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Silver Lining

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INTRODUCTION

Even before his election, Barack Obama had signaled his willingness to meet at a high level with officials of governments like the Democratic People's Republic of Korea (DPRK), a stance that caused great anxiety on the part of America's South Korean and Japanese allies. Specialists advising his campaign, some of whom would later join the new government, had conducted diplomacy with Pyongyang during the late Clinton Administration, perhaps the least acrimonious period in U.S.-DPRK relations. As it came into office, the new administration sent private reaffirmation of its intent to engage.

Yet despite the open hand that President Obama offered America's adversaries in his inaugural address, North Korea chose to respond with a clenched fist. It tested a long-range ballistic missile on April 4, 2009 and a nuclear device several weeks later on May 25th. Planning for these provocations probably began before the president took office and before his policy took shape.¹

We may never be sure why North Korea took this course of action. But its apparent failure to test the Obama Administration's willingness to engage raises questions about its fundamental intentions. It also has implications for the Six Party Talks (6PT), the multilateral effort to which Pyongyang was a party, whose working assumption was that North Korea would give up its nuclear weapons and weapons-related programs in exchange for normalization of relations with the United States and Japan, economic assistance, and a security guarantee.

Since the United States has pursued denuclearization of the Korean Peninsula for much of the past two decades, a negative assessment of North Korean goals should prompt a shift in American policy. This essay explores these issues and what they mean for U.S. policy. It concludes the following:

- As long as the DPRK's top leader, Kim Jong-il remains in power, the chances of it giving up nuclear weapons in return for political and economic benefits are slim to none.
- This is because a DPRK willingness to pursue the bargain proffered in the 6PT would force the regime to make fundamental and unpalatable choices about how to ensure its survival and ensure the security of the state. Eschewing the bargain is, for Pyongyang, the "least worst" way of ensuring its survival.
- Because North Korea no longer accepts the primary goal of the 6PT, the other five powers must seek to contain the dangers and consequences of its recalcitrance, in part to enhance deterrence but particularly to shape the choices of the next DPRK leadership.
- In the interim, the other five powers must be prepared for a series of North Korean provocations. Engaging in such actions is part of the Pyongyang playbook. In response, the United States, South Korea, and Japan need to improve their playbook.

¹ Jonathan D. Pollack, "Kim Jong-il's Clenched Fist," *The Washington Quarterly*, vol. 32 (October 2009), p. 155.

- The best chance for a significant change in DPRK policies (the “silver lining” of the current situation) is a political succession, apparently now underway due to Kim Jong-il’s poor health. The most likely arrangement is a Regency, in which the regime’s key power-holders will rule while grooming Kim’s youngest son to take over. There is a chance, and only a chance, that this group may decide that they require a new policy approach to ensuring the country’s security and development, an approach that is more consistent with U.S., South Korean, and Japanese interests.
- There is another reason for Five Power cooperation: the Pyongyang regime may not survive

the transition from the Kim Jong-il era. Regime fragmentation or collapse will affect the interests of the other powers, but in different ways and creates the potential for conflict.

Former Secretary of Defense William Perry once said, “United States policy must, therefore, deal with the North Korean government as it is, not as we might wish it to be.” If the above conclusions are correct, dealing with North Korea as it is will be a short-, medium-, and long-term challenge. The odds are that the DPRK will refuse to give up its nuclear weapons, so Washington should no longer make that the basis of its policy. A more compelling premise is that North Korea will be a destabilizing factor in Northeast Asia for some time to come.²

² “Review of United States Policy Toward North Korea: Findings and Recommendations,” unclassified report by Dr. William J. Perry, U.S. North Korea Policy Coordinator and Special Advisor to the President and the Secretary of State, October 12, 1999 <http://www.state.gov/www/regions/eap/991012_northkorea_rpt.html>.

BACKGROUND

North Korea's nuclear weapons program became a problem for the United States in the George H.W. Bush Administration, when it was confirmed that the DPRK had facilities to reprocess spent fuel from a small reactor and extract plutonium, the fissile material of one type of nuclear weapon. This was despite efforts by the United States and Soviet Union to bring Pyongyang under the nonproliferation regime. An effort by the Clinton Administration and the International Atomic Energy Agency (IAEA) to account for North Korea's spent fuel led to a serious crisis in 1994. The crisis was averted when the two countries concluded an "agreed framework" that capped the reprocessing, secured most of the spent fuel, and created the promise of removing the plutonium from North Korea. The incentive for North Korea was movement toward the normalization of relations and external assistance to build light-water reactors for electric power (the ostensible reason for the DPRK's nuclear program).

North Korea's firing of a long-range missile over Japan in August 1998 called into question the Clinton Administration's engagement policy and prompted a policy review by former defense secretary William Perry. The upshot of the review was a diplomatic effort that presented Pyongyang with two paths: keep its nuclear weapons and ensure international isolation, or give up the weapons and delivery systems and win external assistance to remedy its economic

stagnation plus normal relations with the United States and Japan. Some movement occurred on that agenda, but the election victory of George W. Bush brought it to a halt.

The new administration was seriously divided about engaging North Korea. Some officials wished to continue engagement while others were profoundly skeptical about its merits. The latter group opposed any concessions to the DPRK regime and contemplated a policy of regime change. Until Bush's second term, the latter group usually won the interagency debates.

Thus, in the summer of 2002, it used evidence that North Korea was pursuing a clandestine, alternative weapons program, through the enrichment of uranium, to circumscribe the engagers' first effort to test Pyongyang's intentions. The Bush Administration probably exaggerated how far along the program was, and set significant preconditions for any negotiations. In response, North Korea was ambiguous about the uranium program and refused to meet American conditions. Instead, it withdrew from the Nuclear Non-Proliferation Treaty and resumed reprocessing of spent fuel, thus acquiring more plutonium. China, concerned that conflict was looming, sought to facilitate negotiations but was frustrated because Pyongyang wanted bilateral talks and Washington did not. The result was the Six-Party Talks, which began, haltingly, in the summer of 2003.³

³ On the first North Korean nuclear crisis, see Joel S. Wit, Daniel Poneman, and Robert L. Gallucci, *Going Critical: The First North Korean Nuclear Crisis* (Washington, D.C.: Brookings Institution Press, 2004). On the second crisis, see Yoichi Funabashi, *The Peninsular Question: A Chronicle of the Second Korean Nuclear Crisis* (Washington, D.C.: Brookings Institution Press, 2007) and Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Washington, D.C.: Brookings Institution Press, 2007).

For a variety of reasons, including the waning of the influence of neo-conservatives, the second term of the George W. Bush Administration took a more positive and flexible stance on the prospects of negotiations. The result was the September 2005 joint statement by the six parties that set forth comprehensive goals for the negotiations, including these two:

- “The Six Parties unanimously reaffirmed that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner.”
- “The DPRK committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.”⁴

Simultaneously, however, those voices of the Bush administration who emphasized pressure on Pyongyang instituted financial sanctions against it (in response to evidence of North Korean counterfeiting of U.S. currency). The measures blocked DPRK access to the international financial system and

stymied the 6PT. North Korea responded by testing missiles in July 2006 and a small nuclear device in October of the same year. Pyongyang only resumed serious negotiations in 2007 when Washington lifted the economic sanctions. If Kim Jong-il had concluded that provocations were effective in securing American concessions, there was reason for him to do so.

The principal result in this latest round was that North Korea terminated reprocessing and disabled the facility. The next major objective was to secure a complete and accurate accounting of the DPRK’s nuclear programs. Pyongyang did provide substantial documentation, but the principal U.S. negotiator (Christopher Hill) had placed more emphasis on pushing negotiations forward than ensuring a verification regime that would ensure North Korean compliance. Consequently, conservatives within the Administration were able to insist that he go back and secure tighter monitoring provisions. As the Bush Administration ended, the unresolved issue of verification had stalled progress towards the dismantlement of the DPRK’s nuclear facilities and disposal of its nuclear material.

⁴ For the text of the joint statement, see “Six-Party Talks, Beijing, China,” State Department website <<http://www.state.gov/p/eap/regional/c15455.htm>>.

WHY CONFRONT THE OBAMA ADMINISTRATION?

Explanations differ on why North Korea chose to welcome the Obama Administration with first a missile test and then a nuclear test. Pyongyang says that the missile test was to launch a satellite, which it had the right to do under international law, but which prevailing UN sanctions arguably overrode. Once the UN Security Council (UNSC) criticized the launch through a consensus statement that levied no additional sanctions, the DPRK argued that this hostility gave it little choice but to improve its “deterrent.” It detonated a nuclear device six weeks later.

Scholars who are critical of current approaches either have no explanation for Pyongyang’s actions or blame the policies of the United States. Leon Sigal concludes: “The step-by-step approach taken in the Six Party talks so far has failed to build much trust or to give either side much of a stake in keeping any agreement and has left Pyongyang free to use its nuclear and missile leverage. And use that leverage it has.”⁵ Sigal is correct that the Bush Administration’s approach gave Pyongyang reason to mistrust American intentions, even in the second term. But it does not explain why North Korea would burn its bridges to the Obama Administration just as it was taking office. Joel Wit interprets current DPRK actions as part of a shift that began in 2002, giving up on a strategic alignment with the United States

and relying on nuclear weapons for security.⁶ Yet the Bush Administration, to whose “hostile policy” Pyongyang said it was responding, became history on January 20, 2009. There was nothing to suggest that the Obama Administration would not continue the path of negotiations. Still, the plans for the April missile launch were “almost certainly underway well before” Obama’s inauguration.⁷ The mainstream view believes that a variety of factors led North Korea to create the impasse.⁸

A key factor is the sudden salience of the succession issue. In August 2008, Kim Jong-il, the supreme leader of the DPRK, had a serious stroke. He eventually recovered but this brush with death focused attention on what would happen after he died.

Although North Korea has a number of institutions that are responsible for various policy areas (external security, internal security, the economy, etc.), one-man rule has been a constant since the Korean War. Kim Il-sung, Kim Jong-il’s father, was the supreme leader for over four decades until his sudden death in 1994. He had the foresight to pick and groom his son as his successor. The grooming occurred over a long period of time, so that the younger Kim would have power bases in all of the regime institutions. Kim Jong-il, on the other hand, neglected the task of grooming his own successor.

⁵ Leon V. Sigal, “North Korea Policy on the Rocks: What Can be Done to Restore Constructive Engagement?” *Global Asia*, vol. 4 (Summer 2009).

⁶ Joel S. Wit, “U.S. Strategy Towards North Korea: Rebuilding Dialogue and Engagement,” report of the U.S.-Korea Institute, School of Advanced International Studies, Johns Hopkins University, and the Weatherhead East Asian Institute, Columbia University, October 2009, pp. 23-36.

⁷ Pollack, “Kim Jong-il’s Clenched Fist,” p. 155.

⁸ For examples of mainstream views, see Pollack, “Kim Jong-il’s Clenched Fist”; Evans J.R. Revere, “North Korea’s Latest Challenge: What is to be done?” *Issues and Insights*, vol. 9, May 2009.

It now appears that Kim Jong-il has designated his third son, Kim Jong-eun, as the person to succeed him, at least nominally. Although it is impossible to say what will actually happen after the elder Kim's demise, the most likely outcome in my view will be the emergence, in effect, of a regency that will rule in Kim Jong-eun's name until he is able to assume his father's powers (if ever). The Regency will be composed of the leaders of the regime's key institutions: the military, the security services, the Korean Workers Party, and the government administration. These individuals are at least a generation older than Kim Jong-eun and will demand a certain degree of deference from him. They will defend the interests of their respective institutions, whatever the preferences of Kim and those around him.

This regime crisis probably shaped the response to the Obama administration in two ways.

A leadership transition was the worst possible context in which to have to consider questions of the regime's fundamental future. That, after all, is the effect of taking the 6PT to their final conclusion. The promise of the talks was a deal whereby, Pyongyang would give up its nuclear weapons and end its nuclear programs in return for a security guarantee, economic assistance to revive the economy and improve the people's welfare, and normalization of relations with the United States and Japan. Such a tradeoff was fraught with risks. North Korea would have to give up its most significant *capability* (nuclear weapons) in return for a change in the *intentions* of the United States and other adversaries, adversaries it does not trust. It would be left with only declining conventional forces as a deterrent. A new economic policy would likely mean opening up the country to foreign companies, aid workers, and diplomats, which in turn could disturb internal stability.

A healthy Kim Jong-il might have been prepared to consider those choices. A dying Kim would not, and neither would his key subordinates. Leadership transition thus created incentives to spurn the Obama Administration's call for engagement.

The succession has been important in another way. Kim Jong-il has carried out a "military first" policy

since he took power, favoring the armed forces in the allocation of resources (particularly the nuclear program). The support of the generals will be important in securing and enforcing whatever succession arrangement Kim desires. It is impossible to know for sure that a missile test and a nuclear test were a way of buying the military's support, but it is plausible. (Succession issues aside, Pyongyang had a practical reason to test: neither of the 2006 tests—long-range ballistic missile and nuclear device—were successful. If nuclear weapons are to have a deterrent value, they and their delivery systems must work.)

Having provoked the United States and others in the first half of 2009, North Korea resorted to a more conciliatory posture in the second. This was consistent with its conventional negotiating tactics, but it did not result in a resumption of multilateral negotiations. Although Pyongyang was conciliatory in tone, it sought to change their primary venue, from the 6PT to bilateral talks with the United States, and tried to change the primary agenda item, from denuclearization to an end to the "hostile policy" of the United States. It also demanded an end to the sanctions imposed by the UN Security Council in June 2009. For the DPRK, taking these positions keep negotiations just out of reach because they have been unacceptable to the United States. At the same time, it declared that it was proceeding with the enrichment method of securing fissile material, the one it had denied since 2002.

Then in early 2010, China mounted another effort to facilitate a resumption of the 6PT. It had made serious progress when a South Korean naval vessel, the *Choeman*, sunk off the western coast of the peninsula. A serious investigation led by the ROK government and including foreign participants concluded in late May that the DPRK was responsible. Seoul, Tokyo, and Washington took the position that the circumstances were not right for any resumption of the 6PT. Pyongyang, it appears, had once more used a provocation to avoid negotiations. In the context of political succession, Obama's open hand and Chinese diplomacy created a danger for Pyongyang that it felt it must avoid at all costs.

WHY GO—AND STAY—NUCLEAR?

Scholars offer a variety of explanations for the post-war decisions of states to acquire nuclear weapons. Scott Sagan has identified three different explanations: the quest for security, the power of norms, and the outcome of a domestic political struggle.⁹

A QUEST FOR SECURITY

The first explanation sees the decision to get and keep nuclear weapons as a response to a fundamental sense of insecurity. Faced with a far more powerful adversary, and lacking confidence in allies, a state sees even a limited nuclear capability as the optimal way to deter aggression. Such a narrative can be applied to the Soviet Union, Great Britain, France, China, Israel, and others.¹⁰ It is also plausible for North Korea. The United States possesses overwhelming power, both conventional and strategic. Washington made threats to use nuclear weapons in the 1950s. Pyongyang's own power declined as American and South Korean power grew. Despite security treaties with China and the Soviet Union, neither was regarded as reliable. And both China and Russia established diplomatic relations with Seoul in the early 1990s. The deterioration of the DPRK's strategic situation in the late 1980s and early 1990s was precisely the period during which its nuclear program accelerated.

NORMS

An emphasis on norms can create a bias toward or against the acquisition and retention of nuclear weapons. Countries with a strong commitment to non-proliferation may eschew nuclear weapons even if there are security or domestic political reasons for acquiring them. Japan, with its strong pacifist norms shaped in part by having been the victim of an atomic attack, is a good example. On the other hand, countries where the dominant norms value national greatness may see strong and positive symbolic value to having nuclear weapons (France is a possible example). In the North Korea case, myths that promote the DPRK as the protector of Korean independence and national greatness, and that simultaneously thrive on a narrative of victimization at the hands of the United States would create bias towards having nuclear weapons.

A BATTLE AT HOME?

A domestic politics explanation looks at the domestic actors who have a stake in the decision to go nuclear. In this view, the balance of power between bureaucratic and other actors who favor acquisition and those that don't is critical for determining the outcome. It can sometimes clarify anomalous cases

⁹ Scott D. Sagan, "Why Do States Build Nuclear Weapons?: Three Models in Search of a Bomb," *International Security*, vol. 21 (Winter 1996-1997), pp. 54-86.

¹⁰ For a compelling analysis of British, French, and Chinese decisionmaking along these lines, see Avery Goldstein, *Deterrence and Security in the 21st Century: China, Britain, and the Enduring Legacy of the Nuclear Revolution* (Stanford, Cal.: Stanford University Press, 2000).

where security considerations would appear to dictate the outcome that didn't happen (e.g. the timing of India's decision).¹¹

Some analysts have argued that DPRK nuclear policy is a function of competition between the military on the one hand and the foreign ministry and economic agencies on the other to get Kim Jong-il's approval of their respective policies. The military urges Kim to proceed with the nuclear program, no matter what. The civilian agencies argue that the 6PT holds promise of a deal that would protect the country's fundamental interests.¹²

But other observers argue that Kim himself is the author of the policy and that oscillations in policy (provocations and diplomacy) represent his shifting calculus and a variation in tactics within a single strategy. In that case, bureaucratic agencies are merely the agents of that strategy, and identifying Kim's goals becomes the point of analytic departure. A Kim intent on keeping a nuclear deterrent will use his diplomats in periods of moderation to secure external aid and buy time for the nuclear program to be completed. A Kim who seeks to secure the best possible terms for giving up his nuclear weapons will engage in periodic provocation to elicit concessions from the United States and others.

(Note that the debate over the character of the DPRK system has policy implications for the United States. If the "bureaucratic battle" model is adopted, then the United States should provide incentives that strengthen the diplomats and facilitate a 6PT bargain. If one chooses the "Kim-in-command" approach, then it should judge a) whether or not Kim is prepared to give up the nuclear program; and b) whether his terms overlap significantly with Washington's.)

Whether one favors one-man rule or bureaucratic politics as the defining characteristic of the North Korean system, leadership succession adds another layer of complexity. In each, the Leader is a central actor, either to direct policy strategy and tactics or to referee policy fights. The Leader's desire to retain influence from the grave and protect his legacy by designating a successor or a succession arrangement makes him dependent on his senior subordinates in ways that he was not before. And, as suggested, the Leader and his subordinates will be reluctant to undertake significant policy innovations during the uncertainty of a leadership transition. Kim Jong-il's "military first" policy will give the DPRK military, who have the greatest stake in the nuclear program, an advantageous position once he passes from the scene.

Sagan concludes, correctly in my view, that no one cause can explain all cases and that employing several factors is the best way of understanding what states do. The question then becomes whether different factors are mutually reinforcing or work at odds with each other. In the North Korean case, all factors appear to work together. The regime, given its conventional weakness, the lack of any true allies, and uncertainty about American intentions, needs ways to hedge, and nuclear weapons provide that hedge.¹³ Moreover, they strengthen norms that foster national pride and a psychological defense against the "hostile policy" of the United States.

That leaves domestic politics, and the weight of interpretation is on the side of those who believe that Kim Jong-il has dominated the political system rather than serving as a referee between powerful bureaucratic constituencies. Moreover, he has clearly privileged the military since he succeeded his father in 1994, and he is likely depending on the military to guarantee the succession he wants.

¹¹ For the most complete development of the domestic-politics explanation, see Etel Solonen, *Nuclear Logics: Contrasting Paths in East Asia & the Middle East* (Princeton, N.J.: Princeton University Press, 2007).

¹² For a brilliant portrayal of this perspective, see the presentation by Robert Carlin at the Brookings Institution program, "North Korea: 2007 and Beyond," September 14, 2006, <<http://www.brookings.edu/-/media/Files/events/2006/0914north%20korea/20060914nk.pdf>> pp. 6-13.

¹³ Again, see Goldstein, *Deterrence and Security in the 21st Century*.

KEEPING NUKES

The reasons a state may try to acquire nuclear weapons may not be the ones that lead it to keep them once it has them. The most interesting case in this regard is Libya, which agreed after extensive negotiations with the United States and Great Britain to abandon its nuclear program. Bruce Jentleson and Christopher Whytock find that with Libya diplomacy succeeded when two sets of factors came together. On the one hand, Washington and London, after trial and error, pursued coercive diplomacy that balanced credible force and diplomacy in ways that were proportionate, reciprocal, and credible. On the other, Muammar Qaddafi decided that defiance of the West had outlived its domestic political usefulness; that he could better ensure regime survival by securing the end of sanctions and entering the international economy; and that the forces in favor of that course were stronger than those with a vested interest in the status quo.¹⁴

Applying this analysis to North Korea generates several inferences. First of all, as powerful as the United States is, Pyongyang probably knows that the chance of American military action is fairly low. If the Bush Administration did not use force in its first term, no U.S. administration would. Second, the United States has not always reciprocated positive North Korean gestures, thus increasing Pyongyang's general fear that concessions would leave it worse off. Third, in the closed North Korean system, defiance of Washington continues to be useful to Kim Jong-il. Fourth, an end to sanctions and an opening to the international economy may foster political instability and pressure on the regime (and it is not clear that the existing sanctions have been effective anyway¹⁵). Those who would advocate an agreement more or less on U.S. terms are politically weak or silent.

The conclusion seems ineluctable. Under Kim Il-Sung, there was a combination of security, political, and psychological reasons to acquire nuclear weapons. Those same reasons have led Kim Jong-il to keep them as long as he is alive, remaining faithful to his father's strategic choice. He chose to give preference to the military, for whom nuclear weapons were the only means of compensating for conventional weakness. When the plutonium program was capped, he moved to the alternative path of uranium enrichment. He used bilateral and multilateral negotiations to secure food and energy assistance, but when difficult choices seemed to loom on the diplomatic track, provocations occurred that made talks impossible, at least temporarily. Examples include the beginning of the Obama Administration and the sinking of a South Korean naval vessel, the *Cheonan*, in March 2010, at a time when China was trying to resume the 6PT.

What does it matter that North Korea has pursued nuclear weapons through both the plutonium and enriched-uranium routes? On the one hand, it creates the danger of proliferation—that Pyongyang will transfer fissile material, nuclear technology (including weaponization technology), and human talent relevant to nuclear matters to other states and non-state actors. The fact that the regime is short on resources and has difficulties earning foreign exchange plausibly encourages proliferation behavior. And the DPRK did act on those incentives in providing assistance to Syria for building a plutonium nuclear reactor, the one that Israel destroyed in September 2006.¹⁶ That North Korea might provide nuclear assistance to terrorist groups is particularly disturbing.

On the other hand, a North Korea with nuclear weapons and the missiles to deliver them deepens in-

¹⁴ Bruce W. Jentleson and Christopher A. Whytock, "Who 'Won' Libya?: The Force-Diplomacy Debate and Its Implications for Theory and Policy," *International Security*, vol. 30 (Winter 2005/2006), pp. 47-86.

¹⁵ Marcus Noland, "The (Non-) Impact of UN Sanctions on North Korea," *Asia Policy*, no. 7 (January 2009), pp. 61-88; and Stephan Haggard and Marcus Noland, "Sanctioning North Korea: The Political Economy of Denuclearization and Proliferation," *Asian Survey*, vol. 50 (May-June 2010), pp. 539-568.

¹⁶ Larry A. Niksch, "North Korea's Nuclear Weapons Development and Diplomacy," Congressional Research Service Report, January 5, 2010, pp. 20-21 <<http://www.fas.org/sgp/crs/nuke/RL33590.pdf>>.

stability in Northeast Asia. It exacerbates the sense of vulnerability of the DPRK's neighbors: South Korea, Japan, and even China. Even if it is not obvious how those weapons might be used for war-fighting, their very existence provides Pyongyang with a new tool of intimidation (and it has certainly been willing to incur the risks that come with provocations). A nuclear North Korea forces leaders and security specialists in Japan and South Korea to contemplate what response they might take for restore the *status quo ante* balance of insecurity. At a minimum, Tokyo and Seoul would seek a stronger extended-deterrence commitment from their Washington ally—that in the event of DPRK aggression, the United States would respond with the full range of its military assets, including nuclear weapons. Japan and South Korea might also consider acquiring nuclear weapons themselves to provide an independent deterrent, which again would create complications for U.S. interests.¹⁷

MORE ON THE SUCCESSION

What will happen once Kim Jong-il passes away? No-one knows for sure. It is entirely possible that the transition will occur in a gradual and stable way, with the leadership making decisions that display strong continuity with the past. Or the new leadership may choose to make a radical *policy* departure. (After all, no one would have predicted in the fall of 1975 that China would soon embark on a program of economic and social reform and opening to the outside world.) On the other hand, it is possible that change might occur rapidly and in a de-stabilizing way. We simply do not know.¹⁸

One thing seems fairly certain, and that is that power arrangements will be different. One-man rule, which has been a constant of the DPRK since the Korean War, will not continue. For a variety of reasons, Kim Jong-il did not follow his father's example and see to the task of picking and grooming his own successor. Grooming is as important as selection. Kim Jong-il's

own history suggests that it requires a long period of time for a successor to create power bases in all of the regime's institutions. Without those power bases, exercising one-man rule is difficult. Even Kim Jong-il, who benefitted from a long period of grooming, still had to show some deference to members of his father's generation who had leading positions in key institutions.

It now appears that belatedly, Kim Jong-il has designated his third son, Kim Jong-eun, as the person to succeed him, at least in name. In reality, I believe, the leaders of North Korea's institutions that are responsible for various policy areas (external security, internal security, the economy, etc.) will form a regency that will rule in the name of the Younger Kim until he is able to assume his father's powers (if ever). They will certainly not take orders from him, simply because he is his father's designated successor.

Kim Jong-il's apparent strategy for coping with this situation is to rely on his brother-in-law, Jang Song-taek, whom Kim has elevated since his stroke. Jang has more influence in the regime's institutions than Kim Jong-eun does, but he still lacks the power and authority to impose solutions. Disagreement and bargaining will likely dominate policymaking and politics with the regime.

It is conceivable that Jang Song-taek and Kim Jong-eun together will be able to create one-man rule faster than I expect. If so, engagement with the new regime will be easier because one or both of them will be able to make fundamental choices. But as a matter of prudence, The Five should assume that power will not be so concentrated and their appeal for a return to the 6PT bargain will be more complicated. In either case, but particularly with a Regency scenario, timing will be important. The Five may have only one chance to elicit a serious response to their proposal. Offering it too early or too late will make failure more likely.

¹⁷ Consideration of an independent nuclear deterrent can be a means to secure a stronger extended-deterrence commitment from the United States. See Michael J. Green and Katsuhisa Furukawa, "Japan: New Nuclear Realism," in *The Long Shadow: Nuclear Weapons and Security in 21st Century Asia*, edited by Muthiah Alagappah (Stanford University Press, 2008).

¹⁸ Ken E. Gause, "Can the North Korean regime survive Kim Jong Il?" *Korean Journal of Defense Analysis*, vol. 20 (June 2008), pp. 93-111.

Whatever the power arrangement after Kim Jong-il's demise, and I believe that a Regency is the most likely, the new leadership's choice may well be to continue Kim Jong-il's policies, including his nuclear policy, with no more than marginal change. They may think they have good reasons to do so. The perceived security vulnerability under which North Korea has labored will remain, but will not pose a clear and present danger. The narrative of victimization and national independence has not completely lost its appeal. The beneficiaries of the nuclear policy will remain entrenched. China will likely be willing to continue to subsidize the regime's economy, for reasons of its own domestic stability and its preference

for a buffer on the Peninsula. Although the population is becoming a bit feistier, the forces of repression have preserved their hegemony.

Still, the challenges that the regime faces are daunting. Kim Jong-il's policies have led North Korea into a cul-de-sac in which more-of-the-same may be sufficient to ensure basic regime survival but far from enough to craft a satisfactory exit. No-one can rule out the possibility that, once Kim passes away, those in charge of the DPRK may choose to change course through a process that no-one can now predict. Their goal would remain the same as before—regime survival—but their means would change.

PLAYING TO THE REGENCY

It is this scenario that provides the best context for successful dissuasion. If it occurs, it creates a new possibility for deploying the offer first proposed by William Perry in 1999 and reiterated in the September 19, 2005 Joint Declaration, in which North Korea gives up its nuclear weapons and ends its nuclear programs in return for a security guarantee, economic assistance, and diplomatic normalization.¹⁹ This is the time that the DPRK leadership is most likely to change the past approach to the security environment. It is in anticipation of this opportunity that The Five should prepare, in case the opportunity arises. The chances may not be high, but the consequences of success will be great for regional stability and non-proliferation.

Once Kim passes from the scene and the Regency is established, The Five should, at an appropriate time and through appropriate mechanisms, restate the promise of the Six-Party Talks, and do so in some detail. This is the time that clarity about U.S., ROK, and Japanese intentions should be at a maximum (which, of course, requires that they have worked out what their clear message should be and have consulted appropriately with China and Russia).

In substance, the 6PT offer is a kind of grand bargain, and it should be presented to the Regency as such. It is a grand bargain in the sense that the package included all the major items that the parties concerned felt should be on the agenda, either directly or indirectly. And part of that effort should be to persuade

the Regency that this is the only long-term way for North Korea to exit its current cul-de-sac and raise the chances of regime survival.

Yet even a substantive grand bargain may be pursued through an incremental process, and that is most appropriate for North Korea. During the 6PT, neither the United States, South Korea, nor Japan had overwhelming confidence that North Korea would make the concessions they sought at the end of the day. Similarly, Pyongyang lacked confidence about the ultimate intentions of Washington, Seoul, and Tokyo. In such a climate of mutual mistrust, trying to pull off a grand bargain in a single climactic negotiation is too risky for either side, and it will be too risky in the post-Kim Jong-il environment. Incrementalism, on the other hand, allows various parties to regularly assess the commitment of others to the substantive outcome.

At the stage of playing to the Regency, there should be some shift in the balance of coercion and incentives in the direction of the latter, as a signal of what is possible should Pyongyang change course. Tit-for-tat rules should apply here. If North Korea responds positively and even modestly to the gesture, then Washington, Seoul, and Tokyo should be prepared to respond in kind. If on the other hand, North Korea pockets the concession and asks for more, a modest punishment should be applied. As with the near-term phase, a division of labor would be useful, perhaps with China and Russia working to interpret

¹⁹ “Review of United States Policy Toward North Korea: Findings and Recommendations.”

for Pyongyang the meaning of U.S., ROK, and Japanese moves and what they might foreshadow, plus warning of the dangers of misbehavior.

Playing to the Regency is far from a sure bet. For it to shift policy would be a big leap. It would have to admit, at least implicitly, that past policies failed.

It would be hard to blame that failure on the Kim dynasty, which still retains an exalted status within the regime. As noted above, the bargain proposed in the 6PT still entails risks. But even if the chances of success are not high, the consequences are sufficient to make the strategy worth pursuing.

MANAGING THE INTERIM PHASE

If The Five play for this midterm opportunity, the near-term task is to give greater priority to coercion than to incentives, to send the message to the current and future DPRK leadership that persisting in the current policy will only continue the present predicament. Sanctions should continue and be strengthened if North Korea engages in more provocations (as a practical matter, China will not agree to tighter coercion *unless* Pyongyang provokes). Benefits should only be sufficient to keep the regime afloat and nothing more (and China has reason to provide such benefits). Yet coercion should not be too hard and some degree of incentives should be present. Coercion that is too tough plus an absence of incentives will only convince North Korea's leaders that they face the threat of regime change. There should be no expectation that the goal of sanctions in this period is to change current DPRK policy (because that is highly unlikely).²⁰ It is to help the Regency understand the future that is ahead of them if they continue that policy. There can be some division of labor in the application of coercive measures and incentives. China and Russia can place relatively more but not exclusive weight on incentives, primarily to prevent collapse. The United States, South Korea, and Japan can emphasize more the coercive side, while restating the rhetorical promise of a different future if North Korea changes policy.

Even as the United States emphasizes pressure during the near-term phase, it should not completely eschew diplomacy. It should be willing to touch base with

the DPRK periodically to gauge whether its policy may be changing unexpectedly. It should be prepared to return to the 6PT if there seems to be some reason for doing so, if only to demonstrate to China that North Korea remains the obstacle to progress. Before agreeing to any resumption, however, Washington is correct to take into account the views of its South Korean and Japanese allies and to gauge whether North Korea has credibly demonstrated a willingness to resume adherence to the goals of the talks.

During the near term The Five must be prepared to cope with a certain level of turmoil. They should expect further North Korean provocations during the period before Kim Jong-il dies and, thereafter, until the new leadership consolidates its position. The sinking of the *Cheonan* is an example of what to expect. From Pyongyang's perspective such actions serve a variety of useful purposes. As already discussed, they can keep the 6PT in suspension and defer the day that North Korea has to address fundamental issues. They can boost the legitimacy of the regime in the eyes of its supporters, if not the broader public. But there are two other, more fundamental reasons that flow from the dynamics of deterrence (dissuading one's adversary from attacking).

First of all, at the level of strategic forces, the declared (and likely) basis of North Korea's security strategy goal is to use deliverable nuclear weapons to deter adversaries like the United States. Yet it is not yet a proven deterrent. The DPRK has yet to turn its

²⁰ See Marcus Noland, "The (Non-) Impact of UN Sanctions on North Korea," *Asia Policy* 7 (January 2009), pp. 61-89.

nuclear devices, which, technically, are all that it possesses at this time, into reliable weapons. Even then it will have to miniaturize the weapons so that they can be fitted to ballistic missiles (hypothetically, they could be delivered by ship or bomber, but missiles remain the goal). And North Korea has yet to demonstrate that it is able to deliver nuclear weapons to the continental United States, which for deterrence purposes would be desirable. So we should expect that Pyongyang will continue to test both its nuclear devices and its ballistic missiles to make its deterrent credible.

Second, at the level of conventional deterrence, a striking asymmetry has been at play for decades.²¹ On the one hand, the robust capabilities of the U.S. and ROK armed forces deter North Korea from launching an all-out attack on South Korea in order to achieve its goal of unification of the Peninsula. Such a war would no doubt cause tremendous damage in the South, particularly because the North's forward-deployed artillery put the Seoul metropolitan area at serious risk. Yet it would only be a matter of time before the United States and the ROK defeated the DPRK militarily and end it politically, even if the war remained conventional. And because the regime's primary goal is likely survival, then its leadership understands that an all-out attack would be highly counter-productive.

On the other hand, that same North Korean ability to wreak devastating damage on the Seoul area has deterred the United States and South Korea from responding too robustly to DPRK provocations short of all-out war. In those circumstances, U.S. and ROK decision-makers must ask at what point their violent retaliation for those provocations would trigger a full-scale attack by the North on the South. Pyongyang's promise during the 1994 nuclear crisis to turn the peninsula into a "sea of fire" is a case in point. Consequently, the allies have taken a cautious tack when devising their response. It may in fact be the case that among other reasons Pyongyang engages in such provocations to remind Washington and Seoul that

they are deterred. Thus Pyongyang uses its limited power to demonstrate the powerlessness of others.

Therefore, we can expect new provocations both in the run-up to Kim Jong-il's death and in the immediate aftermath: attacks on ROK (or Japanese?) naval vessels; incidents in the demilitarized zone; missile tests, nuclear tests, and so on. Understanding the political purpose of these actions, the response of the United States and South Korea should be neither too soft nor too hard. Tolerating provocations will only invite more frequent and reckless probes. To respond too harshly runs the risks of creating an action-reaction spiral (something that China fears). At a minimum, the alliance should continue what it has already done: mobilize robust displays of force; conduct military exercises to improve capabilities; and mount diplomatic efforts so that the DPRK pays a price for its provocations. Although these steps have not fundamentally changed North Korea's policies, they have not provoked it to escalate.

To adopt more extreme responses also ignores the underlying strategic objective here: to shape the thinking of the next generation of leaders into the mindset that their own actions will define North Korea's future. If they choose to rely on a modest nuclear deterrent and conventional provocations to deter their adversaries, there will be no change for the better. If they shift to a less confrontational security policy, their accommodations will be reciprocated. At a more tactical level, Washington and Seoul can both use Pyongyang's provocations to remind Beijing that it is the primary source of instability in Northeast Asia and, where possible, secure multilateral responses like UN Security Council statements and resolutions to further shame North Korea. Finally, there may be steps that the United States and South Korea can take to reduce the extent to which the DPRK's conventional capabilities can deter their response. Examples include methods of limiting the damage of artillery attacks and exerting more pressure in the maritime domain, where the United States and the ROK have a decided advantage.²²

²¹ I am grateful to Mike McDevitt of CNA for illuminating for me the double asymmetry at play in security relations on the Korean Peninsula.

²² Again, I am grateful to Mike McDevitt for these suggestions.

IF TARGETED DISSUASION FAILS (PLAN B)

There is, of course, the real possibility that even skillful management of the interim period and playing to the Regency through targeted dissuasion will not work. The latter should still be tried, in order to test the new leadership's intentions (and establishing *bona fides* with China). At the end of the day, the DPRK may remain in its crouch and prefer to tough it out.

If that happens in the medium term, The Five should return to the near-term mix of incentives and coercion with a tilt toward coercion. That a serious attempt was made to persuade the new leadership to significantly change the DPRK's policies will make five-way cooperation on containment more feasible. The core bargain of the Six-Party Talks should remain clearly on the table even if there is little hope that North Korea's policy will change.

What should evolve is the stance of The Five. Having sought to shape the thinking of the post-Kim Jong-il leadership; having given targeted dissuasion

their best shot, "failure" should lead them to fashion a more long-term strategy for containing the dangers posed by a nuclear North Korea. Such a strategy should include: vigilant monitoring of the land and maritime perimeter between North and South; vigorous exercises by ROK and American armed forces to demonstrate readiness; remedying points of South Korean vulnerability; more vigorous efforts to deter and stop WMD shipments from North Korea to the Greater Middle East; continued economic sanctions; strengthened missile defense in South Korea and Japan; periodic and public U.S. affirmations of extended deterrence for the ROK and Japan, accompanied by private briefings on how extended deterrence would work; and so on. Again, tit-for-tat rules should apply. If North Korea engages in conventional provocations like the *Cheonan* Incident, South Korea should be ready to mount a proportionate and localized response. If Pyongyang persists in testing nuclear devices and long-range missiles, sanctions should be tightened incrementally.

SECURING CHINA'S COOPERATION

Obviously, getting China to buy into such a containment strategy will not be easy. It has been hard enough to secure its commitment to multilateral responses to North Korea's missile tests, nuclear tests, and other provocations. Beijing's refusal to admit explicitly that Pyongyang was responsible for the sinking of the *Cheonan* in March 2010, despite a high-quality ROK-led international investigation that came to that very conclusion, and its reluctance to accept even an implicit condemnation through a UNSC presidential statement was proof enough (and deeply frustrating to South Korea).²³

A variety of factors has shaped Beijing's cautious stance to the North Korean problem. First of all, China and the DPRK fought side by side against the United States during the Korean War (indeed, PRC intervention saved Kim Il-Sung's regime). That shared trial still evokes a residual Chinese loyalty, particularly within the People's Liberation Army. Second, the reason for China's intervention—to preserve a buffer state on its border—has a continuing strategic resonance. The prospect of a Korean Peninsula unified under the aegis of South Korea and of American troops on the Sino-Korean border is not a pleasant one. Third, Beijing is concerned that if countries responding to North Korean provocations exert too much pressure on the regime, it may disintegrate,

producing streams of refugees crossing into Northeast China and fostering social instability there. Finally, institutional factors may be at play. The International Department of the Chinese Communist Party (the CCP's "foreign ministry") has traditionally been the more important interface with the DPRK, another communist regime. It happens that the Chinese official who is currently in charge of China's foreign relations, State Councilor Dai Bingguo, was previously the director of the International Department. As such, he may have a tendency to give Pyongyang the benefit of the doubt on difficult issues.

Institutional and personal factors aside, China's reasons for maintaining a distance from the United States concerning North Korea are understandable but not compelling. The incapacity or disintegration of the DPRK might create a humanitarian crisis that spilled over across its border with China. But there are techniques for encouraging potential migrants to stay where they are and avoid the risks of moving into the unknown, as long as prudential preparations are made. The fall of the DPRK and unification of the peninsula would eliminate the buffer that has existed since the founding of the PRC. Yet unification will not necessarily lead to American forces deployed in the northern part of the peninsula. Indeed, hypothetically, the new Republic of Korea may decide that with the end of the threat from the north, the U.S.

²³ On China's stance concerning North Korea, see Carla Freeman and Drew Thompson, "The Real Bridge to Nowhere: China's Foiled North Korea Strategy," United States Institute of Peace Working Paper, April 22, 2009 <<http://www.nixoncenter.org/Real-Bridge-to-Nowhere.pdf>>; Michael D. Swaine, "China's North Korea Dilemma," *China Leadership Monitor* 30 (Fall 2009) <<http://media.hoover.org/sites/default/files/documents/CLM30MS.pdf>>; Bonnie S. Glaser and Scott Snyder, "Responding to Change on the Korean Peninsula: Impediments to U.S.-South Korea-China Coordination," Report of the CSIS Freeman Chair in China Studies, May 2010 <http://csis.org/files/publication/100506_Glaser_RespondingtoChange_Web.pdf>.

troop presence and the alliance are no longer necessary. Even if Seoul prefers that they continue as a hedge against uncertainty, it and Washington would likely be prepared to provide Beijing with political assurances that U.S. forces on the peninsula would be configured and deployed in such a way to pose no threat to China. Chinese nostalgia that stems from shared sacrifice is not trivial, but it ignores the fact that North Korea, by its actions, has become the principal source of instability in Northeast Asia and a threat to China's interests (not the United States).

Some in China (many perhaps) understand how North Korea has manipulated its dependence on Beijing in ways that hurt China. Writing after the DPRK's missile and nuclear tests of 2006, Zhu Feng of Peking University asserted that "Pyongyang's defiance of China's stern warnings regarding these tests finally signaled to Beijing that the 'North Korea crisis' was deteriorating seriously . . . [and] shook Beijing's confidence in its past policy toward North Korea."²⁴ Others are less willing to make that admission because they mistrust the motives of the United States. Allaying that mistrust is probably a precondition for securing greater Chinese cooperation and is best done incrementally. The core of that effort should be to demonstrate repeatedly that it is North Korea—not the United States—that has placed China in this tail-wags-the-dog situation. Being willing to regularly test North Korean intentions is one way. Remaining open to the bargain promised in the September 2005 6PT joint declaration—if Pyongyang credibly reaffirms its denuclearization obligations—is another. Engaging Beijing on the future of the Peninsula (in concert with Seoul, of course) is

yet another. North Korea will likely make the U.S.'s job easier, because it will likely engage in future provocations that bring home to China the futility of its preference for encouraging good behavior by Pyongyang. Proposing incremental and proportionate responses to North Korean provocations should reinforce the message that Washington does not seek to undermine Beijing's interests.

Those who criticize China for doing too little to respond to North Korean bad behavior and chastise the U.S. government for accommodating Beijing should recall, again, that the focus of policy in the near term should not be exacting the heaviest punishment possible at every turn. It is to lay the foundation for testing the new DPRK leadership when it takes power by shaping its views of external intentions (American, Chinese, and others). There should be some response to provocations, to be sure. Just as important is a firm refusal to indulge North Korea's ambition that the international community treat it as a nuclear-weapons state *and* provide the level of assistance that allows the regime to exit the dire strait in which it finds itself. Proportionate punishment, firmness on fundamentals, and a clear willingness to return to the proposed 6PT bargain is the near-term policy package that is most likely to get Kim Jong-il's successors to acknowledge, in the medium term, the dead end to which his policies have led the country and take a new look at the bargain as a way out. An understanding between Washington and Beijing on the medium-term opportunity, even granting its limits, will make it easier to coordinate policy in the near term. The same hold true for Seoul and Tokyo.

²⁴ Zhu Feng, "Shifting Tides: China and North Korea," in *The Architecture of Security in the Asia-Pacific*, edited by Ron Huisken (Canberra: Australia National University E Press, 2009), pp. 45, 54.

THE BIGGEST CHALLENGE

Finally, we must confront the reality that the political change that follows Kim Jong-il will bring about serious instability, even collapse. Of course, The Regency may actually succeed as a collective leadership and pursue a policy approach that enjoys broad consensus. Even if it is unwilling to accept the bargain of the 6PT, an effective collective could maintain control and experiment with reforms, using what resources are at its disposal.

There are, however, other options besides a smooth transition. One study suggests two others: a contested succession to Kim Jong-il and a failed succession. In the former, different elements of the regime—the Korean People’s Army, for example—contend for power in ways that are “prolonged, divisive, and potentially violent.”²⁵ A shortage of resources could aggravate the divisions. But in this scenario, a new regime would emerge sooner or later, one that would not draw whatever authority it had from the Kim family. Whether such a regime would pursue reformist or repressive policies is anybody’s guess.

Failed succession ends with the collapse of the regime. It might occur because of the state’s inability to maintain control in the case of deepening humanitarian disasters. In that case, increasing numbers of North Koreans would decide to flee to China, or run the risk of going through the highly militarized Demilitarized Zone to South Korea. Collapse might occur

because a conflict among elements of the regime does not produce a clear victor. Less likely is a revolution from below, but the response to a flawed currency conversion initiative in late 2009 suggests that the public may be losing its fear of the state.²⁶ Again, a shortage of resources available to the regime would exacerbate its difficulties in coping.

In either scenario, the implications for North Korea’s neighbors and the United States would be serious. All would be concerned about the security of the DPRK’s nuclear weapons and fissile material. South Korea would see the opportunity of reunifying the Peninsula at long last, even as it understood the high costs of creating a stable situation in the North. Moreover, Seoul has been somewhat suspicious about China’s intentions toward the North, and would watch its moves in a collapse situation very carefully. For the international community to address a humanitarian disaster in the context of state incapacity would be extremely difficult (if not impossible). And the chances of a North Korean attack on the South may actually rise and the future of the regime becomes increasingly bleak. Whether there is prolonged intra-regime conflict, a humanitarian disaster, or a total collapse, the refugee flows that have been the most often cited problem that DPRK instability would pose for China might be the least of its worries. China has never had to cope with a failed state on its borders. It would view the loss of its buffer state as a major change in the regional strategic equation.

²⁵ Paul B. Stares and Joel S. Wit, “Preparing for Sudden Change in North Korea,” Council on Foreign Relations Center for Preventive Action, Council Special Report No. 42, January 2009, p. 13.

²⁶ On which, see Evan Ramstad, “North Koreans Protest Currency Issue: Violence and Demonstrations Greet Monetary Plan, as Officials Meet With U.S. Envoy,” *Wall Street Journal*, December 8, 2009, p. A4.

Obviously, radical change in North Korea will affect the interests of the Republic of Korea, the United States, China, and Japan in different ways. Conflicts of interest are inevitable and can only be managed. The danger of conflict among them is not zero, for example, if circumstance convinced China, South Korea, and the United States that some degree of intervention was necessary.

The only way to manage these conflicts of interests and avoid conflict is for Seoul, Washington, Beijing, and Tokyo to talk to each other.²⁷ This should occur certainly at a political level, on the need to work together and, reassuring to China, on how the ROK and the United States view the future of the Korean Peninsula. But it should also occur at more operational levels (e.g., military commanders in the field) where the frictions will occur unless they are anticipated.

Of course, this is easier said than done, and most of the obstacles are created by China, which believes that Washington, Seoul, and Tokyo cannot keep secrets; which may believe that collapse is less likely than others do; and whose military is too annoyed with the United States over Taiwan arms sales to see its self-interest in cooperation. But even if the probability of some kind of collapse is low, the consequences are too dire for all concerned to be ignored.²⁸

The possibility that the DPRK regime might collapse demonstrates again how the system itself is at the core of instability on the Korean peninsula. Weaving a narrative of American victimization into the narrative of national identity; giving preference to the military in setting national priorities and allocating budget resources; basing national political life on the dynamics of one family, particularly during episodes of political succession; and sustaining a structure that is simultaneously strong and weak, have combined to lead the North Korean leadership into its current cul-de-sac. Kim Jong-il's premature demise creates what may be the only possibility that his successors will seek a way out, one that abandons nuclear weapons as a basis of security and fits the interests of the other parties concerned. It is, to be sure, only a possibility but it should be tested vigorously. In the end, the new leadership may choose to take the offer promised in the 6PT and persist in executing its playbook of provocation, in which case the United States and others will have to pursue some form of containment, even as they prepare for the worst case. Secretary Perry's counsel of a decade ago remains valid: "United States policy must deal with the North Korean government as it is, not as we might wish it to be."

²⁷ See Glaser and Snyder, "Responding to Change on the Korean Peninsula."

²⁸ On this scenario, see Glaser and Snyder, "Responding to Change on the Korean Peninsula."

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