily militarized populace, a destabilizing power vacuum, and the temporary elimination of any economic progress the region has achieved. In particular, China, the nation that exerts the most influence on the DPRK, has demonstrated that it has a strong interest in maintaining stability on the Korean peninsula, suggesting that it would be willing to invest heavily in the DPRK's continued survival rather than risk its collapse. China's efforts to support the DPRK's continued existence would likely negate any efforts by the US or other powers to pressure the regime to collapse, and the US thus

⁵⁷ David Lai, 'Obama's Policy Option on North Korea,' *China Security* 5, no. 2 (2009): 52.

could perhaps more effectively invest its energy in other endeavors. Additionally, the US has a strong interest in maintaining and expanding its own economic cooperation with China, and thus should be wary of any actions that will undermine its already tenuous relationship with this regional power.

Additionally, the DPRK regime has taken many steps to ensure that it is not vulnerable to a domestic revolution or coup. During the early years of his rule Kim engaged in massive purges, ensuring the DPRK's senior leadership were completely loyal to the nation and its leader.⁵⁸ The regime has also manipulated social structures to make them less independent. Free speech and other democratic rights are extremely limited, eliminating the possibility of mass dissent or revolution. There is also a high degree of informational control, allowing the regime to monitor debate and stifle any opposition movements that may develop.⁵⁹ When these factors are combined with Kim Jong Il's strong control of the military, it appears that the regime has effectively eliminated the possibility of overthrow from within, and any regime change would therefore depend on actions by outside players. As China and the US are both either unable or unwilling to undertake such actions, the likelihood of regime change during Kim Jong Il's lifetime is relatively low.

The likelihood of regime survival following Kim Jong Il's death will therefore also depend largely on who is selected as his successor, and how successfully he is able to sustain the control Kim Jong Il has established. At this time, it appears the Kim Jong Un, Kim Jong Il's youngest son, is being groomed as his father's successor. Although this decision has not been officially announced, he has been appearing with his father at important diplomatic functions with increasing frequency, and has been prominently featured in internal propaganda, an act

⁵⁸ Ian Jeffries, *North Korea: A Guide to Economic and Political Developments* (New York: Routledge, 2006), 109

⁵⁹ Byman and Lind, 56.

which appears designed to prepare the public for his potential ascent to leadership. He has also recently been promoted to the rank of four-star general, a significant change of rank in a country where the military is so highly regarded. Kim Jong Un presents an unknown variable; he has only recently garnered any international attention, and little concrete information about him is available, making predictions about the DPRK's future extremely difficult.

Assuming that Kim Jong Un is the official successor choice, he has several factors working in his favor, despite widespread uncertainty regarding the DPRK's survival. He faces significantly less domestic pressure than Kim Jong Il faced during his ascension to power, but possesses the same primary claim to legitimacy, a hereditary tie to Kim Il Sung, a fact which domestic propaganda appears to be emphasizing.⁶⁰ Although Kim Jong Un's apparent lack of military credentials could pose a serious legitimization problem, this obstacle is not insurmountable. There is a distinct possibility that the DPRK's recent military provocations have been at least partially aimed at increasing Kim Jong Un's military credentials and experience.⁶¹ It is also likely that he will be given credit for any successful economic reforms the DPRK undertakes, partially compensating for his lack of military experience. If handled well, it is very likely that the DPRK will survive the transfer of power to Kim Jong Il's successor.

Likely Changes and Implications

Following the transfer of power from Kim Jong Il to his successor, successful or otherwise, the DPRK will likely undergo numerous transformations. While it is possible that the regime will collapse, the DPRK will most likely undergo some degree of structural

⁶⁰ Myers, 125-126.

⁶¹ Mark McDonald, "Low Profile of an Heir Reinforces a Mystery," *New York Times*, Jan. 7 2011.

transformation in order to make itself more sustainable and achieve the economic and political goals that are currently out of its reach.

The most pressing problems in the DPRK are related to its economic system, a centralized command economy which has recently allowed increasing informal free market activities to compensate for its failures. Although Kim Jong Il has managed to delay official reforms for years in the name of military strength and national security, many illegal market activities that arose during the famine have now achieved a degree of legitimacy and official acceptance. Additionally, in recent years the DPRK has prominently voiced bold goals of economic growth, which will not be possible without significant internal economic reform and increased cooperation with other nations. The regime already appears to be “seriously engaging in the first stages of economic reform” under Kim Jong Il’s guidance.⁶² This growth which the regime hopes to achieve would provide a valuable legitimacy boost for a new leader, raising standards of living for the average citizen while also allowing the DPRK to claim increased self-reliance as it decreases its dependence on aid.⁶³ This economic growth, in turn, would shift attention away from the military as a means of creating legitimacy, thus decreasing regional tensions and allowing the DPRK to gradually relax its military program. Throughout his rule, Kim Jong Il has essentially substituted military legitimacy for economic legitimacy; increasing the latter will provide the DPRK with a much more sustainable means of legitimization. It is thus in the interests of both the DPRK and the US to create a more sustainable and successful economic system in the DPRK.

These impending economic reforms also have the potential to create political change, although these changes would undoubtedly take place much more gradually than economic ones.

⁶² Ford and Kwon, 204.

⁶³ Scobell, 35-37.

In particular, economic reform will likely require a degree of international integration, something that the DPRK has resisted until very recently. This would make the DPRK more dependent on and accountable to international institutions and increase its transparency, making negotiations and aid delivery much easier.

US Interests

The United States' primary interest is national security. The US views the DPRK's goal of nuclear proliferation as a direct threat to its security and the security of its allies, especially when combined with recent advancements in the DPRK's conventional military capabilities. The US also has an interest in preventing the DPRK from selling arms and nuclear technology to other countries, which would compromise global security and nonproliferation efforts. Another of the US's primary interests in East Asia is to develop a strong economic relationship with China, which in turn has a strong interest in maintaining regional stability. In order to maintain its relationship with China, the US must be careful not to undermine this regional stability, which would severely damage the region's economy. The instability that would stem from military intervention or collapse of the DPRK's regime would also be directly harmful to US goals, potentially leading the DPRK to sell nuclear weapons or engage in other provocative actions in hopes of preventing its collapse.

Recommendations

Based on the information on the DPRK's internal politics presented in this chapter, this Task Force proposes several recommendations which promote US interests in a way that is sensitive to the DPRK's domestic constraints.

Although the collapse of the DPRK and its current political system is a possibility, the regime has proven itself capable of surviving a variety of significant challenges to its legitimacy, and in formulating its regional strategies the United States must therefore treat the DPRK as a sustainable political entity, recognizing its status as a sovereign nation. To maintain regional stability and gain the support of China and other regional powers, the US should not aim to overturn the current regime or create rapid and dramatic regional change, as doing so would create instability. The US should move to normalize relations with the DPRK, a move that would appeal to the DPRK's desire to gain international recognition and be treated as a superpower comparable to the US and would be a valuable first step in guiding the DPRK toward joining the global economic community. However, the US must be sensitive to the DPRK's internal politics in normalizing bilateral relations, and should therefore drop the condition that North Korea denuclearizes completely before official diplomatic relations are established. This will allow the DPRK to interact with the US without blatantly contradicting its isolationist ideologies, a significant source of domestic legitimacy.

The US should engage the DPRK to cooperatively achieve mutually beneficial regional policy, working with the regime to help it gradually implement more sustainable policies without significantly weakening its legitimacy. The US must allow the DPRK to 'save face' in its domestic political arena, presenting understated ways for the DPRK to work with the US without blatantly undermining its domestic legitimacy and stated national and international goals. In negotiations, the US and its allies must drop potentially humiliating or delegitimizing preconditions to talks, such as ceasing all nuclear activities immediately or apologizing for past aggressions. This sensitive approach to diplomacy reflects a more thorough understanding of DPRK ideology and legitimization mechanisms, as the US will need to understand what policies

and implementation methods the DPRK will find acceptable and reasonable in order to determine what negotiating tactics and positions the US can realistically take.

Recognizing the DPRK's sovereignty means that the US must take a more long-term, informed, and consistent approach in its negotiating tactics. In order to match the expertise that has been cultivated in the DPRK's Foreign Ministry and develop successful and appropriate negotiating tactics, the US will need to increase its understanding of the DPRK's policymaking processes and structures, particularly Kim Jong Il and the institutions discussed in this paper. The US must also increase its understanding of the DPRK's ideology and internal legitimization structures, which largely determine what foreign initiatives the DPRK is willing or able to undertake and what the DPRK is able to realistically concede in negotiations, significantly constraining the DPRK's ability to cooperate with the United States. The US must adopt a more consistent approach to these negotiations, matching the consistency that the DPRK has achieved naturally through its centralized power structure. In order to achieve a comparable understanding and sensitivity in negotiations, the US must adopt a similar reliance on experts, rather than continuing to rely on professional diplomats and politicians to create policy. Specifically, this Task Force recommends that the US establish a permanent, bipartisan working group in Washington that will be responsible for researching and creating US policy regarding the DPRK.

The US must recognize that the DPRK has moved away from its previous monolithic power structure, a shift that affects the ways in which it interacts with other nations and creates its policy goals and strategies. Although Kim Jong Il is still the most powerful force in domestic politics, institutions now have an important role in the policymaking process, especially the military. In order to gain an accurate understanding of the DPRK's goals and what it is able to concede in negotiations, the US must therefore make an effort to engage all branches of the

DPRK's policymaking structure. The conservative military is especially resistant to international cooperation and domestic reforms, particularly denuclearization and demilitarization. Therefore, in order to achieve its goals and promote national and regional security, it is especially important that the US work with the DPRK's military to decrease suspicion within the DPRK's military and make it more amenable to reforms and international engagements. The US should therefore move to engage in direct military-to-military talks as a supplement to other forms of diplomacy. These talks may not yield concrete results due to the conservative nature of the DPRK's military; however, they will serve to decrease the military's suspicion of foreign engagement and give the US a more complete picture of the DPRK's goals.

There is a strong likelihood that the regime will undergo significant political changes following the impending succession, most likely further reform of its failing command economy. This shift will most likely continue in the direction of recent changes that have developed as the regime has realized the necessity of more sustainable political and economic models, such as increased tolerance of free-market activities and limited international engagement for the sake of economic growth. The US should aim to speed this transition and guide it in a direction favorable to US regional interests, such as regional stability and decreased militarization, encouraging gradual free-market transformations that will allow the DPRK to become an economically viable nation that need not depend on outside assistance for survival, and which can potentially substitute legitimization based on national security and defense with legitimization based on economic strength.

The US should support the free market initiatives the DPRK has initiated itself, such as Special Economic Zones and tourist resorts created to attract foreign investment, by limiting sanctions and targeting the DPRK's illegal sources of income rather than its legitimate economic

activity. Although the regime remains resistant to global integration, it has begun to prioritize economic growth over ideology, and has initiated these economic endeavors as a way to foster economic growth without exposing its population to subversive ideas and information from the outside world. By supporting these economic enterprises, the US will be able to guide the DPRK toward the eventual goal of integration with the global economy without pressuring the regime into sudden, large-scale reforms. The US should encourage China and South Korea to invest in these SEZs as well, helping the DPRK create a sustainable basis for continued economic growth without infringing upon its national sovereignty. In order to make investment in the DPRK more attractive and profitable to US businessmen, the US must remove sanctions and normalize diplomatic relations with the DPRK.

Conclusion

Based on an understanding of the DPRK's internal policymaking and legitimization structures, this paper made several recommendations for future US policy. By implementing these policies, the US will be able to accomplish its own regional goals without directly undermining those of the DPRK, simplifying and speeding the negotiation and implementation process.

First and foremost, the US must recognize the DPRK's sovereignty and establish a long-term working group comprised of experts and policymakers in order to create more informed and consistent policy toward the DPRK. Second, the US must remove preconditions for negotiations and normalizing relations, allowing the DPRK to cooperate with the US while saving face and maintaining legitimacy domestically. Third, as a preliminary step toward the eventual goal of incorporating the DPRK into the global economy, the US must support the DPRK's SEZs and

tourist resorts and encourage regional powers to do the same. Finally, the US should work to engage all branches of the DPRK's policymaking structure in order to gain a more comprehensive understanding of its goals and restraints. As the military is especially conservative and suspicious of reform, the US should propose direct military-to-military talks as a means of understanding and addressing these concerns. This will also allow the US to better comprehend the DPRK's military capabilities, which impact US national security and the DPRK's own ability to negotiate with other powers.

The Military Capabilities of the DPRK

Micah Bateman-Iino

Issue

The military in North Korea has had significant negative impacts in its aggression, upon relations with other nations, the US included, hindering any meaningful dialogue. This chapter will focus on understanding the DPRK's military, and its political implications, for better understanding of how to proceed in talks and negotiations. North Korea's threatening tactics using conventional weapons provide a significant obstacle to achieving meaningful dialogue between the DPRK, the US and South Korea. Lasting peace and stability on the Korean Peninsula are challenged by North Korea's threatening posture, in response to which South Korea and the United States have also taken defensive measures, resulting in a military standoff. While the capabilities North Korea claims to have are beyond its true capacity, the DPRK nonetheless possesses the ability to do significant damage to South Korea in a quick and devastating attack. The DPRK has used this deterrent as a tool to ensure its survival, and the North has historically used this with few consequences. The continuation of this pattern of brinkmanship is a threat to stability within the region, as well as to the future of diplomatic relations between the parties.

The DPRK's government relies on aggression as a survival tactic. The DPRK is surrounded by the global powers South Korea, China, and Japan, and is closely watched by Russia and the United States.⁶⁴ This perception of constant threat to the North Korean future, based on location and relations with other nations, has resulted in a large focus on militarization,

⁶⁴ Samuel S. Kim and Tai H. Lee, *North Korea and Northeast Asia* (Lanham, Md.: Rowman and Littlefield, 2002), 47.

with the Demilitarized Zone (DMZ) being the focus of extreme fortification.⁶⁵ In order to analyze the actions any party may take in this conflict, it is necessary to review the purported capabilities versus the real capabilities of the North Korean military and compare these to those of their opponents.

Background

Military Capabilities of the DPRK

As mentioned in preceding chapters, the DPRK has increasingly placed emphasis on the military. However, this has not resulted in a force that could defeat the ROK in conventional warfare. The following documentation of the DPRK's military strength shows its relative weakness compared to the ROK, and the poor training and state of disrepair of the North Korean army.⁶⁶ Currently, the nation spends around twenty-five percent of its GDP on its military, a higher percentage than any other country in the world.⁶⁷ This great military emphasis is also reflected in the population itself. In sheer numbers of military personnel, North Korea has double the number of the South, with around twenty percent of males between the ages of seventeen and fifty-four serving in the armed forces, for a total of around 1.2 million members.⁶⁸ Over 4 million soldiers in reserve reinforce the standing army.⁶⁹ The national draft keeps the nation highly militarized with fresh supplies of draftees for the armed forces, another sign of the nation's military emphasis. The DPRK's Korean People's Army (KPA) was made up of twenty corps as of 2002, including forty-one infantry divisions/brigades, fifteen armored brigades, twenty-one artillery brigades, nine multiple rocket launcher brigades, and forty-eight Special Purpose Forces

⁶⁵ Ibid.

⁶⁶ Victor Cha, *Nuclear North Korea: A Debate on Engagement Strategies* (New York: Columbia University Press, 2003), 43.

⁶⁷ "Background Note: North Korea," *United States Department of State*, <http://www.state.gov/r/pa/ei/bgn/2792.htm> (accessed Jan. 31, 2011).

⁶⁸ Ibid.

⁶⁹ Congressional Research Service, *North Korean crisis: possible military options*, 2003.

brigades/battalions.⁷⁰ These represent a large proportion of the DPRK's population. Many of these forces are stationed at or near the DMZ, and in most cases are well entrenched, and thus hard to detect or eliminate. This focus on defense has been costly to DPRK society, but is nonetheless impressive, at least on the surface.

The North also possesses a numerical advantage over the South in tanks, long-range artillery, and armored personnel carriers, along with having one of the world's largest special operations forces.⁷¹ These are useful both for protecting the DPRK and for invasion or infiltration of the South. In terms of naval capacity, the North Korean fleet consists of outdated ships and submarines, which are limited to protecting the coastline, albeit not very well.⁷² The DPRK's navy does not offer an overwhelming offensive threat, and is mainly constrained to defense near the coast and insertions of Special Forces behind the South Korean border by antiquated submarines.⁷³ The air force too is almost entirely obsolete and outdated, despite having twice the number of aircraft of the ROK Air Force, and so the DPRK's ability to conduct aerial operations is also extremely limited.⁷⁴ The KPA offers little threat to the United States and South Korean forces from above, and only a small defense against outside attacks. A failed economic system has taken its toll on North Korea's ability to keep up with its neighbors in technology and production, a deficit that sheer numbers cannot make up.⁷⁵ The consequences of North Korean economic failure are also manifested in the actual manpower of its military. Besides the technological antiquity of its military equipment, military personnel receive insufficient training, and new draftees in particular are often malnourished as a result of over

⁷⁰ CSIS Working Group, "Conventional Arms Control on the Korean Peninsula," *Center for Strategic and International Studies*, (2002): 23.

⁷¹ "Background Note: North Korea."

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Kim and Lee, 187.

fifteen years of food scarcity, despite the massive allotment of food and aid funding given to the armed forces.⁷⁶

Overall, North Korea has the advantage on the Korean Peninsula in total numbers of military personnel, aircraft, artillery, and military vehicles. The sheer size of the KPA adds to the image of North Korea as a powerful and dangerous military state. However, the DPRK's forces are outclassed in technology and innovation, as well as in quality of personnel, and are certainly not as strong as the image that they project to the world.

The Potential for War

According to analyst Bernard Loo of the Rajaratnam School of International Studies in Singapore, "collectively, the South Korean military is years and years ahead of its northern counterpart."⁷⁷ Despite the perception of the United States protecting the ROK against the North, South Korea is quite militarily capable in its own right, and is certainly much more advanced and prepared for a war than the DPRK. With US support for the ROK, the DPRK is far outmatched, a fact which has surely influenced its strong desire to join the ranks of states with nuclear capabilities. While capable of inflicting short-term damage, in the long-term the DPRK would lose, and as OPLAN 5027 states, "Pyongyang has the ability to start a new Korean War, but not to survive one."⁷⁸ Particularly concerning for North Korea are the air forces of the United States and the ROK. In the event of a total war, DPRK forces would quickly be destroyed, specified military targets would be eliminated from the air, and the combined air forces of the US and ROK would almost certainly control North Korean airspace, as the DPRK would have little

⁷⁶ Congressional Research Service, *North Korean crisis*.

⁷⁷ David A. Fulgham, Bradley Perrett, "Diplomatic Tease," *Aviation Week & Space Technology*, vol. 171 (2009): 6

"OPLAN 5027 Major Theater War–West," *Global Security*, <http://www.globalsecurity.org/military/ops/oplan-5027.htm> (accessed Feb. 12, 2011).

resistance to offer against them.⁷⁹ The DPRK is simply not able to win an all-out war, given the strength of the opponents they would face and how far behind they lag in technology and training.

Bargaining Chips of the DPRK

Based upon the apparent weaknesses of the KPA compared to the forces they would face, there are only so many possible scenarios to discuss.⁸⁰ An invasion into South Korea currently appears quite unlikely. While in the past a surprise invasion as far as Seoul was a definite concern, the defense of South Korea has significantly improved to preclude this possibility.⁸¹ KPA forces could perhaps mount a sudden invasion into ROK territory, and capture a small area of land to use as a bargaining chip to achieve its goals.⁸² However, this scenario would likely end badly for the DPRK, as its enemies would utilize its superior military might. Given the decrepit state of the North Korean economy and military, along with the advancement and quality of South Korea with the aid of the United States, the DPRK must know that a successful all out ground invasion is inadvisable. As a result, other options are more appropriate when examining the current state of affairs and the actual defensive and military capabilities of the DPRK.

The DPRK boasts impressive artillery forces which pose a major threat to the South. The KPA possesses large numbers of 122 mm and 179 mm guns, totaling over 10,400 individual pieces.⁸³ Along with these guns are over 2,500 multiple rocket launchers.⁸⁴ It is thus artillery that presents the most significant conventional military threat to South Korea and its allies, which are effective from a distance that is dangerous to crucial locations, such as Seoul.

⁷⁹ Fulgham and Perrett.

⁸⁰ Cha.

⁸¹ CSIS Working Group, 21.

⁸² Ibid.

⁸³ Ibid., 23.

⁸⁴ Ibid.

Despite being outmatched militarily, North Korea is still capable of a surprise, short-term attack using its significant artillery capabilities, which would result in serious casualties in South Korea. Its guns along the North-South border are capable of sending at least 500,000 shells an hour across the DMZ, for several hours, with a range of up to fifty-three kilometers.⁸⁵ This type of attack would be hard to preempt or immediately halt as these guns are well protected and quick firing. The proximity of Seoul provides a dangerous opportunity for the DPRK's forces should they attack, and the resulting destruction, which the North has termed a "sea of fire"⁸⁶, would cause huge numbers of South Korean casualties. The United States' OPLAN 5027, which details the DPRK's goals in an actual war, emphasizes the potential for destruction of allied forces and targets, causing massive casualties, before the United States could respond.⁸⁷ If the DPRK lobbed shells with poisonous gas, casualties in Seoul would be even greater. In a city of 10 million people, an artillery barrage by the North causing devastating amounts of damage would be unacceptable, and a scenario which the United States and South Korea are not willing to provoke.

The Political Tool of Violence

The looming threat of devastation to Seoul has allowed for continued North Korean military aggression. The latest attack on Yeonpyeong Island provides an example of an act of war against the ROK eliciting little response, a pattern which illustrates the limited paths that can be taken against an enemy with a deadly political bargaining chip. On November 23, 2010, artillery shells from the DPRK hit Yeonpyeong, possibly in response to ROK military exercises

⁸⁵ Ibid.

⁸⁶ Doug Struck, "U.S. Focuses On N. Korea's Hidden Arms," *Washington Post*, Jun. 23, 2003.

⁸⁷ "OPLAN 5027 Major Theater War-West."

being conducted nearby, which have provoked similar DPRK reactions in the past.⁸⁸ In June 2010, joint drills by the United States and South Korea provoked the firing of 130 shells towards the island with none actually landing. However, this latest event resulted in the deaths of ROK soldiers, others wounded, and more than 60 houses burned⁸⁹. This attack was more than a strike on a military target in response to perceived ROK and US threats, with the island's significant civilian population also targeted, as demonstrated by security camera footage which showed ordinary citizens, including children, running while shells exploded around them.⁹⁰

The fact that an attack of this nature did not draw a very serious response from South Korea is indicative of the power the DPRK wields over relations between the North and South, despite its overall military weakness. Yeonpyeong Island has often been a point of friction between the DPRK and ROK, as it is located very near the Northern Limit Line, an oft disputed sea boundary. In response to the attack, the South Korean military fired shells back at the North to little effect, continuing its pattern of unwillingness to escalate conflict.⁹¹ Even as North Korea has attacked the South, they have not faced serious reprisals, perhaps due to the belief that a harsh response by United States and South Korean forces would cause rapid escalation into large-scale war.

This unwillingness to risk escalation and massive casualties is used by the DPRK as a political tool in negotiations with other powers. Nuclear weapons aside, even conventional weapons are a viable threat to the DPRK's enemies, despite the fact the DPRK would most likely not survive a counterattack. This "blitzkrieg strategy" gives the North Korean government a

⁸⁸ Peter Foster, "North Korean attack on Yeonpyeong Island is worst against civilians in 20 years," *The Telegraph*, Nov. 23, 2010.

⁸⁹ Ibid.

⁹⁰ *CCTV video of North Korean bombs hitting South's Yeonpyeong island* [Video]. (2010). Retrieved February 5, 2011, from <http://www.youtube.com/watch?v=ZcsXT6fL9IE>.

⁹¹ Foster.

valuable political tool which they have used effectively to ensure the survival of its regime.⁹²

With this strategy, the DPRK can often direct talks and negotiations to its liking, and get away with minor aggressions against South Korea.

Current DPRK Sentiments

While the DPRK has the ability to control talks and military reactions of the United States and South Korea, it is important to recognize the reasons given by the DPRK for its aggression. In most cases, the attacks are characterized in North Korean statements and media as a response to operations by the United States and the ROK that are perceived as threatening to the nation. The joint forces of the United States and ROK often carry out military exercises such as the annual ten-day *Ulchi* Freedom Guardian drill, which is designed to work through bilateral strategies, and to prepare for potential conflict with the DPRK.⁹³ Other military exercises, such as the Team Spirit and Key Resolve exercises, also take place very near the border and are perceived as threats by the North.⁹⁴ These types of drills are typically cited as the cause of North Korean strikes on ROK targets. In the wake of the shelling of Yeonpyeong, the DPRK's Korean Central News Agency (KCNA) denounced the United States and South Korea, in what was termed "the grave military provocation they perpetrated against the territorial waters of the DPRK side in the West Sea of Korea while staging the *Hoguk* war maneuvers for aggression against the DPRK."⁹⁵ The North's official rhetoric thus upholds a direct link between actions against the ROK and such exercises, for example, on the morning of the Yeonpyeong shelling, the DPRK sent a faxed message that they would not "just sit back" while military exercises with

⁹² "OPLAN 5027 Major Theater War–West."

⁹³ Fulgham and Perrett, 6.

⁹⁴ Min-Seok Kim, "North strongly protests new Key Resolve joint exercises," *Korea JoongAng Daily*, Mar. 9, 2010.

⁹⁵ "US-S. Korean Warmongers Contemplate More War Maneuvers," *Korean Central News Agency of DPRK*, <http://kcna.co.jp/item/2010/201011/news26/20101126-03ee.html> (accessed Feb. 3, 2011).

live-fire were being conducted.⁹⁶ Whether these exercises are the real reason for aggression or not, they are what the North has used to justify its actions. Therefore, any negotiations or dialogue with the North Koreans will likely involve its insistence that such operations come to a halt.

Options

Key to constructing realistic policies for the United States is an understanding of the current attitudes of the DPRK. In addition to rhetoric justifying military aggression, a common sentiment in DPRK propaganda is the desire to reach lasting peace and cooperation. On January 5, 2011, the DPRK released a joint statement on peace and reunification, detailing its willingness to work in conjunction with the ROK to solve the conflict on the Korean Peninsula.⁹⁷ In this statement, the DPRK proposed dialogue and negotiation with South Korea by asserting its readiness to “meet anyone anytime and anywhere,” its willingness to discuss all issues including “détente, peace, reconciliation, unity and cooperation at dialogue, negotiations and contacts”, and finally, to discontinue slanderous propaganda against each other.⁹⁸ This official position of the government shows a desire for more dialogue and perhaps a solution through negotiations and peace instead of further conflict.

Based upon the statements of the DPRK, now is an opportune time for the United States and South Korea to open more meaningful negotiations and dialogue with the DPRK. The United States could push for a new era of talks and engage bilaterally with the DPRK, in hopes of achieving mutual goals of peace and stability on the Korean Peninsula through honest dialogue. The issue of conventional weapons and military capabilities could bring certain

⁹⁶ Sang-Ho Song, “2 S. Korean soldiers killed as North Korea fires artillery near western border,” *The Korea Herald*, Nov. 23, 2010.

⁹⁷ “DPRK Releases Joint Statement on Peace and Reunification,” *Korean Central News Agency of DPRK*, <http://kcna.co.jp/item/2011/201101/news05/20110105-15ee.html> (accessed Feb. 5, 2011).

⁹⁸ *Ibid.*

implications to the demands of both sides. The DPRK will likely demand the cessation of military exercises that it perceives as a threat to its security, which South Korea and the United States will both likely reject. Similarly, the DPRK may be asked to perform some amount of disarmament or lessening of its forces near the DMZ, which threaten Seoul. As these troops provide the DPRK with one of its few bargaining chips, and have been used successfully as a political tool to ensure the regime's survival, this request may be met with strong resistance from the North. Nevertheless, some progress could be achieved, as the DPRK's current course of brinkmanship may not be sustainable, and the government must realize that a serious enough provocation of the ROK could result in retaliation which it could not survive.

Another option is increasing the military strength of US and ROK forces along the DMZ, as well as bolstering the defenses of the ROK. This could involve increased arms sales to South Korea, and possibly Japan, to make both allies better equipped to deal with a North Korean attack. It could also mean increased air and naval support provided by US forces. In terms of strengthening forces along the border, more US forces could be moved to the area, or South Korean military reserves could be called in, but this action along with the aforementioned, would almost certainly be considered offensive threats by the DPRK. Past actions such as the United States increasing numbers of US troops in Okinawa have caused reactions from the North Koreans.⁹⁹ Stepping up military readiness and capabilities could result in an outcome contrary to US interests.

A preemptive attack on the DPRK is not a viable option. South Korea would almost certainly be opposed to this, as it would result in great numbers of casualties/ The political climate in the United States is also not in favor of intervening in another foreign nation while we are still engaged in Afghanistan and Iraq. While ROK and US forces could defeat the DPRK, the

⁹⁹ "N.K. Concerned About US Military Build Up in Japan," *Seoul Yonhap*, May 30, 2003.

costs are too high, as evidenced by the current unwillingness to respond to military provocations by the North despite South Korean casualties.

Recommendations

Based on the above analysis of DPRK military capabilities and goals, as well as the options available for the United States, this Task Force recommends the following policies be enacted.

The DPRK has shown itself to be a stable regime, and thus should not be forcibly changed. Instead, this Task Force recommends the resumption of dialogue and negotiations between the United States, the DPRK and the ROK with the goal of gradual regime transformation in terms of reduced military aggression and arms buildup. To promote demilitarization and stability on the Korean Peninsula, The DPRK, US and ROK must pursue new negotiations, with a new bilateral approach between United States and the DPRK as discussed below.

Judging by the recent DPRK professions of a desire for peace, now is an opportune moment to make diplomatic overtures to reduce the North's conventional military threat. If they are desperate for aid, using incentives to get them to change will potentially be hugely beneficial to the US's objectives.

Also key to this cooperation is dialogue between the North and South, pursuing policies of increased trust and working together for a common goal. As the US encourages this, it is crucial to maintain unity of purpose with the ROK, so messages remain shared and clear. As such, the US should engage in unofficial talks as soon as can be arranged with the ROK to establish joint goals for diplomacy moving forward.

In order to ease tensions along the DMZ and prevent future provocative attacks like the shelling of Yeonpyeong, the United States must make it known that eventually, North Korean attacks will result in a calculated and devastating response by the ROK military, with the support of the United States.

The United States, as an incentive offered during negotiations, should reduce the visible threat felt by the DPRK by moving its military exercises further from the DMZ. The North may still take offense to US military activity in the region, but such a move will remove the DPRK's argument of imminent threat, thus eliminating justification for future provocations.

If provocations by the DPRK such as the shelling of Yeonpyeong cease, the United States should recognize this by reducing military assertiveness. This should be brought to the negotiations as a concession the United States is willing to make, given DPRK compliance with agreements laid out below. As time passes without conflict, the Department of Defense should make plans for US force reduction South Korea in order to demonstrate the recognition of the DPRK's efforts. This would also allow the DPRK to save face by claiming they forced the US to back down. No numbers for troop reduction need be given when bringing this proposal to the bargaining table, allowing flexibility for military and political necessity.

By offering increasing dialogue and trust, the DPRK may reduce military provocation and the threat of war. A key component of reducing the military threat posed by the DPRK is the US's ability to stem illegitimate funding of the military. The following chapter addresses this.

The DPRK's Black Market Economy

Alton Webb

Issue

North Korea, in spite of being an economic failure since the collapse of the Soviet Union, has managed to persevere. With a nearly complete set of economic sanctions placed on the DPRK by the United States and United Nations, how it not only manages to avoid collapse but also pursue a nuclear weapons program is a critical question that needs to be addressed. It has been known for quite some time that Kim Jong Il's regime relies heavily on revenue generated by a diverse assortment of illicit endeavors conducted around the globe that more than supplement the comparably meager resources collected through the DPRK's legitimate business dealings.¹⁰⁰

There is extensive evidence of the regime's black market activities conducted abroad including US intelligence interviews with high level Party defectors, law enforcement action taken against North Korean diplomats and business executives in China and ongoing investigations of DPRK front-companies in Europe and elsewhere. The economic sanctions placed on the DPRK clearly have no effect on its cooperation during talks, and its effect on nuclear development is questionable. This illegitimate revenue is the key to preventing the DPRK's nuclear program from being completed. Involved parties have been aware of North Korean illegal enterprises for quite some time, and have barely acknowledged them in seeking a solution to the North Korean nuclear problem until very recently.

¹⁰⁰ Jay Solomon and Hae Won Choi, "Money Trail: In North Korea, Secret Cash Hoard Props Up Regime," *Wall Street Journal*, Jul. 14, 2003.

This chapter will demonstrate the magnitude of these illicit operations, and how the subversion of these operations is fundamental to an effective policy addressing US interests concerning the DPRK.

Background

Despite the fact that the DPRK officially promoted its *Juche* doctrine immediately following the ceasefire of the Korean War, North Korea was anything but self-reliant.¹⁰¹ North Korean economic policymakers have always looked to other countries for aid and materials in its pursuit to build an independent economy.¹⁰² The DPRK's industrial infrastructure was inadequate in the pre-war era and its destruction during the war was nearly complete, which left North Korea dependent on aid in order to achieve swift post-war recovery. "Pyongyang succeeded in securing sizable inflows of machinery and equipment through a network of aid agreements with fraternal communist states."¹⁰³ In fact, nearly all of the enterprises that formed in North Korea during this period can be attributed to the support of the Soviet Union, China and the CMEA states.¹⁰⁴ To this extent, from the time the armistice was signed in 1953 through the mid-1960s, the DPRK's main sources of capital goods were China and the Soviet bloc.¹⁰⁵ These relationships became increasingly less reliable during the 1960s, owing to tensions between China and the USSR, the DPRK's decision not to join CMEA and China's economic situation following the Great Leap Forward.

¹⁰¹ *Juche* [Kor. "self-reliance"]: Kim Il Sung's doctrine of diplomatic and economic autonomy instituted to mitigate outside influence in DPRK, particularly from China and the USSR at the time it was conceived.

¹⁰² Nick Eberstadt, *The North Korean Economy* (New Brunswick, NJ: Transaction, 2007), 65.

¹⁰³ *Ibid.*, 65.

¹⁰⁴ Council for Mutual Economic Assistance: 1949-1991, comprised mainly of Eastern bloc and communist states, the organization enabled member states to engage in economic exchange, extend technical aid to one another, and to render mutual assistance.

¹⁰⁵ Eberstadt, 65.

Due to the decreased economic security provided by its fellow communist states during the 1960s, “Pyongyang’s policymakers responded to their changing economic environment by moving towards economic relations with non-communist countries, cautiously at first, but with seeming abandon just a few years later.”¹⁰⁶ It was in the early 1970s that the DPRK changed course and began engaging OECD countries, including Japan, for capital goods, which marked a complete about-face for North Korea.¹⁰⁷ In the previous era, capital goods and factories built entirely in the USSR, China and CMEA states had been imported and activated. The very same thing was happening during these years with imported materials and factories from the OECD states and the West, with one exception. These assets were not being donated like the goods from the communist states. They were imported on hard currency credit. It did not take long for North Korea to become overwhelmed with the debt accrued by these transactions. This was the beginning of North Korea’s economic troubles due to fact that “Pyongyang took an unusually aggressive stance against its western creditors in rescheduling negotiations” and since the 1970s has failed to make good on its hard currency debts.¹⁰⁸ This in turn made doing business abroad increasingly difficult, since the DPRK found itself under the same restrictions that engaging the western markets was meant to bypass in the first place.¹⁰⁹

At the outset of the 1980s, North Korea had few options left. Once again the regime sought foreign investment and the import of capital goods on a concessional basis. In 1984, Pyongyang “promulgated a Joint Venture Law intended to attract foreign (i.e., Western) capital and technology.” At the same time, the regime was discussing renewed economic cooperation with the Soviet Union. The arrangement with the USSR, which was the result of improved

¹⁰⁶ Ibid., 65.

¹⁰⁷ Organization for Economic Co-operation and Development: An international economic organization of 34 countries formed in 1961 to stimulate economic progress and world trade.

¹⁰⁸ Eberstadt, 66.

¹⁰⁹ Ibid., 66.

relations between the two countries after Kim Il Sung's state visit in 1984, was to last through the rest of the 1980s and promised a significant and continued increase in aid to the DPRK. While these initiatives seemed likely to work, "due to North Korea's 'business climate', the 1984 Joint Venture Law attracted few foreign investors." By the early 1990s the investments resulting from the Joint Venture were estimated at only around US\$150 million, and with the collapse of the Soviet Union, the DPRK's main source of funding disappeared again, this time for good.¹¹⁰

At the end of the Cold War, the DPRK and the former USSR's other surrogates were left to fend for themselves economically and otherwise. Pyongyang once again attempted to "attract additional western capital goods through a succession of new foreign investment codes."¹¹¹ The skepticism of the West coupled with tensions created by the nuclear issue in the mid-1990s served to dissolve what little interest there had been before. Even without solid statistics, it was evident that the regime was in dire straits economically during this time, which the food crisis of the mid 1990s clearly indicated.

There has been negligible improvement in the DPRK's economy since that time. In fact, with economic sanctions in place by the UN and US, there is little hope of economic reform in North Korea. With severe economic difficulty spanning the country's entire history, the question of how the regime has managed to endure and maintain the 4th largest military in the world and finance a nearly completed nuclear weapons program needs to be addressed in US policy.

Korean Worker's Party Office #39

All of North Korea's business dealings both legitimate and otherwise can be traced back to a section of the Korean Worker's Party known enigmatically as Office #39, which is "a

¹¹⁰ Ibid., 66.

¹¹¹ Ibid., 67.

special department in the KWP Central Committee bureaucracy.”¹¹² The word “Office” has been interchanged with “Division”, “Room,” and “Bureau” depending on the source, but all refer to this component of the regime. It wasn’t until recently that anyone outside the regime had heard of Office 39. The first information the West received on 39 was from high level party defectors: “According to these defectors, Office 39 was set up during the mid- 1970s to fund Kim Jong Il’s political career.”¹¹³ It was created specifically to run the black market ventures for the regime, and lies outside the control of the DPRK government and does not factor into economic planning for North Korea. In creating Office 39, Kim “consolidated and brought under its control the country’s key natural resources, particularly the minerals that have fueled North Korea’s economy since before the 1950-1953 Korean War.”¹¹⁴

As a result, on top of having a vast network of illegal enterprises with global reach, 39 also controls the legitimate revenue that comes in from a variety of dealings. Office 39 has two primary sections: “One is involved in illegal activities, the other engages mostly in legitimate business under the Daesong Group, it’s Daesong Bank and Vienna based Gold Star Bank.”¹¹⁵ While it is true that the legitimate portion of the DPRK’s economy is traded through these entities, many corporations are really shell companies through which overseas executives and diplomats run black market goods, counterfeit US currency and money laundering operations.¹¹⁶ These institutions are comparable to cases of warlord criminality as practiced in countries like Sierra Leone, Congo, Sudan and Burma.”¹¹⁷

¹¹² Andrei Lankov, *North of the DMZ* (Jefferson, NC: McFarland, 2007), 259.

¹¹³ Solomon and Choi.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Paul Kan, Bruce E. Bechtol, and Robert M. Collins, *Criminal Sovereignty: Understanding North Korea's Illicit International Activities* (Carlisle, PA: Strategic Studies Institute, US Army War College, 2010), 5

¹¹⁷ Kan, Bechtol, and Collins, 2.

The DPRK's Legitimate Business

The DPRK has several legitimate industries that have been severely affected by UN and US economic sanctions. In spite of these sanctions, some nations continue to trade with the DPRK.

Gold

In the 1990s, DPRK gold sales were significant. Surprisingly, a considerable amount of business was done with some of South Korea's *chaebol*.¹¹⁸ Samsung and LG, both South Korean companies, purchased over \$200 million of gold from the North for use in high tech components.¹¹⁹ With Office 39 in charge of all the countries mineral deposits, all proceeds from transactions like these are believed to go into 39's slush fund.

Pine Mushrooms

North Korea is a leading supplier of pine mushrooms, a delicacy in the Far East: "Pyongyang had been earning as much as \$58 million annually from the pine mushroom trade, though these revenues have dropped off sharply in recent years due to Japanese concerns about the quality of the product and North Korea's nuclear program."¹²⁰ The DPRK has other resources in demand by the rest of the world, including ginseng, grain, seafood, coal, steel, magnesium and silver. It is with industries like these that North Korea could re-enter the global economy and gain legitimacy.

¹¹⁸ *Chaebol* (Kor. Business family), refers to powerful South Korean multinational companies encompassing several international ventures

¹¹⁹ Solomon and Choi.

¹²⁰ Ibid.

Shell Companies

Since the companies the DPRK does its legitimate business through also direct the two-way traffic of its illicit industries, these companies must be considered illegitimate themselves. Intelligence agencies in Asia have known for years that Macau is Pyongyang's base outside its sovereign territory for most or all of its black market commerce. Banco Delta Asia, once in charge of a \$5 billion account for 39 which was frozen in 2005, contributing to the breakdown of the Six-Party Talks, is based in Macau. Zokwang Trading Company, an import-export front, also based in Macau, had several of its executives arrested and detained for a short time for counterfeiting and money laundering. These men were caught in Macau with duffel bags full of US currency.¹²¹ All of the DPRK's shell companies, including those listed above, Daesong Bank and Gold Star Bank in Vienna, fall under the umbrella corporation The Daesong Group. It is this group that officially has the monopoly on North Korea's resources, and Office 39 controls Daesong.

The DPRK's Illicit Enterprises

Drug Trafficking

The regime's drug trafficking is by far its most profitable endeavor. Through the worldwide manufacture and sale of amphetamines as well as the cultivation of heroin poppies, the estimated annual revenue generated by drugs is estimated anywhere from \$500 million to \$1 billion US Dollars.¹²² These narcotics end up in Japan, China, Australia, the US and Europe.

¹²¹ Kan, Bechtol, and Collins, 7.

¹²² Bill Powell and Adam Zagorin, "The Sopranos State," *Time*, July 23, 2007, 44-48.

Arms Trafficking

The missile exports that the DPRK engages in do not in fact violate international law. However, these sales do conflict with US interests, in particular the sale of missiles to Iran, which puts a key ally in the Middle East, Israel, at risk.

Counterfeiting US Currency

The DPRK has been the leader in counterfeiting US currency for years in both volume and quality. DPRK is the home of the ‘supernote,’ a near perfect rendering of the \$100 bill. In 2005, after the fourth round of the Six-Party Talks had concluded, the Bush Administration for the first time formally accused North Korea of “manufacturing high quality counterfeit \$100 ‘supernotes.’”¹²³ How long this had been going on prior to this accusation is not known, but in light of documented instances of these notes making their way through North Korean banks in Vienna and Macau, the origins of these notes is no secret.¹²⁴

The annual revenue generated by the regime’s illicit dealings abroad far exceeds anything that its legitimate businesses currently, and in the foreseeable future, could yield. Therefore, without these black market activities, the Kim regime would not be possible.

Options

Research on the DPRK indicates that the regime favors isolation from the West until except in times of extreme economic hardship. It is only in times of critical economic difficulty that North Korea has been open to negotiations, as well as investment and business; from those it has long considered enemies. In the 1970s it was Japan, among others, and in the 1990s, the

¹²³ Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Washington, D.C.: Brookings Institution Press, 2007), 128.

¹²⁴ Kan, Bechtol, and Collins, 13.

United States. The policy endorsed in this paper is founded on this aspect of DPRK economic history. Since taking a hard-line stance on this issue has consistently failed to yield positive results, and solely employing diplomatic measures with DPRK could very well involve the regime exploiting these negotiations to buy time to complete its nuclear weapons program, this Task Force recommends a ‘middle of the road’ approach that will work towards a conciliatory diplomatic accord while at the same time launching a multi-lateral interdiction operation focused on the DPRK’s black market industries and working to effectively cut off the regime’s illicit sources of revenue. The application of these actions simultaneously could result in a few options to achieve US interests in the region. By making headway in negotiations involving the removal of economic sanctions on DPRK’s legitimate businesses, we can attempt to persuade the regime to abandon its nuclear weapons program. North Korea’s re-entry into the global economy would give them the external legitimacy they want. Still, this will more than likely be a lengthy process.

If this avenue does yield results and the DPRK makes no further progress in the weapons program, with confirmation from weapons inspectors, then further progress in this direction would continue. Yet, relying on this optimistic assessment does not seem prudent, with intelligence indicating that the DPRK could have a warhead on a functional missile within five years. Therefore, every attempt should be made to subvert the revenue that funds this program, particularly since the money comes from illegal enterprises. Thus with the recommendations that follow this section we would have two options: First, to work diplomatically towards the legitimization and integration into the global economy of North Korea contingent upon the termination of its nuclear weapons program. Second, the US could slow down or prevent altogether the completion of the DPRK’s nuclear weapons program through the subversion of its illicit funds and effectively sequester the resources the regime relies on to function, as only a

fraction of DPRK's current annual revenue comes from legitimate sources. With this in mind, as the regime's black market funds gradually decrease due to multi-lateral interdiction efforts, a second benefit would be the regime becoming more open to economic changes parallel to those that took place in China and Vietnam.

Recommendations

The US should make every effort to ease tensions and normalize relations with the DPRK, while at the same time doing what is necessary to prevent the completion of its nuclear weapons program. This Task Force recommends that the US present the DPRK with no preconditions to re-enter diplomatic negotiations, in order to incentivize the regime to cooperate. Second, the US should focus talks on lifting economic sanctions contingent upon the termination of the DPRK's nuclear weapons program. Such a compromise could be negotiated as the first step to the DPRK's internationally recognized sovereignty. In addition, offering aid in the form of capital goods, not money, would assist in activating the DPRK's legitimate economy, and would also enhance diplomatic efforts between the two countries by demonstrating US commitment to seeing North Korea become economically self-sufficient (see "Humanitarian Food Aid and Agricultural Development in the DPRK"). Updating the North Korean's industrial technology, constructing factories, and creating a well-trained work force could all form part of the agreement.

The US should head a process of multi-lateral interdiction to subvert the DPRK's black market revenue streams. This measure, in conjunction with the lifting of sanctions on legitimate undertakings, would still leave the DPRK weakened economically, with the goal of making it more receptive to foreign investment and forcing it to discontinue its weapons program.

Interdiction operations are fairly routine operations for all interested militaries and law enforcement agencies. Coordination between all affected countries' law enforcement, militaries and intelligence organizations, particularly of China, South Korea, Japan and the US, on maritime interdiction and port security is vital to the success of such an undertaking. These operations would be ongoing and rely on cooperation between intelligence and field personnel, and agencies from two or more countries working together in sharing intelligence or deploying troops.

Human Rights: Introduction

Despite past failures of the Sunshine Policy and humanitarian aid implementation, the promotion of human rights remains an important aspect of US policy towards the DPRK. In light of recent DPRK statements, improving North Korean living standards is now a high priority of the regime, and thus the US is presented with a unique opportunity to pursue these interests. This Task Force believes that past US policy has failed to address the most pertinent issues regarding the well-being of North Koreans by either sending aid with a total lack of conditions, or sending aid purely for political reasons. An explicit US face on humanitarian aid, the ROK's Sunshine Policy, and a lack of cooperation with China regarding DPRK refugees have hindered humanitarian efforts in North Korea. Human rights violations within the DPRK have failed to decrease despite the large amounts of humanitarian aid provided by the US and other nations.

It is this Task Force's opinion that the best way to increase the standard of living within North Korea is to work with pre-established international NGOs, and to implement aid conditional on terms of transparency. Conditional aid, along with the promotion of regional NGOs, are the best ways to ensure that humanitarian aid is both effectively monitored and reaches its intended recipients. While aid can solve the short-term food shortage, the United States should also work with the DPRK's neighbors to promote agricultural development in order to solve the DPRK's long-term food insecurity.

DPRK Human Rights and Steps towards Improvement

Kelly Church

Introduction

North Korea has a long history of human rights abuses and refuses to recognize many of these rights for the vast majority of its citizens. The United Commission on Human Rights describes the violations within North Korea as “systematic, widespread and grave.”¹²⁵ The lack of transparency and communication between North Korea and external entities makes these rights even more difficult to recognize and address. Human rights make up an important US interest in the region, although secondary to the nuclear issue. Its improvement could provide a path toward regional stability, normalized diplomatic relations and economic integration. US policy has failed to address these issues effectively in the past.

There are many rights that the DPRK has acknowledged through its participation in international treaties and domestic laws, which allude to the types of improvements by external organizations that will be most welcomed into the nation. Since 1995, approximately 130 humanitarian non-governmental organizations have worked to alleviate the dire plight of the North Korean people. The US has given approximately \$720 million in food aid.¹²⁶ The DPRK has a history of expelling nations and organizations that attempt to change aspects of daily life which do not align with the regime’s desires. The rights most readily accepted by the regime, which are enshrined in domestic law and international treaties, are social rights such as access to proper healthcare, food security, education, job security, as well as women and children’s rights.

¹²⁵ John Metzler, “UN Slams North Korea on Rights: Defending Regime Were China, Cuba, Iran, Burma, Russia, Venezuela, Syria,” *World Tribune*, Dec. 19, 2008.

¹²⁶ Congressional Research Service, *Foreign Assistance to North Korea*, 2010.

Despite this, the past has proven that without significant external pressure, North Korea will fail to guarantee any human rights and will continue to oppress the majority of its citizens.

The remainder of this chapter will focus on the abuse of social rights, as improvement in these rights will result in the greatest reductions in death and be more acceptable to the regime. Along with this, there will be a focus on international organizations and its ability to bring humanitarian aid without political ideology guiding its steps. It is imperative to evaluate these organizations that seek to increase social rights, in order to create recommendations that follow its processes, which have been so well received by the DPRK regime.

Issue

Policy on North Korea is a challenging dilemma and though there is no immediate and clear-cut solution, the most effective policies will seek to work within the framework of the North Korean regime, in time will enhance the quality of life for all North Koreans and will allow the pursuit of other US strategic interests while creating the least amount of destruction to the North Korean people. The Obama Administration does not currently have a clear policy on North Korea, and has inherited the Bush Administration's policies of tying aid with preconditions.

Background

Universal Human Rights

Kim Jung Il's totalitarian regime claims that they do not abuse human rights because they have refused to accept universal human rights. The regime claims that universal human rights are not applicable in the DPRK because they were created by Western, capitalist nations that are

very different front North Korea. The regime cites cultural relativism when it comes to dealing with human rights, meaning because North Koreans have a different culture than the western nations who created the idea of rights, human rights within the region need to be approached in relation to their specific culture.¹²⁷ Universal human rights contain three aspects that directly oppose North Korean ideology, which consist of being 1) inalienable, 2) universal to all and 3) equal and nondiscriminatory.¹²⁸ The DPRK also rejects the universality of human rights on the grounds that the majority of universal rights have been distorted to allow a suppression of lower classes and created a class struggle.

Human rights in North Korea are inconsistent and directly correlated with loyalty to the regime. North Koreans are classified by the regime as fitting into one of three categories, ‘core’, ‘wavering’ or ‘hostile’, and are granted more or less human rights accordingly.¹²⁹ If a citizen is seen as ‘core’, he or she is a member of the Korean Workers Party and “faithfully supports the party, Great Leader and [has participated in] sacrificial struggling.”¹³⁰ These ‘core’ citizens are granted with the highest level of rights and likely live in the most economically stable area of Pyongyang. North Koreans are persuaded to remain loyal by the idea that if you do not rebel and are a diligent worker, then you may be gifted the opportunity to move to a more stable area and receive greater food rations and enjoy better living and working conditions.

On the other hand, Koreans deemed as ‘wavering’ are constantly watched over by a “network of informants who monitor and punish people for subversive behavior.”¹³¹ Moreover, the food supplies of these groups depends almost entirely upon the economic situation of the

¹²⁷ Soo-Am Kim, *Conceptions of Democracy and Human Rights in the Democratic People’s Republic of North Korea* (Seoul: Korean Institute for National Reunification, 2008), 38.

¹²⁸ “What Are Human Rights,” *United Nations Human Rights: Office of High Commissioner* <http://www.ohchr.org/en/issues/Pages/WhatareHumanRights.aspx> (Accessed Feb. 5, 2011).

¹²⁹ Kay Seok, *North Korea, Rogue Nations: North Korea Represses Freedom*, (Opposing Viewpoints Series, 2006), 117-120.

¹³⁰ Sung-Chul Choi, *Human Rights and North Korea*, (Seoul: The Institute of Unification Policy Hanyang University, 1999), 146.

¹³¹ *World Report 2011 North Korea: Key Events of 2010*, *Human Rights Watch* <http://www.hrw.org/en/world-report-2011/north-korea> (accessed Jan. 28, 2011).

country as a whole, independent of government support. North Koreans classified as ‘hostile’ are placed in one of the dozens of political prisoner worker camps known as gulags. These camps are located in remote mountainous areas and are estimated to contain 150,000 to 200,000 people.¹³² These camps imprison people who have been disloyal to the regime in some way, including “conspiracy to overthrow the state...betrayal of the fatherland....disturb[ing] or weaken[ing] the DPRK....or commit[ing] other anti-government criminal acts.”¹³³ Even more gravely, people who have attempted to flee the country or who have been repatriated by China are immediately sent to one of the prisoner camps along with their entire family.¹³⁴

Shin Dong Hyok, a political prisoner by birth, can attest to the existence of such prison camps, as he was born and raised in one such colony in Kaechong. His mother gave birth to him in the camp after having been granted marriage to his father for being “model prisoners.” Shin never knew what his ancestors did to be put into the camp, only it was severe enough to have the entire family either killed or imprisoned for life. Such stories, while rarely heard because of the lack of escapees, commonly describe such scenarios, which are seen within the DPRK as legitimate punishment for defectors.¹³⁵

An important aspect of DPRK punishment of defectors is its inconsistency. For example, while Shin’s story is typical of a family member who tried to escape, there have also been instances of people who have been punished with varying degrees of severity. The severity of the punishment greatly depends on if the refugee was in contact with any external religious organization, in which case the person would either be placed into a gulag or be immediately executed. Because internal religious organizations do not traditionally proselytize or make aid conditional on conversion, the DPRK often considers foreign religious organizations to be

¹³² Blaine Harden, “*Escapee Tells of Horrors in North Korean Prison Camp*,” *The Washington Post*, Dec. 11, 2008

¹³³ Choi, 279.

¹³⁴ “World Report 2011 North Korea: Key Events of 2010.”

¹³⁵ Choe Sang-Hun, “*Born and Raised in North Korean Gulag*,” *The New York Times*, July 9, 2007.

dangerous and subversive. Conversely, a refugee who is caught and deemed less of a threat because of the contact made while outside the DPRK may simply be harassed and returned to his family. Because of these fluctuating policies on punishment, North Koreans who attempt to flee can never be certain of the risks they are taking.

Another aspect that differentiates North Korean ideas of human rights from the United Nations' definition is that rights within the DPRK are seen as "a type of gift or grant," from the leader once loyalty is proven, further demonstrating that human rights within the DPRK are not seen as universal.¹³⁶ In the eyes of the regime, political prisoners are disloyal and thus do not deserve rights. The reluctance of North Korea to acknowledge natural rights, which are inalienable to all human beings established by the UN as shows how deeply entrenched in Kim Il Sung's founding ideology of '*Juche*' the regime is.

Juche Ideology

Juche is an idea promulgated by Kim Il Sung, which means "self-reliance" and is stated in the constitution as the fundamental ideology to describe human beings.¹³⁷ *Juche* was created to protect the DPRK from outside influence, especially from the Soviet Union and Communist China.¹³⁸ This ideology is used to legitimate the DPRK's regime and to foster an ideal of independence from foreign nations which attempt to interfere with the regime's principles.¹³⁹ *Juche* states that "human beings are the masters of the world," and goes on to state that the true masters of the world are "only those laboring masses who faithfully follow the suryung's

¹³⁶ Kim, 23.

¹³⁷ Choi, 150.

¹³⁸ "*Juche: Self Reliance or Self-Dependence*, *Global Security*, <http://www.globalsecurity.org/military/world/dprk/juche.htm> (accessed Feb. 6, 2011).

¹³⁹ Ibid.

orders,” which excludes the Bourgeoisie.¹⁴⁰ Excluding the Bourgeoisie from being a ‘master of the world’ legitimizes abuses of human rights against defectors who have attempted to undermine the regime and make personal gains not beneficial to the collective. Collectivity is enshrined in the constitution in article 63, which says “all for one, one for all.”¹⁴¹ Therefore, non-loyal individuals are not granted any rights on the basis that they are not included in the ideology of *Juche*, and are thus not part of the collective and do not deserve them.

Humanitarian Intervention

Humanitarian agencies, notably the World Food Program, have worked in North Korea and substantially aided desperate North Koreans, but have not been effective in reaching the entire population. The problem primarily rests not in the lack of NGO resources, but rather in the DPRK’s noncompliance with international protocols for the monitoring and distribution of aid.¹⁴² This resistance subsequently deters many organizations from working in the country and they often threaten to reduce the amount of aid donated. The DPRK is extremely difficult to work with, designating exactly where organizations are permitted to work while leaving out the most vulnerable populations living in prison camps, military installations, research centers and nuclear facilities.¹⁴³ Similarly, the DPRK does not allow Korean-speaking foreign workers, so workers have to trust that the translator hired by the regime is honest in translating the Koreans’ replies to workers’ queries, a major source of frustration for many organizations currently in the DPRK. Due to the strict regulations from the government, numerous organizations in the past have left North Korea entirely, including Médecins du Monde, Médecins Sans Frontières, Action Contre

¹⁴⁰ Choi, 150.

¹⁴¹ Supreme People’s Assembly, *DPRK’s Socialist Constitution. Constitutional Law. 1st Session of the 1st Supreme People’s Assembly*, 1998.

¹⁴² “A Matter of Survival: The North Korean Government’s Control of Food and the Risk of Hunger,” *Human Rights Watch* <http://www.hrw.org/en/node/11324> (Accessed Feb. 25, 2011).

¹⁴³ Ibid.

la Faim and Oxfam International.¹⁴⁴ These sudden departures have done little to change the policies of the DPRK, though they have deepened the humanitarian crisis of many vulnerable North Korean populations.

There are three main types of American non-governmental organization operating in North Korea: public campaigns, conveyance NGOs and Religious NGOs. Public campaigns gain their support from American donors who feel compelled to give money because of their sensitivity to pictures or videos taken from the country in question. Images are shown to the American people who feel a moral responsibility to give to those less fortunate. Images of children living in poverty typically catch the attention of a great number of people, making this type of campaign successful. However, public campaigns have not been effective in North Korea because of their tight watch under the North Korean government. The DPRK does not want images showing its vulnerabilities abroad, so it has been nearly impossible to produce pictures and videos in order to raise money.¹⁴⁵

Second are conveyance NGOs, which are closely aligned with the US government. They may receive resources, funding, grants or supplies directly from the government. However, conveyance NGOs have been relatively ineffective because of the US's tendency to link aid to political motives. Under these circumstances, funding that the NGO should have received has often gone directly to the North Korean government as an incentive for adhering to US policies, diverting crucial funds from its intended destination.¹⁴⁶

Lastly, there are religious NGOs, which have proven the most successful despite the DPRK's lack of religious freedoms.¹⁴⁷ Religious NGOs have been effective primarily because

¹⁴⁴ Scott Snyder, "American Religious NGOs in North Korea: A Paradoxical Relationship," *Carnegie Council: The Voice For Ethics in International Affairs*, no. 21 (2007).

¹⁴⁵ House Committee on International Relations, Subcommittee on Asia and the Pacific, *Testimony of L. Gordon Flake*, 2004.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

they are not linked with the US government. Religious organizations do not produce sensitive images which humiliate the regime, as they already have a base of donors through religious channels. Additionally, the aid offered by the religious NGOs is not religious in that they do not proselytize; they simply disperse the aid to anyone in need. Religious teachings by aid workers would threaten the regime by introducing ideas outside of the *Juche* ideology, which is taught to be the sole law. Thus religious organizations work well as an organizational body because they are effective in distributing aid and are accepted by the regime.

There are several humanitarian NGO's currently working in North Korea which have been highly effective and may serve as a tool in guiding US policy. Christian Friends of Korea (CFK) is a group of Evangelical Christians that has been working in North Korea since 1995. The rights that Christian Friends of Korea seek to ensure are social; the organization supplies hospitals and nursing homes with food, clothes, blankets, medicine, as well as agricultural and medical supplies. This religious organization has been extremely successful in its mission and has contributed over \$42 million in various forms of aid. An important strategy of the Christian Friends of Korea is their monitoring of all the goods sent. In August of 2010, the CFK entered the DPRK and was able to visit seven hospitals and five nursing homes, and determined that the distribution method was working well and did not appear to have been corrupted.¹⁴⁸

Another notable religiously funded organization is Global Resource Services (GRS), which was founded in response to the famine in the 1990s in the DPRK. GRS continues to provide North Korea with humanitarian aid including unconditional food, clean water, medical assistance and survival resources.¹⁴⁹

¹⁴⁸ "What is CFK? Christian Friends of Korea," http://www.cfk.org/About%20Page/AboutCFK_.htm (accessed Feb. 7, 2011).

¹⁴⁹ "Humanitarian Aid," *Global Resource Services*, <http://mail.grsworld.org/programs/aid.php> (Accessed Feb. 16, 2011).

Similarly, the Eugene Bell Foundation, originally a part of the Christian Friends of Korea, now specializes in tuberculosis-related donations. Tuberculosis is one of North Korea's greatest health challenges, affecting malnourished people and spreading rapidly. The Eugene Bell Foundation currently serves one third of the North Korean infected population and is working in over forty hospitals and treatment centers. This foundation prides itself on its high level of transparency and efficiency, which have been made possible by years of trust and depoliticized, hard work.¹⁵⁰

Other organizations that have remained within North Korea for many years and have had successful campaigns include the World Food Program, Mercy Corps, The Red Cross, and World Vision.

The key to success of these organizations is based on four main attributes. First, these groups promote human rights that are supported by the DPRK, but which the regime cannot fully carry out due to financial hardships and sanctions. Second, they maintain depoliticized relationships through frequent exchanges and build trust gradually. Third, the projects carried out by these organizations are those that necessitate frequent visits, which are not perceived as monitoring, but rather as routine updates on the project. Finally, these organizations get their revenue through independent agencies so the DPRK trusts that the aid is not politically motivated.

Politicization of Aid

North Korea is continuously on the defensive toward Western offers of aid, out of fear that they are politically motivated and meant to threaten the stability of the regime. When a non-governmental organization becomes involved in North Korean politics, the DPRK immediately

¹⁵⁰ Snyder.

shuts down its operations and often increases human rights abuses. For example, in 1984 North Korea agreed to participate in a dialogue with the European Union on human rights. North Korean officials stated they felt that these talks would not adversely affect regime stability, and would help to establish a relationship with the EU. However, before the talks ever took place, the DPRK realized the EU was holding the talks in order to create a UN resolution which would have threatened the regime's stability. This revelation prompted North Korea to refuse any human rights dialogue, and was seen as a giant step backwards. Similarly, in 1997, when the UN adopted the Commission on North Korean Human Rights, the DPRK felt threatened by the move and immediately dropped out of the International Convention on Civil and Political Rights. Politicization of aid quickly changes the DPRK from a negotiating body to an isolationist country which refuses to make any gains in the promotion of human rights. Most importantly, North Korea perceives the US as a threat to the regime and therefore regards US-funded programs with suspicion, at times even expelling all US NGO's from the country.¹⁵¹

Current Economic Situation and Effects on Social Rights

Currently, many in the DPRK are still without basic necessities. Since 2009, the US and South Korea have drastically curtailed their aid due to North Korea's withdrawal from the Six-Party Talks, which has put a great deal of stress on the World Food Program, which has since delivered only one-third of the aid originally promised.¹⁵² This has created food shortages, which in turn make it nearly impossible for North Korea to guarantee the social rights that it promises in both its domestic law and UN conventions. Food shortages create a domino effect, wherein without adequate food, people cannot work as efficiently, and so make less money or lose their

¹⁵¹ Kim, 56- 57.

¹⁵² *Foreign Assistance to North Korea.*

job and turn to their children to help support the family income, resulting in decreased education and thus damaging multiple aspects of society. A lack of food security thus creates a whole list of problems, most of which could be avoided by increasing the efficiency of international aid organizations. While it may be true that even in times of great surplus, North Korea would not satisfy social rights to every citizen because of their oppositional view of universal human rights, it is true that for the great majority of citizens social rights such as healthcare, education, stable housing and food security would be available if the DPRK were in a stable economic situation. As of early 2011, the DPRK has alluded to the fact that the regime is in a very poor economic situation and in desperate need of aid, and wants to increase the standard of living for its inhabitants.¹⁵³

Human Rights abuses in North Korea greatly increased with the fall of the Soviet Union. The USSR acted as a political and economic safeguard to the DPRK, its communist ally from the end of World War II until the Soviet Union's collapse in 1991. During this period, the USSR provided North Korea with huge amounts of aid and favorable trade policies. However, the Soviet Union's collapse resulted in the withdrawal of economic assistance during the early 1990's which dealt a devastating blow to the DPRK's economy and ushered in an era of great economic instability, though the regime managed to keep its citizens under control.

Past US Policy

Theoretically, the US does not link humanitarian aid to policy. However, policymakers during both the Clinton and Bush Administrations did just that. Clinton's administration made progress with the DPRK by linking food aid to securing cooperation in numerous security-related issues. The Bush Administration increased the linkage to food aid based on "the need in

¹⁵³ "Korean News," *North Korean Central News Agency of DPRK*. <http://www.kcna.co.jp/index-e.htm> (Accessed Feb. 15, 2011).

North Korea, competing needs on US food assistance, [and] verifiable progress in North Korea on improved access and monitoring.” However, since in 2006 food aid was completely halted due to the DPRK’s failure to follow through on its promises, it can be surmised that tying aid to policy was unsuccessful in this instance. During the Bush Administration, an NGO consortium was established and saw great advancements between workers and North Korean officials. After the halt of aid in 2006, the US government once again funded the consortium throughout 2008-2009, using it to funnel aid shipments into the country. However, in March of 2009, the DPRK forced the consortium out after faltering international relations with the increasing failure of the Six-Party Talks. Though short lived, the consortium was extremely successful and after only ten months of on-site service delivered food aid to more than 90,000 marginalized North Koreans.¹⁵⁴

Major Human Rights Abuses

In 2005, the DPRK asked the WFP to cease its food distribution and to leave the country immediately. This prompted the United States Agency for International Development to also cease funding, because the World Food Program had acted as the distribution and monitoring body of over 80% of the organization’s total goods.¹⁵⁵

More recently, in November of 2009, the DPRK carried out a monetary devaluation scheme aimed at punishing individuals who had made illegal profits in the private market. The devaluation was carried out with very little warning and only allowed citizens to exchange up to 100,000 won, equivalent to approximately \$30 US. This resulted in deaths in vulnerable groups from starvation, due to the fact that average North Korean citizens did not have any form of

¹⁵⁴ *Foreign Assistance to North Korea.*

¹⁵⁵ *Foreign Assistance to North Korea.*

transportation and therefore were not able to exchange their money, nor was their old currency accepted.¹⁵⁶

Prisons for political detainees have been used in North Korea since 1947, though there is no way to know how many prisoners have perished in these camps after enduring inhumane treatment.¹⁵⁷ Typical prisoner camps attempt to institute obedience from its inmates through sleep deprivation, beatings with iron rods, kicking and slapping, sitting or standing for hours at a time, rape, public executions, child labor, food deprivation, poor sanitary conditions, lack of healthcare, lack of education and ‘pigeon torture’, a method of extreme torment and humiliation.¹⁵⁸ The DPRK publicly denies the existence of these camps, though they have been seen on satellite images and stories of the few surviving escapees detail just how inhumane the camps are. Moreover, the story of Shin Dong Hyok, the Korean refugee born into a political prisoner camp, reveals how unjust these camps are to have a young man imprisoned and degraded simply because of his familiar ties to a political dissenter.¹⁵⁹

International Treaties

The DPRK signed and ratified the International Convention on Civil and Political Rights (ICCPR) in 1981, but later dropped out, as well as the International Convention on Economic, Social and Cultural Rights (ICESCR) in 1981, the Convention on the Rights of a Child (CRC) in 1990, and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 2001.¹⁶⁰ Though these treaties have no ability to force the DPRK to act on what it has signed, they can provide political leverage by claiming that the DPRK signed the treaties

¹⁵⁶ “World Report 2011 North Korea: Key Events of 2010.”

¹⁵⁷ Choi, 277

¹⁵⁸ “World Report 2011 North Korea: Key Events of 2010.”

¹⁵⁹ Harden.

¹⁶⁰ “Treaty Collection,” *United Nations*, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (Accessed Feb. 18, 2011).

independently without the external pressure, and thus honoring these treaties should not threaten the regime's internal hegemony.

Domestic Law

The socialist constitution of the DPRK was created in 1998, however very little of the constitution is put into practice. Article 25 states “the state shall provide all working people with every condition for obtaining food, clothing and housing,” which is clearly not respected and may be a good place to start putting pressure on the DPRK to truly implement domestic law. Moreover, article 30 states “the daily working hours of the working masses are 8 hours.” Prison camps are known for cruel working hours and conditions, though the DPRK may justify this as saying that prisoners are not entitled to protection under the law. The North Korean constitution is full of contradictions, which must be remedied by if there is to be any hope for reducing human rights abuses.¹⁶¹

Humanitarian Intervention

North Korea reached out to the international community in August of 1995, claiming that recent floods had decimated the agricultural regions of the nation and caused a famine that had already killed thousands.¹⁶² At this time, dozens of NGOs rushed into the country to alleviate the humanitarian crisis, and to date approximately 130 humanitarian NGOs have entered the DPRK since the request for help.¹⁶³ From 1996 to 2005, the World Food Program, partially financed by the US, was able to feed approximately one third of all North Koreans.¹⁶⁴ However, because of the strict policies of North Korea and the relative lack of transparency and random monitoring, it

¹⁶¹ Supreme People's Assembly.

¹⁶² Young-Hwan Lee, *Child is King of the Country* (Seoul: Citizens' Alliance For North Korea Human Rights, 2009), 134.

¹⁶³ House Committee on International Relations.

¹⁶⁴ “A Matter of Survival.”

is difficult to say if the aid is getting to the populations the NGOs try to target. For example, in 2005, the World Food Program was allowed into only 160 of the 200 counties, a move which presumably prohibited access to the most malnourished people, in the prison camps.¹⁶⁵

US Intervention

Kim Jong Il has stated, “The worst enemies of human rights are imperialists who violate sovereign rights and who intervene in other countries’ internal affairs under the name of the ‘protection of human rights.’”¹⁶⁶ This statement appears to be directed at the US and suggests that the US needs to begin funding humanitarian organizations rather than putting a US face on aid. The US has given approximately \$800 million in food aid since 1996.¹⁶⁷ Although this sum may appear large, given the vast resources of the United States, the amount of aid would be much greater if the funding was dispersed to NGOs who the DPRK is less suspicious of. Statistics on how much aid actually gets to its intended beneficiary vary greatly, but one estimate puts this amount at about 50%.¹⁶⁸ US-headed humanitarian projects have been far less successful than neutral organizations such as the WFP and NGOs, because US groups have been forced out due to the DPRK’s suspicion that these groups were attempting to undermine the regime.

US Interests

It is in the US’s best interest to decide upon a policy that is most compatible with both human rights issues and with denuclearization. As has been shown, dramatic policy in which aid

¹⁶⁵ Ibid.

¹⁶⁶ Kim, 36.

¹⁶⁷ *Foreign Assistance to North Korea*.

¹⁶⁸ Ibid.

is strongly linked to policy has proved disastrous for the vulnerable populations, thus in order to forgo a major humanitarian crisis the US must present options that are met with compliance by the DPRK regime as well as with our own political interests.

Additionally, the US has a moral responsibility to intervene in humanitarian crises, which is precisely the situation in the DPRK. Such intervention would further enhance the US's international legitimacy, which is fundamental to gaining and maintaining allies. There is strong correlation between times of receiving low aid and economic sanctions and high malnutrition and death in the lower ranked classes of North Koreans. These times also increase the incidence of human rights violations across the board, which is generally interpreted as an attempt to deter citizens from fighting against the regime. Thus, continuing aid without applying overwhelming pressure on North Korea to change its policies will likely result in less abuse and more stability in the region.¹⁶⁹

Finally, considering that this Task Force is not pushing for regime change, but instead for denuclearization and an increase in the standard of living in the DPRK, the US has an interest in maintaining peace and stability within Asia, which will be made possible both by putting less stress on the North Korean regime and gaining the respect of China.

Options

There are many options for US policy towards human rights abuses, not all of which are necessarily compatible with the more pressing issue of denuclearization. First, the US can privately fund successful international NGOs that are already in the region and that focus on alleviating social issues such as access to health care, food and education. This funding would be done unconditionally. However, entirely unconditional aid is not desired by many in the US,

¹⁶⁹ "A Matter of Survival."

because of the past examples in which the DPRK put less resources into food and medicine for the entire population and instead funneled aid money into the military and nuclear weapons programs. Thus, an option more compatible with overall US interests would be to fund the aforementioned NGOs while requiring that the DPRK follow the United Nations international protocol on the distribution and transparency of humanitarian aid. Contingent on this condition, funding would be available for five years, in order to ensure a stable US policy. Every five years, a critical assessment would be allowed by the DPRK to ensure that aid was being distributed properly.

Third, the US could cease all aid and relations with North Korea and hope that it destabilizes the region enough for a regime change; however, this is highly unlikely knowing that China will send aid to the DPRK to prevent its collapse. Additionally, this would destabilize the region and perhaps prompt a war. Finally, the US could place significant pressure on China to stop the unconditional aid which, though cost-effective to the US, would likely not be acceptable to China.

Recommendations

The US should send aid via NGO's that is decoupled from explicit US government channels to avoid the stigma associated with the US. The US should target religious NGOs, including World Vision, Christian Friends of Korea and the Eugene Bell Foundation, along with three non-religious organizations, the World Food Program, the Red Cross and Mercy Corps. The US should begin substantially funding these organizations through the State Department's Democracy, Human Rights, and Labor (DRL) Bureau, which gives grants to US-based

organizations.¹⁷⁰ These grants would go to the aforementioned groups which are all currently active and accepted in the DPRK.

The US should work to organize these groups into a consortium which, along with other issues, would agree to completely halt humanitarian aid if the DPRK did not accept the UN protocol for aid transparency. This policy should be ongoing and maintained in the long term, so that if the DPRK refused the conditions they would receive no aid until an extensive report was conducted and US policies reevaluated.

The US government should offer greater tax cuts to incentivize this consortium and help to expand the scope and efficiency of the organizations in order to reach the greatest number of North Koreans to alleviate social issues. Furthermore, with more funding, these organizations should be able to expand in scope both geographically and in the number of rights they addressed. There should be an emphasis on projects that require workers to monitor progress and make small adjustments as a means to justify the requirement of an in-country staff with monitoring powers.

Now is an opportune time to request this condition of transparency from the DPRK, as the regime appears to be quite desperate and stated in 2011 that a goal of the near future is to increase the standard of living for their citizens. The DPRK will be incentivized to agree to the conditions because the regime's legitimacy would increase domestically once the standard of living was raised. By requiring transparency in aid, the US will possess greater leverage on other issues, such as monitoring of denuclearization, and allow the US greater access to the DPRK through the NGOs. The US should minimize putting an explicitly US face on aid, as this will be perceived as another US attempt to undermine the regime. Furthermore, the US should restrain

¹⁷⁰ Congressional Research Service, Congress and US Policy on North Korean Human Rights and Refugees, *Recent Legislation and Implementation*, 2009.

itself when trying to change the tactics of the consortium of NGOs, because if significant change is made apparent to the DPRK, the government may become suspicious of US motives.

Furthermore, the US must pressure the United Nations to have a greater influence on its member states in obliging them to comply with signed and ratified treaties, especially the ICESCR, CEDAW, CRC, and the Convention Relating to the Status of Refugees. Additionally, the UN should persuade member states to sign onto major UN bodies; the International Labor Organization should be at the forefront of this move in order to increase standards of prison camp working conditions in the DPRK. Lastly, the US must convince the DPRK through increasingly normalized relations that the regime needs to take positive steps to satisfy domestic laws as steps to take in the new diplomatic process.

Acknowledging the tensions between the DPRK's nuclear threat and grave human rights abuses, there should be as much effort as possible to instill policies which are beneficial to both sides and do not directly threaten the vulnerable populations of North Korea. Ronald Reagan alluded to this difficult compromise when he stated, "a hungry child knows no politics."

China and North Korean Refugees

Celeste Gonda

Issue

Although the issue of human rights violations in North Korea is overshadowed by nuclear and security negotiations, it is still a very important issue that cannot be ignored. Refugees escaping north into China in particular face brutal conditions. The US State Department estimates that between 30,000 and 50,000 North Koreans live as refugees in China, while some estimates reach up to 300,000.¹⁷¹ Refugees in China are facing human rights abuses and many are forcibly repatriated back to North Korea, where they are sent to forced labor camps or executed.¹⁷² The State Department has stated that a “central goal of US foreign policy has been the promotion of respect for human rights”, and that “the United States understands that the existence of human rights helps secure the peace, deter aggression, promote the rule of law, combat crime and corruption, strengthen democracies, and prevent humanitarian crises.”¹⁷³ The US has also deemed the DPRK refugees and human rights abuses a serious issue, yet effective actions by the US towards a solution have been lacking.¹⁷⁴

Background

Refugee Conditions

Though North Korean refugees flee their country to escape famine, human rights violations and a repressive government, their conditions in China are arguably only marginally

¹⁷¹ Rhoda Margesson, Emma Chanlett-Avery, and Andorra Bruno, Congressional Research Service, *North Korean Refugees in China and Human Rights Issues: International Response and US Policy Options*, 2007, 15.

¹⁷² *Ibid.*, 15.

¹⁷³ "Human Rights," *US Department of State*, <http://www.state.gov/g/drl/hr/> (accessed Feb. 13, 2011).

¹⁷⁴ Margesson, Chanlett-Avery, and Bruno, 16.

improved. China's policies are hostile to North Koreans and refugees must work to avoid being noticed. Refugees are vulnerable to human trafficking, abuse, extortion and exploitation. Female refugees, who comprise 75% of the refugee population, are also victims of rape, prostitution, arranged marriages and bride trafficking.¹⁷⁵ Families are often separated when they reach China. Despite these horrendous conditions, these refugees cannot go back to North Korea. If they are unlucky enough to get caught by Chinese officials, they are deported back to North Korea where defection is viewed as a capital crime and, as is stated in the 1987 North Korean penal code, any defector returned to the DPRK "shall be committed to a reform institution for not less than seven years. In cases where the person commits an act of extremely grave concern, he or she shall be given the death penalty." Actual punishment, however, is inconsistent and unpredictable, varying from months to several years of "labor correction," to concentration camps, torture and execution.¹⁷⁶

Chinese Policies

China is a party of the 1951 UN Refugee Convention and Protocol, which decrees that parties adhere to the principle of "non-refoulement" which states that "no contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened."¹⁷⁷ However, China is a formal ally of North Korea and in 1986 promised the DPRK, under a separate repatriation agreement, to return all border crossers to face punishment. China continues to observe this agreement because it officially views the North Koreans as illegal economic migrants, and not as refugees. As a result, these refugees are unable to acquire legal status in China, even if they are married to a Chinese citizen, a condition which

¹⁷⁵ "Report 2007," *Amnesty International*, <http://archive.amnesty.org/report2007/> (accessed Feb. 10, 2011); Margesson, Chanlett-Avery, and Bruno, 10.

¹⁷⁶ Margesson, Chanlett-Avery, and Bruno, 14

¹⁷⁷ United Nations, *Convention Relating to the Status of Refugees*, Chapter 1, Article 33.1, 1951.

contributes to human trafficking and exploitation. Furthermore, China does not allow the United Nations High Commission for Refugees (UNHCR) access to the North Korean refugees, and limits access of the US and other NGOs as well.¹⁷⁸

Beyond nuclear policy, it is China's main interest to maintain regional stability, which is dependent on the stability of the DPRK. This is shown by China's position as North Korea's top supplier of aid, which, in 2003, amounted to \$470 million annually.¹⁷⁹ China believes it needs North Korea as a buffer against South Korea and, consequently, the United States. A massive outflow of refugees could lead to the collapse of the DPRK regime, which could destabilize the broader region.

US Policies

The United States has had varying policies towards North Korean human rights and refugees. In 2004, the Bush Administration signed the North Korea Human Rights Act (NKHRA), which expresses that human rights in North Korea should be a key goal in US negotiations with North Korea. The NKHRA clarifies that North Koreans have full eligibility for asylum in the United States, and grants \$20 million annually towards aiding refugees.¹⁸⁰ However, as of January 2009, only seventy-one North Korean refugees had been resettled in the United States, and none of the funding has been requested, except for \$2 million in 2008.¹⁸¹

Despite such actions, US policy towards North Korean human rights has been largely inconsistent. The US has shifted between various policies, including separating human rights from security issues, openly criticizing the DPRK's human rights record, focusing on human

¹⁷⁸ Margesson, Chanlett-Avery, and Bruno, 8.

¹⁷⁹ Philip P. Pan, "China Treads Carefully Around North Korea; Delicate Relations Make Beijing Wary of Pressuring Unpredictable Neighbor on Nuclear Program," *Washington Post*, 2003.

¹⁸⁰ US Congress, *North Korea Human Rights Act of 2004*, 108th Congress, 2004.

¹⁸¹ Margesson, Chanlett-Avery, and Bruno, 22.

rights only when nuclear negotiations have stalled, promising to settle human rights after nuclear negotiations have settled, and refusing to negotiate other issues until there has been progress on improving human rights.¹⁸² As a result of these inconstant policies, the DPRK does not feel compelled to comply to individual US demands, as they can simply wait until the United States changes its mind again, a reality which has prevented progress in this area in the past.

DPRK Refugees in Other Countries

Though China is the primary receiving country of DPRK refugees, there are a number of refugees in Cambodia, Mongolia, Thailand, Vietnam and Laos as well.¹⁸³ Vietnam and Laos are generally unwilling to assist defectors, for fear of offending the North Korean regime. Thailand has been relatively tolerant for refugees, which has led to an increased number of North Koreans entering the nation both as asylum-seekers and while in transit to South Korea. However, this rise in volume has strained the Thai refugee processing system and, in 2006, Thailand began to crack down on the illegal entry of North Korean defectors.¹⁸⁴ Mongolia has also served as an alternative escape route from China. The Mongolian government has been cooperative towards refugees by not repatriating defectors, maintaining contact with the UNHCR and providing the refugees with humane conditions.¹⁸⁵

US Interests

Though it seems like reasons for helping refugees in critical condition should be self-evident, advocating for human rights is always difficult and easy to overlook, since the aiding government does not receive concrete and direct benefits from its actions, nor is the government

¹⁸² Ibid., 21.

¹⁸³ Margesson, Chanlett-Avery, and Bruno, 14.

¹⁸⁴ "Thailand Playing a Key Role in Aiding N. Korean Asylum Seekers," *The Nation* (Thailand). February 27, 2007.

¹⁸⁵ Margesson, Chanlett-Avery, and Bruno, 15.

directly confronted with such abuses. Helping the North Korean refugees, however, is imperative and should be included in US policy for several reasons.

Current Involvement

The US's current and extensive interaction with the DPRK obliges the US to extend this involvement towards North Korean refugees as well, as they are directly related to the regime. Involvement in the Korean War left the United States partially responsible for the conditions of the North Korean refugees and obliges the US to be involved in solving the issue currently. Improving the conditions of refugees along the Chinese-North Korean border would also work towards maintaining regional stability, which is a major US interest. Furthermore, increasing ties with North Korean refugees will facilitate communication with former citizens of this reclusive regime, which could provide the United States with greater insight on domestic conditions.

The United States already has existing, albeit not very efficient, policies concerning the North Korean refugees. The NKHRA passed unanimously, which established a precedent in Congress for helping these refugees, and commits the US to continue working to improve these policies.¹⁸⁶ Doing so would also appease those who are critical of the aggressive nuclear negotiations domestically, as well as those who are critical of the failure of implementation of the NKHRA.

Moral Responsibility

Above all, the United States should use its resources to protect the refugees because it is its moral responsibility to stand up for human rights for those suffering under repressive regimes; especially ones with which we are so heavily involved. The United States created its first human

¹⁸⁶ Ibid., 21.

rights council in 1775 and since then, has always placed human rights as a central goal of US foreign policy. The US Bureau of Democracy, Human Rights and Labor (DRL) claims the US seeks to “hold governments accountable to their obligations under universal human rights norms and international human rights instruments.”¹⁸⁷ The United States also gives around \$30 billion in global humanitarian aid annually, which, in itself, demonstrates the importance of humanitarian assistance in US policy.¹⁸⁸ As the world leader of human rights advocacy and humanitarian aid, it is the United States’ obligation to provide assistance to these refugees. *The DRL also promises to “forge and maintain partnerships with organizations, governments, and multilateral institutions committed to human rights”, and that “The bureau takes advantage of multilateral fora to focus international attention on human rights problems and to seek correction.”*¹⁸⁹ US involvement would increase awareness of the situation of North Korean refugees and encourage other governments to provide assistance as well.

Options

Improve Conditions in the DPRK

The most effective way to avoid abysmal conditions and executions for refugees in China, as well as forced labor and executions within the DPRK, would be to decrease the number of refugees. This should not be undertaken by trying to prevent North Koreans from escaping their country, as the DPRK does, but instead by working to improve conditions in North Korea so that fewer North Koreans choose to risk their lives to escape in hope of a better life. The United States could provide humanitarian assistance such as access to health care, food and education, and ensuring it reaches those in need, through NGOs such as World Vision, Christian

¹⁸⁷ “Human Rights.”

¹⁸⁸ Anup Shah. “Foreign Aid for Development Assistance,” <http://www.globalissues.org/article/35/foreign-aid-development-assistance> (accessed Feb. 10, 2011).

¹⁸⁹ “Human Rights.”

Friends of Korea, American Friends Service Committee, the WFP and the Red Cross. The United States could also pressure the DPRK to sign onto major UN bodies, as well as pressure the UN to have greater influence in advocating human rights in the DPRK.

Using NGOs to Improve Refugee Conditions in China

Another option for improving refugee conditions would be to use NGOs already established at the China-North Korea border. There are already a number of NGOs established at the border, including Life Funds for North Korean Refugees (LFNKR), Citizen's Alliance for North Korean Human Rights, Durihana Mission and Helping Hands Korea. These NGOs undertake several different approaches towards helping the refugees, and work globally to raise awareness of the conditions of the refugees and influence international human rights standards¹⁹⁰. Several NGOs provide information on the status of refugee and asylum seekers for the public and governments to access. Many of these organizations also build networks among other NGOs, the private sector, and United States, and the Chinese and South Korean governments.¹⁹¹ These networks are necessary because cooperation among private as well as governmental groups will increase the possibility of improvement of the refugee and human rights situation in the DPRK.

Locally, NGOs help North Korean refugees resettle and provide humanitarian assistance in the form of material aid such as food, clothing, and medicine. These organizations also educate and train refugees, and some even help refugees escape China to a third country through "underground railroads."¹⁹²

¹⁹⁰ Kato Hiroshi, "Life Funds for North Korea," *northkorearefugees.com* (accessed Feb. 16, 2011).

¹⁹¹ Jungin Kim, "A Study of the Roles of NGOs for North Korean Refugees' Human Rights," *Journal of Immigrant & Refugee Studies* (2010): 76-90.

¹⁹² Jungin, 7-9.

A constant challenge for NGOs is obtaining enough funding to be able to operate at full capacity. Many NGOs cannot accomplish as much as they would be able to with more resources. These limitations constrain what many organizations can accomplish, and do not give them the opportunity to expand. On the other hand, the US has authorized an annual \$20 million towards helping refugees in North Korea, yet has used only a very small fraction of it. Furthermore, the US does not have any plans or programs established for aiding the refugees. If more funding were placed in the hands of local NGOs, then the US government and groups in China could work together to establish more efficient organizations and increase humanitarian assistance.

Common criticism of the NKHRA is that the US government is using this act as an attempt to undermine the DPRK. This argument can be countered by the fact the US is also providing aid to North Koreans in the DPRK, which can be seen as helping the regime. Aid to North Koreans can be interpreted both ways and neither is correct nor incorrect. Furthermore, directing the funds authorized in the NKHRA towards NGOs would be less public, which would look less like the United States is blatantly undermining North Korea.

Underground Railroad

North Korean refugees in China do not have legal status and, as a result, must live in constant fear of getting caught by Chinese officials and are often exploited by abusive employers. Their only escape from these conditions, as they are unable and unwilling to go back to North Korea, is to escape to a third country. Such journeys are made possible by what is informally called the ‘underground railroad’, a network of missionaries, activists, humanitarians and smugglers which helps to transport the refugees to another country, such as Thailand,

Mongolia, and Laos.¹⁹³ The US could attempt to aid refugees in this process, though this option has limited utility, both due to potential conflict with China, and lack of cooperation of many ‘destination’ countries.

Asylum in Other Countries

Other countries in Southeast Asia could be encouraged to offer asylum to North Korean refugees. This would allow the refugees an escape from the repressive DPRK regime, as well as the abusive conditions in China. Cooperation from multiple countries would also lessen the burden of individual nations, especially China. South Korea already takes in DPRK refugees, but a few other options would be Mongolia and Thailand.¹⁹⁴

The United States has the largest Korean population outside of Southeast Asia and many supporters of the North Korean refugees believe the United States should offer them asylum. The North Korea Human Rights Act authorizes full refugee status for North Koreans, yet many advocates criticize the lack of implementation of the act.¹⁹⁵ Though the NKHRA offers asylum to North Koreans, there is no effort made to facilitate the process of resettlement, nor are the refugees in transit countries provided any opportunity or knowledge of resettlement in the United States. In order to provide protection for the North Koreans, refugees in China could be given access to applying for refugee status in the US and part of the funds authorized in the NKHRA could be used towards helping the refugees travel to the United States. In other words, the actions suggested in the NKHRA in 2004 could be put into effect.

¹⁹³ Tom O’Neill, “Escape from North Korea,” *National Geographic*, no. 215 (2009): 74-99.

¹⁹⁴ Margesson, Chanlett-Avery, and Bruno, 14-15.

¹⁹⁵ *Ibid.*, 17.

Promoting Human Rights in US Policy

In congruence to this, the United States should promote human rights and refugees as a more central issue in US policy towards North Korea. It should be acknowledged as an essential objective for the United States to implement and improve its existing policies towards North Korean refugees to make our actions more efficient and effective. The issue should also be included in the dialogue with the DPRK and China. China should be encouraged to recognize North Koreans as political refugees, not economic migrants, because they face persecution if they return to their country. The US should implore China to follow the UN Refugee Convention and Protocol, and not forcibly repatriate the North Koreans, as well as allow the UNHCR access to the refugees. The US could also urge the DPRK to repeal its punishment towards defectors.

Recommendations

There is not much the US can do to help the North Koreans in the DPRK by means of helping to escape or lessening punishment of defectors. Negotiating with the DPRK is difficult and US interests in dialogue with DPRK focus mostly on nuclear security.¹⁹⁶ Accordingly, the US should work toward a different approach to improve the current situation as much as possible. The US should promote regional stability by decreasing the number of refugees and improving conditions in China.

Improve Conditions for Current Refugees

China prohibits the US and UN access to North Korean refugees. Consequently, working with already established NGOs would be the most effective way for the US to access refugees.

¹⁹⁶ Ibid., 21.

The US should use the annual \$20 million allotted to aiding North Korean refugees towards funding NGOs. This would be beneficial in a number of ways.

Funding NGOs would be more effective in helping the refugees because it is necessary to be covert for the safety of the refugees, who are trying to hide from Chinese and North Korean officials and, often, exploitative employers or traffickers.¹⁹⁷ The NGOs are also already established around the border, have made connections with the communities and are prepared to help the refugees.

Improve Conditions in the DPRK

The US should work with NGOs and the UN to improve conditions in DPRK. Working to improve the quality of life for North Koreans would decrease the outflow of refugees, and would also lessen the burden on China and other receiving countries, and likely decrease trafficking in China as well. As this Task Force has precluded the possibility of DPRK regime collapse in the immediate future, these measures would alleviate China's fears and contribute to regional stability. Working toward these outcomes would also help try to persuade China to follow the UN Refugee Protocol and stop forcibly repatriating refugees, which, in turn, would also help to improve conditions in North Korea.

Dialogue with China

China is wary of US involvement of its affairs, including criticism of its human rights record. This makes it difficult to negotiate with China to improve the refugee situation, yet it is imperative that the US make an effort. Though China is an ally of the DPRK, the US must try to make China see that the North Koreans aren't illegal economic migrants; they are political

¹⁹⁷ Andrei Lankov, "North Korean Refugees in Northeast China," *Asian Survey*, no. 44 (2004): 856-73.

refugees, defined by the fact that they face persecution if they return to North Korea. Therefore, China must follow the Refugee Convention and Protocol principle of “non-refoulement.” By not immediately repatriating the refugees, China gives them a greater opportunity to safely transit to another country and to escape traffickers and exploiters.

China does not want an outflow of refugees from North Korea, as these groups destabilize the DRPK regime, the region, and create a burden for the PRC government.¹⁹⁸ The US should use this knowledge to its benefit and encourage China to cooperate to improve conditions in North Korea by ceasing to forcibly repatriate refugees, which would decrease the presence of forced labor camps and executions in China. In turn, this, combined with US efforts, would help to improve conditions in North Korea, ultimately benefiting both China and the entire region.

Consistency

The United States must decide on its policy towards North Korean refugees, implement it, and stick to it. Overall, it is important that the U.S is consistent in its policy and shows no ulterior motives. This will increase trust and cooperation from other countries. The US must promote refugees as an important issue and continue working toward a solution. Merely signing an act and occasionally raising the issue in dialogues with China and DPRK is not enough and will not persuade them to cooperate.

¹⁹⁸ Margesson, Chanlett-Avery, and Bruno, 17.

Lessons of the Sunshine Policy

Soojin Cho

Issue

While the Berlin wall collapsed and successfully unified West and East Germany at the end of the cold war, the Korean peninsula has retained its wall in the form of the DMZ. Having lived as two separate countries for more than a half century, the two Koreas carry a long and complicated history of both amicable and antagonistic relations. Particularly in light of the recent *Cheonan* naval and *Yongbyon* Island crisis, any change in Republic of Korea (ROK) policy toward North Korea has immense implications for the international community as well as international security and order.

The ROK policy toward the Democratic People's Republic of Korea (DPRK) has largely reflected the respective hard or soft-liner policies of the administration in power. Unlike many predecessors, namely Kim Dae Jung and Roh Moo Hyun, who had focused on peace and prosperity in the Korean Peninsula under the sunshine policy, the current President, Lee Myung Bak, has taken a firm stance, emphasizing long-term structural peace through denuclearization of the North. Although the sunshine policy was effective in reducing tensions and attaining notable economic cooperation and exchanges between the two Koreas, the goal of achieving long-term stability and a harmonious coexistence was undermined when the ROK discovered that the unconditional flow of aid was possibly being diverted toward military buildup. This essay demonstrates the failures of unconditional aid, and the necessity for a middle ground in terms of how and when aid should be given. The philosophy of the sunshine policy and its unconditional

aid was only challenged after the nuclear tests, further proving that aid must have limitations and transparency.

The sunshine policy is one of the few strategies toward the North that underlines peaceful negotiations as a liberal approach. The engagement policy and unconditional aid from South Korea not only have allowed the DPRK not only to continue military escalation, but also to act without constraint while receiving aid. The sunshine policy has taught the ROK, and others, the importance of reciprocity toward the North for the development of diplomatic relations. Evaluating and analyzing the sunshine policy is therefore essential to determining future directions in dealing with the North. This paper will argue that the sunshine policy engagement strategy could have brought more significant results toward long-term economic and political stability if South Korea had made a written conditional agreement with the North for humanitarian aid that established institutional oversight over the flow of aid, which would have ensured compliance with the ROK's policy goals and balanced relations with the North.

This paper will provide background information on the sunshine policy and specific goals that the policy aimed to attain, and then evaluate whether the goals were appropriate and whether they were achieved. The paper will also explore the significance of the failures of the sunshine policy and the possible options in dealing with the North, and provide specific recommendations to address the discrepancies between the philosophy of the sunshine policy and reality.

Background

Until the Lee Administration took office in 2008, the sunshine policy had remained the primary ROK policy toward the North since the Kim Dae Jung administration assumed office in 1998. The philosophy embedded in the sunshine policy reflected President Kim Dae Jung's

belief in the ‘parallel’ development of democracy and the market economy.¹⁹⁹ At the inauguration, the president used Aesop’s fable, *the North Wind and the Sun*, to demonstrate his sunshine policy toward the North, promoting peaceful co-existence in the Korean peninsula: “The sun and the wind were arguing over which one was the stronger. The challenge was to remove the coat from a traveler. The harder the wind blew, the tighter the traveler wrapped his coat around him. On the other hand, as th’ sun shone, the traveler took the coat off.”²⁰⁰ The wind referred to North Korea, and “taking the coat off” implied the North opening up to the world and expansion of international engagement.

President Kim Dae Jung believed unconditional aid and intense level of positive social and economic exchanges would alleviate inter-Korean tensions and ultimately change the political and economic environment in the North. He considered the reunification as a time-consuming process and that the ROK, as well as other international communities, would have to give way in the short-term to lay the foundation for long-term results.²⁰¹ The Kim Administration adopted three core principles: first, intolerance of any military provocations from the North; second, no unification of the Korean Peninsula by absorbing the North; and third, separation of the economy from politics and the promotion of the economic and social exchanges.²⁰²

By stating that the ROK would retaliate against any provocation, the policy indicated commitment to national security, though confrontation was unlikely given the reduced tensions. The ROK attempted to balance out amicability through deterrence. Instead of forcing reunification of the two Koreas, the ROK recognized North Korea as a sovereign state, which required continuous engagement for the inter-Korean alliance. This principle opened up the

¹⁹⁹ Jo Mmlj, *The Kim Dae-Jung Government: The Sunshine Policy* (Seoul, Korea.: Society for Northeast Asian Peace Studies, 1999), 104.

²⁰⁰ D. L. Ashliman, Wind and Sun: Fables of Aarne-Thompson-Uther type 298 in which the wind and the sun dispute about which of them is more powerful plus a related African-American tale, <http://www.pitt.edu/~dash/type0298.html> (accessed January 15, 2011)

²⁰¹ Chung-In Moon and David Steinberg, *Kim Dae-jung Government and Sunshine Policy* (Seoul, Korea.: Yonsei University Press, 1999), 37.

²⁰² Ibid., 38.

opportunity for dialogue between the top leaders of the two Koreas in 2000. By separating economics from politics, the ROK could shift the focus from the most contentious political issues to less aggravating economic issues, promoting a sense of cooperation and parallel growth in the two Koreas.²⁰³ The last core idea of the engagement policy was based on David Miltrany's functionalist theory that cooperation in non-political areas will spill over to other areas of cooperation between two different systems.²⁰⁴ In following this principle, the Kim administration focused on economic cooperation, hoping to see the apolitical cooperation create a domino effect towards the political integrations of the two Koreas.

Based on these three core principles, the goals of the sunshine policy were as follows: first, preventing a war in the Korean peninsula; second, reducing military tensions and establishing peaceful co-existence; third, fostering amicable inter-Korean relationships; fourth, inducing political economic changes in the North of its own volition; and fifth, encouraging gradual unification of the peninsula.²⁰⁵ These goals were carried out with five specific sets of activities: first, restarting a long-suspended talk between top officials in the two Koreas; second, expanding a North-South joint economic project; third, fostering family reunions; fourth, providing unconditional humanitarian aid; and fifth, encouraging international cooperation to reduce tensions.²⁰⁶

Evaluating the Success of the Sunshine policy

²⁰³ David Miltrany, "The Functional Approach to World Organization," *International Affairs*, no. 29 (1948), 359; Lee Hyun-Sup, *Theory of Korean International Politics* (Seoul: Ilshin-sa, 1991), 215; Kim Do-Tae, "The Evaluation of the Sunshine policy and the Inter-Korean Relations from the Functionalist Perspective," (presentation, 15th Policy Forum for the Advisory Council on Democratic and Peaceful Unification, May 2002).

²⁰⁴ Ibid.

²⁰⁵ Soo-Ho Lim, "Transfer of Power and Change of North Korea Policy: Focusing on Lee Myung-Bak Administration," *Asian Consortium for Political Research*, vol. 19, no. 2 (2010): 140.

²⁰⁶ Norman D. Levin, *Sunshine in Korea: The South Korean Debate over Policies Toward North Korea* (Santa Monica, CA: RAND Corporation, 2003), 24-30.

With the hope of reconciliation between the two Koreas through economic cooperation and prosperity, the sunshine policy accomplished some daunting tasks. The most groundbreaking achievement was the inter-Korean Summit in 2000. President Kim Dae Jung visited the North and held a meeting with Supreme leader Kim Jong Il face-to-face. A long-suspended dialogue between leaders in ROK and DPRK had opened up a possibility of reconciliation of other political areas, such as military buildup and nuclear issues²⁰⁷. In addition, the ROK had successfully promoted a development project at Mt. Kumgang in the North and built the industrial Kaesong complex, which generated profits in both Koreas.²⁰⁸ The Hyundai groups and the North had jointly initiated the tourism project to facilitate even deeper economic cooperation. Four rounds of North Korean sanctioned family reunions also enhanced the possibility of inter-Korean exchanges in areas other than economics.²⁰⁹ Even though the ROK underscored the importance of having a direct conversation between two Koreas, it also encouraged international involvement to maintain peace on the peninsula, as the administration had sought to resume ‘Four-Party Talks’ and pursued the US-DPRK Agreed Framework.²¹⁰

In addition, the Kim Administration poured aid into the North through governmental and non-governmental channels to promote amicable relationships. Figure 1 shows the rapid increase of the amount of aid flowing into North Korea beginning when President Kim Dae Jung took his office in 1998. The continuation of increase of aid demonstrated the philosophy of the Kim administration’s engagement policy. In addition to monetary aid, food, fertilizers and medical supplies were sent to improve the living quality of people in North Korea.²¹¹ Aid was

²⁰⁷ Moon and David Steinberg, 46.

²⁰⁸ Ibid., 47.

²⁰⁹ Levin, 28.

²¹⁰ Ibid., 29.

²¹¹ Ibid., 29.

consistently given throughout the sunshine policy, even when South Korea was struggling during the Asian economic crisis of late 1997-1998.²¹²

Figure 1. S.Korean Humanitarian Aid to N. Korea: Gov't and NGO (1998-2004.5)²¹³

Year	Government	NGO	Total
1998	11	20.9	31.9
1999	28.3	18.6	46.9
2000	78.6	35.1	113.8
2001	70.5	64.9	135.4
2002	83.8	51.2	134.9
2003	87	70.6	157.6
2004.5	2.6	69.8	72.3
1998~2004.5	361.7	331.1	692.8

(unit=U.S.\$1,000,000)

Source: Korean Unification Ministry (2004)

Failures of the Sunshine Policy

Despite the accomplishments of a close social and economic association between the ROK and the DPRK, the sunshine policy had its share of criticisms. Many critics have argued that the goals of the sunshine policy were based on a naïve assumption. Despite the South Korean president's optimism, the 'shelling out' of humanitarian aid has challenged the effectiveness of the entire sunshine policy.²¹⁴ The consistent pouring of unconditional aid jeopardized the hope of long-term stability in the Korean peninsula when the ROK discovered that the North had been involved in military buildup. Even though there was no conclusive evidence, the South could infer that at least some of unconditional aid was used in building missiles and nuclear weapons, since North Korea detonated nuclear devices twice, first in 2006

²¹² Kyung-Suk Chae, "South Korea's Engagement Policy Towards North Korea: Assessment and Outlook" (PhD diss., Hoseo University, 2004), 53.

²¹³ Korean Unification Ministry, *Inter-Korean Relations: Current Status and Prospects*, 2004

²¹⁴ Chae, 54.

and once again in 2009. The ROK was not only outraged by the betrayal, but also suspicious about the very motivation of the North's engagement, and as a result relations between the two Koreas were severely hurt.

As the unconditional aid under the sunshine policy had failed to deliver long-term stability on the peninsula during both the Kim and Roh Administrations, the Lee Myung Bak administration has taken a hard line position, adopting an isolation and disengagement policy. Disillusion among the South Korean people with the sunshine policy was one of the reasons for Lee Myung Bak's success in the 2007 election. Unlike the sunshine policy, Lee's isolation policy focuses on denuclearization of the North, insisting that the DPRK make concessions.²¹⁵ President Lee believes that peace and prosperity on the peninsula are impossible as long as the DPRK insists on developing nuclear weapons. The Lee administration has constrained the flow of humanitarian aid until the North allows the transparency of the distribution process and promises to work on the nuclear issue on the peninsula.²¹⁶ However, even with the drastic change in ROK policy, North Korea has not made any concessions; the cycle of distrust and hostility has restarted. Under the extreme isolation policy, North Korea has continued to develop nuclear weapons and missiles, leading up to the 2009 nuclear and missile test, which suggest that the extreme isolation policy does not work either.

Lessons Learned from the Sunshine Policy

The sunshine policy was considered to be one of the most flexible, amicable attempts in dealing with North Korea. Even though it failed to deliver long-term affable inter-Korean relations as the ROK hoped to achieve, it proved that the North would be more responsive to

²¹⁵ Ibid.

²¹⁶ Lim, 142-45.

incentives than previously thought. On the other hand, the unconditional aid, as well as an inability to monitor its flow, may have undermined the efficacy of the humanitarian effort and restoration of good relations between the two Koreas. Political reciprocity should have been incorporated into economic agreements and social interactions.

Not only did the sunshine policy question the viability of unconditional aid, but it also challenged the sincerity of North Korea toward the ROK. Dealing with a ‘rogue’ country like North Korea requires deeper investigations on the fundamental motivations of engagement. The fact that North Korea was building up its military while receiving aid and agreeing to work on reducing the tensions in the peninsula, combined with its unwillingness to reach out to rebuild trust with the ROK, has invoked doubt of its will to make peace with the ROK at all. Neither the sunshine policy, with its extreme engagement incentives from the Kim administration, nor the isolation policy from the Lee administration, brought persistent stability in the peninsula. The limitations of two extreme ROK policies toward the North have suggested the viability of a more moderate policy.

Furthermore, the sunshine policy proved that policy toward the North would be most effective when the ROK and the United States had the same attitude. For example, when the Bush Administration took an extreme hard-line position while the Roh Administration remained moderate, the conflict created a disastrous atmosphere in the international community, jeopardizing US-South Korea relations and exacerbating tensions between the US and the DPRK.

US Interests

The United States, as the world's leading superpower, has considered the international stability the utmost importance in its global affairs. From the cold war era, North Korea has threatened the security of South Korea, a US ally, causing the United States to support the South militarily. It is in the US's interest to assure the harmonious coexistence and reduce the conflicts between the two Koreas on the peninsula so that the financial burden of in South Korea may be reduced.

At the same time, the United States is interested in supporting humanitarian assistance to North Korea, due to US humanitarian principles. Even though the DPRK has defied South Korea and the United States by launching a missile test in January 2006 and exercising nuclear testing three months later, without humanitarian assistance, the North will have no choice but continue to develop nuclear weapons as a bartering chip to receive aid. It is important to find the best way to deliver aid to achieve humanitarian as well as diplomatic goals.

Options

The ROK has applied two methods of foreign policy toward the North: engagement or isolation. The engagement policy was a success in opening up the opportunity for dialogue between the top officials and achieving higher level of economic and social exchanges and also proved the North Koreans' willingness to cooperate with the international community as long as they received incentives. The 'one-way' concession of ROK, however, failed to alleviate a seemingly everlasting tension in the Korean peninsula and cost too much, which suggested a revision of the foreign policy toward the North was necessary. On the other hand, President Lee Myung Bak's isolation policy did not bring any significant reconciliation between the two

Koreas either. Lee's policies aggravated the tension between the two Koreas by ceasing unconditional aid and prioritizing the issue of denuclearization of the North.

The current Obama Administration adopted 'tough and direct' diplomacy with the North at the beginning of its term, but has changed over time to a more hardline position, as they became weary of negotiating with the North.²¹⁷ As demonstrated by the ROK, the United States also has several options in dealing with the North: 1) engagement that tolerates minor or even major provocations from the North and supports the ROK in building an amicable relationship by giving out aid and reinforcing appeasement; 2) disengagement policy that delegitimizes the DPRK from the international community and sets preconditions for the DPRK to take concessional steps towards denuclearization and shows its willingness to engage with the rest of the global community before the United States will engage diplomatically with them or provide aid at all; or 3) a more moderate policy that seeks to build hospitable relationships between the United States and the DPRK, as well between the two Koreas, by providing a conditional aid package that allows the United States to take appropriate responses, such as cutting conditional aid, in case the DPRK doesn't fulfill its obligations as part of an agreement to sign the Non-Proliferation Treaty and dismantle its nuclear weapons program.

Recommendations

From the limitations of the two extremes of ROK policies toward the North, this Task Force recommends that the United States take a moderate direction that falls between hard and soft-line policies.

Dealing with the issue of the two Koreas not only needs careful cooperation, but also a heavy involvement of involved countries such as the US, Japan, and China. The Task Force

²¹⁷ Tae-Seop Bahng, *Continuation of Cold United States-North Korea Relations*, SERI Quarterly 3, no. 3 (July 2010): 117-122.

recommends that the United States come to a consensus with the countries surrounding North Korea on foreign policy tactics. In the past, regardless of its choice of engagement or isolation policy, the efficacy of policy was increased when the United States and South Korea worked together with the same political approach toward the North.

Despite the failure to dissolve accumulated tensions on the peninsula and denuclearize the North, the ‘incentives’ of the sunshine policy brought two Koreas closer together. The United States should thus reinforce “strategic management,” which proposes long and short-term incentives and adheres to implementation of both.²¹⁸ The short-term incentives can comprise of aid such as food and fertilizer, and the long-term incentives could be eventual normalized relations with the United States and expansion of Special Economic Zones.

The US should impose conditional aid to satisfy both humanitarian and diplomatic goals. The long-term unconditional aid has not only sustained current DPRK regime’s military funding, but also failed to benefit the general public. The termination of sending food as well as medical supplies, however, would undermine humanitarian goals. The United States should consult with the international humanitarian institutions such as the World Health Organization to help coordinate between the ROK and the other donor countries to work together when sending aid. These countries should work together to decide on the details on the kinds of aid given, the methods of delivery, and the contents of a written agreement between the US and the DPRK. The written agreement should entail: 1) providing unconditional aid for basic needs such as food and medical supplies; 2) imposing conditional aid in a form of direct investment in industry and education for monitoring the process of distributing food supplies and resuming Non-

²¹⁸ Ibid.

Proliferation Treaty as well as Six-Party Talks; 3) enforcing strict reciprocity of cutting off aid if the North defects from the agreement.

Conclusion

The United States has a moral responsibility to promote universal human rights. Some may argue that humanitarian aid directly promotes the DPRK regime; however, if aid to North Korea were to entirely cease, only the most vulnerable populations would be adversely affected and the regime would maintain stability. The promotion of human rights will increase stability within the entire region, which is of utmost importance to the future of US-Asian relations.

Humanitarian Food Aid and Agricultural Development in the DPRK

Tim Draluck

Issue

Poor food security has been constant problem in the DPRK since the regime's ascent to power, affecting large portions of its population, particularly children and those in the northernmost counties. Nearly every decade since the 1950s has seen a food shortage and need for large amounts of food imports. The most recent, and devastating, famine occurred in the 1990s when an estimated six hundred thousand to one million North Koreans, or between three to six percent of the population, died due to food shortages.²¹⁹ Though a flood of foreign food aid put an end to the 'Great Famine', it did not solve long term food security issues and food shortages that remain pressing issues in the DPRK to this day. In addition to fulfilling its humanitarian obligations, providing humanitarian assistance to the DPRK is in the United States' interests because it promotes the stability of the regime and reduces the number of refugees fleeing the country.

Recent Statistics on the Current Food Shortages

According to a recent joint report by the UN Food and Agricultural Organization (FAO) and the World Food Program (WFP), North Korea remains in dire need of food aid.²²⁰ The report claimed that, despite the plan to import nearly 400,000 tons of grain and a three percent increase in the 2010 harvest returns over the previous year, the DPRK will still face a shortfall of about

²¹⁹ Stephan Haggard and Marcus Noland, *Famine in North Korea: Markets, Aid, and Reform* (New York: Columbia University Press, 2007), 26.

²²⁰ Alan Cowell, "New Focus on North's Food Shortage," *The New York Times*, November 24, 2010.

542,000 tons of food.²²¹ As a result, the FAO and the WFP predict that “households will continue to receive cereal rations from the PDS [Public Distribution System] that are much below their needs and thus under-nourishment will continue for the majority of the population.”²²² The food shortage affects more than 5 million people, mostly in the impoverished Northern provinces.²²³ An estimated thirty percent of children under the age of six are malnourished, nearly forty-five percent experience stunted growth, and as many as thirty percent of pregnant or nursing women are malnourished and anemic.²²⁴ The inability of the PDS to provide enough food to segments of the population has forced North Korean citizens to turn to farmers markets (where prices are many times higher than state run stores), small kitchen gardens, or foraging, to meet their caloric intake needs. Even with these other food sources, malnutrition in the DPRK remains extremely high, negatively affecting the general health of a large portion of the population.²²⁵ To make matters worse, food security is getting worse. According to the Global Hunger Index (GHI) in 2010, North Korea is the only country outside sub-Saharan to have a worse GHI in 2010 than in 1990, with a twenty percent decrease.²²⁶ Thus, this immediate food shortage is the primary issue the United States must tackle with regard to North Korean food security. In addition, the United States must work with the DPRK in order to put in place effective monitoring mechanisms and ensure that food aid actually reaches its intended recipients.

Issues behind North Korean Food Security

²²¹ Liliana Balbi and Kenro Oshidari, “FAO/WFP Crop and Food Security Assessment Mission to D.P.R. Korea, November 2010,” *FAO Corporate Document Repository*, November 16, 2010.

²²² Ibid.

²²³ Ibid.

²²⁴ Leonard S. Rubenstein, “Toxic Legacy: Hunger, Oppression, Migration, and Health in the Democratic People’s Republic of Korea,” *United States Institute of Peace*, (2011): 2.

²²⁵ Balbi and Oshidari.

²²⁶ Rubenstein, 12.

The inability of the DPRK to feed its population is a great concern of the international community. There are several factors that have limited the regime's ability to meet domestic demand for food, tied to the structural weakness of North Korean agricultural production and distribution. First, DPRK agricultural policy has led to a reduction in agricultural yields from North Korea's limited arable land. Only fourteen percent of North Korea's land is suitable for agricultural production. After the Korean War, an industrial approach to agricultural production was adopted, focusing on the cultivation of high-yield grain and an input-intensive agriculture system heavily dependent on oil imported from the Soviet Union.²²⁷ The collapse of the USSR and the subsequent cessation of aid from Russia made it especially difficult to utilize machinery necessary to seed and harvest crops, as well as to manufacture fertilizers crucial to the DPRK's agricultural system. Further, the heavy reliance on fertilizers and the over-cultivation of land led to a decrease in the mineral quality of agricultural land and a reduction in agricultural yields.²²⁸ Effects of poor agricultural practices were compounded by the regime's decision to shift money from agricultural development towards the military, in line with its 'military first' policy. As a result, North Korea has been left with an outdated, input-intensive agricultural production system that is highly dependent upon imports that are often quite difficult to secure.

Added to poor agricultural practices, researchers claim that North Korean food shortages are attributable to a poorly-functioning centralized agriculture policy by a state that has often been hesitant to look outwards for help. According to one researcher, the Public Distribution System (PDS), which is supposed to meet the general population's food needs, distributes food in a highly politicized manner to "special classes such as army, high party and government

²²⁷ Haggard and Noland, 26.

²²⁸ Christine Ahn, "Policy Brief No. 11: Famine and the Future of Food Security in North Korea," *Food First* (2005), 1.

officials and Pyongyang residents.”²²⁹ Poor distribution, isolation from international markets and ideological adherence to *Juche* or ‘self-reliance’ make it nearly impossible for the DPRK to import food from foreign countries. As a result, for the past twenty years, North Korea has been dependent on foreign food aid, primarily from the United States, China, and South Korea. Such aid, however, is not the solution to its long term food security issues. Economic and agricultural reform seems the best means to improve North Korean food security. The regime, however, is extremely resistant to capitalist reform and to moving away from collectivized agricultural policy.²³⁰

In summary, the United States faces two primary issues with regard to food availability in the DPRK. First, the United States must decide how to most effectively deliver food aid to help prevent the outbreak of another famine. Within this issue, it is important to create delivery and monitoring mechanisms that will be feasible and effective. Second, perhaps more importantly, the United States must decide the extent to which it wants to help solve the DPRK’s long term food security issues, in pursuit of American interests. This report will describe how past experiences with the DPRK can help guide current food aid policy and possible ways that the United States may improve food availability to the people of North Korea.

As a result of the DPRK’s resistance to reform, its people have been reliant since the 1990s on foreign food aid to meet domestic demand.²³¹ The large-scale flow of food aid over the last two decades has come with a host of its own problems. The DPRK has had tenuous relationships with UN World Food Program and NGOs operating within its territory. Aid agencies have been alienated and have had difficulties monitoring movement of food aid and

²²⁹ Ahn, 10.

²³⁰ Noland, Marcus, Sherman Robinson, and Tao Wang, “Famine in North Korea: Causes and Cures,” *Economic Development and Cultural Change*, 150.

²³¹ Mark E. Manyin and Mary Beth Nikitin, Congressional Research Service, *Foreign Assistance to North Korea*, 2005, 12.

ensuring that it actually reaches intended recipients.²³² North Korea has serially put roadblocks in the way of implementation and monitoring of aid workers. It has limited access and movement in the country, required prior notification of site inspections, limited the number of workers in the country, and prevented aid agencies from hiring Korean speakers. It has required large-scale aid missions to operate through the highly politicized PDS.²³³

The DPRK's behavior makes it nearly impossible for the WFP to monitor aid once it enters the country and up to half of WFP aid is reportedly diverted to the black market or to feed elites.²³⁴ Every WFP mission has been in near constant negotiation with the regime to improve access and transparency, but even concessions have proven impermanent. The North Korean regime has had a tendency to go back on agreements after the delivery of aid, often closing the country and reducing transparency. For example, the regime has closed counties that had earlier agreed to open, reduced the amount of aid workers allowed in the country, and limited the ability of aid workers to communicate with each other. Even so, the regime has sometimes shown a willingness to allow NGOs to operate in the country and to reform its aid distribution policy.

DPRK policies have left the country's food supply especially at risk to exogenous shocks, often resulting in famine. But even in good harvest years, the DPRK is unable to feed its own population with its domestic agricultural production alone. Food aid has come from a large variety of sources ranging from state-to-state bilateral agreements and WFP humanitarian missions to NGOs.²³⁵ Given current conditions in the DPRK, food aid is required to prevent suffering and possible starvation of large sections of the population, and foreign aid and bilateral agreements must fill the gap between food demand and food production. However, outside of

²³² House Committee on International Relations, Subcommittee on Asia and the Pacific, *Testimony of L. Gordon Flake*, 2004, 10.

²³³ Ibid.

²³⁴ Haggard and Noland.

²³⁵ Manyin and Nikitin, 12.

China, the DPRK has struggled to find aid donors. The question that arises is thus, how can the United States reinstate food aid and effectively monitor it?

The DPRK has successfully petitioned the international community for aid, but is extremely resistant to reforms that could help it better meet domestic food needs through production. At present, it is hard to envision any large-scale reforms, whether economic or agricultural, to improve the DPRK's ability to feed its people. Initially, the US should focus on improving monitoring and transparency in food aid distribution. Despite resistance to structural reform, the DPRK has shown willingness to reform if aid is needed to prevent large scale starvations. Through the avenue of prevention, the United States can work with China and the ROK to address the DPRK's food security issues by developing agriculture with more modern technology.

Background

The Phases of Food Aid in North Korea

The aid experience in North Korea has commonly been described as a gradual learning process. In other words, since North Korea has been so isolated from the international community, aid workers and North Korean officials have been forced to learn how to work together while implementing missions. Looking at the lessons learned from past aid missions, international aid to North Korea can be separated into three overlapping phases. The first phase took place during the Great Famine from the early 1990s to roughly 2004, and was characterized by large inflows of food aid through the WFP primarily from the United States. The second phase began around the turn of the century as Congress began questioning the effectiveness of food aid after President George W. Bush's took office. Phase two was marked by better DPRK

agricultural yields, increased bilateral assistance from China and the ROK, decreased food aid from the United States and WFP, and the expansion of NGO activity in North Korea.

Phase three commenced in 2007, when the United States offered to deliver food aid, in response to massive flooding, using a consortium of US NGOs and the WFP. Though an agreement was reached, USAID claimed the DPRK never met the agreement's stipulations, and the majority of aid was never delivered. Then, in 2009, the DPRK turned down all food aid from the United States and asked US NGOs to leave the country. This was believed in large part due to an influx of food assistance from China and worsening relations with the United States. However, as recently as last month, the North Korean regime again requested food aid from the United States. While many in the United States are hesitant to resume the mission, lessons can be learned from past experiences to help the United States craft a more effective aid policy that will not only seek to solve the short term crisis, but also improve North Korea's longer term food security issues.

Aid as Leverage in Negotiations

From the outset of the WFP aid missions, North Korean officials made it apparent they did not ascribe to conventional norms and practices. The regime placed severe limits on the number of aid workers allowed in the country and restricted their movement and access.²³⁶ At least initially, the DPRK also limited the WFP's ability to monitor the aid entering the country, and the latter lost contact with the food aid once it entered the PDS and was distributed throughout the country. According to numerous sources, the WFP was in constant negotiation with the North Korean regime over increasing its ability to monitor food aid.

²³⁶ Stephen Haggard and Marcus Noland, 80.

The WFP has a set of widely accepted and well-articulated norms that govern the implementation of relief efforts. The basic principles of humanitarian relief efforts are, “aid should go to those in greatest need... Access should not be determined on the basis of age, gender, social status, ethnicity, or political beliefs. Aid delivery should be transparent... Donor agencies should also be allowed to assess the impact of aid.” These principles, along with the WFP’s responsibility to ensure aid is being used properly, drive the insistence upon transparency and thorough monitoring of aid.²³⁷

While the DPRK sought to maximize aid flow and avoid concessions, the limited amount of aid entering the country and the severity of the famine meant that the DPRK was heavily reliant on the food aid coming from the WFP to meet domestic production needs. Early in the WFP’s aid mission the vast majority of food aid flowing into the DPRK came from the United States.²³⁸ By 1998, the United States was giving over 300,000 tons of food aid to the DPRK, ninety percent of which went through the WFP. In 1998, China offered only 200,000 tons of food aid, and the ROK below 100,000 tons.²³⁹ The relative importance of WFP food aid gave it leverage to negotiate reforms in the aid monitoring process.

Slowly, the North Korean regime granted reforms, opening the country up to more foreign aid workers and giving them more access. By 2002, the DPRK provided the WFP with a full list of beneficiary institutions where the aid was distributed to the population, conducted a WFP-requested nutritional survey, allowed WFP workers to walk unaccompanied outside of hotels, and even granted satellite communications facilities in the WFP offices in Pyongyang and in five field offices. As mentioned above, these reforms were largely impermanent. In 2004 the DPRK began scaling back reforms that had allowed the WFP to better monitor food aid, and

²³⁷ Ibid, 86.

²³⁸ United States General Accounting Office, “FOREIGN ASSISTANCE: North Korea Restricts Food Aid Monitoring,” 1999, 6.

²³⁹ House Committee on International Relations, 12.

began to lash out against foreign organizations operating on its soil. By the end of 2004, the reversal of reforms made it nearly impossible for the WFP to maintain its operations in the country.²⁴⁰

Why did the DPRK, following such promising progress before 2004, change course and challenge foreign aid organizations? The most obvious answer is that the worst of the food emergency had passed. After the 2005 harvest, the best in a decade, the DPRK was no longer in dire need of food aid. However, if this were the explanation for the backlash, one would expect the level of food aid to have fallen in accordance with increased domestic production, while in reality food aid levels remained similar to the worst years of the famine. What did change was the origin of aid that entered the country. US contributions to the WFP began declining after 1999, and Chinese and ROK food aid began to dramatically increase, such that in 2000, US food aid was below both China and the ROK for the first time. In addition, the overall share of aid coming from the WFP began to decline. In 2002, the WFP only provided about 400,000 tons of the total 1,200,000 tons of North Korean food aid.²⁴¹

Perhaps a better explanation for the DPRK backlash was the rise of unmonitored food aid from China and the ROK. Increased monitoring had made diverting food more difficult and, as one WFP aid worker put it, “The North Koreans were fed up with having forty WFP monitors ‘traipsing around their country.’”²⁴² The experience of the WFP in gaining impermanent reform shows that control over aid often leads to increased leverage, especially in times of DPRK need. When the WFP controlled most of the food aid, they were more successful in gaining concessions, even if only slightly. When the WFP began losing support and food supplies dropped, the DPRK was more than willing to renege on its agreements.

²⁴⁰ Haggard and Noland, 100.

²⁴¹ House Committee on International Relations, 12.

²⁴² Haggard and Noland, 105.

Past NGO Success in Gaining Concessions

The first wave of international NGOs entered North Korea in 1995 in response to the massive floods and Great Famine. Like the WFP, numerous NGOs were met at first with distrust, tension, and misunderstanding.²⁴³ Almost all groups faced restrictions similar to those experienced by the WFP. During the harshest years of the famine, these NGOs provided very little direct food aid, and instead began agricultural development programs which sought to reduce the population's reliance on aid. The movement towards sustainable development allowed many NGOs to emphasize cooperation over issues of monitoring and transparency.²⁴⁴ They received a surprising amount of leeway from the North Korean government, allowing them to foster relationships and trust with local officials. In some cases, this resulted in security officials "providing political cover for improving the effectiveness of the NGO programs."²⁴⁵

As the US government began withdrawing food aid from North Korea, many NGOs continued to operate and expand their operations. Many of these NGOs have long-lasting relationships with North Korean officials. Thus, when an agreement was reached in 2008 to send aid through both the WFP and a consortium of five US NGOs headlined by Mercy Corps, only the consortium was able negotiate acceptable terms of monitoring and transparency, and no food aid was sent through the WFP. While the consortium has since been asked to leave the DPRK, the relationships it fostered may be useful as aid delivery tools upon a renewed aid mission to the country, particularly due to the consortium's track-record of success in negotiating with North Korean officials.

²⁴³ House Committee on International Relations, 3.

²⁴⁴ Scott Snyder, "American Religious NGOs in North Korea: A Paradoxical Relationship," *Ethics and International Affairs Journal*, no. 21.4 (2007).

²⁴⁵ Ibid.

US Interests

Questions about what the United States stands to gain from providing food aid to North Korea factor into the prospects of imposing any new aid monitoring mechanisms. During the 1990s, the implicit policy was ‘aid for talks’ and the DPRK saw food aid as ‘payment’ for coming to the table, rather than true aid to be immediately distributed to those most in need.²⁴⁶ The intermingling of politics and food aid may have tainted US humanitarian policy towards North Korea. Over the last twenty years, the availability of US food aid closely followed the political relations between the two countries. For example, President Bush halted aid in 2005 and 2006 amid building tensions between the two countries. While it is nearly impossible to detach aid from politics, it is possible and perhaps preferable to end the implicit policy of using aid for political strategy. The less attached to US strategic interests, the more effective and less threatening aid appears to be for the North Korean regime (see “DPRK Human Rights and Steps towards Improvement”).

Continuation of food aid to North Korea may have both positive and negative effects on overall US interests in the region, but the US is obligated from a humanitarian standpoint to help the North Korean people, who often ‘know no politics’ and are only its victims. Tying aid to US strategic interests may actually harm those in desperate need of food. Aid should not be strictly unconditional, however, but rather feasibly tied to monitoring systems and the transparency of the distribution process. It may also be connected to other mechanisms, such as agricultural development to address the food shortage and reduce the reliance on food aid.

Options

Food Aid

²⁴⁶ United States General Accounting Office, 14.

If the United States is to offer food aid to North Korea, there are several options regarding preconditions of the food aid delivery and which institutions it will use to deliver the aid most effectively. On one hand, the United States can set strict preconditions on monitoring and transparency before food aid is delivered. This was the most recent aid policy, but the North Koreans refused to comply because they never received aid. On the other hand, the United States could extend unconditional aid, much like the South Koreans during the Sunshine Policy. Unconditional aid, however, would probably not be monitored and foreseeably misused by the DPRK. More importantly, unconditional aid gives incentive for the DPRK to rely on food aid as a form of welfare and ignore the benefits of agricultural development.

A third option is to provide a core minimum of aid initially while offering specific graduated incentives to increase amounts based on improve monitoring abilities and acceptance of reforms. This option allows for some basic aid for those in need, regardless of policy, and fulfills the responsibility to provide humanitarian assistance to persons in need. In addition, it gives the DPRK opportunities to change and improve its domestic situation and responsibility to feed its people.

With regard to delivery institutions, the United States can choose to use the WFP, other NGOs, or a mixture as implemented in 2008. In any case, the United States would have to negotiate for the reentry of US NGOs or an increased presence of WFP aid workers. Although the WFP was able to expand nearly countrywide and gain many concessions, it was never successful in monitoring the aid effectively. While the Program claimed that there was no evidence of large-scale aid diversions, by its own admission its monitoring abilities were flawed. NGOs, on the other hand, saw successes, but only on much smaller scales, which were limited in scope and reserved to mostly piecemeal development. The US consortium, for example, operated

in only two North Korean provinces. Its goals of development and cooperation, however, proved to be more readily acceptable to the regime than were calls for opening remote regions and allowing random inspections.

Agricultural Development

Humanitarian aid provides much more straightforward choices due to the United States' obligation to promote human rights and international cooperation.²⁴⁷ Unlike humanitarian aid, development assistance can be tied to strategic and political goals. The most pressing question is what the United States should provide to the DPRK and what to expect in return. Since the DPRK recently emphasized the importance of agricultural development, providing this type of assistance could help develop friendly relations and achieve US long term strategic goals, while also improving long term food security in the DPRK by reducing its reliance on foreign food aid.

The DPRK wants technical assistance and improved technology.²⁴⁸ If the United States were able to provide this, it could provide significant leverage in negotiations. One idea to improve food security and possibly integrate the DPRK with the rest of the region is to provide technical assistance in special agricultural zones operated by both the ROK and the DPRK. This would allow the DPRK to learn more efficient and sustainable agricultural practices and the US to be sure its technical assistance is not misused. Another option is that the United States promise to match investment by the regime in agricultural development in the form of technical assistance. This would emphasize the shift in military spending towards agricultural development. Finally, the United States could work with NGOs to improve agricultural production on a much smaller scale.

²⁴⁷ United Nations, *Charter of the United Nations*, Articles 1.3, 55 and 56, 1945.

²⁴⁸ Snyder.

Recommendations

Provide Core Minimum of Food Aid through the WFP

Considering recent developments, and despite the tenuous relations between the United States and the DPRK and the lack of transparency and monitoring ability of the WFP in aid distribution, the United States should continue to offer food aid to North Korea. As previously indicated, recent reports claim that the food situation in North Korea is quickly deteriorating to levels of the 1990s and could again result in widespread famine. The United States has a moral obligation and national interest to assist those in need. Food aid should not be tied to any political or strategic goals involving economic reform or nuclear proliferation, a practice which has proven ineffective, even when not explicit. Instead, the United States should present food aid as a way the United States and the DPRK can work together, with solving food shortages and helping the North Korean people as the sole objective. By detaching food aid from politics and offering it for humanitarian purposes, the United States signals its friendly intentions. Further, offering depoliticized aid demonstrates to all nations the United States' commitment to human rights and humanitarianism. A less threatened DPRK is also more likely to accept reforms proposed by the United States and the WFP to monitor and implement aid programs (see "DPRK Human Rights and Steps towards Improvement").

While the United States should offer food aid, it should not be completely unconditional. Beyond a basic core amount of food aid to be decided after a report on the current conditions, the United States should offer increased aid based on DPRK willingness to improve transparency and monitoring ability, tied to specific goals or benchmarks. Examples of these could be in the areas of number of counties open to aid worker inspection, the ability to randomly inspect food distribution centers, or the number of aid workers allowed into the country. Simply put, the

amount of food aid should be tied to the willingness of the DPRK to assist with monitoring and ensuring that aid reaches its intended recipients. Increases should not be considered permanent, but instead be subject to review, and if the DPRK takes steps to hinder transparency or monitoring, the United States should withdraw incentives accordingly, without removing the basic core aid.

Expand Work with US and International NGOs Operating in the DPRK

In line with its policy before 2009, the United States should attempt to resume sending food aid through the US NGO consortium. Unlike the WFP, NGOs have been able to operate locally and negotiate terms with local officials, rather than the generally standoffish federal government. As mentioned earlier, NGOs have had more success at delivering food aid and monitoring its effectiveness. In addition, NGOs have proven more flexible at adapting to the situation on the ground and realizing which groups within society are most vulnerable. For example, the WFP initially targeted children and the elderly, even if many members of these groups may have not been at particular risk of starvation. NGOs on the ground were better able to discover that those in the North were far worse off than people in the rest of the country, and then adapt their strategies accordingly. The role of NGOs should be expanded, especially if the North Korean government is resistant to reforming WFP monitoring restrictions (see “DPRK Human Rights and Steps towards Improvement”).

Offering aid through NGOs is another way the United States can ensure the DPRK of its depoliticized humanitarian goals in the country. By including more international NGOs in the consortium the United States can remove an explicit US face from food aid and alleviate concerns about US priorities in the DPRK. Many of these NGOs have already operated in North

Korea and cultivated working relationships with local level officials, making them far more effective at negotiating concessions. In conjunction with increasing the use of NGOs to deliver aid to North Korea, the United States can obtain its reports on the distribution of food aid, the effectiveness of aid, and the food situations in the areas the NGOs operate, achieving an effective and more accurate means to monitor food aid, and realization of its goal to sufficiently feed those who are now unfed.

Increase Cooperation between the United States, the ROK, and China

The more aid provided, the more effective policy change may be. With this in mind, the United States should work to forge a collaborative aid effort between North Korea's largest donors, China and South Korea. The United States should ask the South Korean government to adopt a similar approach of core aid with incentives, rather than unconditional aid that could undermine the leverage of the WFP, as seen in the early 2000s. In addition, the United States should request that China also stop giving unconditional direct food aid and begin to funnel it through the WFP. Negotiating with China will be difficult, but there are several benefits that could come with the increased monitoring and efficiencies that would likely accompany China joining the WFP. More food aid actually reaching its intended recipients would reduce the flow of refugees into China, especially since the northern region of the DPRK is often hardest hit in terms of food shortages. The United States should be cognizant of developments that might convince China to join a more collaborative aid regime, as cooperation between China, South Korea, and the United States would create more leverage for the WFP to obtain increased transparency and monitoring ability (see Sino-US Relations and Russo-US Relations).

Development Assistance

The long term goal of the United States should be to improve the food security issue currently facing a large portion of the North Korean population. If the DPRK shows willingness to reform its aid distribution, the United States should begin to explore ways to improve the long-term food security issues of the DPRK. Not only would this make North Korea less reliant on international humanitarian aid, but would also complement the North Korean desire to improve average quality of life and agricultural production. The United States should use this overlap as opportunity to introduce tangible elements of reform. The United States should offer increased technical assistance to the North Korean government, linked to increased agricultural development spending and decreased military spending. China and South Korea should be included in the development process, which would open the DPRK to the region. Ultimately, the United States can seek economic reform, but the prospects of such reform in the near future are slim. An incremental approach would not only change perceptions, but actually improve the situation on the ground. It is the opinion of this Task Force that agricultural development and regional integration are the primary solutions to the DPRK's food security problem. While agricultural development should be a key long term goal of the United States, it falls outside the scope of this report. If the North Korean regime willingly reforms its aid policies, more work should be done to discover effective ways to reform the DPRK's economic and agricultural policy, and help the country develop the capacity to feed itself, from either domestic production or imports, thus reducing its reliance on humanitarian aid.

Conclusion

To meet its humanitarian responsibilities and aspirations, and provide for its own security as well as that of the international community, the United States should be persistent in improving food aid, agricultural policy, and other reforms, even at the local level. The United States should provide direct food aid through the most historically successful mechanisms to fulfill its obligations and create good will, and use development aid to guide the North Korea towards reform and better agricultural practices. If the DPRK is willing to accept a combination of aid with incentives, reforms and agricultural development could build trust between the two sides, improving diplomatic relations while helping the North Korean people avoid widespread food shortages and starvation.

Incentives and Sanctions: Introduction

Historical and Practical Analysis of the Effective Use of Incentives and Sanctions

This section of the Task Force will focus on the use of incentives and sanctions toward North Korea and conclude with numerous tangible and practical policy recommendations for future United States-North Korean relations. Our analysis will be consistent with the Task Force's overarching themes of normalizing consistency and that imposition of sanctions and incentives have historically lacked longevity, resulting in an overall failure of the United States' proposed goals of nuclear nonproliferation in North Korea. This section also takes into account past US failures of recognizing the role of North Korea's neighboring countries, especially China, in devising effective means of diplomatic relations between the United States and North Korea.

Several key sanctions are important to keep in mind as we address the viability of new policies for incentives and sanctions. Along with heavy long-standing restrictions on trade with North Korea, The UN recently adopted UNSC 1718 (2006) and Resolution/UNSC 1874 (2009). These were in response to nuclear tests in the years in which they were adopted. The first fell apart largely because of a lack of strong enforcement. The second addressed these issues but was unsuccessful due to China's failure to abide by the agreement. Both of these sanctions are important to our argument because they show the weaknesses in US policy that we hope to address. Lack of effective enforcement and cooperation with other players are addressed in our recommendations.

This section will begin by analyzing United States policy towards North Korea, and conclude by examining the influence of United States-Chinese relations in future policy developments towards North Korea.

US Implementation of Sanctions and Incentives on North Korea

Xiaohan Zhang

Issue

While relations and conflicts between the United States and North Korea date back to the mid-19th century, this paper will focus on post-cold war relations, from the late-20th century to the present day. Since the late-20th century, the United States has been heavily invested, both politically and economically, in relations with North Korea which have consisted of diplomatic agreements such as the Agreed Framework of 1994 and informal conflicts, including nuclear capability tests conducted by North Korea. This paper will analyze several key events that have contributed to the dismal status-quo of US-North Korean relations today, particularly concerning the DPRK's standing in the global market. In doing so, this paper will conclude that previous US diplomatic efforts have failed to produce positive and sustainable results due to its lack of consistency, longevity, and predictability. Such inadequate policies have facilitated North Korea's continued unwillingness to bow to international pressures to denuclearize its military and normalize its international relations. In light of these conclusions, this paper provides several policy recommendations to improve future US diplomatic efforts with North Korea.

Background

Nuclear Tension

By the early 1990s, the United States had become fairly invested in North Korea's nuclear weaponry program. Tensions arising from disagreements over the inspections of North Korean nuclear facilities in 1992 resulted in both attempts to negotiate and threats of imposing

US sanctions.²⁴⁹ While uncertainty over North Korea's stability arose due to the death of Kim Il-Sung in July 1994, the United States and North Korea drafted a non-proliferation treaty known as the Agreed Framework. The Agreed Framework guaranteed North Korea resources to build light-water reactors and roughly 500,000 tons of heavy-fuel oil a year until the reactors were completed, in exchange for the disarmament of its nuclear program in Yongbyon.

Tensions stemming from North Korea's nuclear capabilities arose once again in the early 2000s after years of stability. In 2000, soon after the Clinton Administration's exit, the Bush Administration clearly stated its disapproval of the Agreed Framework, noting that it believed the agreement "awarded North Korea's bad behavior."²⁵⁰ On January 10, 2003, North Korea became the first nation to ever withdraw from the Nuclear Nonproliferation Treaty.²⁵¹ In reaction to North Korea's withdrawal, the United States halted further shipments of oil to the DPRK.

Efforts such as adopting the Agreed Framework, renewing policy briefs, and enforcing North Korea's nuclear nonproliferation agreements have signaled the United States' intent to remove the DPRK's nuclear capabilities. However, many such efforts served to increase tensions on the peninsula, and produced the negative externality of the DPRK's nuclear capabilities morphing from a national security issue into a bargaining chip. In addition to this endowed bargaining power, the DPRK has also used the Bush Administration's hard-liner rhetoric as an excuse to pursue nuclear weapons in the interest of removing themselves from foreign influences.²⁵² In addition to the Bush Administration's hard-liner rhetoric, the Administration

²⁴⁹ Michael Mazarr, "Going Just a Little Nuclear: Nonproliferation Lessons from North Korea," *International Security*, no. 20 (1995): 97.

²⁵⁰ Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Washington, D.C.: Brookings Institution Press, 2007).

²⁵¹ Jonathan Pollack, "The United States, North Korea, and the End of the Agreed Framework," *Naval War College Review* (2003): 2.

²⁵² Anthony Lake, "Confronting Backlash States," *Foreign Policy*, no. 73 (1994): 45.

soon “reverted to a policy of pure stick,” causing North Korea to further isolate itself from the global economy.²⁵³

US Inconsistency and Administration Change

While inconsistencies of US policy on North Korean nuclear nonproliferation was a major factor in its failure, overall inconsistencies with US policies have been a detriment to facilitating forward progress with North Korea. The inconsistency resulting from administration change can be seen in diplomatic talks between the United States and North Korea. The Clinton Administration had pursued both bilateral and multilateral talks in order to improve relations with the DPRK. In doing so, it reached compromises such as the Agreed Framework and higher frequency of bilateral talks with the North.

As Bush assumed office in 2001, his administration made clear its disapproval of North Korea’s regime, and conducted policy reviews that directly contradicted the Clinton Administration’s strategic diplomatic efforts. Instead of engaging North Korea in bilateral talks as was done in the Clinton Administration, the Bush Administration instead used the possibility bilateral talks as a coercive incentive for the North to act according to US interests. The inconsistencies in foreign policy between the Clinton and Bush Administrations resulted in frequent changes of policies, often contradictory, which impeded the ability to improve upon previous tactics. This paper argues that in pursuing further policies towards North Korea, future administrations must take into account the precedents set by its predecessors. In order to assume a leadership role in talks with North Korea, the United States must construct consistent policies, thus removing unnecessary tensions and subsequently improve our ability to predict North Korean responses.

²⁵³ Leon Sigal, *Disarming Strangers: Nuclear Policy with North Korea* (New Jersey: Princeton University Press, 1998), 38.

US Interests

Convincing North Korea to disarm its nuclear capabilities has become the dominant interest in US diplomacy, which the DPRK has taken into account, using its nuclear capabilities as a bargaining chip in diplomatic negotiations. While the nuclear issue remains the most important one, other US interests include promoting institutional change within North Korea, normalizing relations with North Korea, and urging support from the United Nations Security Council in order to create a comprehensive plan to reduce the North Korean threat.

Problems Caused by Reactionary US Policy

In recent years, North Korea has used evasive diplomatic tactics in order to accumulate its nuclear capabilities and to adopt aid-seeking policies that have funded its military. Furthermore, in order to assure future inflows of aid, North Korea's level of cooperation with the international community has been solely dependent on its regime's perceived discount rate. For example, during the Clinton Administration's efforts to engage in the Six-Party Talks and diplomatic compromise through the Agreed Framework, North Korea was willing to negotiate and make concessions due to the regime's relatively normalized relations with the Clinton Administration. While past policies have perpetuated this regressive cycle, it is in US's interest that further North Korean manipulation of its nuclear capabilities be stopped.

While the United States has historically pursued international sanctions on North Korea, many have been reactionary necessities in response to the DPRK's bad behavior instead of proactive precautions. For example, the United States, along with the members of the United

Nations Security Council, has imposed several rounds of sanctions on North Korea, each time with increasingly hard-liner rhetoric in response to the DPRK's continued missile and nuclear weapons tests.²⁵⁴ While a reactionary means of imposing sanctions may have expressed to North Korea the United States' disapproval of its actions, history has shown that North Korea's relative isolation from the world has allowed it to reduce the effects of sanctions imposed by the United States. Furthermore, by allowing the United States to react on a case-by-case scenario, North Korea has removed any possibility of sustained, long-term losses from increasingly punitive sanctions. Instead, relations between North Korea and the United States seem to 'reset' with each new interruption.

While transitioning administrations have been a source of policy inconsistency, a lack of oversight within administrations has further strained any progress made by individual policies implemented towards North Korea. In recent years, "US policy towards North Korea has become largely reactive."²⁵⁵ Future agreements with North Korea must have clearly stated compromises and potential sanctions. For example, when North Korea ostensibly obtained stocks of uranium to bolster its nuclear capabilities, the Bush Administration played a major role in ending the Agreed Framework by stopping shipments of oil to the North, defying the framework's provisions and providing the DPRK with a reason to easily withdraw from their obligations to the Agreed Framework.

Unification of US Policy

Historically, US policy towards North Korea has been fragmented, as "each component of policy – the implementation of the Agreed Framework, four-party peace talks, missile talks,

²⁵⁴ Lake, 50.

²⁵⁵ Richard Armitage, "A Comprehensive Approach to North Korea," *National Defense University Strategic Forum* 159 (1999): 4.

food aid, and POW-MIA talks – operated largely on its own track without any larger strategy or focus on how separate pieces fit together.”²⁵⁶ This combination of fragmented policies and frequent administration changes has resulted in an overall lack of certainty which continues to deter progressive relations between the United States and North Korea.

Furthermore, fragmented and unilaterally imposed sanctions have resulted poorly. Historical analysis conducted by Hufbauer, Schott, and Elliot has shown that excessive sanctions have resulted in effects adverse to the desired results. By preemptively signaling the United States’ willingness to impose sanctions in direct response to certain actions by North Korea, the United States can use potential future sanctions as leverage, thereby increasing its bargaining power.²⁵⁷ In this argument, predictability and accountability are key aspects of enforcing such sanctions. By clearly laying out direct responses to North Korean actions, North Korea is put in a situation where further talks and continued cooperation will result in fulfillment of long-term goals and regime stability in lieu of the current cycle of the DPRK’s defection from agreements.

Recommendations

Given the status of North Korea’s nuclear capabilities as a bargaining chip, along with the perceived aggression derived from Bush Administration’s rhetoric, this paper has several recommendations involving incentives to reach long-term cooperation and move towards normalized diplomatic relations.

²⁵⁶ Armitage, 3.

²⁵⁷ Gary Hufbauer, Jeffrey Schott, and Kimberly Elliott, *Economic Sanctions Reconsidered: History and Current Policy* (Washington, D.C.: Institute for International Economics, 1990).

Short and Long-Term Incentives

First, the United States must provide both short and long-term incentives in order to encourage longevity in cooperation, one factor that all past agreements have failed to sustain. Short term incentives are needed to initiate agreements to denuclearize North Korea, which would likely revive the effective, albeit ephemeral, cooperation the United States experienced during the Clinton Administration. North Korea's recent artillery shelling of Yeonpyeong Island and difficulties in its possible power succession have shown its urgency in seeking international aid, which provides an opportunity for the US to offer short term financial assistance contingent on future cooperation. Crucial to this recommendation is that long-term incentives be offered in conjunction with short-term ones. Without discussion of both types of incentives, North Korea could regard short-term aid as coercive and shirk from normalizing relations at its discretion. In terms of long term incentives, it will be important to design ones in which the net present value of total aid inflows will increase as relations between the United States and North Korea become further normalized. For example, future agreements with North Korea must build institutions on which North Korea will be able to gain through cooperation.

Encourage the DPRK to Join the IMF

A tangible policy recommendation in reinforcing North Korea's internationally-dependent institutions is for the United States to lobby for the DPRK's membership in the International Monetary Fund. The IMF oversees global macroeconomic systems and seeks to provide financial assistance to countries that experience serious economic problems in terms of balance of payments and/or exchange rates. Although North Korea has operated thriving unofficial markets since the decline of its central economic power in the early 1990s, helping it

develop an internationally accepted currency and allowing it membership into the IMF and will have huge benefits for North Korea.²⁵⁸ First, developing an internationally accepted currency will facilitate transactions with the international community, lowering costs of trade and improving the DPRK's relations with foreign importers and exporters, ultimately increasing the value of its sovereign wealth. Second, North Korea's extraordinarily distorted economy allows for nationwide reforms, such as improvements in monetary policy, to dwarf targeted attempts of aid.²⁵⁹

While a pessimistic argument may emphasize North Korea's unwillingness to partake in such globally-oriented policies, the adoption of a legitimate currency would not undermine its economic sovereignty. Regardless of currency, North Korea may continue to conduct transactions in illegitimate markets, and continue to reap the aforementioned benefits, albeit within the constraints of international exchange rates and balance of payments considerations.

In return for such economic assistance, the United States would demand North Korea's denuclearization. As a repeated form of cooperation experiencing increasing returns to scale, this incentive creates further reason for North Korea's continued cooperation with the United States. Furthermore, North Korea's acceptance into the global economy will allow pending economic sanctions to be more effective, as North Korea's current isolation removes itself from damages resulting from sanctions. This gives the United States more bargaining power for continued cooperation in terms of nuclear nonproliferation.

In order to achieve this, the United States must assume a proactive position in facilitating action. First, it must lobby for the acceptance of North Korea into the IMF. To do so, it must

²⁵⁸ Marcus Noland, *Economic Integration of the Korean Peninsula* (Washington, D.C.: Institute for International Economics, 1998), 143.

²⁵⁹ Marcus Noland, Sherman Robinson, and Tao Want, "Rigorous Speculation: The Collapse and Revival of the North Korean Economy," *Institute for International Economics*, 2000.

account for a super-majority of eighty-five percent to accept North Korea's membership.²⁶⁰

Second, it must convince North Korea of the potential gains from entering into such an agreement. The United States might initiate cooperation through producing short-term financial aid for immediate closure of North Korea's nuclear factories and then pursue further arrangements.

Through incentivizing long-term cooperation, the United States will signal to both North Korea and the international community its intentions of normalizing relations. Furthermore, the fact that North Korea has been isolated from the global economy and has had no accountability with its citizens has resulted in lackluster effects of sanctions imposed on the nation. Using the incentives suggested in this paper would provide a more effective means of tactical diplomacy than previous efforts, through presenting North Korea with clearly defined benefits and costs in determining its long-term regime stability.

While the most desired outcome of this recommendation is that North Korea will be incentivized to cooperate with the United States in the pursuit of mutual gains, this outcome is quite optimistic, and naïve without a contingency plan. In implementing this policy, the United States will face the possibility of imposing costly sanctions and incurring short-term losses on policies towards North Korea. While the UN Security Council has historically dispatched formal statements condemning inflammatory acts committed by North Korea, the implied sanctions were at best loosely enforced. Not only do individual countries have little incentive to enforce sanctions on North Korea, multilateral sanctions such as the ones imposed by the Security Council are often simply too hard to achieve legally.²⁶¹ As a result of these loosely enforced sanctions, North Korea's natural best response to future sanctions has continued to involve

²⁶⁰ "IMF Executive Directors and Voting Power," *International Monetary Fund*, <http://www.imf.org/external/np/sec/memdir/eds.htm> (accessed Feb. 16, 2011).

²⁶¹ Frank Ruediger, "The Political Economy of Sanctions Against North Korea," *Asian Perspective*, no. 30 (2006): 10.

condemned acts such as nuclear and missile testing. Given the DPRK's history of shirking agreements, the possibility of imposing sanctions must be considered as an alternative. As demonstrated by previous efforts, only through clearly written incentives, compromises, and potential sanctions will the United States be able to dissuade the North from shirking agreements and create an environment of stability.

Secure UNSC Support

In order to facilitate clearly written and visibly enforced sanctions, this paper proposes that the United States seek the UN Security Council's support in acting on future sanctions. Not only would this create international support for the United States' imposition of sanctions, but also allow the United States increased accountability to enforce its actions.

Finally, short periods of normalized cooperation between the United States and North Korea have resulted in positive overall outcomes in terms of North Korean efforts to remove its nuclear capabilities. As a result of the Bush Administration's policy shift, including initiating bilateral talks with North Korea, the February 13th Agreement (part of the Six-Party Talks) allowed for a breakthrough in terms of US-North Korean relations.²⁶² While the United States' policy shift undoubtedly aided efforts to reach the agreement, North Korea has demonstrated its willingness to negotiate its nuclear capabilities, given the right status of relations.²⁶³

The United States must assume a leadership role in normalizing relations with North Korea by consistently adhering to its obligations. By doing so, the United States will reduce North Korea's possible excuses for further inflammatory provocations. The DPRK will have

²⁶² Moon-Young Huh, "The February 13 Agreement and Resumption of Ministerial Meetings between North and South Korea: From Crisis on the Korean Peninsula to Peaceful Management," *Korea Institute for National Unification*, <http://www.kinu.or.kr/upload/neoboard/DATA01/CO%2007-02%5BE%5D.pdf> (accessed Jan. 26, 2011).

²⁶³ "North Korea's Strategic Decisions After the February 13 Agreement," *Nautilus Institute*, <http://www.nautilus.org/publications/essays/napsnet/forum/security/07030Suh.html> (accessed Jan. 26, 2011).

little reason to argue for its hostile acts, while the United States will gain bargaining power through continued relations with the North.

By abiding by the aforementioned recommendations, the United States will be able to discern North Korea's sincerity in normalizing diplomatic relations with the international community. If North Korea continues to operate through lobbying for aid through coercive use of its nuclear capabilities as a bargaining chip, the United States, along with the rest of the world, will have no choice but to impose harsh political sanctions and possible military engagements.

Sino-US Relations and Russo-US Relations

Linda Youn

Issue

Gaining Chinese and Russian Support of US Policy

Incentives and sanctions are the two major strategies that the United States has traditionally utilized as policies towards North Korea, which have not been successful. Neither persuasion via incentive nor warning via sanctions has dissuaded North Korea from continuing its nuclear program. There are several reasons for the failures of US strategy in dealing with the DPRK; inconsistency in Washington D.C., ineffective sanctions, vague or unrealistic agreements, and issues of diplomatic trust. Besides the bilateral diplomatic failures there are also ongoing multilateral issues that should be addressed.²⁶⁴ China and Russia, two former communist giants, have continually prevented implementation of effective sanctions against the DPRK by the UN Security Council. In order to establish an effective strategy, US policy should be modified to address Chinese and Russian interests in the Asia Pacific region. Specifically, policy should offer reassurance on fears of regime collapse and on losing influence in the Asia Pacific Region that would shift the balance to favorable terms.²⁶⁵ Although an incentive-oriented policy will be most effective, in case of DPRK violation of agreement, a tough responsive action from a unified China, Russia, and United States is the key to engaging in successful policy towards the Democratic People's Republic of Korea.

²⁶⁴ Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb*, (Washington D.C.: The Brookings Institute, 2007), 4-6.

²⁶⁵ Charles L. Pritchard et al, *US Policy Towards the Korean Peninsula*, (New York: Council on Foreign Relations, 2010), 22,25.

Background

PRC Interests and the DPRK

North Korea's most important ally, largest trading partner, and main source of external support is the People's Republic of China. China has supported the regime in North Korea by opposing harsh international economic sanctions to avoid regime collapse and the subsequent inundations of refugees across its Northeastern border. Beijing continues to possess more leverage over Pyongyang than any other nation, but is unlikely to exercise this leverage given its concerns regarding regional stability and that of the North Korean regime.²⁶⁶

With that said, China remains one of the few allies of the Kim regime. However, circumstances have become favorable to the US in recent years, as this long-standing relationship became strained after the North's first nuclear test in 2006. Though China did agree to the diluted UN Security Council Resolution 1718, it is clear that China will not cease giving aid to the DPRK. Trade between China and North Korea increased 11.8 percent in the first four months of 2007 alone.²⁶⁷ Additionally, despite China's long patronage of North Korea, China does not control Pyongyang and is likely not able to effectively wield political leverage without endangering fundamental interests of stability.²⁶⁸ Also, most Chinese analysts are convinced that the United States carries the most widespread incentives to induce North Korea to pursue a path of economic reform.²⁶⁹

Besides Chinese interest in North Korea as a literal physical 'buffer state' from Western influence, China benefits economically from its association with the DPRK. Chinese companies

²⁶⁶ Ibid., 21-23.

²⁶⁷ Bonnie S. Glaser, Scott Snyder, and John S. Park, "Keeping an Eye on an Unruly Neighbor: Chinese Views of Economic Reform and Stability in North Korea: A Joint Report," *Center for Strategic and International Studies* (Washington, DC: US Institute of Peace, 2008), 9.

²⁶⁸ Andrew Scobell, "China and North Korea: The Limits of Influence," *Current History*, no. 102 (2003): 276-278.

²⁶⁹ Scott Snyder, *China's Rise and the Two Koreas* (Boulder: Lynne Rienner Publishers, 2009), 130-132.

have made major investments in developing mineral resources in North Korea's Northern region. Economic investment in the North furthers China's national interest in developing its chronically poor Northeastern provinces by securing mineral and energy resources across the border.²⁷⁰ Above all else, China denies any possibility of promoting regime change in North Korea, even if it "judged the DPRK's behavior posed an intolerable threat to Chinese interests."²⁷¹ Stability is the key for China; as long as there is stability, China is impartial to the regime, and to an extent what nuclear capabilities the DPRK possesses.

The different economic paths taken by China and North Korea have weakened its ideological ties, and while China works to promote regional stability, a nuclear North Korea provides a major challenge to that aspiration.²⁷² China is confident that the North Korean nuclear program is rooted in its mistrust of the United States and that assurance of security in the US-DPRK relationship would diminish North Korea's need for nuclear weapons.²⁷³ At the same time as the DPRK distrusts the United States, China is critical of the United States. This mistrust has been a major obstacle in Sino-US cooperation on Korean Peninsula issues.

Russian Interests and the DPRK

Although, Russia's national interests have shifted to favoring South Korea over the North from the early 1990s, Russia has and never will fully lose interest in North Korea. As a neighbor that shares a 12-mile border with DPRK, Russia is naturally concerned. If Russia seeks an economic boom from North Korea in the future, it is to "access North Korean territory to enable further trade with the South." Regardless of North Korea's future, Russian interests seem to be at

²⁷⁰ Jaewoo Choo, "Mirroring North Korea's Growing Dependence on China: Political Ramifications," *Asian Survey*, no. 2 (2008): 363-365.

²⁷¹ Glaser, Snyder, and Park, 19-20.

²⁷² Pritchard et al, 21.

²⁷³ Shen Dingli, "North Korea's Strategic Significance to China," *World Security Institute*, no.3 (2006): 26.

odds with assumptions that Russia will be uncooperative with South Korea in the event of war or regime collapse. The Russians appear to be playing a ‘safe bet.’²⁷⁴

Moscow began distancing itself from Pyongyang abruptly at the end of the cold war in order to demonstrate to the world that their nation had truly reformed. In 1990, Russia recognized the Republic of Korea as a sovereign state and ceased flow of military and technical aid to North Korea.²⁷⁵ Since then, Russia has recognized that a relationship with North Korea is necessary to pursue long-term interests on the Korean Peninsula.²⁷⁶ Thus, Russian policy has been to pursue normalization with both North and South Korea.

In 2006, when North Korea conducted ballistic missile and underground nuclear tests Russia, though perturbed, insisted that the issue be resolved within the context of the Six-Party Talks.²⁷⁷ In response to the United States’ calls for harsh sanctions at the United Nations Security Council, Russia and China joined forces to resist strict sanctions and passed the diluted resolutions 1695 and 1718.²⁷⁸ Although all members shared a common goal of bringing the DPRK to the negotiating table, this unity fractured under the pressure of diverging interests of the parties after the February 2007 agreement during the fifth round, third phase of Six-Party Talks. Russia was discontented by the bilateral agreements between the DPRK and the US that seemed to assume other members would approve and bear the political and financial responsibilities.²⁷⁹ Russia was also skeptical of America’s sincerity to normalize relations with the North, claiming that Washington required a regional threat to justify its military presence in Asia Pacific and to ensure Japanese alliance to the security treaty. Both China and Russia believe that the key to the denuclearization process should be linked to economic reform in the DPRK. If

²⁷⁴ John W. Bauer, “Unlocking Russian Interests on the Korean Peninsula,” *Parameters*, no. 2 (2009): 52.

²⁷⁵ Ibid.

²⁷⁶ Alexander Vorontsov, *Current Russia-North Korea Relations: Challenges and Achievements* (Washington: Brookings Institution, 2007), 22.

²⁷⁷ Leszek Buszynski, “Russia and North Korea: Dilemmas and Interests,” *Asian Survey*, no. 5 (2009): 822.

²⁷⁸ Vorontsov, 22.

²⁷⁹ Alexander Zhebin, “Koreiskie yadernyi golovolomki” [Korean nuclear puzzle], *Nezavisimaya Gazeta*, Dec. 24, 2007.

the DPRK seriously implemented economic reform, both China and South Korea would benefit immediately while Russia would be displaced.²⁸⁰ Russia will not benefit immediately but can exploit the North's concern for balance against the United States and China to prevent a monopolization of power on the peninsula.

In conclusion, Russia has two goals in regards to the Korean peninsula; building a closer relationship with South Korea that requires a relationship with North Korea, and maintaining its influence on the Korean Peninsula to balance the power politics of the United States and Japan. Russia could also come to regard a nuclear North as an ally that would allow it to gain leverage over the United States in other issues such as NATO's role in the former Soviet republics, American support of Georgia, and American influence in Central Asia.²⁸¹ However, it is more likely that Russia will try to balance the risk of alienating the North against the economic benefits of favoritism towards the South.

US Interests

Denuclearization

The United States prioritizes denuclearization because of the global implications and security consequences for the international non-proliferation parties, particularly, the potential for the spread of nuclear weapons, materials and technology information to rogue states, terrorists groups, or other belligerent actors. However, the United States and its partners in the Asia Pacific carry divergent interests and priorities regarding North Korea. Russia supports denuclearization but wants to achieve it through peaceful means while China is more concerned about the regional implications, prioritizing stability. There are defined opposing sides with

²⁸⁰ Buszynski, 826.

²⁸¹ Ibid., 830.

Russia and China mitigating DPRK provocations and the United States taking a tough stance designed to punish North Korea and urge them towards talks.²⁸²

Sino-US Relations and the DPRK

Experts claim that the United States and China continue to have opposing views of approaching the North Korean nuclear issue. While Washington advocates the use of pressure to influence Pyongyang to change its behavior, Beijing prefers to take a softer approach. However, China and the United States do share common interests. Both want to contain the North's nuclear program and prevent South Korea and Japan from proliferating.

Since the United States' priority is on denuclearizing the DPRK, it must emphasize developing a partnership based on common interests in dealing with North Korea's nuclear program, and Chinese cooperation is essential. If the United States interest entails a result that goes beyond containment and management of North Korea's nuclear program, then China's cooperation and involvement becomes the keystone in achieving an effective strategy.²⁸³

If the United States takes the path of bilateral talks with North Korea as a favorable strategy to embrace, it is still crucial for Washington to confer with regional parties. This strategy can only succeed with collective coordination and action. A lack of such coordination would leave the United States and other Six-Party members vulnerable to exploitation by North Korea.²⁸⁴

The United States, in securing the cooperation of China, must also ease anxieties of the ROK. South Korea is concerned with the possibility of China using leverage to obstruct Korean reunification or impinge on what South Korea views as its sphere of influence on the Korean

²⁸² Pritchard et al, 4.

²⁸³ Pritchard et al, 53.

²⁸⁴ Synder, 173-174.

Peninsula. If these anxieties produce anticipatory actions it could result in a competitive development assistance policy between South Korea and China.²⁸⁵ This is not in US' interest since it has the possibility of allowing the DPRK leverage to avoid or delay denuclearization.

Russo-US Relations and the DPRK

Though the path may differ, both Russia and the United States share similar concerns and their views are not vastly different. The Six-Party Talks provided a great example of “positive and constructive US-Russia cooperation and coordination.”²⁸⁶ This positive cooperation can also promote trust and develop partnership that can be applied to other areas, such as Iran. Russia is a permanent member of the UN Security Council, possesses nuclear weapons and technical expertise that are valuable in terms of a denuclearization process. All this makes Russia an essential ally of the United States in regards to working with the DPRK.²⁸⁷ Although Russia may oppose harsh economic sanctions and prefers slow economic reform from within North Korea, it does value its participation in the Six-Party Talks and has the potential to aid in the North's denuclearization. The United States' interests are rooted in deepening diplomatic coordination with Russia in regards to North Korea policy. This will ultimately strengthen and provide tangible contributions to multilateral efforts in denuclearizing North Korea.

US interest also encompasses Russia's growing economic partnership with South Korea. In more recent years, Russia has appeared more likely to be a potential ally to South Korea than a belligerent North. In the event of a South Korean-led reunification, Russia is likely to be in a supporting position.²⁸⁸ However, Moscow is still committed to a diplomatic stance of balancing the risk of alienating the North against benefits of showing favoritism of the South. As American

²⁸⁵ Ibid., 175.

²⁸⁶ Pritchard et al, 26.

²⁸⁷ Ibid., 25.

²⁸⁸ Bauer, 60-61.

policy supports reunification of the two Koreas under a democratic government, the United States should consider Russian cooperation on the Korean Peninsula as an asset to help undermine the North Korean Regime. The strategic value offered in a partnership with Russia is sizable, and merits careful US cultivation.

If not just for interests in partnership, it is in United States' interest to prevent undermining of US interests on the Korean peninsula. Since former US President Jimmy Carter's visit to Pyongyang in June 1994, the DPRK has expressed increased interest in a bilateral relationship with the United States.²⁸⁹ If the United States were to negotiate bilaterally with North Korea, both Russian and Chinese influences would be reduced. It is important to note that this could have negative ramifications, since Russia and China could move to strengthen their bilateral relationship with the DPRK in order to undermine the United States.

Options

Bilateral Negotiations

This options calls for concession to bilateral negotiations with North Korea excluding all other regional players. If Pyongyang starts with the demand that the United States acquiesce to the nuclear status of DPRK and “frame any talks about denuclearization as disarmament negotiations between two equal nuclear power” the United States must concede to those demands.²⁹⁰ This option prioritizes improved relations with the DPRK ahead of the precondition of denuclearization before bilateral talks.

This approach immediately settles tensions with the North and has the potential to open a broader array of diplomatic and political options for engagement. However, this option increases

²⁸⁹ Buszynski, 830.

²⁹⁰ Mike Chinoy, *Meltdown: The inside story of the North Korean Nuclear Crisis* (New York: St. Martin's Press, 2008), 387.

threat to existing US alliances in the Asia Pacific region. Japan and South Korea would consider US concession as Washington's inability to provide security even with reassurances of "nuclear umbrella as protection."²⁹¹ This potential anxiety might trigger an arms race in the region in an attempt to restore a regional balance in capabilities. Acquiescence would also be embarrassing for current and future US administrations, as it would project an image of weakening United States global influence. Such speculation would make non-proliferation negotiations with Iran and other, future nuclear states or groups more difficult.

Acquiescence also has the potential to shift the power dynamics in the region towards China and Russia. Also, bilateral talks have the potential to reduce Russian and Chinese influence. This is considerable since Russia and China would likely respond by taking measures to strengthen their bilateral relationship to undermine the United States.²⁹²

However, the United States can pursue a 2+4 party talks that follows the Six-Party Talks framework (see "Six-Party Talks"). This approach will convey US genuine intentions in pursuing a friendlier relationship with the DPRK. The US should reiterate its commitment to stability on the North Korean Peninsula. This commitment will garner the support of China, Russia, and South Korea. This approach also has the merit of incentivizing the PCR and ROK to engage in trilateral talks with the United States.

Encouraging Economic Reform

The Second option is to offer aid to North Korea in hopes that China can influence the DPRK to adopt a Chinese model of economic reforms. The aid would be contingent on DPRK promise of denuclearization but not strictly enforced. Instead the emphasis would be on

²⁹¹ Pritchard et al, 12.

²⁹² Buszynski, 830.

influencing the DPRK through soft power and diplomatic dialogue to persuade the North Korean regime to implement economic reforms. Also, positive relations can be established via indirect food aid (see “US-DPRK Relations: Nuclear Solution”). China, being the DPRK’s patron state, should take the active role and the United State and other regional members should encourage economic reform with economic and political incentives.

Though Pyongyang would accept economic aid from Seoul it is unlikely that the DPRK would “allow public exposure to the political contamination that would accompany large-scale economic development assistance” from its southern neighbor.²⁹³ Although it is difficult to predict success of multilateral efforts to engage North Korea, Washington must gather and sustain the necessary political will to endure any test the DPRK may present. The biggest tangible impact on the DPRK would happen at the Sino-DPRK border in the Northeast region of China. Though still very small in scale, the spillover activity from increased economic growth in China’s chronically poor region would spread into North Korea.

There was also evidence that during the Clinton Administration, North Korea moderated its missile proliferation activities during periods when rapprochement with the United States was a priority.²⁹⁴ However, without such incentives, the DPRK has engaged in arms sales. This increased reliance on arms transfers seems to follow the decline in prospects for trade, investment, and assistance from the regional members.

There are concerns that this approach may take longer than the US, South Korea, or Japan would like, as it will certainly take more than a few years. China’s economic reform is a good example that transition such as this can take decades. However, experts are confident that

²⁹³ Glaser, Snyder, and Park, 21.

²⁹⁴ Stephan Haggard and Marcus Noland, “Sanctioning North Korea: The Political Economy of Denuclearization and Proliferation,” *Asian Survey*, No. 3 (2010): 556.

with exposure to a capitalist system, it will be harder for North Korea to reverse reforms.²⁹⁵

Change through economic integration may take a long time, however, it can be a better alternative to sudden instability via regime change.

Pressure for Denuclearization

A third option is to press for North Korea to denuclearize. This approach calls for a combination of sanctions and incentives designed to coerce the DPRK into abandoning its nuclear program. In this scenario, there must be constant pressure from the international community to limit alternatives to negotiation. In an agreement, North Korea would receive economic aid in the form of “development and energy assistance, through implementation of the September 2005 Six Party Joint Statement.”²⁹⁶ Failure to adhere to the terms of the agreement would result in implementation of sanctions.

This option is only viable with the cooperation of all members from the Six-Party Talks. A key component of this approach is China and Russia’s cooperation. Besides convincing United States partners to cooperate in this pathway, North Korean leaders must be convinced that pursuing a nuclear program is actually detrimental to regime survival. Washington should also adopt a more coercive style by trying to understand the DPRK’s concerns and regional circumstances and approach with a relatively balanced strategy that satisfies the common interests for all parties.²⁹⁷ However, this does not signal that US interests should be ignored. To the contrary, if US priority is on denuclearization, it is best to approach with a balanced view rather than simply with demands. In addition, preparation for the possibility of North Korean

²⁹⁵ Victor D. Cha and David C. Kang, *Nuclear North Korea: A Debate on Engagement Strategies* (New York: Columbia University Press, 2003), 126.

²⁹⁶ Pritchard et al, 15.

²⁹⁷ Cheng (Jason) Qian and Xiaohui (Anne) Wu, “The Art of China’s Mediation during the Nuclear Crisis on the Korean Peninsula,” *Asian Survey*, no.2 (2009): 93.

failure to implement a successful economic reform, the partners should be prepared to work on improving capabilities to assist in reconstructing a failed state.²⁹⁸ The United States must pressure China to strengthen commitments to support denuclearization of the Korean Peninsula.

However, the US is limited in the amount of pressure it can place on China. The United States has been unsuccessful thus far in pressuring China to take a stronger stance on the North Korean nuclear issue and has resisted US pressure on the strengthening Chinese currency.²⁹⁹ Thus, it is unlikely that this course of action will have much, if any, effect on the Chinese stance on the North Korean nuclear issue.

One way that the US could convince its allies would be by informally supporting the NFU. Since the United States is a member of NATO, direct support or adoption of the NFU policy would be improbable and impractical. The most feasible way of approaching this would be through formally signing an agreement of “No Hostile Intent.” A policy change of this nature would affect the US-ROK alliance and probably the US-Japan alliance, as Japan has always been a strong opponent of the NFU.³⁰⁰ The United States can achieve this through a non-aggression pact with the PRC, which would also reflect a non-aggression pact with the DPRK (see “US-DPRK Relations: Nuclear Solution”). It is not favorable for the United States to instigate a NATO debate regarding first use, and the United States explicitly indicated its stance after its Nuclear Posture Review in 2010, at which time the United States decided to retain its policy on nuclear weapons for deterrence issues. However, the United States must find a way to reduce Chinese concerns about US policy of using nuclear weapons defensively.

²⁹⁸ Scott Snyder and Joel S. Wit, *Chinese Views: Breaking the Stalemate on the Korean Peninsula* (Washington, D.C.: US Institute of Peace, 2007), 9.

²⁹⁹ Susan Cornwell, “China’s Hu Upbeat, Resists US Pressure On Yuan,” *Reuters*, Jan. 17, 2011.

³⁰⁰ Michael S. Gerson, “No First Use: The Next Step for US Nuclear Policy,” *International Security*, No. 2 (2010): 47.

Containment

The fourth option is to regard the North Korean nuclear issue as a problem to be managed with a low probability of resolution in the near future. This would simply imply upkeep of the status quo and a move towards normalization of relations with the DPRK, and would entail renewal of the open-ended UN Sanctions. The United States would set up a long-term strategy for denuclearization of North Korea by negotiating a cooperative policy among its partners to contain the DPRK's proliferation. The United States would need to convince the regional players to sacrifice some national interest in favor of regional and global ones. The United States and its partners would have to develop an agreement in which there were incentives and also forms of punishment in provision of breach of agreement on the part of the DPRK. As a deterrent, the United States could include a stipulation of a US strike on North Korea's long-range missile launch facilities in the event of a breach of agreement. However, if the United States were to adopt the No First Use (NFU) policy, then this deterrent would be unfavorable.

This option would allow the United States and its partners to reduce the initial risk, and also give the nations time to assess and negotiate among the partners the most conducive strategy for North Korean denuclearization. This option would specify three conditions for the DPRK: no export of nuclear technology, no more bombs, and no further development of the nuclear program.³⁰¹ Counter proliferation would be pursued through aggressive United Nations sanctions. To insure that North Korea could not create more WMDs, the cooperation would negotiate a missile moratorium. Also, to deter against further tests, the scope of international sanctions could include retaliation to such an event. Again, this approach would focus on freezing nuclear development in the DPRK and restraining any future nuclear provocations by North Korea.

³⁰¹ Pritchard et al, 13.

This approach would never gain support of all partners; since each state's national interests would be excluded, emphasizing only regional stability. It would be difficult to convince Russia, China, and South Korea, all who are reluctant to take a hard-liner stance toward the North, to agree to harsh punishment, since there is no guarantee that North Korea would adhere to or even consent to such an agreement. China would be especially difficult to persuade. However, China shares the objective of containing the DPRK's nuclear program, and Beijing would not support any multilateral agreements that could possibly destabilize the DPRK. Perhaps this option of management and containment would encourage North Korea to eventually give up its nuclear program.

Containment is the most pragmatic approach. Conflicting national interests of the Six-Party members makes an immediate denuclearization of North Korea difficult, and escalation of the crisis is also unfavorable for the United States. In addition, China, South Korea, and Russia would likely choose to maintain the status quo rather than face a crisis situation. However, Containment alone will not achieve the denuclearization that the United States prioritizes, and presents the possibility that North Korea will continue a secret nuclear program and the overall security situation will deteriorate. Containment can prove to be a useful tool, but cannot be the only strategy the United States implements.

Recommendations

This Task Force recommends that US policy towards North Korea involve strategy options discussed above favoring bilateral negotiations, encouraging economic reform, and Containment. An effective policy towards the DPRK requires a balance of incentives and sanctions in order to coax North Korea to reconsider its nuclear program. The United States

should prioritize inducing China to take a more active role in the Asia Pacific region since China's participation, as the DPRK's greatest ally, is essential to a successful policy. The United States should pursue the following measure to enhance China's prospective cooperation on the North Korea issue:

Establish that convincing the DPRK to implement economic reforms is a top priority in Sino-US relations

This tactic will ensure cooperation and sincerity on the part of both parties, and also establish a common goal in the Asia Pacific region that both the United States and China can agree to – the first step. The United States and the People's Republic of China should issue a joint-statement on cooperation on promoting economic reform in North Korea by stating a joint commitment to aid stabilizing the North Korean economy. By citing specifics such as expanding economic investment zones and integration of the North Korean currency into the international market system, the joint-statement would signal to the DPRK and the international community that the United States and the PCR are committed to stabilizing the Korean Peninsula, (see "US Implementation of Sanctions and Incentives on North Korea").

Although the visit to Washington, D.C. by Chinese President Hu Jintao signaled China's eagerness to quell rising tensions in Asia Pacific region, there was little serious headway on the North Korean issue. President Hu, however, did stress that a constructive, comprehensive partnership between the two nations would be beneficial to ensure stability in Asia.³⁰² Dialogue is helpful in establishing interests and common goals but China must show evidence that it is willing to take measures to denuclearize the DPRK. A joint statement is a large step toward

³⁰² Michael Wines, "Subtle Signs of Progress in US-China Relations," *New York Times*, Jan. 19, 2011.

establishing responsive and tangible measures towards bringing North Korea back towards the path of denuclearization.

Currently, China seems to be more willing than in the past to take an active role on North Korean issue. In a joint statement on January 19, 2011, the Chinese for the first time expressed public concern over North Korea's announcement of a uranium-enrichment plant. Although this is far from US efforts to pressure the North Korean regime to terminating its nuclear weapons program, it is a great starting off point. Thus, the US should pursue a joint statement in which China agrees to pursue common goals in the Asia Pacific region.

Engage China in dialogue to provide strategic reassurance regarding US intentions towards the Korean Peninsula

This approach calls for transparency of defense policies and strategic intentions of both the United States and China to promote mutual trust. United States should pursue cooperation with China, with the objective of expanding Sino-US policy coordination towards North Korea, but not prior consultations with US Asia Pacific allies, South Korean and Japan.

The United States should simultaneously improve relations with China as well as reassure its Asia Pacific partners that the intention is not to alienate its allies, but to gain support for the denuclearization of the DPRK and for its security umbrella over South Korea and Japan. This calls for high-level talks with South Korean Foreign Minister Kim Sung-Hwan and Japanese Minister of Foreign Affairs Seiji Maehara, to provide assurance to both countries that the US will not compromise relations with the ROK and Japan when pursuing Chinese partnership.

The United States then should increase frequency of high-level talks with the PRC, such as the meeting between President Hu Jintao and President Barack Obama in January 2011. Increasing these high-level, face-to-face discussions will build confidence and mutual

understanding to help solidify bilateral cooperation. Other than dialogue, demonstrating concrete evidence to China that the United States is sincere in putting regional interests at the forefront of US policy in the Asia Pacific region is crucial.

Cooperate with China, as host, to promote indirect multilateral talks for negotiations of denuclearization of the Korean Peninsula and persuade the DPRK to rejoin the Non-Proliferation Treaty (NPT)

Once China and the United States have a bilateral agreement to prioritize stability of the Korean Peninsula, unifying regional objects will be more approachable. China and the United States can cooperatively persuade Japan and South Korea in informal 4-party talks and hold trilateral talks with Russia. Once common goals are established, China and the United States can encourage members to join the formal 2+4 party talks with China (see “Six-Party Talks”). Once these indirect multilaterals talks are underway, an incentives package can be shaped with China and the United States taking the lead. Additionally, the United States and China, along with other regional partners, should work towards the DPRK rejoining the NPT as part of an economic and political aid package offered.

The cooperation between China and the United States will instill confidence in Japan and South Korea about China’s involvement and leadership with the North Korean issue. Another consequence will be Russia’s response. Russia could either try to undermine the Sino-US partnership by forming favorable bilateral relations with the DPRK or pursue a leadership role in the multilateral talks to increase its position in the region. The outcome will rely on US bilateral relations with Russia, as discussed in the section below.

Also, the specifics of the incentives package need to be discussed after all parties have agreed to prioritize stability of the Korean Peninsula. The incentives packages should include energy development and fuel assistance, monetary aid, and opening of DPRK to private foreign

companies. However, the specifics for contribution by each nation need to be negotiated via bilateral and trilateral talks.

It should be clarified that this does not mean that the talks should be held in the same structure as the Six-Party Talks. Although, the new, formal talks will take on a six party framework, the fundamental structure will be formal bilateral talks between the United States and North Korea with other regional players acting as witnesses or signatories to any agreements made.

Cooperate with China to increase its export control regime and strengthen efforts to freeze financial transfers under suspicion of exporting nuclear related materials

This course of action will not only demonstrate a unified front between the United States and the PCR, but also place pressure on the DPRK to negotiate and cooperate with the states involved in the denuclearization issue. This approach calls for agreement and implementation of a regional agreement to strictly monitor DPRK trade of nuclear materials, weapons, and information. This approach is contingent on getting the DPRK to agree to incentives package offered by the regional partners in exchange for rejoining the NPT, and by consequence giving up its nuclear program. Since China is not willing to support strict economic sanctions, if the DPRK rejoined the NPT, this approach will give grounds for inspections of suspected DPRK trade of nuclear materials, weapons, and information.

This recommendation requires US understanding of the DPRK's diplomatic tactics. In the event that the DPRK does not respond positively to incentives and aid provided by the regional states, the United States should be cautious of resuming sanctions and pressure China to increase its export control regime, though China will most likely refuse to implement such harsh

sanctions against the DPRK. In addition, though the US can attempt to use military and economic pressures to force the PCR to implement such actions, such pressure thus far has proven ineffective.

Further China and the United States' economic relationship

Although this approach does not offer direct consequences for the denuclearization of the Korean Peninsula, strengthening of economic ties between the United States and China can be used to incentivize Chinese cooperation with the United States. During President Hu Jintao's visit to Washington, D.C. both Presidents spoke of increasing the frequency and importance of China-US strategic and economic dialogue. President Hu emphasized that pursuing this sort of dialogue was not only beneficial to the peace, stability, and prosperity of the Asia Pacific region but also carries positive implications for the world.³⁰³

This approach seems to already be a part of US policy toward China in context of the DPRK's nuclear situation, as President Obama has reaffirmed US commitment to the three Sino-US joint communiqués. Obama also expressed support of improving Chinese-Taiwanese relations and indicated that the US position on Tibet is in support of integration into China. Official statements demonstrate both states' desire for positive relations. One of the most influential factors in positive relations is a close economic tie. With increase economic linkages, the US could leverage its position as a vital trading partner to pressure China into taking a stricter stance on North Korea if needed in the future.

This task force also recommends that the United States encourage Russia to take a more active role in pursuing the DPRK. Although Russia does not have as much leverage over the

³⁰³ Wines.

DPRK as China does, it is an important player in the Asia Pacific region. Therefore, it is in US interests to develop a cooperative relationship with the former Soviet state on this issue. One recommendation is that the United States to revisit and implement the New Strategic Arms Reduction Treaty (New START), signed by presidents Obama and Dmitry Medvedev in April 2010, which provided a strategic context for cooperation to address North Korea's violation of NPT obligations and withdrawal from the treaty.³⁰⁴ In addition, the Task Force recommends high-level talks with the Russian Federation's Ministry of Foreign Affairs about its importance in the multilateral talks and in regards to the DPRK. Finally, the US should work to convince Russia to participate as a witness in the 2+4 Party Talks forum.

Finally, the United States should also encourage Russia and South Korea to implement plans for an oil pipeline through North Korea by holding a trilateral meeting with US President Barack Obama, ROK President Lee Myung Bak, and RF President Dmitry Medvedev. The negotiations for this pipeline should also include Russia's OAO Gazprom and South Korea's Korea Gas Corporation, which has already signed a "memorandum of understanding to study the possibilities" of extending the Sakhalin-Khabarovsk-Vladivostok (SKV) gas pipeline to increase supply of natural gas to South Korea.³⁰⁵

Conclusion

This Task Force maintains that United States pursuit of Chinese and Russian cooperation on the North Korea proliferations issue should remain a top priority in Asia Pacific affairs. Lack of Chinese and Russian cooperation has been a major obstacle in US dealings with the DPRK, and China and Russia, as major regional players in the region, are essential to implementing any

³⁰⁴ Bauer, 52.

³⁰⁵ Eric Watkins, "Gazprom, Kogas sign MOU for Sakhalin-2 pipeline project," *Oil & Gas Journal*, no. 26 (2009): 33.

effective strategy. The United States must prioritize regional interests to gain Russian and Chinese cooperation in stabilizing the DPRK so that economic reform of the DPRK can be pursued and can eventually lead to denuclearization.

Solution to the North Korean Nuclear Problem: Introduction

The purpose of this section is to analyze the current state of the North Korean nuclear program and resulting diplomatic tensions that surround it. Taking into account physical nuclear capabilities, projected proliferation threats, and the possible consequences of both, this section seeks to aid in the development of more mutually beneficial US-DPRK relations as they pertain to the North Korean nuclear program. This section argues that the United States should push for the DPRK to demilitarize its nuclear program. Recommendations for future US policy include providing a comprehensive package of agreements that may persuade the DPRK to undertake such a transition, and also provide the means for its implementation.

The Agreed Framework

Adam Yousri

Issue

In 1993, The Democratic People's Republic of Korea (DPRK) withdrew from the Nuclear Non-Proliferation Treaty (NPT). This withdrawal greatly alarmed the Clinton Administration, as the DPRK's move signaled its intention to further its nuclear capabilities. Consequently, tensions mounted between the US and the DPRK. As the situation came to the brink of disaster in 1994, former president Jimmy Carter intervened in a mid-June talk with DPRK leader Kim Il Sung. At this meeting, Carter and Kim outlined the basis of the Agreed Framework, an agreement that would keep the DPRK a member of the NPT. The US Assistant Secretary of State, Robert Gallucci, and the DPRK Deputy Foreign Minister, Kang Sok Ju, after difficult negotiations, signed the final Agreed Framework four months later on October 21, 1994, in Geneva, Switzerland.

On January 10, 2003, the DPRK once again stated its intentions to withdraw from the NPT, formally defying the Agreed Framework. Although this renunciation of the terms of the Framework ostensibly seems disingenuous on the part of the DPRK, US insincerity and inconsistency along with the agreement's ambiguous language were also just as culpable. Leading up to the DPRK's climactic withdrawal from the NPT in 2003, the United States had been negligent in adhering to the terms of the Framework. For example, the United States frequently postponed set deadlines of the agreement, which only served to aggravate the shared distrust between the United States and the DPRK. US-DPRK tensions were further stoked by the agreement's terms and language. While the agreement called for a freeze of the DPRK's

plutonium producing facilities, it did not require the DPRK to declare all of its nuclear related facilities. Additionally, the DPRK's obligations in the agreement were poorly framed.

In order to create more effective diplomatic solutions between the US and the DPRK, the Agreed Framework must be examined as a precedent for future agreements. In particular, how the United States can succeed in creating the sincerity and consistency that the Agreed Framework lacked in its future diplomatic relations with the DPRK. Thus, with the Agreed Framework as a basis, the US can seek to create clear achievable agreements that it, along with the DPRK, can and will remain committed to, in order to ensure effective bilateral relations in the future.

Background

The DPRK's withdrawal from the NPT in 1993 was a response to the International Atomic Energy Agency's (IAEA) demand for special inspections in Yongbyon. The DPRK's actions were interpreted as an international crisis because the withdrawal from the NPT freed it from its commitments to the international community to not pursue nuclear weapons. Following its withdrawal, the DPRK tested its Rodong-1 missile in the Sea of Japan, limited access to IAEA inspectors, and threatened to reprocess the spent fuel rods at its Yongbyon reactor into weapons-grade plutonium. The Clinton administration responded by threatening a resolution for sanctions to be brought against the DPRK in the United Nations. Such actions, Pyongyang countered, would be regarded as an "act of war."³⁰⁶

Bilateral tensions between the United States and the DPRK escalated between 1993 and 1994. There were multiple signs that suggested war between the United States and the DPRK was imminent. In March 1994, a North Korean official is quoted to have said that Seoul would

³⁰⁶ Mike Chinoy, *Meltdown: the inside story of the North Korean nuclear crisis*, (New York: St. Martin's Press, 2008).

be turned into “a sea of fire.”³⁰⁷ In another incident, 8,000 spent fuel rods were unloaded from the reactor at Yongbyon; if processed, experts claimed that the fuel rods were capable of producing enough weapons-grade plutonium to make 5-6 nuclear bombs. The Clinton administration itself made preparations for military options in dealing with the DPRK. Specifically, plans were made to evacuate American civilians from South Korea and to preemptively strike North Korea’s nuclear reactor in Yongbyon. At this point, with both sides poised for war, Jimmy Carter intervened and the Agreed Framework was negotiated bilaterally.

The Agreed Framework was a three-page, non-binding agreement between the US and the DPRK that outlined a diplomatic solution to the DPRK’s pursuit of nuclear weapons. The terms of the agreement were that the DPRK would freeze operations and eventually dismantle its graphite nuclear reactors, as well as remain party to the NPT. In return for this commitment, the United States would replace the DPRK’s graphite reactors with new light water reactors (LWR) and offset the DPRK’s energy requirements foregone by the reactor in annual shipments of 500,000 tons of heavy oil fuel. Additionally, both sides would work further towards a nuclear free Korean peninsula, hold two expert talks on nuclear energy, and move towards the normalization of political and economic relations. The Agreed Framework created and designated the Korean Peninsula Energy Development Organization (KEDO) to gather the funds and construct the LWRs by 2003. The United States would supply the DPRK with shipments of heavy oil fuel.

From the outset, a main weakness of the Agreed Framework was its ambiguity. The Agreed Framework called specifically for the freeze of “DPRK’s graphite-moderated reactors and related facilities.” While the United States’ intent to freeze the DPRK’s nuclear facilities is implied, the agreement did not express that specifically. For example, the freeze was largely left

³⁰⁷ Ibid., 5.

to interpretation, perhaps to mean only a freeze on graphite-moderated reactors that the United States was aware of, not to other clandestine programs. In regards to inspections, the Agreed Framework only says that the “IAEA will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.” The ambiguity of this term gave the DPRK interpretive license to itself define the scope of what “monitoring” meant. In many cases, DPRK officials were cited as being overly aggressive with IAEA inspectors when they perceived that they had exceeded their bounds.³⁰⁸

The implementation of the Agreed Framework diverged significantly from what was planned originally. It was apparent from the outset that Washington was divided in its view of the framework. While the Clinton administration supported the framework, the Republican Party viewed the framework as an act of appeasement. They argued that fulfilling the terms of the framework would burden the United States economy and that the DPRK would be less than likely to adhere to all the terms of the framework. The ambiguity in the Agreed Framework further aided the prediction that there would be a future deadlock “if or when the implementation of the Agreed Framework reached the point that triggers [the DPRK’s] obligations.”³⁰⁹ In addition, Republicans argued that the Clinton administration had far underestimated costs and disregarded inflation rates.³¹⁰ In the mid-term elections of November 1994, a republican majority was elected to both houses of Congress. This made it difficult for the Clinton administration to secure authorization for the shipments of heavy oil to North Korea, and consequently, shipments of heavy oil to North Korea were frequently delayed. As long as the DPRK’s reactor facilities

³⁰⁸ The Korean Peninsula Energy Development Organization, *Agreed Framework Between the United States of America and the Democratic Peoples Republic of North Korea*, Geneva, Oct. 21, 1994.

³⁰⁹ Larry A. Niksch, *The Agreed Framework: View from Washington* (Presentation, International Workshop on the US-ROK Alliance, Oct. 5-7, 1995).

³¹⁰ Niksch, 1.

remained frozen and it remained party to the NPT, there was little motivation to authorize heavy oil shipments.

The media also criticized the Clinton administration. For example *The New York Times* wrote, “Clinton Approves Plan to Give Aid to North Korea,” while the *Washington Post* wrote, “North Korea Pact Contains US Concessions: Agreement Would Allow Key Plutonium-Making Facilities for Seven Years.” With Congress and public opinion against it, the Agreed Framework already was on its way to failure.³¹¹

Washington’s negligence in complying with the Agreed Framework was received with mistrust in North Korea. The state-controlled media frequently threatened that the DPRK would withdraw from the framework and continue with its nuclear program. In the mid-90’s mistrust toward the United States was furthered with North Korea deteriorating into a nationwide famine. Entrenched in a national crisis, the United States’ consistent failures to adhere to the framework were interpreted by Pyongyang as intent to besiege and collapse the DPRK.

Meanwhile, Washington only became more skeptical of the DPRK. It still maintained that Pyongyang had not abandoned its long-term nuclear ambitions. Skepticism increased in 1998, when a commission headed by Donald Rumsfeld announced that Pyongyang had the capability to fire a ballistic missile that could hit the United States. These concerns seemed to be founded when the DPRK test-fired the Taepodong-1 missile into the Pacific Ocean, crossing over Japan in the process. Washington further demonstrated its skepticism of the DPRK, when the Defense Intelligence Agency (DIA) declared that Kumchangri was a possible centrifuge site. However, the United States was publicly embarrassed when the United States had negotiated

³¹¹ Chinoy, 8.

100,000 tons of potatoes in return for permission to inspect the site and the site turned out to be nothing.³¹²

George W. Bush's inauguration into the presidency in 2001 signified the beginning of the end for the Agreed Framework. Unlike the Clinton administration that stood against Congress in maintaining the Agreed Framework, the Bush Administration was categorically opposed to the Agreed Framework. Bush further aggravated relations with the DPRK when he characterized the DPRK as belonging to an "Axis of Evil" in his State of the Union Address in 2002.³¹³ Tensions finally climaxed when Assistant Secretary of State for East Asian and Pacific Affairs James A. Kelly vouched that there was a uranium enrichment program in North Korea. Faced with a more hostile and less cooperative administration than that of Clinton's, the DPRK ended the freeze on its nuclear facilities, expelled IAEA inspectors, and again withdrew from the NPT, formally renouncing its responsibilities towards the Agreed Framework.

US Interests

While the Agreed Framework was in place, the DPRK maintained the freeze on its Yongbyon nuclear facility and remained party to the NPT in that time. However, the United States was insincere and inconsistent in following its responsibilities towards the framework; the collapse of the Agreed Framework illustrates a failure by the United States to sincerely commit to an agreement.

A lesson in advancing future US interests regarding diplomatic relations with the DPRK that can be learned from the failure of the Agreed Framework is that an atmosphere of trust and consistency must be maintained if the same is to be expected from the DPRK. Since the early

³¹² Richard Saccone, *To the brink and back: negotiating with North Korea* (Elizabeth, N.J.: Hollym, 2003), 83.

³¹³ G. W. Bush, "State of the Union Address, January 29, 2002," *Whitehouse Archives*, <http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html> (accessed Feb. 10, 2011).

stages of the Agreed Framework, it was evident that the DPRK was responding with mistrust towards the United States that can be attributed to Congress and public opinion. With Congress delaying shipments of heavy oil and international news sources discriminating the Clinton administration's decision, the DPRK was justified in doubting the United States' commitment to the framework. The Kumchangri incident further cemented mistrust bilaterally. Although Kumchangri proved to be nothing, the fact that the United States negotiated intensely to inspect it, underlines the United States' mistrust of the DPRK. Although the DPRK did benefit from the ordeal more than the United States, from a North Korean perspective, US suspicion confirmed mistrust. The Bush Administration's classification of the DPRK as part of an "Axis of Evil" only further weakened the United States' position in honoring its adherence to the Agreed Framework. With both sides doubting each other, the Agreed Framework was destined to be ineffective.

Although the Agreed Framework ultimately failed, it must be noted that the agreement was the most successful in US-DPRK diplomatic relations in accomplishing goals of US interests. The Agreed Framework successfully accomplished its main purpose of convincing the DPRK to join the NPT and freezing its nuclear reactors for a ten-year period before the agreement came apart.

Options

In order to promote sincerity in future agreements, the United States could draft future agreements with consequences to both sides for not adhering to the terms of the agreement. There were no consequences, besides the failure of the agreement itself, to motivate both parties to honor the terms of the Agreed Framework. If specific consequences were put in place to

ensure that the terms of an agreement are followed, there would be a greater incentive to be sincere in following the terms. In this way as well, in planning the terms of the agreement, both sides would be motivated to suggest terms that could be honored. The Clinton administration, however, was overly optimistic of the Agreed Framework as a viable diplomatic solution, misreading Congress' support. The result was inconsistency in honoring the framework's terms, consequently communicating insincerity towards the DPRK.

A weakness of trying to implement consequences for failing to adhere to the agreement is that the DPRK is not diplomatically transparent. As the United States is much more diplomatically transparent, it would be much easier to demonstrate and thus punish the United States for not following the terms of an agreement. Conversely, if the DPRK violated the terms of an agreement, the United States would first have to prove misconduct and then enforce the consequences of the agreement.

Another method to increase sincerity in US-DPRK relations would be to make future agreements binding. In the Agreed Framework, a large weakness was that the agreement was non-binding. As opposed to a binding treaty, the agreement was not viewed as a responsibility for Congress or the Bush Administration. If the agreement were binding, despite regime change in Washington, the new administration would still be bound by the terms of the agreement. In this way inconsistency could be avoided on the part of the United States

The weaknesses of this method are the same as those of the first. The DPRK is lacking diplomatic transparency and thus could easily evade the terms of the binding agreement. Additionally, the possibility that Congress will accept any binding agreement with the DPRK is minimal. Treatises are generally reserved for countries that the United States has normalized

relations with. As the Korean War is still not officially over, the chance that Congress would sign a treaty with the DPRK, an enemy of the United States' ally South Korea is unlikely.

To ensure a consistent agenda, agreements could be drafted only with Congress' approval. If the Agreed Framework had Congress' backing, the terms of the framework would have been adhered more closely. In this way as well, if the administration in government is changed, the agreement would still have Congress' support. As such, enactment of the agreement would remain consistent.

This solution is very unlikely and difficult to attain. While it is ideal that Congress approves all agreements with the DPRK, Congress often lacks the background knowledge to make the quick decisions necessary in the negotiation process. In addition, Congress is often internally conflicted and therefore has difficulty developing a consensus for any decision. Even when Congress does come to an agreement, it is after much deliberation that the process is completed.

A final option would be to assign US diplomats to North Korea for a longer duration (See "US Inconsistency: Findings and Recommendations"). Long-term relations between US and DPRK negotiations would encourage more sincerity. Additionally, the increased time would allow for the US diplomat to become more familiar with the atypical negotiation tactics the DPRK employs. In this way, not only would negotiations of agreements be more sincere, but there is also the added benefit that more favorable terms may be agreed upon for the United States

The only setback to this suggestion would be structural. Typically, foreign diplomats for the United States are rotated often so as to increase the international experience of the diplomat. To assign a US diplomat to a North Korea focus exclusively, would rob them of other more

diverse international experience. More importantly, specialists in a single country or area are generally confined to low positions, and rarely are promoted to high-ranking positions such as Assistant Secretaries of State. Thus, the specialized position would only be attractive to diplomats with low ambition.

Recommendations

A major weakness of the prior Agreed Framework was that Congress frequently denied the Clinton Administration funding for heavy oil shipments to the DPRK. In a future agreement the United States could simply negotiate with Russia to become responsible for shipping oil or natural gas to the DPRK. In this way the United States' commitment would not be undermined by fluctuating opinions in Congress, or future change of Administration in the United States (see "Sino-US Relations and Russo-US Relations").

The final recommendation is that US diplomats be assigned to North Korea for longer durations. While this recommendation defies common practice, the atypical mentality and methods of negotiation employed by DPRK officials warrant specialized attention. DPRK officials have also frequently cited the concern that foreigners do not understand them. This statement was echoed in the negotiation process of the Agreed Framework, when Saccone cites a Pentagon official as having said, "Most of the people working on this did not know anything about Korea. I knew the capitals that's about it."³¹⁴ Jimmy Carter also noted before his trip to the DPRK that "the experts that briefed [him] before [he] left [had] never been to North Korea."³¹⁵ The increased exposure to DPRK officials would create a unique skill set ideal for obtaining favorable agreements. Additionally, in a respect driven society such as North Korea's, increased

³¹⁴ Saccone, 45.

³¹⁵ Saccone, 45.

interaction with regular US diplomats should create an atmosphere of mutual respect. In order to accomplish this, a special program should be devised for diplomats aiming to specialize in North Korea (see “Politics, Ideology and Legitimacy within the DPRK”). This program would guarantee that its member diplomats receive special consideration in being promoted. In this way, the United States could tailor specialized diplomats without jeopardizing their career ambitions.

US-DPRK Relations: Nuclear Solution

Ian Mathews and Hattie Taylor

Issue

While all-out war with North Korea has been avoided, the continued inability to produce binding agreements through negotiations in the Six-Party Talks to denuclearize the Democratic People's Republic of Korea (DPRK) has prevented lasting peace from being established. Though the US government has criticized North Korean sales of advanced missile technology to countries such as Pakistan and Iran, the DPRK has continued to be defiant through test-launching multiple long-range missiles and even carrying out two nuclear weapons tests that have compromised the security of the United States and its allies. Despite voicing continuous criticism of the US-backed military buildup in Northeast Asia, the DPRK has stated that it ultimately wishes to normalize relations with the United States.

Additionally, during an unofficial tour in November 2010, American scientist Dr. Siegfried Hecker discovered that the North Koreans had constructed a facility capable of enriching uranium by means of gaseous diffusion. The North Koreans stated that the facility was constructed to produce lightly enriched uranium fuel for 'peaceful purposes,' specifically, its light water reactor currently under construction. The DPRK argues that both the reactor and enrichment plant are necessary to meet current electricity and internal energy demands³¹⁶. While it is impossible to verify these claims without full disclosure on behalf of the DPRK, the North Koreans may be sincere in developing nuclear energy for peaceful purposes.

³¹⁶ Siegfried Hecker, "A Return Trip to North Korea's Yongbyon Nuclear Complex," *Center for International Security and Cooperation*. (2010): 1.

Regardless of intent, this achievement, coupled with the DPRK's previous technological accomplishments at the Yongbyon nuclear facilities demonstrates that North Korea now understands both avenues of nuclear weapon material production; uranium and plutonium. The United States must consider this new challenge when formulating a strategy to ensure that the further proliferation of nuclear materials is prevented.

Through the examination of past negotiation strategies and their results, the nuclear capacity of the DPRK and its implication, and the consideration of US interests, it is ultimately understood that a bilateral agreement between the United States and the DPRK would most effectively address the needs of each party. While it is unrealistic to assume that any previously established agreements between the two parties could produce any positive future outcome, past negotiations have laid important groundwork for potential compromise. This paper proposes the creation of a New Agreement Package (NAP), to which the United States and the DPRK would pledge adherence. This refurbished and innovative taking off point of the 1994 Agreed Framework would cater to the individual considerations and objectives of each party and address the shortcomings of its failed predecessor.

Background

Yongbyon Nuclear Complex

The Yongbyon Nuclear Scientific Research Center is a collection of facilities charged with the task of nuclear research located in North Pyongyang Province. The complex includes a 5MWe heavy water reactor, a fuel reprocessing plant, a fuel fabrication plant and uranium enrichment plant. Initial construction on a 50MWe heavy water reactor began in the mid-1980s, and was suspended along with the construction of a 200MWe reactor at Taechon as part of the

1994 Agreed Framework. To our knowledge, the North Koreans have not made any attempt to restart construction of these facilities.

The 5MWe reactor was responsible for North Korea's plutonium production from 1986 until 2007 when it was shut down under the IAEA. Additionally in 2009, its cooling tower was destroyed as a condition of the Six-Party Talks. The estimated time to restart operations at the 5MWe reactor is estimated to be between six months and one year. While operational, experts estimate that the reactor can produce around 6kg of Pu annually, enough for one nuclear weapon per year.³¹⁷

Additional facilities in Yongbyon include a fuel fabrication plant, where uranium ore is manufactured into fuel rods for use in nuclear reactors, and a fuel reprocessing plant, where Pu is separated from spent fuel rods. Both of these facilities are currently inactive, and have undergone extensive dismantlement due to concessions made by the DPRK during the Six-Party Talks³¹⁸.

How Plutonium is Produced in the DPRK

North Korea has an abundant domestic supply of natural uranium, or U-238. U-238 on its own is not fissile, though is fertile or able to produce fissile material. The first step in this process is to mine the uranium ore and send it to a fuel fabrication facility, such as Yongbyon, where it is processed into fuel rods. These rods are then placed into the core of the 5MWe reactor and undergo neutron bombardment. The U-238 atoms accept the extra neutrons to form U-239, an unstable isotope that then decays into Pu-239. The additional byproducts of this reaction are heat, various plutonium isotopes, minute amounts of other elements, and left over uranium U-238. The difficulty of this process if the plutonium is being produced for nuclear weapons is

³¹⁷ Mary Beth Nikitin, *North Korea's Nuclear Weapons: Technical Issues* (Washington, D.C.: Congressional Research Service, 2011), 18.

³¹⁸ Ibid., 13.

ensuring a maximum yield of Pu-239, which is formed faster than other plutonium isotopes.

While the other isotopes do not necessarily inhibit nuclear fission, the more Pu-239 a sample has relative to other Pu isotopes, the more efficient the reaction. Controlling the formation of other Pu isotopes is accomplished by limiting the 'burn-up' or total time the fuel spends in the reactor core.

After the yield of Pu-239 is deemed sufficient, it is removed from the reactor core and allowed to cool. Once cooled these rods are either placed into storage, or if the plutonium is to be extracted, sent to the reprocessing facility. Here, Pu-239 is separated from the other reaction byproducts by way of a series of chemical reactions. The final result is plutonium ready to be used in a weapon's core.

The DPRK's Uranium Enrichment Program

Another means of producing fissile material from natural uranium (U-238) is by enriching it to various percentages of one of its isotopes, U-235. U-235 is an isotope found in small concentrations in natural uranium ore, and the only uranium isotope that can undergo a nuclear reaction. The recently discovered plant at Yongbyon uses a process called gaseous diffusion for enrichment purposes, in which natural U-238 is converted into gas and sent into a series of high spinning centrifuges. As the gas is spun, the small concentration of U-235 present in natural uranium ore collects in the middle of the centrifuge. The heavier U-238 becomes concentrated along the walls, and is siphoned out. Each centrifuge is able to remove only a small fraction of U-238, thus the necessity of many centrifuges aligned in a series. The longer the uranium gas spends in the centrifuges, the more U-238 is removed and the higher the concentration of U-235. For the purposes of nuclear weapons, U-235 needs to reach at least 80%,

while only 3-20% is needed for research or energy from light water reactors. After the proper enrichment level is reached the gas is cooled back into a solid to be used as fuel.

Pros and Cons of Uranium and Plutonium

The main benefit of enriched uranium is that its intended purpose can be easily confirmed by checking its concentration of U-235. However, HEU (uranium enriched to 80%+) is the easiest material with which to make a bomb. One simply needs to construct a gun-type device where two pieces of HEU are collided by a primary explosion, creating a self-sustaining supercritical reaction. Given the relative simplicity of a gun-type device, terrorist groups may seek to procure HEU. Thus, it is imperative that any uranium enrichment facilities are monitored to ensure that all materials produced are accounted for. Currently, North Korea has not demonstrated the ability to make nuclear weapons from Highly Enriched Uranium (HEU).

Plutonium on the other hand requires a more sophisticated design. A plutonium core is placed inside a device and surrounded by an array of primary detonators, which must be designed to trigger simultaneously. The resulting shock-wave compresses the Pu core, causing it to become supercritical. Timing the primary explosions, however, requires a high level of technical sophistication. Fortunately, plutonium cannot be used in a gun-type weapon as any concentration of the Pu-240 isotopes risks pre-initiation.³¹⁹

Determining the intended use of plutonium is not as easy compared with enriched uranium. Any combination of the various plutonium isotopes can be used to construct a nuclear weapon, including the plutonium found in the spent fuel rods of civilian heavy water reactors. In short, it is harder to make a bomb from plutonium; however, the fuel's intended use is inherently

³¹⁹ US Department of Energy, *Nonproliferation and arms control assessment of weapons-usable fissile material storage and excess plutonium disposition alternatives*, 1997, 5.

ambiguous. Uranium is easier to verify, but also easier to construct a weapon from. Therefore, uranium is the preferable of the two materials in terms of preventing proliferation.

What is Known about DPRK Nuclear Weapons

In 2006 North Korea conducted its first nuclear weapons test. The test was underground, and the North Koreans expected a yield of around 4KT, compared to the 21KT of the bomb dropped over Nagasaki during World War II. However, estimates placed the actual yield at significantly less than 1KT.³²⁰ Collections of radioactive debris have confirmed that the bomb was plutonium based; demonstrating that North Korea now possesses the technical capability to build plutonium based nuclear weapons.³²¹ The DPRK conducted yet another test in 2009, which had a significantly stronger yield of several KTs³²². No radioactive materials from the 2009 test have been collected by any international monitoring site, and thus no evidence exists concerning the design of the weapon.

The Non-Proliferation Treaty and its History with the DPRK

The NPT is an agreement between member states that signatories are to be committed to the non-proliferation, disarmament, and peaceful use of nuclear technology. There are currently 189 member states, five of which (The United States, United Kingdom, China, Russia, and France) possess nuclear weapons. Additionally, there are four non-member states that are believed to possess nuclear weapons, one of which is North Korea.

³²⁰ Mark Mazzetti, "Preliminary Samples Hint at North Korean Nuclear Test," *The New York Times*, http://www.nytimes.com/2006/10/14/world/asia/14nuke.html?_r=1 (accessed February 16, 2011).

³²¹ David E. Sanger and Thom Shanker, "North Korean Fuel Identified as Plutonium," *The New York Times*, <http://www.nytimes.com/2006/10/17/world/asia/17diplo.html> (accessed February 16, 2011).

³²² Office of the Director of National Intelligence, Public Affairs Office, *Statement by the office of the director of national intelligence on North Korea's declared nuclear test*, May 25, 2009.

To prevent proliferation, nuclear weapon states (NWS) must continue to agree not to assist, encourage, or induce non-nuclear weapon states (NNWS) to acquire nuclear weapons and NNWS must agree not to seek or solicit assistance in acquiring nuclear weapons. NNWS with active nuclear programs must also agree to a verification regime conducted by the International Atomic Energy Agency (IAEA) to ensure that they are not diverting resources from their peaceful nuclear program to develop weapons.

The DPRK's return to the NPT, however, would not discourage the spread of nuclear energy. Technology may be transferred to NPT member-states providing that they can demonstrate their civilian nuclear industry is not being used to develop weapons. The NPT even goes so far to allow members to develop their own uranium enrichment facilities and/or purchase fuel on the open market³²³.

North Korea officially ratified the Non-Proliferation Treaty (NPT) in 1985 and gave notice of its withdrawal in 2003 -- the first state ever to do so. North Korea's official reason for withdrawing from the NPT was in reaction to the Bush Administration's labeling of North Korea as part of the Axis of Evil, its status as a target in the United States' preemptive strike policy, and the United States' failure to adhere to the 1994 Agreed Framework³²⁴. Following its withdrawal, North Korea expelled the IAEA inspectors working under the IAEA safeguards agreement, part of NPT but not implemented until 1994 Agreed Framework.

Nuclear Capabilities and Concerns of the US's Northeast Asian Allies

South Korea's nuclear weapons research program officially ended on April 23, 1975 with its ratification of the Nuclear Non-Proliferation Treaty, though nuclear energy remains a strategic

³²³ United Nations, *Non-Proliferation of Nuclear Weapons Treaty*, 1970.

³²⁴ "North Korea Explains Withdrawal from the NPT," *Federation of American Scientists*, <http://www.fas.org/nuke/guide/dprk/nuke/dprk012203.html> (accessed February 16, 2011).

priority today, as twenty-one reactors provide almost 40% of the ROK's domestic electricity.³²⁵

The Republic of Korea has a history of strong adherence to the NPT and is also a member of the International Atomic Energy Association (IAEA). The ROK shares similar nonproliferation ideology as a close ally of the United States. With the growing threat of North Korea's nuclear weapons program, however, the ROK has grown weary of its neighbor and multiple politicians have proposed a reciprocal buildup with the revival of a national nuclear weapons program.³²⁶ On February 14, 2011, Song Young-sun, a two-term representative on the ROK National Assembly's National Defense Committee, in an interview with the Korea Times, stated that, "it is high time for South Korea to seriously take into consideration a nuclear option."³²⁷ She argued that the only plausible way to pressure the DPRK to denuclearize is by gaining "equal ground" and negotiating on terms that put the DPRK on the same discussion levels as the United States.

Similarly, senior Japanese politicians have suggested that Japan consider the possibility of defending itself from North Korea by obtaining nuclear weapons.³²⁸ Such a buildup would directly oppose the country's constitutional ban on nuclear weapons. Since the bombing of Hiroshima and Nagasaki, Japan has been a staunch upholder of antinuclear sentiments. Also a signatory of the NPT and a member of the IAEA, Japan is a strong US ally in the region, and could be considered 'nuclear ready', as it possesses the technology, raw materials, and necessary capital to produce nuclear weapons within one year.³²⁹

With both Japan and the ROK growing increasingly apprehensive of North Korean nuclear capabilities and turning to a strategy of reciprocal arms buildup, the possibility of a Northeast Asian nuclear arms race has increased.

³²⁵ "Nuclear Power in South Korea," *World Nuclear Association Online* <http://www.world-nuclear.org/info/inf81.html> (accessed Feb. 11, 2011).

³²⁶ "South Korea to Build up Defenses Against Nuclear-Armed North," *Asia Pacific News*, Jul. 3, 2009 http://www.channelnewsasia.com/stories/afp_asiapacific/view/440140/1/.html (accessed Feb. 11, 2011).

³²⁷ Tae-hoon Lee, "South Korea Should Consider Nuclear Option," *The Korea Times*, Feb. 14, 2011.

³²⁸ Danielle Demetriou, "Japan should develop nuclear weapons to counter North Korea threat," *The Telegraph*, Apr. 20, 2009.

³²⁹ John H. Large, "The Actual and Potential Development of Nuclear Weapons Technology in the Area of North East Asia," *LargeAssociates.com*, <http://www.largeassociates.com/R3126-A1-%20final.pdf>.

DPRK Illicit Trade History as it Relates to Proliferation

In her systematic analysis of illicit North Korean smuggling networks, Sheena Chestnut, a researcher and Ph.D. candidate in Harvard University's Department of Government, concluded that the DPRK does indeed pose a significant nuclear proliferation threat. With a strong presence in illegal cigarette manufacturing, currency counterfeiting, and trade in endangered animal products, the DPRK garners an estimated \$500 million annually from criminal activities.³³⁰ Chestnut notes that such illicit networks might be employed for proliferation purposes, that they ultimately "create channels for proliferation that, by their very nature, evade detection. In doing so, these networks may encourage future proliferators by convincing them that they can sell nuclear material and technology without fear of detection or reprisal. Most important, they may provide terrorist organizations with nuclear material or components, thus enabling them to stage an attack on the United States or its allies."³³¹

The past three decades have been riddled with economic hardship in the DPRK, and Chestnut attributes a mid-1990s spike in illicit trade to the regime's especially overwhelming economic crisis during the period. Similarly, she cites a countrywide public order issued by the regime in the early 1990s to develop opium for export. State security officials ordered farmers to switch from growing grain to opium as a means of meeting the regime's "foreign currency earning requirement."³³² It should be noted that this swift increase in illicit trade also coincided with the leadership transition following Kim Il-sung's death in 1995, which "could have provided a window of opportunity for government officials to make independent decisions that

³³⁰ Sheena Chestnut, "Illicit Activity and Proliferation North Korean Smuggling Networks," *International Security*, no. 1 (2007): 93.

³³¹ *Ibid.*, 110.

³³² *Ibid.*, 89.

deviated from previous guidelines, or the new leadership may have imposed new rules.”³³³ The willingness of the DPRK to engage in illicit trade to supplement poor economic conditions and increased criminal activity in times of desperation implies that the regime would not hesitate to turn to unconventional sources of income, perhaps even selling nuclear weapons and related material in future times of need.

The sale of nuclear arms technologies, which the DPRK has engaged in through trafficking of nuclear technologies and its deploying mechanisms, is a grave source of concern. Chestnut names two North Korean front-companies, Korea Mining Development Trading and Korea Ryongbong General Corporation, that have acted as middlemen in the transfer of ballistic missile technologies to Iran and Pakistan in the past and continued to import and export missile equipment until as recently as 2010.³³⁴ She claims that the sophisticated and complex nature of these companies and their roles within illicit trade networks is a sign that the DPRK has the ability to apply practices of its criminal activity to proliferation. Additionally, in a 2005 interview with Washington-based scholar Selig Harrison, DPRK Vice-Foreign Minister Kim Gye Gwan stated that “[The United States] should consider the danger that we could transfer nuclear weapons to terrorists, that we have the ability to do so.” He warned that the regime would not hesitate to transfer WMD “if the United States drives [us] into a corner.”³³⁵ With past experience in illicit nuclear trade, openly stated musings on potential proliferation, and the pressures of economic crisis, it is possible and not unlikely that the DPRK would turn to the sale of nuclear weapons technologies as a means of securing income.

³³³ Ibid., 85.

³³⁴ “N.Korea forges trade documents to dodge sanctions,” *Associated Foreign Press*, <http://www.google.com/hostednews/afp/article/ALeqM5iQE6EZyz2-eWPzWjOq78ZDaXj3GQ> (accessed Feb. 11, 2011).

³³⁵ “N. Korea warns of nuke proliferation possibility: US scholar,” *Japan Policy and Politics*, <http://global.factiva.com.offcampus.lib.washington.edu/ha/default.aspx> (accessed Feb. 11, 2011).

US Interests

Threat to Assets both Domestic and Abroad

The United States currently has around 28,500 troops stationed in South Korea, not including the crews of naval ships that rotate through the region. North Korea has demonstrated the ability to launch missiles capable of reaching these assets, namely their Scud missile variants. If North Korea were to further develop its ICBM program and produce a successful Taepodong-2 missile, the regime would then have the capacity to reach the West coast of the United States.

Proliferation of Nuclear Arms Technologies

In her study of North Korean non-nuclear covert smuggling capabilities and patterns, Sheena Chestnut claims that the DPRK “possesses both the means and potential motivation” to engage in nuclear proliferation.³³⁶ With the North Korean economy currently under duress and with regime change on the horizon with the ascension of Kim Jong-un, it can be inferred that the DPRK is at high risk for such proliferation. The regime’s continued disregard for international nonproliferation efforts such as the Nuclear Non-Proliferation Treaty, the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group, and the Wassenaar Arrangement poses a considerable hurdle for the objectives of the global nonproliferation community, of which the United States is a strong proponent. The regime’s current status as a rogue armed nuclear state poses a massive security threat to the international community, not only in terms of potential proliferation, but also in the potential use of WMD.

Finally, the existence of North Korea’s enrichment facility has opened up a new avenue for potential material proliferation. Since enriched uranium is the easiest substance with which to assemble a nuclear weapon, the United States must ensure that North Korea is not engaging in

³³⁶ Chestnut, 81.

the proliferation of HEU to other states or non-state actors. The ultimate aim of the United States is to neutralize these threats and normalize relations with the DPRK without being blackmailed to provide the regime with extravagant incentives.

The Need for Peaceful Relations with the DPRK

While the policy objectives of both parties have changed over the history of US-DPRK negotiations, one North Korean aim has remained consistent throughout: the normalization of relations.³³⁷ The DPRK seems to view such normalization as the deciding factor in its potential economic and social revival. Additionally, the regime has reacted negatively to aggressive posturing by the United States on a number of occasions in the past, portraying itself as a victim of American hostility. Past experience indicates that an aggressive US stance would be less than effective. During the early rounds of the six-party process, US reluctance to engage North Korea diplomatically caused gridlocked animosities and frustration among members.³³⁸ Negotiations have been halted, promises reneged, and agreements completely dismissed as a result of perceived US hostility. It is clear that past US aggression has been ineffective in negotiating with the DPRK. A US promise of peaceful relations will not only foster diplomatic stability, but will also ease compromise between the two parties in future bargaining. If the United States wishes to engage the DPRK, it must first win the regime's trust by formally issuing a statement of no hostile intent.

While embarking on negotiations without any aggressive pressure may initially seem to be a slow and unpromising solution, the pursuit of a peaceful and diplomatic means of cooperation is the safest course of action for the United States in approaching the North Korean nuclear

³³⁷ Dae-Won Koh, "Dynamics of Inter-Korean Conflict and North Korea's Recent Policy Changes: An Inter-Systemic View," *Asian Survey*, no. 3 (2004): 430.

³³⁸ Scott Snyder, "Responses to North Korea's Nuclear Test: Capitulation or Collective Action?" *The Washington Quarterly*, no. 4 (2007): 42.

program. In an article on the preventative defense measures of the DPRK, Victor Cha, director of the American Alliances in Asia Project at Georgetown University's Edmund A. Walsh School of Foreign Service, noted that isolation and coercion as policy, "only exacerbate the North's double-or-nothing motives for striking first." Engagement, he argues, "reduces such incentives by giving Pyongyang a stake in the status quo and increasing the benefits of peace."³³⁹

In his analysis of diverging policy preferences among the three bureaucratic institutions of the DPRK, Patrick McEachern, analyst at the US State Department's Bureau of Intelligence and Research, contends that the interaction of these institutions is what drives internal policy innovation and formation.³⁴⁰ McEachern found that viewpoints differed across the three main bureaucratic institutions of the DPRK, and that, specifically, the military faction harbored a hard-line outlook on relations with the United States, arguing that any compromise would signify appeasement.³⁴¹ In presenting such a statement of peaceful intent, the United States would need to give special consideration to the North Korean military in order to earn its trust and win its favor.

Japanese and South Korean Adherence to the Non-Proliferation Treaty

Both Japan and South Korea are signatories of the Nuclear Non-Proliferation treaty. As the two nations are key US allies in Northeast Asia, the United States benefits from its general alignment with US nonproliferation ideals. In maintaining security in the region, it is in the interests of the United States that both nations continue to adhere to the NPT and promote the values of the international nonproliferation community. This adherence lends support to the United States' call for North Korean denuclearization and adds pressure to the DPRK in its

³³⁹ Victor Cha, "Hawk Engagement and Preventive Defense on the Korean Peninsula" *International Security*, no. 1 (2002): 78.

³⁴⁰ Patrick McEachern, "North Korea's Policy Process: Assessing Institutional Policy Preferences" *Asian Survey*, no. 3 (2009): 531.

³⁴¹ *Ibid.*, 540.

decision to negotiate and compromise with the United States. The threat made by both Japan and South Korea to build up its nuclear programs in response to North Korean belligerence puts US regional influence in jeopardy and increases the possibility of a Northeast Asian arms race.

Options

Do Nothing

The North Korean state, despite its introverted nature, continues to survive because of the aid it receives from the international community. If deprived of foreign assistance and marketable domestic exports, the North Korean's could not pay for necessary imports. To encourage aid, the DPRK engages in activities that export insecurity in the region. The response by the international community has been to give aid on the condition that such activities cease.

The issue of continuing to give assistance to North Korea is more serious than simply keeping its economy afloat; it pertains to how the aid is spent. When aid is extorted by means of military provocations or brinksmanship tactics, the aid received is then funneled into those very activities. More specifically, the aid may indirectly fund North Korean missile and/or nuclear research programs³⁴². Thus an option available to the United States is to recognize and halt the cycle of 'security extortion' that the North Koreans utilize to garnish aid, thus reducing resources that support illicit North Korean activities.

The downside to such inaction would be that North Korean provocations or threats could become more numerous and serious in nature if the regime's economic needs become increasingly desperate. Additionally, it is unclear how China would react. China's necessity to maintain North Korea as a buffer state may motivate it to ensure North Korean survival and fill

³⁴² Dick K. Nanto and Emma Chanlett-Avery. *North Korea: Economic Leverage and Policy Analysis*, (Washington, D.C.: Congressional Research Service, 2010).

the void left behind by United States' aid. Finally, this approach is a passive one. It does not explicitly target the North Korean nuclear program, hoping simply to undermine it. There is no guarantee that if pressured economically, the DPRK would forgo nuclear weapons development.

Preemptive Strike

Another approach the United States could use to solve the Korean nuclear crisis is to end North Korea's nuclear program by force. Evidence from the past suggests that this strategy may prove to be effective. In September 2007, the Israeli air force bombed a suspected nuclear reactor in Syria, and launched a similar attack in 1981 on an Iraqi reactor under construction south of Baghdad. Both of these strikes effectively ended, or significantly stalled, their target nations' nuclear programs.

This approach, however, does not appear to be feasible in the context of North Korea. Any preemptive strike on North Korean soil is likely to be seen by the DPRK as an act of war. The South Korean city of Seoul, with a population in excess of 10 million, is just 40km from the DMZ. Retaliation by North Korean artillery forces could bring an unprecedented loss of life and damage in Seoul alone, even with defensive safeguards already in place.

If war were to break out on the Korean peninsula, or even Japan, the United States would be forced to act on its security treaty with South Korea. Given that American forces are already serving in both Afghanistan and Iraq, the US military may not want to spread its forces too thin. Also, it remain unclear how North Korea's largest ally, China, which has a mutual defense contract with the DPRK, would react.

Promotion of a New Agreement Package and the NPT

A final option the United States may consider is to propose a new agreement package in order to persuade DPRK to dismantle its militarily focused nuclear program. In this proposal, a number of concessions would be made on behalf of both the United States and North Korea, and would be strictly a bilateral agreement. First, the United States would deliver a statement of 'No Hostile Intent' towards North Korea, which DPRK has stated would go a long way towards stabilizing diplomatic relations between the two nations. Additionally, the DPRK stated that would be willing to negotiate the transfer all unused fuel rods to a third nation, thus eliminating a potentially great source of plutonium³⁴³.

Next, a proposal would be drafted and delivered to the DPRK. In it would be various clauses detailing the responsibilities of both sides. The DPRK would be allowed to continue its uranium enrichment program under strict conditions. First, the North would have to rejoin the NPT and abide by all subsequent standards, such as verification by IAEA. Second, the regime would agree to suspend all further weapons and ICBM research. Finally, any facilities currently or formerly related to the production or use of plutonium would be permanently dismantled. In return, the United States would pledge to support both financially and technically the construction of either new Light Water Reactor facilities or assist with the DPRK's current project of such a facility.

This approach is especially attractive because it would provide a proactive measure in dealing with the nuclear issue, and at the same time foster a stronger diplomatic relationship between the two nations. North Korea in fact expressed interest in a deal similar to Governor Bill Richardson last year.³⁴⁴ Also, this approach would allow the DPRK to 'save face', that is to say, the regime would not explicitly lose. It would be a victory for the DPRK to keep its uranium

³⁴³ John Pomfret, "N. Korea suggests discarding one of its nuclear arms programs," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2010/11/22/AR2010112206571.html> (accessed February 16, 2011).

³⁴⁴ "US envoy Bill Richardson: North Korea 'making progress,'" *BBC*, <http://www.bbc.co.uk/news/world-asia-pacific-12047097> (accessed December 21, 2011).

enrichment program and to join the ‘top tier’ of nuclear nations, as it would be for the United States to eliminate a source of nuclear proliferation and convincing a former rogue state to abide by the NPT.

There is also, however, a significant amount of uncertainty with this approach. Negotiations with the DPRK have been at best consistently inconsistent. Critics argue that the DPRK simply cannot be trusted to adhere to any diplomatic agreement. The DPRK could, after all, simply use this period of negotiations as diversionary or stalling tactic preceding another ‘insecurity export’, namely, another weapons test.

Recommendations

The following recommendations are part of a comprehensive package. To ignore one would jeopardize the effectiveness of the others. The purpose of these recommendations is not to deny North Korea nuclear power, but rather foster its use for peaceful purposes.

Strategic Presentation of the New Agreement Package

In proposing the NAP, it is recommended that the United States address a comprehensive delegation of DPRK officials in order to ensure that the agreement is given adequate policy consideration within the regime. It is understood that policy innovation stems from the interaction among the three primary bureaucratic institutions within the DPRK: the cabinet, the military, and the ruling Workers’ party, or the Presidium of the SPA. The United States should request an audience comprised of delegates from each of these three institutions. These three factions represent the organs of the regime that hold the greatest influence over policy formation and its presentation to Kim Jong Il. While Kim ultimately makes the final decision on policy

outcomes, the ability of these institutions to sway that decision necessitates their presence in negotiations.

Additionally, it is important to consider the limits of Kim Jong Il's influence due to his hereditary ascension to power when faced with negotiations and reform. Dae Won Koh notes that Kim has relied almost entirely upon his father's legacy to consolidate his political stature, and as such, he "has great difficulty acknowledging North Korea's socioeconomic paralysis—which both his father and he are responsible for."³⁴⁵ Thus in order to effectively negotiate with the DPRK, the United States must present a means for the regime to agree to policy change without undermining the foundation of Kim's power.

Designate Signatory Witnesses to the New Agreement Package

While the proposed NAP would be a bilateral arrangement between the United States and the DPRK, it is recommended that the United States pursue a multilateral coalition of support for the agreement, a 2+4 approach, as such a coalition would promote adherence to its tenets. The Agreed Framework of 1994, though binding in intention, was ultimately ineffective due to the failure of both parties to fulfill the promises laid out in the agreement. In order to prevent similar noncompliance with the NAP, the remaining parties to the six-party negotiation mechanism—Russia, Japan, China, and South Korea—should promote adherence to the agreement by acting as signatory witnesses. While these parties will aid in negotiations regarding economics and human rights, only the United and States will play a direct role in the formation and negotiation of the specific nuclear agenda of the NAP. By witnessing the agreement's installation, however, these signatories would play an integral role in the promotion of the objectives of the NAP in a diplomatic capacity, and would encourage and monitor US and North Korean compliance to the

³⁴⁵ Koh, 429.

promises set forth. The added support of these four parties would aid in persuading North Korea's acceptance of the NAP, and the pressure of their declared witnessing would prevent any noncompliance by either party.

Promotion of Japanese and South Korean Adherence to the Nuclear Non-Proliferation Treaty

In order to prevent an arms race, it is recommended that the United States actively promote continued Japanese and South Korean adherence to the NPT. Assuring these two crucial allies in the region that North Korean denuclearization is possible without military posturing will reinforce the US declaration of no hostile intent, which in turn functions to encourage DPRK compliance in negotiations. Though both Japan and the ROK may find nuclear deterrents to be an enticing means of pressuring the DPRK to denuclearize, it is actually in the best interests of both nations and the United States to remain non-nuclear. Nuclear weapons buildup in the region would not only aggravate the DPRK but would also completely delegitimize the NPT and the nonproliferation objectives of both countries.

Recommendations under New Agreement Package

Deliver a Statement of No Hostile Intent

Since the Bush Administration the North Koreans have sought a statement of no hostile intent. Its delivery would undoubtedly help to ease diplomatic as well as security tensions between the two nations. Finally, it serves as an incentive to agree to the rest of the agreement package.

Help Finance or Construct the Light Water Reactors

North Korea currently faces an energy crisis, as over 90% of its energy is imported from China. As another incentive to de-militarize its nuclear program, the United States would agree to help develop Light Water Reactor technology in North Korea, which would cost approximately \$4 billion.³⁴⁶ This agreement is reciprocal in that it allows North Korea a domestic energy source as well as reassures the United States that North Korea's energy program is not a risk for proliferation.

Monitor and Assist the DPRK with its Uranium Enrichment Program per NPT Safeguards

The United States should take an active role assisting the DPRK in developing its uranium enrichment program, provided the DPRK agree to return to the Nuclear Non-Proliferation Treaty. The United States could verify that uranium is not enriched to weapons-grade through independent IAEA inspections. Also, adherence to the NPT would provide North Korea with a means to use its domestic supply of uranium as a fuel source, without creating insecurity in the international community.

Permanent Suspension of Activities Related to Plutonium Production

If the North Koreans were to accept this package, they would be provided with means to produce nuclear power without the use of plutonium. Thus, any facility related to the production of plutonium, specifically those at Yongbyon, would be rendered unnecessary. By closing these facilities, the DPRK can show to the world its commitment to the peaceful use of nuclear power. Additionally, these closures would eliminate any means through which the DPRK could produce plutonium.

³⁴⁶ Peter Hayes, "Beijing Deal Not the Agreed Framework: North Korea gets less, but hard work left for later rounds," *Ohmynews.com*, http://english.ohmynews.com/articleview/article_view.asp?menu=c10400&no=345623&rel_no=1 (accessed Feb. 27, 2011).

Permanent Suspension of Nuclear Weapon and Intercontinental Ballistic Missile Testing

The final conditions on which the DPRK must agree is be the suspension of all future tests related to nuclear weapons and ICBMs. This is inherent in the NPT; however, it should be reiterated for emphasis.

Conclusion

The goal of this section was to form a comprehensive understanding of the successes and failures of US-DPRK relations as they pertain to the North Korean nuclear program. After examining the regime's nuclear capabilities, proliferation capacity, the implication of these realities and the possible courses of US action in response, this section recommends the proposal of an all-inclusive bargaining package that meets the objectives of the United States while compromising on some of the economic aims of the DPRK. In order to ensure the previous recommendations full effectiveness, each one must remain as part of a comprehensive package. While the package requires some significant concessions on behalf of the United States, the intended results would be beneficial to US security interests in the region. Finally, this Task Force feels that this package would be interpreted by the DPRK as a diplomatic victory, thus increasing the likelihood of its implementation.

The Six-Party Talks

Kevin Shimota

Issue

The United States of America and the Democratic People's Republic of Korea share a similar basic interest: national security. The DPRK began a nuclear program as a deterrent to US military force and as a way to gain international recognition. North Korea's nuclear program conflicted with the regime's obligations as a signatory of the Nuclear Non-Proliferation Treaty (NPT), as well as the security interests of its Northeast Asian neighbors and strong US allies, South Korea and Japan. As military force and tensions often lead to great conflict and instability, this paper recommends that the United States genuinely engage in talks with North Korea as the foremost method of diffusing tension and finding a mutually agreeable solution to the North Korean nuclear issue.

Negotiations are necessary when two or more parties have conflicting interests, and the negotiation process is most basically defined as "try[ing] to reach an agreement or compromise by discussion with others."³⁴⁷ Negotiations are a means for the US to peacefully pursue its interests and compromise in an attempt to reach a resolution which best fits its agenda. Although the United States has engaged in bilateral talks with the DPRK through the Agreed Framework, this process has collapsed in recent years. US policy toward the DPRK has seen the most progress, largely in terms of denuclearization and easing regional tensions, during times of increased diplomatic engagement and soft-line policy.

³⁴⁷ "Negotiate," *Oxford Dictionaries*, http://oxforddictionaries.com/view/entry/m_en_us1270880 (accessed January 26, 2011).

This Task Force recommends that the United States reengage the DPRK and neighboring countries by expressing and upholding a genuine interest in the stability of North Korea, primarily by not stressing regime change as an objective (see “Politics, Ideology and Legitimacy within the DPRK”). The US should now reengage in bilateral negotiations with the DPRK, which will be attracted to this threatening US policy in its time of economic need, as demonstrated by the Joint New Year Editorial, an annual report published by the DPRK concerning upcoming policy. If necessary, the United States should lessen preconditions to meet with the DPRK bilaterally, with the end goal of developing a solid US-DPRK relationship and then opening the discussions to Japan, the PRC, the ROK, and Russia, creating a multilateral 2+4 party talks forum based on a developed US-DPRK relationship. As an alternative strategy, if US-DPRK bilateral discussions do not seem possible or genuine, this Task Force recommends at the very least that the United States seek a trilateral forum with the PRC and ROK to develop US influence in the region and draw the DPRK into negotiations. After the US has demonstrated its desire for stability, the PRC and the ROK will be more likely to accept such a forum. If the DPRK still refuses to genuinely enter negotiations, the United States can then build a trilateral alliance with Japan and Russia and create a unified front towards denuclearizing and stabilizing the Korean peninsula.

This paper first examines how engaging the DPRK diplomatically has produced positive results, and how more aggressive policies towards the DPRK have only led to provocative and destabilizing behavior. Next, this paper will examine how compromises can also lead to positive responses from Pyongyang, and analyze the current situation and the interests of the five other nations which participated in the Six-Party Talks. This paper recommends that instead of North Korean regime change, the United States should hold North Korean stability as a goal, as this

will not only improve relations with the DPRK's neighbors, such as China, but also improve US relations with North Korea, making bilateral discussions much more feasible.

Background

US Hard-line Policy

This section will describe how seriously engaging the DPRK has increased diplomatic relations as well as favorable DPRK behavior, while a hard-line policy has lead to the opposite.

In the year 2000, relations were warming between the United States and DPRK. The two countries had exchanged high officials, from the DPRK Vice-Marshall Jo Myong-nok's trip to Washington DC to Secretary of State Madeline Albright's visit to Pyongyang. Security interests were discussed during both visits, which were supposed to be a prelude to a Clinton-Kim summit. This situation was reminiscent of the Sino-American Shanghai Communiqué in 1972. At the same time, the DPRK was still on board with the Agreed Framework, despite the United States' delay in building promised Light Water Reactors (LWR) and supplying heavy oil. Corresponding to bilateral engagements, the relationship between the two nations was relatively positive, the DPRK had no large inflammatory behavior, and a meeting of national leaders seemed imminent.³⁴⁸

Before the summit could be held and set the stage for long-term improved relations, leadership in the White House changed hands. The new George W. Bush Administration represented a political policy change from soft-line to hard-line, a change which "fully mystified Pyongyang" and destabilized diplomatic efforts to positively engage the DPRK.³⁴⁹ The DPRK, which had adjusted to and cooperated with the soft-line policy from the Clinton administration,

³⁴⁸ Charles L., Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got The Bomb* (Washington, D.C.: Brookings Institution Press, 2007), 1.

³⁴⁹ Ibid.

instead received an aggressive, hard-line stance from the new Bush Administration, which became even more aggressive after the September 11th terrorist attacks. This hard-line policy was exemplified when President Bush gave the “Axis of Evil” speech, publically announcing the DPRK as a sponsor of Terrorism and alienating the regime. US-DPRK bilateralism had broken down.

On January 22, 2002, George W. Bush’s State of Union speech described the DPRK as part of the “Axis of Evil.” Bush’s speech officially declared the DPRK to be a sponsor of terrorism, along with Iran and Iraq.³⁵⁰ It was and currently remains US policy not to negotiate with terrorists. Naming the DPRK as a sponsor of terror made it difficult for the United States to seriously engage DPRK, particularly bilaterally, as it had done before. The DPRK’s attitude toward the new hard-line policy is best summarized by Li Gun, DPRK Director General for American Affairs:

During the Clinton administration, as the result of DPRK-US negotiations to resolve the nuclear question, US policy toward North Korea showed signs of moving away from peer hostility to partial engagement. For a time, there was even a glimmer of hope for the eventual solution to the nuclear question, in light of the freezing of graphite-moderated reactor facilities and spent fuel rods and the supply of heavy oil and light water reactors. But with the Bush Administration putting an end to bilateral political dialogue, its 'Axis of Evil' pronouncement, and defining North Korea as a target of preemptive nuclear strike, the nuclear question has come back to the starting point.³⁵¹

³⁵⁰ Eric Yong-Joong Lee, “The Six-Party Talks and the North Korean Nuclear Dispute Resolution Under the IAEA Safeguards Regime,” *Asian-Pacific Law & Policy Journal*, no. 5 (2004): 101-123.

³⁵¹ Pritchard, 2.

The White House's change in US policy toward the DPRK corresponded in a change in strategy in Pyongyang. The DPRK was quick to rebuild its nuclear deterrent as a means of perceived preemptive defense. In October 2002, North Korea acknowledged its nuclear program during a visit by James Kelly to Pyongyang. In December 2002, the DPRK purged IAEA inspectors and in January 2003, the DPRK declared its withdrawal from the NPT. As the United States cut off negotiations with Pyongyang, the DPRK's behavior became more inflammatory. The United States needed to reengage the DPRK in negotiations to cool its behavior, however increased tensions made bilateral discussion difficult.³⁵²

Two months later the United States began its invasion of Iraq, claiming that Saddam's regime had nuclear capabilities. The US Ambassador to South Korea, Thomas C. Hubbard, clarified that "US policy toward Korea would be different from the case of Iraq."³⁵³ The US invasion of Iraq caused increased tension between the United States and North Korea and made any bilateral talks nearly impossible. The United States had to find a way to engage the North Korea in a non-bilateral way.³⁵⁴

The First Six-Party Talks

The Six-Party Talks brought the United States and DPRK officials together in a multilateral way, however, the two nations were still unable to see eye to eye. The first three rounds of the Six-Party Talks were held in Beijing, starting in August 2003, and then again in February and June 2004. In these first three rounds of the Talks, no agreements were made, besides agreements to hold another round of talks at a later date. The US delegation was mandated by the Bush Administration to follow a hard-line policy during the negotiations with

³⁵² Lee, 101-123.

³⁵³ Ibid.

³⁵⁴ John S. Park, "Inside Multilateralism: The Six-Party Talks," *Washington Quarterly*, no. 28 (2005): 4.

North Korea, including the policy to support regime change. However, the DPRK wanted to maintain the regime and stability, as did the PRC. These diverging interests impeded any solid progress from being made.³⁵⁵

In the fourth round of the Six-Party Talks a new US negotiator, Christopher Hill, was appointed and new progress was made in the negotiations as the six parties agreed to a Joint Statement. Christopher Hill explained that the 2005 Joint Statement was different from the 1994 Agreed Framework:

The new DPRK commitment [under the 2005 Joint Statement] is broader in scope than was the case under the Agreed Framework, under which the DPRK agreed to cease a series of defined nuclear activities at specific facilities.... Although the DPRK's new pledge to dismantle [its nuclear program] is unambiguous, the proof of its intent will of course be in the nature of its declaration of nuclear weapons and programs, and then in the speed with which it abandons them.³⁵⁶

The Joint Statement was meant to lay out the mutual, basic stipulations with which the talks could continue. In this sense, it signified a positive development in bilateral negotiations. Nonetheless, denuclearization must have verification, and the timeframe for verification was left ambiguous.

The main accomplishment of the Joint Statement was that “the DPRK committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.”³⁵⁷ This accomplishment showed great progress in the talks, since denuclearization was the main principle of the talks. Though it remained obvious that more negotiations and progressive steps

³⁵⁵ Pritchard, 105.

³⁵⁶ Ibid., 123.

³⁵⁷ US Department of State, *Joint Statement of the Fourth Round of the Six-Party Talks*, Beijing, 2005.

would have to take place before a more complete agreement could be reached, the compromise nonetheless showed that progress could be made. The House of Representatives back in Washington disagreed, and chastised Christopher Hill for engaging and compromising with an evil regime.³⁵⁸

In comparison to the fourth round, the fifth round of the Six-Party Talks was a long and bumpy road caused by hostilities between the United States and DPRK. The US treasury froze \$25 million in North Korean funds in Macau-based Banco Delta Asia. This was an effort to crackdown on the DPRK's illicit activities, in this case alleged money-laundering and drug-trafficking. In response, the DPRK refused to return to the talks until the funds were unfrozen. The regime then accelerated its aggressive behavior, conducting missile tests in July 2006 as well as a nuclear test in October 2006.³⁵⁹

However, several months after the DPRK's nuclear test, the talks resumed. In the third session of the fifth round of the Six-Party Talks, the parties succeeded in agreeing to an ongoing North Korean denuclearization plan. The agreement gave the DPRK sixty days to freeze its nuclear program, at which time the other nations would provide economic aid and the US would unfreeze the North Korean bank accounts in Macau.

The denuclearization plan was drawn-out but effective, and in July 2007, the DPRK froze its nuclear facilities in Yongbyon. In May 2008 the DPRK began to physically dismantle its nuclear facilities. The DPRK also provided the other parties with a detailed account of its nuclear program. The United States immediately lifted economic sanctions from North Korea such as "Trading with the Enemy."³⁶⁰ However, the United States later concluded that the account of

³⁵⁸ US Congress, Senate, *North Korea: an update on Six-Party Talks and matters related to the resolution of the North Korean nuclear crisis: hearing before the Committee on Foreign Relations*, 109th Cong., 1st session, 2005.

³⁵⁹ Jayshree Bajoria, "The Six-Party Talks on North Korea's Nuclear Program," *Council on Foreign Relations*, http://www.cfr.org/publication/13593/sixparty_talks_on_north_koreas_nuclear_program.html (accessed Jan. 26, 2011).

³⁶⁰ Ibid.

North Korean nuclear program was not complete. Critics had three main problems with the account. First, it did not include details of suspected uranium enrichment; second, it did not address Pyongyang's proliferation activities to countries like Syria and Libya; and third, it failed to give an account of the nuclear weapons already produced.³⁶¹ Because the United States felt the North Korean's account of its nuclear program was incomplete, the United States did not provide the economic aid which had been promised in the denuclearization plan outlined in the fifth round, third session of the Six-Party Talks. The DPRK, believing itself to have fulfilled its side of the bargain, would not return to the Talks until the United States provided the promised aid. The two parties were held in diplomatic limbo. The Six-Party Talks still have not resumed, yet it is necessary that the United States reengage the DPRK diplomatically.

Terminating discussion and tolerating silence from the DPRK resulted in the same way it had between the fourth and fifth round of the talks, with provocative North Korean behavior. In April and May of 2009, the DPRK again performed missile launches and a second nuclear test, perhaps as a way to prompt a US response. When these behaviors did not entice the United States to set up bilateral talks, the DPRK's behavior became even more aggressive. In March 2011, a South Korean warship, the *Cheonan*, was sunk, killing forty-six South Korean sailors. Investigations by South Korea, Australia, Canada, Britain and all concluded that a torpedo from a DPRK vessel was responsible; however the DPRK continues to deny this claim.³⁶² In November 2010, tensions again escalated as the DPRK artillery shelled Yeonpyeong Island in South Korea. Not engaging the DPRK again led to an unstable environment.

To calm these tensions, the United States needs to leverage the DPRK directly, as well as through the members of the Six-Party Talks. An understanding of the members' interests will

³⁶¹ Ibid.

³⁶² "Cheonan," *New York Times*, http://topics.nytimes.com/top/reference/timestopics/subjects/c/cheonan_ship/index.html (accessed Jan. 26, 2011).

allow the United States to know how to influence the different members. Generally, the DPRK wants to be taken seriously. The regime seeks to be engaged in bilateral discussions on an equal playing field. The PRC and the ROK do not want immediate regime change, since that would cause instability. Section two explains the interests of members of the Six-Party Talks and how they may influence US response in the region.

DPRK Interests

The DPRK realizes that the United States has the largest impact on its security and international reputation. The DPRK is interested in bilateral talks with the United States, as well as manipulating China and South Korea to gain its US objectives. Direct bilateral talks with the United States would put the two nations on equal footing, showing that the United States views North Korea as a legitimate sovereign state. As tensions and sanctions have increased, there have still been no official US-DPRK bilateral talks. The DPRK (as well as the United States) has used China as a medium for relations. While the United States could continue to utilize China as a mediator, an even more effective form of communication is talking to the DPRK directly.

The DPRK wants economic aid and a security guarantee in exchange for concessions on its nuclear program. In order to convince the DPRK to denuclearize, the United States must replace the function of North Korea's nuclear program; which is currently to act as a nuclear deterrent to US military aggression, and also to function to extract economic aid and concessions from the ROK, United States, and Japan. The DPRK's provocative behavior is normally followed by a willingness to negotiate with the United States, since the DPRK can offer to cease its new provocative behavior in exchange for economic benefits. In short, the DPRK can utilize aggressive behavior as an export. In exchange for stable DPRK behavior, the ROK or United

States must provide economic benefits. This strategy should not be regarded as simple terrorism. It is planned aggression to question the national security of other nations and cause calculated responses from nations' affected (see "US Implementation of Sanctions and Incentives on North Korea").³⁶³

Chinese Interests

Above all, China wants peace and stability on the Korean peninsula. A stable Korean peninsula allows China to continue its incredibly high economic growth and growing political power. Conflict in the region would bring instability and ruin China's current economic success. Conflict with the DPRK, China's neighbor, may also incite US and ROK military- forces closer to China. In a response to recent DPRK aggression, the United States and ROK have held joint naval exercises in the Yellow Sea. These moves are threatening to China's external sovereignty and are effective in provoking China into taking a stronger stance against DPRK's erratic behavior.

China does not focus on North Korean regime change, but rather on stability. Therefore China's tactics focus on using soft power to develop economic ties with North Korea and then threatening to break those ties if the DPRK does not cooperate with Chinese interests. China will not use hard-line tactics because it is afraid of pushing the DPRK to utilize more aggressive behavior. If the United States wants China to step up its influence on the DPRK, then it will have to prove to China that regime change is not its priority.

Additionally, China wishes to maintain North Korea as a buffer against US troops. China is unfriendly to US military closing in on its border, and for this same reason does not want to see the collapse of the DPRK, which could result in US troops at its doorstep. If China is to get

³⁶³ Pritchard, 97.

on board on any form of reunification plan, the United States will need to emphasize that US troops will not pass the DMZ or some other form of equal security-guarantee to China.³⁶⁴

The DPRK has used its large and untapped mineral wealth to entice China's allegiance. As of late, China has been a large investor in natural resources around the world, contracting natural resources supplies in Brazil, Australia, and Africa. China is interested in economic opportunity in its allegiance with the DPRK, which has promised large natural resource access in the future. China treats its tight alliance with the DPRK as an investment opportunity. Therefore within any reunification agreement on the Korean peninsula, China at the very least would have to be placated with promises of resource investment.

ROK Interests

The Republic of Korea's main goal is peace and stability with its alienated sibling state. Since the "tension on the peninsula has a direct influence on South Korea's creditworthiness, Seoul understandably makes maintaining stability a top priority."³⁶⁵ The South Koreans value stability because it is conducive to economic success. Therefore, preventing tension on the Korean peninsula continues to be of sovereign importance.

The ROK would like to see the reunification of the Korean peninsula, but due to the large economic difference between the two Koreas, the ROK would have to shoulder a heavy burden of the reunification costs and therefore does not want sudden reunification. Instead, the ROK desires a stable environment and peaceful, gradual reunification. Additionally, a sudden regime change would cause a large, sudden influx of North Korean refugees across its border, causing a major humanitarian problem. Therefore to gain the support of ROK, the United States

³⁶⁴ Mark Landler and Martin Fackler, "US Warning to China Sends Ripples to the Koreas," *The New York Times*, Jan. 20, 2011.

³⁶⁵ Pritchard, 94.

must not be supportive of sudden regime change, but instead emphasize support of North Korean stability as much as denuclearization. While the DPRK's denuclearization is a goal of the United States, if the United States wishes to gain the support of the ROK and PRC, it cannot be attained at the cost of DPRK instability.³⁶⁶

The ROK has done much to attest to its desire to engage the DPRK and promote peace and stability. Recently, the ROK has dropped its call for the DPRK to apologize for sinking the *Cheonan* as a precondition to DPRK-ROK discussions. This is important for the United States, because successful DPRK-ROK bilateral discussions are one of the United States' preconditions for returning to the Six-Party Talks.³⁶⁷

Japanese Interests

Throughout the Six-Party Talks, Japan insisted on discussing the issue of the return of Japanese abductees that the DPRK had kidnapped. The Japanese general population, along with political parties, continued to pressure its government on this difficult subject. The Six-Party Talks were supposed to focus on pressuring the DPRK on denuclearization; however, the abductees detracted from Japan's ability to focus on the nuclear issue.³⁶⁸ While the United States must keep in mind its alliance with Japan and give some sort of guarantee on the abductee issue, it may need to ask for Japan to wait for denuclearization and normalized relations, so that the other five parties can have a unified stance against the DPRK and be more effective in settling the denuclearization issue. Then parties could address the abductee issue in a unified action.

Japan is interested in its own national security and wishes for a denuclearized Korean peninsula with verification and DPRK rejoining the NPT. Japan's security interests are

³⁶⁶ Bajoria.

³⁶⁷ Mark McDonald, "South Korea Drops Its Call for Apology From North," *The New York Times*, Nov. 8, 2010.

³⁶⁸ "Japan insists North Korea clear up mystery around abductees," *New York Times*, Oct. 14, 2008.

accentuated by recent DPRK missile tests which demonstrated North Korean ballistic capabilities would be able to hit Japan. In addition, the DPRK launched the alleged Taipodong-2” which flew directly over Japan. Japan must answer these security threats to protect its sovereignty.

In December 2010, the Japanese Minister, Seiji Maehara, stated that the DPRK should “comply with the Security Council resolutions and the joint statement of the Six-Party Talks.” He suggested this be done by China playing an “even greater role in relation to North Korea.” He also said that Japan agrees to step up its own cooperation with Russia and China. Japan is calling for more influence by China and Russia, and it is willing to aid them in doing so.³⁶⁹

Russian Interests

As a former superpower, Russia’s interest in the Six-Party Talks is to maintain some of its former prerogatives, which include preserving its connections to the old Soviet bloc. The DPRK was a part of the former Soviet bloc and still maintains some close alliances with Russia. As a bordering country to the DPRK, Russia would also be heavily affected by a sudden regime change, as a collapse of the regime could result in a large influx of North Korean refugees. Russia’s far Eastern Siberian region is vast and relatively uninhabited and it would be difficult to control a large population migration. Thus stability is a large concern of the Russian Federation. Like the PRC and the ROK, Russia would not want regime change and the inherent instability that such an event would bring. And as a former superpower and nuclear state, Russia wants the DPRK to denuclearize.

³⁶⁹ “Remarks with Japanese Foreign Minister Seiji Maehara and South Korean Foreign Minister Kim Sung-hwan,” *US Department of State*, <http://www.state.gov/secretary/rm/2010/12/152443.htm> (accessed Feb. 8, 2011).

Russia offers its close alliance with the DPRK to bring leverage to the table and can offer large economic incentives as carrots in the Six-Party Talks. Russia has an abundance of natural resources and can offer economic packages, such as the proposed joint South Korean-Russian natural gas pipeline venture through North Korea in exchange for a North Korean denuclearization settlement. The creation of a pipeline and supplying oil for a denuclearization settlement, will not only be lucrative for the Russians, but will also increase its influence in Northeast Asia. This pipeline could be added to an incentive package to entice the DPRK to denuclearize. The pipeline could also make the DPRK more dependent on oil and thus more connected to the International Community and more susceptible to sanctions.

Options

The United States has several options in dealing with North Korea. First, the United States can engage the DPRK bilaterally. The Six-Party Talks were based on the idea that all the participants were equals, and were sovereign states with leading governments and a citizenry. The Bush Administration felt the Six-Party Talks were necessary because top officials thought any direct negotiations with the US and the DPRK was appeasement, and while they United States and the DPRK could not meet bilaterally, it still needed a forum for discussion. Now with the Obama Administration, bilateral discussions are once again feasible. Discussions would ease tensions and demonstrate that the United States is genuinely engaging the DPRK, giving them an opportunity to prove its sincerity. However, to meet bilaterally the United States may have to lower preconditions. This option would also rid the United States of the need to use multilateral talks simply as a way to negotiate with the DPRK.

After developing a bilateral DPRK-US relationship, the US could open discussions with other large players; the PRC, ROK, Russia, and Japan. This would essentially be the 2+4 Party

Talks but with a precondition and emphasis on US-DPRK bilateral discussions. Then the Six-Party Talks would not be a method for the United States to engage the DPRK, but instead a forum to discuss the interests of all the parties.

On the other hand, the United States could directly resume the Six-Party Talks without a foundation of US-ROK bilateral discussions, which could be beneficial to re-initiate negotiations in a forum where some progress has already been made. Resuming the Six-Party Talks could return stability to the Northeast Asia region as the various governments could voice their opinions and expel discontent. However, it would be difficult to restart the Six-Party Talks because they have already failed; now most members doubt the sincerity of the other participants and the credibility of previous agreements that have been reached and only to have been broken at a later time.

Another option is for the United States to state and demonstrate that regime change is no longer a US objective. The ROK, Russian Federation, and especially the PRC, do not want the instability that would come with a sudden regime change, therefore, despite US and UN sanctions, they have kept the regime alive economically. Now more than ever, the PRC is economically connected to the DPRK; if the United States expresses that regime change is not a goal then the PRC will be more willing to cooperate with the United States. The DPRK, the ROK, and Russia will also be more cooperative with a United States that is more intent on the stability of the Northeast Asia region than DPRK regime change.

Additionally, the United States can express to the regional partners that stability in the region is very important. Denuclearization has always been the top priority for the United States; however, the United States could state and express its concern with the stability of the Northeast Asia region. This is similar to the previous option, which would gain the trust of many of

DPRK's neighbors who are afraid of instability and worry that the United States does not share those fears.

Lastly, the United States can hold trilateral meetings with the ROK and PRC. This option would strengthen the important ties between the ROK and its close neighbor the PRC. Such a trilateral forum would help ensure stability in the region and ease possible tensions between China and South Korea. This would also put hefty pressure on the DPRK into coming to the discussion table in a much more genuine manner. As its neighbors initiate dialog with each other, the DPRK would surely feel left out and be drawn to the discussion. China could have troubles agreeing to such a trilateral discussion for the very reason of not wanting to pressure the DPRK, since the DPRK could see such trilateral discussions as provocative. However, if the United States insured the PRC and DPRK that regime change was not a goal, than the PRC would surely be more amenable to discussions because the United States would be focused on stability in the region.

Recommendations

This Task Force argues that the DPRK regime is not going to collapse in the foreseeable future, and that regime change should not be a goal of the United States. The DPRK regime will not collapse because it is in the PRC's, Russia's, and ROK's interest that the regime does not suddenly change, which would and result in an enormous influx of North Korean refugees and other catastrophic effects for allies and neighboring countries alike. Therefore, one or more of those parties will aid its survival either through aid, or economic ties, because if the North Korean regime were to collapse it could have catastrophic effects on its neighboring-states. For this same reason, not vying for regime change will align US interests with the interests of the

three nations, China, Russia, and South Korea, thereby gaining its support. This will help strengthen the ROK-US alliance and tie the PRC and Russia closer to US policy towards North Korea. The United States can then be more influential in manipulating PRC and Russian policy strategy towards the DPRK to be more favorable to the United States.

It is also recommended that the United States lower its preconditions for bilateral talks and attempt to engage the DPRK bilaterally on equal ground. Acknowledging the DPRK regime's survivability will enable the United States to treat the DPRK as a stable, sovereign state without formal recognition in negotiations, therefore credibly engaging the DPRK without the intent of bringing about regime change. Not having regime change as a goal will also make the DPRK more attracted to bilateral discussion, as well as cause discussions to commence in a positive, constructive manner.

It is recommended that the United States should then use the momentum from bilateral talks with the DPRK to move toward creating 2+4 Party Talks. These talks would focus on the preceding bilateral relation between the United States and the DPRK, and then include the interests and utilities of the four other nations. This will be different to the former Six-Party Talks which simply served as mediation forum to the DPRK and the United States; conversely in these talks no mediation between the United States and the DPRK will be needed since they will already have solid bilateral relations. The six parties can bypass the usual conflicting issues of regime change and bilateral discussions, and then be able to focus on common interests and goals.

If the DPRK does not wish to genuinely return to the table, or the United States cannot lower preconditions on bilateral discussions, this Task Force advises that the US host informal trilateral talks between the PRC, ROK, and the United States. These are the key characters in the

Six-Party Talks and any North Korean nuclear program resolution. Having these three nations agree on a DPRK denuclearization strategy will make it easier to get Russia and Japan to sign on and create a powerful front vying for a denuclearized Korean peninsula. The combined five parties could then coerce the DPRK into rejoining the Six-Party Talks or face the power of a united five-party front.

Before resorting to such strong coercion measures, the United States should make all feasible attempts to draw the DPRK into genuine discussion. If a US statement showing no interest in North Korean regime change does not work, the trilateral US-ROK-PRC talks should entice North Korea into genuinely engaging discussions because increased relations between the DPRK's neighbors and primary rival across the Pacific will discomfort the DPRK into participating in the discussions.

These trilateral talks would not need to be seen as a permanent forum, but rather talks contingent on DPRK insincerity in returning to the Six-Party Talks. They would be treated as a transition step to the Six-Party Talks, so that upon entering such talks, these three countries most influential to the DPRK have already come to a consensus on its ideal resolution.

To summarize, the first and main policy recommendation is the game changer; expressing interest in DPRK stability and not in regime change. This would increase relations with the nations of the Northeast Asia region, especially the DPRK, PRC and ROK. Then this Task Force recommends two tactical plans; the first is to sincerely attempt bilateral negotiations with the DPRK, towards a goal of entering a 2+4 Party Talks framework, this is the ideal route.

Alternatively, if bilateral negotiations cannot be achieved, then the United States should engage the PRC and ROK in trilateral talks, towards including Russia and Japan, creating a five-party discussion forum with a goal of enticing the DPRK into sincerely coming to the negotiations

table. If the DPRK still does not join, the five parties would still be able to determine a unified stance on the Korean peninsula nuclear situation.

Task Force Recommendations

Lisa Lester and Devin Molloy

Considering both the recent diplomatic history between the DPRK and the United States and the DPRK's recent statements in its Joint New Year Editorial emphasizing economic improvements and North Korean living standards, this Task Force recommends that the US take action to embark on a new era of foreign policy toward North Korea which will avoid the mistakes of the past, while simultaneously building a sustainable future for diplomatic relations in Northeast Asia. In order to achieve denuclearization of the North Korean regime and increase regional stability, this Task Force puts forth the following recommendations:

First and foremost, this Task Force recommends that the United States immediately cease its underlying hope for North Korean regime change (see "Politics, Ideology and Legitimacy within the DPRK"). This policy has not only proved unsuccessful, but also has continuously alienated us from our regional allies, as well as China, which are all concerned with regional stability (see "Sino-US and Russo-US Relations"). Stating "no regime change as a goal" explicitly would drive the DPRK to be more attracted to bilateral discussion, as well as evoke discussions in a positive, constructive manner (see "The Six-Party Talks"). As a corollary to this policy change, the US must take steps to publicly renounce its desire for regime change as a preliminary step for the new negotiation process (see "Politics, Ideology, and Legitimacy within the DPRK").

Second, the United States must rework some domestic changes, which will allow for greater consistency in US diplomacy in the region, a factor in the past that has prevented US diplomats from establishing fruitful and long-term relationships with DPRK officials. In the past, US diplomatic policy has varied widely in concordance with Administration change,

circumstances in which the DPRK has used to its advantage in its policy of brinkmanship and common refusal to negotiate cooperatively (see “US Implementation of Sanctions and Incentives on North Korea”). To remedy this problem, the US must first take steps to create a sustainable and diplomatic apparatus in the form of the restored North Korean Policy Coordinator position that would allow diplomatic terms beyond the customary four years and insulate relevant staff and diplomats from short-term political shifts domestically. The President should consult with Congressional leaders, the NSC, and Department of State to create a new process of appointing diplomats internally within the Department of State, which would insulate the institution from frequent Administration changes and swings in polarized policy domestically (see “US Inconsistency: Findings and Recommendations”). In addition, the selection process for diplomats must be reformatted to emphasize regional specialization and meritocratic selection (see “Politics, Ideology and Legitimacy within the DPRK”).

Furthermore, it is crucial that the United States assume a leadership stance in instigating relations with North Korea. To do so, the United States must adhere to its obligations bound by diplomatic agreements set forth by the Department of State; adhering to agreed obligations that will subsequently limit the DPRK’s opportunities for behaving erratically in response to systemic policy changes during US administration changes. By adhering to the recommended policies, the United States will engage in a holistic and innovative approach to North Korea as a national security problem. (see “US Implementation of Sanctions and Incentives on North Korea”).

Second, the US must change its recent overt hard-line tactics that currently advocate threatening the DPRK and undermining the regime’s legitimacy – these tactics have also hindered diplomatic progress in the region. A lack of US comprehension of the inner political workings of the DPRK has prevented the US from understanding the DPRK’s hostile actions as symptoms of a

dysfunctional political system that requires aggression in order to maintain its legitimacy and authority. Taking this knowledge into account, this Task Force recommends that the United States consider North Korean ‘face-saving’ during future diplomatic negotiations, and refrain from making inflexible statements such as demanding “cessation of all nuclear activities” by the DPRK as a chief precondition to any future bilateral engagement (see “Politics, Ideology, and Legitimacy within the DPRK”). Such demands in the past have encouraged the regime to reject proposals outright in order to maintain an image of strength domestically. In addition, the US should return to bilateral negotiations, a move which would have substantial benefits in terms of the DPRK being able to justify concessions made during negotiations as being on equal footing with the “powerful United States” (see “The Six-Party Talks”). As precursors to negotiations to encourage the DPRK to participate, the US should reduce military exercises near the DPRK’s borders and send the long-awaited statement of no hostile intent. (see “The Military Capabilities of the DPRK”, “US-DPRK Relations: Nuclear Solution”). These gestures would provide the foundation for the United States’ renewed emphasis on establishing trust and demonstrates a willingness to openly negotiate.

It must be stressed, however, that while US should present a more cooperative face to the DPRK that does not mean for the US adopt only soft-line policies. In order to interfere with the North’s efforts to procure nuclear materials in the immediate future, this Task Force recommends that the US spearhead a multi-lateral interdiction to subvert the DPRK’s illicit revenue streams, an effort which would decrease the DPRK’s resources and increase the regime’s need for cooperation, without advocating for regime change (see “The DPRK’s Black Market Economy”). In addition, the US must clearly stipulate potential future sanctions and punishments if the

DPRK does not adhere to its commitments, such as the resumption of military exercises if another provocation occurs (see “The Military Capabilities of the DPRK”).

After resolving many of the key issues which have proven detrimental to US-DPRK relations in the past, the United States should next move towards increasing cooperative efforts between the US and the PRC, the ROK, Japan and Russia. The United States needs to prioritize regional interests in East Asia to gain Russian and Chinese support and cooperation in stabilizing the DPRK, in order to spur eventual economic reform in the DPRK and denuclearization. It is recommended that the United States strengthen US-PRC economic ties which could be used to incentivize cooperation from China on issues pertaining to the DPRK. Additionally, the United States should engage China in dialogue to provide strategic reassurance regarding US intentions towards the Korean Peninsula with the objective of expanding Sino-US policy coordination towards North Korea after prior consultations with US Asia Pacific allies, South Korean and Japan (see “Sino-US Relations and Russo-US Relations”). Additionally, the United States should attempt to outsource obligations to regional partners whenever possible, such as having Russia provide oil or natural gas. In doing this, the United States can avoid its obligations being undermined by fluctuating opinions in Congress, or future change of administration in the United States (see “The Agreed Framework”).

The United States, in order to achieve the goals of denuclearization and regional stability, should propose a return to bilateralism and begin a clearly defined process in which various incentives would be offered in exchange for concrete DPRK concessions. In order to jumpstart such a process, this Task Force recommends that the US officially recognize the DPRK as a sovereign state and lower previous preconditions for bilateral engagement (see “Politics, Ideology, and Legitimacy within the DPRK”, “The Six-Party Talks”). The United States should

then use the positive ground gained from implementing bilateral talks with the DPRK as a catalyst towards creating “2+4 Party Talks”, which would be talks aimed at solidifying the preceding bilateral relation between the United States and the DPRK, as well as addressing the interests and utilities of the four other nations. These talks will be different to the former Six-Party Talks because those talks only served as mediation forum to the DPRK and the United States, as the Bush Administration refused to have bilateral talks with the DPRK (see “The Six-Party Talks”).

If the DPRK is unable to be coaxed into bilateral talks, then it is recommended that the United States pursue informal trilateral talks between the United States, the PRC, and the ROK with the expressed purpose of solving the North Korean nuclear issue. The goal of these talks would be to convince Russia and Japan to come to a consensus with the other three nations and subsequently coerce the DPRK into rejoining the talks or be faced with a unified regional front (see “The Six-Party Talks”).

The United States must improve its overall consistency in policy implementation and enforcement. By clearly stating its willingness to impose sanctions, the United States will be able to leverage its capabilities to impose future sanctions onto North Korea. The United States should also seek the UN Security Council’s support in acting on future sanctions imposed by the UN Security Council, and also seek the support of the members of the Security Council in enforcing such sanctions. Following these principles would not only create international support for the United States to impose sanctions previously unexecuted by the international community, but also create accountability for the United States to act on sanctions that previously have been overlooked by others (see “US Implementation of Sanctions and Incentives on North Korea”). The United States should also try to cooperate with China to increase its export control regime

and strengthen efforts to freeze DPRK financial transfers that are under suspicion of exporting nuclear related materials (see “Sino-US Relations and Russo-US Relations”).

Due to recent economic deterioration and the threat of instability due to regime-succession, as made apparent on the DPRK’s Joint New Year Editorial, now is an opportune time for the US to offer new economic incentives to the DPRK (see “Politics, Ideology, and Legitimacy within the DPRK”). Such incentives would not only offer the regime an alternate means of legitimation than military posturing, but also increase regional economic stability and improve human rights within North Korea, two other major US objectives. In terms of economic stability, the US must take steps to improve monitoring and implementation of current NGOs and other aid-giving institutions (see “DPRK Human Rights and Steps towards Improvement”). As both unconditional and politicized aid have failed in the past to make the DPRK regime cooperative or increase the North Korean standard of living, this Task Force recommends that the United States undertake a new approach towards aid in the DPRK. This Task Force proposes that the US provide a baseline amount of unconditional humanitarian support, as before, but to place conditions of transparency upon any additional assistance (see “Humanitarian Food Aid and Agricultural Development in the DPRK”). The US, while implementing this new policy, should remove the explicit US face from aid funneled through the WFP and the US backed NGO consortium, and increase cooperation with pre-established organizations already on the ground (see “DPRK Human Rights and Steps towards Improvement”). Second, the US should refocus on the issue of North Korean refugees, and work closely with China to improve the conditions of current refugees and to reduce the total number of people fleeing the DPRK (see “China and North Korean Refugees”).

The United States should also lobby for the DPRK's membership to the IMF in exchange for the DPRK's denuclearization in order to legitimize its currency and allow them to conduct international trade easier. This would help to remove the DPRK from using illicit trade to support its economy as well as make possible future sanctions more effective and encourage economic reform without explicitly undermining the DPRK regime (see “US Implementation of Sanctions and Incentives on North Korea”).

After basic humanitarian issues are addressed, the US should move towards integrating the DPRK into the global economy. Improving the DPRK's economy is integral to the US goal of eventual denuclearization, as economic development would provide the Kim regime with the alternate means of legitimation which it desperately needs (see “Politics, Ideology, and Legitimacy within the DPRK”). As part of new bilateral negotiations, the US should offer an incentives package with both short and long-term stipulations in order to encourage DPRK compliance.

This Task Force proposes that these incentives comprise the New Agreement Package (see “US-DPRK Relations: Nuclear Solution”). As part of the bilateral talks, the United States should present the NAP to a comprehensive delegation from the DPRK that includes officials from the three main bureaucratic institutions: the military, the cabinet, and the Workers' Party. The NAP should offer a statement of no hostile intent towards the DPRK, as well as help to build light water reactors (LWR), in exchange for the DPRK's permanent suspension of its plutonium production, as well as the cessation of ICBM and nuclear weapons testing and the DPRK's rejoining of the NPT. Under this agreement, the DPRK would be allowed to keep its uranium program, in accordance with the NPT, while allowing strict monitoring by the IAEA. The United States should also promote the continued adherence to the NPT by South Korea and

Japan to reinforce the statement of no hostile intent towards the DPRK (see “US-DPRK Relations: Nuclear Solution”).

The United States must install a new agreement with the DPRK that gains North Korea’s commitment to nuclear nonproliferation in return for foreign aid. This can be accomplished via two methods: offering short-term incentives to encourage immediate reciprocation while utilizing long-term incentives to stimulate eventual normalization of relations with the DPRK (see “US Implementation of Sanctions and Incentives on North Korea”). A package of sustainable agricultural aid and steps to increase foreign investment in the DPRK’s Special Economic Zones (SEZs) should be offered as incentives for DPRK steps towards denuclearization (see “Humanitarian Aid and Agricultural Development in the DPRK”). In addition, aid provided through capital goods rather than money would demonstrate willingness on behalf of the United States to take solid steps towards improving the DPRK’s economy (see “The DPRK’s Black Market Economy”). The United States should also encourage foreign investment in the Kaesong economic zone and express support to Russia and South Korea for its plans to construct an oil pipeline through North Korea by holding a trilateral meeting between US President Barack Obama, ROK President Lee Myung Bak, and RF President Dmitry Medvedev (see “Sino-US Relations and Russo-US Relations”).

By implementing these recommendations, the US government will be able to avoid the mistakes of the past while simultaneously embarking on a new era of increased cooperation, transparency and consistency in US-DPRK relations.

Concluding Remarks

Marcus Foster

This Task Force sought to engage the problem of US policy toward North Korea in a comprehensive way. While conditions change rapidly, especially with the anticipated succession in DPRK leadership, it is difficult to predict whether conditions will remain the same. This implies that any solutions provided may have to be altered for the quickly changing social, political, and economic environment. This Task Force is certainly not the end-all of US policy prescriptions. It is one viewpoint in a constantly evolving debate encompassing many competing views and interests. We believe, however, that in the current situation the Task Force policy recommendations promotes strong flexibility and carries the best chance of moving policy towards a productive round of talks which will contribute to peace and prosperity on the Korean peninsula while bolstering US national interests. The Task Force sincerely hopes that engagement with North Korea will curb the cycle of progress followed by collapse. By providing bold and innovative multilateral solutions, the US can achieve its goals and move past the pitfalls of previous policies.

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