

### Facets of the North Korea conflict: actors, problems and Europe's interests

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SWP Research Paper

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*Hanns Günther Hilpert and Oliver Meier (Eds.)*

# Facets of the North Korea Conflict

Actors, Problems and Europe's Interests



Stiftung Wissenschaft und Politik  
German Institute for  
International and Security Affairs

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December 2018

Even after the summit meeting between US President Donald Trump and North Korea's Head of State Kim Jong Un in Singapore on 12 June 2018, the crisis surrounding North Korea's nuclear programme and weapons of mass destruction programme remains one of the most dangerous and complex in the world. The conflict is centred on the unresolved tense relationship between North Korea and the USA, and in particular the issue of nuclear weapons possession. Grouped around this are other conflicts characterised by clashes of interests between China, Japan, North Korea, Russia, South Korea and the USA. In addition, within these conflicts, security policy, human rights policy and economic policy have great impact on each other.

For Germany and Europe, finding a peaceful solution to the conflict – or at least preventing military escalation – is key. Europe can and should work to ensure that North Korea is treated as a challenge to global governance. Addressing the set of problems subsumed under the term “North Korea conflict” in such a way as to avoid war, consolidate global order structures, and improve the situation of the people in North Korea requires staying power and can only lead to success one step at a time.

**SWP Research Paper**

*Hanns Günther Hilpert and Oliver Meier (Eds.)*

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Map 1

**North and South Korea in the regional environment**



### **Facets of the North Korea Conflict: Actors, Problems and Europe's Interests**

The conflict over North Korea's nuclear weapons and other weapons of mass destruction programmes remains one of the most dangerous and complex crises in the world, even after the summit between US President Donald Trump and North Korea's Head of State Kim Jong Un in Singapore on 12 June 2018. The risk of military escalation is enormous. Given the involvement of four nuclear weapon possessors, the use of nuclear weapons cannot be ruled out. But the conflict remains explosive even below the threshold of open violence. North Korea has openly and directly challenged the international community by ignoring UN Security Council decisions and other global norms and rules. The proliferation of weapons and weapons technology threatens to fuel instabilities in other parts of the world. The credibility of the nuclear non-proliferation regime is in question. Asymmetric strategies, such as North Korean cyber attacks and cyber raids, pose new challenges for the international community.

The Trump administration is striving for a sustainable conflict resolution based on an agreement at the highest political level between Pyongyang and Washington. Such a dialogue is an important, but not sufficient prerequisite for a sustainable solution. The North Korea conflict is the focal point of a mix of various, confounding problem constellations. To unravel them will require a step-by-step approach that takes into account the diverging interests of the actors involved and their historical sensitivities.

The conflict focuses on the unresolved question of the relationship between North Korea and the USA, and is centred on the issue of nuclear weapons possession. Pyongyang sees its nuclear deterrent against the United States as a guarantee of its security. Washington, on the other hand, is not prepared to accept mutual vulnerability and has threatened military escalation.

However, further conflicts are grouped around this antagonism, which are characterised by clashes of interests between China, Japan, North Korea, Russia, South Korea and the USA. Neighbouring states are following the conflict between Pyongyang and Washington with concern, not only because of the



immediate effects of any war, but also with regard to their own foreign and security policy interests. China's great power ambitions are challenged by a nuclearised North Korea and would suffer a setback through a military escalation that ended in reunification under South Korean-American auspices. South Korea, which is particularly exposed and seeks reconciliation and *détente* with the North, has been trying to promote dialogue between the USA and North Korea without damaging its relations with other parties. While Russia has a direct presence in East Asia, it views its policy on the North Korea conflict more as a variable that is dependent on its relations with the USA. Moscow would probably only aspire to a mediating role under certain circumstances.

North Korea's totalitarian rule, its catastrophic human rights situation and its opacity are further obstacles to integrating the country into international contexts in a way that promotes peace.

Historical legacies also make conflict resolution more difficult. Tainted by colonial times, the Korean War and the Cold War continue to influence perceptions today and restrict important actors' room for manoeuvre. For example, Japan's historically charged role in Korea, the unresolved question of Japanese citizens abducted by North Korea, and its dependence on the United States for security policy all put Tokyo in a precarious position.

In addition, there are numerous interferences between the various conflicts. Such interactions, for instance between security, human rights and economic policies, may be deliberate (e.g. when an easing of sanctions is offered as an incentive for disarmament efforts) or unintended (e.g. when security guarantees vis-à-vis North Korea weaken US alliances with allies).

For Germany and Europe, finding a peaceful solution to the conflict – or at least avoiding military escalation – is key. The consequences of a war in Korea would be felt in Europe. In addition to the economic implications of a military conflict in one of the world's economically most important regions, such a conflict would also be a tremendous shock to the global security architecture. East Asia could become a permanent crisis region. Europe's alliance with the USA would be affected, for example, if the NATO collective defence clause was activated.

Europe and Germany are not actors in East Asia that could have a direct impact on the conflict. However, Europe has opportunities to exert indirect influence on the powers involved in the conflict. It can contribute European experience in conflict manage-

ment, and provide positive incentives through political, economic and humanitarian offers. It should warn the USA against military responses and urge China to implement the sanctions adopted by the UN Security Council.

Europe can use its economic and political influence to urge third countries to strictly implement the sanctions regime. Europe can and should work to ensure that North Korea is treated as a challenge to the global order. Partial and interim solutions with Pyongyang may be necessary to defuse the conflict. However, such solutions must not violate the norms and rules agreed in multilateral regimes. A *de facto* recognition of North Korea's nuclear weapons possession, for instance, may be a prerequisite for agreeing on a disarmament process. A formal upgrading of North Korea to a nuclear weapons state would, however, permanently affect the non-proliferation regime. In human rights policy, Europe also needs to maintain visible and lasting pressure on North Korea, while at the same time keeping the issue strictly separate from security policy.

There is a great deal to suggest that addressing the set of the problems subsumed under the term "North Korea conflict" in a way that avoids war, consolidates global governance structures and improves the situation of the people in North Korea, requires staying power and will only lead to success one step at a time. The political dialogue with North Korea that was launched by the Trump administration in Singapore can promote such a process. It is unlikely to be enough.

Hanns Günther Hilpert and Oliver Meier

# Interests, Interdependencies and a Gordian Knot

In Singapore on 12 June 2018, the heads of state and government of the Democratic People's Republic of Korea (DPRK) and the United States of America met for the first time. Assessments of the outcome of this historic summit between Kim Jong Un and Donald Trump could hardly be more different. While the US President spoke of a breakthrough and tweeted on his way home that North Korea no longer presented a nuclear threat,<sup>1</sup> others consider the summit's sparse final declaration<sup>2</sup> to be lacking in substance and perspective. They deplore the fact that North Korea received a substantial political upgrade without having to offer any meaningful concessions in return; they point out that Pyongyang has not promised any concrete steps towards disarmament; and they are unsure how any future political process to agree such steps might unfold.<sup>3</sup>

For now, the only remaining hope is that the unprecedented attempt to defuse – or even permanently resolve – a conflict that has lasted for more than half

a century by initiating talks at the highest level will be successful. Such a breakthrough would be equivalent to the proverbial cutting of the Gordian knot: the problem commonly referred to as “the North Korea conflict” is actually a whole complex of diverse interwoven problems. The different interests of the actors involved and the historical legacies complicate resolving these conflicts.

Yet it is clear that the significance of this multi-dimensional conflict for security and world peace can hardly be overestimated. The first issue are the living conditions of the people of North Korea, whose right to a safe and good life is persistently and massively violated by their own government. The division of Korea is also an unresolved legacy of the Cold War, which continues to cause tensions. The Korean peninsula is one of the world's most militarised regions. Moreover, North Korea threatens its neighbourhood with its missiles and weapons of mass destruction. Following its successful tests of long-range missiles, it also represents a security risk for more distant regions: its missiles can reach North America and Europe as well. North Korea's asymmetric military activities, for example in cyberspace, present global security with a complex and novel challenge.

Finally, there is a danger that the continued and serious violations of multilateral regulations will undermine the effectiveness and legitimacy of international governance structures. For more than 20 years, Pyongyang has provoked the international community by refusing to implement UN Security Council resolutions. North Korea has repeatedly tried to exploit the conflict between China and the USA to its own advantage. However, a united international community, and in particular a coordinated approach by the relevant major powers and North Korea's regional neighbours, is a prerequisite for peaceful resolution of the conflict.

1 Donald J. Trump, *twitter.com*, 13 June 2018, <https://twitter.com/realDonaldTrump/status/1006837823469735936> (accessed 10 August 2018).

2 The White House, “Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jongun of the Democratic People's Republic of Korea at the Singapore Summit”, Sentosa Island, Singapore, 12 June 2018, <https://www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-united-states-america-chairman-kim-jong-un-democratic-peoples-republic-korea-singapore-summit> (accessed 1 July 2018).

3 See, e.g., the statements by experts Michael Green (Center for Strategic and International Studies) and Bruce Klingner (The Heritage Foundation) before Congress on 20 June 2018: House Foreign Affairs Subcommittee on Asia and the Pacific Hearing (ed.), “The Trump-Kim Summit: Outcomes and Oversight”, Testimony by Michael Green, Senior Vice President for Asia, Japan Chair, Center for Strategic and International Studies, Testimony by Bruce Klingner, Senior Research Fellow for Northeast Asia, Asian Studies Center, Washington D.C.: The Heritage Foundation, 20 June 2018.

## Focus on North Korea

Despite all this, North Korea is not the irrational hermit state it is occasionally portrayed as. Although Pyongyang's policy tries to minimise external influences on its society, it is not isolationist.<sup>4</sup> Even though parts of the political leadership have repeatedly had (and continue to have) international contacts, the decision-makers are socialised differently from their counterparts in most other countries. The DPRK, a totalitarian state and society ruled by a family dynasty that is now in its third generation, has developed a unique form of government.

Its political leadership views the international order solely through a hard power lens. In North Korea, military capabilities and their display hold an importance that seems anachronistic to many in the West. The fact that North Korea was the first and only state ever to withdraw from the Nuclear Non-Proliferation Treaty (NPT) and the International Atomic Energy Agency (IAEA) is an indication that Pyongyang has an instrumental relationship towards international agreements and treaties.

At best, the government considers human rights to be of lesser importance. However, it is certainly interested in good economic development of the country, *inter alia* to strengthen its own position.<sup>5</sup> This has led to a social and economic dynamic whose consequences are still difficult to assess.

In view of the multilayered nature of the North Korean conflict and the differences in the participants' social and political understanding as outlined above, it is all the more important for any academic analysis to keep in mind the different interests and strategies of the most relevant actors, and not to reduce the conflict to dealing with North Korea's nuclear weapons and missile programmes. The various contributions collected in this study illuminate the set of problems grouped under the collective term of the "North Korea conflict" from different perspectives. They initially look at the problem of dealing with North Korea from the perspective of relevant

states and their interests. The second part is dedicated to individual problem and conflict areas.

Two questions are the thread running through the respective analyses: (1) Which of the interests of the actors involved must be taken into account to achieve progress towards a sustainable, comprehensive and peaceful resolution of the conflict? And what are the lines of conflict within in different issue areas? (2) What European interests are affected, and what instruments can Europe apply to contribute to a peaceful resolution of the conflict?

This study is complemented by a dossier on the subject available on the SWP website ([http://bit.ly/SWP18DNK\\_Introduction](http://bit.ly/SWP18DNK_Introduction)). Here you will find the contributions collected in this study, other SWP analyses, and further information. By scanning the QR codes in the articles, you can go directly to the corresponding sections of the dossier.



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## The North Korean Problem: A Brief History

The contributions in this study predominantly refer to the current conflict and constellation of interests. At its core, the crisis between Pyongyang and Washington is about security: North Korea sees its security threatened by the USA and believes it can only deter attacks on its sovereignty by nuclear means. The US and its regional allies are not prepared to accept such a North Korean deterrent.<sup>6</sup>

The current conflict has its roots in the Korean War (1950–53). This conflict cemented the division of Korea into a South Korea allied with the USA (Republic of Korea, RK) and a North Korea, once allied with the Soviet Union but now independent. Unlike Germany, Korea was unable to overcome this division after the end of the East-West conflict. In 1992, the IAEA detected that North Korea had secretly attempted

4 Eric J. Ballbach, "North Korea's Engagement in International Institutions: The Case of the ASEAN Regional Forum", *International Journal of Korean Unification Studies* 26, no. 2 (2017): 35–65.

5 Rüdiger Frank, "Die Wirtschaft Nordkoreas: Status und Potenzial, Reformen und Gegenreformen", in *Länderbericht Korea*, ed. Eun-Jeung Lee, Schriftenreihe Bundeszentrale für politische Bildung, vol. 1577 (Bonn, 2015), 551–73.

6 See, e.g., Hanns Günther Hilpert and Oliver Meier, *Charting a New Course on North Korea's Nuclear Programme? The Options and the Nuclear Non-Proliferation Treaty*, SWP Comments 19/2013 (Berlin: Stiftung Wissenschaft und Politik, June 2013), [http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A31\\_hlp\\_mro.pdf](http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A31_hlp_mro.pdf) (accessed 6 June 2018).

to reprocess plutonium. Pyongyang refused special inspections by the Agency and, in 1993, for the first time announced its withdrawal from the NPT (which it subsequently “suspended”). The first nuclear crisis culminated in 1994 in North Korea’s threat to extract plutonium from spent fuel rods.<sup>7</sup> Former US President Jimmy Carter defused the conflict during a visit to Pyongyang and thus paved the way for agreement on the 1994 Agreed Framework.<sup>8</sup> This agreement was only possible because the USA did not insist on clarification of North Korea’s nuclear power status. North Korea declared a renunciation of nuclear weapons and in return received commitments for the annual supply of 500,000 tons of fuel oil and the construction of two light water reactors, for which purpose the Korean Peninsula Energy Development Organization (KEDO) was set up. Both sides declared that in the long term they aimed to recognise each other diplomatically and to conclude a peace treaty. The IAEA verified a “freeze” of the nuclear programme.

The second nuclear crisis began in the early 2000s, following the election of George W. Bush as US President. He placed North Korea alongside Iraq and Iran on his “axis of evil” and, in 2002, accused the country of operating secret uranium enrichment facilities. North Korea declared its withdrawal from the NPT for the second and final time. To defuse the conflict and resolve it peacefully, South Korea, China, Japan and Russia, along with North Korea and the USA, met for six-party talks lasting several years (2003 – 2007). The joint declarations of September 2005 and February 2007 provided a framework for settlement of the conflict whereby North Korea agreed to nuclear disarmament in exchange for aid and security guarantees. Once again, participants had not even tried to reach agreement on the question of whether North Korea was a nuclear power. However, the agreements of the six parties were not implemented. The DPRK continued its ballistic missiles and nuclear weapons programmes, and declared in April 2009, in response to the UN Security Council’s condemnation of a missile test, that it would no longer participate in the six-party talks.

<sup>7</sup> The typology of the three crises surrounding the North Korean nuclear programme can be found in Robert S. Litwak, *Preventing North Korea’s Nuclear Breakout* (Washington, D.C.: Wilson Center, February 2017).

<sup>8</sup> KEDO, *Agreed Framework between the United States of America and the Democratic People’s Republic of Korea*, in *kedo.org*, 21 October 1994, <http://www.kedo.org/pdfs/AgreedFramework.pdf> (accessed 7 May 2018).

The first North Korean nuclear test in 2006 had already tipped the conflict into a new phase: the international community continued to insist on North Korea’s comprehensive, irreversible and verifiable nuclear disarmament, but the prospects for such a solution deteriorated in proportion to the progress North Korea made in its nuclear programme. US President Barack Obama’s policy of “strategic patience” was a de facto admission that the international community lacked the means to bring about the desired comprehensive disarmament.

We are currently in the third nuclear crisis, in which North Korea is pushing for reaffirmation of its own nuclear weapons possessor status. Since Kim Jong Un’s accession to power in North Korea in 2011, its nuclear and missile programmes have accelerated. In 2017, the country successfully tested three long-range missiles that could theoretically hit the US homeland.<sup>9</sup> On this basis, Kim Jong Un announced in his New Year’s address on 1 January 2018 that he had achieved his goal of creating a nuclear deterrent against the USA.<sup>10</sup> The USA, however, does not intend to accept such a capacity. Until the beginning of 2018, the Trump administration pursued a policy of “maximum pressure”. The Singapore summit then marked the much-publicised return to diplomacy.

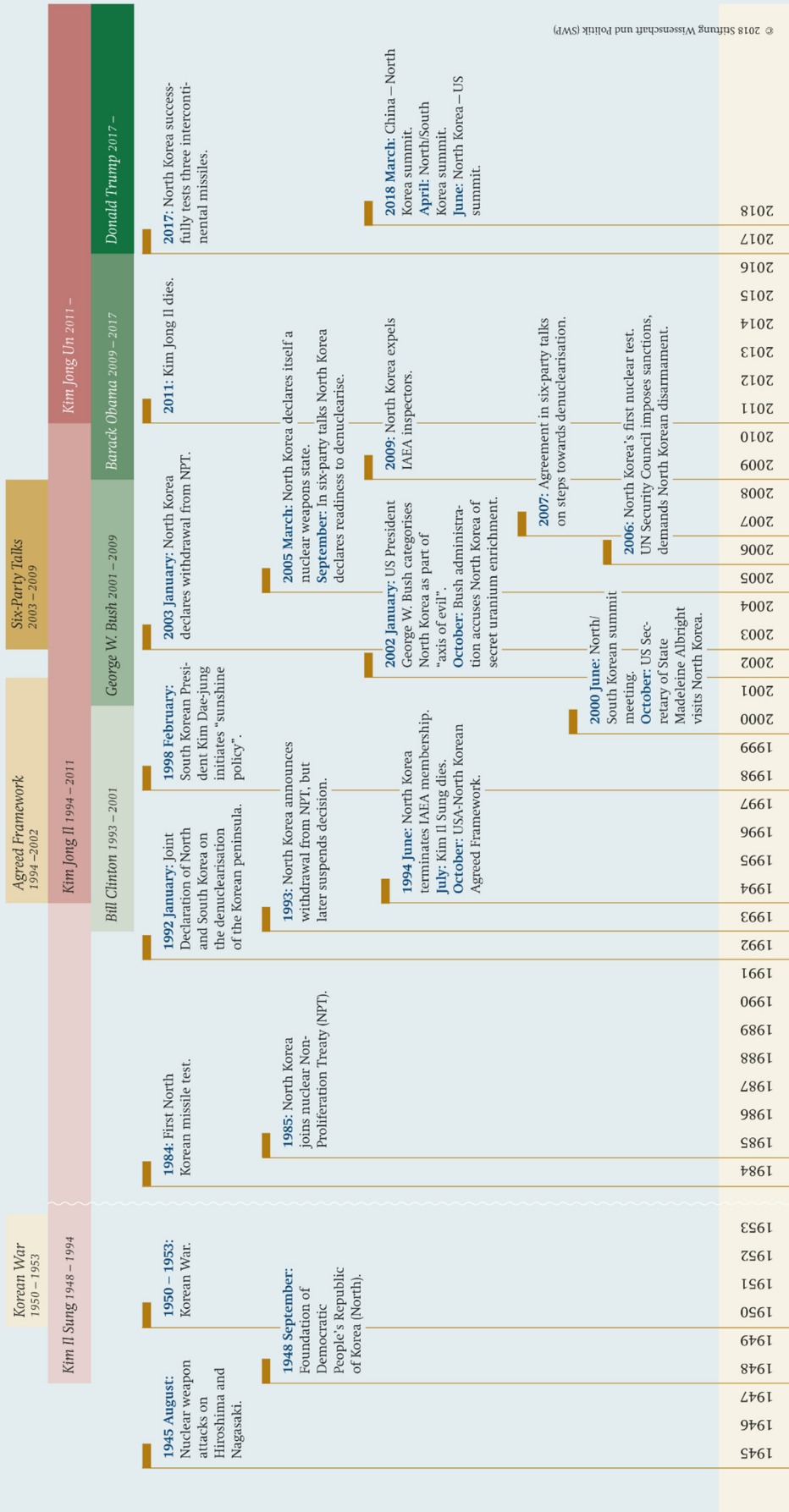
Does the current situation create an opening for stabilising the situation on the Korean peninsula? Or, on the contrary, does the crisis risk worsening if diplomacy fails again? How can we in Europe contribute to preventing war in Korea and promoting the disarmament of North Korea? This study’s authors address these questions from different perspectives.

<sup>9</sup> Hans M. Kristensen and Robert S. Norris, “North Korean Nuclear Capabilities, 2018”, *Bulletin of the Atomic Scientists* 74, no. 1 (2018): 41 – 51.

<sup>10</sup> Kim Jong Un, “New Year’s Address”, Pyongyang, *nkleadershipwatch.org*, 1 January 2018, <http://www.nkleadershipwatch.org/2018/01/01/new-years-address/> (accessed 6 June 2018).

Chart 1

The development of the conflict over North Korea's nuclear programme



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Eric J. Ballbach

# North Korea: Between Autonomy-Seeking and the Pursuit of Influence

North Korea's nuclear ambitions are undoubtedly among the most pressing problems in international politics. If this challenge is to be met realistically, it is essential to make sense of the motives instructing Pyongyang's foreign policy approach. Since an official North Korean nuclear doctrine is lacking, these driving forces can best be identified through a careful analysis of the dynamic discourse in which they occur. What basic features – and above all what changes – can be discerned? Seen from this perspective, it becomes clear that the significance of the nuclear programme for the decision-makers in Pyongyang goes far beyond security policy considerations; rather, it functions as a central component of both national identity formation and power stabilisation. The government in Pyongyang thus follows – contrary to the still widespread perception of North Korea as “inherently Other” – a rational and consistent argument based on foreign and domestic political motives.

## North Korea's Changing Patterns of Legitimation

To understand North Korea's motives in the nuclear question, it is essential first to identify the patterns of legitimation postulated by Pyongyang itself with regards to its own nuclearisation strategy. This is possible because North Korea regularly provides information about its nuclear programme in the form of leadership statements, tangible legislative initiatives and legal provisions, and unveils its own driving forces in this regard. North Korea's statements are not merely propaganda without analytical value, as is widely assumed. Instead, these explanations show a high degree of coherence, even though Pyongyang's attempts to legitimise maintaining a nuclear programme are undergoing constant change.

## Change of Discourse during the Iraq War 2003

Until the early 2000s, North Korean sources *da capo* emphasised that the nuclear programme was only used to generate energy and that the leadership did not seek to possess nuclear weapons. Only the Iraq War of 2003 marked a discernible turning point and the ensuing legitimacy argument for the nuclear programme changed in line with the country's general foreign and security policy strategy. Since then, North Korea has increasingly referred to its “natural right” to produce nuclear weapons to protect the state and nation from the US's “hostile policies”.<sup>1</sup> A 2003 agency report on the subject declared the key lesson from the Iraq war to be that only a “powerful military deterrent” could prevent a war on the Korean peninsula and preserve the security of the Korean nation.<sup>2</sup>

## North Korea's Nuclear Breakthrough

North Korea's first nuclear test in October 2006 represented a further crucial turning point in both the country's foreign and security policy strategy and its main attempts at legitimising its nuclear programme. In a message addressed to national and international observers by the North Korean Foreign Ministry, the DPRK presented itself as the victim of a permanent policy of foreign aggression, which made a powerful defence capability indispensable:

1 See, e.g., Institute for the Reunification of the Fatherland, “North Korea: Eligible for Military Deterrence”, in *Quo Vadis North Korea? Social Conditions, Development Tendencies, Perspectives*, ed. Hyondok Choe, Du-Yul Song and Rainer Werning (Cologne: PapyRossa, 2003), 30, 36.

2 See “Statement of FM Spokesman Blasts UNSCs Discussion of Korean Nuclear Issue”, *Korean Central News Agency* (KCNA), 6 April 2003.

“A people without reliable war deterrent are bound to meet a tragic death and the sovereignty of their country is bound to be wantonly infringed upon. [...] The DPRK’s nuclear weapons will serve as reliable war deterrent for protecting the supreme interests of the state and the security of the Korean nation from the U.S. threat of aggression and averting a new war and firmly safeguarding peace and stability on the Korean peninsula under any circumstances. The DPRK will always sincerely implement its international commitment in the field of nuclear non-proliferation as a responsible nuclear weapons state.”<sup>3</sup>

As the quotation shows, this self-portrait as a responsible nuclear power plays a key role alongside the threat/defence nexus in North Korea’s attempts to legitimise its own nuclear programme. Given that North Korea’s transition to a nuclear power took place outside of international order structures following its withdrawal from the NPT, DPRK officials offered repeated assurances that the country would comply with international non-proliferation obligations. Furthermore, in November 2006, the North Korean Foreign Ministry stressed that the nuclear programme was exclusively defensive in nature and that the country would therefore never use nuclear weapons in a first strike or proliferate them.<sup>4</sup>

After the first nuclear test, North Korea repeatedly underlined the historical significance of its status as a nuclear power. The test was presented as a national event of the utmost importance: the fulfilment of the long-cherished desire for national and military strength.<sup>5</sup> Nevertheless – and this is a crucial observation for the theoretical possibility of finding a diplomatic solution to the nuclear issue – North Korea has maximised its diplomatic leeway by repeatedly referring to its fundamental commitment to the ultimate goal of a completely denuclearised Korean peninsula.<sup>6</sup>

3 “DPRK Foreign Ministry Clarifies Stand on New Measure to Bolster War Deterrent”, *KCNA*, 3 October 2006.

4 “DPRK Foreign Ministry Spokesman Totally Refutes UNSC Resolution”, *KCNA*, 17 October 2006.

5 See Rodong Sinmun, quoted in Jongwoo Nam, *The Geographical Construction of National Identity and State Interests by a Weak Nation-State: The Dynamic Geopolitical Codes and Stable Geopolitical Visions of North Korea, 1948–2010* (Ph.D. Dissertation, University of Illinois, 2012), 186.

6 For instance, high-ranking North Korean diplomats also emphasised that a completely denuclearised peninsula was

## The Institutionalisation of Nuclear Power Status

While North Korean statements until 2008 suggest that North Korea’s transition to a nuclear power state could still be revised, the domestic discourse has changed significantly since then, in parallel with the country’s foreign policy behaviour.

On the one hand, Pyongyang has pushed its self-portrayal as a “nuclear outlaw”. North Korea, according to a Foreign Ministry spokesman, is not striving to be recognised as a nuclear power by the international community. Rather, it is content with the pride and self-confidence in being able to reliably defend the security and sovereignty of the nation.<sup>7</sup> This line of argument is also found in the first detailed contribution to a gradually forming nuclear doctrine. A memorandum published on 21 April 2010, which also provides information on North Korea’s perception of the deterrent dynamics on the Korean peninsula, states that North Korea is not bound by the provisions of the NPT or international law. The primary mission of nuclear armament is clearly mentioned as defending against aggression and attacks on the nation. At the same time, however, the memorandum stated that the DPRK would without exception continue its policy of not using or threatening to use nuclear weapons against non-nuclear powers, as long as they did not participate in an invasion in cooperation with nuclear states.<sup>8</sup>

### Since 2008, internal propaganda has blended North Korea’s identity with the image of a strong nuclear state.

Secondly, Pyongyang has increasingly emphasised the importance of its nuclear programme beyond mere security motives. In the critical years since 2008, domestic propaganda has closely linked the identity

the last wish of both Kim Il Sung and Kim Jong Il. See “North Korea Repeats Offer for Nuclear Talks”, *Reuters*, 19 June 2013, <https://www.reuters.com/article/us-korea-north-china/north-korean-envoy-in-beijing-seeking-to-mend-ties-experts-idUSBRE95IO6K20130619> (accessed 19 March 2018).

7 *KCNA*, 24 May 2010, quoted in Peter Hayes and Scott Bruce, “North Korean Nuclear Nationalism and the Threat of Nuclear War in Korea”, *NAPSNet Policy Forum*, 21 April 2011, <http://nautilus.org/napsnet/napsnet-policy-forum/11-09-hayes-bruce/> (accessed 23 March 2018).

8 “Foreign Ministry Issues Memorandum on N-Issue”, *KCNA*, 21 April 2010.

of the North Korean state with the image of a strong nuclear power. Especially after the death of Kim Jong Il in 2011, his political legacy was immediately merged with the country's status as a nuclear power.<sup>9</sup> In an article published in the party newspaper *Rodong Sinmun* shortly after Kim's death, North Korea's transition to a nuclear power was not only described as an epochal event – the historical significance of which was only surpassed by Kim Il Sung's revolutionary struggle for liberation – but it was also praised as Kim Jong Il's exclusive and most important achievement.<sup>10</sup> In a constitutional amendment passed by the Supreme People's Assembly in 2012, North Korea codified its self-proclaimed status as a nuclear power in its constitution as well. The new preamble states that Kim Jong Il transformed the DPRK into a politically and ideologically powerful nuclear state – an assessment also to be found in “Nuclear Weapons and Peace,” one of North Korea's most significant recent texts on nuclear strategy.<sup>11</sup> The text's key message is unequivocal: North Korea has successfully completed the transition to nuclear power, leading also to a fundamental change in North Korea's status within the international community. A report published by the North Korean news agency KCNA reads accordingly: “[I]f the D.P.R.K. sits at a table with the U.S., it has to be a dialogue between nuclear weapon states, not one side forcing the other to dismantle nuclear weapons”.<sup>12</sup> These self-descriptions suggest that North Korea's path to denuclearisation is likely to be arduous, complex and extremely costly – both politically and economically.

Since 2015/16, another key term has found its way into North Korea's nuclear state discourse: the pre-emptive strike option. Such nuclear attacks would be conceivable if “imminent attempts to destroy North Korea” were identified. For example, Li Yong Pil, the director of a research institute on relations with the USA that is affiliated with the North Korean foreign

ministry, said that nuclear pre-emptive strikes were not exclusive to the USA: “If we see that the US would do it to us, we would do it first. [...] We have the technology.”<sup>13</sup>

## North Korea's Nuclear Ambitions: between Domestic and Foreign Policy Motives

Grasping North Korea's motives in the context of the nuclear question is made more difficult by the fact that these motives are apparently not static. This notwithstanding, a careful analysis of North Korean publications and statements makes it possible to identify some key motivations, which are summarised below.

### The Nuclear Programme as a Security Project

As with all nuclear powers, the security factor, understood as protection against military intervention and maintenance of state sovereignty and regime stability, is also essential for North Korea's pursuit of its own nuclear armament. North Korea has an all-encompassing and historically consistent perception of threat. Thus, the leadership sees the country as being in a state of constant threat from outside, combined with an existential and incessant anti-imperialist struggle. In addition to historical experiences such as Japanese colonial rule or the Korean War, this threat perception was and is based in particular on the stationing of tactical US nuclear weapons in South Korea (from 1958 to 1991), the joint US-South Korean military manoeuvres that have taken place (almost) annually since 1976, and the presence of US troops in East Asia.

The perception of such a threat has further intensified since the end of the Cold War. On the one hand, developments in the late 1980s and early 1990s led to the de facto collapse of North Korea's defence alliances with Moscow and Beijing, concluded in the 1960s. On the other hand, the repeatedly rhetorically heated relations with the USA (which in 1994 even

<sup>9</sup> Hayes and Bruce, “North Korean Nuclear Nationalism” (see note 7); See also Eric J. Ballbach, “North Korea's Emerging Nuclear State Identity: Discursive Construction and Performative Enactment”, *The Korean Journal of International Studies* 14, no. 3 (2016): 391 – 414.

<sup>10</sup> “Kim Jong-il tongjiui hyŏngmyŏngyusan” [The Revolutionary Legacy of Kim Jong Il], *Rodong Sinmun*, 28 December 2011.

<sup>11</sup> See “Haekkwa p'yŏnghwa” [Nukes and Peace], *Rodong Sinmun*, 24 April 2013.

<sup>12</sup> “Rodong Sinmun Urges U.S. to Give Clear Answer to Just Demand of DPRK”, *KCNA*, 23 April 2013.

<sup>13</sup> “North Korea Warns It Would Use Nuclear Weapons First If Threatened”, *NBC News*, 17 October 2016, <https://www.nbcnews.com/news/world/north-korea-warns-it-would-use-nuclear-weapons-first-if-n665791> (accessed 22 March 2018): “A preemptive nuclear strike is not something the U.S. has a monopoly on.”



escalated to the brink of a new war) have contributed to North Korea regarding the possession of a nuclear deterrent as an indispensable guarantor of its sovereign existence, given the military superiority of the USA and its regional allies.

Conversely, since 2012 North Korea has regularly pointed out that the nuclear programme “under the given framework conditions in East Asia” was not negotiable for the North Korean leadership (anymore). Given the existential threat to North Korea said to be posed by the USA’s foreign policy, Pyongyang repeatedly stressed that ultimately only its own nuclear deterrent had saved the country from a fate similar to that of Iraq or Libya.<sup>14</sup> Seen in this light, regular missile and nuclear weapons tests are not provocations without any rationality, but an indispensable and inherent part of this deterrence logic. For the rulers in Pyongyang, a credible demonstration of their own deterrent potential both domestically and externally is all the more important because the logic of deterrence does not go hand in hand with an external recognition of North Korea as a nuclear power.

### The Nuclear Programme as an Identity Project

The fact that immaterial factors such as national self-confidence, prestige and pride are repeatedly addressed in the texts already shows that the significance of nuclear weapons for the rulers in Pyongyang extends far beyond military and security policy dimensions. If the analysis takes into account statements by North Korean representatives involved in direct negotiations on the nuclear project, in addition to the official declarations, it becomes clear that the nuclear programme today represents a key identity project of and for the North Korean state – even if its self-perception as a “great and strong nation” is increasingly removed from reality. Based on the perception that the country has always been under threat from outside forces and is therefore involved in a lasting anti-imperialist struggle, this identity

<sup>14</sup> North Korean negotiators, for example, made it clear to the USA after their invasion of Iraq that their behaviour there was being closely observed: “The lesson we learn [from the Iraq war] is that [...] only possession of a nuclear deterrent weapon can prevent an invasion.” See Jonathan D. Pollack, *No Exit: North Korea, Nuclear Weapons, and International Security* (New York: Routledge, 2011), 141.

formation is of outstanding relevance to North Korean rulers for several reasons.

### These constructions serve to draw permanent boundaries between Self and Other.

These constructions serve the purpose of drawing permanent boundaries between inside and outside, between Self and Other: they “write” North Korean identity and expedite domestic political unity in the face of external enemies. Such historically consistent threat discourses continue to permeate the state’s entire rhetoric about the USA and thus contribute to normalising and institutionalising the public’s fears. Such discourses have a powerful effect, especially in authoritarian states such as North Korea, where threat discourses are strictly hegemonically controlled and access to free information is also severely limited. At the societal level, they foster the formation of a “permanent siege mentality,” which the North Korean leadership regards as a strategic component in its efforts to hold society and the political class together.<sup>15</sup> North Korea can therefore certainly be regarded as a “camp society” in Giorgio Agamben’s sense: a society in which the state of emergency becomes a paradigm of governance and an element inherent in the leadership’s legitimisation strategy.

The omnipresent threat scenarios also suggest appropriate reactions for the state to pursue. Representations of dangers and conflicts thus serve to justify political measures aimed at containing these threats. The discourse emphasises the significance of security policy measures as well as the status of security actors, ensures the preferred supply of these actors with resources for certain national projects – be they ideological and/or political – and at the same time distracts the public from more pressing social problems. Seen in this light, the threat constructions make North Korea’s nuclear programme appear appropriate and logical from a domestic political point of view. It is more than likely that without these pronounced threat and conflict constructions, the nuclear programme in North Korea could not be maintained in the long term. For even in a totalitarian state, the implementation and maintenance of such a cost- and resource-intensive project requires a minimum of

<sup>15</sup> Selig Harrison, *Korean Endgame: A Strategy for Reunification and U.S. Disengagement* (Princeton: Princeton University Press, 2002), xvii.

domestic legitimacy – especially in view of the multitude of urgent economic and social challenges.

### The Nuclear Programme as a Historical Project

The North Korean discourse attaches outstanding historical importance to the nuclear programme. The origin of this motif lies in the experience of “national ruin,” the complete loss of state independence, sovereignty, and Korean identity through Japanese colonial rule in Korea (1910–1945). This experience represents the starting point of North Korean nation building; in addition to the demarcation from external Others, the discourse also demarks the present DPRK from its own history as a formerly colonised and militarily inferior state.<sup>16</sup> Consequently, preventing the loss of national independence and sovereignty by all necessary means is seen as a key lesson from the experience of national ruin, which in social and political discourse is constructed as North Korea’s “Never Again”.

North Korea draws a direct line from this historical experience to the current clashes with the USA over its nuclear programme, which it has repeatedly called a “showdown” that will decide its sovereignty and independence.<sup>17</sup> Since peace can never be guaranteed and war can only be prevented by deterrence, according to the DPRK military clout is the only option to secure these primary goals of the North Korean state.<sup>18</sup> Locating the nuclear programme within this overarching historical frame of reference defines the confrontation with the United States to be the current chapter in Korea’s historical efforts to achieve independence and sovereignty.

### The Nuclear Programme as a Bargaining Chip

In the past, the nuclear programme has time and again served the rulers in Pyongyang as a means of wringing concessions from the international community. North Korea, which to a substantial degree

relies on external assistance, has repeatedly attempted to extort such assistance from abroad by strategically using foreign policy confrontations and nuclear threats. Most recently, North Korea committed itself in February 2012 in the so-called Leap Day Agreement to a moratorium on missile and nuclear tests and to returning to the negotiating table, in return for which it received food aid.<sup>19</sup> Nevertheless, North Korea’s de facto transition to nuclear power has fundamentally changed the portents. Since then, Pyongyang has repeatedly stressed that North Korean nuclear weapons are no longer negotiable. And yet it has now promised exactly this in the wake of the recent rapprochement with the international community, which raises the question of how such policy volatility can be explained.

### North Korea’s Nuclear Foreign Policy: Between Striving for Autonomy and Maximising Influence

North Korea’s foreign policy on the nuclear issue coincides in many respects with the country’s general foreign policy strategy, which is based on a “clearly realpolitik view of the world of states” and in which sovereignty and power are “the key categories in the cognitive perception and evaluation of international contexts”.<sup>20</sup> In concrete terms, this is reflected in a dual strategy of autonomy-seeking and influence-maximising policies, which are understood as two forms of power politics.<sup>21</sup> While an autonomy-seeking

<sup>19</sup> See, e.g., Hanns Günther Hilpert and Oliver Meier, *Charting a New Course on North Korea’s Nuclear Programme? The Options and the Nuclear Non-Proliferation Treaty*, SWP Comments 19/2013 (Berlin: Stiftung Wissenschaft und Politik, June 2013), [http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A31\\_hlp\\_mro.pdf](http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A31_hlp_mro.pdf).

<sup>20</sup> Patrick Köllner, “Nordkoreas Außen- und Sicherheitspolitik im Zeichen der Krisen”, *Aus Politik und Zeitgeschichte*, no. 35/36 (25 August 2003): 25–31 (26). Unless otherwise indicated, quotations in English are the author’s translations.

<sup>21</sup> See Eric J. Ballbach, “Between Autonomy and Influence? Multilateralism and North Korean Foreign Policy in the Six-Party Talks”, in *Korea 2013 – Politics, Economy and Society*, ed. Rüdiger Frank et al. (Leiden and Boston: Brill, 2013), 215–39; Paik Hak-soon, “Die Außenpolitik Nordkoreas: Autonomie oder Annäherung”, in *Länderbericht Korea*, ed. Eun-Jeung Lee and Hannes B. Mosler (Bonn: Bundeszentrale für politische Bildung, 2015), 497–507.

<sup>16</sup> See Eric J. Ballbach, “The History of the Present: Foundational Meta-Narratives in Contemporary North Korean Discourse”, *S/N Korean Humanities* 1, no. 2 (2015): 79–100.

<sup>17</sup> See, e.g., Ri Jong Chol, *Songun Politics in Korea* (Pyongyang: Foreign Languages Publishing House, 2012), 41.

<sup>18</sup> Song Baek Jo, *The Leadership Philosophy of Kim Jong-il* (Pyongyang: Foreign Languages Publishing House, 1999), 200.

policy serves “to maintain or strengthen one’s own independence from other states”, or “to ward off new dependencies or to reduce existing dependencies on other states”, countries try to use a policy of influence to “steer certain interaction processes with other states and the policy results resulting from them in their own interest”.<sup>22</sup> In practice, North Korea therefore relies on a defence policy whenever it considers its security or the survival of the regime to be threatened, when autonomy gains are possible, or when it risks losing autonomy compared to other states. The repeated non-compliance with, or dissolution of, existing obligations under bilateral or multilateral agreements, as well as the rejection of new obligations, are just as much a part of this as its fundamentally sceptical attitude towards cooperation, which threatens to create or strengthen asymmetric interdependencies, i.e. dependencies to the detriment of Pyongyang.

If, on the other hand, North Korea pursues a policy of influence-maximisation in the context of the nuclear issue, it seeks means that are suitable for enabling, guaranteeing and expanding its desired influence. Pyongyang therefore works to secure a voice among the more powerful states of East Asia, both bilaterally and within the framework of multilateral institutions.<sup>23</sup>

## Prospects

The inter-Korean rapprochement observed since the beginning of 2018 and the resumption of a dialogue between North Korea and the USA, which culminated in a first summit meeting of the two heads of state in June 2018, have given the international community hope for a definitive and peaceful solution to the nuclear issue on the Korean peninsula. Particularly against the backdrop of the gradual escalation of tensions between North Korea and the USA, the

recent rapprochement undoubtedly represents a significant step. Although both the USA and North Korea are currently making increasing reference to the possibility of denuclearising the Korean peninsula, no significant change in the discourse in North Korea has been discernible since the summit between Donald Trump and Kim Jong Un. Kim Jong Un’s statement at the end of 2017 that North Korea had attained its “nuclear defence capability” is extremely significant in this context. Since then, North Korea has in fact increasingly turned to the second pillar of the national Byungjin strategy, which propagates the simultaneous development of the nuclear programme and the national economy. From Pyongyang’s perspective, given the intensified sanctions against North Korea since 2017, this makes a resumption of dialogue with the international community imperative to soften the latter’s unity on the issue of sanctions in the medium term. The probability that the nuclear programme will be completely abandoned, however, is currently rather low, for a variety of reasons: the enormous political and economic capital invested by North Korea; the continuing distrust between the actors involved; and the importance of the nuclear programme for those in power in Pyongyang which greatly transcends security factors.



**Online dossier: Additional resources and SWP publications on this topic**

[http://bit.ly/SWP18DNK\\_Korean\\_Peninsula](http://bit.ly/SWP18DNK_Korean_Peninsula)

<sup>22</sup> See Rainer Baumann, Volker Rittberger and Wolfgang Wagner, *Macht und Machtpolitik: Neorealistic Außenpolitiktheorie und Prognosen für die deutsche Außenpolitik nach der Vereinigung*, Tübinger Arbeitspapiere zur internationalen Politik und Friedensforschung, no. 30 (Tübingen, 1998), <https://publikationen.uni-tuebingen.de/xmlui/bitstream/handle/10900/47201/pdf/tap30.pdf> (accessed 6 June 2018).

<sup>23</sup> See also the seminal analysis in Joseph M. Grieco, “The Maastricht Treaty, Economic and Monetary Union and the Neo-Realist Research Programme”, *Review of International Studies* 21, no. 1 (1995): 21 – 40.

Hanns Günther Hilpert and Elisabeth Suh

## South Korea: Caught in the Middle or Mediating from the Middle?

After the liberation from its Japanese colonial rulers in 1945, the Korean peninsula was divided into two occupation zones. Following UN-mandated elections and the creation of a constitution, the American zone in the South proclaimed the Republic of Korea (RK) in 1948, while Kim Il Sung proclaimed the Democratic People's Republic of Korea (DPRK) in the North with the support of the Soviet Union and China. The Korean War, which began in 1950 with North Korea's invasion of the South and ended in 1953 with the Korean Armistice agreement, consolidated the confrontation between the two Korean states.

The seventy-year-long division and the de facto state of war continue to shape South Korea's domestic and foreign policy to this day. While its military alliance with the USA has guaranteed its national sovereignty and territorial integrity, the South has definitely won the competition of political systems against the North. The Republic of Korea, with over 50 million inhabitants, has developed into a mature democracy and modern industrialised country, which ranks among high-income countries and is a member of the OECD and G20, among others.

### Diverse Threats from the North

However, North Korea continues to threaten South Korea's national security, state existence, political identity and socio-economic stability.

The DPRK regards the RK as a puppet state with a colonial-level dependency on the USA. It generally denies the South any legitimacy in national and security affairs. North Korean attempts to bring about reunification by military force, as in the Korean War, remain plausible for South Korean security politicians. Indeed, the RK has repeatedly been exposed to military aggressions from the North in the past: South Korean President Park Chung-hee survived two assassination attempts, South Korean ships were repeatedly

attacked along the Northern Limit Line (NLL), and the Demilitarised Zone (DMZ) along the 38<sup>th</sup> parallel was the scene of numerous military incidents. In 2010, the South Korean corvette *Cheonan* was sunk by a torpedo and the South Korean island of Yeonpyeong came under North Korean artillery fire. As a result, North Korea's demands for fraternal cooperation are often met with suspicions in the South.

The military threat posed by the DPRK is both conventional and nuclear in nature. South Korea has superior military technology; in a military conflict, the more so with American support, the RK would prevail over the North in the long run. Still, South Korea fears a North Korean surprise attack — similar to the one in 2010 — or retaliation in response to an actual or perceived pre-emptive or preventive strike by the USA.<sup>1</sup> South Korea's capital city, Seoul, is located only 50 kilometres south of the 38<sup>th</sup> parallel and thus within immediate range of part of the approximately 15,000 artillery pieces stationed there by North Korea. According to estimates, the Seoul-Incheon metropolitan area would have to expect 400,000 to 3,800,000 civilian deaths in the event of a nuclear or thermonuclear attack.<sup>2</sup> The entire territory of the RK is within range of North Korean short-range missiles. Nuclear warheads can be mounted on these missiles.<sup>3</sup> The DPRK could also equip its artillery and

1 Léonie Allard, Mathieu Duchâtel and François Godement, *Pre-Emptying Defeat: In Search of North Korea's Nuclear Doctrine*, Policy brief 237 (London: European Council on Foreign Relations, November 2017), 5.

2 Michael J. Zagurek, "A Hypothetical Nuclear Attack on Seoul and Tokyo: The Human Cost of War on the Korean Peninsula", *38North*, 4 October 2017, <https://www.38north.org/2017/10/mzagurek100417/> (accessed 23 March 2018).

3 Jung H. Pak, Sue Mi Terry and Bruce Klingner, "Ex-CIA Analysts Explain Why a Bloody Nose Policy on North Korea Would Backfire" (Washington, D.C.: Brookings, 12 February 2018); Allard, Duchâtel and Godement, *Pre-Emptying Defeat* (see note 1), 4f.

short-range missiles with biological and chemical warfare agents.

The political and economic instability of the DPRK is the second major source of threat. Not only would a collapse of the regime pose unforeseeable security risks, but subsequent reunification would impose enormous economic costs on South Korea: to rebuild the northern part of the peninsula and to raise living conditions there. The RK itself would experience domestic conflicts due to the immense social burdens and political divisiveness.

## Dilemmas

South Korea's foreign policy constellation is extreme. The country is in the immediate neighbourhood of heavyweights China, Russia and Japan. Due to its deep integration into global markets, the RK is economically exceptionally vulnerable. Its overarching foreign policy goals — first, to ward off threats from the North; second, to maintain a thriving relationship with China despite intensifying Sino-American power competition; and third, to keep the door open to reunification with the North — are almost impossible to reconcile. Moreover, South Korea's politics and society are deeply divided into a conservative and a progressive camp about how to deal with North Korea.

Conservatives see North Korea as an enemy and regional threat that necessitates joint action in concert with the US and the international community. They regard military deterrence and sanctions against North Korea as well as political pressure on China as proven means to denuclearise the DRPK, force reforms and enable reunification after regime collapse. In contrast, the progressives emphasise national autonomy and independence — especially in Korea's relations with the USA — and see the North as an “impoverished compatriot” whose actions stem from insecurity. For them, dialogue and normalised relations are necessary to overcome political confrontation and allow mutual confidence-building and peace-building. In the meantime, humanitarian and economic cooperation presumably incentivise positive development in the North.<sup>4</sup>

4 Kim Choong-Nam, “The Roh Moo Hyun Government's Policy toward North Korea”, *International Journal of Korean Studies* 9, no. 2 (2005): 1–33 (8).

## Divergences within South Korean society weaken the coherence of its foreign policy.

This ideological division within South Korean society weakens the coherence of its foreign policy. Consequently, changes of presidency often mark turnarounds and reversals of policy.

Although the US-South Korean alliance, existing since 1953, has succeeded in reliably safeguarding the RK against the North, the alliance partners do not always agree in their threat assessments or foreign and security policy priorities. Seoul, for example, focuses primarily on the risk of war on the Korean peninsula; Washington on proliferation risks and nuclear threats to its territory.<sup>5</sup> With regard to its ally, South Korea fears two things: an isolationist USA could withdraw from the Korean peninsula, as Donald Trump announced in his presidential election campaign and at the Singapore press conference. Or the US could disarm North Korea by military force, as security advisor John Bolton argued four weeks before his appointment.<sup>6</sup> While the Singapore summit did ease the security situation on the Korean peninsula — at least for the time being — South Korea's security policy remains utterly at the mercy of US actions. To make things worse, the DPRK sees the USA as the sole relevant interlocutor on security policy and particularly nuclear issues. In fact, the RK is not party to the 1953 ceasefire agreement.

South Korea's view of China is ambivalent. The RK is economically highly dependent on China; a diplomatic solution to the conflict with North Korea, a peace regime, and future Korean reunification all require China's endorsement. On the other hand, there are numerous reasons for scepticism and distrust.<sup>7</sup> Above all, China's geopolitical claim to power in Asia, the authoritarian nature of its regime, and its ambivalent North Korean policy have repeatedly shown South Korea the limits of this partnership. Although

5 On South Korea's alliance dilemma, see Scott Snyder, “A Comparison of U.S. and South Korean National Security Strategies: Implications for Alliance Coordination toward North Korea”, in Philip W. Yun and Gi-wook Shin, *North Korea: 2005 and Beyond* (Stanford, CA: The Walter H. Shorenstein Asia-Pacific Research Center, 2006), 149–66.

6 John Bolton, “The Legal Case for Striking North Korea First”, *Wall Street Journal*, 28 February 2018.

7 See Jae Ho Chung and Jiyeon Kim, “Is South Korea in China's Orbit? Assessing Seoul's Perceptions and Policies”, *Asia Policy* 21 (January 2016): 123–45.



Beijing disapproves of North Korea's nuclear armament and aggressive foreign policy behaviour, it views the conflict in the context of Sino-American superpower rivalry and prioritises stability and the seventy-year-old status quo on the Korean peninsula.

While avoiding condemnation of Pyongyang's military aggressions in 2010, China sanctioned South Korean companies in 2016/17 following the installation of the THAAD (Terminal High Altitude Area Defence) missile defence system by the US in the RK. Beijing has now suspended its sanctions, but the conflict has taught Seoul not to expect China's complacency regarding pressure on North Korea nor understanding concerning its security needs.

## Options for Exerting Influence

In principle, South Korea can influence the DPRK through military deterrence, sanctions and diplomacy.

South Korea's military deterrence and defence base on the Mutual Defence Treaty with the USA. About 28,500 US soldiers are stationed in South Korea. Together with the approximately 630,000 South Korean soldiers, they are subject to the Combined Forces Command whose wartime operational control is under US command. Joint annual manoeuvres demonstrate military strength and exercise operational readiness; these have been unilaterally suspended by President Trump at the Singapore Summit. Moreover, the US's extended nuclear deterrence also shields the RK. In 1991, Washington withdrew all its remaining nuclear weapons from South Korea. It is the declared wish of the current Moon administration for this to remain the case.<sup>8</sup> However, the THAAD system was newly installed in 2017, primarily to protect the southern part of the country and the US military bases stationed there. South Korea is also working on its own missile defence system. The RK's military already has a number of drone systems, cruise missiles and self-developed ballistic missiles.<sup>9</sup>

South Korea not only implements unilateral and UN Security Council sanctions, but also proactively influences third countries in their sanctions imple-

mentation. South Korean diplomats draw foreign authorities' attention to the activities of North Korea's illegal networks, or protest against sanctions violations. Inter-Korean economic cooperation, once considerable, was reduced to virtually zero by the conservative administrations under Presidents Lee Myung-bak (2008 – 2013) and Park Geun-hye (2013 – 2017). In this respect, the RK has no leeway for additional sanctions of its own. However, it can provide positive incentives for the North by relaxing the sanctions regime and resuming economic cooperation.

## President Moon Jae-in is convinced that talks de-escalate tensions.

For the time being, diplomacy remains the preferred tool. The progressive government under President Moon Jae-in, who assumed office in May 2017, is convinced that talks de-escalate tensions, prevent future conflicts and facilitate persuasion. President Moon's mantra of South Korea's leadership role in multilateral diplomacy and of pan-Korean responsibility addresses the virulent ethos of ethnic nationalism and independence in both North and South.

South Korea's diplomacy can also exert indirect influence on North Korea. As an ally of the United States, Seoul's security needs and preferences should be taken into account in Washington's deliberations and decisions. It remains to be seen, however, to what extent South Korea and Japan still feature in the Trump administration's foreign policy, which primarily emphasises US interests.

In theory, South Korea's society, economy and politics is virtually predestined to influence North Korea on an individual and civil society level due to spatial proximity, common language and culture. However, the National Security Act of 1948 strictly controls any cross-border contacts. This inhibits South Korean civil society groups from exchange with or work in the North.<sup>10</sup>

## Inter-Korean Relations

Two agreements from 1991 and 1992 remain crucial for inter-Korean relations: the "Basic Agreement" lays down the principles of improved relations and inter-

<sup>8</sup> Jesse Johnson, "South Korean Defense Chief Skeptical of North Nuclear Threats, Says Tactical Nukes Won't Be Reintroduced to Peninsula", *Japan Times*, 29 January 2018.

<sup>9</sup> For an overview, see Edward Kwon, "South Korea's Deterrence against North Korea's WMD", *East Asia* 35, no. 2 (2018): 1 – 21.

<sup>10</sup> Diane B. Kraft, "South Korea's National Security Law: A Tool of Oppression in an Insecure World", *Wisconsin International Law Journal* 24, no. 2 (2006): 627 – 59.

Korean reconciliation; the “Joint Declaration on Denuclearisation” contains the promise of both Korean states not to produce, test or station nuclear weapons. These principles of peaceful cooperation were reinstated at the historic summit meetings of Presidents Kim Dae-jung (2000) and Roh Moo-hyun (2007) with North Korea’s then ruler Kim Jong Il. During this phase of progressive governments (1998–2008), the so-called “sunshine policy” was bilateral and multi-faceted. This policy of détente, reconciliation and development produced positive results in the humanitarian and economic domains: it facilitated numerous family meetings, stabilised food supplies in the North, and allowed South Korean visitors and investors access to the Mount Kungang Tourist Region and the Kaesong Industrial Complex.

Over the course of the Six-Party Talks, the ruling Roh administration was sympathetic to North Korea’s security demands. It remained reticent regarding the human rights situation. Despite such accommodations, however, Seoul was unable to re-direct North Korea’s foreign policy behaviour. On the contrary: North Korea’s nuclear and missile tests – most notably its first nuclear test in 2006 – contravened the South’s policy of détente. This intensified threat situation, among other things, led the ensuing conservative presidents Lee Myung-bak and Park Geun-hye to end all policies of accommodation and strictly condition all humanitarian and economic cooperation. The sunshine policy was followed by a new ice age (2008–2017).

President Moon’s inauguration (2017) marked the return to the basic principles of the sunshine policy. The new president announced his will to initiate dialogue with the North, a diplomatic process culminating in a peace arrangement and the complete, verifiable and irreversible denuclearisation of North Korea. In July 2017, in his Berlin speech, he promised to prioritise peace-building and set aside the issue of reunification. He set out for the DPRK two conditions for the North-South dialogue: an end to security provocations against South Korea and its allies, and a readiness to dialogue on the nuclear issue with the USA.

The Moon administration seeks to soften Washington’s overt scepticism vis-à-vis inter-Korean talks through transparency (with regard to its own goals and principles) and close coordination with its ally.<sup>11</sup> Since Seoul explicitly supports the international

pressure and sanctions campaign against North Korea, South Korea’s approach remains compatible with the Trump administration’s approach of “maximum pressure and engagement”. However, in a speech to parliament in November 2017, President Moon clarified that there can be no US military attack on North Korea without Seoul’s consent.

Over the course of 2017, Moon’s consistent overtures for talks initially met Pyongyang’s disinterest. However, the Winter Olympic Games in February 2018 provided an opportunity for sport diplomacy and the initiation of direct inter-Korean contact. In early March, Seoul’s special envoy delegation conveyed the agreement to hold an inter-Korean summit on 27 April in Panmunjom, on the South Korean side of the border, as well as Pyongyang’s willingness to hold a summit meeting with US President Donald Trump. North Korea had previously announced a nuclear and missile test moratorium, refrained from criticising the annual South Korean-US military exercises, and thus fulfilled Seoul’s conditions for inter-Korean dialogue. At their first summit meeting in April, Moon Jae-in and Kim Jong Un signed the Panmunjom Declaration and vowed to work towards reconciliation, peace and prosperity. Both sides agreed on the resumption of inter-Korean dialogue and cooperation, the reduction of military tensions along the demarcation line and sea borders, and joint efforts towards a peace regime. Both also declared a nuclear weapons-free Korean peninsula to be their common goal. Through the Panmunjom Declaration, the DPRK recognises the RK for the first time as a negotiating partner regarding security issues as well as a peace regime. The swiftly initiated implementation of the summit agreements, particularly the resumption of military talks whose agenda includes the withdrawal of North Korean artillery from the border line, gives cause for optimism.

## The Struggle for a Voice and Co-Determination

North Korean military threats, Chinese economic sanctions, scepticism and concern vis-à-vis Washington: most obviously in 2017, the RK was caught squarely in the middle, seemingly without support or visible influence on a national issue of existential importance. President Moon first aimed to resume dialogue with the North, pursued an active moderation and mediation strategy vis-à-vis Washington, and

<sup>11</sup> Bryan Harris, “US Ties Denuclearization to North Korea Talks”, *Financial Times*, 26 February 2018.

sought diplomatic backing in Beijing, Moscow, Tokyo, Berlin and Brussels. In the wake of inter-Korean rapprochement since the beginning of 2018, the Moon administration has shaped the public narrative concerning North Korea and dialogue with the US, repeatedly emphasising Pyongyang's readiness to disarm and President Trump's special (peace-promoting) role.<sup>12</sup>

The Moon administration viewed the Singapore Summit on 12 June 2018 as a confirmation of its moderation and facilitation efforts. It understands the summit agreement as a political declaration of intent to bring about denuclearisation and peace, and the explicit reference to the Panmunjom Declaration as recognition of its role. President Trump's erratic and unpredictable policy (style) is undoubtedly also disturbing for South Korea. Neither his threat to cover North Korea with "fire and fury" nor his announcement to suspend joint military exercises indefinitely were agreed with Seoul. Still, the South's current administration regards the Singapore Summit as a historically unique opportunity, allowing for the peaceful turn of events. The sobering insight of decreasing reliability on Washington for security, however, is fading from public debate.

Even though the overarching geopolitical confrontations and conflicting interests in the region remain unresolved and limit Seoul's range of action, the RK has succeeded in manoeuvring itself out of a foreign policy impasse. The RK has proven capable of proactiveness, shaping public narratives and taking diplomatic action. The country has grown in stature especially vis-à-vis its heavyweight neighbours. For the DPRK, too, which prioritises economic development, the RK is an indispensable partner to balance out China. Seoul remains in the middle between all relevant actors, but seems to be effectively mediating from the middle right now.



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[http://bit.ly/SWP18DNK\\_Korean\\_Peninsula](http://bit.ly/SWP18DNK_Korean_Peninsula)

<sup>12</sup> Benjamin A. Engel, "South Korea's Strategy to Bring Peace to the Peninsula: Credit Trump", *The Diplomat*, 3 May 2018.



Marco Overhaus

## USA: Between the Extremes

Since Donald Trump took office in January 2017, US policy towards North Korea has moved between extremes. On the one hand, no American administration from Bill Clinton to Barack Obama had so openly threatened North Korea with preventative military strikes. On the other hand, before Trump, no other US president had taken the frankly courageous step of attending a summit meeting with a North Korean ruler.

At the same time, the entire political spectrum of the United States remains mistrustful of the intentions of the North Korean leadership. The failure of past negotiations since the early 1990s has reinforced Washington's impression that the Pyongyang regime is not seriously interested in abandoning its nuclear weapons and missile programme. This distrust also has historical roots. The USA and North Korea have been hostile to each other since the Korean War (1950–1953). While this war ranks far behind Vietnam in the collective memory of the USA, it was nevertheless one of the “hardest and most casualty-heavy military conflicts in US history”.<sup>1</sup> Although estimates of the number of victims of the Korean War vary widely, it is assumed that more than two million Koreans, 600,000 Chinese and 36,500 US soldiers died in the conflict.<sup>2</sup>

The Korean peninsula's influence on the USA and the latter's significance for developments there stem not least from Washington's considerable military potential in the region. As part of its bilateral security and defence agreements, the USA stationed around 28,500 soldiers in the Republic of Korea and almost 40,000 in Japan in 2017.<sup>3</sup> Overall, the US Pacific Command has over 375,000 soldiers and civilian forces in

the India-Asia-Pacific region.<sup>4</sup> In its Defence White Paper 2016, the South Korean Ministry of Defence estimated that in the event of a war with the North, the USA could send up to 690,000 soldiers, 160 warships and 2,000 aircraft.<sup>5</sup>

The rapprochement between Seoul and Pyongyang, which culminated in an inter-Korean summit in April 2018, and the summit meeting between the heads of state of the USA and North Korea on 12 June 2018 have boosted hopes for a diplomatic solution to the conflict over North Korea's nuclear weapons and missile programmes. For the time being, they have significantly reduced the risk of war.

However, this cannot hide the fact that the results of the meeting between Donald Trump and Kim Jong Un fell far short of the expectations of even pessimistic observers. The risk of military escalation on the Korean peninsula has by no means been averted. Should the diplomatic process fail or become mired, the debate about military options in the USA will in all probability gain in virulence again.

### From “Strategic Patience” to “Massive Pressure”

Since the early 1990s, successive US administrations have attempted to stop or dismantle North Korea's nuclear programme. They used a mixture of positive and negative incentives: economic sanctions, the military expansion of alliances with regional partners, the

1 Alexander Emmerich and Philipp Gassert, *Amerikas Kriege* (Darmstadt: Theiss, 2014), 188.

2 Allan R. Milet, “Korean War”, in *Encyclopaedia Britannica* (last update 11 May 2018), <https://www.britannica.com/event/Korean-War> (accessed 7 June 2018).

3 “Chapter Three. North America”, *The Military Balance* 118, no. 1 (2018): 60.

4 Kathleen J. McInnis et al., *The North Korean Nuclear Challenge: Military Options and Issues for Congress*, CRS Report, R44994 (Washington, D.C.: Congressional Research Service [CRS], 6 November 2017), 52, <https://fas.org/sgp/crs/nuke/R44994.pdf> (accessed 6 March 2018).

5 Republic of Korea, Ministry of National Defence, *2016 Defence White Paper* (Seoul, December 2016), 53, [http://www.mnd.go.kr/cop/pblicitn/selectPublicationUser.do?siteId=mndEN&componentId=51&categoryId=0&publicationSeq=777&pageIndex=1&id=mndEN\\_031300000000](http://www.mnd.go.kr/cop/pblicitn/selectPublicationUser.do?siteId=mndEN&componentId=51&categoryId=0&publicationSeq=777&pageIndex=1&id=mndEN_031300000000) (accessed 18 April 2018).

prospect of normalising diplomatic relations, security guarantees and economic aid for North Korea. Even though the Trump administration always endeavours to make its actions seem like a radical departure from the policies of the previous administration, Obama's policy of "strategic patience" towards North Korea and Trump's approach of "massive pressure and engagement"<sup>6</sup> have some things in common. Both presidents pursued and continue to pursue the goal of nuclear disarmament in North Korea, relying on bilateral and multilateral sanctions as well as China's influence.<sup>7</sup>

### The parameters and framework conditions of US policy on North Korea have changed fundamentally.

Nevertheless, the parameters and framework conditions of US policy on North Korea have changed fundamentally. First, there is the Trump factor: the President's unpredictable political style, often expressed in twitter tirades, martial threats, or initiatives not coordinated with foreign partners or his own government, has contributed significantly to the general uncertainty about the goals and means of American policy on North Korea. In addition, the mindset of US security bureaucracy has shifted. Already during Obama's second term in office, a pessimistic view based on realpolitik and military power prevailed in the Pentagon, in particular. Its focus was on Russia, China, Iran and North Korea, which were seen as "revisionist powers".<sup>8</sup> This kind

of assessment complicates pursuing a policy that relies more on diplomacy.

Finally, North Korea's surprisingly rapid progress in the development of nuclear weapons and long-range ballistic missiles has significantly increased the decision-making pressure on US President Trump. Previous US administrations could still afford to postpone the problem of North Korea's nuclear programme. When North Korea successfully tested an Intercontinental Ballistic Missile (ICBM) for the first time in July 2017, the US military intelligence service came to the conclusion that North Korea would be able to produce a nuclear-capable ICBM capable of reaching the USA in 2018.<sup>9</sup> It remains unclear whether North Korea is already capable of mounting a nuclear warhead on a missile that would survive re-entry into the Earth's atmosphere.

In the US, it has long been the view that North Korea should not under any circumstances gain the ability to directly threaten the US with long-range nuclear missiles,<sup>10</sup> as General Joseph Dunford,<sup>11</sup> the US's highest ranking soldier, reaffirmed in July 2017.<sup>12</sup> Yet since North Korea's successful test of an ICBM, the nuclear threat to the USA has become a reality. However, a strategy of military deterrence and containment, as practised towards the Soviet Union, Russia and China, has so far been rejected as a model for US North Korea policy.

The conviction that classic deterrence would not work in North Korea's case is also related to US

<sup>6</sup> Initially, the Trump administration consistently referred to applying "maximum pressure" on North Korea. As part of a political change of direction on the sidelines of the Winter Olympics in South Korea, US Vice President Mike Pence then spoke of "maximum pressure and engagement at the same time". See Josh Rogin, "Pence: The United States Is Ready to Talk with North Korea", *Washington Post* (online), 11 February 2018, [https://www.washingtonpost.com/opinions/global-opinions/pence-the-united-states-is-ready-to-talk-with-north-korea/2018/02/11/b5070ed6-0f33-11e8-9065-e55346f6de81\\_story.html?noredirect=on&utm\\_term=.c8ebc8f06687](https://www.washingtonpost.com/opinions/global-opinions/pence-the-united-states-is-ready-to-talk-with-north-korea/2018/02/11/b5070ed6-0f33-11e8-9065-e55346f6de81_story.html?noredirect=on&utm_term=.c8ebc8f06687) (accessed 13 August 2018).

<sup>7</sup> McInnis et al., *The North Korean Nuclear Challenge* (see note 4), 26f.

<sup>8</sup> This change of perspective was already evident in the Obama Administration's military strategy. See Joint Chiefs of Staff, *The National Military Strategy of the United States of America 2015. The United States Military's Contribution to National Security* (Fort Belvoir, VA, June 2015), 2f., <http://www.jcs.mil/Portals/>

36/Documents/Publications/2015\_National\_Military\_Strategy.pdf (accessed 9 August 2018).

<sup>9</sup> Ellen Nakashima, Anna Fifield and Joby Warrick, "North Korea Could Cross ICBM Threshold Next Year, U.S. Officials Warn in New Assessment", *Washington Post*, 25 July 2017, [https://www.washingtonpost.com/world/national-security/north-korea-could-cross-icbm-threshold-next-year-us-officials-warn-in-new-assessment/2017/07/25/4107dc4a-70af-11e7-8f39-eeb7d3a2d304\\_story.html](https://www.washingtonpost.com/world/national-security/north-korea-could-cross-icbm-threshold-next-year-us-officials-warn-in-new-assessment/2017/07/25/4107dc4a-70af-11e7-8f39-eeb7d3a2d304_story.html) (accessed 13 August 2018).

<sup>10</sup> Jim Sciutto and Diana Bash, "Nuclear Missile Threat a 'Red Line' for Trump on North Korea", *CNN Politics*, 1 March 2018, <https://edition.cnn.com/2018/03/01/politics/north-korea-trump-nuclear-missile-threat-red-line/index.html> (accessed 12 March 2018).

<sup>11</sup> Dunford was already chairman of the Joint Chiefs of Staff under Obama, which makes it clear that the perspective described is not an invention of the Trump administration.

<sup>12</sup> Nahal Toosi, "Dunford: Military Option for North Korea Not 'Unimaginable'", *Politico*, 22 July 2017, <https://www.politico.com/story/2017/07/22/dunford-north-korea-military-option-not-unimaginable-240851> (accessed 6 June 2018).

assumptions about Pyongyang's intentions.<sup>13</sup> From Washington's point of view, by developing a nuclear weapons programme the regime is not only concerned with its own preservation, but also with being able to blackmail the USA and its regional allies under the protection of its own bomb (e.g. to compel US troops to withdraw from South Korea, coerce donors to supply economic aid or, in the longer term, even force through the reunification of Korea under North Korean auspices).<sup>14</sup> The additional concern that North Korea could expedite the export of its nuclear and missile technology to the world is not only held by the Trump administration.

## Diplomatic and Political Contradictions of US Policy

The Trump administration has sent out highly contradictory signals as to whether it would be prepared to engage in talks or formal negotiations with North Korea, and under what conditions.<sup>15</sup> The US President, for example, initially denigrated the gestures of approach by South Korean President Moon Jae-in as an "appeasement policy".<sup>16</sup>

Until March 2018, the following line seemed to prevail in the Trump administration: a moratorium was to be called on North Korean nuclear weapons and missile testing and (vague) steps to be taken towards disarmament as a precondition for initial talks (but not formal negotiations), while pressure in the shape of economic sanctions would be maintained. In March, Trump then surprisingly promised to attend a summit meeting with Kim, although fundamental US demands had not yet been met.

The course and outcome of the summit meeting between Trump and Kim on 12 June 2018 have

fuelled further doubts inside and outside the US about the course US policy towards North Korea. The meeting itself was already a significant concession to North Korea, as it politically and diplomatically upgraded the regime in Pyongyang. In return, however, the USA received only vague assurances. For example, the Trump-Kim Joint Declaration does not contain a clear commitment by North Korea to complete, verifiable and irreversible denuclearisation – demanded not only by the US but also by the UN – or a roadmap or review mechanism for further disarmament.<sup>17</sup> It is clear that North Korea has so far understood the term denuclearisation to mean something fundamentally different from the USA – namely a process that also calls into question America's extended nuclear deterrence in the region.

The impression that President Trump did not consult with his ally in Seoul concerning the announcement that the American-South Korean military exercises would be suspended, and his statements about a possible withdrawal of US troops from South Korea, also damaged the credibility of US security policy in the region.<sup>18</sup>

Against this backdrop, Trump received much criticism in Washington. Even Republican Congressmen were diffident.<sup>19</sup> The Speaker of the House, Republican Paul Ryan, felt compelled to make it clear that the only acceptable outcome of negotiations with North Korea was "complete, verifiable irreversible denuclearisation".<sup>20</sup> Others in Washington even claim that the Trump administration has effectively abandoned its policy of "maximum pressure".<sup>21</sup> It also

<sup>17</sup> The White House – Secretary of the Press, "Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit", Singapore, 12 June 2018.

<sup>18</sup> Niharika Mandhana, "The Singapore Summit: U.S. Deal Tests Ties with Asian Allies. South Korea, Japan Try to Assess Trump's Plan to Scrap Military Exercises in the Region", *Wall Street Journal*, 13 June 2018.

<sup>19</sup> Eli Stokols, "Trump's GOP Allies Skeptical This Time. Republicans in Congress Are Wary or Even Critical of the Summit Result", *Los Angeles Times*, 13 June 2018.

<sup>20</sup> Rebecca Shabad, "Trump-Kim Summit Draws Mixed Reaction on Capitol Hill", *NBC News*, 12 June 2018, <https://www.nbcnews.com/politics/congress/trump-kim-summit-draws-mixed-reaction-capitol-hill-n882416> (accessed 9 August 2018).

<sup>21</sup> Max Boot, "A Summit without Substance", *Washington Post*, 13 June 2018.

<sup>13</sup> See International Crisis Group, *The Korean Peninsula Crisis – I. In the Line of Fire and Fury*, Asia Report, 293 (Brussels, 23 January 2018), 14, <https://www.crisisgroup.org/asia/north-east-asia/korean-peninsula/293-korean-peninsula-crisis-i-line-of-fire-and-fury> (accessed 6 March 2018).

<sup>14</sup> See *ibid.*, 14; Victor Cha, "Giving North Korea a 'Bloody Nose' Carries a Huge Risk to Americans", *Washington Post*, 30 January 2018.

<sup>15</sup> See Mary Beth D. Nikitin, Emma Chanlett-Avery and Mark E. Manyin, *Nuclear Negotiations with North Korea: In Brief*, CRS Report (Washington, D.C., 4 December 2017), 1, <https://fas.org/spp/crs/nuke/R45033.pdf> (accessed 6 March 2018).

<sup>16</sup> Mark Landler and Choe Sang-Hun, "U.S. Shifts on Holding Discussions with Kim", *New York Times*, 14 February 2018.

remains unclear how the USA will implement in detail the promise of security guarantees made to North Korea during the summit.

After the Trump-Kim Summit, the question looms of how the USA will deal with China, its most important international co-actor on North Korea. On the one hand, Trump himself has repeatedly acknowledged that the key to a diplomatic solution lies in Beijing. On the occasion of his visit to China in November 2017, he declared that the People's Republic could solve the problem of North Korea's nuclear programme "simply and quickly".<sup>22</sup> On the other hand, Trump's China policy generally follows a confrontational course, not least with a view to his trade policy agenda, which often overlays his political and security policy requirements.<sup>23</sup>

## The Debate on Military Options

The easing of the Korean conflict since the 2018 Winter Olympics in Pyeongchang has also pushed the US debate about military options against North Korea into the background, at least temporarily. Previously, Trump's multiple threats of military action against North Korea had fuelled fears both inside and outside of the region that war might result. In August 2017, the President had promised "fire and fury" and pointed out via Twitter that military solutions were available ("locked and loaded"). The threat was underpinned by other important actors both in the executive branch and in Congress. The then National Security Advisor H. R. McMaster described the tightening of sanctions as "the last best chance" to prevent a war.<sup>24</sup> Republican Senator Lindsey Graham, a member of the Armed Forces Committee, put the probability

of a military conflict on the Korean peninsula at 30 percent, based on his conversations with Trump.<sup>25</sup>

### Even if the threatened US pre-emptive strikes were only a bluff, they carried considerable escalation risks.

Whether the pre-emptive strikes threatened by the White House or Congress were a bluff or not, they entailed considerable escalation risks. US debates on military options tend to be based on rather optimistic assumptions.<sup>26</sup> The threatening military gestures from Washington also influenced the threat perception in Pyongyang. This makes military moves by the USA, for example in connection with the annual major manoeuvres in the region, appear even more dangerous from North Korea's point of view. It also increases the risk of events developing their own momentum, and of miscalculations. One result of the Trump-Kim Summit – the announcement suspending such large-scale exercises for the time being – could thus contribute to regional security. However, such a step would be problematic without prior coordination with the US's regional partners who rely on US security pledges.

Military alternatives to preventive strikes against the North Korean nuclear weapons programme have also been aired in Washington, though not yet at the forefront of public debate. These include, for example, establishing a sea blockade to prevent North Korea from exporting proliferation-relevant goods, and expanding military alliances as part of a strategy to deter and contain Pyongyang. Occasionally, the idea of re-stationing American nuclear weapons in South Korea is also brought back into play in Washington, for example by the former Republican chairman of the Senate Armed Forces Committee, John McCain.<sup>27</sup>

22 "Remarks by President Trump at Business Event with President Xi of China, Beijing, China", The White House – Secretary of the Press, 9 November 2017, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-business-event-president-xi-china-beijing-china/> (accessed 19 April 2018).

23 James Griffiths, "Tariffs Show Trump Doesn't Want China's Help with North Korea", *CNN*, 23 March 2018, <https://edition.cnn.com/2018/03/23/asia/trump-xi-china-trade-war-north-korea-intl/index.html> (accessed 6 June 2018).

24 "Remarks by LTG H.R. McMaster at U.S.-UK Policy Exchange Event", The White House, Secretary of the Press, 12 December 2017, <https://www.whitehouse.gov/briefings-statements/remarks-ltg-h-r-mcmaster-u-s-uk-policy-exchange-event/> (accessed 6 June 2018).

25 Uri Friedman, "Lindsay Graham: There's a 30 Percent Chance Trump Attacks North Korea", *The Atlantic*, 14 December 2017, <https://www.theatlantic.com/international/archive/2017/12/lindsey-graham-war-north-korea-trump/548381/> (accessed 6 June 2018).

26 E.g. the Congressional Research Service's discussion of seven different military options against North Korea was based on the premise that neither Russia nor China would intervene militarily in the conflict. McInnis et al., *The North Korean Nuclear Challenge* (see note 4), 25.

27 Eli Watkins, "John McCain: North Korea Must Know Price for Aggression Is 'Extinction'", *CNN Politics*, 10 September 2017, <https://edition.cnn.com/2017/09/10/politics/john-mccain-north-korea-defense-cnn-tv/index.html> (accessed 9 March 2018).

However, this option does not seem to have been adopted by the Trump administration so far.

## Prospects

Since Donald Trump took office, the USA has pursued a policy of extremes. Washington has threatened military strikes against North Korea more frequently and blatantly than under previous administrations. At the same time, however, President Trump has expressed his willingness to go further than other US presidents to find a diplomatic solution to the conflict. In the past 25 years, the USA and the international community have (in vain) tried and tested almost all available diplomatic instruments to persuade North Korea to disarm – except for a summit meeting between the US President and the North Korean ruler.

In the best of all worlds, this summit diplomacy would result in a “big deal”, the actual implementation of which would ease tensions on the Korean peninsula in the years to come. North Korea would verifiably dismantle its nuclear weapons programme and in return receive security guarantees from the USA and a relaxation of international sanctions. The chances that this scenario will become reality, however, are low not only because North Korea has repeatedly promised to carry out nuclear disarmament in recent decades and has actually taken the opposite path, but also because the first US-North Korea Summit has raised considerable doubts about the goals and means of Washington’s policy on North Korea. The extent to which the Trump administration is able and willing to engage in a protracted diplomatic process with Pyongyang remains uncertain.

But even if no “big deal” is concluded, talks and negotiations between Washington and Pyongyang can help to bring about a (preferably) permanent stop to nuclear bomb and missile testing by North Korea. This would already be a great benefit because, with the current threat perception in Washington, each additional test runs the risk of provoking a harsh US counter-reaction.

However, if the diplomatic process for disarming North Korea’s nuclear and missile programme obviously fails, or becomes mired for a longer period of time, we should expect the US debate on military options to reignite. Yet sooner or later, this negative scenario would raise the question for the USA of how credible it still is to threaten military preventive or

pre-emptive strikes against North Korea’s nuclear weapons and missile programme. In that scenario, given the great progress made by North Korea’s programme, it would make sense for the discussion to turn instead to the issue of shaping a policy of military deterrence and containment against Pyongyang.



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Anny Boc and Gudrun Wacker

# China: Between Key Role and Marginalisation

The People's Republic of China is often ascribed a key role, if not *the* key role, in solving the North Korean problem. This opinion is particularly widely held in the USA. Like previous US presidents, Donald Trump, who prioritised the issue of North Korea's nuclear and missile programme after taking office, called on China to support him and declared that Beijing could solve the problem "easily and quickly".<sup>1</sup> China, North Korea's largest trading partner and main supplier of energy and food, is believed to be best placed to exert effective pressure on the Pyongyang government. For its part, China holds the United States mainly responsible for the problem, by not taking North Korea's security needs into account.

One of China's most important goals, apart from denuclearising and preventing war on the Korean peninsula, is to prevent North Korea from collapsing. The summit meeting of US President Trump with the North Korean ruler Kim Jong Un in Singapore in June 2018 makes achieving all three goals seem possible, but presents China with the challenge of remaining relevant as an actor on the Korean peninsula, given its own growing rivalry with the USA.

## Historical Overview

In October 1951, the People's Republic of China — founded only two years previously, following the Communist army's victory over the nationalist Kuomintang troops under Chiang Kai-shek — surprisingly intervened in the war between North and South Korea and fought alongside the North until the armistice in July 1953, despite heavy casualties of its own. China

remained a close friend to North Korea and helped to rebuild the country.<sup>2</sup> In July 1961, the two states signed a friendship and defence treaty containing, *inter alia*, mutual assurances of military assistance in the event of an armed attack on one or the other.<sup>3</sup> This assistance pact has so far been extended twice and formally remains in force until 2021. In March 1993, when North Korea threatened to withdraw from the Nuclear Non-Proliferation Treaty and its secret reprocessing programme triggered a crisis, the latter was resolved by direct negotiations between Pyongyang and Washington. China did not play a key role in the establishment of the Agreed Framework in 1994. However, it subsequently took part in the four-party talks organised with the USA and the two Koreas stipulated by the Framework.<sup>4</sup>

The Agreed Framework failed at the end of the 1990s, a situation for which North Korea is not solely responsible. The US did not keep its promises either. After taking office in 2000, US President George W. Bush ordered a review of America's North Korea policy and thereafter labelled North Korea as part of the "axis of evil" and as a "rogue state". When the

1 As recently as November 2017 in a speech to business leaders in Beijing: see Charlie Campbell, "President Trump Says China Could 'Easily' Rein in North Korea", *time.com*, 9 November 2017, <http://time.com/5016617/donald-trump-china-north-korea-2/> (accessed 8 February 2018).

2 Charles K. Armstrong, "The Destruction and Reconstruction of North Korea, 1950 – 1960", *The Asia-Pacific Journal* 7 (16 March 2009), <http://apjff.org/-Charles-K.-Armstrong/3460/article.html> (accessed 6 June 2018).

3 For the full text of the treaty, see "Treaty of Friendship, Co-operation and Mutual Assistance between the People's Republic of China and the Democratic People's Republic of Korea", 11 July 1961, [https://www.marxists.org/subject/china/documents/china\\_dprk.htm](https://www.marxists.org/subject/china/documents/china_dprk.htm) (accessed 8 February 2018). For China's interpretation of the treaty, see Ankit Panda, "China and North Korea Have a Mutual Defense Treaty, But When Would It Apply?", *The Diplomat*, 14 August 2017, <https://thediplomat.com/2017/08/china-and-north-korea-have-a-mutual-defense-treaty-but-when-would-it-apply/> (accessed 6 June 2018).

4 See Wendy Frieman, *China, Arms Control, and Non-Proliferation* (London: Routledge, 2014), 127ff.

fact that North Korea was running a uranium enrichment programme became known, and it again announced its withdrawal from the NPT, the crisis reignited. Beijing then took on a much more active diplomatic role and initiated six-party talks with both South and North Korea, the USA, China, Russia and Japan, which were held for the first time in Beijing in 2003. In the following years, China consistently advocated a diplomatic solution and simultaneously attempted – albeit largely unsuccessfully – to persuade the then North Korean head of state Kim Jong Il to support economic reforms in his country.<sup>5</sup>

After the suspension of the six-party talks in 2008, China sought to revive them and repeatedly urged all sides to exercise restraint, including after Pyongyang sank a South Korean warship in March 2010 and fired on the South Korean island of Yeonpyeong the following November.

## Goals and Strategies of China's Policy on the Korean Peninsula

China pursues three fundamental goals on the Korean peninsula: no war, no chaos and no nuclear weapons (*bu zhan, bu luan, bu he*). The Chinese government prioritises stability in the region and thus maintaining the status quo – with North Korea as a buffer zone between itself and South Korea, which is allied with the USA – over the denuclearisation of North Korea. At times, the three objectives might be conflicting with each other. Moreover, their order of importance may shift in response to the overall situation on the Korean peninsula and the behaviour of the other actors involved. In 2017, for instance, China's primary concern was preventing war, after Trump stated that “all options are on the table” to resolve the North Korean conflict, including military action.

### **Bilateral economic relations are an important pillar of China's foreign policy towards North Korea.**

An important pillar of China's foreign policy towards North Korea is bilateral economic relations. In particular since 2009, China has been steadily expanding its investment and trade activities in North

5 Through travels to Shanghai, Shenzhen, Vietnam and Yanbian Korean Autonomous Prefecture in Northeast China between 2000 and 2011.

Korea and promoting economic cooperation in the Chinese-North Korean border regions.<sup>6</sup> In response to the failed six-party talks and out of concern that Kim Jong Il's state of health might destabilise North Korea, China's strategy of economic engagement initially aimed primarily at supporting a smooth transition of power in Pyongyang.<sup>7</sup> Besides maintaining stability in the region, in the longer term Beijing hopes its economic commitment will lead to:

- 1) The stabilisation of the social situation in North Korea. Through economic progress and opening up the economy the Kim regime might be more willing to renounce its nuclear weapons programme;
- 2) The expansion of its own role in any future settlement of the nuclear issue on the Korean peninsula by gaining more influence over Pyongyang.

North Korea could also play an important role in revitalising the economies of Liaoning, Jilin and Heilongjiang provinces in north-eastern China. Projects in this region, along with neighbouring countries like Mongolia, Russia and the Korean peninsula are part of the “Belt and Road Initiative” – Chinese President Xi Jinping's most important foreign policy project.<sup>8</sup> However, successful implementation depends on North Korea opening up economically.

## China's North Korea Policy in Transition

Whereas the two neighbours were once “as close as teeth and lips”, the Chinese government today merely refers to a “normal state-to-state relationship”. The bilateral relationship deteriorated significantly after Kim Jong Un took power in North Korea upon the death of his father, Kim Jong Il, in December 2011, and reached a low point in 2017. Kim has pursued the nuclear and missile programme much more consistently than his predecessor, increasingly provoking

6 Nadine Godehardt, *Pekings zweigleisige Politik gegenüber Pjöngjang*, SWP-Aktuell 32/2013 (Berlin: Stiftung Wissenschaft und Politik, June 2013), [https://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A32\\_gdh.pdf](https://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A32_gdh.pdf) (accessed 6 June 2018).

7 Mathieu Duchâtel and Phillip Schell, *China's Policy on North Korea: Economic Engagement and Nuclear Disarmament*, SIPRI Policy Paper 40 (Solna: Stockholm International Peace Research Institute [SIPRI], December 2013), <https://www.sipri.org/sites/default/files/files/PP/SIPRI40.pdf> (accessed 6 June 2018).

8 Anny Boc, “North Korea and China, Friends Again?”, *The Diplomat*, 7 June 2018, <https://thediplomat.com/2018/06/north-korea-and-china-friends-again/> (accessed 5 July 2018).

displeasure and criticism among the Chinese leadership. The state of their bilateral relations was reflected, *inter alia*, by a sharp decline in high-level visits between the two countries.<sup>9</sup> In the first five years since Xi Jinping took office as Chinese President in March 2013, there was no official meeting with Kim Jong Un.

When Kim Jong Un's Uncle Jang Song Taek, an advocate of economic reforms, was executed in December 2013, Beijing lost its most important contact to the leadership in Pyongyang. The North Korean ruler has also not shied away from repeatedly snubbing China. In early September 2017, North Korea conducted its sixth nuclear weapons test – coinciding with the start of the summit meeting of the BRICS states (Brazil, Russia, India, China and South Africa) in the Chinese city of Xiamen. Similarly, Pyongyang had launched a ballistic missile in May of that year – shortly before the opening of a two-day summit in Beijing on the Belt and Road Initiative. Chinese experts interpreted Kim's timing as being directed against China,<sup>10</sup> and as an attempt to damage Xi's reputation as a "great leader".

While in the past the Chinese leadership believed that North Korea's nuclear weapons programme posed a threat to the US (and its allies), but not directly to China, developments on the Korean peninsula in 2017 prompted Beijing to reassess the situation. Many international experts saw a real risk of war in the region as a result of the war of words and mutual threats between Donald Trump and Kim Jong Un. There was also a growing concern in China that tensions could escalate into military confrontation or affect its own nuclear safety. North Korea's Punggye-ri nuclear test site (now allegedly unusable)<sup>11</sup> is close to

the Chinese border, and the provinces bordering North Korea are at risk of radioactive contamination.

### **Pyongyang's nuclear programme has direct implications for the regional security architecture and China's security interests.**

Furthermore, Pyongyang's nuclear programme has direct implications for the regional security architecture and thus China's security interests. North Korea provides the USA with good reasons to expand its military presence and ballistic missile defence systems. Beijing fears in particular that the installation of the US missile defence system THAAD in South Korea could prove to be part of a large-scale American missile defence network in the Asia-Pacific region aimed at weakening China's nuclear deterrent capability. There is also a risk that Japan and South Korea might consider deploying American nuclear weapons<sup>12</sup> or even pursuing their own nuclear capabilities due to the increasing security threat posed by North Korea.<sup>13</sup>

While in the past China has repeatedly blocked UN sanctions against North Korea, watered down resolutions in the UN Security Council, and only partially implemented agreed sanctions, the Chinese leadership is now more willing to support a harsher approach towards North Korea due to the rapid development of North Korea's nuclear weapons programme. In 2017, China supported a number of UN sanctions, including (for the first time) the restriction of oil supplies to reduce North Korea's oil imports by 30 percent. While Washington is trying to get Pyongyang to abandon its nuclear weapons programme through diplomatic isolation and economic sanctions, Beijing sees sanctions primarily as an instrument to get North Korea back to the negotiating table. China's new stance on UN sanctions reflects its dissatisfaction with North Korea's

9 Andy Lim and Victor Cha, "New Dataset: China-DPRK High Level Visits since 1953", *beyond parallel*, 17 March 2017, <https://beyondparallel.csis.org/china-dprk-high-level-visits-since-1953/> (accessed 15 January 2018).

10 "Jinzhuang huiyi kaimu zhi ji guanfang bu xiwang minzhong jujiao chaoxian heshiyan" [At the opening of the BRICS summit it is hoped on the official (Chinese) side that public attention will not be focused on North Korea's nuclear weapons test], *Lianhe zaobao*, 4 September 2017, <http://www.zaobao.com.sg/znews/greater-china/story20170904-792367> (accessed 10 December 2017).

11 North Korea blew up an entrance to the mountain in the presence of foreign journalists in May 2018. However, international observers do not see this as a real concession, as the plant had already been severely damaged during the last nuclear test in September 2017.

12 "Mattis schließt Stationierung von Nuklearwaffen in Südkorea nicht aus", *Spiegel Online*, 19 September 2017, <http://www.spiegel.de/politik/ausland/nordkorea-us-verteidigungsminister-james-mattis-erwaegt-stationierung-nuklearer-waffen-in-suedkorea-a-1168590.html> (accessed 1 December 2017); "Japan Should Discuss Deployment of US Nukes inside Country", *Japan Economic Newswire*, 6 September 2017.

13 Christoph Neidhart, "Warum in Japan und Südkorea wieder über eigene Atomwaffen diskutiert wird", *Süddeutsche Zeitung*, 9 August 2017, <http://www.sueddeutsche.de/politik/atomwaffen-paragraf-des-friedens-1.3622408> (accessed 1 December 2017).



policy<sup>14</sup> and at the same time signals its willingness to cooperate with the USA in order to prevent the American from any unilateral (including military) action against North Korea.<sup>15</sup>

As a first step towards solving the North Korea problem, China has internationally promoted a “double freeze”, whereby North Korea would temporarily forego further nuclear and missile tests while the USA and South Korea would halt their joint military manoeuvres. The proposal was rejected by the USA (and Japan). But ultimately, this was in fact the (preliminary) outcome of the Trump-Kim Summit in Singapore in June 2018. After the surprising announcement of the summits not only between North and South Korea, but also between Donald Trump and Kim Jong Un, it initially seemed as if China would be left with the role of bystander in the evolving dynamics on the Korean peninsula. Since the meeting between Trump and Kim, however, it has become clear that China remains an important player in negotiations on North Korea’s future. The unexpected and initially secret visit of Kim Jong Un to Beijing at the end of March 2018 marks a turning point in Chinese-North Korean relations. The fact that Kim travelled to China both shortly before and after the Singapore Summit confirms the impression that the two leaders are once again coordinating their actions more closely.

Kim’s change of direction – suspending nuclear and missile testing and focusing on the country’s economic development – has been welcomed in Beijing. China’s long-standing efforts to persuade North Korea to open up its economy could now finally bear fruit. Shortly after the Trump-Kim Summit, China suggested that UN sanctions on North Korea could be partially lifted, but such a move has been firmly rejected by the USA since the goal of full nuclear disarmament has not yet been achieved. Given the warming ties between Pyongyang and Washington, however, there are signs that China has relaxed its enforcement of against North Korea.<sup>16</sup>

<sup>14</sup> See Justin Hastings, “Sanction Busting, North Korea-style”, *The Maritime Executive*, 12 February 2018, <https://www.maritime-executive.com/editorials/sanctions-busting-north-korean-style#gs.K6gz50s> (accessed 15 February 2018).

<sup>15</sup> Evan Osnos, “Why China Won’t Pressure North Korea as Much as Trump Wants”, *The New Yorker*, 19 September 2017, <https://www.newyorker.com/news/news-desk/why-china-isnt-ready-to-put-pressure-on-north-korea> (accessed 3 February 2018).

<sup>16</sup> Colin Zwirko and Oliver Hotham, “Kim Jong-un Making Two-day Visit to Beijing This Week: Chinese State Media”,

## Conclusion and Outlook

The “historic” summit between the US President and the North Korean leader in June 2018 helps to put realising the three most important goals of Chinese policy on the Korean peninsula – no war, no chaos, no nuclear weapons – at least theoretically within the realm of the possible. Whether the very vague and general agreements reached in Singapore will actually lead to a sustainable disarmament and peace process, however, remains uncertain. Both Beijing’s commitment to supporting Pyongyang in its economic reforms and Seoul’s interest in intensifying inter-Korean economic cooperation could help Kim to realise his plan of establishing a “socialist economy” without making any serious efforts in nuclear disarmament as agreed in principle at the summits.

However, the assessment made by many commentators that China is the true winner of the Singapore summit applies only partially. Although one of China’s core demands – to temporarily end the joint military manoeuvres with South Korea – has been fulfilled, Beijing has also lost its mediating role between Washington and Pyongyang for the time being. Thus, Beijing continues to be concerned that a rapprochement between the US and North Korea could significantly affect China’s influence on the Kim regime. As tensions between China and the USA continue to rise, Kim might make good use of the situation and play the two major powers off against each other and at the same time reduce North Korea’s dependence on China. Moreover, Beijing could lose Pyongyang as a “bargaining chip” in the ongoing trade dispute with the US.

Geostrategic competition with the US in the Asia-Pacific region continues to play a primary role in China’s foreign policy strategy on the Korean peninsula. China can have no interest in seeing the diplomatic approach fail. At the same time, however, Beijing wants to make sure that it is not left out of further negotiations over the Korean peninsula, such as over a peace treaty. Finally, it must also be prepared in case the diplomatic process fails again after all.



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[http://bit.ly/SWP18DNK\\_Regional\\_Perspectives](http://bit.ly/SWP18DNK_Regional_Perspectives)

NK News, 19 June 2018, <https://www.nknews.org/2018/06/kim-jong-un-to-make-two-day-visit-to-beijing-this-week-chinese-state-media/> (accessed 4 July 2018).

Margarete Klein

## Russia: A Possible Mediator?

As part of its turn to the East (*povorot na vostok*), Russia has been seeking a more significant role in East Asia – as one of the major regional powers that can influence key issues, such as the conflict over North Korea’s nuclear weapons and missile programme – since the second half of the 2000s. Moscow achieved its first success in this respect in 2003 with its inclusion in the six-party talks. Since the suspension of talks in 2009, Russia has sought to expand its relations with North and South Korea to gain influence both regionally and globally.

### Russia’s Threat Perception

Russia’s leadership has condemned North Korea’s nuclear and missile programme, pointing to the negative consequences that a weakening of the non-proliferation regime might have. The proliferation of weapons of mass destruction, missiles and missile technology is considered a “military threat” in Russia’s 2014 military doctrine.<sup>1</sup> Moscow is not only concerned that nuclear material or missile technology from North Korea could fall into the hands of terrorists, but also fears a loss of status if the previously exclusive circle of nuclear powers is extended. After all, Russia’s claim to being a major world power is also based on membership of this circle.<sup>2</sup>

While Russia does not consider itself to be directly threatened by North Korea’s missile and nuclear programme, indirect dangers from the crash or launch of a (misguided) North Korean missile close to, or over, Russian territory cannot be ruled out. Moscow also fears the effects of a military conflict on the Korean penin-

sula, as it shares a 17-kilometre land border and a 22-kilometre sea border with North Korea. To protect themselves against military risks, the Russian armed forces have strengthened their air and missile defence systems and early warning radars in the Far East in recent years.<sup>3</sup> Russia could react to possible migrant flows by sealing off its relatively small border section; nevertheless, the consequences for the Russian leadership of any destabilisation or disintegration of state structures in North Korea would be difficult to calculate.

In addition, the conflict threatens to change the configuration of military and political forces in the region to Russia’s disadvantage. Moscow accuses Washington of using the North Korean missile and nuclear programme merely as a pretext for an already planned military upswing in East Asia; it heavily criticises the installation of missile defence systems in South Korea and Japan in particular, which it interprets as forming part of a containment strategy that is also directed against Russia.<sup>4</sup> There is also concern – not openly expressed – about a Chinese arms build-up and a general increase in Beijing’s power. As a weak political actor in East Asia to date, Russia worries that the intensification of the North Korean problem could lead to a more bipolar regional order, and not, as it intends, a multipolar order with Russia as an important pole. Moscow therefore views the North Korea conflict not only with a narrow focus on the proliferation problem, but also in the broader context of regional strategic balance.

1 *Voennaja Doktrina Rossijskij Federatsii* [Military Doctrine of the Russian Federation], Sovet Beopastnosti Rossijskoj Federatsii – official website, 25 December 2014, <http://www.scrf.gov.ru/security/military/document129/> (accessed 7 June 2018).

2 See Artjom Lukin, “Rossiya i severokorejskij jaderniy krizis” [Russia and the North Korean Nuclear Crisis], *Izvestiya Vostochnogo Instituta* 2 (2017): 59–67 (63).

3 “Boevye razchety S-400 zastupili na dezhurstvo v Primorskom Krae” [Air Defence S-400 Deployed in the Primorsky Oblast], *Izvestiya*, 22 December 2017, <https://iz.ru/686479/2017-12-22/boevye-raschety-s-400-zastupili-na-dezhurstvo-v-primorskom-krae> (accessed 7 June 2018).

4 See Konstantin Asmolov, “The Greater Evil”, *Russia in Global Affairs*, 26 December 2017, <http://eng.globalaffairs.ru/number/The-Greater-Evil-19264> (accessed 7 June 2018).

## Possible Solutions

Even though Russia has criticised the North Korean nuclear and missile programme, it assigns the responsibility for the emergence of the conflict primarily to the USA. Pyongyang's behaviour is not interpreted as irrational, but as a comprehensible defensive reaction to Washington's offensive threat. The USA is accused of having created the incentives for North Korea's leadership equating security with nuclear deterrence through its actively pursued policy of regime change (the "colour revolutions", "Arab Spring"), terminating treaties or putting them in question (ABM Treaty, JCPoA, INF), and militarily upscaling in South Korea.<sup>5</sup>

As a result, Russia utterly rejects the options for military action discussed in the USA. The Russian leadership has also categorised as ineffective the attempt to use further sanctions in the hope of persuading North Korea to give in.<sup>6</sup> Although Moscow has agreed to UN sanctions, it believes the potential of economic sanctions has been largely exhausted since late 2017. According to President Putin, North Koreans "would rather eat grass than give up their nuclear weapons".<sup>7</sup> Russia may partly be arguing that sanctions are ineffective out of its own self-interest, wanting to discredit the West's sanctions policy towards Moscow in the wake of the Ukrainian crisis.

Russia insists on a diplomatic solution to the conflict, but is pursuing much more limited goals than the USA. A complete denuclearisation of North Korea is considered unrealistic in the short to medium term, at least as long as Pyongyang feels threatened. Moscow therefore advocates a three-step procedure: first, in a double freeze, North Korea should refrain from further missile and nuclear tests, and the USA and its regional allies from major military manoeuvres; then bilateral negotiations between Pyongyang and Washington as well as between North and South Korea would have to be launched; and, in a third step, questions relating to the denuclearisation and demilitari-

sation of the Korean peninsula would have to be negotiated within the framework of a regional security system yet to be established.<sup>8</sup>

### Moscow attaches particular importance to the establishment of a regional security system.

Moscow is working closely with its "strategic partner" China on diplomatic initiatives. In July 2017, Putin and Xi Jinping had already presented a joint "Freeze for freeze" plan.<sup>9</sup> However, the "three-stage roadmap", presented in November 2017 by Russia's Deputy Foreign Minister Igor Morgulov, reveals a number of different priorities. Moscow attaches particular importance to the establishment of a regional security system, which is not mentioned in the "Freeze for freeze" plan. Such a system would give it a formal say, which would benefit its position in Northeast Asia. Beijing, however, has shown little interest in acting to facilitate Russia's greater role in the region and has largely ignored long-standing Russian proposals to transform the six-party talks into a collective security system.<sup>10</sup> The North Korean problem thus reveals both the advantages and the limits of Moscow's "strategic partnership" with Beijing. Given Russia's growing rapprochement with China following the crisis surrounding Ukraine, it can be expected to continue coordinating its policy towards Pyongyang closely with China. After all, both countries are united by the goal of weakening the US's position in East Asia. Nevertheless, Russia cannot count on substantial support from China in its attempts to use the North Korean conflict to realise its ambitions for a great power role in the region.

5 "Russia Lambasts Both North Korea's Nuclear Gambling and US' Provocative Conduct – Lavrov", TASS, 2 December 2017, <http://tass.com/politics/978758> (accessed 7 June 2018).

6 See Andrei Lan'kov, "Kak Rossii otnosit'sja k novym sanktsjam protiv Severnoj Korei" [How Russia reacts to new sanctions against North Korea] (Moscow: Carnegie Moscow Center, 16 January 2018), <https://carnegie.ru/commentary/75259> (accessed 6 July 2018).

7 "North Korea Nuclear Crisis: Putin Calls Sanctions Useless", BBC, 5 September 2017, <http://www.bbc.com/news/world-asia-41158281> (accessed 7 June 2018).

8 "Valdai Club Asian Conference Focuses on Economic Cooperation and Security", *valdai.club* (online), 27 November 2017, <http://valdaiclub.com/events/posts/articles/valdai-presser-seoul/> (accessed 7 June 2018).

9 "Press Statement Following Russian-Chinese Talks" (Moscow: The Kremlin, 4 July 2017), <http://en.kremlin.ru/events/president/news/54979> (accessed 12 July 2018).

10 See Artyom Lukin and Georgy Toloraja, "Moscow's Diplomatic Game on the Korean Peninsula", in Artyom Lukin et al., *Nuclear Weapons and Russian-North Korean Relations* (Philadelphia: Foreign Policy Research Institute, 2017), 49–63 (52); Georgij Toloraja, "Rossiya i problem korejskogo poluostrova na sovremennom etape" [Russia and the problems on the Korean peninsula at the current stage], *Mezhdunarodnye otnosheniya* 4 (2014): 82–90 (90).

Against this background, Russia has welcomed the substantive results of the meetings between South and North Korea and between Kim and Trump, as they contain important elements of its own approach to conflict resolution and create an opportunity to reduce sanctions and thus improve trade relations with South and North Korea.<sup>11</sup> However, Moscow was barely involved in the diplomatic process that led to the summits. While North and South Korea show interest in integrating Russia more closely into the process ahead, Moscow fears that the USA and China will marginalise it. To avoid being marginalised in the North Korean conflict, Moscow is therefore increasingly focusing on contacts with South and North Korea. In late June 2018, Putin received South Korea's President Moon for talks in Moscow; in late May Foreign Minister Sergei Lavrov had already travelled to Pyongyang for a meeting with Kim Jong Un and had delivered an invitation for a state visit to Moscow. As these visits among demonstrate, Russia wants to become more visible in the North Korea conflict resolution.<sup>12</sup>

### Russia as Mediator? Arguments for ...

In December 2017 Lavrov had already declared his country's willingness to serve as a mediator in the conflict over North Korea's nuclear and missile programme.<sup>13</sup> Even though it seems unlikely that Russia will be able to assume a prominent mediating position following the Trump-Kim Summit, the demand for greater Russian involvement may increase if it turns out that the vague summit declaration between Trump and Kim is difficult to translate into substantial concrete progress.

First, the fact that Moscow maintains good relations with both North and South Korea speaks in favour of a Russian mediating role. In Soviet times,

Moscow supported Pyongyang ideologically, economically and technologically. The relationship cooled considerably in the first half of the 1990s, partly due to Moscow converting bilateral trade to a foreign exchange rate and thus terminating its subsidised energy supplies, as well as Russia opening up politically towards South Korea. However, its reduced political and economic relations with North Korea proved counterproductive. Since Moscow no longer had any channels of influence in Pyongyang, the other actors – such as Japan, South Korea and the USA – saw no added value in including Russia in conflict resolution formats.

After taking office in 2000, President Putin therefore modified the previous policy on Korea, reviving and expanding economic and political relations with Pyongyang (though not to their original level). He was the first Russian President to travel to Pyongyang in 2000, and return visits by Kim Jong Il took place in 2001, 2002 and 2011. In 2012, Moscow cancelled 90 percent of Pyongyang's \$10 billion debt. Throughout Russia's alienation from the West from 2014 onwards, bilateral relations further intensified, a fact reflected in high-ranking delegation visits.<sup>14</sup> Russia's post-Soviet leadership also cultivated relations with South Korea. Following the establishment of diplomatic relations in 1991, both sides have pushed ahead with their political and especially their economic relations, aiming since 2008 to establish a "strategic partnership".<sup>15</sup> With a trade volume of 12 billion US dollars in 2017, South Korea now ranks seventh amongst Russia's most important trading partners.

Second, Russia's role as a mediator is supported by the fact that Moscow would benefit politically and economically from an easing of the conflict. Since the 1990s, Russia has wanted to link its own Far East to any new trans-Korean transport and infrastructure projects being created so as to expand its trade with South Korea, free itself from over-dependence on China as the most important trading partner and investor in the weakly developed and sparsely populated Far East, and extend its own political role on the

<sup>11</sup> "Meeting with Chairman of the DPRK Supreme People's Assembly Presidium Kim-yong Nam" (Moscow: The Kremlin, 14 June 2018), <http://en.kremlin.ru/catalog/countries/KP/events/57784> (accessed 6 July 2018).

<sup>12</sup> The North Korean Foreign Minister travelled to Moscow on 4 April 2018; two days after the Trump-Kim Summit, the President of the Presidium of the North Korean Supreme People's Assembly met Putin in Moscow.

<sup>13</sup> Catherine Wong, "Could Russia Replace China as Power Broker on North Korea?", *South China Morning Post* (online), 9 December 2017, <http://www.scmp.com/news/china/diplomacy-defence/article/2123562/could-russia-replace-china-power-broker-north-korea> (accessed 7 June 2018).

<sup>14</sup> See Sergei Golunov, *Does North Korea Have a Place in Russia's "Turn to the East"?*, PONARS Eurasia Policy Memo 428 (Washington, D.C.: Institute for European, Russian and Eurasian Studies [IERES] at the George Washington University's Elliott School of International Affairs, 2016).

<sup>15</sup> "Interview with South Korean Media" (Moscow: The Kremlin, President of Russia – official website, 9 January 2010), <http://eng.news.kremlin.ru/news/1277/print> (accessed 7 June 2018).

peninsula within the framework of trilateral projects. Moscow also believes these projects contribute to easing tensions between North and South Korea by creating incentives for cooperation through economic interdependence. Inter alia, Russia has launched the construction of a rail link and plans to build electricity lines and a gas pipeline. The sanctions imposed on North Korea from 2016 onwards prevent it from implementing further investment projects, such as modernising the North Korean railway system and power grid, and generally hamper the expansion of Russian-North Korean trade relations.<sup>16</sup>

An easing of the North Korea conflict with prominent Russian participation would also represent a prestigious domestic and foreign policy success for the Kremlin. Since the interventions in Donbas and Syria, Russia's leadership has tried to dispel the impression domestically that it is plunging headlong into costly and unpredictable situations. Instead, the Kremlin seeks to present itself as a "force for peace" that solves conflicts set in motion by Western actors – above all the USA. Moscow may also feel motivated to cooperate in resolving the North Korean conflict so as to improve its shattered relationship with large parts of the US political establishment. Since the crisis over Ukraine, Moscow has been striving to "compartmentalise" its relations with the USA, so that individual areas of conflict – for example, the Euro-Atlantic security order or Ukraine – are put to one side, making transactional or even cooperative policies in other regions possible.

### ... and against

While Russia could benefit in many ways from successfully mediating in the North Korean conflict, it is doubtful whether it could fulfil this role. First, its

<sup>16</sup> The state company "Russian Railways" has already completed the 54 kilometre connection from Russian Khasan to North Korean Ranjin for \$171 million and invested \$109 million in a cargo terminal in Ranjin. These investments will only pay for themselves when the connection to South Korea is built. However, this project is on hold due to the current tensions, as are the gas pipeline and electricity connection to South Korea. The sanctions imposed in 2016 and 2017 inter alia restrict trade in coal and oil, complicate financing, and ban renewing employment contracts with North Korean migrant workers. Lake Artyom Lukin/Liudmila Zakharova, "Russia-North Korea Economic Ties: Is There More Than Meets the Eye?", in Lukin et al., *Nuclear Weapons and Russian-North Korean Relations* (see note 10), 15–29.

ability to exert substantial influence on the leadership in Pyongyang is questionable. Moscow has indeed expanded its communication channels to North Korea; it is also one of the few countries that trade with Pyongyang and is one of North Korea's few connections to the outside world.<sup>17</sup> However, these communication channels, trade relations and infrastructure connections, only provide very limited opportunities for actual impact. Russia's influence channels and coercion potential are much weaker than that of China. While North Korea's trade volume with Russia was 77 million US dollars in 2016, it was more than 50 times as high with China: five billion US dollars.<sup>18</sup> Even the fact that Russia plays a prominent role for North Korea – for example as a supplier of coal and oil and as the host country to the largest contingent of North Korean workers abroad (around 30,000) – has not been helpful for exerting political influence in the past.

### Moscow will probably not invest very much diplomatic capital in mediating between North Korea and the US.

Second, it is debatable whether Russia could demonstrate the necessary degree of impartiality to bring together the divergent approaches of the US and China, and South and North Korea. Moscow is less biased in the conflict between South and North Korea than Beijing or Washington, and maintains good relations with both states. However, as a major global power, Russia has since 2014 increasingly leaned on China, whilst its relationship with the USA suffers from geopolitical rivalries and a massive loss of confidence due to the Ukraine crisis. Russia faces a dilemma here. Given its increasing asymmetry of power with China – to its own disadvantage – there are certainly incentives for improving relations with the USA via the North Korea problem, and thus expand-

<sup>17</sup> A rail link connects the Russian city Khasan with North Korean Ranjin. There are ferry connections across the river Tumen (since 2017), and twice weekly flights between Pyongyang and Vladivostok. Moreover, North Korea's access to the Internet is partly via private Russian companies.

<sup>18</sup> While the Soviet Union still accounted for 50 percent of North Korea's foreign trade in the 1970s and 1980s, this shrank to 1.2 percent in 2016. Russia's real share is likely to be higher, since it is estimated that as much as one third of the goods delivered to North Korea via China originate from Russia – but this does not give Russia any influence in North Korea. See Lukin and Zakharova, "Russia-North Korea Economic Ties" (see note 16), 15ff.



ing its room for manoeuvre vis-à-vis China. But Moscow would have to abandon its close coordination with Beijing and take American interests much more into account than before. In return, it would run the risk of deteriorating relations with Beijing.<sup>19</sup>

Against this background, Russia is interested in a visible involvement in the negotiation process for status reasons and to safeguard its interests. Given its good relations with both North and South Korea, it can also play a supportive role in bringing the two countries closer together. However, it is unlikely that Moscow will invest much diplomatic capital in mediating between North Korea and the US or China and the US – especially as Russia would certainly benefit more from a solution than from an escalation of the dispute, but can live with a continuation of the conflict. Moscow's perception of a military threat is comparatively low, and the expected economic gains from the withdrawal of sanctions are not crucial. Moscow could even capitalise on controlled instability in the region. After all, this ties up US military forces and intensifies its rivalry with China, a constellation that Moscow can use to maintain and expand its leeway vis-à-vis both Washington and Beijing. A much greater Russian commitment can only be expected if the conflict threatens to escalate militarily.

### Opportunities for Cooperation with Russia: Limited and Untapped

Russia and the EU share common interests in the conflict over North Korea's nuclear and missile programme. Both want to prevent a military escalation, both are interested in preserving the non-proliferation regime, and both aim to establish a collective security system for the region. Nevertheless, the potential for cooperation between Moscow and Brussels is limited.

This is due, first, to the fact that Russia and the EU differ on who is responsible for the conflict: Russia primarily blames the US, the EU blames North Korea. As a result, they have adopted diverging approaches to conflict resolution. While both sides advocate a path of diplomatic negotiations, they assess the benefits of existing and potential new sanctions differently.

<sup>19</sup> See Alexandr Gabuev, "Global'noe sopernichestvo velikich derzhav: vliyanie na Korejskiy poluostrov" [The global rivalry of the great powers: influence on the Korean peninsula] (Moscow: Moscow Carnegie Center, 19 June 2018), <https://carnegie.ru/2018/06/19/ru-pub-76620> (accessed 6 July 2018).

Moscow had agreed to economic sanctions in 2016 and 2017, but had partially softened them in advance; there are also reports that Russian companies are circumventing the sanctions by smuggling in the border region.<sup>20</sup> Moreover, Russia itself was sanctioned by the West in the wake of the Ukrainian crisis and will show no interest in declaring the same instrument effective against North Korea. The EU's calls for more Russian "compliance" with the sanctions imposed on Pyongyang therefore have little chance of success.

Second, the potential for cooperation is limited by a lack of trust – mainly due to the Ukrainian crisis, but also because of reports that Pyongyang received supplies for its missile construction from and via Russia.<sup>21</sup> And third, Moscow does not perceive the EU as an equal political actor in East Asia. From a Russian perspective, cooperation with Brussels therefore offers little potential for upgrading its own position in the region. Beyond coordinating with China, Moscow is more likely to try to enter into a dialogue with the Trump administration on the North Korean problem and to compartmentalise the heavily strained Russian-American relations.

Despite the difficulties, it would make sense for the EU and Russia to sound out their potential for cooperation on the North Korean issue to a greater extent than hitherto, for example through expert dialogues involving official representatives in the "Track 1.5" format. The immediate focus should be on how the extended negotiation process and implementation of the results agreed therein can be jointly supported. With perspective, it would then also be possible to determine what opportunities exist for cooperating on trans-Korean infrastructure and trade projects.



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<sup>20</sup> Ian Talley, "U.N. Report Faults China, Russia for Subverting North Korean Sanctions", *Wall Street Journal*, 2 February 2018, <https://www.wsj.com/articles/u-n-report-faults-china-russia-for-subverting-north-korea-sanctions-1517610153> (accessed 6 July 2018).

<sup>21</sup> North Korea's cooperation with smuggler networks from the Soviet Union and Russia in the 1980s and early 1990s is well documented; it is unclear, however, whether these networks are still active and/or whether they are tolerated or even supported by the Russian government. See Robert Schmucker and Markus Schiller, "Nordkoreas Raketenprogramm – Bedrohung oder Bluff?", *SIRIUS* 1, no. 4 (2017): 319–41.

Hanns Günther Hilpert and Elli Pohlkamp

## Japan: On the Sidelines

Japan's relations with North Korea are historically extremely strained. Not least due to this, North Korea's nuclear weapons and missiles pose a serious military threat to the Japanese islands of the Korean peninsula. Since Japan itself does not maintain diplomatic relations with the Democratic People's Republic of Korea and constitutionally limits its military clout to self-defence, it is diplomatically and militarily dependent on America in the nuclear conflict. However, the threat perceptions and political goals of the two allies diverge to some extent. In addition, the nuclear conflict has a complex domestic dimension for the government in Tokyo.

### Relationships Burdened by History

In Korea, colonisation by Japan (1910–45) was perceived politically as foreign rule, economically as exploitation, and culturally as an attempt at assimilation. Resistance against the former colonial power is therefore part of the founding myth of North Korea's anti-imperialist state doctrine. When Japan provided military bases (such as Okinawa) and civilian supplies to the USA during the Korean War (1950–53), Tokyo was also considered an enemy of the North. While South Korea normalised its bilateral relations with Japan in 1965 – the two sides signed a basic treaty, and Japan granted donations and loans amounting to \$500 million – North Korea increasingly became a nuisance and problem from a Japanese point of view. The terrorist Japanese Red Army used North Korea as a retreat; in the late 1970s Japanese citizens were kidnapped there.

Following the end of the Cold War in Europe, Japan and North Korea also sought normalisation, with the first official talks taking place in 1991. Japan offered an apology for its colonial rule, and North Korea belatedly fulfilled its obligation to have the nuclear facilities at Yongbyon inspected by the International Atomic Energy Agency. In 1992, however, bilateral talks were broken off because North Korea officially

denied the kidnapping of Japanese citizens. It was not until ten years later, when Japan's Prime Minister Koizumi Junichirō travelled to Pyongyang and met Kim Jong Il, that the kidnappings were first acknowledged by North Korea. Japan was informed that eight of the thirteen (confirmed) abductees had already died. Pyongyang's admission of responsibility for the kidnappings, coupled with the exit permit for the five survivors, paved the way for signing the Pyongyang Declaration, in which Japan apologised for its colonial rule and offered an economic aid package as compensation. In return, North Korea promised to solve missile and nuclear issues through dialogue, and to refrain from kidnappings in future.

The nuclear crisis that intensified in 2002/2003 once again alienated the two countries. North Korea's declaration that it would participate in the six-party talks was followed in 2004 by a second visit by Koizumi, during which the two sides reaffirmed the Pyongyang Declaration. However, the hoped-for normalisation was not achieved. After North Korea transferred two sets of human remains to Japan that were shown by DNA analysis not to be from any of the abduction victims, a new ice age began. From then on, discussions were only conducted at the working level, without any success. To this day, North Korea's nuclear armament, its repeated nuclear weapons and missile tests, the clarification of the fate of all kidnapped Japanese nationals, the sanctions imposed on North Korea, and the size of economic aid payments are irreconcilable points of contention.<sup>1</sup>

One legacy of the colonial era is the Korean minority living in Japan, who is at least 500,000 strong. However, it does not form a homogeneous group since its loyalty is divided between North Korea (*Chosen Sōren*) and South Korea (*Mindan*).<sup>2</sup> The Chosen Sōren group,

1 Aurelia Mulgan, "Japan-North Korea Relations", in *Japan's Foreign Relations in Asia*, ed. James D. J. Brown and Jeff Kingston (London: Routledge, 2018), 235.

2 Ludgera Lewerich, *Zaimichi-Korean – Die koreanische Minderheit in Japan* (University of Tübingen, March 2011), <http://>

politically close to North Korea, is much the larger. In the absence of official diplomatic representations, their branches in North Korea are considered unofficial Japanese embassies.

**The four islands of the Japanese archipelago “should be sunken into the sea by the nuclear bomb of Juche”.**

For several years, Chosen Sôren supplied North Korea with goods, expertise, and luxury goods, and financially supported the regime. The Japanese authorities are therefore keeping close watch over it. The group has no direct influence on Japan’s Korean diplomacy.

### Real Threats

North Korea’s missiles, which Japan must assume have nuclear capability, threaten the Japanese island archipelago. Japan is within range of several successfully tested (Nodong) short- and medium-range missiles.<sup>3</sup> According to official DPRK announcements, the former colonial power is their chosen destination: “The four islands of the Japanese archipelago should be sunken into the sea by the nuclear bomb of Juche.”<sup>4</sup> Other possible targets are Japanese cities or American military bases such as Okinawa. However, catastrophic effects could also be expected from non-nuclear attacks: North Korea could equip its missiles with chemical weapons.

Japan had to accept the violation of its territorial sovereignty on several occasions. In 2016, North Korea tested over twenty ballistic missiles, three of which came down in waters belonging to Japan’s

exclusive economic zone. In 2017, eleven successful tests were conducted on missiles, five of which either struck Japanese waters or flew over Japanese territory.<sup>5</sup> In its 2017 Defence White Paper, Tokyo rated this development a “new threat level for the region and Japan”.<sup>6</sup> In January 2018, Prime Minister Abe Shinzô declared that North Korea’s development of nuclear weapons and missiles represented a threat to his country that was unprecedented in its gravity and acuteness.<sup>7</sup>

### Goals, Strategies, Options

In its relations with Pyongyang, Tokyo’s political objectives are full denuclearisation, the cessation or prevention of proliferation, the unequivocal clarification of the fate of the persons abducted from Japan, and an end to the colonial past.<sup>8</sup> Militarily, it aims to protect its territory against North Korean attacks and associated blackmail attempts. However, Japan’s possibilities to react militarily or diplomatically or exert influence on North Korea are limited.

Diplomatically, Tokyo traditionally pursues a strategy of dialogue and pressure. However, in response to North Korea’s multiple missile launches the dialogue strategy was largely abandoned in favour of one of maximum pressure. Prime Minister Abe Shinzô, who is regarded as a hardliner in relation to North Korea, repeatedly stated that talks could only be resumed if North Korea took concrete steps towards the complete and irreversible dismantling of its nuclear programme, and clarified the fate of the kidnapped.<sup>9</sup> According to

[www.jdzb.de/fileadmin/Redaktion/PDF/veroeffentlichungen/tagungsbaende/D61/15-p1340%20lewerich.pdf](http://www.jdzb.de/fileadmin/Redaktion/PDF/veroeffentlichungen/tagungsbaende/D61/15-p1340%20lewerich.pdf) (accessed 15 April 2018).

3 Hirofumi Tosaki, *The North Korean Nuclear Issue and Japan’s Deterrence Posture* (Tokyo: The Japan Institute of International Affairs, 2017), 3f., [https://www2.jiia.or.jp/en/pdf/digital\\_library/world/170314\\_tosaki.pdf](https://www2.jiia.or.jp/en/pdf/digital_library/world/170314_tosaki.pdf) (accessed 10 March 2018).

4 “North Korea Threatens to Sink Japan’s Four Main Islands into the Sea with a Nuclear Bomb”, *The Japan Times*, 14 September 2017, <https://www.japantimes.co.jp/news/2017/09/14/national/politics-diplomacy/north-korea-threatens-sink-japans-four-main-islands-sea-nuclear-bomb/> (accessed 20 April 2018).

5 Hiroyasu Akutsu, *North Korea’s Missile Shower Cements Japan’s Defense Strategy* (East Asia Forum, 2018), <http://www.eastasiaforum.org/2018/03/03/north-koreas-missile-shower-cements-japans-defence-strategy/> (accessed 23 March 2018).

6 Ministry of Defence, *Defense of Japan, Annual White Paper*, 2017, [http://www.mod.go.jp/e/publ/w\\_paper/2017.html](http://www.mod.go.jp/e/publ/w_paper/2017.html) (accessed 1 April 2018).

7 Itsunori Onodera, “Kitachôsen kiki wo kokufuku dekiru ka” [Can the North Korea crisis be resolved?], *Gaikou* 44 (July/August 2017), <http://www.mofa.go.jp/mofaj/files/000295526.pdf> (accessed 23 March 2018).

8 Masaharu Kohno, “Neutralize the North Korean Threat”, *Brussels Forum 2018* (The German Marshall Fund), <http://brussels.gmfus.org/videos/brussels-forum-2018-neutralize-north-korea-threat> (accessed 13 March 2018).

9 “Prospect of U.S.-North Korea Summit Prompts Jitters in Tokyo about Being Left Vulnerable”, *The Japan Times*, 7 March 2017, <https://www.japantimes.co.jp/news/2018/03/07/>



the Abe administration, it is essential to have unity between Japan and its coalition partners, in particular the United States, on whose military assistance and nuclear shield Japan's security depends; efforts to establish such unity and repeatedly convince the coalition partners of the strategy of maximum pressure was the Japanese government's focus – until President Trump's surprising turnaround at the Singapore Summit.<sup>10</sup> In its role of "tough and cautious cop", Tokyo pushed multilaterally for consistently pursuing the strategy of maximum pressure; while unilaterally or together with its allies, it advocated the implementation of the sanctions and gave decisive support to international efforts to return North Korea to the nuclear non-proliferation treaty and place the North Korean nuclear programme under the supervision and regulation of the IAEA.<sup>11</sup> Japan is offering the IAEA 300 million yen (around 2.2 million euros) to implement the required denuclearisation.<sup>12</sup>

As a proponent of a policy of far-reaching sanctions against North Korea, Japan diplomatically influences third countries in Southeast Asia and Africa to actually implement the agreed punitive measures, as well as imposing its own sanctions, some of which are much stricter than the UN's. While implementing international and national decisions, the Japanese authorities face the challenge of preventing sanctions violations emanating from within Japan, for example by Chosen Sören.

Militarily, Japan has invested in defending against ballistic missiles, increasing the necessary budget funds to 67.9 billion yen (around 500 million euros) in the 2017 financial year. This included the acquisition of new ship-based systems for Japan's AEGIS destroyers and land-based Patriot PAC III missile interceptors. Since 2017, trilateral missile defence ma-

noeuvres have also been held with the US and South Korea. The government would also like to acquire the US Aegis Ashore System. The J-alert system was introduced to warn the civilian population of possible attacks.<sup>13</sup>

At the multilateral level, Japan sees itself as a partner both in the bilateral security alliance with the US and in trilateral security cooperation with South Korea and the US. Japan is striving to expand both, and to promote communication within them.<sup>14</sup> Not least in response to North Korea's nuclear and missile programme, Tokyo has tackled numerous security policy reforms in recent years, and expanded its own possibilities, both legal and military, for collective self-defence.<sup>15</sup> In addition, an exchange of intelligence information was contractually agreed with South Korea in 2016; and Japan, as a member of the United Nations Command (UNC), is contributing to the defence of South Korea. Its UNC rear headquarters, which monitors compliance with the Status of Forces Agreement (SOFA) introduced in 1954, is based in Yokota, Japan.

## Dilemmas

There are two fundamental concerns as regards the US – Japan's indispensable security guarantor. On the one hand, if the USA actually countenances an attack on North Korea, Japan might get drawn into a war and possibly even become the first victim of a North Korean nuclear strike. On the other hand, it fears that an isolationist America could withdraw from the region.

national/politics-diplomacy/prospect-u-s-north-korea-summit-prompts-jitters-tokyo-left-vulnerable/#.Ws3o8i\_5y9Y (accessed 7 March 2017).

**10** Shinzō Abe, "Address by Prime Minister Shinzo Abe at the Seventy-second Session of the United Nations General Assembly", The Government of Japan, 20 September 2017, [https://japan.kantei.go.jp/97\\_abe/statement/201709/\\_00010.html](https://japan.kantei.go.jp/97_abe/statement/201709/_00010.html) (accessed 9 April 2018).

**11** Sakata Yasuyo, *The North Korean Dilemma and Japan* (Power Point-Handout, March 2018).

**12** Julian Ryall, "Japan Offers to Pay £2m for Inspections of North Korea Nuclear Facilities", *The Telegraph*, 11 March 2018, <https://www.telegraph.co.uk/news/2018/03/11/japan-offers-pay-2m-inspections-north-korea-nuclear-facilities/amp/> (accessed 15 March 2018).

**13** Sheila A. Smith, "What a U.S.-North Korean Summit Means for Japan", *Foreign Affairs*, no. 3 (2018), <https://www.foreignaffairs.com/articles/japan/2018-03-14/what-us-north-korean-summit-means-japan> (accessed 25 March 2018).

**14** Hirofumi Tosaki, *The North Korean Nuclear Issue and Japan's Deterrence Posture* (Tokyo: The Japan Institute of International Affairs, 2017), [https://www2.jiia.or.jp/en/pdf/digital\\_library/world/170314\\_tosaki.pdf](https://www2.jiia.or.jp/en/pdf/digital_library/world/170314_tosaki.pdf) (accessed 10 March 2018).

**15** See Alexandra Sakaki, *Japans Sicherheitspolitik: Richtungswechsel unter Abe?*, SWP-Studie 21/2014 (Berlin: Stiftung Wissenschaft und Politik, December 2014), 16.

## From the Japanese perspective, the maximum pressure strategy should be continued.

The unpredictability of President Donald Trump's foreign and security policy – as shown, for example, in the surprising agreement on a summit meeting with Kim Jong Un in Singapore, which was not previously agreed with the Abe government – deeply unsettles Japan. It has long suspected that the US and South Korea exclude Japan from dialogue with North Korea (*Japan passing*).<sup>16</sup> Tokyo recognises the Singapore Agreement itself as a necessary first step in the diplomacy, but criticises it as inadequate and not sufficiently specific on the denuclearisation objective. Japan still fears that the USA could reach an agreement with North Korea on a ban on long-range missiles that would exclude short- and medium-range missiles (which threaten Japan) since these cannot reach the USA. The (helpless) realisation that Japan's allies, South Korea and the US, are holding summits with North Korea without insisting in advance that North Korea keep its promise to initiate denuclearisation heightens these concerns. From the Japanese perspective, the strategy of maximum pressure should be maintained until concrete agreements have been reached and North Korea has demonstrably taken appropriate steps.<sup>17</sup>

Japan finds itself in a weak position vis-à-vis North Korea following the summit meetings between the presidents of China, South Korea and the US with Kim Jong Un. After initial reservations, North Korea is now in favour of the Japanese proposal that Prime Ministers Abe Shinzō and Kim Jong Un also hold a summit meeting. However, the prospects of a North Korean-Japanese agreement on establishing diplomatic relations, Japan paying reparations, and North Korea clarifying the kidnapping issue remain unfavourable.

<sup>16</sup> Kenji Isezaki, “kita no ‘zanshu sakusen’ wa dare mo kangaete inai? Nihon wa ‘kaya no soto’ na kitachousen mondai” [Does nobody think of North Korea's “decapitation strategy”? The North Korea problem where Japan is left out], *AERA*, 13 March 2018, <https://dot.asahi.com/aera/2018031200057.html?page=1> (accessed 15 March 2018).

<sup>17</sup> See Daniel Hurst, “The Trump-Kim Summit: The View from Japan”, *The Diplomat online*, 12 June 2018, <https://the-diplomat.com/2018/06/the-trump-kim-summit-the-view-from-japan> (accessed 28 June 2018).

According to unofficial statements, Pyongyang considers the kidnapping issue to have been resolved.<sup>18</sup>

Japan's pacifist constitution (Article 9) generally restricts its possibilities for military action. The Japanese military is only allowed to defend itself. Moreover, Japan's hands are tied – apart from diplomatic influence on the USA. However, as mentioned above, Japan is permitted to engage in collective self-defence as a result of its 2016 security policy reforms. This strictly defensive security policy orientation is deeply anchored in domestic policy, and a majority of Japanese respondents to a January 2018 survey were not convinced that the North Korean conflict could be resolved militarily, even though the majority of the population considers North Korea to be a very serious threat. Nor did the respondents support the stationing of American nuclear warheads in Japan for protection.<sup>19</sup>

At the same time, Japan's tough attitude toward North Korea also has domestic causes. Abe Shinzō's rise to prime minister is closely linked to his commitment to fully explaining the fate of the kidnapped. He will therefore find it nearly impossible to enter into an agreement with North Korea without some concessions in solving the kidnapping problem. He is also instrumentalising the threat from North Korea to implement the constitutional reforms he seeks. In this respect, the confrontational strategy of maximum pressure is convenient for the Abe administration. No consideration is given to the sensitivities of the Korean minority living in Japan, which has to struggle with social marginalisation and internal identity conflicts.<sup>20</sup>



**Online dossier: Additional resources and SWP publications on this topic**

[http://bit.ly/SWP18DNK\\_Regional\\_Perspectives](http://bit.ly/SWP18DNK_Regional_Perspectives)

<sup>18</sup> “Via Unofficial Route, North Korea Informed Japan Earlier in Year That Abduction Issue Had Been Resolved: Sources”, *The Japan Times*, 8 April 2018, <https://www.japan-times.co.jp/news/2018/04/08/national/politics-diplomacy/via-unofficial-route-north-korea-informed-japan-earlier-year-abduction-issue-resolved-sources/#.Wsy-3mb5xmA> (accessed 9 April 2018).

<sup>19</sup> “Views of the Japanese and American People on the North Korean Situation”, *GENRON NPO*, 8 January 2018, [http://www.genron-npo.net/en/opinion\\_polls/archives/5385.html](http://www.genron-npo.net/en/opinion_polls/archives/5385.html) (accessed 16 March 2018).

<sup>20</sup> See Thomas Awe, *Patriotismus und Diaspora im Japan der Nordkoreakrise*, KAS-Länderbericht Japan (Konrad-Adenauer-Stiftung e.V. [KAS], December 2017).

Oliver Meier

# Non-Proliferation: Containing a Rule Breaker

North Korea's nuclear weapons programme poses a unique challenge to the nuclear non-proliferation regime. North Korea is the only non-nuclear-weapon state to have developed nuclear weapons after acceding to the Nuclear Non-Proliferation Treaty. Only North Korea has declared its withdrawal from the NPT.<sup>1</sup> In the last twenty years, North Korea alone has tested nuclear weapons.

North Korea's repeated negative precedent-setting is exacerbated by the fact that Pyongyang's successful nuclear weapons programme runs counter to the generally positive development in the field of non-proliferation. No state has been suspected of secretly developing nuclear weapons since the agreement on, and successful implementation of, the Joint Comprehensive Plan of Action (JCPOA) to settle the dispute over Iran's nuclear programme in July 2015. If the international community managed to convince North Korea to abandon nuclear weapons, there would be exactly as many nuclear weapon states in the world today as there were some forty years ago, namely eight.<sup>2</sup>

1 Just how extraordinary this step is can be seen by the fact that no other state has terminated its membership in a multilateral disarmament and arms control regime. Only Palestine withdrew its signature to the Chemical Weapons Convention (CWC) at the beginning of 2018, but has since reversed the decision. See "Palestine: From a 'Will-be' Party to the CWC to a 'Would-have-been'?", *The Trench*, 16 January 2018, <http://www.the-trench.org/palestine-and-cwc-accession/> (accessed 5 June 2018); Organisation for the Prohibition of Chemical Weapons, "State of Palestine Joins the Organisation for the Prohibition of Chemical Weapons", *opcw.org*, 21 June 2018, <https://www.opcw.org/news/article/state-of-palestine-joins-the-organisation-for-the-prohibition-of-chemical-weapons> (accessed 5 August 2018).

2 The other states possessing nuclear weapons are those recognised in the NPT (China, France, Russia, the UK and the USA) and those outside the NPT: India, Israel and Pakistan. South Africa, Belarus, Kazakhstan and Ukraine have relin-

quished their existing arsenals and renounced the possession of nuclear weapons.

Dealing with North Korea's nuclear weapons programme is therefore particularly important for the future of the nuclear non-proliferation regime. A solution to the conflict, however, is also especially difficult. North Korea considers its security situation to be precarious; a partitioned state that is on the losing side in the competition between political systems, it has been formally at war with the USA since 1950. North Korea's authoritarian, repressive and strongly ideological political system and its struggle for economic self-sufficiency set the country apart from others possessing nuclear weapons and make it more difficult to influence from the outside. There are no North Korean actors other than the government with whom a dialogue could be conducted. The regime's extreme secrecy makes an independent assessment of its nuclear capabilities difficult.

Two overlapping non-proliferation challenges need to be distinguished in dealing with North Korea: the international community must provide an appropriate institutional reaction within the non-proliferation regime – essentially the NPT and the International Atomic Energy Agency; and substantial progress must be achieved in the country's nuclear disarmament as well as preventing the proliferation of sensitive technologies to and from North Korea.

## North Korea and the Non-Proliferation Regime

North Korea is no hermit state. The country is involved in a number of regional or global treaties and institutions, and does not hesitate to use these forums to expand its political influence.<sup>3</sup> To a limited extent,

quished their existing arsenals and renounced the possession of nuclear weapons.

3 Eric J. Ballbach, "North Korea's Engagement in International Institutions: The Case of the ASEAN Regional

this also applies to treaties relevant to weapons of mass destruction.<sup>4</sup> However, Pyongyang is not prepared to constrain its own military capabilities under such treaties or to be more transparent about them. For example, North Korea is not a member of any treaty containing verification measures, such as the 1993 Chemical Weapons Convention.

From the outset, the country had been an outsider in the NPT, generally suspected of only joining in 1985 in exchange for a Soviet technology transfer during the construction of the nuclear power plant in Yongbyon. North Korea is the first country the IAEA was able to catch red-handed, during a significant attempt at deception, independently and without the help of intelligence services.<sup>5</sup> Pyongyang only accepted the IAEA's comprehensive safeguards, which are compulsory for non-nuclear weapons states that are members of the NPT, very late: in 1992.<sup>6</sup> During the sub-

Forum", *International Journal of Korean Unification Studies* 26, no. 2 (2017): 35–65.

4 In the 1980s especially, North Korea acceded to a number of such agreements. These include in particular the Treaty on the Non-Proliferation of Nuclear Weapons and the related renunciation of nuclear weapons (accession 12 October 1985; declaration of withdrawal 10 January 2003); the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare of 1925 (accession 8 December 1988), which prohibits the use of biological and chemical warfare agents; the Biological Weapons Convention, which comprehensively prohibits the development and possession of biological weapons (accession 13 March 1987); the Space Treaty prohibiting the stationing of nuclear weapons in space (accession 5 March 2009); the Antarctic Treaty and the associated renunciation of military use of the Antarctic (accession 21 January 1987); the Environmental Modification Convention (ENMOD Convention), which prohibits the hostile use of environmental modification techniques (accession 8 November 1984), and the Conventions on Early Notification of a Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency, adopted after the Chernobyl Accident (signatory state, accession 29 September 1986).

5 See Trevor Findlay, *Proliferation Alert! The IAEA and Non-Compliance Reporting* (Cambridge, Mass.: Harvard Kennedy School, Belfer Center for Science and International Affairs, last update 6 January 2018), 99, <https://www.belfercenter.org/sites/default/files/files/publication/proliferationalert-web.pdf> (accessed 6 January 2018).

6 In 1977 it had placed two research facilities under facility-specific safeguards. See International Atomic Energy Agency, *Fact Sheet on DPRK Nuclear Safeguards*, <https://www.iaea.org/newscenter/focus/dprk/fact-sheet-on-dprk-nuclear-safeguards> (accessed 5 June 2018).

sequent inspections, the IAEA discovered that Pyongyang's declaration was inconsistent and found indications that North Korea had secretly reprocessed plutonium.

In the course of this first nuclear crisis, North Korea declared its first withdrawal from the NPT on 12 March 1993. Withdrawal is permitted under Article 10 if "extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests" of the member state. Shortly afterwards, however, Pyongyang suspended the withdrawal proceedings.

During the second nuclear crisis, North Korea declared on 10 January 2003 that this suspension had lapsed and that the country was thus no longer a member of the NPT as of 11 January. Some NPT members, including Germany, continue to question the formal admissibility of these withdrawal announcements. They argue, for example, that it was not possible simply to suspend the three-month notification period until the withdrawal announced in 1993 became legally effective. The country is therefore in a diplomatic grey zone as regards its position under the NPT.<sup>7</sup>

### Recognising North Korea as a nuclear weapons state is out of the question because many states would see it as rewarding Pyongyang's rule-breaking.

The international community has repeatedly made it clear that it cannot recognise North Korea as a nuclear-weapon state.<sup>8</sup> Such recognition would be legally inadmissible because, under the NPT, only countries which manufactured and detonated a nuclear weapon or other nuclear explosive device before 1 January 1967 can be nuclear-weapon states.<sup>9</sup> It is also out of the question politically since it would be seen by many states as rewarding Pyongyang's breaches of the

7 Masahiko Asada, "Arms Control Law in Crisis? A Study of the North Korean Nuclear Issue", *Journal of Conflict and Security Law* 9, no. 3 (2004): 331–55.

8 See, e.g., the final document of the NPT verification conference from 2010: *Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons*, NPT/CONF.2010/50 (Vol. I) (New York, 2010), para. 108, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N10/390/21/PDF/N1039021.pdf> (accessed 5 June 2018).

9 "Treaty on the Non-Proliferation of Nuclear Weapons", *un.org*, article 9(3), <https://www.un.org/disarmament/wmd/nuclear/npt/> (accessed 9 August 2018).

rules. On the contrary, some states reacted to North Korea's move with efforts to raise the hurdles for withdrawal from the NPT. Among other moves, the EU proposed that the UN Security Council should automatically be consulted on an application for withdrawal.

In response to North Korea's refusal to comply with its verification obligations as a non-nuclear-weapon state, the IAEA Board of Governors referred the case to the UN Security Council already in 1993. On 13 June 1994, North Korea declared its withdrawal from the IAEA. The Vienna-based Agency, however, considers the Safeguard Agreement with North Korea to be still in force, so that the country is in a grey zone with regard to its Safeguard Agreement as well.

IAEA inspectors were in the country from 1992 to 2003 (with interruptions) and then from 2007 to 2009. Pyongyang significantly restricted their work. The IAEA initially attempted to implement the Safeguards Agreement, and subsequently monitored the shutdown of some of the nuclear facilities at the Yongbyon nuclear complex, as agreed in the 1994 Agreed Framework and the six-party talks in 2007. In 2009, all inspectors were forced to leave the country. They have yet to come back. Nevertheless, the IAEA is actively preparing to return to North Korea. For example, a small team of experts in Vienna is continuously collecting information on relevant activities in North Korea.

North Korea is the only state that has successfully used nuclear technology acquired during NPT membership to develop nuclear weapons. As a consequence, some NPT members proposed changing the rules of the non-proliferation regime so that nuclear technology acquired during NPT membership would remain under international control even after withdrawal. However, such "fall-back safeguards" have not yet been agreed.<sup>10</sup>

Nevertheless, the response by the members of the non-proliferation regime to North Korea's multiple violations of the rules overall can be considered appropriate and sufficiently quick. This is despite the fact that on substance, there has been no progress yet. North Korea is still not prepared to disarm unilaterally.

Does this make the non-proliferation regime meaningless for attempts to resolve the conflict?

## North Korea and Nuclear Proliferation

In response to the first North Korean nuclear test on 9 October 2006, the Security Council imposed sanctions five days later and set up a panel of experts to monitor trade restrictions. North Korea was thus the first state to be sanctioned by the UN for violating non-proliferation obligations.<sup>11</sup> Resolution 1718, adopted in 2006 after the first nuclear weapons test under Chapter VII of the Charter, obliged Pyongyang to "abandon all [...] existing weapons of mass destruction and ballistic missile programmes in a complete, verifiable and irreversible manner".<sup>12</sup> The Security Council thus laid down a binding standard for all negotiations with North Korea, which it had reaffirmed in nine further resolutions by late 2017.

The international community has not achieved its objective of disarmament. It has not even succeeded in enforcing the missile and nuclear test moratoria required by the UN resolutions. Between the adoption of the first resolution in 2006 and 2017, North Korea carried out five more nuclear tests. The missile programme has accelerated. Since Kim Jong Un took over the leadership of the North Korean state in 2011, nearly 120 missiles have been tested. This represents about 75 percent of all tests carried out by the regime since its first test in 1986. Pyongyang achieved an important breakthrough in 2017 when it tested three missiles presumed to have intercontinental range. Even if sanctions have failed to achieve their primary goal of persuading North Korea to renounce weapons of mass destruction, they still fulfil important functions from a non-proliferation perspective. The sanctions decided by the United Nations give substance to the will of the international community. The dense network of trade restrictions has certainly slowed down North Korea's nuclear programme and driven up its costs.

<sup>10</sup> Pierre Goldschmidt, "Securing Irreversible IAEA Safeguards to Close the Next NPT Loophole", *Arms Control Today* 45, no. 2 (2015): 15–19, [https://www.armscontrol.org/ACT/2015\\_03/Features/Securing-Irreversible-IAEA-Safeguards-to-Close-the-Next-NPT-Loophole](https://www.armscontrol.org/ACT/2015_03/Features/Securing-Irreversible-IAEA-Safeguards-to-Close-the-Next-NPT-Loophole) (accessed 6 June 2018).

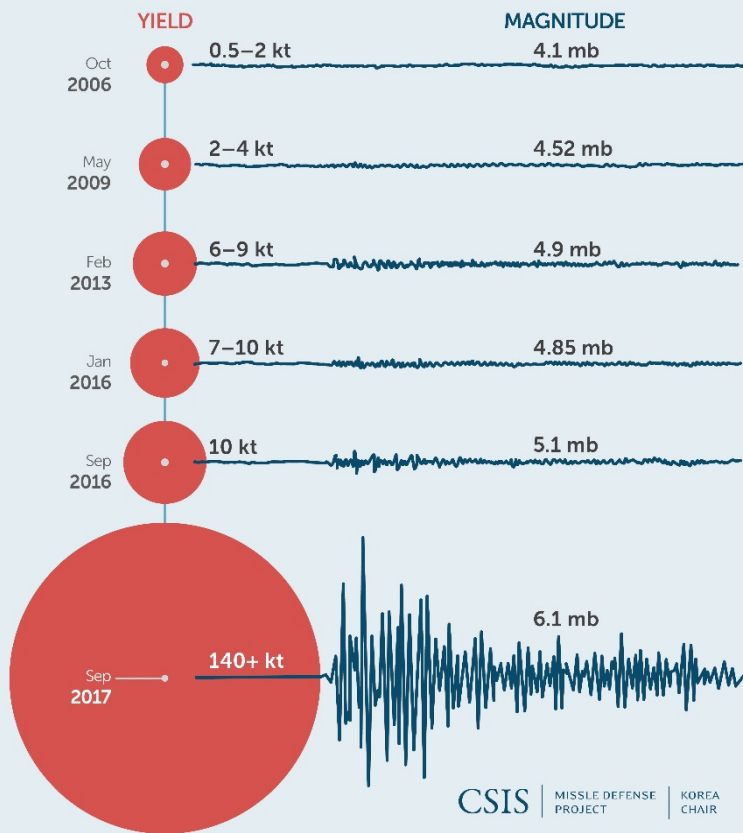
<sup>11</sup> United Nations Security Council, *Resolution 1718 (2006)*, 14 October 2006, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1718%20%282006%29](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1718%20%282006%29) (accessed 28 August 2018).

<sup>12</sup> *Ibid.*



Chart 2

## North Korean nuclear tests, October 2006 to September 2017



Note: Yield in 1,000 tonnes (kt) TNT equivalent.

Magnitude (mb): Strength of the seismic waves triggered by the nuclear test.

Source: Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), ROK Ministry of National Defence. © 2018, CSIS, Washington, D.C.

However, the proliferation of North Korean technology for weapons of mass destruction and means of delivery could not be completely prevented. In 2007, Israeli fighter planes destroyed a nuclear reactor under construction in Syria, which was to be built with North Korean support.<sup>13</sup> It is also known that missile technology was delivered to Iran and Pakistan, and that an attempt was made to supply Syria with dual-use technology that can be used for the production of chemical weapons.<sup>14</sup> However, to

date there is no reliable evidence for recurrent reports that Iran and North Korea have also cooperated in the military use of nuclear technology.<sup>15</sup>

The expert group's reports also show how North Korea has managed over the years to build up an international network that it uses, inter alia, to generate income. North Korean attempts to procure goods suitable for the production of nuclear, biological or

<sup>13</sup> Ben Caspit, "The Story behind Israel's Secret Strike on Syria's Nuclear Reactor", *al-Monitor*, 21 March 2018, <https://www.al-monitor.com/pulse/originals/2018/03/israel-strike-nuclear-facility-syria-desert.html> (accessed 25 March 2018).

<sup>14</sup> Michael Schwartz, "U.N. Links North Korea to Syria's Chemical Weapons Program", *New York Times*, 27 February

2018, <https://www.nytimes.com/2018/02/27/world/asia/north-korea-syria-chemical-weapons-sanctions.html> (accessed 5 June 2018).

<sup>15</sup> Jim Walsh, "Why North Korea and Iran Get Accused of Nuclear Collusion", *Bulletin of the Atomic Scientists*, 12 February 2018, <https://thebulletin.org/why-north-korea-and-iran-get-accused-nuclear-collusion11504> (accessed 24 March 2018).



chemical weapons or delivery systems have also been repeatedly uncovered and analysed by UN experts.

## What Germany and the EU Can Do

The example of North Korea shows how difficult it is in a globalised world to stop a state determined to develop nuclear weapons (or other weapons of mass destruction). Even for a country as economically isolated as North Korea, it is now almost impossible to completely block access to critical technologies. Economic and political penalties will achieve little, as long as the leadership is prepared to pay the enormous political and economic price for possessing nuclear weapons or, more precisely, to pass the economic costs of the sanctions on to the population.

### **In the face of such an irresponsible state, non-proliferation policy must above all be geared to damage limitation.**

When dealing with such an irresponsible state, non-proliferation policy must primarily be aimed at damage limitation. The greatest harm would be done by military escalation. Avoiding this scenario must therefore be the priority. However, undermining global standards can also have negative consequences, for example if the impression is created that the pursuit of nuclear weapons has paid off for North Korea, encouraging copycats to follow the same path.<sup>16</sup> Finally, from a non-proliferation perspective, the aim is to minimise the risk of proliferation of North Korean WMD technology.

Germany's non-proliferation policy focuses on strengthening global norms and multilateral organisations with a view to eliminating weapons of mass destruction. For Germany, the NPT remains "the foundation of the global nuclear disarmament and non-proliferation architecture, which must be strengthened and developed", including and especially against the background of the nuclear crisis in North Korea.<sup>17</sup>

<sup>16</sup> Hanns Günther Hilpert and Oliver Meier, *Charting a New Course on North Korea's Nuclear Programme? The Options and the Nuclear Non-Proliferation Treaty*, SWP Comments 19/2013 (Berlin: Stiftung Wissenschaft und Politik, June 2013), [http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A31\\_hlp\\_mro.pdf](http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A31_hlp_mro.pdf) (accessed 7 June 2018).

<sup>17</sup> *Bericht der Bundesregierung zum Stand der Bemühungen um Rüstungskontrolle, Abrüstung und Nichtverbreitung sowie über die*

Berlin rejects alternative approaches, such as the use of force to disarm North Korea. The same applies to the EU, whose policy of "critical engagement" aims to reduce tensions on the Korean peninsula, to improve its human rights situation, and to maintain the nuclear non-proliferation regime.<sup>18</sup>

However, Germany and the EU have few possibilities to influence North Korea directly. Pyongyang has conducted negotiations on its nuclear programme either bilaterally with the USA or additionally with China and South Korea (four-party talks) as well as with Japan and Russia (six-party talks). Multilateral forums such as the United Nations, the Geneva-based Conference on Disarmament or meetings of the NPT States Parties were used to discuss how to deal with North Korea and establish a normative and legal framework, but North Korea was not prepared to discuss, let alone resolve, the conflict within these bodies. Nothing is likely to change in this regard. The EU's role has so far been limited to providing funding through the Korean Peninsula Energy Development Organisation. To make matters worse, the EU in recent years has generally lost importance as an actor in the non-proliferation regime.

For Germany, therefore, it is particularly important to realise its own interests in a peaceful resolution to the North Korean conflict by embedding conflict management multilaterally.

First of all, it is a question of working within international bodies to ensure that the conflict over the North Korean nuclear programme is treated as a challenge to the international order and not just as a bilateral conflict between North Korea and the USA. The danger of a deal to the detriment of global non-proliferation standards has increased with the outcome of the summit between Donald Trump and Kim Jong Un on 12 June 2018. The summit agreement lacks clear references to the NPT.<sup>19</sup> While North Korea

*Entwicklung der Streitkräftepotenziale. Jahresabrüstungsbericht 2017* (Berlin, 2017), 9.

<sup>18</sup> European External Action Service (EEAS), *DPRK and the EU* (Brussels, 26 June 2016), [https://eeas.europa.eu/headquarters/headquarters-homepage/4186/dprk-and-eu\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/4186/dprk-and-eu_en) (accessed 25 March 2018).

<sup>19</sup> "Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong-un of the Democratic People's Republic of Korea at the Singapore Summit" (Washington, D.C.: The White House, 12 June 2018), <https://www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-united-states-america>

reaffirmed its commitment to the “complete denuclearisation” of the Korean peninsula, it did not commit to the complete, verifiable and irreversible disarmament as demanded by the UN Security Council. This creates the impression that the USA indulges a notorious rule breaker, while applying maximum pressure towards Iran, which is complying with its international nuclear obligations.<sup>20</sup>

Should the diplomatic path taken in Singapore by North Korea and the USA fail, Germany and Europe would certainly have an important role to play in continuing to advocate a peaceful solution. The rejection of military options is based not only on the humanitarian consequences of a war, but can also be justified from the non-proliferation perspective: of the nine military “counterproliferation” actions conducted to date, only one has led to a sustained “rollback” of a nuclear programme.<sup>21</sup> Finally, Germany would also be affected by an escalation since the NATO collective defence clause would presumably be invoked if North Korea attacked the American mainland.<sup>22</sup>

US non-compliance with the Iran nuclear agreement casts a long dark shadow over possible talks with Pyongyang. This makes it all the more crucial from a European perspective to do everything possible to ensure the continued successful implementation of the JCPoA. Thus, at least the countries directly involved in the Iran nuclear accord (Germany, France and the UK), and the EU, can prove their credibility as

partners in implementing international agreements. If there were to be an agreement leading to the dismantling of the North Korean nuclear programme, Germany has declared its readiness to contribute technical expertise to such a process.<sup>23</sup>

Finally, Berlin should work to ensure that the UN sanctions against North Korea are fully implemented, and to urge strict implementation from third states as well. North Korea continues to maintain economic relations in Africa and with countries elsewhere. The EU should offer these states further assistance in implementing agreed sanctions, but should also threaten economic consequences if they refuse to do so.



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[http://bit.ly/SWP18DNK\\_Global\\_Challenges](http://bit.ly/SWP18DNK_Global_Challenges)

chairman-kim-jong-un-democratic-peoples-republic-korea-singapore-summit/ (accessed 29 June 2018).

<sup>20</sup> See Oliver Meier, *Die Vereinbarung von Singapur unterminiert die globale nukleare Ordnung*, SWP Kurz gesagt (Berlin: Stiftung Wissenschaft und Politik, 13 June 2013), <https://www.swp-berlin.org/kurz-gesagt/2018/die-vereinbarung-von-singapur-untermindert-die-globale-nukleare-ordnung/> (accessed 29 June 2018).

<sup>21</sup> Israel’s attack on a plutonium reactor under construction in Syria can be seen as a non-proliferation success. See note 13 and Martin B. Malin, “The Effectiveness and Legitimacy of the Use of Force to Prevent Proliferation”, in *Arms Control in the 21st Century. Between Coercion and Cooperation*, ed. Oliver Meier and Christopher Daase (New York: Routledge, 2012), 81 – 122 (100).

<sup>22</sup> But not if the conflict were to remain “limited” to the region in the Pacific: Bruno Tertrais, *Article 5 of the Washington Treaty: Its Origins, Meaning and Future*, Research Paper 130 (Paris: Fondation pour la recherche stratégique, April 2016), <https://www.frstrategie.org/web/documents/publications/autres/2016/2016-tertrais-nato-washington-treaty.pdf> (accessed 23 December 2017).

<sup>23</sup> See Heiko Maas, “Die Zukunft der nuklearen Ordnung – Herausforderungen für die Diplomatie”, Speech by the Foreign Minister at the Tiergarten Conference of the Friedrich-Ebert-Stiftung (Berlin, 29 June 2018), <https://www.auswaertiges-amt.de/de/newsroom/maas-fes-tiergarten-konferenz/2112704> (accessed 29 June 2018).

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# Human Rights Policy: No Trade-Off Necessary

In their scope, the crimes against humanity committed by state actors in North Korea are without comparison in today's world. In addition to the threats to peace and security posed by North Korea, the human rights issue is the second major political challenge facing the international community given the sheer scale of the DPRK's crimes. Against this backdrop, the question arises as to the role that human rights policy can play within efforts to peacefully resolve the conflict over North Korea's nuclear programme. Can human rights policy make a contribution to conflict resolution beyond its original mission? Or is there a conflict of objectives between resolving the nuclear issue and improving the human rights situation? To what extent does human rights policy offer Europe an opportunity for an independent role in the North Korean problem?

## North Korea's Crimes against Humanity

The Commission of Inquiry on Human Rights in North Korea set up by the UN Human Rights Council has identified systematic and widespread serious human rights violations on the basis of interviews with victims, former officials and witnesses and the analysis of numerous documents; it has comprehensively documented them in a report almost 400 pages long.<sup>1</sup> The Commission understands that the freedoms of expression and religion are denied almost totally. The entire social life of North Koreans is comprehensively monitored and controlled by state security agencies, social mass organisations and mass media. While the security apparatus creates a climate of fear through public executions, torture, ill-treatment and arbitrary arrests, the propaganda machine

educates citizens to show absolute loyalty towards the government, state and system. It stirs up hatred against official enemies of the state both at home and abroad. The triad of surveillance, terror and information control effectively prevents any expression of ideological deviation, especially since a dissident's next of kin are also threatened with internment in a camp in case of political offences.

According to the findings of the UN report, hundreds of thousands have died in political prison camps since the regime was founded. At a cautious estimate, between 80,000 and 120,000 political prisoners, "system unreliaables", refugees and Christians are still being held permanently in six Gulag camps, where they are subjected to forced labour, torture, arbitrary violence and sexual violence; people often die of hunger, cold, exhaustion or execution. In the DPRK's totalitarian system, citizens' political-social class determines the allocation of food, housing, medical care, and their career and life opportunities. This system is an important pillar for the leadership in that it rewards and favours loyal citizens, while it penalises and marginalises those categorised as unreliable.

In the great famine of the 1990s, the deliberate withholding of food was responsible for the deaths of several hundred thousand people from needy population groups. To this day, chronic malnutrition is the cause of permanent physical and psychological damage.<sup>2</sup>

## The Response of the International Community

The international community was relatively late in addressing the issue. It was mainly owing to the initiative of France, the other EU states and the USA that the UN Human Rights Commission adopted a resolu-

<sup>1</sup> UN Human Rights Council (HRC), *Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, A/HRC/25/63, 7 February 2014.

<sup>2</sup> *Ibid.*, 7–15.

tion on the human rights situation in North Korea for the first time in 2003, and that a UN Special Rapporteur on the human rights situation in North Korea was appointed the following year.<sup>3</sup> In March 2013, the UN Human Rights Council, the body that succeeded the UN Commission on Human Rights, set up the aforementioned Commission of Inquiry on Human Rights in North Korea (COI). On its recommendation, a UN office was set up in Seoul in 2015 to support the Special Rapporteur, with the task of documenting North Korean human rights violations and monitoring the human rights situation in North Korea. This was followed in 2017 by the opening of an archive in Geneva for evidence of human rights violations by the North Korean state.

In its final report, the COI came to the conclusion that the systematic and widespread human rights violations in North Korea were so serious that they had to be classified as crimes against humanity. Crimes against humanity include, inter alia, arbitrary killings, torture, inhumane acts or acts of enforced disappearance directed in an extensive or systematic manner against the civilian population.<sup>4</sup> According to the COI, the North Korean state or responsible actors in North Korea could in principle be subject to sanctions under international law and/or be charged by the International Criminal Court (ICC).<sup>5</sup> The UN Human Rights Council and the UN General Assembly have endorsed this assessment in several resolutions and statements, as have the UN Secretary-General and the UN High Commissioner for Human Rights.<sup>6</sup> In

response to the COI report, the UN Human Rights Council and the UN General Assembly each adopted a resolution calling on the Security Council to refer the case to the ICC and consider appropriate sanctions against North Korea.<sup>7</sup> However, on 22 December 2014 the Security Council did not comply with this request due to the resistance of the permanent members China and Russia. The People's Republic of China and Russia are generally sceptical about interference in the internal affairs of states, including the imposition of sanctions for human rights violations. Further meetings of the Security Council on the subject followed, but did not agree on any concrete measures. For the time being, the judicial review of North Korea's crimes against humanity proposed by the COI has thus not been pursued; it nevertheless remains a crucial option for action by the international community.

The Security Council is the only UN body with effective means against human rights violations in a UN member state. First, the Council can categorise serious domestic human rights violations as threats to peace and impose economic (or even military) sanctions under Chapters VI and VII of the Charter of the United Nations.<sup>8</sup> Second, it can initiate criminal proceedings against individuals. For this to happen, the Security Council would either have to submit the situation to the Prosecutor at the ICC in accordance with Chapter VII, or set up its own special tribunal for North Korea on the model of the special tribunals for the former Yugoslavia, Rwanda and Uganda.<sup>9</sup> In both cases, Kim Jong Un, the DPRK's supreme leader, would probably also be brought to court: in its investigative report, the COI assigns him direct responsibil-

3 Roberta Cohen, "The High Commissioner for Human Rights and North Korea", in *The United Nations High Commissioner for Human Rights: Conscience for the World*, ed. Felice D. Gaer and Christen L. Broecker (Leiden: Martinus Nijhoff Publishers, 2014), 293–310.

4 Matthias Herdegen, *Völkerrecht*, 15<sup>th</sup> ed., (Munich: C. H. Beck, 2016), 469f.; Human Rights Council (HRC), Twenty-fifth session, *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, A/HRC/25/CRP.1, 7 February 2014, 358.

5 Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, *Questions and Answers on the Report of the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, 17 February 2014, 14–15, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIDPRK/Report/coi-dprk-q-and-a.pdf> (accessed 5 June 2018).

6 United Nations Human Rights Council, "Pillay Calls for Urgent Action on 'Historic' DPRK Report", *ohchr.org*, 18 February 2014, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=14258&LangID=E> (accessed

5 June 2018); United Nations Secretary-General, "Statement Attributable to the Spokesperson for the Secretary-General on the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea", *un.org*, 18 February 2014, <https://www.un.org/sg/en/content/sg/statement/2014-02-18/statement-attributable-spokesperson-secretary-general-commission> (accessed 5 June 2018).

7 The UN Human Rights Council in its Resolution 25/25 of 28 March 2014, the UN General Assembly in its Resolution 69/188 of 18 December 2014.

8 Herdegen, *Völkerrecht* (see note 4), 332–33. This provision was first used in 1992 with Resolution 794 on intervention in Somalia.

9 *Ibid.*, 467–73.

ity for North Korea's crimes against humanity, along with other leaders.<sup>10</sup>

### National law enforcement agencies could prosecute North Korea's crimes against humanity.

In contrast to resolutions of the UN Security Council, those of the UN General Assembly are only recommendations for states. However, it would be possible for national law enforcement agencies to prosecute North Korea's crimes against humanity. While North Korea is not a party to the ICC's Rome Statute and has not ratified most human rights treaties, like all states it must nevertheless adhere to the binding peremptory norms of international law (*ius cogens*). These encompass the highest norms of international law, from which no deviations are allowed and which are binding for all. In human rights, these include prohibitions on torture, crimes against humanity, and genocide.<sup>11</sup> Because of their serious nature (violation of *ius cogens*), any state can punish these crimes, either by imposing coercive measures against the state of North Korea and/or by ordering its courts, on the basis of the principle of universal jurisdiction, to take criminal action against responsible actors from North Korea.<sup>12</sup> In Germany, the legal basis for this is the *Völkerstrafgesetzbuch* (International Criminal Code).<sup>13</sup>

### North Korea's Human Rights Strategy

Within the DPRK's totalitarian system, terror, information control and discrimination are indispensable instruments of rule. The idea of individual human rights and freedoms is alien to an understanding of the state that postulates the collective unity of leader, party and people. The DPRK opposes the universal claim of human rights by defending the principle of unlimited state sovereignty and the thesis that human rights are culturally relative.<sup>14</sup> The DPRK had

long succeeded in shielding its massive domestic human rights violations from the eyes of the world and avoiding a discussion on the subject. It continues to keep access to the country and its inhabitants extremely restricted.<sup>15</sup> After establishing diplomatic relations with most EU member states through Kim Dae-jung's sunshine policy, the DPRK embarked on a human rights dialogue with the EU, but broke it off after the EU tabled a resolution on the human rights situation in North Korea at the UN Commission on Human Rights in 2003. Pyongyang refused to cooperate in any way with the COI introduced in 2013.<sup>16</sup>

However, the DPRK could not ignore the fact that the UN and the international community were increasingly addressing the issue. It initially attempted to soften the text of UN resolutions through diplomatic counter-offensives, such as preparing its own human rights report, which glossed over the situation in the country. In 2014, the People's Republic reacted with comparatively constructive statements concerning the recommendations suggested in the Universal Periodic Review of the UN Human Rights Council, but without actually improving its human rights situation. It merely tried to soften criticism of the human rights situation by showing a little more willingness to engage in dialogue.<sup>17</sup> Thus, it offered the EU the opportunity to resume the human rights dialogue, broken off in 2003.<sup>18</sup> However, Pyongyang quickly realised that due to the gravity of its crimes, it could not prevent further discussion of its human rights situation; its strategy of dialogue turned into confrontation. In addition to the threat of nuclear weapons, there was the defamation of prominent critics, who were accused of having hostile intentions and serving the US. Marzuki Darusman, the former UN Special Rapporteur on North Korea, for example, was character-

10 See HRC, Twenty-fifth Session, *Report of the Detailed Findings* (see note 4), 359.

11 Herdegen, *Völkerrecht* (see note 4), 158f.

12 *Ibid.*, 301f.

13 *Ibid.*, 467–73.

14 Soo-Am Kim, "Human Rights Awareness in the Military-First Era: Content and Evaluation", in Young-Sun Ha and Dongho Jo, *Future of North Korea 2013 – Coevolutionary Strategy for the Advancement* (Seoul: East Asia Institute, 2012), 147–79.

15 In accordance with the precept attributed to Kim Jong Il: "We must envelop our environment in a dense fog to prevent our enemies from learning anything about us", quoted in Ralph Hassig and Kongdan Oh, *The Hidden People of North Korea: Everyday Life in the Hermit Kingdom* (Lanham, Md.: Rowman and Littlefield, 2009), 27.

16 HRC, *Report of the Commission of Inquiry on Human Rights* (see note 1), 4.

17 David Hawk, "North Korea Responds to the UN Commission of Inquiry", *38North*, 16 October 2014, <http://38north.org/2014/10/dhawk101614/> (accessed 5 June 2018).

18 Roberta Cohen, "A Human Rights Dialogue with North Korea: Real or Illusionary?", *38 North*, 16 October 2014, <http://38north.org/2014/10/rcohen101614/> (accessed 5 June 2018).



ised as being a “puppet of US imperialism”.<sup>19</sup> The regime seeks to discredit refugee reports through counter-statements.<sup>20</sup>

More recently, there have been cautious signs of cooperation. North Korea ratified the Convention on the Rights of Persons with Disabilities, allowed the UN Special Rapporteur on the Rights of Persons with Disabilities to enter the country, and accepted – at least on paper – more than a hundred recommendations from the UN Human Rights Council.<sup>21</sup>

## What Can Be Done?

It is important to understand that the oft-assumed conflict of objectives between harsh criticism of human rights violations in North Korea and Pyongyang’s willingness to talk about security issues does not exist. There is no evidence to support the thesis that North Korea is less willing to negotiate whenever it is criticised for violating the rights of its citizens. The exclusion or deliberate ignoring of human rights issues at the recent American-North Korean summit in Singapore was thus not only unnecessary in terms of negotiation tactics, it also caused lasting damage to human rights policy concerns. This makes it all the more important to address the human rights situation clearly and consistently, because it makes it difficult for the regime to present itself as a “normal” negotiating partner. For moral and political reasons, it is therefore necessary to maintain the human rights pressure on North Korea visibly and lastingly. It is unnecessary, however, for there to be appeasing consideration of nuclear and security policy priorities, even though these do undoubtedly exist. In both the East-West conflict and the North-South conflict with-

in Korea, a separation between security policy and human rights issues has proved a viable approach.

UN member states actively committed to human rights and UN bodies should therefore

- 1) continue to collect the most detailed information possible on human rights violations in North Korea;
- 2) continue to address and condemn them in all United Nations bodies; and
- 3) prepare the prosecution and investigation of these crimes.

**In contrast to security policy,  
Europe can play an independent,  
perhaps even a leading, role in  
human rights policy.**

The EU and Germany, which are not parties to the conflict on the Korean peninsula and can therefore act neutrally, have a special responsibility to confront the DPRK with its crimes against humanity. In contrast to security policy, Europe can play an independent, and even a leading, role in human rights policy; however, Europe’s criticism of North Korea’s human rights violations should reward sustained progress in the area of human rights by far-reaching offers of assistance in food supply and in the health sector.

Germany and the European Union have four special tasks: first, to provide financial and political support for the United Nations – including the Office of the UN High Commissioner for Human Rights in Seoul – and for human rights organisations investigating human rights violations in North Korea; second, to maintain pressure on North Korea by means of verdicts in the various UN bodies dealing with human rights. As part of the regular state review process, the human rights situation in North Korea will be reviewed again, for example at the 33<sup>rd</sup> session of the UN Human Rights Council in April and May 2019.<sup>22</sup> EU member states should coordinate their approach in the process and ensure that crimes against humanity are discussed and condemned. Third, the European Union should consider taking up the recommendation of the UN Commission of Inquiry for the creation of a special tribunal. Its establishment will require a resolution by the UN General

<sup>19</sup> “UN Official Says North Korea Must Abolish Cult of Kim, Not Just Prison Camps”, *foxnews.com*, 2 February 2015, <http://www.foxnews.com/world/2015/02/02/ap-interview-un-official-says-north-korea-must-abolish-cult-kim-not-just-prison/>; “North Korea’s Foreign Ministry Labels UN Human Rights Rapporteur as US Puppet”, *TASS*, 5 February 2015, <http://tass.ru/en/world/775542> (both accessed 5 June 2018).

<sup>20</sup> Steven Borowiec, “North Korea’s New Tactic: Discredit Those Who Report Human-Rights Abuses”, *Yale Global Online*, 24 March 2015, <https://yaleglobal.yale.edu/content/north-koreas-new-tactic-discredit-those-who-report-human-rights-abuses> (accessed 6 June 2018).

<sup>21</sup> See United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the DPRK, A/72/394*, 19 September 2017, para. 18.

<sup>22</sup> UN Office of the High Commissioner for Human Rights (OHCHR), *Cycles of the Universal Periodic Review – Third Cycle (2017–2021)*, 2018, [http://www.ohchr.org/Documents/HRBodies/UPR/UPR\\_3rd\\_cycle.pdf](http://www.ohchr.org/Documents/HRBodies/UPR/UPR_3rd_cycle.pdf) (accessed 5 June 2018).



Assembly and participating states, unless the members of the UN Security Council can agree to refer the case to the International Criminal Court. The principle of universal jurisdiction would allow such a measure.<sup>23</sup> Fourth, the EU states should stress the importance of the human rights issue to the South Korean government. The human rights situation in North Korea must not be ignored in inter-Korean reconciliation.



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**23** Ibid., 361; HRC, Thirty-fourth Session, *Report of the Group of Independent Experts on Accountability*, A/HRC/34/66/Add. 1, 24 February 2017.

Volker Stanzel

# Diplomacy: Going Round and Round in Circles?

## Diplomatic Approaches

The North Korean nuclear problem has been on the international agenda since North Korea first threatened to withdraw from the Nuclear Non-Proliferation Treaty (NPT) and the International Atomic Energy Agency in 1993. Since then, the international community has left almost no instrument in the diplomatic toolbox unused. During this time, Pyongyang has learned from the experience of 25 years of talks and the conflicts over the dismantling or continuation of its nuclear weapons programme, as have the most important actors on the international side. They are, in order of the intensity of their efforts, China, the USA, South Korea, Japan, the UN/IAEA, Russia and the EU countries.

## Overview

### Bilateral Negotiations

(a) Only *China* has consistently pursued a bilateral approach, since other actors believe that the Korean nuclear problem is part of the NPT and the IAEA's work and therefore multilateral in nature. China's efforts must be seen in the context of its brotherhood-in-arms in the Korean War and the ideological proximity of both states, but above all the DPRK's strategic importance for China's position in East Asia as well as vis-à-vis the USA. No details have ever been disclosed. On several occasions, however, China has indicated that it has been surprised by the progress made in the DPRK's nuclear weapons and launch missile programme. Ultimately, China has never played a key role in attempts to find a solution and remained *unsuccessful* bilaterally.

(b) Following the suspicion in 1992 that North Korea might be pursuing a nuclear weapons programme, and following its withdrawal from the IAEA

in 1994, the *United States* concluded an Agreed Framework<sup>1</sup> in the same year with the aim of establishing two light water reactors in North Korea through an international consortium (KEDO), thus obliging North Korea to fulfil its obligations as an IAEA member. The US Congress, however, refused to approve the financing of the American contribution; agreed oil deliveries were often delayed; and construction work was held up. The CIA's suspicion that North Korea was carrying out banned work on centrifuges for uranium enrichment was never fully dispelled, since IAEA inspectors did not have full access to suspicious facilities at any time; North Korea therefore terminated the Agreed Framework in 2002, and also withdrew from the NPT in January 2003.

Since 1994, the USA has also repeatedly conducted secret negotiations, which appeared to be on the verge of success, especially in 2007 – following bilateral talks in Berlin as well. In the former case, however, they were broken off by North Korea, in the latter by President George W. Bush who claimed North Korean commitments were insufficient. Informal talks on North Korea's missile programme by US Secretary of State Madeleine Albright and a possible visit by President Bill Clinton to Pyongyang in 2000 were unsuccessful. Parallel to its negotiations with China, South Korea, Japan, the UN and the IAEA on a joint strategy to tighten sanctions, the USA initiated further bilateral secret talks with North Korea in New York, Norway and Switzerland in mid-2017. All of

<sup>1</sup> International Atomic Energy Agency, *Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea*, Information Circular (INFCIRC)/457, 2 November 1994, <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1994/infcirc457.pdf> (accessed 29 May 2018).

these remained without a known result. All approaches have thus been *unsuccessful*.<sup>2</sup>

### All approaches have been unsuccessful.

(c) Since 2000, *South Korea* has tried to initiate political talks through negotiations on economic cooperation within the framework of the “sunshine policy”, conceived as a Korean form of détente policy. However, North Korea was never willing to abandon its nuclear weapons programme. This approach was also *unsuccessful*.

(d) In 2002 *Japan* attempted to use economic incentives to initiate talks on the release of kidnapped Japanese citizens and encourage North Korea to hold negotiations on its nuclear weapons programme. Japan remained *unsuccessful*.

(e) *Russia's* talks with Pyongyang, almost none of whose contents are publicly known, were also *unsuccessful*.

(f) The *EU* was likewise *unsuccessful* in its attempt to use the missile issue to engage with the nuclear weapons programme. An EU Troika delegation led by Swedish Prime Minister and EU Council President Göran Persson visited Pyongyang in May 2001 and received a commitment from Kim Jong Il to respect the moratorium on missile testing until 2003 and to initiate a human rights dialogue with the EU. The visit was of symbolic importance, demonstrating support for the sunshine policy of South Korean President Kim Dae-Jung.<sup>3</sup>

## Multilateral Negotiations

(a) Discussions with the IAEA have been *unsuccessful* since North Korea has always evaded inspections of its nuclear facilities; meanwhile the IAEA still considers the Safeguards Agreements with North Korea to be legally binding.

(b) In 1997, the *USA* and *South Korea* had first agreed *four-party* and then *six-party talks* with North Korea (including China and South Korea, and later Japan and

Russia). With the withdrawal of North Korea from the NPT, their platform ceased to exist. A restart of the six-party talks in 2007 led to a new agreement to end the North Korean programme in exchange for economic aid and normalisation negotiations with the US.<sup>4</sup> In 2009, however, the DPRK declared that the agreement had failed after the UN Security Council criticised its missile programme.<sup>5</sup> North Korea has now made its nuclear weapons programme an official state goal. The *EU* supported both KEDO (since 1997) and the 2007 agreement, but never attempted to negotiate itself.<sup>6</sup> After Kim Jong Un's acceleration of the nuclear weapons and missile tests, the Chancellor and politicians of some EU states and *Russia*<sup>7</sup> publicly considered how they might act as mediators, but were given no encouragement by North Korea.

(c) The first and only *North Korean* initiative took place in 2017/18. In June 2017, newly elected South Korean President Moon Jae-in had invited the North to participate in the Winter Olympics in February 2018, probably to neutralise the risk of North Korean disruption during the Games and to revive the sunshine policies of former South Korean presidents. North Korea reacted surprisingly positively. There was a joint North/South Korean team at the games; an agreement for talks in Panmunjom, near the ceasefire line; and then an agreement for a meeting between

4 Third Session of the Fifth Round of the Six-Party Talks, “Text of the Feb. 13, 2007, Six-Party Agreement”, *stratfor.com*, 13 February 2007, <https://worldview.stratfor.com/article/text-feb-13-2007-six-party-agreement> (accessed 29 May 2018).

5 UN Security Council, “Security Council Condemns Launch by Democratic People's Republic of Korea, Agrees to Adjust Travel Ban, Assets Freeze, Arms Embargo Imposed in 2006”, *un.org*, 13 April 2009 (SC/9634), <http://www.un.org/press/en/2009/sc9634.doc.htm> (accessed 29 May 2018).

6 Emanuele Scimia, “Will EU Be Part of New Six-Party Talks on N Korea?”, *atimes.com*, 23 July 2017, <http://www.atimes.com/will-eu-part-new-six-party-talks-north-korea/> (accessed 29 May 2018).

7 “Sweden Offers to Mediate between US and North Korea”, *Radio Sweden*, 14 August 2017, <https://sverigesradio.se/sida/artikel.aspx?artikel=6755887>; David Brunnstrom and Denis Pinchuk, “Russia Offers to Mediate between US and North Korea as Fears of Conflict Escalate”, *Independent*, 26 December 2017, <https://www.independent.co.uk/news/world/north-korea-crisis-russia-mediation-united-states-un-conflict-a8129356.html>; Julian Borger, “Merkel Offers German Role in Iran-style Nuclear Talks with North Korea”, *The Guardian*, 10 September 2017, <https://www.theguardian.com/world/2017/sep/10/merkel-backs-iran-style-diplomatic-solution-for-north-korea> (all accessed 25 June 2018).

2 See the candid presentation by the chief US negotiator from 2005 to 2007 in Christopher Hill, *A Diplomat at Work* (New York: Simon & Schuster, 2014), especially chap. 19.

3 Matthias Wet, “Drei Europäer im Schurkenstaat”, *Die Zeit*, no. 20 (10 May 2001), [https://www.zeit.de/2001/20/Drei\\_Europaer\\_im\\_Schurkenstaat/komplettansicht](https://www.zeit.de/2001/20/Drei_Europaer_im_Schurkenstaat/komplettansicht) (accessed 29 May 2018).

Moon and Kim Jong and an offer to President Donald Trump for a summit that was forwarded by South Korea. Trump accepted – the deadline was set for 12 June in Singapore. In preparation, CIA Director Michael Pompeo (already appointed the future US Secretary of State) led secret talks in Pyongyang, and Kim surprisingly travelled to Beijing and Dalian on 25–27 March and 7–8 May 2018. The Chinese leadership declared its support for Kim’s proposal to denuclearise the Korean peninsula.<sup>8</sup>

**As both sides were receptive to discussions, the summit took place on 12 June 2018 in Singapore.**

North Korea had already announced at the South/North Korean summit in Panmunjom on 27 April – at which both sides had pledged to settle their conflicts – that it would shut down a nuclear test area. This step, whether genuine or not, took place on 24 May 2018 in the presence of international media representatives.<sup>9</sup> After Trump’s new security advisor John Bolton had announced that only the “Libyan solution” – complete nuclear disarmament of North Korea before American consideration – could be considered a result of the Trump-Kim Summit, North Korea declared that under such conditions the meeting would make no sense, and Trump cancelled it.<sup>10</sup> However, both sides remained disposed for talks, and the summit finally took place in Singapore on 12 June 2018 amidst considerable media attention. In a joint statement, both heads of state expressed their willingness to work towards the denuclearisation of

the Korean peninsula.<sup>11</sup> Ever since, negotiations on implementation have been ongoing.

### Miscellaneous “Tracks”

There have been numerous attempts to establish contacts with North Korea through non-official or semi-official channels: from Jimmy Carter, who attempted to do so in 1994 via the Stockholm Institute for International Peace Research (SIPRI), to former US diplomats in Kuala Lumpur in 2016; among the German approaches, the efforts of the members of the German parliament Hartmut Koschyk (from 1998 to 2009 Chairman of the German-Korean Parliamentary Group of the German Bundestag) and Johannes Pflug deserve special mention. Both frequently visited Pyongyang and conveyed North Korean offers of talks.<sup>12</sup> Political foundations that went to North Korea with development projects in the 1990s also offered channels for discussion. Perhaps most interesting was the Federal Foreign Office’s cultural policy “track” via the Goethe Institute: it established a reading room in Pyongyang in 2004. About twenty to thirty visitors came daily; however, North Korea did not allow free access. Germany therefore closed the reading room again in 2009.

### Economic Incentives

Only *South Korea* has made a substantial attempt to make progress on the nuclear issue through economic relations. Seoul sought to build trust by investing in the Kaesong industrial zone where up to 53,000 North Koreans work, in a way that was advantageous for

<sup>8</sup> Steven Lee Myers and Jane Perlez, “Kim Jong-un Met with Xi Jinping in Secret Beijing Visit”, *New York Times*, 27 March 2018, <https://www.nytimes.com/2018/03/27/world/asia/kim-jong-un-china-north-korea.html>; see also Lily Kuo, “Kim Jong-un Paid ‘Unofficial’ Visit to Beijing, Chinese State Media Confirms”, *The Guardian*, 28 March 2018, <https://www.theguardian.com/world/2018/mar/28/kim-jong-un-paid-unofficial-visit-to-beijing-chinese-state-media-confirms> (both accessed 29 May 2018).

<sup>9</sup> Nina Belz and Corina Gall, “Video soll Sprengung des Atomkraftgeländes in Nordkorea beweisen”, *Neue Zürcher Zeitung*, 24 May 2018, <https://www.nzz.ch/international/nordkorea-soll-atomtestgelaende-zerstoert-haben-nzz-ld.1387967> (accessed 25 May 2018).

<sup>10</sup> Donald J. Trump, “Letter to Chairman Kim Jong-un”, [whitehouse.gov](http://whitehouse.gov), 24 May 2018, <https://www.whitehouse.gov/briefings-statements/letter-chairman-kim-jong-un/> (accessed 25 May 2018).

<sup>11</sup> For the text: “Trump and Kim’s Joint Statement”, *Reuters*, 12 June 2018, <https://www.reuters.com/article/us-northkorea-usa-agreement-text/trump-and-kims-joint-statement-idUSKBN1J80IU>. For further statements by the two heads of state, see, e.g.: David Jackson, “U.S.-North Korea Summit: Trump, Kim Jong-un Sign Unspecified Document after Hours of Talks”, *USA Today*, 12 June 2018, <https://eu.usatoday.com/story/news/politics/2018/06/11/singapore-donald-trump-kim-jong-un-denuclearization-summit/689817002/>; Brian Stelter, “Trump Goes on Media Tour after Singapore Summit”, *CNN*, 12 June 2018, <http://money.cnn.com/2018/06/12/media/trump-post-summit-interviews/index.html> (all accessed 29 June 2018).

<sup>12</sup> See “Nordkorea will mit Deutschland und EU kooperieren” (dpa/Leu), *Die Welt*, 30 October 2014, <https://www.welt.de/politik/ausland/article133805697/Nordkorea-will-mit-Deutschland-und-EU-kooperieren.html> (accessed 29 May 2018).

North Korea. The project was started in 2004, interrupted in 2013 and terminated in 2016 by South Korea until further notice due to North Korea's continued weapons testing.<sup>13</sup>

There are extensive, albeit limited, economic relations with China, which also invests and employs North Korean guest workers in Northeast China. However, Beijing is not primarily concerned with resolving the nuclear conflict, but with stabilising North Korea by initiating economic reforms along Chinese lines. Beijing also wants to consolidate its influence to prevent an uncontrolled collapse of the Pyongyang regime, which could have adverse consequences for China's interests.<sup>14</sup>

Other initiatives for economic reforms fizzled out: the establishment of the Rajin-Sonbong Special Economic Zone with the help of the United Nations Development Programme (UNDP) in 1992;<sup>15</sup> the *Russian* proposal for a pipeline through North Korea to supply the South Korean market; attempts by *Japan and Germany* to establish economic relations in the 1990s. The latter failed both due to the difficult investment conditions and the intensification of the political conflict. None of these approaches was tied to terminating the nuclear weapons programme.

## UN Sanctions

Economic and political sanctions are part of the diplomatic toolbox. However, there have always been doubts as to whether China would fully implement sanctions resolutions. With 90 percent of North Korea's foreign trade passing through China, Beijing's stance is crucial – even though a 2017 study by the Royal United Services Institute found that not a single

sanction measure has been fully implemented.<sup>16</sup> However, Kim Jong Un's summit initiative could be linked to the fact that China began to implement sanctions more consistently so as to improve its own relations with US President Trump.

## Threats of War

The threat to shift the conflict from the diplomatic to the military front is also a means of diplomacy. It has been used by all US presidents since Bill Clinton ("the end of your country as we know it"). George W. Bush counted North Korea as part of the "axis of evil" in 2002; Donald Trump threatened "fire and fury". The DPRK – under Kim Jong Il as well as under Kim Jong Un – has resorted to this much more frequently. The latter said that he would "turn the USA into a heap of ash".<sup>17</sup> There were, and are, preparations for war on both sides, meaning that the risk of war remains unchanged, at least as a result of misunderstandings or knee-jerk reactions.

## Conclusions

After more than 25 years of diplomatic efforts to end and dismantle North Korea's nuclear weapons and launch missile programme, North Korea is de facto a nuclear power. However, the regime is in a dilemma:

<sup>16</sup> Andrea Berger, *A House without Foundations. The North Korea Sanctions Regime and Its Implementation*, Whitehall Report 3 – 17 (London: Royal United Services Institute for Defence and Security Studies [RUSI], June 2017), [https://rusi.org/sites/default/files/201706\\_whr\\_a\\_house\\_without\\_foundations\\_web.pdf](https://rusi.org/sites/default/files/201706_whr_a_house_without_foundations_web.pdf); George A. Lopez, "Sanctions and Incentives in North Korea: A Challenging Environment", *Peace Policy*, 21 March 2012, <https://peacepolicy.nd.edu/2012/03/21/sanctions-and-incentives-in-north-korea-a-challenging-environment/> (accessed 29 May 2018).

<sup>17</sup> George W. Bush, "President Delivers State of the Union Address", 29 January 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>; Peter Baker and Choe Sang-Hun, "Trump Threatens 'Fire and Fury' against North Korea if It Endangers U.S.", *New York Times*, 8 August 2017, <https://www.nytimes.com/2017/08/08/world/asia/north-korea-un-sanctions-nuclear-missile-united-nations.html>; Gavin Fernando, "North Korea Threatens to Turn Washington and Seoul into a 'Heap of Ash'", *news.com.au*, 23 August 2016, <https://www.news.com.au/world/asia/north-korea-threatens-to-turn-washington-and-seoul-into-a-heap-of-ash/news-story/f1851e5cde3ef6cf88697b57a8a1f1f1f> (all accessed 25 June 2018).

<sup>13</sup> "What Is the Kaesong Industrial Complex?", *BBC*, 10 February 2016, <http://www.bbc.com/news/business-22011178> (accessed 29 May 2018).

<sup>14</sup> Stephan Haggard and Weiyi Shi, *Chinese Investment in North Korea: Some Data*, Part I and II (Washington, D.C.: Peterson Institute for International Economics, 30 June 2014), <https://piie.com/blogs/north-korea-witness-transformation/chinese-investment-north-korea-some-data-part-i>, and 1 July 2014, <https://piie.com/blogs/north-korea-witness-transformation/chinese-investment-north-korea-some-data-part-ii> (both accessed 29 May 2018).

<sup>15</sup> UNDP, *D.P.R. Korea's Rajin-Sonbong Economic & Trade Zone*, 1998, <http://www.asiabriefing.com/store/book/dpr-koreas-rajin-sonbong-economic-trade-zone-271> (accessed 29 May 2018).

on the one hand it wants to remain a nuclear power in the long-term for its protection; on the other, it cannot hope for economic recovery while the sanctions regime lasts.

There are several possible explanations for the failure of diplomacy:

- a) *The value North Korea attaches to the programme is so high that no concessions can outweigh it.* In fact, North Korea's decades of fixation on its "opponent", the USA, are an indication that Pyongyang's policy is determined by existential fear and the conviction that only nuclear weapons provide sufficient security for the country's leadership.
- b) *Sanctions have so far not been sufficiently tough, and North Korea has been able to rely on China, as an ally interested in the survival of the regime, to protect the country from the worst effects of the sanctions.* Indeed, China could presumably bring down the regime in Pyongyang with just a few measures. One can speculate about the reasons why this does not happen: fear of refugee flows; fear of continued destabilisation in the region; perhaps even fear of an alliance between a united Korea and the US. As a result of its agreements with Trump, China tightened up the application of its sanctions, showing what impact this could have on the DPRK. After the Trump-Kim summit, however, it has returned to its former loose handling.

**North Korea is also constantly learning from, and successfully using, the experiences it has had with its counterparts.**

- c) *The diplomatic instruments are exhausted.* In fact, North Korea has repeatedly responded to proposals for talks and models for nuclear disarmament, thereby fragmenting the united front of its interlocutors, and has then let the discussion initiatives fail with the same regularity — and with corresponding recriminations.<sup>18</sup> Like the international community, North Korea is constantly learning from, and successfully using, the experiences it has had with its counterparts. Just one example of this is Pyongyang recently leaving it to South Korea to transmit its offer of talks to the USA, either to undermine

the unity of the opposing side or, in the case of an American refusal, to be able to deny the offer entirely. Similarly, because of his visits Kim brought China back into play, from which it had been excluded by the North/South Korean-American cooperation; he thus avoided North Korean dependence on Trump.

## Prospects and the Role of Germany or the EU

The North Korean talks-initiative can be understood as an attempt by Kim Jong Un to find at least one way out of the country's economic difficulties in the face of declining growth. Perhaps he was even trying to find a viable way out of the North Korean dilemma with the USA. Kim has most likely reached his first goal: he has gained a weakened China as a partner. China has had the experience of first being instrumentalised by Trump against North Korea, only to be subsequently targeted by US punitive measures. It will therefore be in no hurry to distance itself from the policy of reconciliation with North Korea; the third summit with Kim took place on 18 June, and in the UN Security Council China has rejected American complaints against North Korean sanctions violations. As agreed in Singapore, Kim did have the remains of 55 US soldiers missing in the Korean War transferred to the USA. The actual technical discussions about denuclearisation, on the other hand, are making no progress; both sides have resumed the traditional exchange of accusations and suspicions.<sup>19</sup> Trump is therefore left empty-handed following his tactic of making dramatic spontaneous gestures, but is refraining from developing a strategy for the North Korean nuclear problem.

<sup>19</sup> "FM Spokesman on DPRK-U.S. High-level Talks", *KCNA Watch*, 8 July 2018, <https://kcnawatch.co/newstream/1531000080-429116112/fm-spokesman-on-dprk-u-s-high-level-talks/>; "Secretary of State Michael R. Pompeo, Japanese Foreign Minister Taro Kono, and South Korean Foreign Minister Kang Kyung-wha at a Press Availability", 8 July 2018, <https://www.state.gov/secretary/remarks/2018/07/283888.htm>; Friederike Böge, "Trotz Trump-Kim-Deals: Neue Raketen aus Nordkorea?", *Frankfurter Allgemeine Zeitung*, 31 July 2018, <http://www.faz.net/aktuell/politik/ausland/trotz-trump-kim-deals-neue-raketen-aus-nordkorea-15715865.html> (all accessed 31 July 2018).

<sup>18</sup> See, e.g.: "Antwort des Sprechers des Außenministeriums der DVR Korea", 12 April 2016, <https://aip-berlin.org/tag/six-party-discussion/> (accessed 29 May 2018).



## **The USA has been weakened in the North-East Asian force field; the risk of war has not diminished.**

In South Korea, President Moon must now make an effort to achieve success with his own peace policy and may therefore be prepared to set aside the nuclear issue and make concessions. In Japan and Taiwan, doubts about the reliability of their American ally will continue to grow. Result: the US has been weakened in the North East Asian force field; the risk of war has not decreased.

However, there is room for an ironic dystopia: Foreign Minister Pompeo declared on 25 June that there was no time frame for talks with Pyongyang.<sup>20</sup> In other words, if North Korea refrains from further nuclear and missile tests, denuclearisation can be negotiated endlessly. And in September, Trump and Kim could appear together before the UN General Assembly and declare peace.

To date, all diplomatic approaches to solving the North Korean nuclear problem have been unsuccessful. If the North Korean-American talks do not produce any results, the only dynamic that can be expected from a tightening of the sanctions is likely to be an aggravation of the situation. Yet this path can only be pursued with Beijing's support – a scenario made unlikely by the launch of the Trumpsian trade war against China. It is hard to see what the *EU and Germany* could contribute here. Only if future talks develop might the EU be asked again to participate financially in projects in North Korea – like with KEDO in its day.



**Online dossier: Additional resources and SWP publications on this topic**

[http://bit.ly/SWP18DNK\\_Global\\_Challenges](http://bit.ly/SWP18DNK_Global_Challenges)

**20** Elise Labott, “Exclusive: Pompeo Says No Timeline on North Korea Negotiations”, *CNN politics*, 25 June 2018, <https://edition.cnn.com/2018/06/25/politics/pompeo-exclusive-north-korea/index.html> (accessed 1 July 2018).

Hanns W. Maull

# Sanctions: Their Development, Significance and Results

## Sanctions against North Korea

Since the Korean War broke out in 1950, North Korea has been subject to economic sanctions. In general, three forms can be distinguished: export restriction on goods and services to the destination country (embargo); the curtailment of exports from the destination country (boycott); and, finally, measures against international financial transactions. In addition, there are travel bans, exclusion from organisations or from prestigious events, such as the Olympic Games. Sanctions can be imposed on a state collectively, but also on individuals or organisations. North Korea was subject to forms of sanctions both unilaterally by individual states (such as the US, South Korea or Japan) and by the EU, and collectively by the UN Security Council, i.e. in a way that is formally binding on all UN member states.

## Unilateral Sanctions by the US

Immediately after the outbreak of the Korean War, the USA imposed a comprehensive export embargo on North Korea; since then, the country has, as an enemy state, been subject to extensive sanctions almost throughout its entire history.

Although the US does not maintain a complete trade embargo, it has restricted trade relations considerably in a number of areas. All imports from North Korea are subject to authorisation and there are no financing possibilities for exports to North Korea. Accordingly, bilateral trade is minimal and, with a few exceptions, does not go beyond food, medicines and other humanitarian goods.<sup>1</sup> President Trump

announced a further tightening of unilateral sanctions on 23 February 2018, affecting one person, 28 ships and 27 companies from North Korea, China, Taiwan, Hong Kong, Singapore and four other states alleged to have helped North Korea to undermine the collective sanctions imposed by the Security Council.<sup>2</sup>

In 2017, Washington also imposed secondary sanctions in connection with North Korea's nuclear weapons and missile programmes (as previously in the case of Iran). These were directed against a Chinese bank, the Bank of Dandong, which had laundered money for a Chinese company operating in North Korea, and was therefore excluded from the American financial market. The sanctions were apparently also intended to discourage other banks from engaging with North Korea. Given the paramount importance of the US financial system, secondary sanctions have a particularly severe impact on banks and other financial institutions.

## Collective Sanctions by the UN Security Council

Collective sanctions by the UN Security Council, which are explicitly mentioned in Article 41 of the Charter, were imposed only twice during the East-West conflict before 1990 (against Rhodesia and South Africa), but have been used several times since then. Since 2006, the Security Council has repeatedly dealt with North Korea's missile and nuclear tests and for the first time imposed sanctions against a state that developed nuclear weapons in violation of a treaty. The Security Council decided on the following measures

<sup>1</sup> Office of Foreign Assets Control (ed.), *North Korea Sanctions Program. Department of the Treasury* (Washington, D.C., 2 November 2016), <https://www.treasury.gov/resource-center/sanctions/Programs/Documents/nkorea.pdf> (accessed 12 March 2018).

<sup>2</sup> "North Korea Sanctions: Trump Announces 'Largest Ever' Package", *The Guardian*, 23 February 2018, <https://www.theguardian.com/us-news/2018/feb/23/north-korea-sanctions-trump-announces-largest-ever-package> (accessed 12 March 2018).

against North Korea,<sup>3</sup> the implementation of which is in principle binding on all member states:

- a) prohibiting the supply of heavy weapons or technologies to North Korea that it could use for its missile and nuclear weapons programmes (these weapons systems and technologies are defined and listed);
- b) prohibiting the export of luxury goods to North Korea (the definition was left to the member states);
- c) limiting energy supplies to North Korea, currently at an annual limit of 500,000 barrels of petroleum products and four million barrels of crude oil;
- d) boycotting North Korean exports, a boycott which has been progressively stepped up and now affects almost all of the country's exports, in particular coal, textiles, food and iron, machinery, agricultural products and electrical goods;
- e) freezing the accounts and property of North Korean citizens and organisations which the Security Council has determined are participating in North Korea's programmes;
- f) immediately expelling all North Korean workers abroad, or by the end of 2019 at the latest; taxing the remuneration of these workers was an important source of foreign currency for North Korea.

Overall, the sanctions imposed on North Korea by the Security Council add up to a comprehensive sanctions regime with significant potential for damage.

## Unilateral Sanctions by the EU

The EU imposed economic sanctions against North Korea for the first time in 2006, in connection with the implementation of Security Council Resolution 1718. Since 2009 it has also adopted its own measures against North Korea that go beyond those set out by the Security Council, in particular a ban on the export of certain sensitive technologies and measures against exponents of the North Korean regime and its nuclear weapons and missile programme. Some of

<sup>3</sup> The following resolutions refer to North Korea's missile and nuclear weapons tests: SR 1695 of 15 July 2006 (in response to the – failed – test of a long-range Taepodong-2 rocket), SR 1718 of 14 October 2006 (first test of a nuclear explosive device) and SR 1874 of 12 December 2009, SR 2087 of 22 January 2013, SR 2094 of 7 March 2013, SR 2270 of 2 March 2016, SR 2321 of 30 November 2016, SR 2356 of 2 June 2017, SR 2371 of 5 August 2017, SR 2375 of 11 September 2017 and finally SR 2397 of 22 December 2017.

the most recent unilateral sanctions imposed by the EU in April 2018 concerned five North Koreans and 21 organisations or companies due to their involvement in illegal activities; they are now subject to travel restrictions, and their accounts and assets have been frozen.<sup>4</sup>

## China's Sanctions

For geographical and political reasons, China's attitude to sanctions is particularly significant: China is formally North Korea's only ally; much of North Korea's foreign trade is conducted via the 1420 kilometre border between the two states, which is mostly easy to access; China accounts for about 90 percent of North Korea's imports and exports, especially the critical deliveries of oil and food. In addition, China plays an important role in North Korea's access to international financial markets and, not least, as a lender who has so far been willing to finance Pyongyang's foreign trade deficits.

China has agreed to all of the Security Council's sanctions and claims to have implemented them. In practice, it appears that China temporarily tightened restrictions on both imports from North Korea (especially coal) and exports to it (e.g. food and oil), especially in 2017, but has since loosened them again. Beijing is thus pursuing a flexible sanctions strategy, which on the one hand should make North Korea aware of its dependence on China and put Pyongyang under political pressure, but on the other also seeks to avoid a dramatic deterioration in political relations or even destabilisation of the regime.

## Sanctions: Objectives and Results

What should sanctions do, and what can they achieve? First of all, three categories of target need to be distinguished: first, the states, governments and their peoples to be influenced; second, the societies of the sanctioning countries, to whom governments want to demonstrate their concern and ability to act; and third, any third countries that need to be discouraged from supporting the punishable behaviour of the targeted state, so that unity will emphasise the binding nature of the violated principles, norms and rules.

<sup>4</sup> European Council (ed.), *EU Restrictive Measures against North Korea*, <https://www.consilium.europa.eu/en/policies/sanctions/history-north-korea/> (accessed 13 August 2018).

## The Objectives of the Sanctions Policy

Sanctions are intended to induce North Korea's regime to abandon its undesirable programmes due to their unacceptably high cost. The impact of sanctions on the development of (nuclear) weapons of mass destruction and delivery systems, as well as on economic activity in general, is difficult to determine precisely. While it is reasonable to assume that the sanctions delayed and hampered progress in North Korea's missile and WMD programmes, there is no tangible evidence of this.

The US government justifies its unilateral sanctions on the following grounds: North Korea (1) contributed to the illegal proliferation of nuclear weapons, (2) threatened regional security in East Asia and world peace, (3) supported international terrorism, (4) is a Marxist-Leninist state with a Communist government, and (5) was active in international drug trafficking, smuggling and other criminal activities as well as money laundering and counterfeiting.<sup>5</sup>

The objectives of the UN Security Council are outlined in the resolutions on North Korea as follows: the country should refrain from further nuclear and missile tests or "other provocations", cease all nuclear activities and disarm its nuclear weapons, other weapons of mass destruction and ballistic missile programmes "immediately", "completely, verifiably and irreversibly". The demands of the West and the Security Council had been largely identical, right down to the wording (for example, with the call on Pyongyang to abandon its nuclear weapons programme "completely, verifiably and irreversibly"), until Donald Trump seemed to move away from them after the summit meeting with Kim Jong Un.

## Effects on North Korea

North Korea's economy has been in a severe structural crisis since the end of the Cold War and the collapse of the Soviet Union, which caused massive famines in the mid-1990s with several hundred thousand deaths, and has not yet been overcome. To use Marxist terminology: the fundamental contradiction of the current situation in North Korea is that there is a rigid totalitarian system of rule founded on violence, facing an

economy and a society that is dynamically changing towards capitalist practices.

So far, the overall impact of sanctions on North Korea has been limited, and there was little evidence of major disruption up to 2017.<sup>6</sup> According to the *CIA World Fact Book*, North Korea's overall economic performance has stagnated in recent years, but this is probably mainly due to the country's structural problems. According to estimates by South Korea's Bank of Korea, North Korea's gross domestic product recovered by 3.6 percent in 2016 (after shrinking by 1.2 percent in the previous year). The growth impulses observed in recent years probably stem predominantly from the rapid transformation of the economy and society into a proto-capitalist market system.

North Korea's exports peaked in 2013 at 3.63 billion US dollars, but have since declined; in 2016, the country only received 2.86 billion US dollars. A similar picture emerges from the import figures: North Korea's imports fell from a peak of US\$4.37 billion in 2013 to US\$3.20 billion in 2016.<sup>7</sup> In the wake of the tightened Security Council sanctions and their more vigorous implementation by China, Chinese statistics show a sharp decline in trade between North Korea and China (in both directions, i.e. imports and exports) since September 2017.<sup>8</sup>

The Achilles' heel of the North Korean economy is its energy supply, especially crude oil. The international community significantly tightened its sanctions in 2017: currently there is an upper limit of four million barrels for crude oil (roughly equivalent to China's deliveries to North Korea in 2016 via the Dandong-Sinuiju pipeline) and 500,000 barrels per year

<sup>6</sup> Stephan Haggard and Marcus Noland, *Hard Target: Sanctions, Inducements, and the Case of North Korea* (Stanford, Cal.: Stanford University Press, 2017).

<sup>7</sup> For comparison: South Korea's exports in 2017 amounted to \$552.3 billion and imports to \$448.4 billion; North Korea's foreign trade thus amounted to less than one percent of South Korea's. Data from: Trading Economics (ed.), *North Korea Exports 2001-2018*, <https://tradingeconomics.com/north-korea/exports> (accessed 22 March 2018); *CIA World Factbook, Korea, North*, <https://www.cia.gov/library/publications/the-world-factbook/geos/kn.html> (accessed 22 March 2018), and *idem, Korea, South*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ks.html> (accessed 7 June 2018).

<sup>8</sup> Jeremy Page, Andrew Jeong and Ian Talley, "North Korea Feels Sting of Sanctions — At a Border Crossing, Garments and Seafood Aren't Coming Out, Fewer Chinese Goods Go In", *Wall Street Journal*, 2 March 2018.

<sup>5</sup> Dianne E. Rennack, *North Korea: Legislative Basis for U.S. Economic Sanctions*, R41438 (Washington, D.C.: Congressional Research Service, 14 January 2016), 2, <https://fas.org/sgp/crs/row/R41438.pdf> (accessed 5 June 2018).

for petroleum products (such as petrol), compared to imports previously estimated at 2.2 to 4.5 million barrels per year.<sup>9</sup>

### Sanctions and counter-measures are interactive, repetitive processes of adaptation.

Targeted financial sanctions have had an impact in the past. In 2006, the US Treasury Department apparently succeeded in identifying accounts of the North Korean leadership at a bank in Macau (Banco Delta Asia). The institution was accused of complicity in money laundering, which led the bank and the Chinese authorities to block the accounts and freeze the funds. However, Pyongyang soon succeeded in getting the account closures lifted as an advance payment for the resumption of the six-party talks in 2007.<sup>10</sup>

### North Korean Counter-Measures

This last example of an apparently effective sanction measure pinpoints the fundamental problem of sanctions: a regime targeted by sanctions can try to circumvent them, undermine them or have them lifted, and it can redistribute within its own society the costs and burdens that the sanctions cause or pass them on to third parties. Sanctions and counter-measures are thus interactive, repetitive processes of adaptation. These competitions take place in transnational markets with lucrative profit opportunities, which naturally also attract (organised) criminals.

North Korea's largest dependency probably lies in its interaction with the international financial system for handling its foreign trade and for financing its

<sup>9</sup> Stephan Haggard, "UN Security Council Imposes Tough New Sanctions on North Korea", *UNSC Resolution 2397* (Washington, D.C.: The Peterson Institute for International Economics, 29 December 2017), <https://piie.com/blogs/north-korea-witness-transformation/un-security-council-imposes-tough-new-sanctions-north-korea> (accessed 22 March 2018).

<sup>10</sup> The sixth round of the six-party talks began in February 2007. For the "Banco Delta Asia"-complex see John McGlynn, "Banco Delta Asia, North Korea's Frozen Funds & US Undermining of the Six-Party Talks: Obstacles to a Solution, Part III", *Asia-Pacific Journal* 5, no. 6 (June 2007): 1–13, and idem, "Financial Sanctions & North Korea: In Search of the Evidence of Currency Counterfeiting & Money Laundering Part II", *Asia-Pacific Journal* 5, no. 7 (2007): 1–39.

foreign trade deficit. The country's foreign exchange reserves are likely to be permanently strained, given its structural foreign trade deficits and precarious creditworthiness. In the past, however, the regime has repeatedly managed to tap new sources of foreign exchange income. This involved considerable criminal machinations, not least under the cover of diplomatic immunity.<sup>11</sup> North Korea gains access to the international financial system to carry out these activities through an extensive network of bank accounts abroad.

In its energy supply, North Korea has already replaced considerable quantities of petroleum products with indigenous coal or electricity. It could probably also reduce demand and consumption to an even greater extent.<sup>12</sup> Strategic stocks would also be a (short-term) alternative to imports. In the medium term, the regime might also be able to resort to coal liquefaction, a technology the country appears to possess. Coal deposits are abundant.<sup>13</sup>

North Korea has so far been able to systematically and comprehensively undermine international sanctions.<sup>14</sup> The fact that many UN member states have inadequately implemented the sanctions resolutions of the Security Council has made it easy for the country to earn foreign currency through exports and finance imports despite the boycott and embargo measures. A study by Andrea Berger for the Royal United Services Institute for Defence and Security Studies (RUSI) in London came to the conclusion that "not a single component of the UN sanctions regime against North Korea currently enjoys robust international im-

<sup>11</sup> Sheena Chestnut Greitens, *Illicit, North Korea's Evolving Operations to Earn Hard Currency* (Washington, D.C.: Committee for Human Rights in North Korea, 2014), <https://www.hrnk.org/uploads/pdfs/SCG-FINAL-FINAL.pdf> (accessed 22 March 2018).

<sup>12</sup> Peter Hayes and David von Hippel, *Sanctions on North Korean Oil Imports: Impact and Efficacy*, NAPSNet Special Reports (5 September 2017), <https://nautilus.org/napsnet/napsnet-special-reports/sanctions-on-north-korean-oil-imports-impacts-and-efficacy/> (accessed 22 March 2018).

<sup>13</sup> Pierre Noel, "North Korea: An Oil Embargo Probably Wouldn't Work", *Politics and Strategy, the Survival Editors' Blog*, 6 September 2017, <https://www.iiss.org/en/politics%20and%20strategy/blogsections/2017-6dda/september-87a1/the-problem-with-a-north-korean-oil-embargo-883b> (accessed 22 March 2018).

<sup>14</sup> *Report of the Panel of Experts Established Pursuant to Resolution 1874 (2009)*, 5 March 2018, 4f., [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2018/171](http://www.un.org/ga/search/view_doc.asp?symbol=S/2018/171) (accessed 23 March 2018).

plementation".<sup>15</sup> Another study found violations of the sanctions regime in 49 countries, including Germany and Japan. In its activities to undermine the sanctions regime, North Korea has relied on a network of Koreans and non-Koreans in several countries in East and Southeast Asia, but also elsewhere; it has made extensive use of the possibilities of diplomatic immunity.<sup>16</sup>

### The Sanctions Policy against North Korea: Significance and Problems

Economic sanctions are the only realistically available means of exerting pressure on North Korea in dealing with its WMD, nuclear weapons and missile programmes. They are also highly problematic. They are the only available means insofar as it is hard to imagine how Pyongyang could be persuaded to give up its atomic capabilities without pressure, i.e. by incentives and conciliation alone. At the same time, however, any attempt to force North Korea to give up by military means would entail unacceptable escalation risks: the ten million inhabitants of Seoul live mostly within reach of North Korean artillery, not to mention weapons of mass destruction.

**From the regime's point of view, the sanctions are aimed at what is probably its most important foundation for securing power and dominance.**

By demanding that North Korea abandon its nuclear weapons, the sanctions are aimed at what the regime probably considers to be its most important foundation for securing power and domination, and at an element of its identity as a nation-state: in Pyongyang's eyes, its position as a nuclear power, now enshrined in the constitution, gives it equal status. To date, however, North Korea has barely come under serious pressure from the sanctions due to the lax implementation practices of many member states. As mentioned above, China has played and continues to play a decisive role in this, because a large part of North Korean foreign trade is conducted across the

Chinese-North Korean border. From the point of view of the People's Republic, however, the question is: what consequences would an effective economic blockade of North Korea have on China? Should North Korea's current regime subsequently collapse, China might be confronted with millions of refugees, political chaos, and extensive arsenals of conventional weapons and WMD in its immediate vicinity. Moreover, the regime in Pyongyang would still have enough time to react militarily to an economic blockade.

Ultimately, the sanctions regime lacks being embedded in a plausible political strategy. It is unclear how Pyongyang should be persuaded to abandon its nuclear weapons through sanctions; whether sanctions could decisively weaken or even overthrow the regime is also uncertain. However, if the sanctions only serve the purpose of forcing Pyongyang back to the negotiating table, the question arises as to what incentives and compensatory measures could persuade the regime to abandon its nuclear weapons. By meeting with the North Korean leader in Singapore, the American president has not only upgraded Kim and the North Korean regime in the world's eyes, he has also deprived the United Nations sanctions regime of its foundations. How can the US hope to be persuasive in calling on third states to implement the sanctions regime against North Korea more decisively if they themselves negotiate with Pyongyang at the highest level? North Korea was thus once again in a position to weaken the sanctions regime through a (genuine or sham?) willingness to engage in dialogue.



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<sup>15</sup> Andrea Berger, *A House without Foundations. The North Korea Sanctions Regime and Its Implementation*, Whitehall Report 3 – 17 (London: Royal United Services Institute for Defence and Security Studies [RUSI], June 2017), Executive Summary.

<sup>16</sup> Ibid.



Michael Paul

# Military Options: (Too) Much Risk for (Too) Little Promise

Based on the experience of the Korean War and North Korea's repeated violations of UN Security Council resolutions, treaties and agreements, experts in Washington assume that the regime in Pyongyang will behave similarly in future. According to this logic, the Kim family developed its nuclear missile programme not only for its own protection, but also as a means of "blackmailing" the US and its allies.<sup>1</sup> Without a verifiable disarmament process, Pyongyang will in future be able to push ahead with the proliferation of nuclear and missile technology and exacerbate this global problem, as it already has in individual cases.<sup>2</sup> In addition, the US cannot accept North Korea's nuclear armament without compromising the security promises it has made to Seoul and Tokyo. And finally, why should the USA expose itself to the risk of a nuclear war with a strengthening North Korea rather than disarm the country while it is still relatively weak?

During their terms in office Foreign Minister Rex Tillerson and Security Advisor Herbert McMaster used the threat of military intervention as a lever to force North Korea to renounce nuclear weapons. Their successors Mike Pompeo and John Bolton were more

calculating, recognising it as a means of choice: a military operation could bring about not only disarmament in North Korea, but also a regime overthrow.<sup>3</sup> After all, according to an assessment by the Pentagon in February 2018, North Korea was "only a few months away" from being able to attack the USA with a nuclear missile.<sup>4</sup>

Even after the Singapore summit, it remains unclear whether Kim Jong Un is willing to disarm at all – despite statements to the contrary and despite considerable costs that the prestigious rise to nuclear power imposes on his regime and the country. Instead, he might want to push ahead with his nuclear weapons programme, intending "complete denuclearisation" only to mean a US withdrawal from the Korean peninsula. The US, on the other hand, has declared its willingness to negotiate, but must also reckon with a possible breakdown or failure of talks. In that case, a new strategy of deterrence and containment would be necessary,<sup>5</sup> whose implementation would require resuming not only the suspended manoeuvres with South Korea, but also the preparations for a possible military operation.

1 "The North Koreans have shown, through their words and actions, their intention to blackmail the United States into abandoning our South Korean ally, potentially clearing the path for a second Korean War," General McMaster said, suggesting that the assumption that North Korea wanted a nuclear weapon only to assure survival may be wrong." David E. Sanger, "Washington Eyes a Cold Eye War Strategy against North Korea", *New York Times*, 29 November 2017, <https://www.nytimes.com/2017/11/29/world/asia/north-korea-nuclear-strategy-deterrence.html> (accessed 5 June 2018).

2 See U.S. Department of Defence, *Nuclear Posture Review* (Washington, D.C.: Office of the Secretary of Defense, February 2018), 12; Kathleen J. McInnis et al., *The North Korean Nuclear Challenge: Military Options and Issues for Congress*, CRS Report, R44994 (Washington, D.C.: Congressional Research Service [CRS], 6 November 2017), 12f.

3 In extreme cases, North Korea's nuclear ambitions are considered inextricably linked to the regime and the latter's demise is equated with denuclearisation. See Greg Jaffe, "The Hawkish Views of Bolton and Pompeo Could Mark a Turning Point for Trump", *Washington Post*, 24 March 2018, [https://www.washingtonpost.com/world/national-security/the-hawkish-views-of-bolton-and-pompeo-could-mark-a-turning-point-for-trump/2018/03/23/227fd322-2eb9-11e8-8ad6-fbc50284fce8\\_story.html?noredirect=on&utm\\_term=.1d6568c06482](https://www.washingtonpost.com/world/national-security/the-hawkish-views-of-bolton-and-pompeo-could-mark-a-turning-point-for-trump/2018/03/23/227fd322-2eb9-11e8-8ad6-fbc50284fce8_story.html?noredirect=on&utm_term=.1d6568c06482) (accessed 5 June 2018); Michael Paul, "Brennpunkt Nord-korea: Donald Trump gegen Kim Jong-un", *Blätter für deutsche und internationale Politik* 63, no. 1 (2018): 41 – 51 (50).

4 U.S. Department of Defence, *Nuclear Posture Review*, 2018 (see note 2), 11.

5 See Robert Einhorn, *Singapore and Beyond: Options for Denuclearizing North Korea* (Washington, D.C.: Brookings, June 2018).

Given this assessment of the situation, three main military options for action by the US and its allies in East Asia<sup>6</sup> will be discussed here: first, expanding deterrence and defence; second, a limited military pre-emptive intervention; and third, a preventive war.

## Expanding Deterrence and Defence

The preferred means of deterrence and defence against a North Korean missile attack is the expansion and improvement of missile defence systems in the US, Japan and South Korea. North Korea's missile test in July 2017 prompted Seoul to accelerate the deployment of US THAAD defence systems. The modernisation and system integration of THAAD and Patriot defence systems in South Korea has continued even after bilateral military manoeuvres were cancelled by Trump in June 2018. US cooperation with Tokyo includes the further development of an interceptor rocket manufactured by the US company Raytheon (Standard Missile, SM) into the type SM-3 Block IIa for the Japanese navy. These interceptors are also intended for land-based defence systems (Aegis Ashore) in Akita and Yamaguchi, respectively in the north and south of the main island of Honshu; they are expected to be operational in 2023.<sup>7</sup>

However, if interceptor missiles on American or Japanese ships are ever actually deployed against a North Korean missile, this could reveal existing deficits in missile defence or lead to unwanted consequences.<sup>8</sup> After all, US defensive systems have so far not been very successful against ballistic long-

range missiles and are by no means "97 percent" effective, as President Trump believes.<sup>9</sup>

Improving South Korea's defence with new ballistic missiles capable of a greater range, the relocation of US fighter aircraft or the presence of US aircraft carrier groups and submarines can only contribute to stabilising the precarious situation; it cannot substantially change the situation itself. The dispute over nuclear arms can ultimately only be resolved diplomatically or militarily – without this, the expansion of deterrence and defence means tacit acceptance of the status quo.

Before any military deployment to North Korea, a sea blockade would be conceivable as a combination of forced sanctions and military escalation.<sup>10</sup> This would create the possibility of effectively preventing not only shipping that circumvents sanctions, but also the import and distribution of components for North Korean armaments and proliferation – even though this would take some considerable effort. However, this would require an (unlikely) decision by the UN Security Council; otherwise it would be an act of war in violation of international law, and the North Korean response already declared for this eventuality would be a legitimate act of self-defence.<sup>11</sup>

## Military Pre-emptive Intervention

Kim's readiness to attend talks was attributed to "Trump's credible threat" that "the next missile he [Kim] points at America will not leave the launch pad."<sup>12</sup> Preventing the imminent launch of a North Korean missile would require pre-pre-emption by sabotaging the missile's launch and control system or destroying the launch base along with the missile by air-to-air missiles or cruise missiles. If the US Presi-

<sup>6</sup> See Michael Paul and Elisabeth Suh, *North Korea's Nuclear-Armed Missiles. Options for the US and Its Allies in the Asia-Pacific*, SWP Comment 32/2017 (Berlin: Stiftung Wissenschaft und Politik, August 2017).

<sup>7</sup> Mari Yamaguchi, "Japan Approves Missile Defense System amid Nkorea Threat", *Chicago Tribune*, 19 December 2017; Tony Capaccio, "US Upgrading Missile Defense Even as War Games Halted", *Bloomberg News*, 27 June 2018; Damien Sharkov, "North Korea Attack Threat 'Has Not Changed', Says Japan as It Boosts Missile Defense", *Newsweek*, 28 June 2018.

<sup>8</sup> See Michael Elleman, "Can the US Prevent North Korea from Testing an ICBM?", *38 North*, 27 January 2017, <https://www.38north.org/2017/01/melleman012717/>; Dave Majumdar, "There May Be No Way to Shoot Down North Korea's Ballistic Missiles", *War is Boring*, 31 August 2017, <https://warisboring.com/there-may-be-no-way-to-shoot-down-north-koreas-ballistic-missiles/> (all accessed 5 June 2018).

<sup>9</sup> David E. Sanger and William J. Broad, "Downing North Korean Missiles Is Hard. So the U.S. Is Experimenting", *New York Times*, 16 November 2017, and Editorial, "The Dangerous Illusion of Missile Defense", *ibid.*, 11 February 2018, <https://www.nytimes.com/2018/02/11/opinion/illusion-missile-defense.html> (accessed 5 June 2018).

<sup>10</sup> See Peter J. Brown, "If Summits Fail, US Naval Blockade of North Korea Looks Doomed", *Asia Times*, 24 April 2018, <http://www.atimes.com/article/if-summits-implode-us-naval-blockade-of-north-korea-looks-doomed/> (accessed 5 June 2018).

<sup>11</sup> "North Korea Says Naval Blockade Would Be 'Act of War', Vows Action", *Reuters*, 14 December 2017.

<sup>12</sup> Paul-Anton Krüger, "Atomdeal mit Iran. Zurück auf null", *Süddeutsche Zeitung*, 15 March 2018, 7.

dent's statement is interpreted more broadly to mean that a North Korean missile would not reach the US, there would be two additional options:

- 1) During the *ascent phase*, the downing of the missile by fighter aircraft (F-35), drones (MQ-9 Reaper)<sup>13</sup> or air-to-air missiles of the US armed forces or their allies<sup>14</sup> (drones whose lasers could damage the missile are also under discussion),
- 2) during the *flight phase*, the interception of incoming warheads over the Pacific by interceptor missiles from Vandenberg/California.<sup>15</sup>

The advantage of all three variants is that neither ground troops nor Special Forces – and thus relatively few visible preparations – would be necessary to destroy the missile. At the same time, this would demonstrate to North Korea that the USA has the capabilities and willingness to escalate further.

**In each case, military intervention is the most dangerous and least promising option for the USA.**

Nevertheless, military intervention is, in each case, the most dangerous and least promising option for the Trump administration. At best, the imminent launch of a long-range missile directed against the USA can be pre-emptively prevented and the missile and/or its infrastructure destroyed as an act of anticipatory self-defence.<sup>16</sup> Subsequent attacks against the nuclear infrastructure, however, would not be covered under the law and would also be risky. Command and control installations, missile launch bases and nuclear weapon development sites are scattered

**13** A drone based defence system could be deployed by 2020 and fight up to five ICBM launches. See Richard L. Garwin and Theodore A. Postol, *Airborne Patrol to Destroy DPRK ICBMs in Powered Flight* (Washington, D.C.: Massachusetts Institute of Technology [Science, Technology, and National Security Working Group], November 27–29, 2017), 2.

**14** Japan plans to include the procurement of stand-off weapons in its defence budget for 2018, which is problematic in the context of the Japanese constitution and the US's defence commitment.

**15** See Sanger and Broad, "Downing North Korean Missiles Is Hard" (see note 9).

**16** Preparations for the launch of a long-range rocket can be interpreted by the US as an imminent attack, entitling it to pre-emptive self-defence. On the wide range of positions under international law, see Peter Rudolf, *Zur Legitimität militärischer Gewalt* (Bonn: Bundeszentrale für politische Bildung, 2017), 17–26.

widely over the country. Many facilities and depots are located in underground tunnel systems in the north-eastern mountainous regions. Some may be unknown due to a lack of reconnaissance.<sup>17</sup> It is therefore nearly impossible to destroy all sites and mobile rocket transporters using missiles, air strikes or the Special Forces.<sup>18</sup> Not even a "decapitation strike" against the Kim regime's chain of command can completely eliminate the risk of a North Korean use of nuclear weapons.<sup>19</sup>

The more logistical preparations are necessary, and the more visible they are, the more plausible a North Korean first strike becomes. Even a limited use of weapons against missile systems can escalate the conflict. If the North Korean air defence considers incoming fighter planes and drones to be missiles designed to execute a decapitation strike, the regime may be tempted to shoot them down and launch a counterattack. If the deployment was seen as an overture to the overthrow of the regime – for example because of misleading signals, such as a misinterpreted tweet by Donald Trump<sup>20</sup> – Kim Jong Un could subsequently order an attack on US bases in South Korea and Japan or Guam.

Almost half the population of South Korea (25.6 out of 47 million) and 200,000 US citizens live in the Seoul metropolitan area. It is within range of North Korean artillery and biological and chemical weap-

**17** David E. Sanger and William J. Broad, "Tiny Satellites from Silicon Valley May Help Track North Korean Missiles", *New York Times*, 7 July 2017, <https://www.nytimes.com/2017/07/06/world/asia/pentagon-spy-satellites-north-korea-missiles.html> (accessed 5 June 2018); Mark Bowden, "How to Deal with North Korea", *The Atlantic*, (July/August 2017); McInnis et al., *The North Korean Nuclear Challenge* (see note 2), 29f.

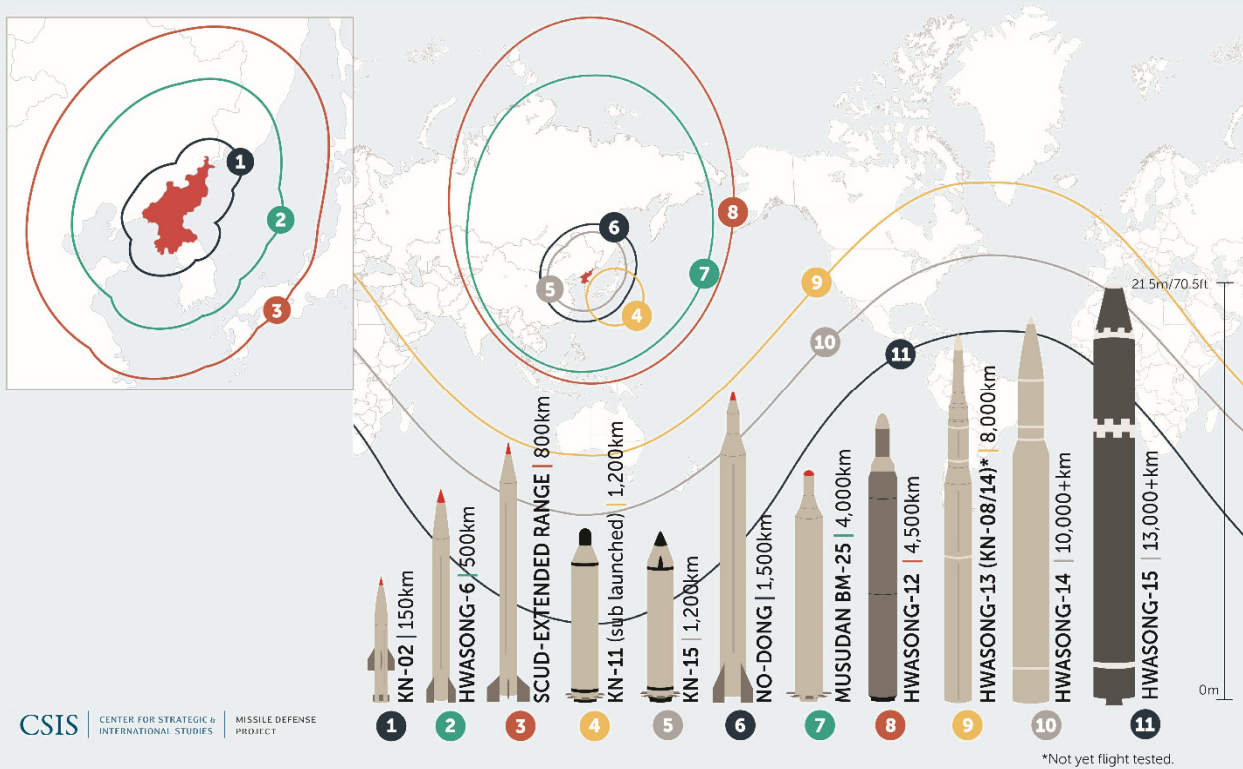
**18** Despite intensive "scud hunting" in 1991 during the Gulf War, most rocket transporters remained intact when the fighting ended. See Robert Beckhusen, "The U.S. Military Is Not Prepared to Hunt This Many North Korean Missiles", *War is Boring*, 5 March 2018.

**19** Vipin Narang and Ankit Panda, "Command and Control in North Korea: What a Nuclear Launch Might Look Like", *War on the Rocks*, 15 September 2017, <https://warontherocks.com/2017/09/command-and-control-in-north-korea-what-a-nuclear-launch-might-look-like/> (accessed 5 June 2018).

**20** Jeffrey Lewis, "This Is How Nuclear War with North Korea Would Unfold", *Washington Post*, 8 December 2017, [https://www.washingtonpost.com/outlook/this-is-how-nuclear-war-with-north-korea-would-unfold/2017/12/08/4e298a28-db07-11e7-a841-2066faf731ef\\_story.html?utm\\_term=.927553ece98d](https://www.washingtonpost.com/outlook/this-is-how-nuclear-war-with-north-korea-would-unfold/2017/12/08/4e298a28-db07-11e7-a841-2066faf731ef_story.html?utm_term=.927553ece98d) (accessed 5 June 2018).

Chart 3

North Korea's ballistic missiles (range in kilometres)



ons, whose use would be expected as a response. Besides missile attacks on US bases in Japan, such attacks on Japanese cities are also conceivable. The impact of even large-scale intervention using air strikes and Special Forces would be limited: it could only delay, but not stop, the development of long-range missiles capable of delivering nuclear weapons.

Finally, the ultimate military option remains comprehensive prevention. This would result in the start of a second Korean war.

### Preventive War

The US is preparing for all options. These include the preventive use of military power to eliminate the nuclear weapons programmes of so-called rogue states.<sup>21</sup> By contrast, the White House is no longer

considering limited “bloody nose” strikes. Any attack is supposed to be “massive and overwhelming”. In February 2018 Senator James E. Risch said at the Munich Security Conference that such a war would be “very, very short”.<sup>22</sup> President Trump appears to believe that he can order such a comprehensive military operation at any time.<sup>23</sup>

<sup>21</sup> *York Times*, 7 April 2018, <https://www.nytimes.com/2018/04/06/opinion/john-bolton-north-korea.html> (accessed 5 June 2018).

<sup>22</sup> Daniel Larison, “Denuclearization Is Not Worth a War”, *The American Conservative*, 26 February 2018, <http://www.theamericanconservative.com/larison/denuclearization-is-not-worth-a-war/>; David Nakamura, “White House Writes Off ‘Bloody Nose’”, *Washington Post*, 27 February 2018; Matthias Naß, “Trump und die ominöse ‘Phase zwei’”, *Zeit Online*, 28 February 2018, <https://www.zeit.de/politik/ausland/2018-02/nordkorea-beziehung-usa-donald-trump-phase-zwei-5vor8> (both accessed 5 June 2018).

<sup>23</sup> Draft bill H.R. 4837 was drawn up by the US House of Representatives on 18 January 2018 against this possibility (“To prohibit the introduction of the Armed Forces into hos-

<sup>21</sup> This is a widely accepted option in the US. See Rudolf, *Zur Legitimität militärischer Gewalt* (see note 16), 22; Scott D. Sagan and Allen S. Weiner, “Bolton’s Illegal War Plan”, *New*

In any scenario, the goal would be to disarm the North Korean regime by force. This would require not only the air force, navy and Special Forces, but also ground troops, and prior coordination with China (and Russia).<sup>24</sup> In practical terms, such a massive military operation, combined with extensive logistical preparations, would mean regime overthrow and occupation of the country. It would probably spell the return of the Iraq scenario under aggravated conditions, and even after the end of the armed conflict, devastating political and humanitarian repercussions could be expected in the region and beyond.

The deployment of American and allied forces requires the prior consent of the South Korean government.<sup>25</sup> However, an agreement between Washington and Seoul is relatively unlikely, particularly since the consequences are quite clear. In the first few days of a conventional conflict alone, 30,000 to 300,000 people would be expected to die. There would be millions of victims in Korea if biological and chemical warfare agents were used and if North Korea chose the path of nuclear escalation to avoid defeat.<sup>26</sup>

But the USA could also use nuclear weapons at an early stage. There is already a debate about using nuclear weapons to destroy with a high degree of certainty the weapons potential that is presumably hidden deep under the mountains.<sup>27</sup> For targets

ilities in North Korea without a declaration of war or explicit statutory authorization, and for other purposes”).

**24** See Jesse Johnson, “Pentagon Says Securing North Korean Nukes Would Require U.S. Ground Invasion”, *Japan Times*, 5 November 2017, <https://www.japantimes.co.jp/news/2017/11/05/asia-pacific/pentagon-says-securing-north-korean-nukes-require-u-s-ground-invasion/>; Oriana Skylar Mastro, “Why China Won’t Rescue North Korea. What to Expect If Things Fall Apart”, *Foreign Affairs*, 12 December 2017, <https://www.foreignaffairs.com/articles/asia/2017-12-12/why-china-wont-rescue-north-korea> (all accessed 5 June 2018).

**25** “No military action on the Korean Peninsula shall be taken without prior consent of the Republic of Korea.” Quoted in “Address by President Moon Jae-in at the National Assembly Proposing the Government’s Budget Plan for FY 2018 and Plans for Fiscal Operations”, 1 November 2017, <http://www.korea.net/Government/Briefing-Room/Presidential-Speeches/view?articleId=150872> (accessed 5 July 2018).

**26** McInnis et al., *The North Korean Nuclear Challenge* (see note 2), 3, 19.

**27** “Selective, judicious, limited use of nuclear explosives on the most difficult North Korean targets, indeed, may offer the only military option that can prevent mass casualties in North Korea, South Korea, Japan and the United States.”

outside of North Korean cities, using nuclear weapons to cause only limited collateral damage may be theoretically possible.<sup>28</sup> However, it would make the USA an international pariah. Weighed up rationally, the foreseeable political costs of a US nuclear strike far outstrip the possible military benefits.

### **Beyond anticipatory self-defence, the threat of military intervention is not credible.**

In short, beyond anticipatory self-defence, the threat of military intervention is not credible. Surely no one wants a second Korean war. President Trump’s belligerent rhetoric has confirmed the North Korean regime in its assessment of the USA as an aggressor (and thus underpinned the legitimacy of the Kim regime), but the escalatory risks of a US military intervention are too great for decision-makers in Seoul and Washington.

### **Summary**

When the probable consequences are weighed up rationally, a US military operation against North Korea becomes too risky and too unlikely to succeed. A preventive US military operation without Seoul’s consent is politically and militarily not even feasible. However, after a potential failure of the talks with Pyongyang, Washington may be forced to increase pressure again and return to a strategy of deterrence and containment. Considering the argumentation patterns mentioned at the beginning of this article, this would presumably amount to a new spiral of violence between North Korea and the USA, in the course of which the US government would ultimately see itself forced to intervene militarily. Incidentally, similar approaches to deterrence and containment as well as scenarios for mostly sea- and land-based missile defence are also conceivable in the case of a military escalation in the Iran conflict.

Quoted in Danny Lam, “The Case for Using Military Force against North Korea”, *The Conversation*, 14 January 2018, <http://theconversation.com/the-case-for-using-military-force-against-north-korea-89747> (accessed 5 June 2018).

**28** Keir A. Lieber and Daryl G. Press, “The New Era of Counterforce. Technological Change and the Future of Nuclear Deterrence”, *International Security* 41, no. 4 (Spring 2017): 9–49 (31).



A military operation against North Korea would in all probability escalate both in terms of the means chosen and the geographical range. Given China's geographical proximity, national interests and military capabilities, it would be involved whatever happened. European NATO states (and Russia) might also have to intervene further down the line of the conflict. But even without any direct military involvement, war would have unforeseeable consequences for Europe and the world.

A second Korean war would claim many millions of victims and burden international relations for decades to come. Almost any diplomatic approach to resolving the conflict is therefore preferable to the options for military intervention outlined above.



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Matthias Schulze

# Cyberspace: Asymmetric Warfare and Cyber-Heists

Like many authoritarian regimes, North Korea long perceived digitisation and the Internet primarily as a threat to its regime. This was changing by the late 1990s.<sup>1</sup> Since then, the digital infrastructure has been expanded and various computer science courses and IT research laboratories have been set up to promote digitisation. In addition to developing its own software, an isolated intranet (Kwangmyong), digital mobile communications UMTS (since 2013) and the increased training of IT experts, the regime has invested in its own hardware developments so as to become independent of Western products.<sup>2</sup> Nevertheless, in digital terms North Korea is considered a developing country, with only 1,024 active IP addresses communicating with the global Internet.<sup>3</sup> Secret services began their first field tests in cyberspace around 2009. Since then, the complexity of Pyongyang's cyber abilities, motives and strategies have constantly increased.<sup>4</sup> Head of state Kim Jong

Un understands cyber warfare as an “all-purpose sword” of considerable strategic value.<sup>5</sup>

## North Korea's Strategic Use of Cyberspace

North Korea has no published cyber strategy and has never publicly confirmed that it is developing offensive cyber capabilities.<sup>6</sup> Its interest in covert cyber operations can be derived from the military situation on the Korean peninsula and the specifics of digital space. A conventional war with the militarily and economically superior South Korea and the US is impossible to win for North Korea. From Pyongyang's point of view, covert cyber operations could provide a way out of the military stalemate.<sup>7</sup>



### Timeline of Cyber Operations attributed to North Korea

[http://bit.ly/SWP18DNK\\_Cyber\\_Operations](http://bit.ly/SWP18DNK_Cyber_Operations)

1 Jenny Jun, Scott LaFoy and Ethan Sohn, *North Korea's Cyber Operations: Strategy and Responses* (Washington, D.C.: Center for Strategic and International Studies, December 2015), 51, <https://www.csis.org/analysis/north-korea%E2%80%99s-cyber-operations> (accessed 7 June 2018).

2 Jean H. Lee, “Quiet Digital Revolution under Way in North Korea”, *The Sydney Morning Herald*, 25 July 2011, <https://www.smh.com.au/technology/quiet-digital-revolution-under-way-in-north-korea-20110725-1hvrq.html> (accessed 6 June 2018).

3 “North Korean Network Observer”, 2018, <https://nknobserver.github.io/> (accessed 7 June 2018).

4 Attributing cyber activity to an originator is a complex undertaking and not an exact science that provides hard evidence. Digital traces can easily be manipulated, and attribution is often politically motivated. As this analysis is based exclusively on the few publicly available and sometimes contradictory sources, inaccuracies cannot be ruled out. To compensate, sources and statements are documented as accurately as possible. This analysis will place what little information is known about North Korea's activities in cyberspace in a strategic context from a social science perspective. As with

Since North Korea is barely digitised, it offers much less attack surface in cyber space than high-tech nations. There is almost no interconnected critical infrastructure that has to be defended. The economy and

all intelligence activities, the number of unreported cases is undoubtedly much higher.

5 Thus Kim Jong Un in 2011, according to South Korean intelligence sources. David E. Sanger, David D. Kirkpatrick and Nicole Perlroth, “The World Once Laughed at North Korean Cyberpower. No More”, *New York Times*, 15 October 2017, <https://www.nytimes.com/2017/10/15/world/asia/north-korea-hacking-cyber-sony.html> (accessed 6 June 2018).

6 Choe Sang-Hun, Paul Mozur, Nicole Perlroth and David E. Sanger, “Focus Turns to North Korea Sleeper Cells as Possible Culprits in Cyberattack”, *New York Times*, 16 May 2017, <https://www.nytimes.com/2017/05/16/world/asia/north-korea-cyber-sleeper-cells-ransomware.html> (accessed 6 June 2018).

7 Jun, LaFoy and Sohn, *North Korea's Cyber Operations* (see note 1), 24–27.

the military are only marginally dependent on digital sensors and communication channels. At least theoretically, North Korea is therefore relatively easy to defend in cyberspace. However, as an extremely isolated country it is cut off from the vital international exchange of information on cyber security. This also affects the IT security of its own developments.<sup>8</sup> Nevertheless, due to these asymmetrical advantages, North Korea has little to lose, but much to gain, in cyberspace.<sup>9</sup> It is still difficult to attribute cyber operations to a particular originator because digital traces can easily be forged, so the risk of detection is low. The Internet also overcomes geographical distances that used to offer protection, and thus allows a global projection of power. Compared to high-tech military equipment, the technical and human resources for cyber operations are comparatively cheap and easy to obtain. Only the development of expertise and well-trained personnel is time-consuming. Some of the development tools for cyber operations are freely available, while malware and knowledge of software vulnerabilities can be accessed via global “grey markets”. The “dual use” nature of digital technologies also allows synergy effects with areas such as espionage, propaganda, disinformation or obtaining funds.

**The disruption of digital systems is a means of weakening an opponent’s will or punishing him for unwanted actions.**

Two types of North Korean cyber activities can be distinguished: repeated disruptive actions below the escalation threshold of an armed attack to serve political goals in peacetime; and strategic cyber operations in the event of war to disrupt enemy command infrastructure. Asymmetric measures in peace are aimed at provocation and expanding the scope for foreign policy action, without causing a military counter-reaction. The disruption of digital systems can thus be understood as a means of coercion to weaken an opponent’s will or to punish an opponent for unwanted actions. The intensity of these cyber

<sup>8</sup> John E. Dunn, “Flaw Spotted in North Korea’s Red Star Operating System”, *Naked Security*, 7 December 2016, <https://nakedsecurity.sophos.com/2016/12/07/flaw-spotted-in-north-koreas-red-star-operating-system/> (accessed 6 June 2018).

<sup>9</sup> Sanger, Kirkpatrick and Perlroth, “The World Once Laughed” (see note 5).

operations seems to correlate with times of relative tension and symbolic events such as national holidays.<sup>10</sup> Civilian infrastructures are often affected by industrial espionage, but these rather low-threshold hacks are also repeatedly carried out against military facilities in South Korea.<sup>11</sup>

Planning for cyber operations in military confrontations is based on a strategy derived from the maxim “quick war, quick end”.<sup>12</sup> In line with this concept, cyber operations could be used for electronic warfare – for example, to disrupt enemy communication networks or the Global Positioning System (GPS) – so as to generate a surprise impact in the early phases of a conflict.<sup>13</sup> The aim would be to disrupt enemy military operations as well as to provide digital support for one’s own armed forces. Strategic cyber operations could also be used to disrupt the opponent’s public infrastructure, such as through power outages, or to launch diversionary manoeuvres.<sup>14</sup> Defensive use is also conceivable. However, it remains unclear whether North Korea can actually successfully conduct such operations against countries with highly developed cyber capabilities such as South Korea; the empirical evidence is lacking.

## Structure and Organisation

The South Korean government estimates that North Korea has up to 6,000 state hackers at its disposal, although their expertise varies widely. Around 5,000 of these are supposedly active as trainers and instructors.<sup>15</sup> They are apparently assigned to two organisa-

<sup>10</sup> Brandon Valeriano and Ryan C. Maness, “The Dynamics of Cyber Conflict between Rival Antagonists, 2001 – 11”, *Journal of Peace Research* 51 (2018): 347 – 60 (355 – 57), <https://doi.org/10.1177/0022343313518940> (accessed 6 June 2018).

<sup>11</sup> Choe Sang-Hun, “North Korean Hackers Stole U.S.-South Korean Military Plans, Lawmaker Says”, *New York Times*, 10 October 2017, <https://www.nytimes.com/2017/10/10/world/asia/north-korea-hack-war-plans.html> (accessed 6 June 2018).

<sup>12</sup> Jun, LaFoy and Sohn, *North Korea’s Cyber Operations* (see note 1), 32.

<sup>13</sup> “APT37 (Reaper): The Overlooked North Korean Actor”, *fireeye.com*, 20 February 2018, <https://www.fireeye.com/blog/threat-research/2018/02/apt37-overlooked-north-korean-actor.html> (accessed 6 June 2018).

<sup>14</sup> Jun, LaFoy and Sohn, *North Korea’s Cyber Operations* (see note 1), 32.

<sup>15</sup> Paul Mozur and Choe Sang-Hun, “North Korea’s Rising Ambition Seen in Bid to Breach Global Banks”, *New York*

tions: the General Staff Department of the Armed Forces (GSD), which deals with strategic cyber operations planning in the event of conflict, and the Reconnaissance General Bureau (RGB), which is responsible for espionage and other measures in peacetime. The latter was founded in 2009 to bundle various capacities such as electronic warfare, foreign espionage, covert operations and various IT research laboratories for the development of malware under one roof. RGB, in particular Bureau 121 with its Cyberwarfare Guidance Bureau, is regarded as a globally active cyber actor.

Obviously, due to the sanctions regime, North Korean IT experts are dependent on the expertise and infrastructure of other actors. A large part of North Korea's Internet traffic, for example, is handled by Chinese service providers.<sup>16</sup> Cyber operations are also regularly performed via hijacked servers abroad. The IT security company Recorded Future has tracked North Korean Internet activities to China, India, Malaysia, New Zealand, Nepal, Kenya and Indonesia.<sup>17</sup> IT specialists living abroad and working in legal IT companies could operate as digital guerrilla forces in the event of conflict.<sup>18</sup> The South Korean police estimates that about 10,000 North Korean software developers are legally resident in China and regularly transfer money to North Korea.<sup>19</sup>

### IT experts belong to the social elite.

IT experts belong to the social elite as sought-after professionals who earn high wages and enjoy privileges – a lucrative career option for many North Korean citizens. The rush for the few places for studying computer science is correspondingly high.<sup>20</sup>

*Times*, 25 March 2017, <https://www.nytimes.com/2017/03/25/technology/north-korea-hackers-global-banks.html> (accessed 6 June 2018).

**16** Jose Pagliery, "A Peek into North Korea's Internet", *money.cnn.com*, 22 December 2014, <http://money.cnn.com/2014/12/22/technology/security/north-korean-internet/index.html> (accessed 6 June 2018).

**17** "North Korea's Ruling Elite Are Not Isolated", *Recorded Future Blog*, 25 July 2017, <https://www.recordedfuture.com/north-korea-internet-activity/> (accessed 6 June 2018).

**18** Sang-Hun, Mozur, Perlroth and Sanger, "Focus Turns to North Korea Sleeper Cells" (see note 6).

**19** Jun, LaFoy and Sohn, *North Korea's Cyber Operations* (see note 1), 55.

**20** Lee, "Quiet Digital Revolution under Way in North Korea" (see note 2).

## Overview of North Korean Cyber Operations

Uniquely, North Korean cyber operations cover the entire spectrum of possible applications: power projection, financial gain, political and economic espionage, signalling, and propaganda. The operations can be described as cost-efficient and as less delicate than those of other actors. Nevertheless, more complex ransomware operations as well as self-developed "zero-day exploits" – malware against which there are no patches – are now also part of the repertoire.<sup>21</sup> North Korea's level of knowledge has reached the level of Western actors.

North Korean hackers are willing to learn and regularly follow the "best practices" of other groups, for example by replicating and modifying malware and procedures. The first steps in this direction were relatively simple "denial of service" attacks. On 4 July 2009, a botnet with around 20,000 bots paralysed the websites of government institutions in the US and South Korea. South Korean intelligence attributed the incident to North Korea.<sup>22</sup>

Since then, North Korean cyber operations have become technically more sophisticated, complex and ambitious. On 20 March 2013, the "DarkSeoul" malware deleted over 32,000 hard disks from numerous South Korean television stations and banks. This led to the temporary failure of a multitude of websites, ATMs and online banking services.<sup>23</sup> The South Korean government believes this was the work of the Pyongyang regime.<sup>24</sup>

Digital traces of the "DarkSeoul" incident were also found in Sony Pictures 2014's Hack.<sup>25</sup> In early Novem-

**21** "APT37 (Reaper)" (see note 13).

**22** "N. Korean Ministry behind July Cyber Attacks: Spy Chief", *Yonhap News*, 30 October 2009, <http://english.yonhapnews.co.kr/northkorea/2009/10/30/86/0401000000AEN20091030002200315F.HTML> (accessed 6 June 2018).

**23** Symantec Security Response, "Four Years of DarkSeoul Cyberattacks against South Korea Continue on Anniversary of Korean War", *symantec.com*, 26 June 2013, <http://www.symantec.com/connect/blogs/four-years-darkseoul-cyberattacks-against-south-korea-continue-anniversary-korean-war> (accessed 8 March 2018).

**24** Kim Zetter, "The NSA Acknowledges What We All Feared: Iran Learns from US Cyberattacks", *WIRED*, 2 October 2015, <https://www.wired.com/2015/02/nsa-acknowledges-feared-iran-learns-us-cyberattacks/> (accessed 8 March 2018).

**25** Mathew J. Schwartz, "'Wiper' Attacks: How Sony Hack Compares", *Bank Info Security*, 9 December 2014,

ber, a hacker group called “Guardians of Peace” had called for a stop to the release of Sony Pictures’ comedy “The Interview” about the assassination of Kim Jong Un. On 24 November, while Thanksgiving was celebrated in the US, malware deleted a lot of data from the production company’s PCs and stole sensitive internal documents that were later published.<sup>26</sup> US President Obama directly blamed North Korea for the incident. A similar event occurred later the same year in Great Britain, where, over protests from Pyongyang, the production of a multi-part drama series about North Korea was in the planning stages. A hacker attack on the production company ended the project.<sup>27</sup> Both cases are examples of the successful use of cyber capabilities to exert political pressure on Western states.

North Korea has been using cyber operations for digital bank robbery since at least 2016. ATMs are hijacked, data for access to online banking stolen or bank transactions manipulated. A cyber incident at the Central Bank of Bangladesh in February 2016, which is attributed to the “Lazarus” group, is striking. Western secret services are increasingly certain that there is a direct connection between Lazarus and North Korea. Lazarus attempted to steal 851 million US dollars from counterfeit SWIFT wire transfer requests, but made technical mistakes, stopping most of the triggered financial transactions. Nevertheless, 81 million US dollars were stolen.<sup>28</sup>

Since then, similar incidents have occurred across the world. According to Kaspersky, a group called “Bluenoroff”, which is said to have a connection to “Lazarus”, is attempting to pick up user data from bank customers worldwide with so-called “watering hole” attacks: customers are asked to enter their pins on fake websites where their data is “phished”.<sup>29</sup> The

malware used has been found in over thirty countries and shows some indicators of Lazarus involvement.<sup>30</sup> Ransomware encryption trojans are also used to make hard disks unreadable and unlock them again for a ransom in a crypto currency (such as Bitcoin). The “WannaCry” incident in 2017, which affected more than 250,000 computers worldwide, was attributed to North Korea by the US by the end of the year.<sup>31</sup> The rise in value of the hitherto unregulated crypto currencies makes them interesting for a country like North Korea, which sees them as an opportunity to circumvent international financial sanctions. In early 2018, according to the IT company Recorded Future, there were growing reports of hacker incidents at Bitcoin Exchanges — companies that store customers’ digital currency — in South Korea and Japan.<sup>32</sup> In other cases, Bitcoin wallets were stolen directly from users via malware, or their computers were converted into so-called “mining” of crypto currencies in a botnet. The extent of North Korea’s involvement has not yet been verified.

## Prospects

Given the favourable cost-benefit ratio, North Korea’s cyber activities threaten to become more complex, and the appetite for risk by hackers in the service of the regime threatens to increase. Even though Pyongyang’s cyber operations usually do not achieve the damaging effect of an armed attack, misperceptions and escalation spirals pose a risk of potentially global collateral effects.

Germany, although not a strategic target of North Korea, has already been affected. For example, the

<https://www.bankinfosecurity.com/wiper-attacks-how-sony-hack-compares-a-7655> (accessed 6 June 2018).

**26** “A Breakdown and Analysis of the December, 2014 Sony Hack”, *Risk Based Security*, 5 December 2014, <https://www.riskbasedsecurity.com/2014/12/a-breakdown-and-analysis-of-the-december-2014-sony-hack/> (accessed 6 June 2018).

**27** Gordon Corera, “UK TV Drama about North Korea Hit by Cyber-attack”, *BBC News*, 16 October 2017, <http://www.bbc.com/news/technology-41640976> (accessed 6 June 2018).

**28** *Lazarus under the Hood*, Kaspersky Lab, April 2017, [https://media.kasperskycontenthub.com/wp-content/uploads/sites/43/2018/03/07180244/Lazarus\\_Under\\_The\\_Hood\\_PDF\\_final.pdf](https://media.kasperskycontenthub.com/wp-content/uploads/sites/43/2018/03/07180244/Lazarus_Under_The_Hood_PDF_final.pdf) (accessed 6 June 2018).

**29** Choe Sang-Hun, “North Korea Tries to Make Hacking a Profit Center”, *New York Times*, 27 July 2017,

<https://www.nytimes.com/2017/07/27/world/asia/north-korea-hacking-cybersecurity.html> (accessed 6 June 2018).

**30** Symantec Security Response, “Attackers Target Dozens of Global Banks with New Malware”, *symantec.com*, 12 February 2018, <http://www.symantec.com/connect/blogs/attackers-target-dozens-global-banks-new-malware-0> (accessed 6 June 2018).

**31** Thomas P. Bossert, “It’s Official: North Korea Is Behind WannaCry”, *Wall Street Journal*, 18 December 2017, <https://www.wsj.com/articles/its-official-north-korea-is-behind-wannacry-1513642537> (accessed 6 June 2018).

**32** Juan Andres Guerrero-Saade and Priscilla Moriuchi, “North Korea Targeted South Korean Cryptocurrency Users and Exchange in Late 2017 Campaign”, *Recorded Future*, 16 January 2018, <https://www.recordedfuture.com/north-korea-cryptocurrency-campaign/> (accessed 6 June 2018).

“WannaCry” malware software paralysed Deutsche Bahn display systems, “Bluenoroff” is active in the field of (industrial) espionage, and “DarkSeoul” malware has been found on German computers.<sup>33</sup> It cannot be ruled out that critical coverage of North Korea could trigger a reaction similar to the Sony hack. Germany could also move into focus for North Korea if a NATO defence case was declared. Since 2017, the Alliance has argued that a cyber incident with the damaging effect of an armed attack could lead to precisely that. In the event of such an escalation, Korean IT guerrilla forces abroad could target Western IT infrastructures and worldwide services to create chaos.

Financially motivated cyber operations against international finance flows, such as the Lazarus attack on the SWIFT network in 2016, are particularly worrying in this respect. It should be assumed that North Korea will maintain its lucrative, financially motivated operations, whether in the form of ransomware or the theft of digital currencies, so long as a sufficiently high Bitcoin price justifies the expense. It would be sensible to proactively adjust to new developments in digital currencies and to develop resilience plans for cyber incidents during symbolic events and holidays.



**Online dossier: Additional resources and SWP publications on this topic**

[http://bit.ly/SWP18DNK\\_Global\\_Challenges](http://bit.ly/SWP18DNK_Global_Challenges)

**33** Bundesamt für Sicherheit in der Informationstechnik, *Die Lage der IT-Sicherheit in Deutschland 2017* (Bonn, August 2017), [https://www.bsi.bund.de/SharedDocs/Downloads/DE/BSI/Publikationen/Lageberichte/Lagebericht2017.pdf?\\_\\_blob=publicationFile&v=3](https://www.bsi.bund.de/SharedDocs/Downloads/DE/BSI/Publikationen/Lageberichte/Lagebericht2017.pdf?__blob=publicationFile&v=3) (accessed 6 June 2018).

*Hanns Günther Hilpert and Oliver Meier*

# Disentangling rather than Cutting the Gordian Knot: The North Korea Conflict and the Role of Europe

The focus of the North Korean conflict is on the DPRK's nuclear armament and the threat it poses. However, it is often overlooked that in and around North Korea there is a conglomerate of further conflicts, most of which are intertwined. As in an attempt to untangle a complicated knot, trying to untie one problem and remove it from the tableau of international politics can have unintended side-effects on other conflicts. A cautious approach is needed, which takes into account the effects of any move on the other actors and issues, so that progress can be made towards the goal of a sustainable and controlled resolution to the various conflicts — step by step, and patiently.

US President Donald Trump wants to take a different path. His policy ignores intricacy and complexity, and is clearly based on the assumption that the US has the influence and instruments needed to resolve the North Korea conflict by quickly clearing up the various individual problems and directly influencing the key actors. His abrupt turn from the war rhetoric of “fire and fury” to the Singapore peace summit resembles the proverbial attempt to cut the Gordian knot.

The brief analyses gathered here give rise to scepticism as to whether such an approach can be successful. They show how high the hurdles are that have to be overcome, and how protracted the processes are that have to be gone through to achieve the desired goal of nuclear disarmament of North Korea.

## Historical Legacies and Path Dependencies

Donald Trump sees his summit meeting with Kim Jong Un as a new beginning in relations between the US and the DPRK. He argues that the past does not

have to determine the future.<sup>1</sup> The two heads of state would open a new chapter in bilateral relations and thus put an end to the historical legacy.

This optimistic view of conflict resolution runs counter to the historically-based perspective of most other actors, especially in Asia. Historically inherited burdens make conflict management more difficult. The division of Korea and the fact that to this day there is no peace treaty to end the Korean War are two of these historical legacies, which must be eliminated or overcome on the way to lasting peace.

The national trauma of colonial foreign rule (by Japan) and the experience of a three-year hot war (1950–53) and a 65-year Cold War (1953–2018) with the United States remain significant, and still guide the actions of North Korea's foreign policy elites. Over the past decades, North Korea's realistic and pragmatic diplomats have learned that Pyongyang does not necessarily have to reciprocate investments made by external powers into a peace process, and that it is possible to balance foreign powers against each other. China, on the other hand, and especially its nationalist military, has not forgotten the blood toll it shed for a former vassal state in the Korean War, and views the Korean peninsula from a strategic perspective. Given the absence of political reconciliation, North Korean demands for reparations, and the unresolved fates of abducted Japanese citizens, the Japanese-Korean relationship continues to be strained.

<sup>1</sup> “The past does not have to define the future. Yesterday's conflict does not have to be tomorrow's war”, President Trump said at the post-summit press conference. The White House, Press Conference by President Trump, Sentosa Island, Singapore, 12 June 2018, <https://www.whitehouse.gov/briefings-statements/press-conference-president-trump> (accessed 17 July 2018).



## Interdependencies between the Various Sets of Problems

Each of the conflict situations subsumed under the term “North Korea conflict” is difficult to solve and the conflicts are interlinked in many ways. Changes in one policy area can have different effects – both intended and unintended – on other problem areas.

*Example security guarantees.* North Korea wants assurances from the USA that will reduce threats to its security. In Singapore, Donald Trump accommodated North Korea interests by promising such security assurances. As tangible proof, Washington suspended its joint military exercises with South Korea. This unexpected decision not only astonished Seoul and Tokyo,<sup>2</sup> but also fulfilled one of China’s and Russia’s main demands. The effect was to reduce incentives for them to comprehensively enforce the North Korea sanctions regime.

*Example North-South communication.* Summit diplomacy during the months of April, May and June 2018 had been triggered by the rapprochement between North and South Korea. However, opening further channels – including economic ones – will de-incentivise North Korea from alleviating the pressure of sanctions by making concessions on nuclear disarmament.

*Example US-Chinese rivalry.* A rapprochement between North Korea and the United States potentially calls into question China’s claim to great power status and thus automatically affects China’s already tense trade and geopolitical relations with the US. For Beijing, the aim will be to avoid losing control in foreign policy and to improve bilateral relations with North Korea. However, this further reduces America’s ability to use pressure to persuade North Korea to dismantle its nuclear weapons programme.

The list of interferences between the political, economic and security dimensions could go on. It is clear, however, that taking a holistic view of the various conflict situations is more adequate than identifying single measures to unravel this knot of interests. It is no coincidence that past diplomatic initiatives have been based on such a gradual reci-

procal approach, which included the possibility to adjust policies.

## Conflicting Interests

The key security problem between the USA and North Korea remains unsolved. While North Korea believes that only nuclear deterrence can guarantee its own safety, the USA is not prepared to accept a North Korean nuclear threat to its mainland. The Singapore Summit Joint Statement avoids this problem, with North Korea again promising the “complete denuclearisation” of the Korean peninsula, but neither defining the content of this concept, nor specifying the steps towards achieving this goal.

The two sides also avoided including the diverse and sometimes conflicting interests of the other parties involved in the conflict. In addition to nuclear disarmament, the South Korean government wants to improve relations with its Northern neighbour and reduce conventional threats. For many in Seoul, de-escalation is probably more important than denuclearisation. As mentioned above, China sees the conflict from a national defence and geopolitical angle. From Beijing’s perspective, it must seem absurd that the Trump administration is inflicting punitive tariffs on China while at the same time expecting its support for US policy towards North Korea. Tokyo, moreover, fears that too rapid a rapprochement between Pyongyang and Washington will result in a shift in the region’s military balance to its own disadvantage. Russia regards the North Korea conflict as an opportunity to strengthen its own position in the region and at the same time reduce US influence. The international community faces the risk that a bilateral agreement between North Korea and the US could undermine the authority of the multilateral non-proliferation regime.

North Korea and the US will have to take into account these historical path dependencies, substantive interferences and political interests if they are to seek a comprehensive and sustainable win-win solution to the conflict. North Korea presumably has little interest in such an approach, since its policy is primarily focused on the USA and China. There is a risk that the Trump administration will tackle the North Korean conflict primarily from the perspective of a nuclear superpower that wants to prevent the club of nuclear powers from expanding, and in particular to

<sup>2</sup> Eric Schmitt, “Pentagon and Seoul Surprised by Trump Pledge to Halt Military Exercises”, *New York Times*, 12 June 2018, <https://www.nytimes.com/2018/06/12/world/asia/trump-military-exercises-north-south-korea.html> (accessed 29 July 2018).

allow a challenger of the US's regional supremacy to join the group of nuclear weapons possessors.

## Germany and Europe: Only Onlookers?

What does this mean for the role of Germany and Europe in dealing with the conflict? First of all, it should be noted that the EU and its member states, including Germany, are not states bordering North Korea. As a result, they are not directly involved in the Korean conflict. Logically, therefore, they did not participate in the six-party talks (2003–2009), in which China, Japan, North Korea, Russia, South Korea and the USA tried in vain to find a diplomatic solution to the nuclear conflict. Nevertheless, North Korea's nuclear and missile programme threatens Europe in many ways. Thus, Europe and Germany face the difficult task of asserting their own influence to resolve the conflict peacefully, even though they possess only limited influence.

## Risks and Consequences for Europe

With the alleged testing of a hydrogen bomb on 3 September 2017 and three intercontinental missile tests in July and November of the same year, North Korea demonstrated the significant progress it has made in developing nuclear weapons and missile capabilities. The nuclear threat emanating from North Korea does not only apply to its neighbouring states and the American mainland. Proliferation risks are a political challenge for the entire international community. It is therefore only superficially true to claim that Europe and Germany are uninvolved third parties in this conflict. In fact, they also have to tackle the military, economic and political threats posed by North Korea.

## Military and Defence Policy Implications

Europe is geographically closer to North Korea than North America is and finds itself within the range of North Korean intercontinental missiles. While Europe has not yet been the object of North Korean threats and is not in the focus of North Korea's nuclear doctrine, the DPRK may well seek to use military threats to influence debates in the United Nations, NATO or the EU. In the past, Pyongyang has repeatedly tried to create different zones of (in)security among allies of

the US by explicitly designating certain states as potential targets of its nuclear weapons or by exempting them from nuclear threats.<sup>3</sup> Moreover, an accidentally launched or misguided intercontinental missile could reach Europe. North Korean cyber attacks are another threat, which can cause not only financial losses, but could also damage critical infrastructure.

It is still largely unknown that, to this day, the European sending states that fought in the Korean War under UN supreme command are formally obliged to guarantee the Korean Armistice Agreement under UN Security Council Resolution 83 of 27 June 1950. Belgium, France, Greece, Luxembourg, the Netherlands and the United Kingdom provided combat troops. Denmark, Italy, Norway and Sweden supplied humanitarian aid. France and the UK are still represented in the UN High Command (UNC) Rear in Yokota. The UNC monitors compliance with the Status of Forces Agreement.

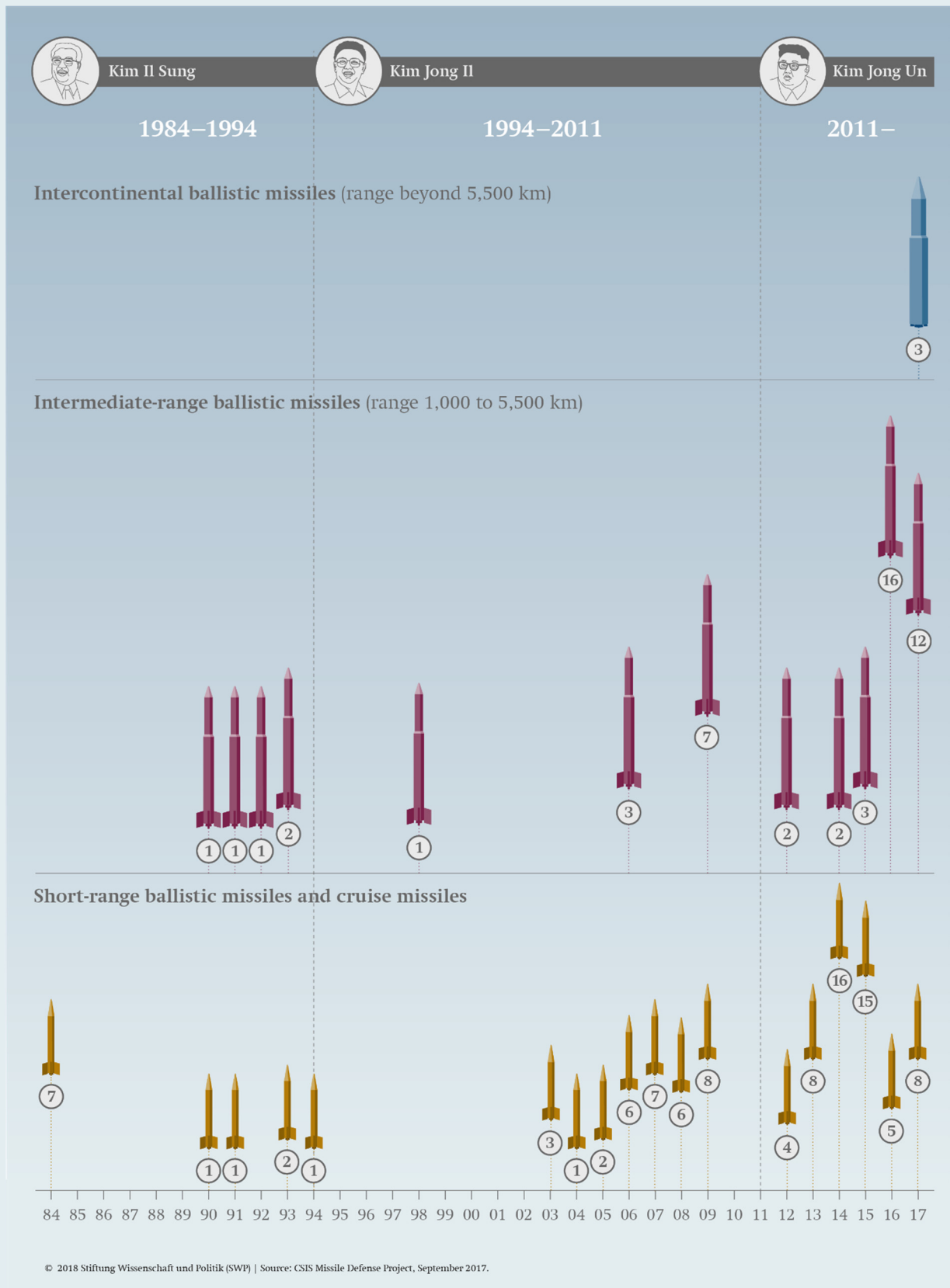
Apart from such rather hypothetical considerations, Europe's greater concern is the defence implications of a direct North Korean threat to the United States. An attack on the island of Guam off the Asian mainland (south of the Tropic of Cancer) or on Hawaii would not necessarily legally trigger NATO's collective defence mechanism. Such attacks would nevertheless require the Alliance to respond politically. An attack by the DPRK on the US mainland, on the other hand, would trigger consultations on collective defence under Article 5 of the North Atlantic Treaty. Even a North Korean threat of such an attack against the US could necessitate allied consultations under Article 6.<sup>4</sup>

3 See, e.g., Joseph S. Bermudez, Jr., *North Korea's Development of a Nuclear Weapons Strategy* (Washington, D.C.: US-Korea Institute at SAIS, 2015), [https://www.38north.org/wp-content/uploads/2015/08/NKNF\\_Nuclear-Weapons-Strategy\\_Bermudez.pdf](https://www.38north.org/wp-content/uploads/2015/08/NKNF_Nuclear-Weapons-Strategy_Bermudez.pdf); Léonie Allard, Mathieu Duchâtel and François Godement, *Pre-empting Defeat: In Search of North Korea's Nuclear Doctrine*, Policy brief 237 (London: European Council on Foreign Relations, November 2017), [http://www.ecfr.eu/page/-/ECFR-237-In\\_search\\_of\\_North\\_Koreas\\_nuclear\\_doctrine.pdf](http://www.ecfr.eu/page/-/ECFR-237-In_search_of_North_Koreas_nuclear_doctrine.pdf) (both accessed 27 July 2018).

4 Bruno Tertrais, *Article 5 of the Washington Treaty: Its Origins, Meaning and Future*, Research Paper 130 (Rome: NATO Defense College, Research Division, April 2016), <https://www.frstrategie.org/web/documents/publications/autres/2016/2016-tertrais-nato-washington-treaty.pdf> (accessed 23 December 2017).

Chart 4

North Korean missile tests 1984–2017 (missile tests per year in respective category)



## Economic Consequences of a Korean War

A military conflict in Northeast Asia would have a global impact on trade, industry and the financial markets. With a share of around 23 percent of the global economy (2017), North Korea's neighbouring countries China, Japan and South Korea form Asia's economic centre of gravity, if not of the world economy. Asia's industrial supply and service chains play a key role in supplying world markets. Moreover, Asian, European and American industrial production depends on a smooth supply of critical components from Japan, South Korea and Taiwan. For the EU and Germany in particular, foreign trade with Northeast Asia – their most important non-European trading partner, ahead of North America – is of existential importance.

Accordingly, the foreseeable economic consequences of a second Korean war would be bleak. In real economic terms, reduced or even discontinued imports and exports would result in lost sales, production cuts and employment losses for Asia's trading partners. A flight from shares and financial stocks would put a strain on the world's financial markets. A world stock market crash would probably be unavoidable, which would inevitably further curb demand in the economy as a whole through negative wealth and expectation effects. In all likelihood, the global economy would inescapably slide into a deep recession.

## The Proliferation of Weapons of Mass Destruction

The recognition of North Korea as a nuclear weapons state possessing ballistic missiles, politically or de facto, could boost the proliferation of WMD and missile technology. There is, first, a risk that North Korea itself could spread nuclear, biological and chemical weapons, as well as means of delivery and technologies for their production. This risk exists above all in the Near and Middle East, where North Korea has already entered into such cooperation agreements. The findings of the UN Panel of Experts, according to which North Korea recently attempted to support the Syrian chemical weapons programme, are worrying.<sup>5</sup>

5 Michael Schwirtz, "U.N. Links North Korea to Syria's Chemical Weapons Program", *New York Times*, 27 February 2018, <https://www.nytimes.com/2018/02/27/world/asia/north->

Such arms and technology exports contribute to destabilising the region and affect Europe's security.

The "worst case" scenario would be the transfer of North Korean WMD to state or non-state actors willing to pay. In the event of a political collapse of the DPRK, state agencies could also lose control over WMD, which could subsequently end up on grey or black markets.<sup>6</sup>

Second, there is the risk that tendencies towards developing nuclear weapons options in other (especially neighbouring) states might intensify. In South Korea, opposition politicians are already calling for the country to be armed with its own nuclear weapons. They argue that against the background of North Korean threats of nuclear blackmail and the imponderables of American politics – both a withdrawal of US troops and unilateral US military strikes against North Korea are conceivable – South Korea can only regain a freedom of action with its own nuclear weapons.<sup>7</sup> Should South Korea actually decide in favour of nuclear weapons, Japan and Taiwan may also be tempted to follow suit. A multipolar unconstrained nuclear arms race in Asia could be the outcome, which would increase the risk of nuclear weapons use.

## Erosion of the Non-Proliferation Treaty

A further danger emanating from North Korea is the weakening of the Nuclear Non-Proliferation Treaty (NPT) and other instruments of the non-proliferation regime, on whose effectiveness Germany and Europe continue to rely. The emergence of further nuclear powers, especially within the Western community of states, would shake the global non-proliferation architecture.

Even the de facto acceptance of North Korea as a nuclear power would have grave consequences for the non-proliferation regime. From the point of view of many non-nuclear-weapon states, it is difficult enough to tolerate the existence of five nuclear

[korea-syria-chemical-weapons-sanctions.html](#) (accessed 24 March 2018).

6 Robert J. Peters and W. Seth Carus, "Interagency and Intra-agency Aspects of US Elimination Activities", *The Non-proliferation Review* 23, no. 1–2 (2016): 101–14.

7 Hanns Günther Hilpert and Oliver Meier, "South Korea Goes Nuclear": How South Korea Became a Nuclear Weapon State", in *While We Were Planning. Unexpected Developments in International Politics. Foresight Contributions 2018*, ed. Lars Brozus, SWP Research Paper 5/2018 (Berlin: Stiftung Wissenschaft und Politik, September 2018), 31–35.

powers within the NPT and three outside it, since this violates the principle of equality between states. If the DPRK — a former NPT state party which violated its treaty obligations by acquiring military nuclear expertise and technologies during its membership — also becomes a nuclear-weapons state, some non-nuclear-weapons states might wonder whether a permanent renunciation of this most powerful of all weapons still makes sense. Trust in the NPT's effectiveness in preventing regional armament dynamics would have proved deceptive. It would also show that a determined proliferator can achieve its goals even against the resistance of the major powers. In this respect, a de facto recognition of North Korea as a nuclear weapons state would send a fatal signal. It is highly uncertain whether the NPT would be able to withstand the resulting strain in the long term.<sup>8</sup>

### Implications for the Transatlantic Relationship

The nuclear conflict over North Korea has implications for the transatlantic relationship in several respects. First, the question of Europe's solidarity arises in response to North Korean threats against its NATO ally, the US. In this sense, Washington expects Europe to actively participate in the current sanctions regime.

Second, the issue of how the US fulfils its mutual defence agreements with South Korea and Japan, and how it involves its allies in its political deliberations and security policy decisions, also directly affects Washington's relationship with its transatlantic allies. Fears in South Korea, Japan and Taiwan of a potential American troop withdrawal, leaving them abandoned or unintentionally involved in a military conflict — whose collateral damage would occur above all in Asia — at heart mirror European fears regarding NATO's relationship with Russia.

Third, the way America handles the nuclear crisis has repercussions for its transatlantic relations. North Korea could become another friction point in the

<sup>8</sup> However, US military threats against the nuclear weapon state North Korea also undermine the thesis that nuclear weapons represent an effective protection against military pressure. An American pre-emptive strike against a nuclear-armed North Korea would shake to the core any belief in the protective effect of nuclear weapons. See Oliver Meier, "Nukleare Abschreckung gerät ins Wanken", *Frankfurter Rundschau*, 31 January 2018, <http://www.fr.de/politik/meinung/gastbeitraege/atom-doktrin-nukleare-abschreckung-geraet-ins-wanken-a-1437589> (accessed 27 May 2018).

relationship between the USA and its European allies, alongside trade policy, climate policy, sanctions against Russia and the Iran nuclear accord.

Finally, the unresolved North Korean conflict could accelerate the American "pivot to Asia". The fact that some in the Trump administration see North Korea, which may have several dozen nuclear weapons, as a greater national security threat than Russia, which possesses almost half of the world's nuclear weapons, seems strange to many in Europe.

### Human Rights Violations in North Korea

The crimes against humanity committed by the North Korean state and in its name against its own people are only indirectly related to the nuclear crisis. It has been laid open, however, that a threat of external destruction by WMD goes hand in hand with a totalitarian claim to power internally, which denies individual life and human rights to its dissenters. Nevertheless, it is Europe's moral and political responsibility to raise its voice against North Korea's human rights violations, to improve the situation on the ground and to prosecute perpetrators. A determined commitment to human rights is ultimately a matter of Europe's political credibility, precisely because Europe can act vis-à-vis North Korea as an actor without power-political self-interest and because the crimes against humanity committed in North Korea are, in their scope, without comparison in today's world.<sup>9</sup>

### Europe's Relations with the DPRK

The EU is pursuing a policy of critical engagement with the DPRK.<sup>10</sup> The EU and the world expect North Korea to achieve complete, verifiable and irreversible denuclearisation; to reduce tensions with its neighbours; to return to the NPT; to comply with global non-proliferation rules; and to improve its human rights situation. To emphasise these demands, the EU exerts pressure at the bilateral and multilateral level, and maintains a sanctions regime whose scope and

<sup>9</sup> See UN Human Rights Council, *Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, A/HRC/25/63, 7 February 2014.

<sup>10</sup> See European External Action Service (EEAS), "DPRK and the EU" (Brussels, 26 June 2016), [https://eeas.europa.eu/headquarters/headquarters-homepage/4186/dprk-and-eu\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/4186/dprk-and-eu_en) (accessed 27 July 2018).



rigidity goes beyond the UN's. This policy of critical engagement also means that communication and dialogue channels are kept open, and cooperation in humanitarian affairs, development, education and research is continued. Economic relations between North Korea and EU member states are kept to a minimum. However, EU sanctions are not the only reason; North Korea also lacks attractiveness as a trading and economic partner.

The DPRK approaches Europe, which is historically unburdened by the Korean conflict, with much less mistrust than its former opponents in war, the US and South Korea, or its former colonial power, Japan. Moreover, Pyongyang still remembers the good cooperation with its former allies in Central and South-eastern Europe. Today, all EU member states except France and Estonia have diplomatic relations with the DPRK. Germany, Bulgaria, the Czech Republic, Poland, Romania, Sweden and the United Kingdom have embassies in Pyongyang. Sweden and Switzerland continue to be present in the Neutral Nations Supervisory Commission for monitoring the Korean Armistice Agreement on the southern side of the demarcation line. Until their expulsion, Poland (1995) and the former Czechoslovakia (1993) had assumed this task on the northern side. Europe is thus at least symbolically represented in terms of security policy on the Korean peninsula. Nevertheless, it should be noted that Europe carries no military or economic weight in the DPRK. The EU, Switzerland and EU member states are important only as humanitarian actors.

In comparison to today, the EU played a much more important role at the turn of the millennium, when it pursued an independent North Korea policy. Alongside the USA, South Korea and Japan, the EU was a regular member of the Korean Peninsula Energy Development Organisation's Executive Board, whose mandate was to implement the dismantlement of North Korea's then-nuclear programme and in return construct two light water reactors in the country. Most EU member states, including Germany, established diplomatic relations with the DPRK from 2000 onwards, under the positive impression of the first inter-Korean North-South Summit. And in 2001, the troika of EU Council President Göran Persson, High Representative Javier Solana and EU Commissioner for External Relations Chris Patten negotiated a missile moratorium with Kim Jong Il. At the time, the EU's North Korea policy was regarded as a successful application of the European Common Foreign and Security Policy (CFSP).

However, in the wake of the second nuclear crisis that began in 2002, the EU was pushed to the sidelines. As a non-neighbouring state without a regional military presence, the EU lacked political weight. North Korea also had a lower priority for Europe than conflicts in the Near and Middle East, which were geographically closer. Another obstacle to Europe taking a stance was the intra-European differences over the appropriate response to North Korean nuclear armament. Given this lack of internal consensus, and without a clear stance of its own, Europe has behaved mostly passively and reactively in the North Korean conflict. Moreover, in the current situation, the states involved in the six-party talks either reject a direct EU involvement in a diplomatic conflict resolution or are ambivalent about such an involvement. Against this background, the question arises as to what a genuinely European contribution to solving the nuclear crisis – beyond the expected financial and transformational aid – might look like.

## European Instruments and Elements of Action

From the analyses presented here, various approaches can be determined that could contribute to the conflict over North Korea's nuclear programme being tackled in a way that serves Europe's interests: namely peacefully, and orientated towards a strengthened global order and an improved human rights situation in North Korea. Constructive influence is conceivable at the global, transatlantic, intra-European and bilateral levels.

## The Global Level

In all multilateral contexts, the EU should treat North Korea's rule violations as a problem of global order – by making clear to all actors that agreements with the DPRK must not harm global non-proliferation, disarmament and human rights regimes. A formal recognition of the DPRK as a nuclear weapons state would send a fatal signal, because it would increase the risk that other proliferation candidates might follow in North Korea's footsteps. The demand that the DPRK return to the NPT must therefore be maintained at all costs. IAEA inspectors should be involved in the verification of a denuclearisation process as early as possible. In the long term, the DPRK should be actively encouraged to accede to other multilateral



disarmament treaties, such as the Chemical Weapons Convention. With regard to human rights, it is crucial that the political pressure exerted by the international community on North Korea also be maintained. Human rights issues vis-à-vis North Korea must be treated separately from security policy to avoid a conflict of objectives between these issues.

In the US, the temptation may be great to strike a “deal” with North Korea that reflects specific American security interests at the expense of global rules or the security interests of third countries. However, the benchmark for negotiations with North Korea should be the disarmament standards laid down in the numerous UN Security Council resolutions. They must not be diluted. Thus, a bilateral US-North Korea arms control agreement that eliminates the (intercontinental) missile threat to the US, but does not eliminate the dangers posed to South Korea and Japan by North Korean short- and medium-range missiles, must be rejected internationally.

The US (and possibly other permanent Security Council members) may also be tempted to organise the disarmament of North Korea’s weapons of mass destruction in a way that excludes the rest of the international community. There is no doubt that certain denuclearisation steps in North Korea would have to be carried out by nuclear-weapon states themselves, to protect proliferation-sensitive information. Multilateral institutions such as the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) should, however, be involved to the highest degree possible in order to achieve the greatest possible transparency in disarmament and thus maximise confidence that the disarmament process is effective and conforms with international law. Furthermore, North Korea’s willingness to involve international organisations in conflict management at an early stage could be an indicator of its willingness to admit inspectors — for example, if the CTBTO monitored the closure of the North Korean nuclear test site.<sup>11</sup>

One role for Europe would be to draw attention to the lessons learned from the verified disarmament of weapons of mass destruction in other states. In this

<sup>11</sup> “Nuclear Test-ban Body Says Ready to Verify Korean Site Closure If Asked”, *Reuters*, 16 May 2018, <https://www.reuters.com/article/us-northkorea-nuclear-ctbto/nuclear-test-ban-body-says-ready-to-verify-korean-site-closure-if-asked-idUSKCN1IH2E4> (accessed 17 May 2018).

context, it is obvious that disarmament processes are particularly problematic if they are not voluntary or if they are accompanied by a regime change. Against this background, Europeans should also work to ensure that a possible agreement on the disarmament of North Korean weapons of mass destruction is co-operative and takes a long-term perspective.

For moral and political reasons, human rights policy must maintain pressure on North Korea in the long term, meaning that it must gather the most detailed information possible on human rights violations in the DPRK, address and condemn North Korea human rights violations in all UN bodies, and prepare to investigate and prosecute the crimes, for example within the framework of a special tribunal. This is Europe’s primary responsibility, since it is not directly involved in the conflict and considering the Trump Administration’s obvious lack of interest in human rights issues.

## The Transatlantic Level and NATO

NATO’s European members should urge the United States not to strike North Korea militarily. Preventive strikes against North Korea violate international law and would carry unforeseeable escalation risks. NATO Secretary General Jens Stoltenberg has repeatedly warned against military responses to the global threat posed by North Korea.<sup>12</sup>

It remains to be seen whether, and to what extent, the Alliance could or should participate in containing or deterring North Korea. NATO missile defence systems cannot offer protection against North Korean ballistic missile attacks.<sup>13</sup> The issue of whether, and at what threshold, North Korean cyber attacks should trigger deliberations and decisions by the Alliance also needs to be addressed. The effectiveness of cyber *deterrence* seems to be limited; and due to North Korea’s asymmetric advantages, cyber counter-measures against it would probably not be worthwhile.

<sup>12</sup> “NATO Chief Calls North Korea ‘Global Threat’ during Japan Visit”, *The Japan Times* (Tokyo), 30 October 2017, <https://www.japantimes.co.jp/news/2017/10/30/national/politics-diplomacy/nato-chief-calls-north-korea-global-threat-japan-visit/> (accessed 17 May 2018).

<sup>13</sup> Robin Emmott, “North Korean Threat Highlights NATO Missile Shield ‘Weak Link’”, *Reuters*, 12 September 2017, <https://www.reuters.com/article/us-northkorea-missiles-nato/north-korean-threat-highlights-nato-missile-shield-weak-link-idUSKCN1BN1RW> (accessed 17 May 2018).

Moreover, allies have quite different views on the security role of the Alliance and Europe in East Asia. As a nuclear and former colonial power, France, for example, is prepared to become more involved in Asia than many other European states, which are more concerned about Russia's significance for European security. From a German perspective, it would therefore make sense not to avoid the debate about a possible role for the Alliance in East Asia, but, on the contrary, to conduct it thoroughly and in a balanced manner.

## The European Level

Europe's critical engagement policy is a promising starting point for a coherent and sustainable foreign policy towards the DPRK. It avoids the restrictions and escalation risks associated with a policy based on conditions and linkages, and makes it possible for Europe to apply pressure and offer incentives vis-à-vis North Korea in a flexible manner. However, the wide range of perspectives among Europeans with regard to North Korea's non-compliance with international norms and rules is problematic.

In recent years, Europe's North Korea policy has been passive and reactive, not least because of inconsistent assessments and proposed solutions. An independent European position and approach has been barely apparent. However, the above remarks on the risks and implications stemming from North Korea should have made one thing clear: "North Korea matters". In future, it will therefore be important for Europe:

- 1) to give the nuclear conflict the high priority it deserves;
- 2) to formulate an independent policy based on Europe's interests; and
- 3) to clearly articulate and pursue this policy vis-à-vis the relevant actors.

To effectively counter the risks of nuclear proliferation originating from North Korea, the current UN and EU sanctions regimes must be implemented with self-discipline and (more) commitment. The Council and the European External Action Service (EEAS) should ensure their full and comprehensive implementation by EU member states. European offers that could contribute positively to conflict resolution could also be coordinated and specifically brought into play by the EU. In particular, the EU should create the necessary conditions for providing sufficient financial, personnel and technical support for

a possible disarmament mission. Europeans could contribute specific capabilities here, as they have in the negotiations with Iran and the disarmament of Syrian chemical weapons, for example.

In addition, North Korea could and should be a reason to reflect on a more coherent and ambitious European policy to prevent the proliferation of weapons of mass destruction. Against the background of the crisis surrounding the nuclear agreement with Iran, it is also time to revise the strategy adopted in 2003 for combating the proliferation of weapons of mass destruction. The strategic autonomy that the EU aspires to must not be limited to the expansion of military means, but should also aim to improve its diplomatic capacity to act. Approaches to preventing attacks in cyberspace, for example, are also advisable.

## The Bilateral Level

*Towards third countries:* The EU should use its economic influence to promote the more effective implementation of sanctions against North Korea. In the past, it has already tried to use its economic power through so-called non-proliferation clauses to oblige its trading partners to adhere to non-proliferation policy norms and rules.<sup>14</sup> Similarly, with third countries that still have comparatively good economic or political relations with North Korea (Ukraine, Egypt, Namibia), Europe could link improved economic and trade relations to strict compliance with the sanctions imposed on North Korea.

*Towards North Korea:* The EU should fully implement the UN's North Korea sanctions regime and, where appropriate, adopt its own restrictive measures. At the same time, it is a specific task for EU member states to keep channels of communication with North Korea open and to expand them in the event of an understanding. The DPRK must always be told what a peaceful North Korea could expect from Europe in terms of economic, cultural and scientific relations.

Beyond the human rights policy towards North Korea that should be pursued at the UN level, a human rights dialogue should be conducted at the

<sup>14</sup> Since the mid-2000s, so-called "non-proliferation clauses" have been adopted as standard in EU trade and cooperation agreements with third countries. See, e.g., Gerrard Quille, "A New Transatlantic Approach? A View from Europe", in *Arms Control in the 21st Century. Between Coercion and Cooperation*, ed. Oliver Meier and Christopher Daase (New York: Routledge, 2012), 190–207 (196ff.).

bilateral level. The EU and Germany should submit to the DPRK proposals and assistance for capacity-building in the judiciary and the administration of justice, similar to its proposals formerly made to China and Vietnam.

*Towards South Korea:* South Korea and the EU emphasise similar issues in the North Korean conflict, prioritising a peaceful and cooperative conflict resolution. Seoul is looking for partners at “all tables”, inter alia because of its precarious security situation. Germany’s experience with reunification has always been a point of contact for a dialogue between Berlin and Seoul. In particular, Europe can provide diplomatic backing and support in the search for peace and détente. Its expertise and capabilities in accompanying a peace, disarmament and transformation process are of real relevance here. Conversely, however, the EU should also warn South Korea not to rely on building up its own nuclear weapons capacity if the rapprochement fails.

*Towards Japan:* While Japan is pursuing a policy of maximum pressure on North Korea, Europe’s comparative advantage lies above all in its diplomatic relations with Pyongyang. These different perspectives do make it difficult for the EU and Japan to adopt a uniform stance on North Korea, but they also provide an opportunity for auspicious joint resolution proposals at the UN level. In their joint statement on the strategic partnership of 6 July 2017, Prime Minister Abe Shinzō and EU Council President Donald Tusk reaffirmed their intention to intensify their bilateral North Korea dialogue and jointly called on the international community to comply with UN Security Council resolutions. In the UN Human Rights Council, the two partners want to introduce joint resolutions.<sup>15</sup>

*Towards China:* In principle, China is not averse to a stronger European commitment. Beijing is particularly looking for partners to better resist the pressure of the Trump administration. The Chinese leadership would certainly welcome European support for its “double freeze” proposal – i.e. a simultaneous moratorium on North Korean missile and nuclear tests on the one hand and US-South Korean military exercises on the other. Europe can try to leverage Beijing’s desire for partnership and good economic relations, when urg-

ing China to implement sanctions more stringently. Such an approach would also be perceived positively by Washington.

*Towards Russia:* Even if Moscow does not count the EU as an important player in East Asia, Europe should continue to push for the strict implementation of UN sanctions against North Korea. The EU and Russia could also explore – for instance informally – how large their potential for cooperation on North Korea is. Joint support of the negotiation process and implementation of its results should be the priority. With a view to the future, there might even be options for cooperating on trans-Korean infrastructure and trade projects.

The EU and its member states have multiple opportunities to promote a peaceful solution to the North Korean conflict. Above all, Europe can build on its strengths. Its diverse and good relations with the parties involved in the conflict form a sound basis for working in coordination towards a diplomatic solution. However, a classic mediation role for the EU and Germany offers little chance of success, since neither the USA nor North Korea actually see a need for European mediation. However, Europeans, while remaining in the background themselves, could offer to open channels of communication, assist with bringing the conflict parties together, organise informal discussion forums – all with a view to improving US-North Korean understanding.

Europe’s economic strength is an asset that may help persuade China or third countries from outside the region to comply more strictly with the UN Security Council’s sanctions decisions. Should an agreement be reached with North Korea on a disarmament process, Europe could provide expertise and funding to support and promote such a process, which will take a long time to implement.

Finally, Europe is a highly credible advocate of international law-based solutions of regional conflicts. Even if North Korea – and increasingly also the US – perceive the world through a purely power-political lens, the norms laid down in multilateral regime are likely to provide the only available solid foundation for a diplomatic solution on which conflict parties can agree. Europe’s extensive experience with the peaceful coexistence of nuclear powers, the containment of regional conflicts, and management of border conflicts is not a blueprint for the North Korean nuclear crisis. But it could nonetheless serve as a source of inspiration in the search for diplomatic

<sup>15</sup> European Council, “Statement by Prime Minister Abe, President Tusk and President Juncker on North Korea, 6 July 2017”, <http://www.consilium.europa.eu/en/press/press-releases/2017/07/06/eu-japan-dprk/> (accessed 20 April 2018).

ways out of a seemingly unsolvable conflict situation. This European wealth of experience and the diplomatic expertise associated with it are welcome in Northeast Asia as contributions towards a peaceful conflict resolution.

In dealing with the North Korean conflict, Europe can play an important role not *despite* but *because of* its distance from the conflict – by acting as a moderator, mediating talks, and objectively demonstrating dangers, thus assuming tasks which the conflict parties and regional states concerned are no longer able to fulfil in this heated and confrontational situation. Europe's geographical distance to East Asia may thus facilitate, rather than complicate, European involvement.



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# Appendix

## Abbreviations

ABC	atomic, biological, chemical (weapons)	SAIS	(The Paul H. Nitze) School of Advanced International Studies (The Johns Hopkins University, Washington, D.C.)
ABM	Anti-Ballistic Missile		
ASEAN	Association of Southeast Asian Nations		
BBC	British Broadcasting Corporation	SIPRI	Stockholm International Peace Research Institute
BRICS	Brazil, Russia, India, China and South Africa		
CFSP	Common Foreign and Security Policy (EU)	SM	Standard Missile
CIA	Central Intelligence Agency	SOFA	Status of Forces Agreement
CNN	Cable News Network	SR	(UN) Security Council Resolution
COI	Commission of Inquiry	SWIFT	Society for Worldwide Interbank Financial Telecommunication
CRS	Congressional Research Service		
CTBTO	Comprehensive Nuclear-Test-Ban Treaty Organization	TASS	Russian News Agency
		THAAD	Terminal High Altitude Area Defense
CWC	Chemical Weapons Convention	UMTS	Universal Mobile Telecommunications System
DMZ	Demilitarised Zone	UN	United Nations
DPRK	Democratic People's Republic of Korea	UNC	United Nations Command
EEAS	European External Action Service	UNDP	United Nations Development Programme
ENMOD	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques	UNO	United Nations Organization
		UNSC	United Nations Security Council
		WMD	Weapons of Mass Destruction
EU	European Union		
FM	Foreign Ministry		
G20	Group of 20		
GPS	Global Positioning System		
GSD	General Staff Department of the Armed Forces (North Korea)		
HRC	Human Rights Council		
IAEA	International Atomic Energy Agency		
ICBM	Intercontinental Ballistic Missile		
ICC	International Criminal Court (UN)		
IP	Internet Protocol		
INF	Intermediate-Range Nuclear Forces		
IT	Information Technology		
JCPoA	Joint Comprehensive Plan of Action		
KAS	Konrad-Adenauer-Stiftung e.V.		
KCNA	Korean Central News Agency		
KEDO	Korean Peninsula Energy Development Organization		
NAPSNet	Nautilus Peace and Security Network		
Nato	North Atlantic Treaty Organization		
NLL	Northern Limit Line		
NPT	Nuclear Non-Proliferation Treaty		
OECD	Organisation for Economic Co-operation and Development		
OHCHR	UN Office of the High Commissioner for Human Rights		
PC	Personal Computer		
RGB	Reconnaissance General Bureau (North Korea)		
RK	Republic of Korea (South Korea)		
RUSI	Royal United Services Institute for Defence and Security Studies		

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