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The North Korean Conundrum

International Responses and Future Challenges

Elina Sinkkonen (ed.)

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List of abbreviations

ACSA	Acquisition and Cross Servicing Agreement
ASEAN	Association of Southeast Asian Nations
BMD	Ballistic missile defence
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COI	Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea
CRC	Convention on the Rights of the Child
DPRK	Democratic People's Republic of Korea
EU	European Union
GSOMIA	General Security of Military Information Agreement
HRC	Human Rights Council
IAEA	International Atomic Energy Agency
ICBM	Intercontinental ballistic missile
ICC	International Criminal Court
ICCPR	International Covenant for Civil and Political Rights
ICESCR	International Covenant for Economic, Social and Cultural Rights
ICRPD	Convention on the Rights of Persons with Disabilities
ICRtoP	International Coalition for the Responsibility to Protect
KAMD	Korean Air and Missile Defense
KEDO	Korean Peninsula Energy Development Organization
KMPR	Korean Massive Punishment and Retaliation
LPD	Liberal Democratic Party
MSE	Missile Segment Enhancement
NAPCI	Northeast Asian Peace and Cooperation Initiative
NATO	North Atlantic Treaty Organization
NDPG	National Defence Programme Guidelines
NKDB	Database Centre for North Korean Human Rights
NPT	Non-Proliferation Treaty
NSC	National Security Council
OSCE	Organization for Security and Cooperation in Europe
OHCHR	Office for the High Commissioner for Human Rights
PAC3	Patriot Advanced Capability-3

ROK	Republic of Korea
SC	United Nations Security Council
SDF	Self Defence Forces
SEZ	Special Economic Zone
SLBM	Submarine-launched ballistic missile
TEL	Transporter erector launcher
THAAD	Terminal High Altitude Area Defence
UN	United Nations
UNGA	United Nations General Assembly
UPR	Universal Periodic Review
US	United States
WMD	Weapon of mass destruction

Note: Asian names are written in keeping with the local convention of placing family name before first name.

Introduction

The unresolved conflict on the Korean Peninsula poses multiple challenges to the international system and the major parties involved. This report provides an overview of North Korea's nuclearization and missile programme, international responses to these developments, and possible strategic options for different regional actors. In addition, it seeks to highlight another dilemma faced by the international community, namely the country's dire human rights situation, which represents a flip side to its nuclear arms drive. The aim is thus to bring up for discussion those aspects of the North Korean conundrum that are often overlooked, namely the regional dimension and the connectedness between the nuclear issue and human rights.

The pace and intensity of North Korea's military technological development have surprised pundits and scholars worldwide. In July 2017, North Korea successfully tested intercontinental ballistic missiles (ICBM) and in September 2017 it conducted its most powerful nuclear test so far. Although North Korea's nuclear and missile testing has been widely condemned, we are now very far from ensuring peace and stability on the peninsula. The situation contains all the elements for a great-power conflict. The unpredictability of North Korean internal politics, combined with the existence of weapons of mass destruction in the country, as well as the involvement of the United States as the provider of security guarantees for both South Korea and Japan, make North Korea a dangerous hotspot. All major powers harbour differing views on the future of the area, which can potentially result in new confrontations in a time of crisis. The history of the North Korean nuclear question is a textbook case of how great-power politics can freeze conflicts and prevent them from getting resolved.

Furthermore, the distrust and suspicion among the three East Asian powers, namely South Korea, Japan, and China, seriously impede meaningful cooperation at the political level.

The eruption of the situation in one form or another would have severe ramifications both in the region, as well as globally. Although the possibility of an armed conflict on the peninsula has already had economic consequences, for example by decreasing the value of investments in South Korea and increasing the military budgets of regional actors, an open conflict would have a devastating global impact. The ROK, Japan, Taiwan and parts of China are among the most developed and economically active regions globally. About one-third of global trade and one half of the world's energy shipments originate or terminate in the region. For the European Union, the trade routes in Northeast Asia as well as economic cooperation with the region are vital.

A key reason for the difficulty in ending hostilities on the Korean Peninsula is its history of being a bone of contention between great powers. The superpowers, the US, China, and the Soviet Union, used to be on different sides of the frontline in the Korean War (1950–1953). After the war ended, North Korea relied heavily on Soviet and Chinese assistance, and struggled to find a balance between its two biggest sponsors as it did not want to become too dependent on any one country. Over the course of the years, North Korea learned to play big powers off against each other and reap the benefits – a basic policy that has continued in different forms ever since. In the 1960s, Kim Il-sung took advantage of the Sino-Soviet split (1960–1989) and continued to get funding from both China and the Soviet Union until the 1990s. In the early 2000s, North Korea received significant humanitarian aid from the US, Japan and South Korea.[1]

According to Andrei Lankov, North Korea's basic survival strategy since the 1990s has followed a pattern of fabricating a crisis using military means, negotiating a deal with as few conditions as possible and, after the money has been spent, creating another crisis. In other words, North Korea's nuclear programme has two principal aims: national defence and regime survival. Kim Jong-un's regime has studied the Libya and Iraq cases and has concluded that nuclear weapons are the only way to protect the country against US attack. On the other hand, North Korea's weapons give it leverage to blackmail

1 Smith, Hazel, *North Korea: Markets and Military Rule*. Cambridge: Cambridge University Press, 2015, 297.

for aid on terms that would be impossible for any country without the nuclear card. Without conditions, the North Korean leadership can distribute aid first to groups important for regime stability. Giving up nuclear weapons would eventually force North Korea to forget unconditional aid, and agree to conditions many of which would jeopardize regime stability. These are risks the North Korean leadership is unable to take.[2]

In recent years, the international community has suffered from strategic paralysis in its reactions to North Korea's provocations. Over ten years have passed since North Korea conducted its first nuclear test in October 2006 and the starting point for possible negotiations is getting increasingly difficult. The DPRK added a nuclear weapons state status to its constitution in 2012 and is not going to give up its nuclear deterrent.[3] The US does not want to recognize North Korea as a nuclear state and makes no secret of its wish for a regime change. This leaves little to negotiate about. President Trump's volatile approach has been criticized for bringing Asia to the brink of a nuclear war. However, as stated by many pundits and scholars, there was little strategy involved in the Obama administration's strategic patience.[4] Waiting will not dissipate North Korea's aggressive behaviour, and is more likely to aggravate the problems. It will be even harder to negotiate with North Korea if it manages to manufacture an operational nuclear warhead. As a result, the US has now stated that the policy of strategic patience with North Korea is over and military action against the DPRK is not "unimaginable", as stated by US chairman of the Joint Chiefs of Staff, Joseph Dunford, on July 22, 2017.[5] President Trump has repeatedly used strong language when talking about North Korea. In August 2017, he said that if North Korea continues to threaten the United States, its actions will be met with "fire and fury".[6] In the same vein, Trump was

2 Lankov, Andrei, *The Real North Korea*. Oxford: Oxford University Press, 2013, 145–157.

3 North Korean Economy Watch, "DPRK Updates Constitution and Declares Self 'Nuclear Power'," 14 June 2012. http://www.nkeconwatch.com/2012/05/31/dprk-updates-constitution-and-declares-self-nuclear-power/. Accessed 10 August 2017.

4 See, for example, Choi, Jong Kun, "The Perils of Strategic Patience with North Korea." *The Washington Quarterly* 38 (4), 2016, 57–72.

5 Toosi, Nahal, Dunford: "Military Option for North Korea Not 'Unimaginable'." *Politico* 22 July 2017. http://www.politico.com/story/2017/07/22/dunford-north-korea-military-option-not-unimaginable-240851. Accessed 25 July 2017.

6 Baker, Peter and Sang-hun Choe, "Trump Threatens 'Fire and Fury' against North Korea if it Endangers U.S." *The New York Times* 8 August 2017. https://www.nytimes.com/2017/08/08/world/asia/north-korea-un-sanctions-nuclear-missile-united-nations.html. Accessed 9 August 2017.

of the opinion that "Rocket Man is on a suicide mission with himself and the regime" and that the US is prepared to "totally destroy North Korea" if provoked.[7]

South Korea's North Korea policy tends to oscillate between a tougher approach during a conservative reign, and economic and diplomatic engagement during liberal leadership. As presidential terms in South Korea are restricted to one five-year term, the political pendulum swings back and forth relatively often and makes it harder to form a consistent long-term strategy towards North Korean nuclearization. In 2016, South Korea's politics were partly paralyzed by former President Park Geun-hye's impeachment trial and, after the verdict, early elections. Moon Jae-in from the liberal People's Party won the elections held in May 2017.

One example of the South Korean political pendulum is its policy on the US-developed Terminal High Altitude Area Defence (THAAD) system. North Korea's recent actions led South Korea to deepen its security cooperation with the US despite Chinese opposition. South Korea and the US started official negotiations on THAAD in March 2016, which ended with an agreement to deploy it to South Korea in 2017. On March 6, 2017, the US started building the THAAD missile defence system in South Korea ahead of schedule after North Korea launched four missiles into the Sea of Japan. Part of the anti-missile system's launchers became operational in May 2017. However, when the new leadership came to power, the South Korean presidential office announced that the THAAD system needed to undergo an environmental impact assessment, and the deployment of the remaining launchers was suspended. The environmental assessment is still pending, but after North Korea's second ICBM test in July, the Moon government agreed to deploy the remaining four launchers.

Japan's North Korea policy is also evolving. Since the start of the administration under Prime Minister Abe Shinzô at the end of 2012, Tokyo has taken a number of significant security measures in order to tackle "complex and grave national security challenges", including the threat posed by the North Korean regime. Many of these measures aim to tighten military and security cooperation with the US, while others hint at the objective of inching closer to autonomous defence capabilities. For Japan, the developing threat from Pyongyang entered

7 Dye, Jessica and Katrina Manson, "Trump: 'No Choice but to Totally Destroy North Korea' if Provoked", *Financial Times* 19 September 2017. https://www.ft.com/content/feb89a57-cfc1-3cf9-909d-6e3d510d4bb5. Accessed 19 September 2017.

a new phase in 2017, as a result of the progress made by Kim Jong-un's regime in the development of nuclear weapons and ballistic missile capabilities. Nevertheless, when examining Japan's reactions to the North Korean threat, two issues need to be kept in mind. First, Japan is still restricted both legally and informally (or more conventionally) in developing a more proactive defence policy. And second, the abduction issue remains of central importance to the Japanese government and public opinion alike.

China's behaviour has been somewhat contradictory in recent years. On the one hand, it hardened the tone of its statements in spring 2017 and announced a coal ban on North Korean coal, which is set to last until the end of 2017. On the other hand, it still supports North Korea by providing it with most of its food, oil and other vital resources, and is far from efficiently implementing the UN sanctions. Russia's influence on North Korea is clearly less significant than China's, but significant nevertheless. Its North Korea policy seems to be defined, on the one hand, by opposing the US position in the UN and taking advantage of any economic engagement opportunities that North Korea might offer. Russia welcomes North Korean workers in its Far East, which suffers from a labour shortage. There are also ongoing infrastructure projects between the two countries. Russia opened a shipping lane from Vladivostok to Rajin in May 2017, and would like to continue the trans-Korean railroad project to better access South Korean markets.[8] As both China and Russia oppose THAAD deployment and the otherwise increased US presence in Asia, they have held joint consultations on Northeast Asian security since April 23, 2015.[9] China-Russia cooperation over the North Korea question is one example of their recently enhanced security relationship.

If recent years have been characterized by paralysis on the part of the international community concerning North Korea's nuclear ambitions, progress has nevertheless been made on the question of how to address the country's egregious human rights situation. Many Western states, such as the United States, the EU and Japan, have worked hard to draw attention to the lack of human rights in the DPKR, which is clearly linked to the issue of nuclear weapons. North Korea's

8 Luhn, Alec, "Ferry Service Opens between North Korea and Russia." *The Guardian* 18 May 2017. https://www.theguardian.com/world/2017/may/18/ferry-service-between-north-korea-russia-starts-weekly-service. Accessed 10 August 2017.

9 Chinese Foreign Ministry, "China and Russia Hold First Consultation on Northeast Asia Security", 23 April 2015. http://www.fmprc.gov.cn/mfa_eng/wjbxw/t1258822.shtml. Accessed 10 August 2017.

blatant disregard for human rights is another demonstration of its unwillingness to follow the rules of the international system, and the development of nuclear capability diverts funds away from the humanitarian needs of its people. The country's reckless use of funds and increasing arms testing also jeopardizes the very survival of its people. The threat that the dire human rights situation constitutes to international peace and security was recognized by the UN in 2014 when the Security Council, contrary to the wishes of China and Russia, placed the topic on its agenda. The UN human rights machinery has also stepped up its actions by shifting the focus away from engagement to accountability, which seeks to hold the perpetrators, including top leaders, accountable for crimes against humanity. Although China has criticized the recent steps as the "politicization of human rights", it has become increasingly clear that the international community sees the North Korean regime as criminal.[10]

THE FOLLOWING CHAPTERS

The purpose of this report is to provide an overview of the so-called North Korea problem and to discuss the main options that the international community has at its disposal for dealing with different aspects of it. To this end, the study will begin by defining the main facets of the "North Korea question". In other words, the report analyzes the North Korean threat from three main perspectives: the military threat that its weapons of mass destruction (WMD) programmes constitute for neighbouring countries and the US; the threat caused by illicit means of financing the regime, including weapon sales to fund its WMD programmes; and the threat that the North Korean political situation poses to its own people, both within the country and to those working abroad to earn money for the regime.[11] The report combines the great-power and regional levels and provides an up-to-date analysis of the situation on the Korean Peninsula, based partly on expert interviews.

The report is divided into three parts. The first section presents the main features of the so-called North Korea question, concentrating on the years of Kim Jong-un's regime, from 2012 onwards. Here, the

10 UN Press Release, "Security Council Narrowly Adopts Procedural Vote to Authorize Discussion on Human Rights Situation in Democratic People's Republic of Korea", SC/12615, 9 December 2016.

11 These three perspectives omit the possible threat caused by a North Korean regime collapse.

focus is on North Korea's military capabilities and violations of the United Nations resolutions, as well as countermeasures taken by the international community to respond to the military threat posed by North Korea. The first section also presents two central viewpoints on approaching the North Korean military threat in the 2010s, concentrating on the aim and usefulness of sanctions. One group of experts believes that the problem has persisted long enough, that we should draw the conclusion that the sanctions have failed, and try to resolve the issue by other means. The other group admits that there are still multiple serious shortcomings in implementing the sanctions, but finds that with more rigorous implementation, they can still help in accomplishing the goal of the denuclearization of North Korea.

The second section looks into the regional implications of, and responses to, the North Korea issue. It studies the ways in which regional actors – South Korea, Japan and the United States – and, on the other hand, China and Russia, have approached tensions on the Korean Peninsula. The first section relies on UN reports and official policy documents of the respective parties as well as academic scholarship on the issues discussed. In addition, the second section uses expert interviews to cover important country-specific perspectives. Elina Sinkkonen conducted interviews in Beijing and Shanghai in May–June 2017, and Bart Gaens in Osaka, Tokyo and Niigata in February and September 2017.

The third section shifts the discussion from the nuclear issue to another major concern pertaining to North Korea, namely the dire human rights situation. It describes the exceptional situation both from the perspective of the international community and the DPKR itself on the basis of several international human rights reports. It focuses on the responses taken by the international community in the UN framework, and argues that there is increasing recognition of the fact that the gross human rights violations perpetrated in North Korea pose a threat to international peace and security. Finally, this section discusses the commonalities between the human rights project and the nuclear non-proliferation issue.

1

1. Overview of the North Korea issue

Elina Sinkkonen

This chapter deals with the factors that have led to North Korea's isolation and militarization, a threat assessment of nuclear North Korea, the legal and illegal ways the DPRK finances its activities, as well as international responses in the form of economic sanctions. Finally, it discusses the main future options for tackling a nuclear North Korea. The major defining issues in these discussions relate, first, to how to approach economic engagement with the DPRK; second, whether the leadership in the DPRK can be regarded as rational or deranged; and third, the survivability of the isolated regime if no major policy changes are made (the so-called "collapsism theory").

1.1 THE ROAD TO NORTH KOREA'S ISOLATION

The Kim dynasty has been able to take advantage of great-power rivalries for decades, switching from Sino-Soviet rivalry to the ongoing US-China power struggle. Yet North Korea's difficult balancing between different sponsors also perpetuates its isolation. Between 1945 and 1948, the nascent North Korean regime had to operate under Soviet control to the extent that Stalin edited the 1948 North Korean Constitution. After the war, until the late 1950s, North Korea was essentially similar to other pro-Soviet states. By then, former guerillas with traditional values had replaced university intellectuals in the leadership. Leadership changes, combined with the legacy of the Korean War and the geopolitical shift caused by the Sino-Soviet split in the late 1950s, gradually led to North Korea's militarization

and isolation. After a failed conspiracy to replace Kim Il-sung with members of the Soviet-Korean and Yanan factions in 1956, supported by the Soviets and the Chinese, Kim tightened his grip on the party and all Soviets were expelled from the country. North Korea chose to follow the model of Chinese autocratic Communism instead of the Soviet version, which started to look too liberal for North Koreans after the societal changes following Stalin's death in 1953. The Chinese hierarchical leadership system was initially seen as a much more suitable reference for North Korea than the Soviet struggle against the personality cult.[1]

This background contributed to the birth of North Korea's *Juche*, a doctrine often translated as "self-reliance", which Kim Il-sung introduced in 1955 when trying to distance his country from being too dependent on the two communist sponsors. *Juche* remained dormant until 1965 when it was mentioned again in a speech Kim gave in Indonesia. In the years that followed, the *Juche* ideology came to mean the supreme leader's omnipotence, making the population responsible for mobilizing itself to obey the leader's will through the party.[2]

In the early 1960s, Soviet-DPRK relations were almost hostile, but recovered partially after 1965. The political changes taking place in China forced North Korea to improve its relations with the Soviet Union. China had not compensated for the loss of aid North Korea suffered after its relations with the Soviets deteriorated, and in 1966 Chinese society was plunged into the chaos of the Cultural Revolution, which was seen as a threat in Pyongyang. Now it was the Chinese red guards who criticized Kim Il-sung, leading to a historical low point in Sino-DPRK relations. From the 1970s onwards until the 1990s, North Korea was able to play the communist giants off against each other thanks to the Sino-Soviet split (1960–1989), without giving much in return and milking aid from both to guarantee that it would not side with either. The Soviets and the Chinese were well aware that they were being manipulated, but saw no viable alternative to paying North Korea to remain neutral.[3]

The ideology of self-reliance emphasized North Korea's self-defence, and its nuclear endeavours effectively date back to the late 1950s when the DPRK signed a treaty on nuclear research cooperation with

1 Lankov, Andrei, *The Real North Korea*. Oxford: Oxford University Press, 2013, 12–20.
2 Smith, Hazel, *North Korea: Markets and Military Rule*. Cambridge: Cambridge University Press, 2015, 120–122.
3 Lankov 2013, 6–20.

the Soviet Union in 1959, soon to be followed by a similar agreement with China. Although both China and the Soviet Union refused to help North Korea in its aspiration to obtain nuclear weapons, this research cooperation was the starting point of North Korea's nuclear weapons programme. Due to changes in nuclear policy in South Korea, Pyongyang speeded up its programme in 1975. The Soviet Union pressured North Korea to sign the Non-Proliferation Treaty, which it agreed to do in 1985 in order to receive Soviet assistance to build more light water reactors.[4]

After the Soviet Union ceased to exist, the DPRK faced huge problems as it had not modernized its economy and was far from self-reliant in food production. Suddenly, Russians wanted hard currency for their goods, but North Korea did not possess sufficient funds. Kim Il-sung died in 1994 and his son, Kim Jong-il, started "military-first politics" in response to the economic collapse and food shortages.[5] Rainy years in 1995 and 1996 plunged the country into severe famine, and an estimated one to three million people starved to death between 1995 and 1999.[6] Industrial output in 2000 was about half of what it was in 1990. As the state failed to fulfil its duties, small-scale market activities have gradually been allowed since the early 1990s. In addition to work in the state-owned collectives, farmers could cultivate their own small plots of land and sell surplus products in markets. Women took over most of the grassroots business activities as housewives were exempt from working in the state-owned sector.[7] For many North Koreans income from the shadow economy constituted around 90 per cent of their total income already prior to 2006.[8]

In terms of security politics, the end of the Cold War had far-reaching consequences to which North Korea had to adapt. The US withdrew nuclear weapons from South Korea in 1991, and in the same year the two Koreas signed the Joint Declaration on the Denuclearization of the Korean Peninsula. However, North Korea was reluctant to let IAEA inspectors into the country, and the UN Security Council passed Resolution 825 in May 1993, strongly urging North

4 Lankov 2013, 147–148.

5 Smith 2015, 235.

6 Joo, Hyung-min, "Visualizing the Invisible Hand: the Shadow Economy in North Korea." *Economy and Society*, 39 (1), 2010, 113. For a more cautious estimate, see Haggard, Stephen and Marcus Noland, *Witness to Transformation: Refugee Insights into North Korea.* Peterson Institute for International Economics, Washington DC, 2011, 6.

7 Lankov 2013, 77–84.

8 Joo 2010, 132.

Korea to cooperate with the IAEA and follow the 1991 agreement. North Korea was unwilling to respect the obligations, and in March 1993 declared its intention to withdraw from the NPT. The crisis led to new negotiations and on October 21, 1994 the US and North Korea signed the Agreed Framework. The latter agreement froze the DPRK's nuclear facilities and its plutonium stocks were monitored by the IAEA.[9]

By the time North Korea had endured the worst famine years in the late 1990s, South Korea had enjoyed years of economic boom, and the income gap between the two Koreas continued to widen. This situation contributed to pushing the Kim dynasty into a corner. The North Korean elite and the top leadership likely considered the road to significant economic reforms as impassable because South Korea's economic success would make any reforms in the North look like a failure in comparison. Moreover, obtaining investments from abroad would require some level of opening up of North Korea's closed society. It appeared – and continues to appear – safer to continue as before by relying on the nuclear card and keeping society as oblivious to the external world as possible.[10]

Kim Jong-il's policy of putting the military first led to nuclear testing. Before North Korea's first nuclear test, the international community still believed that North Korea could change its path through negotiations. In 2002, North Korea expelled the IAEA's inspectors from the country and withdrew from the Nuclear Non-Proliferation Treaty (NPT) the following year. During the next few years, the international community was still largely convinced that it would be possible to negotiate with North Korea in order to end its nuclear programme. The USA, China, Russia, South Korea and Japan started the Six-Party Talks in 2003 with the purpose of negotiating a deal with North Korea. The talks were a volatile process, swinging back and forth between crises and stalemates. However, important breakthroughs occurred in 2005 when North Korea agreed to abandon "all nuclear weapons and existing nuclear programmes" and return to the NPT again in 2007 when the parties agreed on ways to implement the 2005 agreement. As North Korea failed to meet the steps agreed on by the end of 2007, and subsequently went on to conduct a second nuclear test in 2009, any hopes of halting the country's nuclear ambitions were duly dashed.

9 Cordesman, Anthony, *North Korean Nuclear Forces and the Threat of Weapons of Mass Destruction in Northeast Asia*. Center for Strategic and International Studies, 2016, 25–26.

10 Lankov 2013, 109–119.

In the 2000s, the DPRK's official stance on market activities has swung between neglect and intense scrutiny. In December 2007, women under the age of 50 were prohibited from participating in business activities. This decision caused riots, which in North Korea's police state are extremely rare. However, the country's emerging markets took the worst hit in 2009 when Kim Jong-il initiated a failed currency reform. As there was serious public discontent over curbing small-scale economic activities, market restrictions were eased and the currency reform abandoned in the spring of 2010.[11] It is possible that these domestic troubles contributed to North Korea's aggressive moves against South Korea in 2010, when a North Korean torpedo sank the South Korean corvette Cheonan killing 46 marines in March, and North Korea shelled Yeonpyeong island in November.

When Kim Jong-il died in 2011 and Kim Jong-un took over, the outside world was optimistic that a younger leader educated abroad would usher in new ideas and improve North Korea's relations with the West. Unfortunately, such hopes proved groundless, as Kim Jong-un opted for a much more aggressive military stance than his father and also increased domestic surveillance. He established his power faster than assumed and consolidated it by executing key elite rivals such as his uncle by marriage, Jang Sung-taek, who, together with his wife Kim Kyong-hui, used to be in charge of trade issues with China.[12] He also transferred generals to party positions to ensure the army's loyalty when it was deemed unnecessary to resort to executions. In February 2017, Kim Jong-un's half brother, Kim Jong-nam, was assassinated in Kuala Lumpur international airport using VX nerve agent. He was allegedly under Chinese protection at the time.

Kim Jong-un must have realized that his regime was resting on a very shaky economic foundation. In 2012 the Kim leadership implemented a Byungjin policy consisting of three elements: cautious market-oriented economic reforms, concentration on nuclear armament, and maintenance of strict domestic control.[13] Thanks to economic reforms, commerce centres more than doubled from 200

11 Ibid., 119–132; Lankov, Andrei, "Is Byungjin Policy Failing? Kim Jong-un's Unannounced Reform and its Chances of Success." *The Korean Journal of Defence Analysis* 29 (1), 2016, 25–45.

12 Chesnut Greitens, Sheena, "Illicit. North Korea's Evolving Operations to Earn Hard Currency." Washington: Committee for Human Rights in North Korea, 2014, 49–50.

13 Lankov 2016.

in 2010 to 404 official market places in late 2016.[14] In May 2013, the DPRK inaugurated a law to establish more economic zones in North Korea.[15] To attract outside investment, Kim Jong-un's regime has duly established 25 special economic zones (SEZ) in the country.[16]

1.2 ASSESSING NORTH KOREA'S CURRENT MILITARY THREAT

North Korea's nuclear testing

Despite some new economic initiatives during Kim Jong-un's reign, North Korea has clearly put the military first. In recent years, the pace of North Korea's military technological development has been surprisingly fast. During the past ten years, North Korea has tested six nuclear devices and learned from each test. In missile development, a major step was taken in July 2017 when the country launched its first intercontinental ballistic missile (ICBM), soon to be followed by another ICBM test. A third facet of North Korea's recent technological concentration is submarines, by which means it could transport its missiles closer to desired destinations. Finally, it is worth noting that North Korea also has large stockpiles of chemical and possibly biological weapons, which it can mount on conventional or unconventional delivery systems, despite denying possessing such weapons or the agents needed for their production.[17]

Each successive nuclear test by North Korea has been more destructive than the last. In September 2017, North Korea tested a nuclear device it claimed to be a hydrogen bomb. According to seismologists at Norsar, the test yielded around 250 kilotons making North Korea's claim on the hydrogen bomb more credible than before. Unless there has been a gas leakage at the test site detactable by radionuclide stations outside of North Korea, we may be unable to

14 Choi, Kyongae, "N. Korea Operates 404 Official Markets: Report." *Yonhap* 9 December 2016. http://english.yonhapnews.co.kr/news/2016/12/09/0200000000AEN20161209005800315.html?did=2106m. Accessed 26 August 2017.

15 North Korean Economy Watch, "Supreme People's Assembly Adopts Three EDZ-related Regulations." 21 October 2014, http://www.nkeconwatch.com/2014/11/21/supreme-peoples-assembly-adopts-three-edz-related-regulations/. Accessed 26 August 2017.

16 Lankov 2016, 30.

17 Cordesman, Anthony, *North Korean Nuclear Forces and the Threat of Weapons of Mass Destruction in Northeast Asia*. Center for Strategic and International Studies, 2016, 4–5.

verify with full certainty which type of test it was.[18] However, even if the 2017 test was not a hydrogen bomb, it will not take long for North Korea to succeed in developing one as it is advancing all the time in nuclear technology. Already the January 2016 nuclear test was assessed to have been "boosted", meaning that a fission bomb was enhanced with gas mixtures causing a partial fusion reaction, which increases the bomb's power.[19] Some estimate that both nuclear tests in 2016 yielded around ten kilotons, but seismologists at Norsar estimated the September test to have been close to 20 kilotons as it was tested deeper underground than the first test in the same year.[20] In terms of yields, North Korea has advanced considerably as its first test in 2006 was estimated to yield less than a kiloton. By international standards, all of North Korea's nuclear tests have been relatively small. China's three first nuclear tests in the 1960s, for example, measured 22, 35 and 250 kilotons, respectively.[21] However, there are indications that North Korea will continue its nuclear tests.

North Korea's missile development

In addition to developing its nuclear programme, North Korea has increased the frequency of its missile testing. Since January 2016, the country has fired dozens of missiles. Regarding North Korea's military testing in 2016, the 7th Workers' Party Congress held in May likely played some role in increasing the number of displays as it strengthened the domestic power-political reasons for nuclear and missile testing. The previous Party Congress was held in 1980. However, the trend of increasing number of missile tests continued in 2017 with a new tendency of launching missiles over Japanese airspace. The two missile launches in August and September 2017 were the first ones North Korea defined as missiles. In 1998, 2009, 2012 and 2016 North Korea's satellite launches overflew Japanese territory.

North Korea's missile arsenal consists of missiles in different ranges with a wide variety of operability and reliability. At the least reliable

18 Norsar, "Summing up the Nuclear Test in North Korea on 3 September 2017." https://www.norsar.no/in-focus/summing-up-the-nuclear-test-in-north-korea-on-3-september-2017-article1554-863.html. Accessed 25 September 2017.

19 Huxley, Tim and William Choong (eds.), *Asia-Pacific Regional Security Assessment 2017*. London: International Institute for Strategic Studies, 2017, 95.

20 Norsar, 2017, "North Korean Underground Nuclear Test Larger Than Previous Tests." 9 September 2016. https://www.norsar.no/getfile.php/134507/norsar.no/Press/PressReleases/20160909-North-Korea-PressRelease.pdf. Accessed 11 July 2017.

21 Cordersman 2016.

end are the intermediate-range Musudan missiles, of which all but one of six confirmed launch attempts failed in 2016.[22] These missiles have quite likely been subject to US cyber sabotage, which could go some way towards explaining their high failure rate.[23] Musudan class missiles were originally developed with the help of engineers from Russia's Makeyev Missile Design Bureau.[24]

Milestones in the North Korean missile programme include advancements in missile mobility in the categories of both submarine-launched and land-launched missiles, which increase the country's second-strike capability. The Pukguksong-1 missile (KN-11) was successfully launched from a submarine in August 2016. Submarine launching greatly increases the element of unpredictability and thus helps in circumventing an adversary's anti-missile systems. Regarding land-launched missile types, North Korea has developed missiles that use solid fuel, making them more mobile and faster to use than missiles using liquid fuels. In February 2017, North Korea tested Pukgusong-2 (KN-15) using solid fuel. In addition to the fuel type, advances in KN-15 development also include a tracked transporter erector launcher (TEL), which improves the missile's mobility in a country in which the majority of roads are unpaved.[25] Although North Korea claims its satellite launching is only for peaceful purposes, launching satellites can help the country improve the reliability of TELs. In February 2012, North Korea put a satellite into orbit and four years later used a similar space-launch vehicle and long-range ballistic missile technology in another satellite launch.[26]

On July 4, 2017, North Korea's missile programme took a significant step by launching its first ICBM, the Hwasong-14 (KN-20) from the

22 Panda, Ankit, "North Korea's 2017 Military Parade Was a Big Deal. Here Are the Major Takeaways." *The Diplomat* 15 April 2017. http://thediplomat.com/2017/04/north-koreas-2017-military-parade-was-a-big-deal-here-are-the-major-takeaways/. Accessed 11 July 2017; Lewis, Jeffrey, "The State of North Korea's Missile Program." *Foreign Affairs* 9 June 2017.

23 Sanger, David and William Broad, "Trump Inherits a Secret Cyberwar against North Korean Missiles." *New York Times* 4 March 2017. https://mobile.nytimes.com/2017/03/04/world/asia/north-korea-missile-program-sabotage.html?referer=https%3A%2F%2Fmobile-nytimes-com.cdn.ampproject.org%2Fv%2Fs%2Fmobile.nytimes.com%2F2017%2F06%2F12%2Fworld%2Fmiddleeast%2Fisis-cyber.amp.html%3Famp_js_v%3D0.1. Accessed 13 July 2017.

24 Lewis 2017.

25 Panda 2017.

26 Berger, Andrea, "North Korea Tests a Bomb, a Missile, its Ally and its Adversaries." *RUSI Commentary* 8 February 2016. https://rusi.org/commentary/north-korea-tests-bomb-missile-its-ally-and-its-adversaries. Accessed 11 July 2017.

Panghyon Aircraft Factory. The US Department of Defence later verified that the missile meets the US criteria for an ICBM, as its range exceeds 5,500 kilometres.[27] David Wright from the Union of Concerned Scientists estimated the missile's range to be 6,700 kilometres based on its flight time and trajectory.[28] The launch of the Hwasong-14 came hot on the heels of the May 14 launch of the Hwasong-12, which was estimated to have a range of 4,500 kilometres. The test was followed by another ICBM test on July 28. In this second test the missile flew for 45 minutes and reached an apogee of 3,000 kilometres. Based on early analysis, it was an enhanced version of the first Hwasong-14 tested on July 4.[29] In addition to the Hwasong 14, North Korea also has at least one ICBM type that it has not yet tested. The Hwasong-13 (KN-8) has a range of 11,500 kilometres.[30]

Connection between nuclear and missile programmes

The development in nuclear testing is intimately connected to North Korea's missile programme. The same boosting techniques needed to produce hydrogen bombs are relevant in the miniaturization of nuclear material, which can then be applied to missiles. Currently, the key issue boils down to North Korea's ability to miniaturize nuclear material.[31] There is no consensus among researchers or intelligence communities on how far North Korea has progressed in developing an ICBM with a nuclear warhead, or on what level of reliability it is aiming for with regard to its nuclear missile. Estimates range from those who argue that North Korea is already likely to possess the warhead, to those that argue that it might take several more years for the country to accomplish the technological steps required to obtain an operational nuclear ICBM. In October 2014 General Curtis M. Scaparrotti stated to reporters: "I believe they have the capability to have miniaturized the device at this point, and they have the

27 US Department of Defence, "U.S. Condemns North Korean Missile Launch." https://www.defense.gov/News/Article/Article/1236993/us-condemns-north-korean-missile-launch/. Accessed 5 July 2017.

28 Wright, David, "North Korea Appears to Launch Missile with 6,700 km Range." Union of Concerned Scientists 3 July 2017. http://allthingsnuclear.org/dwright/north-korea-appears-to-launch-missile-with-6700-km-range. Accessed 7 July 2017.

29 Elleman, Michael, "Early Observations of North Korea's Latest Missile Tests." *38North* 28 July 2017. http://www.38north.org/2017/07/melleman072817/. Accessed 11 August 2017.

30 *The Military Balance 2017*, London: Institute for Strategic Studies, 243.

31 Sinkkonen, Elina, "Waiting Is Not an Option." *FIIA Comment* 10/2017. http://www.fiia.fi/en/publication/676/waiting_is_not_an_option/. Accessed 3 October 2017.

technology to potentially actually deliver what they say they have".[32] Three weeks before North Korea's ICBM launch, Jeffrey Lewis, Director of the East Asia Nonproliferation Program at the Middlebury Institute's James Martin Center for Nonproliferation Studies, argued that "North Korea almost certainly has a compact fission warhead capable of fitting on a future ICBM".[33] The US fears that if nothing is done, North Korea will sooner or later succeed in its efforts to develop an operational nuclear ICBM, which the US has previously stated to be a risk it would be unable to take.

Potential weak points and scholarly debate

In addition to the level of North Korea's miniaturization know-how, another area of uncertainty concerns the reliability of ICBM re-entry vehicles, which face huge pressure when the missile re-enters the atmosphere, and thus require solid technological solutions and significant testing before becoming operational. Both the May and July missile launches used a lofted trajectory to avoid flying over Japan or Russia. North Korea has explained that it uses such trajectories in order to test the re-entry vehicles, which face harder pressure when launched on lofted trajectories. The missiles reached apogees of around 2,000, 2,300, and 3,000 kilometres, respectively. Jeffrey Lewis argues that no country that has developed an ICBM has failed to develop a re-entry vehicle capable of delivering a warhead.[34]

It is certain that North Korea aims to acquire a reliable nuclear warhead in the very near future. Thae Yong-ho, former ambassador of North Korea to the UK, stated in January 2017 that North Korea's aim is to develop miniaturized nuclear weapons that can fit atop a missile capable of reaching the US by the end of 2017 or early 2018.[35] North Korea has issued advance warnings about its technological advancements. Kim Jong-un stated in his 2017 new year's speech that the country would be able to launch an ICBM soon, which duly happened half a year later.

32 Sanger, David, "U.S. Commander Sees Key Nuclear Step by North Korea." *New York Times* 24 October 2014. https://www.nytimes.com/2014/10/25/world/asia/us-commander-sees-key-nuclear-step-by-north-korea.html. Accessed 18 July 2017.

33 Lewis 2017.

34 Ibid.

35 Kim, Soo-yeon, "N.K. Aims to Complete ICBM Development by End-2017: Ex-diplomat." *Yonhap* 8 January 2017. http://english.yonhapnews.co.kr/search1/2603000000.html?cid=AEN20170107001852315. Accessed 12 July 2017.

When evaluating North Korea's future military development, it is useful to consider what its technological advancement still lacks. According to current knowledge, North Korea does not have the ability to use solid fuel in its ICBMs. In addition to possible further testing needed for a functioning nuclear warhead, North Korea is also likely to aim for the development of an ICBM using solid fuel. An indication of this was North Korea's showcasing of large canistered missiles with massive TELs in its April 2017 military parade.[36]

1.3
FINANCING THE KIM REGIME

The threat North Korea poses is not limited to weapons and threats to use them against the United States and its allies in Asia. Some of the ways in which North Korea collects cash to fund its military development are highly problematic. The country's arms and drugs trade is linked to international criminal networks, and it also manages to collect money by sending its workers abroad to earn under conditions that can be life-threatening. Such "guest workers" are a common occurrence in China and Russia, but some have worked in Eastern Europe as well.

North Korea obtains its hard currency through both legal and illegal channels. According to Sheena Chestnut Greitens, the main legal routes include natural resource exports to China, the Kaesong Industrial Complex hosting South Korean companies, organized labour exports, remittances and tourism.[37] China issued a coal ban in February 2017, set to continue until the end of the year. This will significantly decrease North Korean revenues if followed as announced. The Kaesong Industrial Complex has been shut down since February 2016, although South Korea's current President Moon implied during his presidential campaign that he would like to reopen the facilities.[38] Labour exports are on the increase, and Russia in particular has recently indicated that it would be interested in increasing the number of North Koreans working in the Russian Far East.[39] Around 100,000 workers were dispatched to different parts of the world in 2012, most of them

36 Panda 2017.

37 Greitens 2014.

38 South Korean Ministry of Unification, "Government Statement Regarding the Complete Shutdown of the Gaeseong Industrial Complex." http://eng.unikorea.go.kr/content.do?cmsid=1834&mode=view&page=5&cid=44417. Accessed 20 July 2017.

39 See Chapter three for further details.

residing in China and Russia. As most North Koreans living abroad are based in the neighbouring countries, most remittances originate from Asia. Remittances from Japan have been restricted, decreasing the amounts sent from Japan, but funds from North Korean defectors living in South Korea are on the rise. In 2012, an estimated 4,000 Western tourists and almost 240,000 Chinese tourists visited North Korea.[40] Tourism has been affected by the DPRK's decision to temporarily ban Malaysian tourist groups from leaving the country after Kim Jong-nam's assassination in Kuala Lumpur airport in February 2017 and the Malaysian authorities' response to the attack, as well as the death of American student Otto Warmbier in June 2017.[41] After Warmbier's death, the US made it illegal for its citizens to visit the DPRK. This decision came into effect in August 2017.[42]

Although illicit activities such as exports of weaponry, drug sales and counterfeiting money are in decline according to Greitens, they still count when financing the regime. First, North Korea cooperates with other rogue states in military technology. Consequently, when the country makes a breakthrough, it can sell its know-how to countries or actors that would otherwise have difficulties acquiring this information and technical know-how. Andrea Berger argues that the number of North Korea's military customers is an important indication of the regime's success, regardless of the amounts that the DPRK earns from this trade.[43] Despite sanctions, relatively recent examples show that North Korea has been able to ship military materiel out of the country. On August 11, 2016 for example, Egypt intercepted a vessel called Jie Shun approaching the Suez Canal with a cargo containing 30,000 rocket-propelled grenades hidden beneath a shipment of iron ore.[44]

With some countries buying weapons from the DPRK, its relationship is or has been reciprocal. It received technology transfers and enriched uranium materials from Pakistan in the early 2000s in return for help

40 Greitens 2014, 51–59.

41 Harrison, Bruce, "After Assassination, Malaysia Cuts Back North Korea Ties." *The Diplomat* 6 March 2017. http://thediplomat.com/2017/03/after-assassination-malaysia-cuts-back-north-korea-ties/. Accessed 25 July 2017.

42 US State Department, "North Korea Travel Warning", 10 August 2017, https://travel.state.gov/content/passports/en/alertswarnings/north-korea-travel-warning.html. Accessed 25 August 2017.

43 Berger, Andrea, "Target Markets: North Korea's Military Customers in the Sanctions Era." *Whitehall Papers* Vol 84, 2015, 3.

44 Final report of the Panel of Experts submitted pursuant to resolution 2276(2016) 2017, 28. http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/150. Accessed 25 August 2017.

in ballistic missile development. In 2004, the DPRK purchased gas-centrifuge technology as part of the AQ Kahn network.[45] Scientists from Iran have reportedly been present when North Korea tested its nuclear device in 2013, as well as at some of the DPRK's missile tests earlier.[46] Moreover, the DPRK helped Iran to develop its ability to manufacture missiles indigenously, and US government sources claim that Iran has assisted the DPRK in developing a new rocket booster.[47]

The DPRK also sells arms to other countries to fund its own activities. It has decades-long contacts with Syria dating back to the Arab-Israeli war of 1967.[48] A UN panel of experts report from 2009 found that multiple North Korean chemical-related shipments have been detected in the sanctions era, which together with other evidence suggest that the DPRK may have been involved in Syria's chemical weapons programme.[49] In September 2007, Israel destroyed a Syrian facility in an air- strike. US officials subsequently suggested that the target was a nuclear facility modelled on North Korea's Nuclear Scientific Research Center in Yongbyon.[50] A further UN report on the implementation of sanctions published in February 2017 reveals that the DPRK had sold dual-use items to Syria.[51] Even North Korea's dated technologies have military customers. The country regularly sells weapons and trains security personnel in Uganda and the Democratic Republic of Congo. It has also sold weaponry to Burma, Cuba, Ethiopia, Yemen, Tanzania, Eritrea, as well as armed organizations such as Hezbollah and the Liberation Tigers of Tamil Eelam.[52]

In addition to the trade in weapons, the North Korean government manufactured and sold drugs at least until 2012, using its diplomatic staff as dealers. In December 2012, the government sent drugs to an Eastern European country and ordered each diplomat to raise 300,000

45 Cordersman 2016, 27.

46 Ibid., 37.

47 US Department of the Treasury, "Treasury Sanctions Those Involved in Ballistic Missile Procurement for Iran." https://www.treasury.gov/press-center/press-releases/Pages/jl0322.aspx. Accessed 19 July 2017.

48 Mansourov, Alexandre, "North Korea: Entering Syria's Civil War." 38 North 25 November 2013, http://www.38north.org/2013/11/amansourov112513/. Accessed 27 August 2017.

49 Berger 2015, 66.

50 Davenport, Kelsey. "Chronology of U.S.-North Korean Nuclear and Missile Diplomacy". Arms Control Association, September 2017. https://www.armscontrol.org/factsheets/dprkchron. Accessed 17 July 2017.

51 UN Panel of Experts 2017, "Report of the Panel of Experts submitted pursuant to Resolution 2276(2016), 150". http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/150. Accessed 17 July 2017.

52 Berger 2015.

USD to prove their loyalty.[53] Since 2012, it seems that the North Korean government has significantly diminished its direct involvement in the drugs trade to improve its international image. This has left the illegal trade mainly in the hands of criminal networks in North Korea, China and South Korea. The Chinese supply the North Koreans with the necessary chemicals, which the latter use in methamphetamine production in empty factories. Finally, the drugs are transported back to China and sold regionally, for example in South Korea. For many North Koreans, the drugs trade offers a means of earning money in otherwise harsh circumstances.[54]

Although the systematic use of diplomatic personnel in the drugs trade has diminished, diplomats and other North Koreans working abroad are required to send loyalty offerings to the regime, which sometimes still leads to illegal actions by individuals.[55] For example, in 2009, a diplomat and his wife based in Russia tried to smuggle 230,000 cigarettes from Finland to Sweden to earn money to be used as loyalty offerings.[56]

1.4
SANCTIONS

In both the 1990s and the 2000s, the international community approached North Korea's nuclear issue mainly through negotiations and economic sanctions. As described in the Introduction, North Korea withdrew from the Non-Proliferation Treaty in 2003, which was followed by rounds of negotiations that ended without a long-lasting solution.

Content of the sanctions

The UN Security Council has passed several resolutions since North Korea's first nuclear test in 2006. The first UN resolution issued in 2006 prohibited exports on military supplies and luxury goods. The following

53 Lee, Yongsu, "N. Korean Diplomats 'Sell Millions of Dollars' Worth of Drugs'." *Chosun Ilbo* 20 March 2013, http://english.chosun.com/site/data/html_dir/2013/03/20/2013032001084.html. Accessed 14 July 2017.

54 Peng, Wang and Stephan Blancke, "Mafia State." *RUSI Journal* 159 (5), 2014, 52–59.

55 Loyalty offerings refer to money North Korean regime expects to receive from North Koreans living abroad.

56 Hansegard, Jens and Nick Vinocur, "Diplomats Arrested for Cigarette Smuggling." http://www.reuters.com/article/us-northkorea-odds-idUSTRE5AJ2Z420091120. Reuters 20 November 2009. Accessed 20 July 2017.

resolution in 2009 broadened the arms embargo. The first resolution of 2013 permitted the destruction of cargo to or from North Korea if it contained material for military purposes. Further sanctions issued in March 2013 widened the previously sanctioned areas to cover financial transactions. These sanctions attempted to shut North Korea out of the international financial system.[57] Further sanctions were issued in 2016 when North Korea conducted two new nuclear tests. In the spring of 2016, the export of various metals and coal was sanctioned, although there was a loophole for China to import coal from North Korea based on a "livelihood purposes" exemption. These sanctions were widened to cover more metals in November 2016. In May 2017 the UN Security Council agreed upon additional sanctions, extending the travel ban and asset freeze on high-level North Korean officials and state entities that deal with nuclear-weapon and missile development. Sanctions issued in August 2017 banned "the hiring and paying of additional DPRK laborers used to generate foreign export earnings", introduced a full ban on coal, iron, iron ore, lead and lead ore, and expanded the financial sanctions and travel bans.[58] September 2017 sanctions introduced a ban on the export by the DPRK of textiles, prohibited joint ventures with North Koreans and expanded the ban on using laborers from the DPRK.[59] Yet North Korea shows no signs of moving towards denuclearization. Quite the contrary, in fact.

Impact of sanctions

Previous research suggests that, in principle, economic coercion can be a highly effective policy tool as economic decline increases the likelihood of regime collapse in authoritarian settings.[60] Still, different kinds of autocracies tend to be more resilient than others and the North Korean regime represents the most resilient type, making it extremely hard to influence North Korean politics.[61] Even well-implemented economic sanctions seldom help in achieving their primary aim,

57 Kim, Jina, "UN Sanctions as an Instrument of Coercive Diplomacy against North Korea." *Korean Journal of Defence Analysis* 26 (3), 2014, 315–332.

58 United Nations, "Sanctions on DPRK." https://www.un.org/sc/suborg/en/sanctions/1718/resolutions. Accessed 10 August 2017.

59 Ibid. Accessed 25 September 2017.

60 Geddes, Barbara, *Paradigms and Sandcastles: Theory Building and Research Design in Comparative Politics*. Ann Arbor: University of Michigan Press, 2003, 83; Cho, Yun-Jo, "The Sources of Regime Stability in North Korea: Insights from Democratization Theory." *Stanford Journal of East Asian Affairs* 5 (1), 2005, 90–99.

61 Slovik, Milan, *The Politics of Authoritarian Rule*. Cambridge: Cambridge University Press, 2012.

which in the case of North Korea would be the denuclearization of the country. Dursun Peksen argues that in the North Korean case this is due to the country's extreme authoritarianism, which makes it impossible to apply the usual logic of sanctions. The North Korean regime only has to keep its small elite relatively satisfied to ensure regime stability, as ordinary citizens lack the channels to organize opposition and protest.[62] Even in the 1990s when the country suffered a serious famine, people were unable to mobilize any opposition. Those who strongly disagree with the regime tend to flee the country if possible. One form of resistance may be forming through the shadow economy, which has become more important in the 2010s and Kim Jong-un's Byungjin policy.[63]

Naturally, the DPRK is not indifferent to the number or type of sanctions it must endure. In June 2017, the North Korean Foreign Ministry issued a statement according to which "the US and other hostile forces have constantly waged sanctions and a pressure campaign against the DPRK, taking issue with its exercise of the right to self-defense and now they are openly pursuing the criminal intent to completely suffocate the DPRK's national economy and impoverish the people's livelihood. Their sanctions try to destroy modern civilization and bring the world back into medieval darkness".[64]

In the North Korea case, an obvious reason for the ineffectiveness of the sanctions is that their implementation remains insufficient and highly inconsistent, as stated by a UN experts' report on the implementation of sanctions, published in February 2017. The report reveals that North Korea uses material it has obtained abroad to construct its missiles. Debris from the 7 February 2016 rocket had parts manufactured in the United Kingdom that had been sold to a company based in Taiwan, which had resold them to a company in China.[65] When North Korea launched its first ICBM in July 2017, it was claimed that the TEL, the vehicle used to move the missile and stand it upright,

62 Peksen, Dursun, "Authoritarian Regimes and Economic Sanction Effectiveness: The Case of North Korea." *Korea Economic Institute of America Academic Paper Series*, 23 June 2016.

63 Joo, Hyung-min, "Hidden Transcripts in Marketplaces: Politicized Discourses in the North Korean Shadow Economy." *The Pacific Review* 27 (1), 2014, 49–71; On Byungjin policy, see Lankov 2016.

64 KCNA Watch 2017, "Press Statement of DPRK Foreign Ministry." www.kcna.co.jp/item/2017/201706/news16/20170616-09ee.html. Accessed 24 July 2017.

65 UN Panel of Experts 2017.

had been converted from a Chinese timber truck.[66] In sum, North Korea has been able to access materials needed for its prohibited programmes and to continue trade with its military customers despite sanctions.[67]

North Korea has ways of circumventing sanctions through identity frauds and large overseas networks. According to data collected by Andrea Berger, Ching Fung and Jenny Lin, North Korean companies have over 300 official representative offices in China's Liaoning province alone. Russia, Southeast Asia and the Middle East also continue to be important corporate hubs for North Korea.[68] A key issue helping the North Korean operations is the rampant corruption in China, Southeast Asia and other parts of the world. When non-North Korean nationals participate in North Korea's illicit activities, they become much harder to track and prevent.[69] China's role is crucial in this respect. If China's border becomes impermeable, or if it does not participate in North Korea's sanctions, international efforts will become obsolete as China accounts for over 90 per cent of North Korea's foreign trade.In September 2017 China ordered North Korean companies based in China to shut down their operations within 120 days due to UN sanctions.[70]

In addition to UN sanctions, some countries have imposed unilateral sanctions on North Korea. The US, Japan and the EU have all announced their own sanctions in addition to the UN's multilateral efforts.[71] Section 311 of the US PATRIOT Act means that any bank dealing with North Korean actors can be cut off from the US financial system. This is a way to try to pressure China into changing its loose implementation of the UN sanctions. In late June 2017, the Chinese Bank of Dandong, which is a marginal player in the Chinese markets, became the first case in which the US has used the above-mentioned guidelines for

66 Pearson, James and Jack Kim, "North Korea Appeared to Use China Truck in its First Claimed ICBM Test." Reuters 4 July 2017. http://www.reuters.com/article/us-northkorea-missiles-china-truck-idUSKBN19P1J3. Accessed 11 July 2017.

67 Berger, Andrea, "A House without Foundations. The North Korea Sanctions Regime and its Implementation." *RUSI Whitehall Report* 3-17, June 2017, 11.

68 Ibid., 13-14.

69 UN Panel of Experts 2017.

70 *Financial Times*, "North Korean Companies in China Ordered to Close." 29 September 2017. https://www.ft.com/content/be406ed8-a4b3-11e7-9e4f-7f5e6a7c98a2. Accessed 3 October 2017.

71 A list of US sanctions against the DPRK can be accessed at: https://www.treasury.gov/resource-center/sanctions/Programs/pages/nkorea.aspx. Accessed 24 July 2017. On Japan's sanctions, see: http://thediplomat.com/2016/02/japan-unveils-unilateral-sanctions-on-north-korea/. Accessed 24 July 2017. The EU's sanctions against the DPRK are listed at: http://www.consilium.europa.eu/en/policies/sanctions/history-north-korea/. Accessed 24 July 2017.

secondary sanctions.[72] In September 2017 China ordered North Korean companies based in China to shut down their operations within 120 days due to UN sanctions.[73]

1.5
DEBATING THE OPTIONS

The debate on what to do about nuclear North Korea has engaged governments and academics alike. One dividing line in the discussion concerns the way in which different actors view the role of economic factors in North Korea's behaviour. Hawks argue that economic resources will only result in contributing to the DPRK's weapons programme in one way or another. They point out that the negotiations approach has faced deadlock so many times that it is time to try something new.[74] As a consequence, they propose harsher sanctions and even a pre-emptive military strike against North Korea. More dovish proponents see economic engagement as a way of supporting the formation of a North Korean middle class and domestic pressure for reforms. They support negotiations and targeted sanctions combined with other types of engagement. John Delury argues that resolving the nuclear problem must start from making the North Korean regime feel secure. It is only after the leadership can focus on matters other than its own survival that it can start concentrating on economic development.[75] Proponents of this line of thought also tend to emphasize that Kim Jong-un has tried to advance economic reforms in the country.

Academic voices in this discussion often emphasize the role of knowledge and communication. Andrei Lankov argues that increasing knowledge of the outside world, and especially the conditions in South Korea, would exert significant bottom-up pressure on the North Korean regime to start economic reforms. Although most North Koreans

72 US Department of the Treasury, "Treasury Acts to Increase Economic Pressure on North Korea and Protect the U.S. Financial System." 29 June 2017, https://www.treasury.gov/press-center/press-releases/Pages/sm0118.aspx. Accessed 24 July 2017.

73 *Financial Times*, "North Korean Companies in China Ordered to Close." 29 September 2017. https://www.ft.com/content/be406ed8-a4b3-11e7-9e4f-7f5e6a7c98a2. Accessed 3 October 2017.

74 Stanton, Joshua; Sung-Yoon Lee and Bruce Klingner, "Getting Tough on North Korea." *Foreign Affairs* May/June 2017, 65–75.

75 Delury, John, "Trump and North Korea. Reviving the Art of the Deal." *Foreign Affairs* March-April 2017, 46–51.

now know that South Korea is richer than their own country, most have no idea how big the gap really is. As an antidote to information deprivation, Lankov supports all sorts of exchanges, even if they would initially be used by members of the current political elite. By way of an example, he cites the US–Soviet academic exchange agreement signed in 1958, which changed the worldview of its Soviet participants, many of whom tried to change the Soviet regime from within when the time was ripe.[76] Hazel Smith also sees knowledge as a means of promoting reforms.[77] Mikael Weissmann and Linus Hagström argue that if regional tensions prevent dialogue, small states such as Sweden, could play a role in facilitating talks. Sweden has embassies on both sides of the demarcation line and has no strategic interest in the area.[78]

The second major issue in the debate concerns how to assess the threat that North Korea's military arsenal poses. This question is closely linked to the extent that it is justified to treat the North Korean leadership as rational actors. If one sees Kim Jong-un as a madman who is likely to launch missiles for no reason, the threat posed by the DPRK's weaponry should be estimated much higher than in a case in which we can assume Pyongyang to follow the logic of regime survival. Recently, President Trump described Kim Jong-un as "mad".[79] Most scholars and pundits following North Korea's military development would agree that its leadership would only use the most advanced weapons under very narrow circumstances. Robert Kelly finds that although the North Korean regime may be totalitarian, it is not irrational and unpredictable.[80] It acts according to the logic of regime survival, which in the North Korean case entails a combination of investment in its nuclear and missile programmes to form a credible threat against the US coalition, and increasing at least the elite's livelihood as much as possible.[81] Attacking the United States with an ICBM, for example,

76 Lankov 2013, 105; 213–231.

77 Smith 2015.

78 Weissmann, Mikael and Linus Hagström, "Sanctions Reconsidered: the Path forward with North Korea" *The Washington Quarterly* 39 (3), 2016, 61–76.

79 Nakamura, David and Barton Gellman, "Trump Calls Kim Jong Un a 'Madman with Nuclear Weapons,' According to Transcript of Duterte Call." *Washington Post* 23 May 2017. https://www.washingtonpost.com/politics/trump-calls-kim-jong-un-a-madman-with-nuclear-weapons-according-to-transcript-of-duterte-call/2017/05/23/211d1474-3fe8-11e7-9869-bac8b446820a_story.html?utm_term=.73a1cd997d52. Accessed 27 July 2017.

80 Kelly, Robert E. "Why America Shouldn't Buy North Korea's Empty Threats." *National Interest* 20 May 2017 http://nationalinterest.org/feature/why-america-shouldnt-buy-north-koreas-empty-threats-20763. Accessed 27 July 2017.

81 Lankov 2013.

would be suicidal for the Kim Jong-un regime.[82] Regardless of North Korea's equipment, the threat assessment ultimately depends on how one views North Korea's intention to deploy its arsenal.

The third dividing issue is the need for action in the first place. President Obama's North Korea policy was partly based on the idea that the problem will resolve itself and North Korea will eventually collapse. Choi Jong Kun finds hasty predictions about North Korea's presumed endgame very harmful, because "collapsism" has thus far proved to be wrong. The North Korean regime has not collapsed due to economic difficulties, leadership succession or information about the outside world that some of its ordinary citizens receive from abroad. It is now a moot point whether the only option for the US is to engage with the DPRK and to come to terms with the existence of its nuclear deterrence, or to invade.[83]

It is too early to draw conclusions on the latest round of UN sanctions, but the current political power situation and previous level of implementation of sanctions provide reasons to doubt their efficacy. The next section looks at how regional actors view North Korea's military threat, the means of tackling this issue, and the basis for their strategic calculus. Some of the arguments prevalent in the scholarly discussion are present in the governmental debates as well.

82 Kelly 2017.

83 Choi, Jong Kun, "Perils of Strategic Patience with North Korea." *The Washington Quarterly*, 38 (4), 2016, 57–72.

2

2. Japanese and South Korean approaches to the North Korea issue

Bart Gaens

Tensions in East Asia are at an all-time high since the North Korean regime carried out its sixth nuclear test in early September and conducted its eleventh missile test in 2017 alone. The latest test, presumably an intermediate-range missile, flew further than any before it, and once again showed the progress that the DPRK is making in developing its missile programme. Reactions to the test were predictable. The US called for new measures, repeated its "ironclad" commitment to the defence of its East Asian allies, and appealed to China and Russia to apply direct pressure on the regime. Japan called for international unity and labelled the North Korean acts "absolutely unacceptable", after Pyongyang had threatened to sink Japan into the sea with a nuclear strike just days earlier. South Korea responded by conducting a ballistic missile launch off the Korean Peninsula, and concluded that dialogue was impossible at this point.

It is clear that the situation on the Korean Peninsula makes the region highly volatile, not least because the major powers, namely the US, China and Russia, have differing views on how to deal with the evolving situation, as shown elsewhere in this report. In addition, the rising tensions on the peninsula as a result of North Korea's unwavering attempts to become a nuclear state also form a core element in what is known as the Asian paradox. In other words, in East Asia, vibrant economies, rapidly growing economic interdependence and integration, and deepening trade and investment networks, on the one hand, coexist with tense diplomatic relations, increasing political nationalism and regional rivalry, unresolved territorial disputes,

lingering historical grievances, an ongoing arms race, and relatively little security-related cooperation, on the other.[1]

This paradox is certainly evident when looking at the relationship between two of the region's "middle powers", Japan and the Republic of Korea (ROK), or South Korea.[2] Although both countries share a military alliance partner in the United States, and both have deep cultural ties as well as close trade relations, bilateral relations are strongly impacted in a negative way by differing views on wartime history and mistrust, as is most obvious in disputes over the issue of comfort women, visits by Japanese politicians to the controversial Yasukuni shrine, and territorial claims to Dokdo/Takeshima.

Nevertheless, the situation on the Korean Peninsula poses a challenge to both Japan and South Korea alike. It is clear that most international attention is paid to the positions of the great powers in the region, but this chapter aims to elucidate the position of Japan and South Korea in relation to the ongoing (and escalating) situation on the Korean Peninsula. The chapter argues that it is important to examine the stance taken by Japan and South Korea not in the least because of both countries' geographical position in the region and close military alliance with the US. In addition a look at the policies of Tokyo and Seoul allows for a better understanding of the compounded nature of the North Korean issue in East Asia and the multiple interests and perspectives it entails. As a result of North Korea's escalating rhetoric as well as actions, discussions in Japan are flaring up again on the need to revise the country's constitution in order to give its military more leeway in countering the threat from its neighbour to the West, including references, unheard of before, to Japan's need to acquire pre-emptive strike capability. Some politicians in South Korea, for their part, have rekindled the idea of redeploying US tactical nuclear weapons on the country's soil. How do the policies of both countries vis-à-vis the threat from the North compare, and what are the likely scenarios for the future, including for Japan-South Korea cooperation?

1 Pollack, Jonathan "Order at Risk. Japan, Korea, and the Northeast Asian Paradox." *Brookings Institute Asian Working Group Paper* 5, September 2016. https://www.brookings.edu/wp-content/uploads/2016/09/fp_20160901_northeast_asian_paradox_v2.pdf. Accessed 22 September 2017.

2 Japanese politicians including Prime Minister Abe Shinzô certainly see Japan as a country with Great Power ambitions. Some scholars, however, argue that Japan's status is evolving into that of a Middle Power. See Soeya, Yoshihide, "Japanese Middle-Power Diplomacy". *East Asia Forum*, 22 November 2012. http://www.eastasiaforum.org/2012/11/22/japanese-middle-power-diplomacy/. Accessed 21 September 2017.

2.1
JAPAN'S POLICY

A new threat level

In 2013 Japan published its first ever National Security Strategy (NSS).[3] According to the document, Japan is "surrounded by an increasingly severe security environment and confronted by complex and grave national security challenges". An unpredictable, non-transparent, and openly hostile North Korean regime obviously poses a significant security challenge to Japan. As the NSS phrases it:

> *In particular, North Korea's ballistic missiles development, including those with ranges covering the mainland of the U.S., along with its continued attempts to miniaturize nuclear weapons for warheads and equipping them to ballistic missiles, substantially aggravate the threat to the security of the region, including Japan. These concerns pose a serious challenge to the entire international community from the viewpoint of the non-proliferation of WMD and related materials."*[4]

North Korea has conducted six nuclear tests, the most recent in September 2017. In December 2015, Kim Jong-un claimed that the DPRK possessed a hydrogen bomb, and that it has the capability of hitting the US with nuclear missiles. In February 2016, North Korea launched a medium-range rocket, followed by a submarine-launched ballistic missile (SLBM) in August of the same year, and the test firing of a new intermediate-range missile in February and May 2017. This was followed by missile tests over Japan in August and September. The belligerent rhetoric and actions of the DPRK, and the ensuing rise in regional tensions, were further exacerbated by the alleged end of the "strategic patience" policy on the part of the US after the start of Donald Trump's presidency.

North Korea's strong verbal provocations and threats are nothing new. In 2013 the regime declared that it reserves the right to a pre-emptive nuclear attack, adding that its ballistic missiles could hit

3 Prime Minister's Office, *National Security Strategy*. Tokyo: Prime Minister's Office, 7 December 2013, 3. http://japan.kantei.go.jp/96_abe/documents/2013/__icsFiles/afieldfile/2013/12/17/nss.pdf. Accessed 15 September 2017.

4 Ibid., 12.

Japanese cities. In 2016 North Korea reiterated that it could instantly wipe out Japan if it were so inclined. But more importantly, it is North Korea's progress in weapon technology that has convinced Tokyo that the threat from the North has entered a new phase, as the recently published governmental White Paper on Defence argues. The most obvious threat is the fact that Kim Jong-un tested more than twenty missiles in 2016, which is more than the total of number of tests during his preceding 18 years in office. In addition, this "new level of threat" is marked by four pertinent developments.[5] First, North Korea's missile tests in both 2016 and 2017 clearly reveal the development of Intercontinental Ballistic Missiles (ICBMs). Second, the simultaneous launches of multiple SCUD missiles in 2016 and 2017 show the progress in precision and manoeuvrability. Third, the regime has shown progress in its efforts to complicate the timely detection of launch preparations, including through the use of transporter erector launchers (TEL), designed to make surveillance difficult for spy satellites. In addition, North Korea is also closing in on the capability for tactical surprise by using submarine-launched ballistic missiles (SLBMs). Fourth, North Korea has made progress in diversifying the launch trajectories by "lofting", namely by sending rockets to high altitudes, which makes it harder to detect and shoot the missiles down. Together with the continuously growing frequency of missile tests in 2017, all of these developments have resulted in an increased perception in Tokyo of a new level of threat.

Japan's policy measures

Since the start of the administration under Prime Minister Abe Shinzô in December 2012, Japan has taken a number of highly significant measures in the realm of defence and security policy. This new policy derived not only from the perceived threat from North Korea, but was also motivated by China's rapid rise and Beijing's increasingly assertive foreign policy, in the East China Sea where China and Japan are engaged in a territorial dispute over the Senkaku Islands, and the South China Sea where Japan sees China as a threat to the freedom of navigation. Indeed, China's rise is generally seen as a greater and longer-term challenge for Japan than North Korea.[6]

5 Ministry of Defense of Japan, *Nihon no bôei* (Defense of Japan, in Japanese). Tokyo: Ministry of Defense of Japan, 2017, 18.

6 Interview with Japanese foreign policy expert, Tokyo, September 2017.

Nevertheless, in order to gauge Japan's defence capabilities vis-à-vis North Korea, it is necessary to take a cursory look at the recent measures. Some of these aim to beef up Japan's defence systems, whereas others are geared towards tightening military and security cooperation with the US, having started congruously with the Obama administration's policy of "rebalancing towards Asia".

First, Japan's defence budget is growing, albeit only in relatively modest ways. The budget amounted to 46.1 billion USD in 2016.[7] Although military expenditure only amounts to roughly 1% of GDP, Japan has the eighth highest defence budget in the world. According to the Japanese Ministry of Defence, the budget for 2017 grew by 0.8 per cent compared to the preceding year, or by 1.4 per cent when taking into account US Forces realignment-related expenses and the introduction of new government aircraft.[8] Tokyo aims to recalibrate its military spending in terms of quality and purpose, in order to build a "Dynamic Joint Defence Force" in line with the National Defence Programme Guidelines for FY2014 and Beyond (NDPG). In particular, Japan is investing in intelligence, surveillance, and reconnaissance (ISR) capabilities; in transport, rapid deployment mobility, and maritime and air superiority in response to an attack on remote islands; and in deterrence and response capability to counter North Korea's improved ballistic missile capability. Japan has steadily built up its ballistic missile defence system by installing Aegis-equipped destroyers and deploying the Patriot Advanced Capability-3 (PAC3).[9] The most recent budget request for FY2018 likely includes funding for, *inter alia*, the introduction of the Aegis Ashore land-based missile defence system and PAC-3 Missile Segment Enhancement (MSE), capable of intercepting longer-range missiles.[10] It goes without saying that cooperation in Ballistic Missile Defence (BMD) with the US is key, particularly through the deployment of US systems in Japan and through technology cooperation.

7 SIPRI Military Expenditures Database. https://www.sipri.org/databases/milex. Accessed 15 September 2017.

8 Ministry of Defense of Japan, *Overview of FY2017 Budget Bill*. http://www.mod.go.jp/e/d_budget/pdf/281025.pdf. Accessed 15 September 2017.

9 Ministry of Defense of Japan, *Defense of Japan 2016*. Tokyo: Ministry of Defense of Japan, 2016, 289.

10 Pollmann, Mina, "What's in Japan's Record 2018 Defense Budget Request?" *The Diplomat*, 28 August 2017. http://thediplomat.com/2017/08/whats-in-japans-record-2018-defense-budget-request/. Accessed 15 September 2017.

Second, a number of significant changes in Japan's defence policy, including closer intelligence sharing, cooperation in military technology development, and collective self-defence mark a significant strengthening of the Japan-US alliance. US-Japan collaboration has led to an increased need to share political as well as technical intelligence. The Abe administration's decision in 2013 to create a National Security Council (NSC) based on the US model now allows for speedier decision-making in terms of defence and diplomacy, and more effective cooperation with the US. The NSC confers a powerful role on the prime minister, and centralizes intelligence previously dispersed across different ministries and institutions. The controversial passing in the Japanese Diet of the "Designated Secrets Protection Bill" is closely related to the NSC. Its main aim is to facilitate intelligence sharing with US agencies. The US formerly only shared intelligence with Japanese government offices that were covered by stricter secrecy legislation such as the Ministry of Defence and the Self-Defence Forces (SDF). In order to smoothen the information exchange between the NSC and the US, the law enforces tighter secrecy rules. It broadens the categories of information to which secrecy applies, expands the government offices that can designate state secrets, and increases the penalties for those violating the law.[11]

Furthermore, the lifting of Japan's self-imposed ban on collective self-defence also facilitates cooperation with the US should Japan come under attack. On 1 July 2014, the Abe administration formally decided to re-interpret the well-known "pacifist" Article 9 of the Japanese Constitution in order to allow Japan to exercise the right of collective self-defence, meaning that it is now easier for Japan, under certain conditions, to come to the aid of US forces. Lastly, increased cooperation with the US in military technology development has resulted in a revision of the self-imposed restrictions on the joint development and export of weapons or military technology (turning the so-called "Three Principles of Arms Exports" into the "Three principles on transfer of defence equipment and technology"). These principles, in place since 1967, in practice constitute a self-imposed ban on the joint development and export of weapons or military technology. The ban has included the export of components manufactured in Japan and used in the production of arms. In March

11 The law remains contested because of the lack of transparency and its vague definition of what constitutes a secret; the absence of a supervisory organ monitoring information security; and possible conflicts with the public's right to know.

2013, the Abe administration decided on an exception to the ban in order to allow Japan to export equipment for the US-produced F-35 fighter jet. Moreover, the principles do not apply to the BMD system and related matters.

Japan can thus be seen as gradually strengthening its capabilities for deterrence and defence, including through the alliance with the US. However, the question remains as to how efficiently Japan's BMD would function in practice. Japan's BMD system has inherent shortcomings and is not infallible. It consists of a double-layered approach, including first of all naval vessels equipped with the Aegis system, covering the entire country and designed to shoot down missiles in outer space. If that fails, there is the ground-to-air Patriot (PAC-3) system designed to intercept missiles at an altitude of 15 to 20 km. This double-layered system could falter, however, if North Korea were to fire a large number of missiles simultaneously. Furthermore, the Patriot system only covers small parts of the country, and in addition North Korea has made progress in using mobile launchers, complicating the detection of imminent firings.[12] Should Japan develop its own pre-emptive strike capability, this might pose an alternative, and would be much less expensive than trying to continually strengthen missile defence, but the issue is highly sensitive, not least in view of domestic public opinion and the regional implications this would have. Japan's own pre-emptive strike capabilities may also prompt North Korea to view Japan as more of a target.[13] Hence, Japan's defence for now continues to rely on missile defence (with all its limitations) and on US capabilities. However, its is quite ground-breaking that issues such as pre-emptive strike capabilities are now part of the debate in the media and among defense policymakers.[14]

The additional fly in the ointment: the abductions issue

During the Cold War, certain strands in the Japanese political world intended to strive for the normalization of relations with North Korea, engage with the regime to clarify the legacy of colonial history, and contribute to the economic development and stability of the peninsula. This, however, was thwarted by the realities of the Cold War, the lingering historical grievances over colonialism, and Japan's alliance

12 "The Grand Fiction Called Missile Defense", *Japan Times* 19 April 2017. https://www.japantimes.co.jp/opinion/2017/04/19/commentary/japan-commentary/grand-fiction-called-missile-defense/. Accessed 15 September 2017.

13 Ibid.

14 Interview with North Korea expert, Niigata, September 2017.

with the US and strategic links with South Korea.[15] The post-Cold War era saw actual attempts to normalize relations, and multilateral talks in the 1990s produced opportunities to engage in normalization negotiations. This resulted in the 2002 Pyongyang Declaration, negotiated by former Prime Minister Koizumi, which aimed for a normalization of relations and emphasized dialogue and diplomacy, both in the bilateral arena and through multilateral negotiations such as the Six-Party Talks. However, progress in normalization was prevented not only because of North Korean missile tests but also because of the abductions issue, which has always ranked high on Japan's agenda. This is also clear in Japan's current and unchanged basic policy for North Korea, through which Tokyo "seeks to normalize its relations with North Korea, in accordance with the Japan-DPRK Pyongyang Declaration, through comprehensively resolving outstanding issues of concern such as the abductions, nuclear and missile issues as well as settlement of the unfortunate past".[16]

The abduction issue is without doubt one of the most important items on Japan's foreign policy agenda. The issue refers to seventeen (possibly more) Japanese citizens who were abducted by North Korea in the late 1970s and early 1980s, in order to work as teachers as part of North Korea's spy training programme. Since 1991, Japan has brought up the issue at every opportunity, until Kim Jong-il admitted to the abductions in 2002 and promised investigations. Five abductees were returned to Japan in the same year, but the issue remains unresolved until today. A last round of informal ("quiet") diplomacy between Tokyo and Pyongyang in 2014 seemed to yield results, as North Korea agreed to reopen the investigations and produce a report, while Japan promised to lift part of its sanctions. Little progress was made, however, in terms of the twelve remaining Japanese citizens thought to be still alive, and the report suffered perpetual delays.

North Korea has certainly used the issue as a bargaining chip in order to entice Japan to ease economic sanctions and increase aid. In Japan, the issue has become highly politicized, and has remained at the core of all bilateral and multilateral engagement with the DPRK. For example, linking the abductions issue with denuclearization and

15 Hook, Glenn D; Julie Gilson, Christopher W. Hughes, and Hugo Dobson, *Japan's International Relations: Politics, Economics and Security third edn*. London and New York: Routledge, 2012, 187.

16 Ministry of Foreign Affairs of Japan, *Japan's basic policy on North Korea*. Tokyo: Ministry of Foreign Affairs of Japan, 20 November 2015. http://www.mofa.go.jp/region/asia-paci/n_korea/relation.html. Accessed 15 September 2017.

the Six-Party Talks, Japan has even been criticized for obstructing a revival of diplomatic talks and preventing a united regional front against the DPRK. Resolving the abductions issue ranks high on Prime Minister Abe's personal agenda. In 2013 Abe was strongly criticized for threatening a united front to denuclearize the Korean Peninsula. Whereas China and Russia were seen as gradually becoming more openly critical of North Korea and willing to isolate the regime, Japan was seen as a spoiler by engaging in bilateral talks with Kim Jong-un in order to resolve the abductions issue.[17]

The North Korea issue also has domestic implications for Japanese politics. At a time of regional tensions, Prime Minister Abe is seen as presenting himself as a source of stability and as "one of the few world leaders to maintain a close relationship with President Trump".[18] Furthermore, according to some observers, the North Korean threat in general, but the abductions issue in particular, provides Japan with a pretext for becoming a "normal country" and beefing up its own security. Since taking office in December 2012, Abe Shinzô's explicit aim has been to restore Japan's strength – literally to "take back Japan" (*Nippon o torimodosu*). Abe seeks to achieve a stronger and more autonomous role for Japan in the US-Japan security alliance, and as a global actor. It is part of Abe's political agenda and personal resolve to place Japan further on the road towards "normalcy" and help the country to "escape from the post-war regime".

Ultimately, a revision of Japan's constitution, unchanged since 1947, symbolizes Abe's and the ruling Liberal Democratic Party's (LDP) objective. Constitutional revision would be the most important signpost marking the beginning of a new era, as the current constitution is seen as a foreign, entirely non-Japanese construct, representing the post-war occupation regime and unbefitting a sovereign state. As argued by Mason and Maslow, North Korea's military campaigns, as well as the abductions, are seen as highlighting Japan's vulnerability and illegitimate post-war institutions, including the constitution and

17 Pesek, William, "Abe's Fixations Threaten Newfound United Approach on North Korea", *Japan Times* 27 June 2013. https://www.japantimes.co.jp/opinion/2013/06/27/commentary/japan-commentary/abes-fixations-threaten-newfound-unified-approach-on-north-korea/#.WcT26a2B3Uo. Accessed 15 September 2017.

18 Rich, Motoko, "Shinzo Abe of Japan Calls Early Election, as a Rival Party Forms", *New York Times* 25 September 2017.

inadequate defence forces.[19] Abe can be said to utilize North Korea in order to redesign Japan's security institutions and push for a more proactive role. Pyongyang's nuclear weapons programme, missile testing, and abductions of Japanese citizens have turned into a powerful mediated narrative that drives forward Japan's "grand strategy based on comprehensively redesigned defence and security institutions" in order to create a "strong Japan".[20]

2.2
SOUTH KOREA'S POLICY

Between tensions and engagement

The occupation of Soviet and US forces in the North and the South of the Korean Peninsula respectively in 1948 resulted in two entirely different states that do not recognize each other and, since the Korean war of 1950–53, have still not signed a peace agreement. A first attempt at reconciliation took place as late as 1972, when Kim Il-sung and Park Chung-hee issued a joint North-South Statement on reunification, which ultimately failed as both authoritarian leaders focused on strengthening their own powers, and only ended up exacerbating inter-Korean divisions.[21] The end of the Cold War and Germany's reunification offered a new opportunity for rapprochement. Both countries signed reconciliatory agreements in 1991, followed by a declaration on the denuclearization of the peninsula in 1992. In view of the mutual non-recognition, these documents have remained mere expressions of good intentions without a legal basis.[22]

In the 1990s, Seoul aimed to isolate Pyongyang in order to force regime collapse, after which it could theoretically achieve unification. The North Korean regime proved more resilient than expected, however, not least because after the collapse of the Soviet Union, China took over its role as the main provider of food and oil. An active inter-Korean engagement driven by the liberal South Korean governments under Presidents Kim Dae-jung and Roh Moo-hyun characterized the period between 1998 and 2008. The so-called Sunshine Policy was

19 Mason, Ra and Maslow, Sebastian, "North Korea and the Politics of Risk-Framing in Japan." In Maslow, Sebastian; Ra Mason, and Paul O'Shea (eds.), *Risk State: Japan's Foreign Policy in an Age of Uncertainty*. Farnham: Ashgate Publishing, 2015, 35–55.

20 Ibid., 50–51.

21 Suh, Mark B. M., "A tale of two Koreas." *Focus Asia* no 5, December 2013.

22 Ibid., 3.

based on the idea of developing a slow and gradual process towards confederation, building in the first place on trust. A first ever summit meeting between the leaders of the South and the North materialized in June 2000, and Kim Dae-jung earned the Nobel Peace Prize for his Sunshine Policy. However, also on this occasion bilateral relations failed to improve on a sustainable and lasting basis.

The pendulum swung the other way during the conservative governments of Lee Myung-bak (2008–2013) and Park Geun-hye (2013–2017), who both chose to take a harder line against the North. The administration by the former saw the sinking of the Cheonan warship in 2010 by an alleged North Korean missile, as well as military clashes and hostilities along the maritime border.[23] The incident resulted in strict, independent coercive measures (the "May 24 sanctions"), which effectively prevent all inter-Korean economic cooperation. The government under Park Geun-hye also adopted a hard line against North Korea, closing the Kaesong[24] complex and reintroducing psychological warfare by broadcasting propaganda. At the same time, she agreed to deploy the US-produced Terminal High Altitude Area Defense (THAAD) system in spite of Chinese resistance, which is based on the alleged possibilities for the system's sophisticated radars to track China's own missiles.

Moon Jae-in, South Korea's newly elected president after the impeachment of Park Geun-hye, entered office promising a rapprochement with the North, arguing that the hard line taken by his two predecessors had yielded no results in halting the North's nuclear programme. He planned to pursue the two-pronged approach of sanctions and dialogue, and also supported the reopening of the Kaesong industrial complex, symbolic of cross-border cooperation, and closed since early 2016. Moon's envisioned policy and election promises were reminiscent of the Sunshine Policy of the 2000s.

However, his objective of a softer line towards Pyongyang and hopes of diplomatic engagement and reconciliation dwindled rapidly after the North's missile launches and sixth nuclear test made tensions escalate again. He spoke of "massive punishment" in the event of a

23 Ibid., 4.

24 An industrial park in North Korea just across the Demilitarized Zone from South Korea, launched in 2004 and largely financed by the ROK government to increase cooperation. See McCurry, Justin, "Seoul Shuts Down Joint North-South Korea Industrial Complex." *The Guardian* 10 February 2016. https://www.theguardian.com/world/2016/feb/10/seoul-shuts-down-joint-north-south-korea-industrial-complex-kaesong. Accessed 21 September 2017.

North Korean "provocation that crosses the line", and reiterated that dialogue was impossible under the current circumstances. He was also forced to give up his opposition to the deployment of the THAAD missile defence system. Nevertheless, Moon still opposes the hard line taken by the US and Japan. While he supports stronger sanctions, he rules out military action as an option. Most recently, in September 2017, Moon's government approved an 8 million USD humanitarian aid package to North Korea.

A history of reconciliatory attempts

Against the background of tense political relations between Seoul and Pyongyang, South Korea, as well as the international community, have on multiple occasions tried to re-establish trust between both sides in order to achieve reconciliation. The recent Park government, for example, aimed to promote trust, dialogue, and cooperation in non-sensitive issues in a regional context, and aspired to encourage the participation of the DPRK. In 2013 the Northeast Asia Peace and Cooperation Initiative (NAPCI) was launched, with so-called *trustpolitik* as the overarching slogan. The initiative was geared towards the promotion of pragmatic cooperation among Northeast Asian countries in functional areas, primarily in the field of "soft" or non-traditional security (nuclear safety, energy security, the environment, cyberspace, health, drugs, and disaster management). The aim was to feed into, and seek collaboration with, other global institutions and players such as the UN, the EU, NATO, ASEAN, and the OSCE.

The NAPCI was a good idea. It aimed to address the above-mentioned Asian paradox by filling a gap in Northeast Asian diplomacy. Importantly, the initiative decoupled denuclearization and progress in areas other than the nuclear issue, including aid, family reunion, and cooperation. In addition, it aimed to promote trust through confidence-building measures in order to revive fresh hopes of reconciliation between the two Koreas in the longer run. However, it ultimately failed in the same way that similar, earlier initiatives did. Moreover, former attempts by the ROK to establish multilateral security mechanisms, including the "Consultative Conference for Peace in Northeast Asia" proposed by President Roh Tae-woo in 1988 and the "Northeast Asia Security Dialogue" promoted by President

Kim Young-sam in 1994, never really took off.[25] All initiatives including the NAPCI were marred by regional differences, the failure to obtain the support of all key players in the region, or the lack of the highest-level governmental backing. Furthermore, they have often tended to peter out as a result of changes in the administration, which also seems to be the case after the impeached President Park left office.

One initiative seemed promising, namely the Korean Peninsula Energy Development Organization (KEDO), founded in 1995 after the DPRK agreed to freeze its nuclear power plant development in exchange for oil and economic cooperation. KEDO, initially consisting of South Korea, the US and Japan and later joined by nine other countries and the EU, aimed to implement the agreement. KEDO was abandoned in 2006, however, after North Korea had withdrawn from the Nuclear Non-Proliferation Treaty (NTP) and Pyongyang announced that it had conducted its first underground nuclear-weapons test.

The Six-Party Talks remain the best-known multilateral initiative. The talks were created to fill the gap after progress in KEDO slowed. The first round was conducted in 2003 between the DPRK, the ROK, the US, China, Russia and Japan. The talks were also deemed highly promising initially. In 2005, the 4th round resulted in a Joint Statement whereby North Korea agreed to return to the Non-Proliferation Treaty and halt its nuclear weapons programme. In return, the US committed to normalizing relations with North Korea, and an agreement was reached to negotiate a separate Korean Peninsula peace treaty. Negotiations also continued after North Korea admitted having conducted a nuclear test. However, hopes of any progress disappeared rapidly after a new missile test (disguised as a satellite launch) and another nuclear test in 2009, after which North Korea left the talks. The Six-Party Talks have not been abandoned officially, and countries such as China but also the ROK occasionally call for their resumption. However, given the present situation and the North's resolve to perfect nuclear weapons technology, there is little hope of the talks being revived.

South Korea's current stance

At present, in the light of continuing provocations from the North, the debate in South Korea revolves around the possible redeployment of tactical nuclear weapons (withdrawn in 1991) by US forces in

25 For more on these initiatives, see Kim, Hyung-Min, "The Republic of Korea: Toward Peace and Cooperation." In Pempel, T. J., and Chung-Min Lee (eds.), *Security Cooperation in Northeast Asia: Architecture and Beyond*. London: Routledge, 2012, 157.

South Korea, or even developing the country's own nuclear weapons. The general public seem to support the latter option.[26] However, it is unlikely that the new government will either redeploy US nuclear weapons on its soil or seek to manufacture its own, in view of the death knell that would sound for the goal of denuclearization of the entire peninsula, and of the potential nuclear arms race in the region and beyond.

Instead, the ROK is focusing more on developing its own response. While South Korea leads when it comes to technology, training and modern equipment, North Korea holds numerical superiority in terms of troops, tanks, artillery and aircraft, and has the possibility to strike Seoul quickly and with considerable effect in the event of conflict.[27] In order to counter the threat, in 2016 South Korea announced the "Korean three-axis system". This consists of "Kill Chain" pre-emptive strikes, the Korean Air and Missile Defence (KAMD) system, and the Korea Massive Punishment and Retaliation (KMPR) plan targeting the North Korean leadership.[28] The establishment of the last element in this system was confirmed to be in process on 4 September 2017 when the Minister of Defence announced the creation of the "Spartan 3000" assassination unit. The development of a "decapitation plan" is seen as one of the most efficient ways to boost deterrence against North Korea, in view of the importance the North places on the life of its supreme leader.[29]

Another issue complicating South Korea's stance towards the North is the delicate tightrope it walks between the US and China. The military alliance with the US, and the nuclear umbrella it offers, remains vital for South Korea, but at the same time limits Seoul's autonomy. Furthermore, South Korea is highly dependent on China for trade, and is increasingly caught up in the mounting great-power competition in Northeast Asia. Just as South Korea's stance towards the North has been swinging between engagement and estrangement, its stance towards the US alliance has been oscillating between fear of abandonment by the US and of entrapment in a possible conflict

26 National Institute for Defense Studies, *East Asian Strategic Review*. Tokyo: *the Japan Times*, May 2017, 119.

27 Revere, Evans J. R.,"The US-ROK alliance: Projecting US Power and Preserving Stability in Northeast Asia." *Brookings Order in Chaos Series*, 13 July 2016. https://www.brookings.edu/wp-content/uploads/2016/11/fp_20160713_korea_alliance1.pdf. Accessed 15 September 2017.

28 Ibid., 121.

29 Yeo, Jun-suk, "Restore 'terror balance' with North", *The Japan News*, 29 September 2017.

between the US and China.[30] For now, South Korea is hedging its bets, aiming to remain on good terms with China while maintaining a strong alliance with the US.[31]

It seems clear that President Moon will continue to emphasize the core interests and leading role of South Korea on the peninsula. As early as July, shortly after North Korea's ICBM launch, Moon gave a speech in Berlin in which he voiced a long-held fear that South Korea would be pushed to the sidelines in handling the North Korea question. He stated that "South Korea must sit in the driver's seat and lead Korean Peninsula-related themes". Explaining his government's strategy for moving forward in inter-Korean relations, Moon pointed out that South Korea does "not wish North Korea to collapse and is not going to work toward unification through absorption". South Korea is working only to secure peace and if the DPRK agrees to dismantle its nuclear programme, it can have a great economic future through cooperative projects with the South. Moon furthermore mentioned that South Korea and China had reached a common understanding that South Korea should be leading Korean Peninsula-related issues.[32]

2.3 OUTLOOK AND POSSIBLE COOPERATION BETWEEN JAPAN AND SOUTH KOREA

Bilateral relations and security cooperation with the US

Having examined the Japanese and South Korean positions in relation to the North Korean conundrum, what are the prospects for cooperation between the two? In theory, South Korea should be a key strategic partner of Japan in view of its geographical location, shared cultural background, common challenges and regional threats, and close military alliance with the US. Both face an immediate threat from North Korea, and both undeniably have an important stake in regional stability. Nevertheless, Japan and South Korea often have a difficult

30 Snyder, Scott A.; Darcie Draudt, and Sungtae Park, "The Korean Pivot: Seoul's Strategic Choices and Rising Rivalries in Northeast Asia." *Council on Foreign Relations Discussion Paper*, February 2017. https://www.cfr.org/sites/default/files/pdf/2017/01/Discussion_Paper_Snyder_Draudt_Park_Korean_Pivot_OR.pdf. Accessed 15 September 2017.

31 Ibid., 9.

32 Cheong, Wa Dae, "Full Text of Moon's Speech at the Korber Foundation". *The Korea Herald* 7 July 2017. http://www.koreaherald.com/view.php?ud=20170707000032. Accessed 23 July 2017.

relationship marked by history, mistrust, and tense bilateral relations. Both countries have disputes regarding the issue of comfort women, visits by Japanese politicians to the controversial Yasukuni shrine, differing views on Japan's imperial past, as well as territorial claims concerning Takeshima/Dokdo (the Liancourt Rocks). Furthermore, the two countries find themselves in increasingly tense competition in Northeast Asia over trade as well as regional influence. For example, Japan's reluctance to let South Korea take the lead in regional security cooperation was clear in the NAPCI initiative. Past legacies and the DNA of historical memory have often prevented cooperation, including in the military sphere.

A thawing of relations occurred in late 2015, however. First, a former Seoul Bureau Chief of the Japanese newspaper *Sankei Shimbun* was acquitted of defaming the South Korean President, resulting in an improved diplomatic climate. This was followed by a landmark agreement on the comfort women issue on 28 December 2015, when Tokyo clinched a deal with Seoul and agreed on a new fund, directly from the national budget, to provide humanitarian assistance to former comfort women. Japanese Prime Minister Abe also agreed to apologize to former victims, in exchange for a "final and irreversible" settlement of the issue. South Korea's new President Moon, however, strongly criticized Japan's wartime past, and cast doubts on the agreement. Diplomatic relations and political cooperation therefore remain tense and precarious.

Interviews with experts in Japan confirm that bilateral military and defense cooperation is ongoing and shows a more positive momentum. In June 2016, the first Japan–US–ROK joint ballistic missile defence exercise ("Pacific dragon") was conducted in Hawaii, and South Korea also participated in information-sharing exercises with the US and Japan. In November 2016, Tokyo and Seoul signed the General Security of Military Information Agreement (GSOMIA). An Acquisition and Cross Servicing Agreement (ACSA) has also been under discussion since 2012, but is still on hold. Even so, when looking at the US–Japan–South Korea configuration, relations between the latter two countries continue to form "the weak side of the triangle".

Diverging views on reunification

In addition to historical memory and past legacies, the two countries also have diverging views on reunification. For South Korea, there is only one Korea, and hence the ultimate resolution of the North Korean issue would be the reunification of the peninsula. It is with this

objective in mind that the South aims to gain Chinese support, or at the very least seeks to avoid Beijing sabotaging Seoul's efforts to reunify the Peninsula.[33] It is also for this reason that South Korea would demand that Japan asks for Seoul's consent for any Japanese involvement of the Self-Defence Forces on the Korean Peninsula.[34] Seoul's latest offer of humanitarian assistance, in contrast to the tougher approach taken by the US and Japan, illustrates the South's own priorities and inclination to keep the doors open for engagement and diplomacy.

As for Japan, in theory reunification of the Korea peninsula could allow the country to benefit immensely from further economic integration. Korea would offer a huge market for infrastructure investments and exports, and Japan could be a key player in developing the local economy and in integrating a united Korea in the regional economy. Importantly, reunification could allow Japan to resolve the abduction issue, and reunite separated families. But there are a number of reasons why Japan could show hesitance towards reunification. First, Korea would effectively be a nuclear state, and this might prompt Japan to want to follow suit. Second, if Korea adopts a pro-China policy, Japan will be further marginalized in terms of regional leadership. Third, a united Korea would have a stronger voice in history-related issues. Fourth, if the alliance between Korea and the US strengthens, Japan could face further alienations. Fifth, economic competition between Korea and Japan would become even stronger.

In short, South Korea and Japan are strategic partners sharing a military alliance with the US and crucial economic links with China. Bilateral relations have overall improved in recent years, resulting in closer cooperation in the field of defence and security. However, competition for geopolitical influence in the region, issues related to historical memory and mutual trust, and differing views on reunification complicate forming a united front against North Korea.

33 Lee, Seong-hyon, "Parameters of the Strategic Alliance between South Korea and Japan." In Khandekar, Gauri and Bart Gaens (eds.). *Japan's search for strategic security partnerships*. London: Routledge, forthcoming December 2017.

34 Ibid.

3

3. China's approach to nuclear North Korea

Elina Sinkkonen

This chapter looks at China's policies towards its troublesome neighbour. For China, the North Korea issue has always been highly important, although China–DPRK relations are currently at a historical low point due to North Korea's continuous military provocations, which are not in China's interest. This chapter starts by analysing the bilateral relations in both the political and economic fields. It then moves on to study the internal discussion in China, where multiple voices can be heard at present on China's North Korea policy. Here, a major dividing line emerges in relation to understanding China's international role: more cautious voices support stability measures on North Korea, whereas hawkish views see nuclear North Korea as an asset for China as it causes problems for the US, which should be seen as China's enemy. More consensus among Chinese views can be found in relation to China's limited leeway with regard to influencing North Korean policy choices. There is also growing concern about the possibility that North Korea could turn against China, to which end the latter has prepared itself for various crisis scenarios and increased border control. Finally, the focus switches to the global power political context and the emerging trend of Sino–Russian cooperation on Northeast Asian security. If China withdraws from supporting North Korea, Russia might fill the vacuum on issues from which it can derive some benefit.

3.1
CHINA'S EVOLVING NORTH KOREA POLICY

Based on the Treaty of Friendship, Co-operation and Mutual Assistance between the People's Republic of China and the Democratic People's Republic of Korea signed in 1961, each country commits to come to the aid of the other if attacked. However, during Xi Jinping's reign, the Chinese leadership have repeatedly stated that they will not rescue North Korea if it gets itself into difficulties. Since 2013, the Chinese foreign ministry's spokesperson has regularly reiterated that China's relations with North Korea do not constitute an alliance, but rather a "normal bilateral relationship".[1] China has long been dissatisfied with North Korea because Pyongyang has not adjusted to Beijing's strategic priority, namely by maintaining stability on the Korean Peninsula. On multiple occasions, North Korea's actions have cast China's great power position in an unfavourable light. As Thomas Christensen puts it: "How can China portray itself as a great power when it cannot even influence the behaviour of its weak neighbour and ally, which is entirely dependent upon its economic ties to China?".[2]

Xi Jinping's China has departed quite significantly from China's earlier stance of defending North Korea regardless of the cost. Mao Zedong referred to China's relations with North Korea as being as close as lips and teeth (*chun chi xiang yi*), and the fact that he lost his son Mao Anying in the Korean War, along with an estimated 900,000 other Chinese soldiers, kept China very close to its neighbour for decades.[3] While China and North Korea became quite distant after the Cold War ended, China's resistance against US troops in the Korean War proved useful for strengthening the CCP's dominant victorious narrative and serving as a psychological resource in building national self-esteem. The Korean War and its handling in China sometimes includes an anti-American drive. During the 1950s, the war was referred to as the "Resist America Aid Korea" war (*KangMei YuanChao zhanzheng*), and has subsequently fuelled arguments to the effect that seeing as China succeeded against US troops in the Korean War against the odds,

1 China's Foreign Ministry Spokesperson's Regular Press Conference, 9 March 2016. http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1346238.shtml. Accessed 26 August 2016.

2 Christensen, Thomas, "The Advantages of an Assertive China: Responding to Beijing's Abrasive Diplomacy." *Foreign Affairs* March/April 2011, 63.

3 Cumings, Bruce, *The Korean War: A History*. New York: Modern Library, 2010, 35; Smith, Hazel. *North Korea: Markets and Military Rule*. Cambridge: Cambridge University Press, 2015, 95.

it would likewise succeed in future wars against the US. This line of argumentation was utilised during the 1996 Taiwan Strait crisis.[4]

China's policy towards North Korea has undergone phases since the early 1990s. In 1992, China established diplomatic relations with South Korea despite Pyongyang's objections. According to Jin Canrong and Wang Hao, between 1994 and 2002 China's policy line was one of "standing on the sidelines and not interfering". This position can partly be explained by the fact that, at that time, China was generally cautious in its foreign policy. After Kim Il-sung died in 1994, China and North Korea had little contact between 1994 and 1999 when Kim Jong-Il was establishing his leadership. After that, there was a brief period of improved relations at the beginning of the new millennium, ending with North Korea's decision to advance its nuclear programme.[5] In December 2002, North Korea started its nuclear facilities, ordered IAEA inspectors out of the country and, as the final step, withdrew from the nuclear Non-Proliferation Treaty in January 2003. Consequently, China changed its policy into one of active participation, and Deputy Foreign Minister Dai Bingguo started preparing multilateral talks to resolve the North Korean nuclear problem. The first round of Six Party Talks was held in August 2003.

China's economic engagement policy

During the 2000s, China has tried to promote change in North Korea through both softer and harder means. Many Chinese experts and policymakers thought that stability in North Korea would be best reached by adopting Chinese-style economic reforms. In 2005, the Chinese leadership started encouraging economic engagement with the DPRK by providing investment funds, infrastructure projects and diplomatic support. This was part of China's wider "going out" foreign economic policy, which started in 1999 and emphasised investing abroad (*zouchuqu zhanlüe*). However, in North Korea's case, the idea behind the policy was also to facilitate economic reforms in the latter and to help stabilize China's regional environment. Economic engagement was strongly supported by diplomatic activities, the number of which had jumped from the 1990s when only nine visits were made by China to North Korea, and seven visits by North Korea

4 Gries, Peter, *China's New Nationalism: Pride, Politics, and Diplomacy*. Berkeley: University of California Press, 2004, 56–57.

5 Moore, Gregory, "How North Korea Threatens China's Interests: Understanding Chinese 'Duplicity' in the North Korean Nuclear Issue." *International Relations of the Asia-Pacific*, 8 (1), 2008, 6.

to China. In the 2000s, Chinese leaders visited the DPRK a total of 33 times, with 27 reciprocal visits.[6]

The most important elements of Beijing's economic policy towards Pyongyang consisted of infrastructure projects and joint ventures, which started operations in the mining, manufacturing and, to a lesser extent, textile industries. As an example of the cooperation offered by Chinese businesses and diplomacy, China Minmetals Corporation, a large state-owned enterprise (SOE), signed an agreement with Ryongd'ung Coal Mine in 2005 facilitated by Vice Premier Wu Yi. Other Chinese SOEs followed.[7] But despite government involvement and the diplomatic weight attached to Chinese investments, North Korea proved to be a challenging business environment even for the Chinese. The Xiyang Group opened a successful mine in North Korea, but after some disagreement over the contracts, all of its Chinese workers were deported and the North Korean government took over the assets.[8] Xiyang and similar problematic cases have produced mixed results for China's investment promotion strategy, but in general terms China's trade and investments in relation to North Korea have been profit- rather than merely policy-driven.

Trade and diplomatic engagement with North Korea may have been profitable for China for the most part in economic terms, but the engagement strategy clearly failed in stabilizing China's regional environment. Despite multilateral efforts, North Korea carried out its first nuclear test in 2006. Nonetheless, it took until spring 2009, when North Korea conducted a satellite test followed by its second nuclear test in April, before China understood that its efforts were not having the desired effect. This realization was painful for China, but Beijing continued to pursue its diplomatic agenda. In October 2009, Premier Wen Jiabao visited North Korea partly because China was concerned about North Korea's nuclear development. The following year, China sent its standing committee member Zhou Yongkang on a visit. China also refrained from strongly condemning the Cheonan and Yongpyeong Island incidents in 2010. In effect, from 2009 onwards, stability maintenance was emphasized as China's prioritization and the

6 Lim, Andy and Victor Cha, "New Dataset: China-DPRK High Level Visits since 1953", 17 March 2017. https://beyondparallel.csis.org/china-dprk-high-level-visits-since-1953/. Accessed 30 August 2017.

7 Reilly, James, "China's Economic Engagement in North Korea." *The China Quarterly* 220 (4), 2014, 915–935.

8 Jung, Heon Joo and Timothy Rich,"Why Invest in North Korea? Chinese Foreign Direct Investment to North Korea and its Implications." *The Pacific Review* 29 (3), 2016, 315–319.

previous emphasis on denuclearization was somewhat downgraded.[9] Simultaneously, China started a gradual process of normalizing relations with North Korea. The first clear indication of normalization came in 2006 after North Korea's first nuclear test. In addition to official statements, the trend towards normalization can also be seen in the background of the government officials who handle North Korea-related tasks in China. Previously, military and party-to-party channels were utilized, but since 2009, Beijing has increased the use of so-called normal diplomatic channels and the role of the Ministry of Foreign Affairs has grown.[10]

Beijing was frustrated with North Korea's nuclear tests, but China's trade and investments continued to grow in the mid-2000s. By 2008, more than half of North Korea's trade depended on China.[11] Favourable economic policies continued after the second nuclear test in 2009. In 2010, Pyongyang was approved as a destination for Chinese tour groups. In 2008, Air China started direct flights to Pyongyang from Beijing, followed by a daily tourist train between Dandong and Pyongyang in January 2013. The Chinese Chamber of Commerce established an office in Pyongyang in 2012.[12] All in all, China's trade with North Korea has steadily increased since 2008. In 2014, the Sino-North Korea trade volume accounted for 89.1 percent of North Korea's total trade, continuing an upward trend.[13] Trade peaked in 2014 with a total volume of 6.86 billion USD, but the 2016 figures were not far behind despite the two nuclear tests North Korea conducted that year (Figure 1).

9 Jin, Canrong and Wang Hao, "Evolution of China's Policy toward the North Korean Nuclear Issue." In Alain Guidetti (ed.) *World Views: Negotiating the North Korean Nuclear Issue*, GCSP Geneva Papers, no. 12, 2016, 20.

10 Freeman, Carla, "Introduction." In Carla Freeman (ed.) *China and North Korea. Strategic and Policy Perspectives from a Changing China*. New York: Palgrave Macmillan, 2015, 3–4.

11 Jung and Rich, 2016, 315.

12 Reilly 2014.

13 Kim, Jina, "UN Sanctions as an Instrument of Coercive Diplomacy against North Korea." *Korean Journal of Defence Analysis*, 26 (3), 2014, 316.

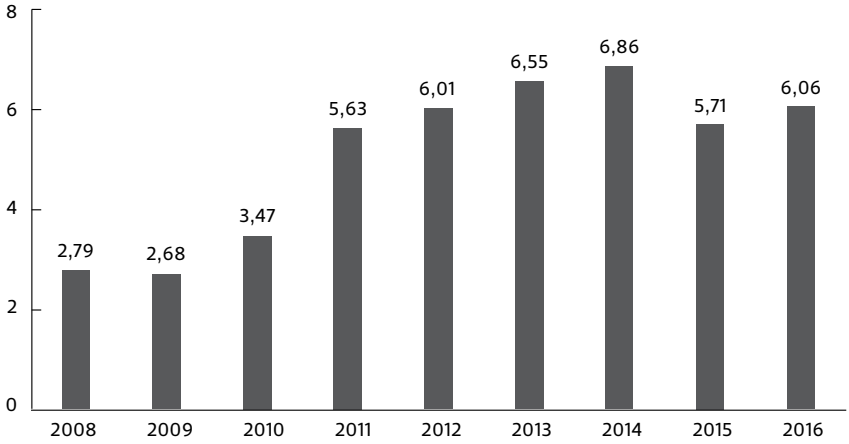

Figure 1. China–North Korea Trade Volume 2008–2016. Source: Korea Trade–Investment Promotion Agency (KOTRA).

In addition to investing in North Korea, China also promoted its approach to reform and opening up to North Korean politicians. For example, when Kim Jong-Il visited China in 2010, and twice in 2011, he was taken to see Chinese factories in various parts of the country (Figure 2).

Despite its investment programme and increasing trade throughout the 2000s, China has also exerted economic pressure against North Korea. It has participated in UN sanctions and sometimes used other forms of economic coercion such as shutting down an oil pipeline for some days, at least in 2003 and 2013.[14] However, as a result of China's overall goal of stability, such shutdowns cannot last for very long and hence have not had a long-term impact thus far. It may be that China's strategy of exerting pressure through oil sales is changing. According to a Chinese North Korea specialist interviewed in June, China temporarily halted oil transfers to the DPRK in early 2017 in protest against the DPRK's provocations.[15] In June 2017, the China National Petroleum Corporation announced that it would stop selling oil to North Korea because it was uncertain whether North Korea would be able to pay for its purchases. The time frame for the suspension was not announced.[16]

14 Waterman, Shaun, "China Stops Oil Exports to North Korea, Possibly as Punishment for Nuclear Test." *Washington Times* 22 March 2013.

15 Interview with Scholar B, China, 27 May 2017. Due to the sensitive nature of the issue, the interviewee did not wish to be quoted directly.

16 Chen, Aizhu, "Exclusive: China's CNPC Suspends Fuel Sales to North Korea as Risks Mount – Sources." Reuters 28 June 2017. https://www.reuters.com/article/us-china-northkorea-oil-exclusive-idUSKBN19J04M. Accessed 30 August 2017.

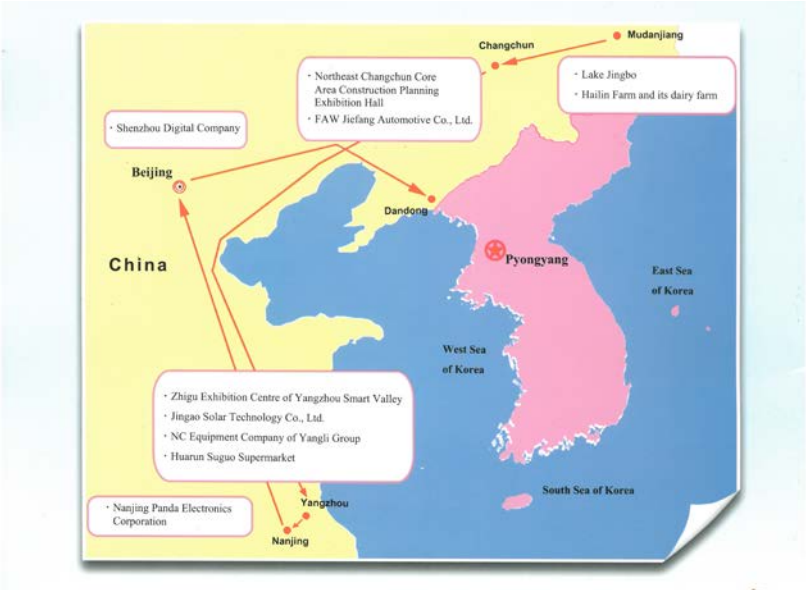

Figure 2.
Kim Jong-Il's itinerary in China in May 2011. Picture from *Juche* magazine's special issue given to the author by three North Korean researchers in Shanghai in 2011.

China-DPRK relations during Xi Jinping's reign

When Xi Jinping took over the leadership of the CCP, there were indications that China was running out of patience and taking a tougher stance on North Korea. On the diplomatic front, Chinese and North Korean diplomats meet each other frequently, but Kim Jong-un has not been to China on a state visit, in sharp contrast to his father, who visited China many times. Moreover, President Xi visited South Korea in 2013, although previously it was customary for new Chinese leaders to visit the North prior to the South. In April 2013, Xi said that "No one should be allowed to throw a region and even the whole world into chaos for selfish gains". This comment was widely understood as a criticism of North Korea.[17] However, China's North Korea policy remained largely the same in 2013, as China's security environment has not changed significantly since the third nuclear test.[18] Jin Canrong and Wang Hao noted a change in 2013, especially in increased domestic criticism of the Chinese government vis-à-vis its North Korea policy.[19]

17 Perlez, Jane and Sang-hun Choe, "China Hints at Limits to North Korea Actions." *New York Times* 7 April 2013. http://www.nytimes.com/2013/04/08/world/asia/from-china-a-call-to-avoid-chaos-for-selfish-gain.html. Accessed 21 August 2016.

18 Zhu, Feng and Nathan Beauchamp-Mustafaga, "North Korea's Security Implications for China." In Freeman, Carla (ed.) *China and North Korea. Strategic and Policy Perspectives from a Changing China.* New York: Palgrave Macmillan, 2015, 39.

19 Jin and Wang, 2013, 21.

North Korea has deliberately distanced itself from China during Kim Jong-un's rule and tried to demonstrate that it does not take orders from Beijing. Much of North Korea's trade with China was previously managed by Jang Song-taek, Kim Jong-un's uncle by marriage, who had close connections to China. Jang was executed in late 2013, allegedly for being too powerful and for refusing to yield sufficient revenue to the Kim leadership. Kim Jong-un's younger sister, Kim Yeo-jong, has taken over many of the tasks previously handled by Jang and his wife.[20] China must have been very dissatisfied with Jang's treatment. Still, in October 2015, Politburo Standing Committee member Liu Yunshan attended the seventieth anniversary celebration of the DPRK's Workers' Party in Pyongyang. Further troubles were on the way. Chinese leaders pointed out in January 2016 that nobody informed them about the nuclear test beforehand, emphasizing that China does not have a special relationship with North Korea.[21] Subsequently, in February 2017, Kim Jong-un's half-brother, Kim Jong-nam, was murdered at Kuala Lumpur airport. He was allegedly under Chinese protection at the time, and had spoken out against North Korea's political succession in 2010, maintaining his critical views in an interview given to *Tokyo Shimbun* in 2011.[22]

Although there has been no major change in China's North Korea policy since North Korea's second nuclear test in 2009, China's rhetoric on North Korea hardened in the spring of 2017. Its actions have been contradictory, however. On the one hand, following the murder of Kim Jong-nam, China announced it would ban all imports of coal for the rest of the year.[23] The decision was based on the UN sanctions imposed in late 2016. Coal trade accounts for around 35–40 per cent of North Korea's foreign trade, meaning that if China follows the ban, it will have a major impact on North Korea's economy. In 2016, China also announced a ban on coal, iron and iron ore, which were discontinued

20 Chestnut Greitens, Sheena, "Illicit. North Korea's Evolving Operations to Earn Hard Currency." Washington: Committee for Human Rights in North Korea, 2014, 49–50.

21 Chinese Foreign Ministry, "Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on January 6, 2016." http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1329999.shtml. Accessed 21 August 2016.

22 Lankov, Andrei, *The Real North Korea*. Oxford: Oxford University Press, 2013, 116–117.

23 Chinese Ministry of Commerce, "Shangwubu haiguan zongshu gangao 2017 nian di 12 hao." (General administration of customs at the ministry of commerce's 12th announcement in 2017). 18 February 2017. http://wms.mofcom.gov.cn/article/zcfb/g/201702/20170202518342.shtml. Accessed 13 March 2017.

some months after the tougher line.[24] At this point, it is still too early to draw conclusions on China's coal ban. On the other hand, North Korea's Vice Foreign Minister, Ri Kil-song, visited Beijing in March, indicating that China and North Korea may have tried to ease tensions. Moreover, according to China's customs statistics, its trade with North Korea increased at the beginning of 2017 on items other than coal.[25] As mentioned in Chapter one, in September 2017 China ordered North Korean companies based in China to shut down their operations within 120 days due to UN sanctions.[26]

While North Korea causes consternation in Beijing, China also has to deal with increasing pressure from other countries to tame the DPRK, as it is widely perceived that China could influence North Korea's behaviour much more than it has done to date. Despite applying some new forms of economic pressure, China has repeatedly tried to convince the outside world that its scope for exerting pressure on North Korea is much more limited than generally expected. It opposes the Western "China responsibility theory", which tries to downplay its earlier contributions to resolving North Korea's nuclear issue, as well as exaggerates China's current capacity to influence the situation. China considers that it cannot settle the issue of nuclear North Korea alone just because North Korea is so dependent upon it in terms of trade and key supplies. On July 11, after North Korea's ICBM test, Chinese foreign ministry spokesperson Geng Shuang stated: "As we said repeatedly, the crux of the Korean nuclear issue rests on the conflict between the DPRK and the US and it is in essence a security issue. The Chinese side is neither the focal point of the conflict of the Korean nuclear issue nor the catalyzer for escalation of tensions at present, and it does not hold the key to solving the Korean Peninsula nuclear issue".[27]

The perception that China could do more, but refuses to act, affects its international reputation. Moreover, when the US and its allies respond to threats posed by North Korea, it undermines China's

24 Silberstein, Benjamin Katzeff, "Is China Serious about Banning North Korean Coal?" *The Diplomat* 21 February 2017. http://thediplomat.com/2017/02/is-china-serious-about-banning-north-korean-coal/. Accessed 13 March 2017.

25 China Customs Information Center. http://www.customs-info.com/Data/DataThed.aspx. Accessed 26 July 2017.

26 *Financial Times*, "North Korean Companies in China Ordered to Close." 29 September 2017. https://www.ft.com/content/be406ed8-a4b3-11e7-9e4f-7f5e6a7c98a2. Accessed 3 October 2017.

27 Chinese Foreign Ministry, "Foreign Ministry Spokesperson Geng Shuang's Regular Press Conference on July 11, 2017." http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1477050.shtml. Accessed 10 October 2017.

regional security interests. In China's policy paper on Asia-Pacific security cooperation, the nuclear issue on the Korean Peninsula is listed as a hotspot case and is already mentioned on the second page of the paper, which signifies a change in how Chinese policy papers have previously handled the North Korean issue. In addition, the paper states that "Forming Cold War style military alliances and building global and regional anti-ballistic missile systems will be detrimental to strategic stability and mutual trust, as well as to the development of an inclusive global and regional security framework [...] China firmly opposes the US and ROK deployment of the THAAD anti-ballistic missile system in the ROK, and strongly urges the US and the ROK to stop this process". [28] In mid-February 2016, China's foreign minister, Wang Yi, explained that the monitoring scope of THAAD's X-Band radar goes far beyond the defence needs of the Korean Peninsula and damages China's strategic security interests. In late February 2016, China's official representative in Seoul warned that Sino-Korean bilateral ties will be destroyed "in an instant" if the THAAD system is positioned on the peninsula. China-South Korea relations are still affected by discussions and decisions related to THAAD.

In addition to the general unbalancing effect that North Korea's military provocations and nuclear development have in the region, China has recently had to prepare itself for threats that are not confined to uncontrollable migration flows. Regime collapse could cause a host of security threats including, but not limited to, the encroachment of US and allied troops on Chinese territory, leaks of chemical or biological weapons, nuclear arms falling into the wrong hands, and even the DPRK taking military action of some sort against China itself. In late May 2017, a North Korean lecturer told a group of state officials that China is within the range of North Korea's missiles – a statement that was ostensibly rather hostile against North Korea's biggest sponsor. [29] At times, China has stepped up its preparedness near the North Korean border, the latest example being in late July 2017. [30] However, China is

28 Chinese Foreign Ministry, "China's Policies on Asia-Pacific Security Cooperation," issued on 11 January 2017. http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1429771.shtml. Accessed 28 August 2017.

29 Shim, Elizabeth, "North Korea Official: China within Striking Distance of Hwasong-12 Missile." *UPI* 24 May 2017. http://www.upi.com/North-Korea-official-China-within-striking-distance-of-Hwasong-12-missile/6731495632046/. Accessed 31 August 2017.

30 Wang, Christine, "China Reportedly Boosts Defense Preparations along North Korean Border." *CSBC* 24 July 2017. https://www.cnbc.com/2017/07/24/china-reportedly-boosts-defense-preparations-along-north-korean-border.html. Accessed 31 August 2017.

currently reforming its army and other security institutions, which in the short- to mid-term will affect its capability to react in the event of a regime collapse in North Korea. Bruce Bennett and Jennifer Lind estimate that 260,000–400,000 ground force personnel would be required to stabilize North Korea should the regime collapse.[31] The next few years will show how the reforms will be conducted and how the result will affect PLA operability in North Korea vis-à-vis crisis situations. If the regime were to collapse, China would need to deploy troops from Beijing, and the Jinan and Nanjing regions, which would be difficult considering the wider security interests of the country.[32]

3.2
INTERNAL DISCUSSION ON CHINA'S NORTH KOREA POLICY

Chinese views on their own North Korea policy and possible solutions are divided. It is notable that we can find differing views on this theme as North Korea has been a sensitive topic even in academic research and expressing any kind of criticism of China's North Korea policy used to have serious ramifications. In 2004, the Chinese authorities shut down a leading international relations journal, *Strategy and Management* (*Zhanlüe yu guanli*), for publishing an article by economist Wang Zhongwen that strongly criticized the North Korean government and called for change in China-North Korea relations.[33] Despite censorship regarding sensitive topics, academic discussion in China can offer a way to understand official policy thinking in a context in which government officials only parrot the Party line.[34] In China, the academic elites have close connections to the political elite.[35] For example, some professors at major universities in Beijing and Shanghai are tasked with

31 Bennett, Bruce and Jennifer Lind, "The Collapse of North Korea: Military Missions and Requirements." *International Security* 36 (2), 2011, 86.

32 Bennett, Bruce, "Preparing for the Possibility of a North Korean Collapse." Rand 2013, 263. https://www.rand.org/content/dam/rand/pubs/research_reports/RR300/RR331/RAND_RR331.pdf. Accessed 31 August 2017.

33 Sleeboom-Faulkner, Margaret, *The Chinese Academy of Social Sciences (CASS): Shaping the Reforms, Academia and China (1977–2003)*. Leiden: Brill, 2007, 295.

34 Shambaugh, David, *China Goes Global. The Partial Power*. Oxford: Oxford University Press, 2013, 15–16.

35 See, for example, Cabestan, Jean-Pierre "China's Foreign and Security Policy Decision-making Processes under Hu Jintao." *Journal of Current Chinese Affairs* 38 (3), 2009, 86; Jakobson, Linda and Dean Knox, "New Foreign Policy Actors in China." *SIPRI Policy Paper*, 2010, 26.

providing analysis for policymakers.[36] While we can hardly ever know how these views are received, it is important that this communication line exists. Moreover, scholars are increasingly expected to comment on important events publicly in the media, meaning that their views often receive broader coverage. Thanks to the media, their expertise can shape public opinion, which often channels back to policymakers even in authoritarian China.[37]

There are still certain lines that one should not cross, however. In 2013, Deng Yuwen, former editor of a Central Party School magazine, was suspended from his job for publishing an article in the *Financial Times* in which he suggested abandonment of North Korea.[38] In this case, it was probably a combination of the author's status, the degree of difference between the policy suggestion and the prevailing policy, as well as the publication channel that caused this reaction. At least in 2013, expounding the view that China could conduct its North Korea policy radically differently was not tolerated.

Previous research has divided Chinese experts into two groups based on their view of how China should deal with North Korea. In Chinese academic discourse on North Korea, many experts are more generally IR specialists rather than scholars working solely on North Korea-related topics. This conclusion can be drawn by looking at authors of academic publications on North Korea- related topics in China's leading academic journals. In the debate, so-called realpolitikers/strategists have emerged to challenge the traditional geostrategists/traditionalists, and have duly questioned the value and utility of China's long-standing quasi-alliance relationship with North Korea. The latter still believe that North Korea is needed as a buffer state between China and US troops based in South Korea.[39] Even before North Korea's nuclear test in 2006, some scholars were

36 Glaser, Bonnie and Phillip Saunders, "Chinese Civilian Foreign Policy Research Institutes: Evolving Roles and Increasing Influence." *The China Quarterly* 171 (3), 2002, 604.

37 Sinkkonen, Elina, "Rethinking Chinese National Identity. The Wider Context of Foreign Policy Making During the Era of Hu Jintao, 2002–2012." DPhil thesis. University of Oxford, 2014.

38 Deng, Yuwen, "China Should Abandon North Korea." *Financial Times* 27 February 2013. https://www.ft.com/content/9e2f68b2-7c5c-11e2-99f0-00144feabdc0. Accessed 21 August 2016.

39 Scobell, Andew, "The PLA Role in China's DPRK Policy." In Phillip C. Saunders and Andrew Scobell (eds.), *PLA Influence on China's National Security Policymaking*. Stanford: Stanford University Press, 2015, 202; Zhang, Chuanjie, "Images of the DPRK in China's New Media: How Foreign Policy Attitudes Are Connected to Domestic Ideologies in China", 2014. Unpublished manuscript.

of the opinion that the nature of China's relationship with North Korea should change.[40] Public opinion tends to side with the strategists.[41]

Based on recent features of the discussion and China's more prominent international stance, another dividing line in the preferred DPRK policy is connected to great power politics and China's relations with the US. Consequently, based on choices between these two policy issues, the dominant arguments in the Chinese discussion can be roughly divided into four categories, as shown in Figure 3.

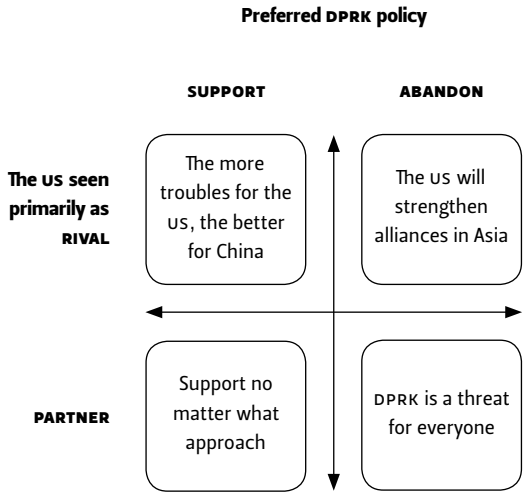

Figure 3. Main factors influencing the preferred DPRK policy

Those who see the US ultimately as China's enemy are not necessarily sorry that North Korea is causing problems for Washington. However, there are also those who see the US as China's rival, but who interpret North Korea's role differently. Here, the threat posed by North Korea to the US and its allies is viewed as unfavourable for China because it will lead to an increased US presence in Asia and stronger alliances with Japan and South Korea. Still, those who do not see the US as China's rival can also have multiple preferences regarding China's DPRK policy. Some argue that the US is not primarily China's adversary, but it is not realistic or reasonable to make any drastic changes to China's DPRK policy. Rapid changes could easily cause

40 Li, Nanzhou "Chaoxian de bianhua yu Zhong–Chao guanxi——cong 'chuantong youhao hezuo guanxi' dao 'shi li guanxi'." (Changes in China–DPRK relations – from "traditional friendly cooperation" to "utilitarian relationship"), *Xiandai Guoji Guanxi* (Contemporary International Relations) 2005/9, 53–58.

41 Zhu, Feng, "China's North Korean Liability." *Foreign Affairs* 11 July 2017.

regime collapse in the DPRK and lead to more problems for China, compared to maintaining the same policy line. Those who follow this line of argument tend to see China as trapped by North Korea and China's policy options as very limited. In their view, North Korea can practically do whatever it wants, and China will still have to tolerate its neighbour without making significant policy changes. While this kind of reasoning has chimed most closely with the Party line and the prevailing policy, its supporters are facing increasing bottom-up pressure from a frustrated Chinese population. Finally, some perceive North Korea's overall threat potential as so large that all other countries should cooperate to tackle the issue – regardless of the consequences it might have for China's position in the great power game. These views emphasize fear of all the possible problems North Korea could unleash, and value stability above all.

The above assessment of common arguments characterizing the North Korea-related discourse is naturally a simplification, and few scholars would concur with having their views compartmentalized in this way. Still, it may be helpful in providing an overview of the sort of arguments that are common in China's domestic discussion, even though analysts may view the context of their own argument quite differently from the way it is presented here. A scholar who did not want to be quoted directly due to the sensitive nature of the issues under discussion links China's position very strongly to great power rivalry. According to him, the US is blocking China from reuniting with Taiwan, and Japan and South Korea are helping the US to do this. Thus, these countries should be regarded as China's enemies. If the two Koreas were united, China could be faced with a nightmare scenario of having US troops on its borders. Consequently, a nuclear-armed North Korea is an advantage for China because it prevents the US from taking military action against the North. Hence, China should not abandon North Korea.[42]

There are also other grounds for supporting the DPRK. In his article published in 2015, Yang Xiyu writes: "No matter what "outrageous" actions North Korea takes to develop nuclear weapons, China can only maintain and continue to increase assistance to North Korea".[43] Yang is currently a scholar at the China Institute of International Studies, and

42 Interview with Scholar C, China, 1 June 2017.

43 Yang, Xiyu, "China's Role and its Dilemmas in the Six-Party Talks." In Carla Freeman (ed.) *China and North Korea. Strategic and Policy Perspectives from a Changing China.* New York: Palgrave Macmillan, 2015, 185.

was involved in drafting key documents during the Six-Party Talks while working for the Foreign Ministry.[44] Dr. Zhao Tong from the Carnegie-Tsinghua Center for Global Policy in Beijing also sees China as being held hostage by North Korea. If China were to cut North Korea's lifeline by stopping aid, it would be seen as a declaration of war in Pyongyang. Why would China ever take such a risk for Washington?[45]

Yet a growing number of scholars and pundits lean towards abandoning North Korea, or at least significantly changing China's policy towards the North. Professor Shi Yinhong from Renmin University of China raises a critical voice in assessing China's North Korea policy in recent years. According to Shi, with its nuclear programme and increasing unfriendliness towards China, "North Korea has become one of China's greatest strategic troubles, rather than a buffer zone". He goes on to say that when focusing on cost effectiveness and means and ends in China's North Korea strategy, "one can hardly give the quality of China's policy a high assessment".[46] Hao Qunhuan and He Yuanyuan write in *Contemporary Korea* that the US and its allies use North Korea to justify procurement and military policies, which go against China's national interests. China must respond to the DPKR nuclear issue, both to safeguard its own national security interests and to serve as a responsible great power in the international community.[47] Professor Zhu Feng, Director of the Institute of International Studies at Nanjing University, sees that the North Korean threat to the US and its allies has negative consequences for China in respect of developments such as THAAD, which is capable of obstructing missiles launched from China. Moreover, helping North Korea has a negative effect on China's reputation, and hence the moral and strategic choice for China would be to stay on the right side of history and abandon North Korea.[48] Two experts mentioned that China has made a big issue out of THAAD without any technological basis. Zhao Tong pointed out that even the leading technical experts in China believe that there are ulterior

44 Yang Xiyu's research profile, China Institute of International Studies. http://www.ciis.org.cn/chinese/2010-11/25/content_3857018.htm. Accessed 2 September 2017.

45 Interview with Dr. Zhao Tong, Carnegie-Tsinghua Center for Global Policy, Beijing, 26 May 2017.

46 Shi, Yinhong, "Painful Lessons, Reversing Practices, and Ongoing Limitations: China Facing North Korea since 2003." In Freeman, Carla (ed.) *China and North Korea. Strategic and Policy Perspectives from a Changing China*. New York: Palgrave Macmillan, 2015, 17–19.

47 Hao, Qunhuan and Yuanyuan He, "Bawo Zhong-Han guanxì fazhan de san ge cengmian, kaiqi huli gong ying xin shidai" (Focusing on three aspects of Sino-ROK relations) *Dangdai Hanguo* (Contemporary Korea), 22 (3), 2014, 38–46.

48 Zhu 2017.

motives for the US–South Korean decision to deploy THAAD. Everyone concentrates on worst case scenarios, and very few are questioning this mainstream view.[49]

During the interviews conducted in China, many scholars raised the point that the threat posed by North Korea to China should be regarded as a priority. In other words, North Korea is everyone's common problem, and considering that North Korea could possibly deploy its military might against China, responding to this threat should supersede great power politics.[50] North Korea's third nuclear test in 2013 marked a turning point in fostering the view that the country could become a threat to China.[51] Two interviewees pointed out that in terms of resolving the nuclear issue, the US should be more realistic in accepting that North Korea is not going to give up its nuclear weapons easily.[52]

Despite differing viewpoints on the approach China should take, articles and other commentary on North Korea also tend to have common China-specific features when compared with the West-centric discussion described in Chapter one. Chinese authors emphasize that, sooner or later, China will become the most influential major power on the Korean Peninsula.[53] The need to reform the North Korean system following the Chinese example also seems to be a factor that unites scholars. Chinese articles published after the leadership transition in North Korea in 2011 condemn North Korea's isolationist trajectory and argue that the country will need to adopt reforms to survive.[54] Yet given China's historical experience, many are critical towards coercive measures such as sanctions in pressuring North Korea. Historical experience of China under sanctions proves that they will

49 Zhao Tong (interview 26 May 2017).

50 This point was raised both by Tong Zhao (interview 26 May 2017), and Gong Geyu (Dr. Gong Geyu, Shanghai Institutes of International Studies, Shanghai, 2 June 2017). See also Yu, Shaohua, "Chinese Views of North Korea's Regional Role." In Carla Freeman (ed.) *China and North Korea. Strategic and Policy Perspectives from a Changing China*. New York: Palgrave Macmillan, 2015, 82.

51 Interview with Dr. Xue Chen, Shanghai Institutes for International Studies, 2 June 2017.

52 Zhao Tong (interview 26 May 2017) and Fang Xiuyu (interview with Associate Professor Fang Xiuyu, Fudan University, Shanghai, 29 May 2017).

53 Shi, Yinhong, "China and the North Korean Nuclear Issue: Competing Interests and Persistent Policy Dilemmas." *The Korean Journal of Defense Analysis*, 21 (1), 2009, 35–43.

54 Tang, Yongsheng, "Yingdui bandao jushi keneng bianhua de you guan sikao" (Some thoughts on potential change on the Korean peninsula), *Xiandai Guoji Guanxi* (Contemporary International Relations), No. 1, 2012, 14–15; Wang, Zaibang, "Chaoxian pingwen guodu de jingji shehui jishu" (Socio-economic foundations for a stable transition of North Korea) *Xiandai Guoji Guanxi* (Contemporary International Relations), No. 1, 2012, 7–8.

not help in pressuring a reluctant leadership into adopting measures that go against its interests.[55]

During the interviews conducted in May–June 2017, some scholars expressed optimism with regard to North Korea's future development. They considered that after North Korea has succeeded in developing a credible nuclear deterrent, it will be able to concentrate on reforming the economy. Gong Geyu, research fellow at the Shanghai Institutes for International Studies, visits North Korea yearly, has herself witnessed economic development in Pyongyang in recent years, and thinks that further development is very likely to take place.[56] Others were more pessimistic and predicted that even if there were negotiations with North Korea, which is far from self-evident, they would certainly fail, leading to a pre-emptive attack by the US.[57]

3.3 GREAT POWER POLITICS AND CHINA–RUSSIA COOPERATION ON THE NORTH KOREA ISSUE

While China has certainly received a lot of attention internationally along the lines of "it should do more to help resolve the nuclear issue", Russia's role in the grand scheme of things should not be overlooked. For Russia, whose relations with the US and other Western countries have been strained since the events in Ukraine and Crimea, the North Korea issue provides a chance to show that Russia cannot be isolated from high-level international politics. In recent years, Russia has tried to develop long-term economic cooperation with the DPRK, involving both state and private actors.[58] In 2014, Moscow wrote off 90 per cent of Pyongyang's $11 billion debt from the Soviet era. As Russia and North Korea both use Russian roubles to trade, North Korea is permitted to open accounts in Russian banks.[59] Both countries have signed agreements to increase bilateral trade to 1bn USD by 2020,

55 This point was raised by Fang Xiuyu (interview 27 June 2017) and Gong Geyu (interview 2 June 2017).

56 Optimistic views expressed by Fang Xiuyu (interview 27 June 2017) and Gong Geyu (interview 2 June 2017).

57 Interview with Scholar A, China, 23 May 2017. Scholar A, who does not wish to be quoted directly, was convinced that the US will be forced to conduct a pre-emptive strike against North Korea.

58 Zakharova, Liudmila, "Economic Cooperation between Russia and North Korea: New Goals and New Approaches." *Journal of Eurasian Studies*, 7 (2), 2016, 151–161.

59 Kim 2014.

and to build a railway from Russia to Rajin. Trade between the two increased by 73% during the first two months of 2017 compared to the same period the year before, boosted mostly by increased coal deliveries from Russia, according to the Russian state-owned news site *Sputnik*.[60] In the UN Security Council, Russia has opposed some statements even after China has accepted them. In April 2017, Russia blocked a UN Security Council statement condemning North Korea's missile launches. In July 2017, it denied that the missile launched by North Korea was an ICBM.

Professor Zhu Feng sees three general policy options for China. China can either cooperate with the US, continue its status quo policy, or side with Russia and try to use this issue in a geopolitical game against the US and its allies.[61] At this point, most statements point towards the status quo option, although there are elements that hint at other alternatives as well. It is notable that Russia and China have held regular security talks on Northeast Asian security since April 2015, and issue joint statements and "roadmaps" to this effect.[62]

Both China and Russia share borders with North Korea and have a history of sponsoring the country. North Korea's relationship with its (former) socialist neighbours remains complex, as is often the case when a small country has large and powerful neighbours. For both China and Russia, great power political dynamics and the North Korean question are closely intertwined. The ways in which their national interests differ from those of the US and its allies can be seen in at least three issues: Chinese and Russian opposition towards deploying the THAAD missile defence system to South Korea, the actions taken in the Security Council, and the implementation of UN sanctions.

China and Russia have a shared interest in stabilizing the Korean Peninsula, as well as minimizing the US military presence in Asia. As both countries would like to see a reduced US presence in Asia, they are also against North Korea's nuclear and missile testing and other military provocations, as they destabilize the peninsula and increase the risk of crisis escalation. However, in their proposed solutions, Russia and China have both strongly opposed the use of force against North Korea and have promoted dialogue instead. This partly stems from the high

60 *Sputnik*, "Unexpected? Russia–North Korea Trade Nearly Doubles in January–February 2017." *Sputnik* 5 May 2017. Accessed 3 September 2017.

61 Zhu 2017.

62 Chinese Foreign Ministry, "China and Russia Hold First Consultation on Northeast Asia Security", 23 April 2015. http://www.fmprc.gov.cn/mfa_eng/wjbxw/t1258822.shtml. Accessed 10 August 2017.

value both countries place on the principle of non-interference in other countries' internal affairs. This principle is mentioned in their 1997 joint communiqué entitled *The Russian-Chinese Joint Declaration on a Multipolar World and the Establishment of a New International Order*, as well as both countries' own foreign policy documents.[63] In other words, the key difference between China and Russia on one side, and the US and its allies on the other, lies in threat assessment: China and Russia see a nuclear North Korea as a lesser evil when compared to instability or – worse – US troops on their borders.

The great power political perspective has been highlighted lately in the Sino-Russian Northeast Asian security dialogue, which started in April 2015 in response to US and South Korean negotiations on applying the THAAD missile defence system to South Korea. In November 2016, Russian Deputy Defence Minister Anatoly Antonov stated that Russia is concerned that "some countries use the uneasy situation on the Korean Peninsula to boost their military presence in North-East Asia, to deploy new and clearly excessive types of weapons in the sub-region".[64] It is possible that China will bolster its nuclear arsenal after South Korea adopts THAAD because the latter decreases China's nuclear second-strike capability.[65] Russia has already discussed enhancing its nuclear arsenal due to THAAD. Discussions between Russia and China on opposing THAAD continued in early March 2017 when the two held their sixth China-Russia consultations on the security situation in Northeast Asia. According to the Chinese foreign ministry, the two sides will strengthen their coordination on the issue.[66]

When North Korea conducted its first intercontinental ballistic missile test in July 2017, Xi Jinping was in Moscow on a state visit. After the launch, China and Russia took the opportunity to issue a joint statement calling on the United States, South Korea, and North Korea to acquiesce to a "dual freeze" solution: North Korea would freeze

63 Russian-Chinese Joint Declaration on a Multipolar World and the Establishment of a New International Order. http://www.un.org/documents/ga/docs/52/plenary/a52-153.htm. Accessed 27 August 2017.

64 TASS, "Russian Defense Ministry: THAAD Deployment Not Only about Deterring 'North Korean Threat'." *TASS* 16 October 2016. http://tass.com/politics/905541. Accessed 25 September 2017.

65 Panda, Ankit, "THAAD and China's Nuclear Second-Strike Capability." *The Diplomat* 8 March 2017. http://thediplomat.com/2017/03/thaad-and-chinas-nuclear-second-strike-capability/. Accessed 25 September 2017.

66 Chinese Foreign Ministry, "Zhong-E juxing DongbeiYa anquan jushi cuoshang tuanchang huiwu." (China and Russia hold Consultation on Northeast Asia Security meeting) http://www.fmprc.gov.cn/web/wjbxw_673019/t1442360.shtml. Accessed 27 August 2017.

its nuclear and ballistic missile testing in exchange for a cessation of conventional exercises by the United States and South Korea. This proposal lacked a sounding board in both North Korea and in the US. Putin mentioned the Sino-Russian roadmap on September 1, 2017, in which he emphasised diplomatic engagement without conditions.[67]

On August 5, 2017, China and Russia both agreed to participate in the UN sanctions targeting North Korea after the two ICBM tests it conducted in July. This round prohibits receiving additional workers from the DPRK, but does not extend to those tens of thousands of North Koreans already residing in Russia and China. The DPRK's missile test in late August only resulted in condemnation of the action, but at the time of writing it is still unclear what the international response to the sixth nuclear test will be. It may cause a deep rift among SC members, as Russia has recently argued for unconditional engagement, while China would prefer not to destabilize the situation right before the 19th Party Congress, which will start on October 15. Moreover, it would be difficult to toughen the sanctions any further. If no agreement is reached, it may happen that the US will continue to issue secondary sanctions targeted against China and Russia. Certain Chinese and Russian companies already faced US unilateral sanctions in August 2017 for dealing with North Korean entities.[68]

67 Kremlin, "BRICS: Towards New Horizons of Strategic Partnership", 1 September 2017. http://en.kremlin.ru/events/president/news/55487. Accessed 26 September 2017.

68 US Department of Treasury, "Treasury Targets Chinese and Russian Entities and Individuals Supporting the North Korean Regime", 22 August 2017, https://www.treasury.gov/press-center/press-releases/Pages/sm0148.aspx. Accessed 27 August 2017.

4

4. Human rights in the shadow of nuclear arms control

Katja Creutz

North Korea is notorious not only for its quest to become a nuclear power, but also because its people live under dire circumstances in which human rights seem to be an unknown concept. The woeful human rights situation has been a cause for concern for the United States, Japan and the EU in particular, and international institutions have adopted special mechanisms to closely monitor the situation in response. Although arms control has traditionally preoccupied the international community, increasing international attention has been paid to human rights in recent years.

The aim of this chapter is to trace and discuss the international responses to the North Korean human rights situation in the increasingly tense setting, as well as to explore whether the human rights and arms control agendas are potentially merging. It will be argued that since 2014 the international community has stepped up its involvement concerning human rights to such a degree that the first signs of a merging agenda have become visible. However, North Korea's accelerating arms testing in 2017 will likely push the international community's softer concerns about human rights back into the background. The structure of the chapter will be as follows: First, the human rights situation will be described and contextualized (Section 1), after which the main international institutional responses within the UN human rights machinery and the Security Council will be presented (Section 2). Finally, it will be argued that the international community has a securitized prism of human rights (Section 3), after which the chapter will conclude with a discussion on the merging of the human rights and arms control agendas and the risks entailed in such an approach.

4.1
THE HUMAN RIGHTS SITUATION CONTEXTUALIZED

An exceptional human rights situation

Concerns about the human rights situation in North Korea are of relatively recent origin despite the long history of violations in the country. The first in-depth report on the abusive state policies was written in 1988 by two American civil society organizations,[1] followed some years later by an alarming post-visit Amnesty International report on political prisoners in the country.[2] International actions were not taken before 2003, however, when the UN Commission on Human Rights adopted its very first resolution on North Korea, expressing "its deep concern at reports of systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea".[3]

The tardy reaction to the situation can be explained in part by the lack of reliable information on the exact state of affairs in North Korea. The secluded state has rarely allowed foreign or international bodies, such as the UN, to enter, and it restricts the flow of information both within and into the country. An appraisal of the situation thus relies to a large extent on secondary or indirect sources; the surrounding world has been forced to rely on satellite images, defector and abductee testimonies, bibliographical material, photos and videos, or other piecemeal intelligence information that has become available. The main information providers are people who have themselves been subjected to abuses, those who have witnessed such abuses, and third persons, such as family and relatives or co-workers.[4] Nonetheless, there is an information gap and, what is more, much of the information that is gathered is difficult to verify.[5] To this end, a dedicated Database Centre

1 Kagan, Richard; Matthew Oh, and David Weissbrodt, "Human Rights in the DPRK", Report prepared for the Minnesota Lawyers International Human Rights Committee and Asia Watch, December 1988.

2 Amnesty International, "North Korea: Summary of Amnesty International's Concerns", 13 October 1993.

3 UN Doc. E/CN.4/2003/L.31, 11 April 2003, para. 1.

4 NKDB, *White Paper on North Korean Human Rights*. Seoul, 2016, 12.

5 For example, defectors are often paid large sums of money for sharing intelligence information, which has led to exaggeration and falsehood. See, Song, Jiyoung, "Why Do North Korean Defector Testimonies So Often Fall Apart?", *Guardian* 13 October 2015, www.theguardian.com/world/2015/oct/13/why-do-north-korean-defector-testimonies-so-often-fall-apart. Accessed 25 September 2017. For a general discussion on the human rights situation and the means used to portray it, see Hong, Christine, "The Mirror of North Korean Human Rights. Technologies of Liberation, Technologies of War", 45 *Critical Asian Studies*, 2013, 561–592.

for North Korean Human Rights (NKDB) was established in 2003 with the specific objective of collecting and analyzing information about North Korean human rights violations.

The general perception is that the human rights situation is horrendous in North Korea and there has been no improvement in recent years.[6] Several decades of rule by the Kim Dynasty with the ensuing *Juche* ideology have resulted in the death of hundreds of thousands, if not millions, of North Koreans from the political prison camps of the 1950s and 1960s onwards, to the hunger and mass starvation of the 1990s. For example, it is estimated that 500,000 starved to death in 1995, and even today up to 120,000 remain behind bars in the country's several prison camps.[7] The discriminative *songbun* social class system, the use of collective punishment, malnutrition, public and secret executions, torture and no freedom of opinion or belief, have generally earned North Korea a reputation for being the most repressive state in the world,[8] a situation of *sui generis*. Most aspects of human rights are being violated, to such an extent that even possessing or watching foreign DVDs may reportedly lead to detention in prison camps.[9]

Complicity of neighbouring states

In situations of gross violations of human rights, neighbouring states often provide safe havens for oppressed people fleeing their homeland.[10] However, as North Koreans' freedom of movement is severely restricted, this opportunity is not generally available. What is more, both China and Russia engage in a policy of repatriation.[11]

6 Some critical remarks have been made concerning this depiction of North Korea as the worst place on earth. See e.g. Hong, Christine, "Reframing North Korean Human Rights. Introduction", 45 *Critical Asian Studies*, 2013, 511–532; Smith, Hazel, "Crimes against Humanity? Unpacking the North Korean Human Rights Debate", 46 *Critical Asian Studies*, 2014, 127–143; Shin, Sanghyuk S., and Ricky Y. Choi, "Misdiagnosis and Misrepresentations. Application of the Right-to-Health Framework in North Korea", 45 *Critical Asian Studies*, 2013, 593–614.

7 NKDB estimates that 80,000–130,000 are imprisoned in political prison camps, *An Evaluation Report of the North Korean Human Rights Situation after the 2014 UN Commission of Inquiry Report. Based on an Analysis of NKDB's Database*. Seoul, March 2016, 8, 11.

8 For a recent overview of the situation, see NKDB, *An Evaluation Report*, 2016.

9 Defector statement presented at the Parliamentary Hearing on the Human Rights Situation in North Korea, 16 November 2016, Helsinki, Finland.

10 A recent example concerns Bangladesh receiving half a million Rohingya people from Myanmar.

11 US Department of State, *Trafficking in Persons Report 2017*, June 2017, 126.

The Chinese government maintains that North Korean defectors are not refugees but economic migrants,[12] which arguably allows China to return those fleeing North Korea without breaching the UN Convention on Refugees. Those who are repatriated also face consequences as they are likely to be punished with detention, forced labour or other forms of ill-treatment.[13]

Despite the remote possibilities of leaving the country, a number of people still make the risky effort to cross the border to China with the help of human traffickers. China is the first "stopover" destination for many North Korean refugees, and the country hosts the largest number of North Koreans; approximately 100,000 live in China in constant fear of being sent back home.[14] Whereas some North Korean refugees hide in towns and rural communities along the border, some choose to travel further afield to South Korea.[15] But as the South Korean missions in China are reluctant to deal with the average refugee, North Koreans heading to the South must reach their destination via a third state, where they can receive consular protection.[16] In spite of these complexities, the number of defectors seeking refuge in South Korea is rising slightly, with nearly 1,500 people arriving there in 2016.[17] However, both Beijing and Pyongyang have increased their border control in recent years to prevent people from crossing into China.[18]

Another issue besides repatriation that involves neighbouring and other states, and which places North Koreans in a deprived position, is the question of forced labour abroad. Thanks to state-controlled enterprises, there are tens of thousands of North Koreans working in various sectors abroad in neighbouring states China and Russia,[19] but also in many other parts of the world, such as Africa and Europe. These workers remain outside of international or domestic

12 Haggard, Stephen, and Marcus Noland, *Witness to Transformation: Refugee Insights into North Korea*. Peterson Institute for International Economics, Washington DC, 2011, 3. See also House of Commons/ Foreign Affairs Committee, *Global Security: Japan and Korea Tenth Report of Session 2007–08*. London, 2008, 43.

13 Amnesty International, *Amnesty International Report 2016/17. The State of the World's Human Rights* 2017, 220.

14 Haggard and Noland 2011, 2.

15 Lankov, Andrei, *The Real North Korea. Life and Politics in the Failed Stalinist Utopia*. Oxford University Press, 2013, 94–95.

16 Ibid., 95.

17 Amnesty International 2017, 219.

18 Ibid., 220.

19 Estimates range from 50,000–70,000 dispatched North Korean labourers in about 40 countries worldwide. See NKDB, *A Prison with no Fence. The Reality of Slave Labor Worse than North Korea*. Seoul, 2016, 4–5.

labour laws and are vulnerable to excessive working hours, as well as occupational accidents and diseases.[20] According to the former UN Special Rapporteur on Human Rights in the DPKR, Marzuki Darusman, they often work in "slave-like conditions" in an unacceptable scheme of forced labour.[21] What is worse, there have been allegations of the DPKR operating labour camps for North Korean workers on the Russian side of the border.[22]

North Korea's position

International human rights discourse is largely built around a Western understanding of rights, where the individual takes priority over collective rights, and of which civil and political rights form the core.[23] In contrast, socialist states, such as China, emphasize a collective view of rights, clearly prioritizing economic, social, and cultural rights over civil and political rights.[24] The Western conception of the indivisibility of human rights is hence refuted, especially when it comes to defending poor human rights records.[25] Human rights are placed within a broader development paradigm, according to which they are seen "as goals to be achieved on the path to development rather than binding legal obligations".[26]

The links in the state formation period between the North Korean political system, on the one hand, and China and Russia on the other, make it probable that North Korea shares the traditional socialist understanding of human rights, although it has not formally subscribed to such a view. It has nevertheless clearly adopted the same stance as China on external interference in its human rights situation by maintaining that sovereignty and non-intervention are paramount

20 Amnesty International 2017, 220.

21 Luhn, Alec, "'Like Prisoners of War': North Korean Labour Behind Russia 2018 World Cup", *Guardian* 4 June 2017, www.theguardian.com/football/2017/jun/04/like-prisoners-of-war-north-korean-labour-russia-world-cup-st-petersburg-stadium-zenit-arena. Accessed 20 September 2017.

22 US Department of State 2017, 336.

23 Chubb, Danielle, "North Korean Human Rights and the International Community: Responding to the UN Commission of Inquiry", 15 *Asia-Pacific Journal on Human Rights and the Law* 2014, 51–72, 57.

24 Ibid.; see also Chan, Phil C. W., *China, State Sovereignty and International Legal Order*. Brill Nijhoff, Leiden and Boston, 2015, 119.

25 Sceats, Sonya, with Shaun Breslin, "China and the International Human Rights System" *Chatham House*, October 2012, 2.

26 Ibid.

principles for the realization of human rights.[27] The DPKR has thus repelled international condemnation and scrutiny of its human rights as "politically-motivated confrontation" geared towards overthrowing its sovereignty and social system.[28] The North Korean Foreign Ministry has stated: "The DPKR keeps the door of dialogue on genuine human rights open to the countries that respect its sovereignty but it will never allow any human rights dialogue or nuclear one with the enemy keen to overthrow it".[29] Accordingly, the country maintains that a genuine human rights dialogue requires depoliticization of the issue.

4.2
INTERNATIONAL INSTITUTIONAL RESPONSES

The international community can resort to a variety of measures in situations involving gross and systematic violations of human rights, ranging from condemning statements to economic sanctions, or even military intervention in the most exceptional cases. So-called humanitarian intervention is a mechanism of last resort due to its disputed nature, and has been employed on very few occasions where the threat to whole populations has been imminent. Following the intervention by NATO states in Kosovo in 1999, the duties of states to step in and protect populations from atrocities was widely discussed, leading to the articulation and adoption of the Responsibility to Protect doctrine in 2001.[30] The doctrine represents a political commitment to end genocide and international crimes, namely the worst forms of violence and oppression. According to the doctrine, each state has a duty to prevent atrocities and oppression, and if it ultimately fails in its task, the international community can step in and act on behalf of the oppressed people.[31]

Despite the reportedly dreadful human rights circumstances in North Korea, the international community has chosen not to intervene

27 Ibid., 7; National Report Submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21 Democratic People's Republic of Korea (henceforth DPKR National UPR Report), 15, para. 122.

28 DPKR National UPR Report, 15, para. 123.

29 KCNA, "DPRK says No to U.S. Dialogue on Human Rights, Nuclear Dialogue Aimed to Bring It Down", *Korea News Service*, 4 November 2014, cited in Chubb 2014, 72, fn 53.

30 Report of the International Commission on Intervention and State Sovereignty, "The Responsibility to Protect", International Development Center, 2001.

31 The UN member states adopted the principle by consensus in 2005. See Arts 138 and 139 in the World Summit Outcome Document, UNGA Res. A/RES/60/1, 24 October 2005.

by force to save the North Korean population from its own regime, as in the case of Kosovo or Libya, for example. In the latter case, the doctrine of the Responsibility to Protect was invoked to justify the protection of civilians falling prey to the Gaddafi regime's actions. Even though there have been calls by the UN Special Adviser on the Responsibility to Protect, requiring "timely and decisive action" in response to the "prolonged period of suffering endured by the population of DPRK",[32] any forceful measures under a UN mandate are unlikely due to Security Council politics, where China and Russia hold veto power. Moreover, the fragile situation in East Asia caused in part by North Korea's demonstrations of increased nuclear and missile capability, has thus far left its opponents and critics careful to leave things as they are. Still, over the years, the international community has resolutely condemned the North Korean regime for its human rights violations, and there has been a tendency in recent years for more states to join forces to this effect, both within the UN Human Rights Council and the General Assembly.[33]

The UN human rights machinery

The international community has reacted to the North Korean human rights situations through normal institutional mechanisms, but also by focusing extra attention on the issue. Regular ways of assessing the promotion and protection of human rights in a national setting encompass monitoring by human rights treaty bodies at fixed intervals, as well as the Universal Periodic Review (UPR), which is a process that has scrutinized the human rights record of all states since 2006. The so-called special mechanisms entail the creation of a Special Rapporteur on specific country situations under the Office for the High Commissioner for Human Rights (OHCHR).

As a starting-point for discussing human rights in North Korea, it must recognised that the country is not completely outside the framework of multilateral human rights treaties. It has ratified six

32 UN Press Release, "Statement of the Special Adviser of the Secretary-General on the Responsibility to Protect on the Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea", New York, 14 March 2014, www.un.org/en/genocideprevention/documents/media/statements/2014/English/Statement%20on%20DPRK_14%20March%202014.pdf. Accessed 29 June 2017.

33 This is visible, for instance, in the fact that the resolutions on North Korean human rights are becoming more vehement in terms of language, while at the same time more states are rallying behind the resolutions. For voting results both in the UNGA and the HRC, see Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2015*. Seoul, 2015, 43–44.

major human rights conventions, namely the International Covenant for Civil and Political Rights (ICCPR),[34] the International Covenant for Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC) and its Optional Protocol on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As late as December 2016, North Korea also ratified the Convention on the Rights of Persons with Disabilities (ICRPD).

However, as is widely known, these formal commitments to the human rights treaties do not guarantee the effective protection of human rights in reality. What is important nevertheless is the fact that North Korea has stayed within the monitoring ambit of UN human rights treaty bodies, even if it has more often than not failed to fulfil its reporting obligations. Although the country's reporting to the treaty bodies has been sporadic and incomplete, there have been some positive signs of North Korea's participation in the UN human rights system of late, namely the country's participation in the UPR process in 2014, and the issuance of two reports to treaty monitoring bodies in 2016. The first was submitted to the Committee on the Rights of the Child and the second to the Committee on the Elimination of Discrimination against Women. North Korea seems tentatively willing to engage in discussions on the implementation of human rights treaties protecting the rights of vulnerable groups, as it also allowed a UN independent expert on the rights of persons with disabilities to visit the country for the first time in May 2017.[35]

Evaluating the merits of the treaty bodies' interaction with North Korea is naturally two-sided. On the one hand, the monitoring process entails that some information on legislative change or human rights-relevant changes is received, even though the reality on the ground remains inaccessible. However, the reporting procedures have been criticized for their diplomatic character, whereby some praise for progress is given to a country that simultaneously commits crimes

34 It is noteworthy, however, that North Korea tried to withdraw from this convention but was not allowed to do so since the convention lacks a withdrawal clause.

35 Catarina Devandas Aguilar visited Pyongyang from 3–8 May, 2017.

against humanity. It has even been claimed that the system allows states to abuse it,[36] which might hold true for North Korea.

The so-called Special Procedures or UN charter-based mechanisms of the human rights machinery have played a greater role in addressing the North Korean situation. These special procedures allow the UN to look more closely at particularly crucial issues or country situations that generate concern, and under which independent human rights experts investigate and monitor the situation and issue reports and recommendations aimed at assisting the state to improve its human rights record. In 2004, the Commission on Human Rights (now Human Rights Council, HRC) established a Special Rapporteur on the Democratic People's Republic of Korea.[37] The mandate was motivated by concern for the "systematic, widespread and grave violations of human rights", including torture, extrajudicial and arbitrary detentions, prison camps and forced labour.[38] The mandate has been renewed on a yearly basis and in 2017 Tomás Ojea Quintana from Argentina was appointed as Special Rapporteur.

The Special Rapporteur has annually issued reports on the human rights situation in North Korea, each of which has noted that the grave violations persist. Due to North Korea's refusal to allow country visits, the information is gathered from various sources, such as neighbouring states, civil society organizations and the UN Office in Seoul. The first ten years of the mandate focused on monitoring the situation without proposing any major concrete actions. 2013 constituted a turning-point in this respect when the report urged the HRC to establish a Commission of Inquiry (COI) to investigate the systematic and widespread abuses committed in North Korea.

The North Korean human rights topic gained new momentum with the issue of the COI report in February 2014. The three-member panel led by Michael Kirby of Australia found in spite of North Korea's non-cooperation that "systematic, widespread and gross human rights

36 Byrnes, Andrew, "Uses and Abuses of Treaty Reporting Procedures: Hong Kong between Two Systems" in Philip Alston and James Crawford (eds), *The Future of UN Human Rights Treaty Monitoring*. Cambridge University Press, 2000, 287–316; Human Rights Voices, "Number 1 Fan of UN Human Rights Review Process? North Korea's Kim Jong-Un", www.humanrightsvoices.org/site/developments/?d=12144. Accessed 20 September 2017.

37 Situation of Human Rights in the Democratic People's Republic of Korea, Commission on Human Rights Resolution 2004/13, UN Doc.E/CN.4/RES/2004/13, para. 5.

38 Ibid., para.1.

violations have been and are being committed".[39] The level of abuses committed by the state machinery amounted in many instances to crimes against humanity.[40] The COI further found that the policies adopted at the highest state level that support torture, enforced disappearances, execution, starvation and much more, "reveal a State that does not have any parallel in the contemporary world".[41] Instead, the abuses were likened to the horrors committed by the Nazi regime.[42] The North Korean political system was also found to ensure impunity for all perpetrators of human rights violations, including those involved in committing crimes against humanity. To this end, the COI report urged the Security Council to refer the situation for investigation to the International Criminal Court (ICC) or to alternatively create an ad hoc tribunal.[43] It also recommended that the Security Council should impose targeted sanctions on those who appear most responsible for committing crimes against humanity.[44]

The Security Council

The COI report provided an important factual background and the political momentum for placing the dire human rights situation on the Security Council agenda, which had only dealt with the testing of nuclear and ballistic missiles to date. This unique move was characterized by excellent timing and hard diplomatic work. Before the first ever formal meeting on North Korean human rights violations, the report had been discussed at a so-called Arria formula meeting, which China and Russia decided not to attend.[45] After numerous diplomatic

39 Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, Summary Report, UN Doc. A/HRC/25/63, 7 February 2014, para. 24 (henceforth COI Summary Report).

40 Ibid., para. 24.

41 Ibid., para. 80.

42 Statement by Inquiry Chairman Michael Kirby during the press conference. Walker, Peter, "North Korea Human Rights Abuses Resemble Those of the Nazis, Says UN." *The Guardian* 18 February 2014. www.theguardian.com/world/2014/feb/17/north-korea-human-rights-abuses-united-nations. Accessed 29 June 2017.

43 COI Summary Report 2014, para. 87.

44 Ibid., para. 93 (a).

45 Kirby, Michael, "The UN Report on North Korea and the Security Council: Security and Human Rights", No 2759, 2015, 23.

twists and turns, the North Korean human rights situation was finally placed on the Security Council agenda on 22 December 2014.[46]

The significance of this action lies in the fact that the North Korean human rights situation is now considered a threat to international peace and security, and that the SC is competent to take decisions with respect to the situation. One concrete measure that the Council could decide upon, and which is pursued by the human rights machinery of the world organization, is the importance of bringing the perpetrators to justice by way of a Security Council referral to the ICC. Although the Council has held three annual discussions about the human rights situation in North Korea, nothing concrete has materialized as yet. Instead, some major powers have resisted even placing the topic on the Council agenda, and a SC referral to the ICC seems remote, not to mention the imposition of UN sanctions due to human rights abuses.[47]

The permanent members of the SC hold diametrically opposite stances on the issue. China and Russia have resisted the annual discussions, and have even called for procedural voting in order to stop North Korean abuses from being debated in the Council.[48] Since their veto power does not apply to procedural issues, they have been unable to stop the deliberations. China has repeatedly pointed out that it rejects the "politicization of human rights issues".[49] It has asked the Council to "focus on the big picture and avoid any rhetoric or action that might lead to the escalation of tensions", because discussing the North Korean human rights situation is "contrary to the goal of

46 UN Security Council Press Release, "Security Council, in Divided Vote, Puts the Democratic People's Republic of Korea's Situation on Agenda Following Findings of Unspeakable Human Rights Abuses", UN Doc. SC/11720(2014), 22 December 2014. The decision was taken with China and Russia voting against, and Chad and Nigeria abstaining.

47 Willis, Ben, "How Careful Human Rights Diplomacy is Finally Putting Real Pressure on North Korea", *The Independent* 27 January 2017, www.independent.co.uk/news/world/politics/how-careful-human-rights-diplomacy-is-finally-putting-real-pressure-on-north-korea-a7548921.html. Accessed 28 June 2017.

48 This was a significant move as it was the first demand for a procedural vote in this regard in eight years. See International Coalition for the Responsibility to Protect (ICRtoP), "The Responsibility to Protect and the Democratic People's Republic of Korea", March 2015, http://responsibilitytoprotect.org/UPDATE%20DPRK%20QA%20Most%20Recent.pdf. Accessed 28 June 2017. See also UN Security Council, "Security Council Narrowly Adopts Procedural Vote to Authorize Discussion on Human Rights Situation in Democratic People's Republic of Korea", SC/12615, 9 December 2016, www.un.org/press/en/2016/sc12615.doc.htm. Accessed 28 June 2017.

49 UN Security Council, "Security Council Narrowly Adopts Procedural Vote to Authorize Discussion on Human Rights Situation in Democratic People's Republic of Korea", SC/12615, 9 December 2016, www.un.org/press/en/2016/sc12615.doc.htm. Accessed 28 June 2017.

stabilizing the Korean Peninsula".[50] While Russia concurred with the Chinese statement that the SC should not deliberate on human rights, it also defended its pejorative position with calls for the need to maintain the effectiveness of the Council without "loading up its agenda".[51]

Many states nevertheless endorsed the discussion of human rights because the issue was seen to represent "a flip side of the country's nuclear ambitions".[52] The connection between North Korea's nuclear drives and its dire human rights record was recognized expressly by the United States and a number of other member states when they noticed that the nuclear programme was being developed at the expense of the North Korean people. Indeed, US Ambassador to the UN Nikki Haley has stated in the context of evaluating the SC's work that "there is hardly an issue on our agenda that does not involve the concern for human rights".[53] However, France was the sole permanent member state of the Council to state that the option of a Security Council referral of the situation should be kept open.

Although the human rights situation has clearly been overshadowed by the issue of non-proliferation of nuclear weapons,[54] the simple fact that human rights are discussed, albeit separately, is already one small step forward. To begin with, the placing of human rights on the SC agenda would make it easier in the future to proceed with the possible prosecution of North Korean leaders if a window of opportunity were to open as just one state can refer the matter to the SC debate.[55] Other small signs of the linkage between arms testing and human rights are also discernible; the Security Council urged North Korea to "respect the welfare and inherent dignity" of its people in its resolution condemning nuclear testing on 30 November 2016,[56] as well as in consecutive resolutions.[57] Notwithstanding these baby steps taken at the Council, what matters most now is keeping human rights on the SC agenda so that discussions on the situation and what to do about it can continue.

50 Ibid.
51 Ibid.
52 Ibid., statement by Ukraine.
53 Besheer, Margaret, "US Calls Human Rights Debate in UN Security Council", VOA, 18 April 2017, www.voanews.com/a/us-call-human-rights-debate-in-un-security-council/3816287.html. Accessed 29 June 2017.
54 Chubb 2014, 51.
55 Kirby 2015, 26.
56 UNSC Res. 2321 (2016), 30 November 2016, para. 45.
57 See, e.g., UNSC Res. 2371 (2017), 5 August 2017, para. 25.

The centrality of accountability

While the SC is ambivalent about dealing with the North Korean human rights situation, the UN human rights machinery is determined to move forward with a two-track strategy of engagement and accountability for the crimes against humanity, the latter objective being now actively pursued. It finds support in the General Assembly resolution adopted without a vote in December 2016,[58] which strongly condemns North Korea for its grave human rights violations while noting that some positive action has been taken, such as the ratification of the convention for the rights of disabled persons and the participation in the second UPR round. The resolution expresses common, profound and serious concern over the situation, and pointedly urges the SC to consider the possibility of achieving accountability through an ICC referral.

Indeed, the primary goal of the international community, besides a general improvement in the human rights situation, is to hold the state leaders accountable for the international crimes committed. In furtherance of this aim, the HRC established a group of independent experts to explore mechanisms of accountability that would be suitable in the North Korean context. This group of two experts issued its report in February 2017,[59] which relies on several accountability strategies that complement each other. It noted that despite practical and political challenges there is a legal basis for neighbouring states to prosecute North Korean perpetrators, while an ad hoc tribunal remains another viable alternative. The report further calls for efforts to continue to work for a referral by the Security Council to the ICC for the prosecution of high-level cases.[60]

The HRC followed suit and passed a resolution without a vote immediately after the release of the Accountability Report, which strengthens the ambitions for criminal accountability pursued by the UN human rights machinery.[61] Its Seoul field office will duly be

58 UNGA Res. 71/202 "Situation of Human Rights in the Democratic People's Republic of Korea", 19 December 2016. China dissociated itself from the consensus. See Richardson, Sophie, "China, North Korea, and Human Rights 'Dialogue'", *Human Rights Watch*, 26 January 2017, www.hrw.org/news/2017/01/26/china-north-korea-and-human-rights-dialogue. Accessed 28 June 2017.

59 Report of the Group of Independent Experts on Accountability, UN Doc. A/HRC/34/66/Add.1, 24 February 2017 (henceforth Accountability Report). The experts were Ms. Sonja Biserko (Serbia) and Sara Hossain (Bangladesh).

60 Ibid., para. 68 *et seqq*.

61 HRC, "Situation of Human Rights in the Democratic People's Republic of Korea", UN Doc. A/HRC/RES/34/24, adopted 24 March 2017, para. 12.

strengthened by experts on legal accountability and an international repository preparing for a future accountability process vis-à-vis North Korean leaders.[62] The aim is not only to document the abuses but also to gain a better understanding of the North Korean system and to identify those most responsible for it.

4.3
A SECURITIZED PRISM OF HUMAN RIGHTS

The international community has clearly stepped up its engagement in the North Korean human rights situation with the COI report and the placing of the topic on the Security Council agenda. Awareness of past and present human rights violations has been heightened, and the vast majority of states seem prepared to condemn North Korea's repressive government for the committing of international crimes, irrespective of geopolitical divisions.[63] At a time when all human beings should be protected against abusive governments such as the one in North Korea, some critical observations should be made concerning the international community's approach to dealing with the human rights situation in the country and the related geopolitical interests at hand.

First, it is important to bear in mind that the North Korean human rights project is not a neutral endeavour without strategic goals. It builds on the Western understanding of human rights, with an individualized conception of the right-holder in a social system grounded in a free market and capitalism. Human rights are always a political project, a tool in the hands of those condemning human rights violations or calling for an interventionist policy. Indeed, as has been noted, "human rights critiques of North Korea have served hegemonic interests, cordoning off the North Korean state's alleged crimes for discrete consideration, while turning a blind eye to the violence of human rights as well as the brutality of the world economic system".[64]

The moralist critique of North Korea as the most repressive state in the world, or even as an "evil" state, often fails to see the country through contextual and historical lenses. To begin with, major power interests are connected to the situation on the Korean Peninsula

62 Ibid.

63 Kirby, Michael, "Special Section on North Korea. Introduction", 15 *Asia-Pacific Journal on Human Rights and the Law*, 2014, 1–12, 8.

64 Hong, "Reframing", 2013, 516.

and North Korea through the 1950s war, which is still unresolved. Therefore, the United States in particular should not be seen as an outsider unrelated to the present situation,[65] as it is still technically at war with North Korea. What is more, the North Korean population has indirectly suffered the consequences of sanctions and the withholding of humanitarian and development aid for decades.[66] The costs of this so-called violence of human rights have been born by the North Korean population.[67]

Another noteworthy aspect of the North Korean human rights project is that it is highly securitized and even militarized.[68] This affects both the production of knowledge and policy-making, which has led to claims that our understanding of North Korea "reveals inconsistencies, misrepresentations, and sometimes downright untruths".[69] Contrary to what is generally believed, there are some available statistics and information on social and economic rights, which show that recent charges of food violations, for example, might be exaggerated or at least not evidence-based.[70] Critical commentators have indeed noted:

> "*The absence of careful analysis on North Korean human rights, however, contributes to the creation and maintenance of a febrile policy environment in which policy options are narrowed such as to focus on national security instruments to pursue foreign policy goals because the securitized version of the debate insists that human rights abuses are so egregious that governments should automatically intervene militarily, especially given the international doctrine of the 'Right to Protect' [*sic*], which permits foreign intervention on the grounds of genocide and other heinous crimes.*"[71]

65 Ibid., 520.

66 Ibid., 516.

67 Ibid.; see also the DPKR National UPR Report, 2014, para. 125.

68 Smith, Hazel, "Bad, Mad, Sad or Rational Actor? Why the 'Securitization' Paradigm Makes for Poor Policy Analysis of North Korea", 76 *International Affairs*, 2000, 593–617, 593.

69 Smith 2014, 134.

70 Ibid, esp. 133 *et seqq.*

71 Ibid., 141.

Arms control and human rights: Merging agendas?

Although most states share the view that North Korean human rights conditions are bad or even egregious, it appears much more difficult to formulate common approaches to the problem. Coupled with a deep suspicion of socialist regimes is the question of how to bring about meaningful change in the "hard" case of North Korea without undermining progress in the issue of nuclear non-proliferation.[72] Indeed, one of the central questions is whether human rights should be linked to progress in other fields, such as security, economics or humanitarian affairs. The European Union, for example, pursued a policy for years whereby it disassociated human rights from other issues, such as economic and cultural affairs. The choice between a policy of engagement and a more principled approach where the human rights record is used to justify interventionist policies has plagued major power strategies on North Korea, particularly that of the United States. The latter alternative makes human rights a tool or a weapon in the hands of national security strategists, triggering claims of the "weaponization of human rights".[73]

The US has increasingly moved towards a linkage between (peaceful) disarmament and human rights violations. Following Pyongyang's fourth nuclear test in January 2016, the US government imposed sanctions upon the North Korean key leadership and repressive state entities due to human rights abuses.[74] The North Korea Sanctions and Policy Enhancement Act of 2016 draws on a connection between the issue of the North Korean nuclear weapons programme and its human rights abuses, as its policy statement lays down: "In order to achieve the peaceful disarmament of North Korea, Congress finds that it is necessary…(2) to sanction the persons, including financial institutions that facilitate…serious human rights abuses…".[75] Although the Act speaks about peaceful disarmament, the US policy under the Trump administration has increasingly shifted away from strategic patience to a prospective interventionist policy.

In practical terms, there is an increasing convergence between the aims of nuclear arms control and human rights, namely governmental breakdown or regime change. This is due to the fact that

72 Chubb 2014, 59–61.

73 Feffer, John, "Human Rights in North Korea and the U.S. Strategy of Linkage", 4 *Asia-Pacific Journal*, 2006, 1–16, 3.

74 North Korea Sanctions and Policy Enhancement Act of 2016, Public Law 114–122, 18 February 2016, H.R.757.

75 Ibid., sec. 101.

international criminal justice is conditioned upon an interventionist form of politics.[76] Although human rights actors, whether national or international, rarely explicitly demand regime change, the main focus in the UN human rights machinery is currently the accountability of the main architects behind the state-based violence in North Korea, paradoxically next to the traditional policy of engagement. Holding the perpetrators accountable naturally means that the regime would be ousted, and those responsible for crimes put behind bars and effectively removed from power. The consequences of accountability are, in effect, the same as regime change, although it might not entail a complete collapse of the North Korean state.

This subtle, but important shift in the approach of the human rights machinery has not gone unnoticed by Kim Jong-un. The calls for a referral of the North Korean situation to the ICC in the COI report were said to have alarmed the North Korean leader to such an extent that Pyongyang abandoned its policy of non-engagement and launched "a charm offensive".[77] In fact, when the UN General Assembly's third committee focusing on human rights was drafting its resolution on North Korea in consideration of the COI report in October 2014, a North Korean delegation surprisingly met for the first time with the then UN Special Rapporteur on its country, Marzuki Darusman. Its representatives tried to persuade the committee to drop a reference to the ICC in the draft resolution it was preparing in exchange for an invitation for Special Rapporteur Darusman to visit Pyongyang.[78] When the General Assembly nevertheless went ahead with the resolution containing a mention of referral to the ICC, North Korea

76 Rodman, Kenneth A., "Justice is Interventionist: The Political Sources of the Judicial Reach of the Special Court for Sierra Leone" in Dawn L. Rothe et al. (eds), *The Realities of International Criminal Justice*. Brill, 2013, 63–92, 63.

77 Kirby, 2014, 3; Fifield, Anna, "U.N. Human Rights Report Says It's Time to Hold North Korea to Account – in Court", *Washington Post* 28 October 2014 www.washingtonpost.com/world/north-korea-launches-campaign-to-avoid-icc-referral-over-human-rights/2014/10/28/724be586-5ddd-11e4-827b-2d813561bdfd_story.html?utm_term=.633d7b5d7e06. Accessed 29 June 2017.

78 Bellamy, Alex J., "A Chronic Protection Problem: The DPRK and the Responsibility to Protect", 91 *International Affairs*, 2015, 225–244, 238; Security Council Report, Monthly Forecast, November 2014 – DPRK (North Korea), 30 October 2014, www.securitycouncilreport.org/monthly-forecast/2014-11/dprk_north_korea_9.php. Accessed 29 June 2017.

withdrew its invitation to the EU's human rights official,[79] and the UN Special Rapporteur was never extended an invitation. Other political manoeuvres also show that the COI report had an effect upon North Korea; in 2014, it participated for the first time in the UPR, and it also signed and ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.[80]

From a human rights perspective, regime change has rarely proved successful and would most likely entail a continuation of human suffering. Forcing a successful regime change from the outside is extremely difficult as has been witnessed recently in Iraq or Libya, the end-result being more instability and suffering for the ordinary people. As Paul Liem has stated: "'Regime change' is a blunt instrument, allowing no paths to human security other than the collapse of the state".[81] Thus, one should be extremely cautious about using human rights as a tool for other foreign and security policy goals, such as nuclear disarmament and non-proliferation through regime change.

79 "North Korea Says it Has Invited European Union Human Rights Official To Visit", *South China Morning Post*, 31 October 2014, www.scmp.com/news/asia/article/1628934/north-korea-says-it-has-invited-european-union-human-rights-official-visit. Accessed 29 June 2017.

80 North Korea signed the Protocol on 9 September 2014, and ratified it in November the same year.

81 Liem, Paul, "Peace as a North Korean Human Right", *Critical Asian Studies*, 2014, 113–126, 124.

Conclusions

North Korea constitutes a global threat. The way in which the international community manages or fails to respond to the multiple aspects of the North Korean threat described in this report reveals a great deal about how well the community functions and how great-power dynamics evolve. The North Korea issue brings many systemic problems to the forefront and highlights the ways in which the international community has thus far failed in its efforts to respond to North Korea's actions. The list of failures is long and severe, starting from the fact that there is still no peace treaty between the parties to the Korean War 64 years after fighting ended. The divergent interests of the great powers have frozen the conflict and continue to prevent it from becoming resolved. Postponing dealing with this issue exemplified by the US strategic patience policy and the unrealistic goals set for negotiations with North Korea have allowed the latter to continue its nuclear and missile testing, which have reached the point where the goal of denuclearization has become almost unworkable. In this respect, the intelligence communities have been unsuccessful in accurately estimating the pace and scale of North Korea's nuclear and missile development. This failure to address the country's nuclear ambitions will also have repercussions for the human rights project. There is a danger that the political momentum needed to address the lack of human rights in North Korea will be lost due to the increased tensions caused by the country's accelerating arms testing. This in turn will mean that further funds will be invested in military capabilities at the expense of the North Korean people.

If the dynamics between the great powers evolve towards increased confrontation and strategic paralysis regarding their North Korea

policies, the consequences of the North Korean threat will reverberate more at the global level. When South Korea, Japan and the US respond to the North Korean threat by increasing military spending and improving missile defence, it can easily lead to a vicious circle whereby China and Russia follow suit by taking counter-measures. From the Chinese and Russian perspectives, the THAAD missile defence system undermines their national security interests, and China has repeatedly criticized Japan and the US for using the North Korean threat as a pretext for taking measures in their security policies that are actually targeted against China. Donald Trump announced in his speech at the UN in September 2017 that the United States would increase its military budget to 700 billion USD for 2017.[1] The US budget had already increased between 2015 and 2016.[2] Budget increases are expected in Japan and South Korea as well. According to SIPRI, Asia has in recent years accounted for a significant part of the rise in global military expenditure.[3] This money is inevitably being taken away from something else, even when we talk about countries that are wealthier than North Korea.

In addition to monetary spending, the arms race can have serious qualitative implications, especially with regard to nuclear proliferation. In the worst case, responding to the North Korean threat could lead to the deployment of tactical nuclear weapons to South Korea, the development of pre-emptive strike capabilities for Japan, or the significant enhancement of China's nuclear capabilities as a consequence of other developments taking place in the Asian security infrastructure. If the international community remains paralyzed in the face of a nuclear-armed North Korea, it sends a dangerous message to other countries or actors trying to acquire nuclear weapons. The message will be that those who have armed themselves with nuclear weapons can commit any kind of human rights violations with impunity. This is hardly the message any great power wants to transmit.

Due to the serious threat already posed by North Korea's ballistic missiles and nuclear capabilities, it would be important to negotiate

1 The White House, "Remarks by President Trump to the 72nd Session of the United Nations General Assembly." 19 September 2017. https://www.whitehouse.gov/the-press-office/2017/09/19/remarks-president-trump-72nd-session-united-nations-general-assembly. Accessed 22 September 2017.

2 SIPRI, "World Military Spending: Increases in the USA and Europe, Decreases in Oil-Exporting Countries." 24 April 2017. https://www.sipri.org/media/press-release/2017/world-military-spending-increases-usa-and-europe. Accessed 21 September 2017.

3 Ibid.

with the country to freeze its weapons programmes. It is unrealistic at this point to assume that North Korea would be willing to even negotiate about denuclearization. For those states that were involved in the Six-Party Talks in addition to North Korea, downgrading policy goals will naturally be difficult. All of them still adhere rhetorically to denuclearization as their policy goal. Unfortunately, it is too late for denuclearization. The best of the bad options the international community currently possesses would be for China to choose the policy option of engagement and cooperation with the US on this issue rather than playing great- power games, which will not contribute to resolving this question. Some positive signs of a changing mood in Beijing have been given on the sanctions front, and all members of the UN Security Council agreed on toughening sanctions in August and again in September 2017. In all probability, China will not be in a position to rethink its North Korea policy at least until its party congress is over. It may also happen that North Korea will not be willing to start the negotiations before it has tested more of its missiles to showcase its capability to threaten the US with a nuclear- armed ICBM. Once the willingness to negotiate has been established, the freezing of North Korea's WMD programmes should be the starting point. If North Korea is confronted with unrealistic negotiation targets set by the US and its allies, it will continue testing its missiles, which will increase the military threat it poses to these countries. While freezing the programmes will probably not halt them completely, it will slow them down significantly. This is a preferable scenario compared to letting North Korea test an ICBM with solid fuel or carry out more nuclear tests, increasing the yields.

About the contributors

Katja Creutz is Senior Research Fellow at the Finnish Institute of International Affairs in the Global Security programme. She holds a Doctor of Laws and Master of Laws programme degrees from the University of Helsinki and a Master of Political Science degree from Åbo Akademi University. She has previously worked as Research Fellow at the Erik Castrén Institute of International Law and Human Rights of the University of Helsinki. She has published on human rights, responsibility issues, and post-conflict governance. Her main field of expertise is international law and global governance.

Bart Gaens works as a Senior Research Fellow at the Finnish Institute of International Affairs, and is also Project Director at the Center on US Politics and Power at the same institute. Furthermore, he is Adjunct Professor (Docent) at the University of Helsinki. His appointments in the recent past include Specially-Appointed Associate Professor at the University of Osaka, Japan, and Professor of Japanese Studies at the University of Helsinki. He has published on Europe-Asia relations, with a special focus on the ASEM (Asia-Europe Meeting) process. Further research interests include Japan's foreign policy, as well as security-related issues in East Asia.

Elina Sinkkonen is Senior Research Fellow at the Finnish Institute of International Affairs. She received her doctorate from University of Oxford, Department of Politics and International Relations in 2014 and has taught regularly at the University of Helsinki since 2008. Sinkkonen has published on Chinese national identity construction and coedited an award-winning book on new roles of women in Chinese society. Her further research interests include Chinese nationalism, public opinion issues in China, authoritarian regimes, regional security issues in East Asia as well as the domestic-foreign policy nexus in IR theory.

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