

## **Stalemate and Beyond: The North Korean Nuclear Impasse and Its Future**

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Notwithstanding recent efforts by U.S. officials to reopen nuclear dialogue with the DPRK after the death of Kim Jong-il, a variety of factors today coincide to make it very unlikely that there will be meaningful progress in the long-stalled Six-Party Talks on DPRK denuclearization even if they do resume. This, in turn, is likely to accelerate a long-term realignment of regional policies vis-à-vis North Korea. Pyongyang has come to appear – and, after Kim’s death, seems to remain – entirely uninterested in denuclearization, remaining committed to retaining its nuclear weapons programs under essentially any conditions, and having additionally now ensured by its own actions (e.g., its 2006 and 2009 weapons tests and public confirmation of its longstanding uranium enrichment program) that the verification requirements for denuclearization are ones that the DPRK regime would not accept in any event. (Its cross-border provocations in 2010 have also helped harden the attitudes of key outside players toward traditional concessionary diplomacy, though American diplomats seem recently to have taken renewed interest in at least the appearance of negotiating, perhaps in order to forestall political crises during their country’s 2012 election year.) Nor does there seem to be much chance of change in DPRK attitudes, with ongoing leadership consolidation and potential domestic insecurity challenges being likely to push the regime in what are, if anything, more intransigent and conceivably even provocative positions. Meanwhile, domestic political factors in other would-be Six-Party participants during 2012 – including leadership succession issues in almost all the other parties – are likely, on the whole, to encourage attitudes less favorable to resumed nuclear negotiating. Yet this impasse has not stopped the East Asian region from continuing its rapid course of politico-economic change and development – a trajectory in which the DPRK is increasingly irrelevant except as a potential source of instability. (South Korea, in particular, is emerging as an increasingly important and sophisticated player on the world stage, even as the United States seeks to maintain a vigorous and engaged forward regional presence in diplomatic, economic, and military terms.) As East Asia develops a “post-DPRK” political order the security of which cannot be ensured except by ending Pyongyang’s role as a source of disruptive perturbations, regional leaders may increasingly turn to hard-nosed policies of coercive containment, more overt contingency planning for catastrophic collapse scenarios, and even interest in “regime-change” options. The future of DPRK denuclearization, in other words, may lie more in realpolitik pressures and maneuvers than in any meaningful resumption of concessionary diplomacy.

**Key Words:** Denuclearization, six-party talks, DPRK, nuclear weapons, containment

## Introduction

The multi-national “Six-Party” talks on the denuclearization of North Korea (a.k.a. the Democratic People’s Republic of Korea, or DPRK) proceeded intermittently and with decidedly mixed results for a number of years, but they ultimately proved unsuccessful and broke down in acrimony in 2009. These negotiations have now been moribund for some time, and this has been a period that has seen new DPRK provocations of various kinds, including a second nuclear weapons test and two physical assaults upon South Korea (a.k.a. the Republic of Korea, or ROK). Despite recent U.S. efforts to reopen talks in the wake of the death of North Korean dictator Kim Jong-il – and despite the DPRK’s claimed receptiveness to such a resumption – the talks’ revival on terms recognizably similar to their previous focus still seems unlikely, and there would appear to be little chance of real success in any event, at least without an implausibly dramatic strategic *volte face* by the major participants.

This essay will explore the political “landscape” surrounding the ongoing DPRK nuclear impasse, highlighting some of the factors that have created and perpetuated this situation, assessing their longevity, and speculating about what these dynamics may mean for the future of the East Asian strategic environment. It will outline the reasons for my conclusion that one should probably not expect any revival of serious denuclearization talks in the near or medium term – much less their success in achieving that goal – and that regional political affairs will increasingly be characterized by their development “around” (or past) the DPRK nuclear issue without resolving it, even as strategic trends continue to shift against the regime in Pyongyang. These developments may perhaps give North Korea additional reasons to indulge its longstanding predilection for provocative “crisis diplomacy,” but ultimately they seem likely to make the DPRK ever more irrelevant in regional affairs except as a source of destructive and destabilizing perturbations. This, in turn, may force regional players to incorporate the possibility of the DPRK’s implosive collapse into their own individual and collective

contingency planning in more overt ways, and to make increasingly coercive containment – and perhaps regime-change strategies – a more important part of their security planning.

## Outlook for the DPRK: More of the Same

For its part, the DPRK claims to remain interested in reviving negotiations with the United States, though its enthusiasm is more muted with respect to the multi-national dynamics of the Six-Party Talks, which involved the participation of China, Russia, Japan, and the ROK. As DPRK Foreign Ministry official Ri Gun put it in a paper published in 2011 by the Aspen Institute in Germany, for instance, Pyongyang claims to want “dialogue and negotiations,” to “desire denuclearization,” and to be “open to DPRK-U.S. talks, the Six-Party Talks, and inter-Korean dialogue.”<sup>1</sup> After the death of Kim Jong-il on December 17, 2011,<sup>2</sup> moreover, the North Korean news agency KCNA carried a statement from a Foreign Ministry spokesman on January 11, 2012, suggesting that Pyongyang might be willing to freeze at least its *uranium* enrichment program and resume talks in return for 300,000 tons of food aid and the lifting of international sanctions.<sup>3</sup>

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1. Ri Gun, “National Defense Policy, Dialogue and Negotiation,” in *Aspen DPRK-USA Dialogue* (C.K. Mallory IV, ed.) (Aspen Institute Germany, 2011), <http://aspeninstitute.de/en/publication/download/29/Aspen+DPRK-USA+Dialogue+.pdf>, pp. 39-40.

2. Mark Landler & Choe Sang-hun, “In Kim’s Death, an Extensive Intelligence Failure,” *New York Times* (December 20, 2011), pp. A1, A1.

3. Chico Harlan, “N. Korea reopens door to food-for-nukes deal with U.S.,” *Washington Post* (January 11, 2012), [http://www.washingtonpost.com/world/n-korea-statement-re-opens-the-door-to-a-food-for-nukes-deal-with-united-states/2012/01/11/gIQAojvNqP\\_story.html?hpid=z5](http://www.washingtonpost.com/world/n-korea-statement-re-opens-the-door-to-a-food-for-nukes-deal-with-united-states/2012/01/11/gIQAojvNqP_story.html?hpid=z5). Other accounts are less clear on the reported DPRK demand that sanctions be lifted, however, at the time of writing, KCNA’s English-language website did not carry this statement. (The news agency, however, reportedly referred favorably to what it said was the Obama Administration’s *earlier* suggestion of suspending

Leaving aside the question of North Korea's *plutonium* program, however – which, judging by initial press coverage, was not mentioned in the January 11 KCNA statement – this continuing notional openness to talks masks a fundamental change in North Korea's negotiating position from the Six-Party Talks period. Whatever their many failings and frustrations, those negotiations were at least notionally about the DPRK's denuclearization – as evidenced, for instance, by the "Joint Declaration" agreed by the participants in September 2005 pursuant to which they explicitly envisioned such an outcome.<sup>4</sup> Indeed, denuclearization had been the focus of international negotiations with the DPRK ever since the early 1990s, as reflected both in the "North-South Joint Declaration on the Denuclearization of the Korean Peninsula" agreed between the DPRK and the ROK in 1992,<sup>5</sup> and in the subsequent "Agreed Framework" negotiated between Pyongyang and Washington in 1994.<sup>6</sup> While Pyongyang today still seems to desire the perceived political legitimacy that it might gain from ongoing negotiations, at least with the United States – and while it certainly seems to retain a real interest in obtaining food aid and other sorts of economic assistance for the continuing catastrophe that is the DPRK economy – this is not necessarily the same thing as retaining any real interest in *denuclearization* as the goal of such discussions.

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sanctions, thus suggesting that this was indeed contemplated.) Foster Klug & Hyung-jin Kim, "N. Korea keeps door open for food-nuke deal with U.S.," *Associated Press* (January 11, 2012), [http://hosted2.ap.org/APDEFAULT/3d281c11a96b4ad082fe88aa0db04305/Article\\_2012-01-11-AS-NKorea-US-Food-Aid/id-0c0bd73923b2468e8a7bd84947a67161](http://hosted2.ap.org/APDEFAULT/3d281c11a96b4ad082fe88aa0db04305/Article_2012-01-11-AS-NKorea-US-Food-Aid/id-0c0bd73923b2468e8a7bd84947a67161).

4. Joint Statement of the Fourth Round of Six-Party Talks (September 19, 2005), [http://www.ncnk.org/resources/publications/September\\_19\\_2005\\_Joint\\_Statement.doc/file\\_view](http://www.ncnk.org/resources/publications/September_19_2005_Joint_Statement.doc/file_view).
5. ROK-DPRK Joint Declaration of the Denuclearization of the Korean Peninsula (January 20, 1992), <http://www.nti.org/db/china/engdocs/snkdenuc.htm>.
6. Agreed Framework between the United States of America and the Democratic People's Republic of Korea (October 21, 1994), <http://www.kedo.org/pdfs/AgreedFramework.pdf>.

### **Rejection of Denuclearization**

Over the last several years, in fact, the DPRK has increasingly made clear its disinterest in (and in fact antipathy towards) denuclearization – or at least denuclearization on any remotely negotiable terms. Though denuclearization has been described as one of the “dying wishes” of the DPRK’s dynastic founder Kim Il Sung, North Korean comments have come ever more obviously to predicate denuclearization on the Korean peninsula – that is, the DPRK’s relinquishment of the nuclear weapons program it built in violation of its commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)<sup>7</sup> and of multiple legally-binding Security Council resolutions under Chapter VII of the U.N. Charter – upon the achievement of complete *global* nuclear disarmament.<sup>8</sup>

This emphasis is clearly repeated – and amplified – in papers that DPRK officials prepared on the subject for a “Track II” dialogue with American interlocutors (including this author) in early 2011. Ri Gun, for example, called there for denuclearization, but specified that this is merely what North Korea wants “ideally,” and “in line with U.S. President Barack Obama’s call for the denuclearization of the world.” He also made clear that Pyongyang will not denuclearize “as long as a most serious possible threat exists to the DPRK,” in the form of *American* nuclear weapons. Explicitly comparing the two countries’ nuclear postures – both of which he described as aiming at “retaining and modernizing ... nuclear weapons, while advocating the denuclearization of the world” – Ri Gun could hardly be clearer that denuclearization is off the table unless and until the United

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7. Treaty on the Non-Proliferation of Nuclear Weapons (July 1, 1968), <http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf>.

8. “Talk between Kim Jong-il and Chinese Premier Wen,” *Tongil News* (October 5, 2010) [translation courtesy of U.S. Committee for Human Rights in North Korea] (recounting that denuclearization was a last request of Kim Il Sung); “Peaceful Offensive Following Kim Il Sung’s Three Wishes,” *Tongil News* (October 30, 2010) [translation courtesy of U.S. Committee for Human Rights in North Korea].

States and all other nuclear weapons possessors dismantle their own weapons.<sup>9</sup>

Moreover, though DPRK representatives have called for resuming nuclear *negotiations* “without preconditions”<sup>10</sup> – a position inconsistent with Pyongyang’s recent reported insistence upon a suspension of sanctions and the provision of food aid as preconditions for resuming discussions – they now seem clearly to link the prospect of actually *achieving* denuclearization to additional dramatically unnegotiable preconditions. In explaining what it would take for North Korea to stop feeling threatened enough to contemplate denuclearization, DPRK Foreign Ministry official and veteran Six-Party negotiator Choe Son Hui has emphasized that Pyongyang’s preconditions also include the dissolution of U.S.-ROK and U.S.-Japan defense relationships, as well as the United States’ *de facto* withdrawal from the region. She has written, for instance, that

“One should never again allow the presence of U.S. forces of any type in Korea. Military support of the ROK by the U.S. should be abandoned and the U.S.-ROK military alliance should be dissolved. Accordingly, all U.S. offensive military equipment deployed in Japan should be removed.”<sup>11</sup>

Choe has also conveyed the DPRK regime’s insistence upon some kind of unspecified verification regime to enforce such requirements, which would encompass intrusive monitoring not just of ROK facilities but apparently also of Japanese ones, and indeed of nuclear weapons facilities and operational posture in the United States as well. According to Choe, it must be “*physically proven* that there are no U.S. nuclear weapons on the Korean peninsula and its vicinity

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9. Ri Gun, *supra*, p. 40.

10. Seth Mydans & Choe Sang-hun, “North Korea is Said to Weigh Nuclear Test Moratorium,” *New York Times* (August 24, 2011), <http://www.nytimes.com/2011/08/25/world/europe/25siberia.html>.

11. Choe Son Hui, “Efforts by the DPRK Government to Normalize Relations between the DPRK and the U.S.,” in *Aspen DPRK-USA Dialogue*, *supra*, pp. 51, 53.

and that the U.S. is not targeting the DPRK with nuclear weapons.”<sup>12</sup>

Even as an *opening* position for denuclearization discussions, these preconditions are clearly fantastical, leading most observers to conclude that the DPRK is not serious about negotiations on this subject. Indeed, the principal focus of North Korean diplomacy seems to have become that of securing international recognition and legitimacy as a nuclear weapons power – as indeed the DPRK explicitly requested in the wake of the 2010 Nuclear Security Summit (NSS) in Washington, DC, by announcing its willingness to attend a scheduled follow-up summit in Seoul on the condition that it be entitled to participate “on an equal footing with other nuclear weapons states.”<sup>13</sup>

As of the time of this writing, moreover, there is no sign that any of this is likely to change in the wake of Kim Jong-il’s death. After the dictator’s demise, South Korean President Lee Myung-bak optimistically proclaimed the existence of a “window of opportunity” which provided the chance for a “new era” of cooperation on the peninsula if only North Korea would show an “attitude of sincerity” by freezing its nuclear program.<sup>14</sup> The DPRK response, however, was blistering. In a statement attributed to the National Defense Commission, Pyongyang lambasted Lee for showing insufficient sadness at Kim Jong-il’s death, accused the South Korean president of “hideous crimes,” called his government a nest of “traitors” with whom the North would “have no dealings,” and promised that “foolish politicians” in the South and elsewhere “should not expect any [policy] changes from us.”<sup>15</sup> Not implausibly, most analysts

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12. *Id.* (emphasis added).

13. “Foreign Ministry Issues Memorandum on N-issue,” *KCNA* (April 21, 2010), <http://www.kcna.co.jp/item/2010/201004/news21/20100421-27ee.html>.

14. Jin Sung-chul, “S. Korean president sees ‘window’ to deal with North,” *Washington Post* (January 2, 2012), [http://www.washingtonpost.com/world/s-korean-president-sees-window-to-deal-with-north/2012/01/02/gIQAOfsVP\\_story.html](http://www.washingtonpost.com/world/s-korean-president-sees-window-to-deal-with-north/2012/01/02/gIQAOfsVP_story.html).

15. *Global Times* (December 30, 2011), <http://www.globaltimes.cn/NEWS/tabid/99/ID/690591/NKorea-says-policy-wont-change.aspx>; “North Korea

took this as an indication that the DPRK intended to adopt no new approaches to nuclear issues – or anything else in its relations with the outside world – at least for some time.<sup>16</sup>

Adding to this impression was a long message published by KCNA on December 31, 2011, attributed to the Central Committee and the Central Military Commission of the Workers' Party of Korea. Most of this message was devoted to an extensive laundry list of agitprop domestic policy exhortations (e.g., "Produce more state-of-the-art machinery including major ordered equipment!"), and was thus not relevant to the nuclear question. The message, however, also lauded the deceased Kim Jong-il for having "turned our country into ... a nuclear state with unrivalled military strength no enemy would dare challenge." The acquisition of nuclear weapons, it was declared, was "shining as the greatest of his achievements." The message also called on the DPRK military to remain prepared to "counter the enemy's rash acts of provocation with a relentless annihilating strike" to "turn the Blue House [South Korea's executive mansion] and other bases for aggression into a lake of fire if the enemy dares attack ...."<sup>17</sup>

It is very possible, and to my eye quite likely, that Pyongyang was never serious about relinquishing its nuclear weapons programs in the first place. Nevertheless, North Korea's shift in the least few years towards a position more openly hostile to the very idea of denuclearization – a position so far in no way changed by Kim Jong-il's death – has been quite clear, and has not been overlooked in foreign

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vows not to deal with South Korea's president," *Yonhap News Agency* (January 5, 2012), <http://english.yonhapnews.co.kr/northkorea/2012/01/04/40/0401000000AEN20120104008000325F.HTML>.

16. Chico Harlan, "North Korea condemns South Korea, vows no policy changes," *Washington Post* (December 30, 2011) (citing comments by international observers), [http://www.washingtonpost.com/world/asia\\_pacific/north-korea-blasts-south-korea-vows-no-policy-changes/2011/12/30/gIQAnB2FQP\\_story.html](http://www.washingtonpost.com/world/asia_pacific/north-korea-blasts-south-korea-vows-no-policy-changes/2011/12/30/gIQAnB2FQP_story.html).

17. "Joint Calls of Central Committee and Central Military Commission of WPK Published," KCNA (December 31, 2011), <http://www.kcna.co.jp/item/2011/201112/news31/20111231-05ee.html>.

capitals. What's more, the DPRK's rhetorical and political shift has been accompanied by ongoing provocations, including not just constructing a plutonium-production reactor for Syria<sup>18</sup> and conducting an additional nuclear weapons test and multiple ballistic missile tests, but also finally displaying its longstanding uranium enrichment program to the world in November 2010.

The uranium revelations, in particular, highlighted the fundamental duplicity of two decades of DPRK nuclear negotiating, by making clear to visiting American scientists that "North Korea has run both plutonium and uranium programs in a dual-use mode – that is, for bombs and electricity – from the beginning."<sup>19</sup> Particularly coupled with grave acts of physical violence such as sinking the ROK naval vessel Cheonan and shelling Yeonpyeong Island in 2010, the DPRK's provocations have served to underline to many would-be foreign interlocutors that the regime in Pyongyang is not one that can be trusted or constructively engaged.

### **Hardening Positions**

Over the last few years, the DPRK's conduct has steadily pushed officials in the United States – the country with which Pyongyang wants to "engage" diplomatically, and from which it wishes to receive acceptance as a nuclear weapons power, more than any other – into something very close to a rare bipartisan consensus on the *undesirability* of negotiating with North Korea on nuclear issues unless and until the regime there adopts a dramatically different approach.<sup>20</sup> President Barack Obama could hardly have entered office more eager to offer "an extended hand" to rogue regimes and

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18. "CIA Director Hayden Announces Findings on Covert Syrian Reactor" (April 24, 2008), [http://www.liveleak.com/view?i=bc5\\_1209539766](http://www.liveleak.com/view?i=bc5_1209539766).

19. Sigfried S. Hecker, "What I Found in North Korea," *Foreign Affairs* (December 9, 2010), <http://www.foreignaffairs.com/articles/67023/siegfried-s-hecker/what-i-found-in-north-korea>.

20. Christopher A. Ford, "Challenges of North Korean Nuclear Negotiation," in *Aspen DPRK-USA Dialogue*, *supra*, pp. 63, 70.

resolve proliferation problems through congenially diplomatic approaches,<sup>21</sup> but the DPRK quickly set about undermining its chances of bringing about a resumption of the lucrative (for North Korea) engagement policies seen under U.S. President Bill Clinton and in the second term of President George W. Bush.

It soon came to seem, as I observed in 2011, as if

“Obama officials ... [had] adopted a basic position not entirely unlike that of their hawkish counterparts ... [in which] it is nothing short of foolishness to engage in yet more negotiations in which international interlocutors try to ‘buy’ good behavior by Pyongyang, thus rewarding DPRK provocations and encouraging more.”<sup>22</sup>

In a joint statement issued in June 2009, for instance, President Obama and ROK President Lee Myung-bak summarized this conclusion quite clearly, declaring (in Obama’s words) that

“There’s been a pattern in the past where North Korea behaves in a belligerent fashion, and if it waits long enough is then rewarded with foodstuffs and fuel and concessionary loans and a whole range of benefits. And I think that’s the pattern that they’ve come to expect. The message we’re sending ... is [that] we are going to break that pattern. We are more than willing to engage in negotiations to get North Korea on a path of peaceful coexistence with its neighbors, and we want to encourage their prosperity. But belligerent, provocative behavior that threatens neighbors will be met with significant, serious enforcement of sanctions ....”<sup>23</sup>

Just this sort of DPRK provocation, however, continued even in 2011, apparently unabated. Most recently, in fact, it seems to have come to include cyberattacks upon South Korea’s banking infrastructure, in

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21. “Obama says ready to talk to Iran,” *Reuters* (January 27, 2009), <http://www.reuters.com/article/2009/01/27/us-obama-arabiya-idUSTRE50Q23220090127>.

22. Ford, “Challenges of North Korean Nuclear Negotiation,” *supra*, p. 70.

23. Joint Remarks by President Obama and President Lee Myung-bak (June 16, 2009), <http://www.cfr.org/proliferation/joint-remarks-president-obama-president-lee-myung-bak-june-2009/p19646>.

what one ROK official has termed “an unprecedented act of cyber-error involving North Korea.”<sup>24</sup>

What is one to make, then, of the report in mid-December 2011 that the DPRK had suddenly agreed to suspend its uranium enrichment operations in return for 240,000 tons of food assistance?<sup>25</sup> Coming all but simultaneously with Kim Jong-il’s fatal heart attack – which was announced two days later, having occurred on the morning of December 17, the same day that the purported nuclear suspension agreement was announced – this report was immediately overtaken by much more dramatic events. Nevertheless, the DPRK’s January 11, 2012 announcement of its potential willingness to freeze enrichment work and resume talks in return for 300,000 tons in food aid and the lifting of international sanctions<sup>26</sup> have given rise to new speculation about the future of nuclear negotiations.

Nevertheless, even before Kim Jong-il’s death, some observers had speculated in regard to the December 17 nuclear report that Pyongyang might simply be seeking to “buy time” to resolve its leadership issues by making vague promises of possible movement in the talks.<sup>27</sup> And this may, in fact, be precisely what that announcement represented. As President Obama has himself publicly suggested, North Korea certainly has a long track record of trying to engage foreign interlocutors in talks which prove ultimately fruitless but which nonetheless serve the DPRK’s interest in undercutting political momentum toward tougher sanctions or other coercive steps by

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24. Harlan, Chico & Ellen Nakashima, “Suspected North Korean cyberattack on a bank raises fears for S. Korea, allies,” *Washington Post* (August 29, 2011) (quoting Kim Young-dae), [http://www.washingtonpost.com/world/national-security/suspected-north-korean-cyber-attack-on-a-bank-raises-fears-for-s-korea-allies/2011/08/07/gIQAvWwIoJ\\_story.html](http://www.washingtonpost.com/world/national-security/suspected-north-korean-cyber-attack-on-a-bank-raises-fears-for-s-korea-allies/2011/08/07/gIQAvWwIoJ_story.html).

25. “Report: N. Korea agrees to suspend uranium enrichment,” *Jerusalem Post* (December 17, 2011), <http://www.jpost.com/LandedPages/PrintArticle.aspx?id=249798>.

26. Harlan, “N. Korea reopens door,” *supra*.

27. Martin Fackler, “For Kim’s Heir, Easing Anxiety in Asia Is a Key,” *New York Times* (December 20, 2011), pp. A1, A12 (quoting Masao Okonogi of Keio University in Tokyo).

outsiders, or which indeed actually succeed in obtaining aid or other benefits from foreign powers in return for Pyongyang's presence at the negotiating table.

Without some sign that North Korea has changed its fundamental strategic position and come to regard dismantlement of its nuclear program as a realistically negotiable possibility, there is no reason to believe the December 17 announcement – or KCNA's subsequent January 2012 reference to the possibility of just such a food-for-talks arrangement – to be anything different. "Buying time," after all, is perhaps even more important for today's post-Kim Jong-il regime in Pyongyang than it was for Kim himself earlier in December.

According to media reports, officials in Beijing had hoped the elder Kim would live for at least two or three more years in order to fix his succession policies more firmly in place,<sup>28</sup> and one may presume the regime in Pyongyang to have felt at least as strongly about this. After fate dashed any such plans, some Western observers quickly described Kim Jong-il's death as the harbinger of a potential political implosion. (In the words of longtime observer Victor Cha, for instance, "[s]uch a system cannot hold," and regional powers were now in "a scramble for plans to control loose nuclear weapons, should the regime collapse.")<sup>29</sup> In any event, with the future of the fledgling Kim Jong-un regime, such as it is, still quite uncertain, there is perhaps more reason than ever for the family dictatorship to wish to "buy time." There is, however, no more sign than before that it might be willing to accept anything remotely like denuclearization.

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28. Edward Wong, "China Exerts Influence Nurtured Over Decades," *New York Times* (December 20, 2011), p. A11.

29. Victor Cha, "China's Newest Province?" *New York Times* (December 20, 2011), p. A29. Kim Jong-il's death, Cha said, might even confront China with the decision of "whether to shed [its ally] North Korea or effectively adopt it as a province."

### ***Dim Prospects***

With Pyongyang's rhetoric having long indicated the regime's fundamental disinterest in denuclearization in any event – and with things under Kim Jong-un so far showing no sign of change – there is little reason to hold out hope for a denuclearization agreement. Indeed, for quite sound substantive reasons, the whole question has in the last few years become one vastly more difficult to imagine being successfully resolvable. With the DPRK's nuclear tests of 2006 and 2009 having demonstrated that North Korea's possession of actual nuclear weapons is a fact, rather than simply a gloomy foreign assumption, what it would actually mean to achieve denuclearization has changed markedly.

Whereas in the mid-1990s it was at least *possible* to entertain the idea that denuclearization might be achieved simply by dismantling the Yongbyon reactor and its associated plutonium reprocessing facility,<sup>30</sup> the nuclear tests demonstrated the existence of an additional, hidden infrastructure for weapons development – a system that, somewhere, would necessarily have involved a range of developmental activities and manufacturing capabilities, and presumably also war-head weaponeering and delivery system work. Today, since it is no longer possible to deny the existence of such activities, meaningful denuclearization would necessarily have to include the verified elimination of these aspects of the DPRK's program as well. The location and nature of these facilities and capabilities are presently unknown to the outside world, however, and they are of enormously greater security sensitivity than the reactor and plutonium complex at

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30. Even then, there was a degree of deliberate equivocation built into the Western diplomatic approach to negotiating with Pyongyang. The plutonium that North Korea had separated *before* the 1994 Agreed Framework was, in effect, deliberately ignored in the interests of reaching *some* deal to foreclose the creation of a plutonium production pipeline at Yongbyon. Ford, "Challenges of North Korean Nuclear Negotiation," *supra*, p. 74. Nevertheless, it seems that some in Washington believed that "getting" Yongbyon was enough to "solve" the DPRK nuclear problem. To say the least, that is a vastly less tenable assumption today.

Yongbyon into which international inspectors have been from time to time permitted over the years.

And as if that were not enough to make a meaningful elimination and verification protocol seem impossibly difficult to negotiate with the DPRK's notoriously secretive and paranoid totalitarian regime, the DPRK's revelation to a visiting American scientist in November 2010 of an apparently quite sophisticated 2,000-centrifuge cascade at Yongbyon<sup>31</sup> has raised the ante still further. As I have noted elsewhere, this might well in *itself* be enough to preclude the successful resolution of future nuclear negotiations, on account of what the demonstrable existence of an advanced and extensive uranium program will necessarily entail with regard to denuclearization – and, in particular, its verification.<sup>32</sup> Pyongyang's decision to dispel ambiguity about the existence of the uranium program saddles nuclear negotiators with an enormous additional challenge by leaving them no defensible alternative to insisting upon intrusive verification provisions designed to establish the scope and breadth of this uranium work, and to ensure that it is actually dismantled pursuant to any denuclearization agreement. (In fact, as if to underline the problem, South Korean media sources – citing what purported to be new information from an alleged DPRK defector – were suggesting in late 2011 that the DPRK has a *second* uranium enrichment plant, built secretly at Tongchang in 2006.<sup>33</sup>)

Finally, as noted earlier, the existence of a mature and apparently well-established uranium program also demonstrated that North Korea has been negotiating in bad faith for many years, thus making it all the harder for foreign diplomats to trust their DPRK interlocutors in the future. Even if denuclearization were somehow genuinely to

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31. Sigfried S. Hecker, "A Return Trip to North Korea's Yongbyon Nuclear Complex" (November 20 2010), <http://iis-db.stanford.edu/pubs/23035/HeckerYongbyon.pdf>.

32. Ford, "Challenges of North Korean Nuclear Negotiation," *supra*, pp. 14-16.

33. "N. Korea 'Has New Enrichment Facility,'" *Chosun Ilbo* (October 25, 2011), [http://english.chosun.com/site/data/html\\_dir/2011/10/20/2011102001069.html](http://english.chosun.com/site/data/html_dir/2011/10/20/2011102001069.html).

return to the negotiating agenda, therefore, its actual achievement would face staggering obstacles for so long as the DPRK regime remains in power.

Despite all this, however, until not long before Kim Jong-il's death, North Korea continued to claim – as Kim reportedly recently told Chinese Vice Premier Li Keqiang<sup>34</sup> – that the Six-Party Talks agreement of September 19, 2005 should be the basis for future discussions. Since that document carefully declined explicitly to address the issue of North Korea's uranium program – merely referring to the DPRK “abandoning all nuclear weapons and existing nuclear programs” and returning to the NPT,<sup>35</sup> since Pyongyang then refused to admit the existence of its uranium program<sup>36</sup> – or to discuss its weapons complex and proliferation activities, this is hardly a promising point from which to begin even if the DPRK had not made clear that it does not wish to relinquish its nuclear weapons anyway.

Today, Pyongyang seems to be dangling the possibility of a uranium “freeze” in front of Western negotiators, but as the world discovered after 1994, a mere freeze is worlds away from denuclearization – which is another way of saying that however attractive *talks* may seem to the diplomats whose job it is to engage in them, the odds of a real *resolution* through such means are low indeed. In any event, the issues of plutonium weapons and the DPRK's proliferation of nuclear technology to other countries (e.g., Libya, Syria, and perhaps even Burma) remain unmentionable.

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34. Stephanie Nebehay, “U.S. and North Korea conclude Geneva Talks,” *Reuters* (October 25, 2011), <http://www.reuters.com/article/2011/10/25/us-korea-north-us-idUSTRE79N7GV20111025>.

35. Joint Statement of the Fourth Round of Six-Party Talks, *supra*.

36. “North Korea denies uranium program: U.S. envoy,” *Reuters* (February 20, 2008), <http://www.reuters.com/article/2008/02/20/us-korea-north-uranium-idUST32775720080220>.

### **The DPRK's Outlook**

The shadow of Kim Jong-il's worsening health in the latter years of the first decade of the century raised increasing questions not only about the future of the nuclear negotiations, but about the future of the DPRK regime. Various reports of the elder Kim's alleged ill health began to surface in 2008 – among them stories of one or more strokes, epilepsy, and/or pancreatic cancer<sup>37</sup> – and by early 2010, such questions had come to focus outside attention upon leadership issues.<sup>38</sup> By late 2011, it was widely believed in the outside world that the challenges of the leadership transition process, into which the country had clearly begun to move, would likely make it harder than ever for Pyongyang to revise its now apparently steadfast commitment to retaining nuclear weaponry (i.e., to not negotiating seriously about denuclearization). At the time of this writing, there is no sign that Kim Jong-il's sudden death in December 2011 has done anything but accentuate this.

What passes for “politics” in North Korea is a world which most outsiders presume to be a hothouse of secretive conspiratorial maneuvering, in which the revolutionary struggle and the threats allegedly presented by outside powers are constantly invoked, and

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37. “U.S. embassy cables: Kim Jong-il's power weakens after stroke,” *The Guardian* (November 30, 2010) (reprinting leaked U.S. cable traffic on Kim's stroke and consequent political prospects), <http://www.guardian.co.uk/world/us-embassy-cables-documents/243031>; “Grief and Fear,” *supra* (describing stroke); Herb Keinon et al., “Ahmadinejad is Hitler; Sarkozy is a Naked Emperor,” *JPost.com* (November 28, 2010) (discussing leaked U.S. cables suggesting, *inter alia*, that Kim Jong-il suffers from epilepsy), <http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=197115>; Choe Sang-hun, “N. Korean Leader Dying of Cancer, Report Says,” *New York Times* (July 13, 2009) (discussing media report citing Chinese and ROK intelligence sources about Kim's alleged pancreatic cancer, as well as his stroke in August 2008), <http://www.nytimes.com/2009/07/13/world/asia/13korea.html>.

38. Justin McCurry, “Kim Jong-il birthday overshadowed by health and economic fears,” *The Guardian* (February 16, 2010), <http://www.guardian.co.uk/world/2010/feb/16/kim-jong-il-birthday-celebrations>.

in which the penalty for being accused of weakness (i.e., not just disgrace but quite possibly death or a short but brutalizing life of incarceration in the DPRK's vast network of political prison camps<sup>39</sup>) is vastly higher than the cost of being known for an almost psychotically paranoid and militaristic vigilance. In this environment, and especially in a time of leadership uncertainty, it seems quite unlikely that any protagonist would be willing to contemplate any step that could conceivably be painted as "giving in" to the hated Americans. Indeed, many observers already credit DPRK leadership succession politics, and the presumed imperative of militarist chest-thumping in order to appease hardliners in the armed forces, as the reasons for that country's belligerence in 2010, when it sunk the patrol craft Cheonan and shelled Yeonpyeong Island.<sup>40</sup>

At the time of this writing, the dynastic heir apparent, Kim Jong-un – a callow young man apparently in his late 20s, not long out of an expensive Swiss boarding school, who seems to have no meaningful experience of anything, but who was declared a four-star general and made chairman of the Central Military Commission shortly before his father's death – has officially assumed proprietorship of the family business. It is not clear, however, the degree to which he actually rules North Korea. How capable he is of fulfilling his notional responsibilities – and, perhaps more importantly, how prepared various institutional elements within the regime are to accept him as a genuine leader (or, alternatively, how prepared he is to accept merely a figurehead or "puppet" role<sup>41</sup>) – are very hard to ascertain. The odds

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39. David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps* (Washington, DC: U.S. Committee for Human Rights in North Korea, 2003) (describing penal institutions administered by the People's Safety Agency and the National Security Agency, as well as detention labor centers run by police forces).

40. Stephen McDonnell, "North Korea attack linked to leadership succession," *ABC News* (November 26, 2010) (noting that according to DPRK media, just before the artillery attack, both Kims visited the artillery base that mounted the assault, and that "[m]any analysts say the shelling of Yeonpyeong Island was a way for North Korea's leader in waiting to bolster his military credentials").

41. Western coverage of the purported Kim Jong-un accession has noted that at

of an easy transition are by many accounts quite low, particularly since the youngest inheritor of the DPRK's *de facto* crown is likely to have an even more tenuous hold than his father did upon the kind of besotted and all-forgiving personality cult that surrounded his grandfather, the regime's founder, Kim Il Sung.

Many observers, in fact, feel there to be a considerable danger of internal conflict in connection with internal succession-related struggles – and such predictions seem only to have intensified with Kim Jong-il's sudden death.<sup>42</sup> This is a troubling possibility in its own right, of course, which will surely necessitate more focus upon “worst-case” contingency planning for the DPRK's neighbors – some of which is rumored already to have begun, as indeed U.S. Pacific Command officials and South Korean think tanks were said to be discussing in early 2010,<sup>43</sup> and which American officials may have first urged upon their Chinese interlocutors during the George W. Bush Administration.

Internal tensions attendant to this transitional period also present a real danger of additional provocations in 2012, perhaps of the sort in which North Korea engaged in 2010. Given that the DPRK's assault upon Yeonpyeong Island in 2010 closely followed the Kims' father-son visit to the artillery base that perpetrated the attack<sup>44</sup> – leading many observers to see the shelling as signaling some perverse kind of bonding between the family dynasty and belligerent military

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the highly-choreographed state funeral for Kim Jong-il, several key figures closely associated with the deceased stood close behind the young Kim – all of whom, it has been suggested, might play a role as powers behind his throne or “regents”: Kim's aunt Kim Kyung Hui, her husband Jang Sung Taek, and General Ri Young-ho. See “Grief and Fear,” *The Economist* (December 31, 2011), pp. 15, 16.

42. Cha, “China's Newest Province?” *supra*.

43. Lauren Frayer, “North Korea Threatens Nuclear Strikes on United States, South Korea,” *AOL News* (March 26, 2010), <http://www.aolnews.com/2010/03/26/north-korea-threatens-nuclear-strikes-on-south-us/>.

44. Jeremy Laurence, “North Korean leader and son visited artillery site: reports,” *Reuters* (November 25, 2010), <http://www.reuters.com/article/2010/11/25/us-korea-north-kim-idUSTRE6AO0AT20101125>.

hardliners<sup>45</sup> – and given the regime’s history of provocative “crisis diplomacy” in search of attention and diplomatic concessions, some new violence could occur in 2012.

In November 2011, for instance, Pyongyang was already making additional threats, speaking on the anniversary of the Yeonpyeong attack of unleashing a “sea of fire” upon South Korea’s presidential palace,<sup>46</sup> a threat that resurfaced in the Central Committee/Central Military Commission proclamation after Kim Jong-il’s death.<sup>47</sup> New provocations would not necessarily fit well with the DPRK strategy of trying to “buying time” to sort out internal leadership succession issues, of course. Nonetheless, if they were perceived – in Pyongyang at least – as being the result of some kind of foreign provocation, such belligerent steps remain quite easy to imagine. At the very least, all of this bodes ill for the chances of the DPRK regime being able to show strategic flexibility by reversing its nuclear policy.

## **Attitudes of Other Regional Players**

For various internal reasons, moreover, no other potential participant in any resumed talks seems likely soon to develop any significant interest in taking new positions in the long-stalled nuclear dialogue either.

### ***United States***

The U.S., of course, is heading into a presidential election in 2012,

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45. Bill Powell, “Behind the Koreas’ Artillery Fire: Kim’s Succession,” *Time* (November 23, 2010), <http://www.time.com/time/world/article/0,8599,2032806,00.html>.

46. “North Korea threatens ‘a sea of fire’ upon South Korea,” *CNN* (November 25, 2011), <http://www.cnn.com/2011/11/24/world/asia/north-korea-sea-of-fire/index.html>.

47. “Joint Calls of Central Committee and Central Military Commission of WPK Published,” *supra*.

the opening rounds of which are already well underway at the time of writing, and in which President Obama will be preoccupied not only by the mechanics and psychology of campaigning but by the imperative of deflecting criticism from the political right. At the time of writing, his greatest vulnerabilities lie in the arena of domestic economic policy: issues such as the country's debilitating national debt (which has already increased by a staggering \$4 trillion on his watch<sup>48</sup>) and the maddeningly slow pace of job creation. Especially as Obama pulls out of Afghanistan apparently against the advice of his generals – and with his recently-announced withdrawal of 30,000 troops scheduled to coincide with the November 2012 election<sup>49</sup> – the White House will presumably not wish to add additional foreign policy “weakness” to his list of concerns. Almost all of the president's Republican political challengers tend to take more hawkish positions on national security issues than he does, not least on North Korean matters.<sup>50</sup> Accordingly, there is unlikely to be any significant political

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48. Mark Knoller, “National debt has increase \$4 trillion under Obama,” *CBS News* (August 22, 2011), [http://www.cbsnews.com/8301-503544\\_162-20095704-503544.html](http://www.cbsnews.com/8301-503544_162-20095704-503544.html).

49. Ewen McAskill, Nick Hopkins, & Patrick Wintour, “Barack Obama and Pentagon split on Afghanistan pullout,” *The Guardian* (June 21, 2011), <http://www.guardian.co.uk/world/2011/jun/21/barack-obama-and-pentagon-split-on-afghanistan>.

50. The Republican front-runner at the time of this writing, Mitt Romney has committed himself in his campaign literature, for instance, to “eliminating North Korea's nuclear weapons and its nuclear weapons infrastructure.” According to Romney, “[a] key mistake in U.S. policy toward North Korea has been to grant it a series of carrots in return for only illusory cooperation. Each step the world has taken toward North Korea has been met with further provocations and expansion of its nuclear program. Over the years, North Korea has found that its pursuit of a nuclear weapon reaps it material and diplomatic rewards, taking away any incentive for it to end its program.” He promised to “reverse that dynamic” by making it “unequivocally clear to Pyongyang that continued advancement of its nuclear program and any aggression will be punished instead of rewarded.” Romney for President, *An American Century: A Strategy to Secure America's Enduring Interests and Ideals* (October 11, 2011), pp. 28-29, [http://www.mittromney.com/sites/default/files/shared/AnAmericanCentury-WhitePaper\\_0.pdf](http://www.mittromney.com/sites/default/files/shared/AnAmericanCentury-WhitePaper_0.pdf).

pressure on Obama to make concessions to Pyongyang – and some political reasons not to.

Accordingly, Washington has incentives to be cautious about any re-engagement with the DPRK unless something very dramatic indeed can be gained in return. Having previously staked out a strong position against reinforcing the traditional U.S. dynamic of concessionary negotiations predicated upon “crisis diplomacy” provocations by Pyongyang,<sup>51</sup> Obama has some reason to avoid doing anything now except holding a fairly firm line. This tendency, moreover, is likely to be strengthened by his determination to project the image – and apparently build the reality<sup>52</sup> – of a United States resolutely “back” in East Asia by building and maintaining a vigorous regional presence and firm alliance commitments.<sup>53</sup>

To be sure, U.S. and North Korean representatives did meet for exploratory discussions in Geneva in late October 2011, and as we have seen, it was reported just before the announcement of Kim Jong-il’s death that some kind of tentative agreement may have been reached about the DPRK resuming nuclear discussions in return for payments of U.S. food aid. Quite apart from the fact that there is no sign that Pyongyang is remotely interested in genuine denuclearization, however – as opposed to more rounds of endless and fruitless talk in return for outside help in feeding its starving population – it is not clear how seriously such talks are really taken even on the American side.

Seeming to highlight the unlikelihood of any real movement, in fact, the U.S. State Department announced shortly *before* the October

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51. See Joint Remarks by President Obama and President Lee Myung-bak, *supra*.

52. “U.S., Australia Agree to Military Force Deployment,” *VOA News* (November 16, 2011), <http://www.voanews.com/english/news/asia/US-Australia-Agree-to-Military-Force-Deployment-133946093.html>.

53. The current American phrasing about being “back” may be analytically and historically confused, but the impression of continuing presence and renewed commitment seems clear enough. “Tension grows as U.S. ‘Back in Asia’,” *Xinhuanet* (November 22, 2011), [http://news.xinhuanet.com/english/2010/video/2011-11/22/c\\_131261603.htm](http://news.xinhuanet.com/english/2010/video/2011-11/22/c_131261603.htm).

2011 discussions that its nuclear envoy Stephen Bosworth would be resigning effective just *after* the Geneva meetings.<sup>54</sup> (Whatever this step might actually have been, this certainly did not *look* like a vote of confidence.) Before the Geneva discussions, moreover, U.S. officials described the talks as being designed merely to keep Pyongyang engaged in order to prevent “miscalculations.”<sup>55</sup> Victor Cha, for one, interpreted this as representing modest goals indeed – specifically, the Obama Administration’s desire to “avert a crisis in an election year,”<sup>56</sup> presumably by giving Pyongyang an incentive not to engage in the traditional provocative “crisis diplomacy” it has frequently tried to use in the past to rattle foreign partners and bring them back to the negotiating table in a more concession-minded mood.<sup>57</sup> As John Park of the U.S. Institute of Peace put it, the point of these talks seemed simply to be “to try to engage North Korea in some kind of talks as a way to prevent future provocations.”<sup>58</sup>

In this respect, perhaps, and with an election year looming, Washington may have acquired an incentive, in effect, to quasi-collaborate with Pyongyang, not in *resolving* the nuclear problem but rather in making a show of *talking* about it as a temporizing strategy – that is, as a way of creating and maintaining the fiction

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54. U.S. State Department Deputy Spokesman Mark C. Toner, daily press briefing (October 19, 2011), <http://www.state.gov/r/pa/prs/dpb/2011/10/175871.htm>.

55. Stephanie Nebehay, “U.S. and North Korea hold ‘useful’ talks in Geneva,” *Reuters* (October 24, 2011) (quoting Cha), <http://www.reuters.com/article/2011/10/24/us-korea-north-us-idUSTRE79N1Y020111024?feedType=RSS&feedName=topNews>.

56. Matthew Pennington, “New U.S. envoy seasoned in nuclear diplomacy but faces tall order in getting N. Korea to disarm,” *Associated Press* (October 20, 2011), [http://hosted.ap.org/dynamic/stories/U/US\\_US\\_NKOREA?SITE=KTVB&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/U/US_US_NKOREA?SITE=KTVB&SECTION=HOME&TEMPLATE=DEFAULT) (quoting Cha).

57. Chuck Downs, *Over The Line* (Washington, DC: AEI Press, 1999), pp. 101, 117-118 (giving examples).

58. David Gollust, “U.S. North Korea ‘Narrow Differences’ in Geneva Talks,” *Voice of America* (October 25, 2011) (quoting Park), <http://www.voanews.com/english/news/asia/US-North-Korea-Narrow-Differences-in-Geneva-Talks-132567108.html>.

that negotiated progress is possible in order to put off wrestling with the implications of a conclusion to the contrary. Preparing to fight for his political life against the Republican nominee, Barack Obama's White House may be eager to put off these implications; faced with the imperatives of consolidating power, Kim Jong-un (and his backers or handlers, whomever they may be) may find himself unready as well. These dynamics may perhaps end up encouraging things that *look* like preparations for nuclear negotiation, but there may be no necessary connection between such noises and the prospects of reaching real agreement.

Even if present U.S. policy is motivated by simplistically parochial political calculations related to the 2012 U.S. presidential elections, of course, forestalling DPRK provocations – through pointless talks if necessary – is not necessarily an unworthy goal. But it is not denuclearization either, and of *that* there still seems little likelihood.

### **China and Russia**

Leadership contests are also both underway in both Beijing and Moscow, though “contest” may not be quite the right word with to describe Vladimir Putin's self-re-anointment as Russia's president.<sup>59</sup> Neither of these succession processes is characterized by U.S.-style electoral politics – with the process in Beijing, in particular, being a famously opaque one of personal and factional maneuvering behind closed doors within the Chinese Communist Party – but in both

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59. With his hand-picked successor Dmitry Medvedev having occupied the presidency for him long enough to Putin to be constitutionally permitted to run for a third term – more than two *consecutive* terms being unlawful – Medvedev will now conveniently step aside. Maxim Tkachenko, “Medvedev said he cedes presidency bid to Putin because he is more popular,” CNN (September 30, 2011), [http://articles.cnn.com/2011-09-30/world/world\\_europe\\_medvedev-putin-popularity\\_1\\_putin-or-medvedev-ruling-united-russia-party-levada-center?\\_s=PM:EUROPE](http://articles.cnn.com/2011-09-30/world/world_europe_medvedev-putin-popularity_1_putin-or-medvedev-ruling-united-russia-party-levada-center?_s=PM:EUROPE). Putin is thus slated to be returned to the highest office in Russia in 2012, presumably for another two terms; no outside observer questions his inevitable success in the “managed democracy” of modern Russia.

cases it seems an improbable time to expect new diplomatic flexibility on the DPRK nuclear issue. Russia and China had long been the Six-Party partners least interested in pressing the DPRK toward denuclearization, with the People's Republic of China (PRC) being especially reluctant in recent years, and their anticipated leadership changes are unlikely to alter this.

If anything, the once and future Russian President, Vladimir Putin – who has more of a penchant for anti-American posturing than his more emollient time-serving stand-in Dmitry Medvedev – may take a *stronger* line protecting Pyongyang from foreign pressure. The DPRK-related inclinations of China's presumptive next leader Xi Jinping are unknown, but in this era of relatively colorless CCP collective leadership, the man most observers expect to emerge as China's next top man is not expected to bring much that is new to the DPRK equation. Indeed, the tendency of modern CCP leaders to take what are in some ways more assertive foreign policy positions (at least over Taiwan) in the wake of a succession struggle, as did Jiang Zemin in 1995-1996 (with military exercises) and Hu Jintao in 2004 (with new anti-"secession" posturings)<sup>60</sup> – dynamics which are perhaps the result of internal needs to placate or solidify support from hawkish military and security interests, or to offer a sop to the country's increasingly potent popular nationalism, or both – might even make China more recalcitrant on DPRK denuclearization than ever. (America's renewed posture as being "back" in Asia is also unlikely to make Beijing keen to contemplate anything other than playing a continuing role as the key regional "enabler" of the North Korean regime, which plays some role as a "buffer" between the PRC and the U.S.-allied ROK.)

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60. Richard McGregor, *The Party: The Secret World of China's Communist Rulers* (New York: HarperCollins, 2010), pp. 128-129.

## **Japan**

For its part, Japan's leadership remains preoccupied by domestic political maneuvers and the continuing aftereffects of the Fukushima nuclear disaster, with the resignation of Prime Minister Naoto Kan in the summer of 2011 having led to what one Japanese political scientist called a period of "real chaos."<sup>61</sup> Japanese Foreign Minister Koichiro Gemba visited Seoul in October 2011 to discuss the DPRK issue – along with a good many other subjects – in talks with his South Korean counterpart, Kim Sung-hwan.<sup>62</sup> Kan's successor, Yoshihiko Noda, is the country's sixth prime minister in five years, however, and he seems likely to remain preoccupied by domestic challenges, and will probably be disinclined to invest much political capital in the DPRK nuclear question – especially absent clear signals of some new approach from Washington and Seoul.

## **Republic of Korea**

The most interesting potential domestic political dynamics relevant to the DPRK nuclear situation are in South Korea, where constitutional term limits preclude President Lee Myung-bak's re-election and where Lee's party faces a serious electoral challenge not from the Right but from the Left – from what, by late 2011, at least, was shaping up to be a coalition between two left-of-center parties, the Democratic Labor Party (DLP) and the New Progressive Party (NPP). Having succeeded Roh Moo-hyun, a president who largely continued the comparatively indulgent "Sunshine Policy" toward the North articulated by his predecessor, Kim Dae-jung, President Lee took a conspicuously

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61. Sachiko Sakamaki and Takashi Hirokawa, "Japan Politics 'Chaos' with Kan Resignation Vow," *Bloomberg* (June 3, 2011), <http://www.bloomberg.com/news/2011-06-02/japan-in-real-chaos-as-kan-succession-maneuvering-delays-reconstruction.html>.

62. "S. Korean, Japanese FMs set for talks on N. Korea, bilateral ties," *Yonhap News Agency* (October 6, 2011), <http://english.yonhapnews.co.kr/national/2011/10/06/16/0301000000AEN20111006003200315F.HTML>.

tougher line – especially in reaction to the DPRK provocations of 2010 – and enjoyed much closer relations with the Americans. Given that both the DLP and NPP are said to favor a “few-questions-asked outreach to North Korea and rarely, if ever, question the legitimacy of its dictatorship,”<sup>63</sup> such electoral pressures as there may be that relate to the DPRK nuclear issue are likely to be toward greater compromise and more concessions to Pyongyang. (As we have seen, in fact, Kim Jong-il’s death has already provided Lee himself with the opportunity to call for a “new era” of cooperation, though this has so far been caustically spurned by officials in the North.) Seoul’s approach to DPRK issues, therefore, could change – either as a result of pre-election posturing, or in the event of a change of party in the Blue House.

That said, there is very little that the ROK can do, *on its own*, on the DPRK nuclear issue. (Other aspects of engagement might be another story, particularly with regard to the economic and other contacts that characterized the older “Sunshine Policy.”) Pyongyang covets the political and nuclear weapons legitimacy that it feels Washington alone can supply, and although engagement with Seoul has been welcomed in the North where this involves the receipt of fuel oil, economic assistance, payments in return for diplomatic exchanges,<sup>64</sup> or other benefits, the DPRK seems to feel that it cannot get the recognition and international status it desires without a deal with the Americans.<sup>65</sup> Accordingly, while the ROK elections do present

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63. Evan Ramstad, “Positioning Accelerates for 2012 Elections,” *Wall Street Journal/Korea Real Time* (June 7, 2011), <http://blogs.wsj.com/korearealtime/2011/06/07/positioning-accelerates-for-2012-elections/>.

64. “N. Korea still Expects Payment for Summit,” *Chosun Ilbo* (October 7, 2011), [http://english.chosun.com/site/data/html\\_dir/2010/02/26/2010022600353.html](http://english.chosun.com/site/data/html_dir/2010/02/26/2010022600353.html).

65. Another complication is that neither Korean government – at a fairly basic constitutional level – recognizes the legitimacy of the other. Article 1 of the DPRK constitution defines its government as “representing the interests of all of the Korean people,” including, pursuant to Article 15, all Koreans overseas. (Article 9 also commits the DPRK to a “struggle” to reunify the peninsula.) *Constitution of the Democratic People’s Republic of Korea* (April

something of a potential “wild card” with respect to international engagement with Pyongyang in general, *the nuclear stalemate* itself seems unlikely to change much as a result of political and leadership developments in Seoul.

So far, moreover, the South Korean government seems to remain firmly committed to denuclearization. After a July 2011 meeting between DPRK and ROK officials, a joint statement by South Korea, the United States, and Japan stressed both that Pyongyang must “make sincere efforts” to improve relations with the ROK before any talks could resume under the Six-Party aegis, and that the DPRK uranium program must be addressed in any such talks. This represents a tougher position than at the last point at which there was any sort of Six-Party agreement – in July 2008, when these same countries were content to put off indefinitely any effort to deal with the uranium problem. At that time, it was agreed, rather limply, merely that the DPRK would “acknowledge” U.S. concerns about uranium.<sup>66</sup> (North Korea’s 2010 enrichment revelations have made such evasions impossible now.) More recently, South Korean officials have told the press that they do not expect new talks any time soon, stressing that “[w]e cannot go to Six-Party Talks when [the DPRK’s various] nuclear programs are up and running.” Seoul and Washington have continued their insistence that North Korea demonstrate a

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2009), <http://asiamatters.blogspot.com/2009/10/north-korean-constitution-april-2009.html>. For its part, the ROK constitution’s Article 3 defines ROK territory as “the Korean peninsula and its adjacent islands.” (Article 4, however, stresses the importance of “peaceful reunification based on the principles of freedom and democracy.”) *Constitution of the Republic of Korea* (as amended October 29, 1987), [http://english.court.go.kr/home/att\\_file/download/Constitution\\_of\\_the\\_Republic\\_of\\_Korea.pdf](http://english.court.go.kr/home/att_file/download/Constitution_of_the_Republic_of_Korea.pdf). DPRK officials have said that “the U.S. does not acknowledge the DPRK as a legitimate sovereign state,” but no *constitutional* obstacles, at least, would impede the kind of accord Pyongyang desires in order to achieve “normalization of relations between the two countries.” Cf. Choe Son Hui, *supra*, pp. 52-53.

66. Assistant Secretary of State for East Asian and Pacific Affairs Christopher Hill, statement to the Senate Committee on Armed Services (July 31, 2008), p. 3, [http://www.ncnk.org/resources/publications/Amb\\_Hill\\_Testimony\\_SASC\\_July\\_08.pdf](http://www.ncnk.org/resources/publications/Amb_Hill_Testimony_SASC_July_08.pdf).

commitment to denuclearization before talks could resume.<sup>67</sup> So far, at least, Kim Jong-il's demise has not shaken this insistence: as noted earlier, Lee Myung-bak's January 2012 call for a "new era" of peninsular cooperation<sup>68</sup> was predicated upon the DPRK showing its "sincerity" by shifting on the nuclear issue.

### **Alternative Approaches?**

Despite claims that the October 2011 discussions between U.S. and DPRK officials in Geneva were "positive and generally constructive,"<sup>69</sup> and notwithstanding reports just before Kim's death of a tentative talks-for-food agreement, therefore, there would seem little chance of real movement on the underlying nuclear issue. This substantive impasse has led some observers to speculate about what alternatives might be possible. For better or for worse, there seem to be few.

#### ***The "Libyan Model"***

In early 2011, this author argued in a paper presented to DPRK interlocutors at a "Track II" dialogue sponsored by the Aspen Institute Germany, that the example of Libyan policy in 2003-2004 might provide a model for how the North Korean nuclear situation can be resolved.<sup>70</sup> Libya, I pointed out, had managed to turn around a terribly poisonous and adversarial relationship with the United States by abandoning

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67. Peter Crall, "U.S., North Korea Hold Bilateral Talks," *Arms Control Today* (September 2011), [http://www.armscontrol.org/2011\\_09/U.S.\\_North\\_Korea\\_Hold\\_Bilateral\\_Talks](http://www.armscontrol.org/2011_09/U.S._North_Korea_Hold_Bilateral_Talks).

68. Jin Sung-chul, "S. Korean president sees 'window' to deal with North," *supra*.

69. "Progress in U.S. – N. Korea talks but no deal on resuming full nuclear negotiations," *Associated Press* (October 25, 2011), [http://www.washingtonpost.com/world/europe/us-north-korea-talks-over-pyongyangs-nuclear-program-show-some-progress-in-geneva/2011/10/25/gIQA84pkEM\\_story.html](http://www.washingtonpost.com/world/europe/us-north-korea-talks-over-pyongyangs-nuclear-program-show-some-progress-in-geneva/2011/10/25/gIQA84pkEM_story.html).

70. Ford, "Challenges of North Korean Nuclear Negotiation," *supra*, pp. 77-80.

its longstanding support for international terrorism and relinquishing its weapons of mass destruction (WMD) programs through a cooperative, trilateral (U.S.-UK-Libyan) elimination and verification program.<sup>71</sup> As a result, the United States was willing to restore diplomatic relations with the regime of Libyan dictator Muammar Qaddafi, and to permit a wide range of new economic and commercial relationships with his government, including lucrative oil contracts with American firms. Perhaps, I speculated, North Korea – which desires just such normalization from Washington – could learn from this.

Unfortunately for DPRK denuclearization – though quite fortunately for the Libyan people themselves – events in North Africa have developed in ways that make “the Libyan model” of WMD relinquishment quite politically unsaleable in Pyongyang. As seen through the eyes of the DPRK regime, Qaddafi’s relinquishment of his WMD programs in 2003-2004, the NATO-facilitated ouster of his government in 2011, and Qaddafi’s own gruesome death at the hands of his own people on October 20 of that year<sup>72</sup> are not unrelated events, but rather a sinister Western stepping-stone strategy that first disarmed and then destroyed the Libyan tyrant. As it was put

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71. In retrospect, this elimination program – while clearly a great success overall – was perhaps not quite as complete as originally hoped. In late 2011, for instance, Libyan rebels overran and captured a 9.5-ton cache of mustard gas that the Qaddafi regime had apparently hidden away in contravention of its earlier claims to have destroyed all Libya’s chemical weaponry. (By some accounts, moreover, Iran may have provided Libya with specialized artillery shells for this secret gas stockpile.) Ian Black, “Libyan rebels discover Gaddafi’s chemical weapons,” *The Guardian* (September 22, 2011), <http://www.guardian.co.uk/world/2011/sep/22/libyan-rebels-gaddafis-chemical-weapons>; R. Jeffrey Smith, “Iran may have sent Libya shells for chemical weapons,” *Washington Post* (November 20, 2011), [http://www.washingtonpost.com/world/national-security/iran-may-have-sent-libya-shells-for-chemical-weapons/2011/11/18/gIQA7RPifN\\_story.html](http://www.washingtonpost.com/world/national-security/iran-may-have-sent-libya-shells-for-chemical-weapons/2011/11/18/gIQA7RPifN_story.html). That said, there have been no reports of Libyan cheating on the nuclear aspects of its 2003 relinquishment agreement with the United States and the United Kingdom.

72. Kareem Fahim, Anthony Shadid, & Rick Gladstone, “Violent End to an Era as Qaddafi Dies in Libya,” *New York Times* (October 20, 2011), [http://www.nytimes.com/2011/10/21/world/africa/qaddafi-is-killed-as-libyan-forces-take-surt.html?\\_r=1&hp](http://www.nytimes.com/2011/10/21/world/africa/qaddafi-is-killed-as-libyan-forces-take-surt.html?_r=1&hp).

by the DPRK's official news agency, KCNA, events in 2011 are said in Pyongyang to have demonstrated that

“Libya’s nuclear dismantlement’ much touted by the U.S. in the past turned out to be a mode of aggression whereby the latter coaxed the former with such sweet words as ‘guarantee of security’ and ‘improvement of relations’ to disarm itself and then swallowed it up by force.”<sup>73</sup>

It does not matter much that this analysis is deeply flawed, both factually and analytically, and that the “Libyan model” in truth still has great salience for DPRK denuclearization. Pyongyang interprets Libya as proving that denuclearization would be the prelude to disaster for the Kim family regime – and this impression is likely only to be highlighted by the gory snapshots and videos of Qaddafi’s impromptu execution that so quickly went “viral” on the Internet (Such footage must have seemed troubling indeed to Kim Jong-il and his son). The DPRK’s conclusion in this regard, false though it may be, makes negotiated denuclearization on the Korean peninsula more unlikely now than ever.

### ***Other Possibilities***

Other alternatives to addressing the dangers of the DPRK’s nuclear weapons programs also seem unlikely to bear fruit. Let us examine three of these possibilities: (1) U.S.-DPRK dialogue or cooperation on nuclear weapons safety and security; (2) the establishment of International Atomic Energy Agency (IAEA) safeguards in North Korea as some kind of interim measure pending final agreement on the underlying nuclear issue; and (3) incorporating the DPRK into the nuclear security process represented by the 2012 Nuclear Security Summit in Seoul and any follow-up summits that may occur.

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73. “Foreign Ministry Spokesman Denounces U.S. Military Attack on Libya,” KCNA (March 22, 2011), <http://www.kcna.co.jp/item/2011/201103/news22/20110322-34ee.html>.

## Safety and Security Cooperation

The history of the U.S.-Soviet nuclear relationship might seem to suggest some chance of U.S.-DPRK contacts aimed at improving the safety and security of North Korean nuclear weaponry until such time as these devices can be eliminated pursuant to a future denuclearization agreement. Alarmed by their receipt of information suggesting that Soviet nuclear warheads were inadequately secured against accidental or unauthorized use, one might recall, U.S. officials were willing to meet with their communist counterparts in 1962 – at time when both countries perceived themselves still to be locked in a struggle over the future of the world – in order to pass along some details about how the American military secured its nuclear weapons in order to encourage Moscow to take similar steps. (This allegedly led to real improvements in Soviet nuclear weapons safety, with potentially enormous benefits to international peace.)<sup>74</sup> In 1971, moreover, the United States and the USSR signed an agreement on mutual consultation and notification procedures designed to reduce the risk of accidental nuclear war between them.<sup>75</sup>

Applying this historical precedent to the U.S.-DPRK situation, however, is more problematic than it might at first appear, for American officials would find it extremely difficult to escape the implication that any such steps served to *legitimate* the very North Korean nuclear weapons program Washington seeks to eliminate, and to which it remains firm U.S. (and South Korean, and Japanese) policy to deny legitimacy. Soviet “denuclearization,” after all, was never seriously on the Cold War negotiating agenda after Moscow had rejected the Americans’ Baruch Plan for international control of

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74. Herman Kahn, *Thinking about the Unthinkable in the 1980s* (New York: Simon & Schuster, 1984), p. 193.

75. Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War between the United States of America and the Union of Soviet Socialist Republics (September 30, 1971), <http://www.state.gov/www/global/arms/treaties/accident.html>.

nuclear technology<sup>76</sup> and forged ahead with its own nuclear weapons build-up after 1949. With that predicate, and with the possibility of *deliberate* nuclear war still looming over the two countries' Cold War competition, it seemed reasonable to cooperate at least on preventing such a conflict from happening *inadvertently*. In the contemporary DPRK context, however, it would be difficult to avoid creating the impression that any such accident-avoidance measures did not amount to a *de facto* U.S. concession of Pyongyang's legitimate possession of nuclear weaponry. North Korea might welcome such discussions precisely for this reason, of course, but this is also precisely why Washington would surely balk.

The apparent precedent of reported clandestine U.S. assistance to Pakistan in order to improve nuclear weapons and materials security<sup>77</sup> might also be difficult to apply in the DPRK. Here, however, the likely problem is North Korean rather than American. As troubled as the U.S.-Pakistan relationship has sometimes been – and as further troubled as it is becoming as increasing evidence emerges of collusion between Pakistani security forces and anti-American terrorists in the region<sup>78</sup> – it has been for many years fundamentally a relationship of allies (e.g., against the Soviet Union during the Cold War).

Even so, however, the Pakistanis have shown an extraordinary sensitivity about the issue of alleged U.S. nuclear security assistance, coupled with a notable degree of public paranoia over whether the United States actually intends to swoop in to seize Pakistan's nuclear weaponry in order to keep these devices from falling into the hands

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76. "Statement by the United States Representative (Baruch) to the United Nations Atomic Energy Commission" (June 14, 1946), in U.S. Department of State, *Documents on Disarmament: 1945-1959*, Volume I (Washington, DC: Department of State Historical Office, 1960), p. 7.

77. David Sanger & William Broad, "U.S. Secretly Aids Pakistan in Guarding Nuclear Arms," *New York Times* (November 18, 2007), <http://www.nytimes.com/2007/11/18/washington/18nuke.html?pagewanted=all>.

78. Martha Raddatz, "Mullen: Pakistan's Spy Agency Supported Attacks on Americans," *ABC News* (September 22, 2011), <http://abcnews.go.com/blogs/politics/2011/09/mullen-pakistans-spy-agency-supported-attacks-on-americans/>.

of radical jihadists.<sup>79</sup> (Investigative journalists alleged in late 2011, in fact, that Pakistan was for this reason secretly moving its warheads around in low-security unmarked vehicles in order to hide them from U.S. intelligence.<sup>80</sup> The government in Islamabad has denied these claims,<sup>81</sup> but whatever the truth of the story, Pakistan's neuralgia on the topic of nuclear security is clearly acute.) Even if the U.S.-Pakistan relationship were not itself steadily deteriorating in late 2011 and early 2012, it would be difficult to imagine the even more paranoid DPRK regime agreeing to any sort of analogous arrangement.

### IAEA Safeguards

It also seems unlikely that officials in North Korea would agree to permit the application of IAEA safeguards on the DPRK's plutonium production and uranium enrichment infrastructure as an interim confidence-building measure pending some more general resolution pursuant to the Six-Party process. Technically, such an arrangement remains possible, for not all possible IAEA safeguards arrangements would require that North Korea first return to the NPT, from which Pyongyang withdrew in 2003 after having been caught in violation of that Treaty and of its nuclear agreements with the United States and South Korea.<sup>82</sup> Specifically, while safeguards agreements reached pursuant to the IAEA's INFCIRC/153 process are built upon the

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79. Yochi J. Dreazen, "Fear that U.S. Can Grab Nuclear Arsenal Heightens Pakistani Anger," *National Journal* (May 19, 2011), [http://www.nationaljournal.com/nationalsecurity/fear-that-u-s-can-grab-nuclear-arsenal-heightens-pakistani-anger-20110509?page=1&sms\\_ss=twitter&at\\_xt=4dc7c790a8ec72c6,0](http://www.nationaljournal.com/nationalsecurity/fear-that-u-s-can-grab-nuclear-arsenal-heightens-pakistani-anger-20110509?page=1&sms_ss=twitter&at_xt=4dc7c790a8ec72c6,0).

80. "Pakistan's nuclear weapons vulnerable to theft, alleges report," *AFP* (November 5, 2011), <http://tribune.com.pk/story/287867/pakistan-hiding-nuclear-bombs-by-moving-them-in-civilian-vans-on-congested-roads/>.

81. "Pakistan Dismisses Report on Lax Warhead Security," *Global Security Newswire* (November 7, 2011), [http://gsn.nti.org/gsn/nw\\_20111107\\_8685.php](http://gsn.nti.org/gsn/nw_20111107_8685.php).

82. U.S. Department of State, *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments* (August 2005), pp. 87-92, <http://merln.ndu.edu/archivepdf/wmd/State/52113.pdf>.

assumption that the country in question is an NPT non-nuclear weapons state,<sup>83</sup> agreements may alternatively be had under INFCIRC/66,<sup>84</sup> which does not require this. Indeed, North Korea agreed in 1977 to apply INFCIRC/66 safeguards to its IRT-2000 reactor, which duly came under IAEA inspections in 1978.<sup>85</sup> (The DPRK expelled IAEA inspectors in December 2002, however.<sup>86</sup>)

Trying to bring all the DPRK's nuclear facilities under the INFCIRC/66 safeguards aegis today, however, would require long and complex negotiations with the IAEA, and would be unlikely to permit Agency inspectors the authority they would need in order to provide meaningful verification assurance against North Korean cheating in any event. Since the mid-1990s, the IAEA has been promoting its "Additional Protocol" (AP)<sup>87</sup> as a supplement to other inspection authorities, because experience – e.g., in Iraq before 1991 – has shown that traditional approaches were entirely inadequate. Furthermore, the IAEA has long since admitted that even the AP provides insufficient inspector authority in dealing with denial and deception efforts by a determined violator.<sup>88</sup>

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83. International Atomic Energy Agency, *The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons*, INFCIRC/163 (Corrected) (June 1972), <http://www.iaea.org/Publications/Documents/Infircs/Others/infirc153.pdf>.

84. International Atomic Energy Agency, *The Agency's Safeguards System*, INFCIRC/66 Rev. 2 (September 16, 1968), <http://www.iaea.org/Publications/Documents/Infircs/Others/infirc66r2.pdf>.

85. Operations of this reactor were not frozen as part of the 1994 "Agreed Framework" between the DPRK and the United States, even though it had already provided spent fuel for use in early North Korean plutonium separation work. See Nuclear Threat Initiative, *Country Profile: North Korea* (January 2011), [http://www.nti.org/e\\_research/profiles/NK/Nuclear/facilities\\_reactors\\_assemblies.html](http://www.nti.org/e_research/profiles/NK/Nuclear/facilities_reactors_assemblies.html).

86. "N. Korea to expel U.N. nuclear inspectors," *The Guardian* (December 27, 2002), <http://www.guardian.co.uk/world/2002/dec/27/northkorea1>.

87. International Atomic Energy Agency, *Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards*, INFCIRC/540 (September 1997), <http://www.iaea.org/Publications/Documents/Infircs/1997/infirc540c.pdf>.

88. International Atomic Energy Agency, *Implementation of the NPT Safeguards*

Since North Korea built and retains its nuclear facilities precisely in order to produce nuclear weaponry, moreover, no IAEA safeguards model really fits its circumstances: IAEA safeguards are designed to prevent the use of facilities for nuclear weapons purposes, there is no historical precedent for international inspections of a working weapons production infrastructure, and the IAEA is neither really authorized to deal with nuclear weapons design information nor equipped for the information-security challenges of such a portfolio. Most importantly, it seems vanishingly unlikely that Pyongyang would in fact agree to inspections of its weapons plants in any event, nor to any IAEA authorities that would be sufficient to provide reasonable assurances that further DPRK facilities were not being concealed.

### Nuclear Security Summit

Some observers have suggested that the (second) Nuclear Security Summit in Seoul in March 2012 – or, more specifically, the process it represents, for follow-on summits may well also occur as diplomats try to move forward with a global agenda of improving nuclear materials security – might provide an opportunity to engage the DPRK on specific security issues, thus potentially providing a first step toward a more comprehensive agreement.<sup>89</sup> There is also said to be considerable interest among the South Korean public in such an effort, though perhaps unfortunately coupled with widespread misunderstanding about the focus of the actual 2012 Summit.<sup>90</sup>

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*Agreement in the Islamic Republic of Iran*, GOV/2005/67 (September 2, 2005), p. 50 (noting need for IAEA authorities in Iran “beyond the formal requirements of the Safeguards Agreement and Additional Protocol”).

89. Kenneth Luongo, “Denuclearize the DPRK: A Dialogue on Radiological Source Security,” *38 North* (undated), <http://www.partnershipforglobalsecurity.org/PDFFrameset.asp?URL=http://38north.org/2011/05/luongo051111/>.

90. Woo Jung-yeop, “Public Understanding of Nuclear Security Summit,” *Korea Herald* (September 8, 2011) (citing public opinion survey data from Asian Institute for Policy Studies), <http://www.koreaherald.com/opinion/Detail.jsp?newsMLId=20110908000794>.

Such a step, however, seems unlikely, not least because U.S. and South Korean officials are resisting any NSS involvement by DPRK officials absent just the sort of clear commitment to the goal of denuclearization that Pyongyang today seems unwilling to make. North Korean officials have indeed indicated willingness to participate in the Seoul Summit, but – as noted above – only as an opportunity to get international acceptance as a legitimate nuclear weapons possessor state. As described earlier, DPRK officials have proclaimed their “willingness to join the international efforts for nuclear non-proliferation and on nuclear material security,” but they specify that this involvement would have to be “on an equal footing with other nuclear weapons states.”<sup>91</sup> South Korean President Lee Myung-bak, however, has countered that North Korea is welcome to attend if it “firmly agrees on denuclearization.”<sup>92</sup> One should not expect this stalemate to be resolved soon.

## Prospects for the Future

All in all, therefore, the DPRK nuclear situation seems well on its way into a future in which, whether or not talks are notionally underway about denuclearization, there is almost no real chance of achieving it on a negotiated basis. In this context, whatever the state of diplomatic engagement – or pseudo-engagement – the United States and its allies would face increasing pressures to default to a pressure-based policy of working to ensure North Korea’s continued isolation and painful “containment” until such point as Pyongyang either makes a strategic commitment to change course on nuclear weaponry, or its regime simply collapses.<sup>93</sup>

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91. “Foreign Ministry Issues Memorandum on N-issue,” *supra*.

92. Kim So-hyun, “Lee Myung-bak makes conditional invitation to Kim Jong-il for nuke summit,” *Korea Herald* (October 5, 2011), <http://www.asianewsnet.net/home/news.php?id=18850>.

93. Ford, “Challenges of North Korean Nuclear Negotiation,” *supra*, p. 71.

Interestingly, moreover, before Kim Jong-il's death, both North and South Korea seemed to be shifting their diplomatic approaches to what one might call an "away game" of diplomatic outreach not directly related to the prospect of renewed Six-Party denuclearization talks. As noted above in connection with Pyongyang's overture about potentially joining the upcoming NSS, the DPRK seemed to be casting about for ways to bolster its purported legitimacy as a nuclear weapons possessor state. More significantly, however – and very much more successfully – South Korea has been building for itself an augmented international diplomatic and political stature in ways quite independent of the ongoing DPRK nuclear situation.

The ROK under President Lee has been pursuing what it calls a "Global Korea" strategy, pursuant to which Seoul aims to play a more significant role than ever before in the international community. Explicitly conceived as being in significant part a *security strategy* – one in which, as the country's 2008 Defense White Paper put it, "enhancing competence and status internationally" is a core national security objective, and in which the ROK armed forces are to play a major role in "enhancing [South] Korea's stature on the international stage" and "building 'A Country that Stands Tall in the World Through Advancement'"<sup>94</sup> – the ROK is pursuing every available opportunity to develop an expanded world role and become an indispensable player in regional and global affairs. Hosting the 2012 nuclear security event is only part of this effort, for the ROK has also emerged as the first newly industrialized country to host a G20 summit, has joined the Donor Assistance Committee of the Organization for Security and Cooperation in Europe, and, among other things, is working to develop "the capacity and desire to participate in [far-ranging] maritime security, peacekeeping, and post-conflict stabilization missions."<sup>95</sup>

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94. Republic of Korea Ministry of National Defense, *Defense White Paper 2008*, from the introduction by Defense Minister Lee Sanghee, p. 45, [http://www.mnd.go.kr/cms\\_file/info/mndpaper/e2008\\_all.pdf](http://www.mnd.go.kr/cms_file/info/mndpaper/e2008_all.pdf).

95. Scott A. Snyder, "South Korea's Emerging Global Security Role," *World Politics Review* (March 23, 2010), <http://www.cfr.org/international-peace-and-security/south-koreas-emerging-global-security-role/p21717>.

Seoul is also approaching a major symbolic and operational milestone with the transfer to the ROK – somewhat delayed from its original date, but now anticipated for 2015<sup>96</sup> – of wartime operational control (OPCON) for joint U.S.-ROK forces in the peninsula. To be sure, much work apparently still remains to be done in ensuring that ROK forces are prepared for this transfer. In fact, its delay from 2012 to 2015 may have been based upon the perception that it would not be possible to do enough by the earlier date to ensure the “reconfiguration of South Korea’s command and control” and to “fill the existing gaps in [ROK] defense capabilities (in terms of missile defense, command and control systems, critical logistical capabilities, etc.).”<sup>97</sup>

Nevertheless, provided it is successfully accomplished, the pending OPCON transfer is of enormous political significance, inasmuch as it could be said to mark the ROK’s long-delayed emergence as a mature player, *in its own right*, in regional and global security affairs, as a country fully empowered both with the lead responsibility for its own defense and with a leadership role, to this end, *vis-à-vis* local military operations by the forces of its huge trans-Pacific ally. U.S. authorities apparently envision no lessening of Washington’s commitment to defending the ROK against foreign aggression, and no lessening of U.S. military involvement on the peninsula. (In fact, it might even be that U.S. capabilities in the area *increase* in some respects, not merely as a result of increased diplomatic and strategic attention Washington is giving to Asia but also because a major new ROK naval base now under construction on Jeju Island is expected to permit visits by U.S. Navy ships.<sup>98</sup>) Accordingly, the OPCON

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96. “U.S., S. Korea delay OPCON transfer until 2015,” *Stars & Stripes* (June 27, 2010), <http://www.stripes.com/news/pacific/korea/u-s-s-korea-delay-opcon-transfer-until-2015-1.108947>.

97. Leslie Forgach, “U.S.-ROK OPCON Transfer Should Wait,” *AEI Center for Defense Studies* (March 5, 2010), <http://www.defensestudies.org/cds/us-rok-opcon-transfer-should-wait/>.

98. Choe Sang-hun, “Island’s Naval Base Stirs Opposition in South Korea,” *New York Times* (August 18, 2011), <http://www.nytimes.com/2011/08/19/world/asia/19base.html?pagewanted=all>.

transfer would seem to represent not something analogous to the U.S. retrenchment of “Vietnamization” in the 1970s, but instead a still-engaged America’s formal recognition of the ROK as a full-spectrum security *partner* – and in some respects a regional *leader* – in advancing common goals of stability and the maximization of regional democracies’ prosperity and autonomy.

Meanwhile, the ROK is engaged in an ambitious push to build itself an increasingly sophisticated high-technology aerospace and defense sector, from trying to develop an indigenous space-launch capability to the production of modern manned and unmanned aerial vehicles (including advanced low-observable – a.k.a. “stealth” – platforms<sup>99</sup>) for military reconnaissance and strike missions,<sup>100</sup> as well as long-range precision attack tools.<sup>101</sup> If anything, these plans are perhaps *too* ambitious. (Seoul’s venture into the “first rank” of the stealth aircraft business, for instance, relies upon an aerospace sector that has never before built *any* manned combat aircraft,<sup>102</sup> and its first two indigenous space launch attempts have been failures.<sup>103</sup>) Nevertheless, the ROK has proven itself a very sophisticated high-technology player in other fields, and its scientists and engineers may prove to be quick studies in these new areas too. Either way, however, South Korea’s *ambition* is very clear: it envisions itself as a global player.

Already possessed of a sophisticated nuclear power sector, moreover – including a reactor-production industry that has become quite competitive as a provider on the international market, recently winning a major contract to build reactors for the United Arab

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99. Bradley Perrett, “Leaping Forward,” *Aviation Week & Space Technology* (October 24-31, 2011), p. 34.

100. Gordon Feller, “South Korea’s Push for the UAV,” *Airforce-Technology.com* (April 28, 2010), <http://www.airforce-technology.com/features/feature83412/>.

101. *Defense White Paper 2008*, *supra*, pp. 107-108.

102. Perrett, *supra*, p. 34.

103. “South Korea rocket ‘explodes’ moments after takeoff,” *BBC News* (June 10, 2010), <http://www.bbc.co.uk/news/10281073>.

Emirates<sup>104</sup> – South Korea also now also seeks the means to produce plutonium for a breeder reactor program<sup>105</sup> that would allow it to “close the nuclear fuel cycle” along the lines of what I have heard ROK officials describe as the “Japanese model.” Some observers worry about this plutonium proposal on account of the (perhaps also “Japanese”-modeled) nuclear weapons “option” it would provide to strategic planners in Seoul,<sup>106</sup> but there is little doubt that South Korea is emerging as a very serious techno-economic “player” on the world stage.

In sum, particularly given the continuing dysfunction of the DPRK’s isolated, politically-deformed, and inefficient state-planned system<sup>107</sup> – especially in comparison to the ROK’s vibrant modern high-technology economy, which recovered fairly quickly after the global financial crisis of 2008, and by early 2010 was expanding faster than any other OECD country<sup>108</sup> – the long-term strategic prospects for North Korea look dim, and its position vis-à-vis its

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104. Rod Adams, “South Korean Consortium Wins UAE Reactor Deal,” *Atomic Insights* (December 27, 2009), <http://atomicinsights.com/2009/12/south-korean-consortium-wins-uae-reactor-deal-bid-was-16-billion-40-lower-than-areva-led-consortium.html>.

105. Choe Sang-hun “U.S. Wary of South Korea’s Plan to Reuse Nuclear Fuel,” *New York Times* (July 13, 2010), <http://www.nytimes.com/2010/07/14/world/asia/14seoul.html?pagewanted=all>. In 2004, it should also be remembered, South Korean scientists were revealed to have engaged in earlier, laboratory-scale experiments with uranium enrichment and plutonium processing that were not properly declared to the International Atomic Energy Agency. Daniel A. Pinkston, “South Korea’s Nuclear Experiments,” *Center for Nonproliferation Studies* (November 9, 2004), <http://cns.miis.edu/stories/041109.htm>.

106. Frank N. von Hippel, “South Korean Reprocessing: An Unnecessary Threat to the Nonproliferation Regime,” *Arms Control Today* (March 2010), [http://www.armscontrol.org/act/2010\\_03/VonHippel](http://www.armscontrol.org/act/2010_03/VonHippel).

107. Nicholas Eberstadt, “Is Effective International Economic Assistance to the DPRK Conceivable?” in *Aspen DPRK-USA Dialogue*, *supra*, pp. 221, 224-225.

108. Yoon Young-kwan, “South Korean economy bounces back despite the politics,” *East Asia Forum* (January 3, 2010), <http://www.eastasiaforum.org/2010/01/03/south-korean-economy-bounces-back-despite-the-politics/>.

southern rival is likely to erode more and more with every passing year. In its implicit intra-peninsular rivalry with Seoul, Pyongyang finds itself grossly overmatched in almost every relevant respect.

Pyongyang's continuing strategic slide, however, presents its own problems for the North Korean nuclear crisis. Most obviously, it probably increases the DPRK's incentive to hang onto its nuclear weapons programs under any and all circumstances. These programs, of course, are not the only capability North Korea possesses that worries the United States, the ROK, and Japan. (Here one must also count Pyongyang's arsenal of tube artillery within range of downtown Seoul,<sup>109</sup> its large stocks of chemical<sup>110</sup> and probably biological weaponry,<sup>111</sup> and its ballistic missile program.<sup>112</sup>) Nonetheless, rightly or wrongly, officials in Pyongyang do seem to consider nuclear weapons to be their only real "trump card" against foreign threats real and imagined.

This perception has helped seal in place a depressing cycle of dimming expectations: the ongoing, long-term degradation of the DPRK's strategic situation simultaneously makes Pyongyang more and more resistant to denuclearization and ensures that its prospects for actually getting anything like a "good" denuclearization deal steadily diminish with the passage of time. North Korea, in other words, is losing its window of opportunity even as it becomes harder and harder for DPRK officials to contemplate taking advantage of what poor opportunities remain.

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109. "N. Korea has world's largest artillery force," *Breitbart.com* (April 22, 2008) (quoting U.S. general Walter Sharp), <http://www.breitbart.com/article.php?id=CNG.9b44fd30ac49d58176d74d2962680917.101>.

110. Jon Herskovitz, "North Korea chemical weapons threaten region," *Reuters* (June 18, 2009), <http://www.reuters.com/article/2009/06/18/us-korea-north-idUST32127420090618>.

111. U.S. Department of State, *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments* (July 2010), pp. 20-21, <http://www.state.gov/documents/organization/145181.pdf>.

112. Daniel Pinkston, "The North Korean Ballistic Missile Program," Strategic Studies Institute (February 2008), <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub842.pdf>.

As a result, it seems increasingly likely that outsiders assessing the DPRK nuclear situation will turn from hoping to restart denuclearization negotiations to the grimmer tasks of contingency planning for how they might handle future North Korean *Cheonan*-style provocations, potential regime collapse in Pyongyang, or even factional civil war in the North. Ironically, such dark possibilities may actually help serve – albeit quietly – to bring the other five partners in the moribund Six-Party Talks process back into constructive and cooperative dialogue.

The five capitals may have difficulty agreeing on precisely how to approach DPRK nuclear negotiations, but the United States, Russia, China, Japan, and South Korea share a powerful interest in preventing events on the peninsula from spiraling disastrously out of control, in preventing onward nuclear proliferation from North Korea, and in preparing to coordinate any future efforts that might be necessary to contain and manage a regime crisis in the North or cope with its humanitarian, economic, and potential strategic consequences. Accordingly, it might perhaps be possible to build on such recent precedents as the May 2011 joint China-Japan-ROK agreement on disaster management and nuclear reactor safety<sup>113</sup> in quietly developing Five-Party plans for future crisis management on the Korean peninsula.

In short, one might conclude today that East Asia is already well on its way to building a *post*-DPRK regional order, one in which Pyongyang is increasingly irrelevant except insofar as others anticipate having to cope with provocations it might decide to undertake, or with its domestic implosion. The dirty secret of the North Korean nuclear negotiations, therefore, is that the current stalemate could indeed last for what is functionally “forever” – that is, until the demise of the DPRK regime.

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113. “China, Japan, S. Korea vow to strengthen cooperation on disaster management, nuclear safety,” *Xinhua* (May 22, 2011), [http://news.xinhuanet.com/english/2010/china/2011-05/22/c\\_13888126.htm](http://news.xinhuanet.com/english/2010/china/2011-05/22/c_13888126.htm).

## Conclusion

The prospects for a successful return to the Six-Party Talks are therefore very dim. Denuclearization – that is, the verified abandonment of North Korea’s nuclear weapons programs – seems now to have been, for all purposes except rhetorical posturing, entirely ruled out by the regime in Pyongyang. The DPRK seems more committed to its nuclear weapons than ever, and indeed now freely admits not just to the possession of a weapons production infrastructure but indeed now also a uranium enrichment pipeline elaborate enough to make it very difficult to imagine that it would ever agree to the stringent and intrusive verification measures that would be required even if denuclearization were ever theoretically accepted. With the Kim dynasty today facing domestic political circumstances of great potential uncertainty – and of a sort that seem likely to encourage intransigence and bellicosity more than diplomatic flexibility – there appears to be little chance of a strategic change of course by the regime in Pyongyang for the foreseeable future.

Meanwhile, North Korea’s evolving nuclear posture and ongoing cross-border provocations have also hardened outside attitudes against further nuclear negotiations, while domestic political factors (e.g., leadership changes) in various other Six-Party players also disfavor concessionary diplomatic “flexibility” aimed at deal-making with the DPRK. (South Korea is a potential exception here, but this is unlikely to change the overall picture, at least with respect specifically to *nuclear* negotiations. The U.S. administration of Barack Obama seems interested at least in some sort of *apparent* negotiating, if perhaps for no other reason than in order to reduce the potential for election-year trouble, but there seems little chance that any such talks could produce any real resolution even if they do develop.) Other avenues of approach to North Korean nuclear issues could perhaps be imagined – including an elimination protocol modeled on the Libyan successes of 2003-2004, extra-NPT safeguards through the IAEA, or other forms of safety and security cooperation – but these alternatives presently seem unpromising.

Though the nuclear impasse thus currently seems all but unbreakable, South Korea is steadily developing into an important and formidable “full-spectrum” player in the region and the world. With the DPRK falling farther and farther behind the ROK in all meaningful indices of political, economic, and military power *except* nuclear weaponry – and with Seoul possessing what might be said to be a “baseline” capability even there, upon which it may yet develop the technical wherewithal to build if provoked – this creates a paradoxical dynamic in which nuclear weapons are *more* important than ever to Pyongyang but the DPRK is steadily *less* important, even the point of insignificance, in regional affairs *except* as a source of episodic troublemaking or destabilizing collapse.

As East Asia develops an increasingly robust “post-DPRK” order, the security of which can be ensured only by ending the ongoing danger of problems originating in North Korea, it is thus likely that some regional players will increasingly find it necessary to develop policy options focused not merely upon deterring North Korean provocations, but also upon more overt contingency planning for (or even promotion of) potential DPRK regime-collapse scenarios. Rather than continuing to hold out hopes for negotiated denuclearization, in other words, regional policy alternatives may end up converging on harder-nosed strategies of pressuring and coercively containing the North Korean regime until it accepts a fundamental change in course, or until it simply falls apart – with or without outside encouragement.

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