



Kim Jong-Un-prepared: Allied Contingency Plans for Korean Peninsula Unification

**The Second US-ROK-Japan
Extended Deterrence Trilateral Dialogue**



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Executive Summary

Sixty years after the end of the Korean War, the Korean Peninsula remains divided along the 38th parallel, with the repressive and reclusive communist North ruled by the Kim Jong-Un dictatorship and the Democratic South governed by free market economies, democracy, human rights, and the rule of law. Kim Il-Sung's war of aggression against the South and the Chinese Communist Party's unilateral and armed intervention to safeguard its self-interest in 1950, has meant that North Koreans live under one of the most repressive regimes in modern history, bare of even the most basic privileges that all human beings have the right to attain.

The Korean Peninsula was stripped of its sovereignty and territorial integrity, in the Sino-Japanese War in 1894, the Russo-Japanese War in 1904, and the secret Taft-Katsura Agreement in 1905 between the United States and Japan, which led to the forced annexation, illegal occupation, and humiliation of the Korean people, with legacies such as the sex slavery of Korean women by Japanese imperial armies. The common theme throughout Korea's past century of hardship is the so-called great power greed and self-interest, which has controlled the fate of the Korean people, the only country in the region never in its 2,000 year history to have invaded another country.

Now the Korean Peninsula awaits a turning point, an event that will transform the antagonistic and confrontational international order in Northeast Asia to that of a liberal and cooperative order. Envisioned by President Park Geun-hye as a potential "jackpot" for neighboring countries, the "Reunification of the Korean Peninsula" provides hope for all who long to see the North Korean people emancipated from tyranny, oppression, propaganda, failed socialist ideologies, and the Communists' sphere of influence.

The US-ROK-Japan Extended Deterrence Trilateral Dialogue hosted by the Pacific Forum CSIS in September 2013 at the Asan Institute for Policy Studies in Seoul, provided a useful backdrop for coping with complexities surrounding North Korean contingency planning and how three "value-based allies" that share "common value systems" can enhance cooperation to achieve a united Korean Peninsula that flourishes under an open-market economy, a democratic government, a free society, and the rule of law based on universal human rights.

This Issues and Insights presents ideas on the three allies' areas of cooperation in a North Korean contingency, from the question of political integration of the two Koreas and the establishment of governance and rule of law on the Korean Peninsula, as well as cooperation on humanitarian assistance and weapons of mass destruction (WMD) operations, determining the complexities and legal procedures for the threshold of intervention, and how to deal with an independent and authoritarian Chinese Communist Party that will not let its ally share the fruits of peace and prosperity with the global community.

As can be seen from the recent events unfolding in Ukraine and attitude towards the UN Human Rights Council's Commission of Inquiry report on DPRK, the ruling autocracies in Russia and China will go through fire and water when it comes to serving their self-indulgent interests, protecting the Kim Jong-Un family regardless of the twenty million North Korean people under ruthless exploitation and indoctrination, regardless of international sensibility, or regardless of prior diplomatic affirmations with South Korea and the West. In this vein, defining the scope and minimum line of diplomatic efforts with Russia and China could be another potential point of cooperation that the three allies can work together so that the much needed habit of "Trustpolitik" can begin to perpetuate in the region. President Park's "Northeast Asia Peace and Cooperation Initiative" to facilitate and institutionalize cooperation in the region is a well-schematized program to achieve this goal. Needless to say, the much belated "Reunification of the Korean Peninsula" is *fait accompli* the minimum requirement to achieve peace, stability, and prosperity in the region.

**North Korean Contingency Planning:
Political Integration, Governance, and Rule of Law**
by
Young-june Chung and Lisa Collins

The interests of the Republic of Korea (ROK), United States (US), and Japan (“the three allies”) will be best served by seeking to reunify the Korean Peninsula after a collapse of the North Korean regime. In the event of a sudden failure of the Pyongyang government, as opposed to pre-planned reunification through peaceful absorption, the process of establishing permanent peace, order, and stability on the peninsula will become much more difficult and complicated. Previously existing or newly developing conditions in North Korea (DPRK) could easily lead to instability, protracted conflict, or even civil war.¹ The wide economic disparities of the two Koreas, as well as their longstanding political, societal, psychological, and cultural differences, will also make integration nearly impossible without implementation of a closely coordinated crisis-management plan and long-term peacebuilding strategy that involves all regional stakeholders. The eruption of conflict or existence of protracted instability on the Korean Peninsula would have disastrous consequences for the region and the world.

Given these circumstances, it will be imperative for the ROK, US, and Japan to work together to achieve peace and stability on the Korean Peninsula and in Northeast Asia. A united Korean Peninsula that flourishes under an open-market economy, a democratic government, a free society, and the rule of law based on universal human rights would enhance the long-term national interests of the three countries as well as their larger strategic goals for the region. In the event of a sudden and total regime collapse, it will be important for them to share this common vision for the future of the Korean Peninsula and to focus their actions, and strategic and tactical goals, toward the achievement of this vision. Without concerted action by the three allies, especially in the early stages of collapse, China is likely to use the chaotic circumstances to its advantage to secure greater influence over the Korean Peninsula or, at the very minimum, to maintain division and control over North Korean territory (i.e., maintain the status quo).² Moreover, in the absence of close coordination and communication between the ROK, US, and Japan, the chances of accidentally sparking conflict with China and/or Russia due to a miscalculation or misunderstanding would be high. Since provoking further conflict or allowing China to unilaterally decide the fate of the Korean Peninsula would

¹ Bruce W. Bennett, *Preparing for the Possibility of a North Korean Collapse*, (Santa Monica, CA: RAND Corporation, 2013), 6-10.

² Park Changhee, *North Korean Contingency and Prospects of China's Military Intervention*, Ilmin International Relations Institute Working Paper No. 5 (October 2010), 4-7. According to Park, China will intervene in a North Korean regime collapse because Beijing fears the spillover effect that it would have on Chinese strategic interests and core national interests. Other experts such as Kim Heungkyu argue that Chinese thinking and decision-making will be far more complex and domestically contested. He asserts that China's response will be heavily influenced by whatever “strategic school of thought” that the Chinese leaders most favor at the time of collapse. Kim Heungkyu, *China's Views on the Potential Instability in North Korea: With Implications for South Korea*, Ilmin International Relations Institute Working Paper No. 12 (January 2012).

not be in the interests of the three allies, they must work together to prevent these negative outcomes while shaping the environment to produce positive outcomes.

The shared vision of a united Korean Peninsula, however, should not and need not preclude cooperation with other countries in the region such as China and Russia. In fact, this goal will not be achievable without Chinese and Russian support or, at the very least, tacit approval of Korean unification. To create the conditions that will help achieve this goal, the three allies will need to convince China and Russia that a united, democratic, and market-oriented Korean Peninsula will not threaten or pose a challenge to their core interests. This will take a great deal of effort but as early as possible the three allies should reassure China and Russia that they share the common goal of establishing stability and prosperity in North Korea. Furthermore, they must demonstrate that for pragmatic reasons, no one country can handle all the problems of regime collapse and nation-building alone. In other words, the allies must show China and Russia that without cooperation greater chaos is certain and the costs of working alone will be far greater than working together.³ The allies must also demonstrate that they will actively engage these two countries in long-term plans for unification and peacebuilding efforts.

Yet even if the vision of a united Korea is shared by all countries in the region, there will still be enormous obstacles and challenges to achieving this end-goal. To establish a favorable environment and shape the conditions that will lead to Korean unification, the three allies will need to prepare contingency plans that reflect shared short-, medium-, and long-term tactical and strategic objectives. In the short-term, the ROK, US, and Japan must agree on when and how to intervene in North Korea once regime collapse occurs. This will involve legal and political questions in both the domestic and international spheres similar to the cases of Iraq, Kosovo, and Syria.⁴ Once they agree on a basis for an intervention, the three allies must also agree on how to best stabilize and rebuild the North Korean government, economy, and society in the medium- to long-term period. This would ideally involve a mandate that specifically outlines the objectives, means, and funding sources for stabilization and peacebuilding operations.

This *Issues and Insights* brief will outline some of the key issues that must be considered by the three allies specifically in terms of political integration, governance, and the rule of law. A threshold question for any intervention in North Korea will be its legality since the evolving conditions in the DPRK are likely to require the use of peacekeeping forces or military operations.⁵ The legality, legitimacy, and political necessity of intervention, and various options for sending peacekeeping operation (PKO) troops or military forces into North Korea, will be discussed in the first section. The second and third sections will discuss the short- to long-term strategies and tactics that

³ Ibid., 15-16. China's ability to independently intervene in North Korea and carry out long-term stabilization and peacebuilding operations is limited. China lacks adequate experience in these types of operations and despite the size of the Chinese People's Liberation Army the burden on the military would be enormous.

⁴ Harold Hongju Koh, "Syria and the Law of Humanitarian Intervention (Part II: International Law and the Way Forward)," *Just Security Blog*, October 2, 2013, available at <http://justsecurity.org/2013/10/02/koh-syria-part2/>.

⁵ Bennett, *Preparing for the Possibility of a North Korean Collapse*, 61-62.

the three allies will need to employ to overcome significant obstacles and challenges in the process of the stabilization and reconstruction of North Korea. The final section will make some recommendations based on the analysis of each section. Although this paper discusses only one part of the potential aftermath of a North Korean collapse, the literature on stabilization and reconstruction (S&R) as well as peacebuilding makes it clear that “everything is connected to everything else.”⁶ The operations in North Korea, and the challenge of unifying the Korean Peninsula, will be extremely complicated and very political. The interdependent nature of all factors in the process should not be forgotten despite the limited scope of this brief.⁷

Establishing a Firm Principle and Vehicle for Intervention: UN Peacekeeping Operation vs. Multinational Force Operation

The first steps in devising a role for the three allies in a North Korean crisis scenario will be: 1) establishing a resolute action principle for intervention and crisis management; and 2) finding the appropriate vehicle and mechanism for military and diplomatic intervention that would efficiently tackle the catastrophic events unfolding in North Korea.

To address the first step, the three allies must establish a crisis management principle or mission mandate that: 1) minimizes the possibility of war occurring on the Korean Peninsula, 2) secures the three allies’ necessary legal jurisdiction over North Korean territories, 3) secures the three allies’ leadership in the crisis management process, 4) avoids unnecessary and unwanted intervention by China and Russia, and 5) links sudden crisis management to ultimate re-unification of the Korean Peninsula.

Principles for Intervention and Crisis Management

A threshold question for intervention in North Korea will be the legality and legitimacy of such actions under both domestic and international law. Relevant international law and norms point to the fact that the two Koreas are still technically in a state of war, with each side refusing to acknowledge the legitimacy of the other party. Under the laws of war and use of force, this would technically make any ROK-led intervention force (with subsequent involvement by the US and Japan) questionable and ambiguous. However, from a domestic law perspective (based on ROK law) it could be argued that intervention would be legitimate.

Under the international norms of state practice, North Korea and South Korea are sovereign entities since they have both gained admittance and acceptance as members of the United Nations. According to this perspective, as separate states under international

⁶ Beth Cole et al., *Guiding Principles for Stabilization and Reconstruction* (Washington, DC: United States Institute of Peace, 2009), 30.

⁷ *Ibid.*, 30. This S&R manual describes an interlocking system of systems. “Security requires the rule of law, essential services require governance, the rule of law is dependent on security, sustainable economies are dependent on the rule of law, ownership requires capacity, and meeting basic human needs requires all of the above.”

law, the ROK would not be permitted to intervene or interfere in North Korean territory without violating the principles of the use of force and sovereignty. Consequently, the surrounding countries are likely to dispute at which point North Korea may cease to exist as a viable sovereign state.⁸ However, if DPRK state sovereignty remains viable, intervention could be permitted only under two very limited exceptions: 1) UN Security Council authorization for use of force; and 2) self-defense.⁹

If internal conditions in North Korea deteriorate as rapidly as expected,¹⁰ the ROK could use this as a basis for asserting the self-defense exception. The collapse of the central government in Pyongyang could lead to devastating consequences: a large-scale humanitarian disaster, massive increase in refugees and internally displaced persons (IDPs), breakdown of North Korean military and security forces into armed factions and military groups, the use and/or proliferation of North Korean weapons of mass destruction (WMD), and the wholesale destruction of political prison camps and murder of prisoners to eliminate evidence of human rights abuses.¹¹ The unfolding of catastrophes such as massive outflow of refugees or security crises related to WMD or fighting among military factions could pose a threat to the ROK and provide it with the justification for military intervention. This type of intervention is arguably guaranteed under Chapter VII of the United Nations Charter in the form of “self-defense rights.”¹² There is also growing support for a limited exception to the legal prohibition on military intervention (use of force)¹³ to permit intervention in extreme cases for “humanitarian purposes.”¹⁴ A massive humanitarian disaster or wide-scale perpetration of human rights violations (i.e., genocide and crimes against humanity) might even provide the legal and moral basis to support intervention based on the evolving “Right to Protect (R2P)” norm. Finally, intervention would be considered legitimate if the North Korean government requested assistance from the international community before regime collapse.¹⁵

⁸ Victor Cha and David Kang, *Challenges for Korean Unification Planning: Justice, Markets, Health, Refugees, and Civil-Military Transitions*, Center for Strategic & International Studies and USC Korean Studies Institute (December 2011), 7.

⁹ Andrew Clapham, *Brierly's Law of Nations*, 7th ed. (Oxford: Oxford University Press, 2012), 465-90.

¹⁰ Bennett, *Preparing for the Possibility of a North Korean Collapse*, 58-68.

¹¹ *Ibid*; Paul Stares and Joel Wit, *Preparing for Sudden Change in North Korea*, Council on Foreign Relations, *Special Report* 42 (January 2009).

¹² “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.” This would apply for example if a North Korean military faction fired on South Korean territory.

¹³ Koh, “Syria and the Law of Humanitarian Intervention.” Koh describes this as a “ex-post exemption from legal wrongfulness [of threat or use of force].” Although this might be likened to the developing concept of “Right to Protect,” Koh’s legal argument is much narrower in scope.

¹⁴ “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”

¹⁵ Shin Beomchul, *A Review of the Legalities Associated with a Sudden Change in North Korea*, Ilmin International Relations Institute Working Paper No. 6 (October 2010), 10-12.

In contrast to international law, and from the perspective of many South Korean experts, ROK domestic law provides a much clearer legal and moral basis for intervention. The Inter-Korean Basic Agreement of 1992 stipulates that, “the relationship between the sides is not the one between countries but a special one formed temporarily in the process of advancing towards reunification.”¹⁶ The ROK’s Constitution in Article Three stipulates that the “territory of the Republic of Korea consists of the Korean peninsula and its adjacent islands.”¹⁷ According to this provision, North Korea is “illegally seized territory” whereas the ROK is the sole legitimate government on the Korean Peninsula.¹⁸ Application of the ROK’s domestic law to North Korea implies automatic extension of South Korean constitutional, executive, and legislative rights to North Korea. This would also allow an immediate right to intervene and permit reunification through absorption in the event of a North Korean regime collapse.

However, both China and Russia are likely to object to the application of ROK domestic law to North Korea. They will protest due to their concerns about the ROK-US alliance bringing US troops to their backdoor if all of North Korean territory is conceded to the ROK. Given the rather ambiguous basis for intervention under both international and domestic ROK law, and the almost certain objections from China and Russia, the best option would be for the three allies to seek to intervene and conduct emergency operations in North Korea under the auspices of a United Nations Peacekeeping Force or a Multinational Force. The coordination and cooperation of the three allies in the United Nations, and utilization of their experiences drawn from various (combined) PKO missions, would be invaluable to this effort.

Vehicle for International Crisis Management: UNPKO and MNF

In dealing with a North Korean collapse, two types of vehicles would be useful for international crisis management: 1) United Nations Peacekeeping Operations, which is a generic term for all UN activities with the mission to preserve international peace and stability.¹⁹ 2) Multinational Forces (MNF), on the other hand, refers to a “force composed of military elements of nations who have formed an alliance or coalition for some specific purpose.”²⁰ *The Blue Helmets: A Review of UN peacekeeping* (1996) defines peacekeeping as: “an operation involving military personnel but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace

¹⁶ See Full Text of The North-South Joint Agreement on Reconciliation, Nonaggression, and Cooperation and Exchange, http://www1.korea-np.co.jp/pk/011th_issue/97100101.htm.

¹⁷ See Full Text of The Constitution of the Republic of Korea (Oct. 29, 1987), http://english.ccourt.go.kr/home/att_file/download/Constitution_of_the_Republic_of_Korea.pdf.

¹⁸ The Supreme Court of Korea has also ruled that “because we cannot acknowledge any country that defies the Republic of Korea’s sovereignty, it cannot be concluded that North Korea is not an anti-government organization that violates the territorial rights of the Republic of Korea.” ROK Supreme Court Ruling on Sept. 25, 1990, CASE NAME: 90DO1451.

¹⁹ United Nations, *United Nations Peacekeeping Operations: Principles and Guidelines* (New York: Department of Peacekeeping Operations, 2008), 18.

²⁰ US Department of Defense, *Dictionary of Military Terms and Acronyms* (Seattle, WA: Praetorian Press, LLC, 2011).

and security in areas of conflict.”²¹ As of 2013, 68 UN peacekeeping operations have been implemented with 15 still in active duty. Its operations are “conducted by forces of two or more nations, usually undertaken within the structure of a coalition or alliance,”²² usually mandated to overseeing the terms of the peace treaty in a country or a region. Its activities are similar to that of United Nations peacekeeping operations: supervision of ceasefire agreements and troop withdrawal, as well as maintenance of public order.

The biggest difference between a UN PKO and a multinational force structure is in the issue of “use of force.” Peacekeeping operations are mandated by the United Nations and the use of force is limited to self-defense measures only under the UN Charter. Multinational forces however, also post facto, must be approved by the Security Council, and have the privilege of “enforcing peace” through suppression and use of military force. In a nutshell, peacekeeping operations are assigned to ‘preserve’ the peace established after ceasefire and peace treaties have been implemented, while multinational forces are assigned to ‘enforce’ peace with or without the use of military force. As of 2009, 12 multinational forces’ operations have been created, with two still in operation. In the case of Somalia in 1992 and Rwanda in 1994, multinational forces were mandated and deployed to create a favorable working environment for incoming United Nations peacekeeping forces to operate. In reality however, great powers such as the US, Russia, and China have been passive in moving forward with ‘international’ peacekeeping activities, especially when it concerns the use of military force. Japan is an exception as its aims have been to serve its own interests to become a Security Council member.

As a key ally of the US that shares with the ROK such universal values as free democracy, market economy, and human rights, Japan also has a role to offer in the stabilization process, as well as the US Forces Japan (USFJ), whose rear assistance and inter-operability with the US Forces Korea (USFK) would greatly enhance the military operational efficiency of the three allies.

Although establishment of a regional organization and deployment of a multinational force (MNF) would better enhance the operational efficiency of the three allies, its mandate and scope of mission would be identical to the core businesses of United Nations peacekeeping operations: electoral assistance, building of political institutions, etc. In this light, taking into consideration the operational efficiency as well as difficulties in great power coordination, establishment of a multinational force structure through the creation of a regional organization that would primarily include South Korea, US, and Japan would be the ideal option and “vehicle” in resolving North Korea’s sudden crisis, rather than through a United Nations peacekeeping operation that lacks binding power and is often entangled in veto politics in the Security Council. China may also surprisingly support a multinational force that is handled through a regional

²¹ United Nations, *The Blue Helmets: A Review of United Nations peacekeeping*, 3rd ed. (New York: UN Department of Public Information, 1996).

²² Joint Publication 3-16, *Joint Doctrine for Multinational Operations* (5 April 2000), http://www.bits.de/NRANEU/others/jp-doctrine/jp3_16.pdf.

mechanism (such as a revived version of the Six-Party Talks) if there is a clear and time-restricted mandate.²³

Short-Term Strategies for Stabilization and Reconstruction

The strategies and tactics implemented by the three allies in the first hours, days, and weeks after a North Korean regime collapse will be different than those carried out in the later stages of operations. After the allies have decided on a vehicle for intervention and carrying out crisis management operations, they will need to create a plan to deal with intense and enormous short-term problems and challenges. These include: humanitarian disaster (in addition to necessary provision of basic food and medical services), significant North Korean resistance (military and ideological), the demobilization, disarmament, and reintegration (DDR) of the North Korean military and security forces, securing of North Korean weapons of mass destruction, taking care of refugees and internally displaced persons (IDPs), and securing of political prison camps to prevent further perpetration of human rights abuses. The success or failure of short-term operations will have a tremendous impact on the long-term prospects for peacebuilding and reunification of the Korean Peninsula.

Given the complexity of the situation, and the limited nature of military and civilian resources, the three allies will need to prioritize the tasks to be accomplished. This will not be easy because many decisions will involve difficult tradeoffs and balancing of objectives. If an agreement regarding intervention has not been previously struck with China (and Russia), the three allies will find it necessary to move quickly to intervene in North Korean territory.²⁴

In the midst of these operations, the three allies must seek ways to limit military conflict both between North Korean domestic factions and among the other potential international military forces operating in the territory. The three allies must also prevent the North Korean people from becoming so disaffected that they start a civilian uprising

²³ Andrei Lankov, *The Real North Korea* (Cambridge: Cambridge University Press, 2013), 200; Park, *North Korean Contingency and Prospects of China's Military Intervention*, 13-19. While China will likely attempt to take a leading role in any type of intervention or any stabilization operations occurring inside North Korea, it will need to balance a series of competing interests including political, military and economic factors. The weighting of these factors may lead it to favor an MNF intervention. However, there is a high probability that the US and China will have difficulty agreeing on the mandate (i.e. scope, period of time, nature of intervention, organizational structure) for the MNF intervention. The allies should not seek to exclude China but instead use their leverage vis-à-vis China (i.e. military power, stabilization experience, money, UN process and international support) to constrain China's influence in the MNF and creation of the mandate. The allies may also have to consider making some concessions such as agreeing not to station US ground troops near the China-North Korean border.

²⁴ Based on the principle of state sovereignty and prohibition against acts of aggression under international law, China will reject any unilateral military intervention by South Korea or the three allies. To reach a prior agreement on intervention, the allies will need to appeal strongly to China's pragmatic side while also considering Chinese strategic goals. For example, they should convince Beijing of the fact that China cannot bear the military and economic costs of intervention and nation-building alone without embracing severe consequences. Also, working with the particular "strategic school" inside the Chinese government that favors China's peaceful development and cooperation with the US will be important. See Kim, *China's Views on the Potential Instability in North Korea*, 5-8.

or nationwide resistance movement. Prolonged military conflict or the breakdown of civil order will almost certainly guarantee that Korean unification will fail.²⁵

In particular, a balance between stability and legitimacy will need to be struck in the political arena.²⁶ The concentrated nature of political and military power in North Korea will make it difficult to accomplish tasks and carry out operations without a legitimate form of governmental authority. Therefore, one of the first tasks of the three allies, in conjunction with a UNPKO or MNF, will be to help establish a temporary form of government. The transitional government would be responsible for services that provide at least the minimum amount of security and basic living necessities for the North Korean people. It would also decide on or create the applicable laws that apply to the stabilization and peacebuilding efforts. If the North Korean government has been displaced or dissolved, three options may be available for forming an interim one: a military administration, a civilian transitional authority (or joint civilian-military organization), or a provisional government comprised primarily of local Korean authorities.²⁷ If outside UNPKO or MNF forces (led by the UN or the US) are heavily involved in long-term stabilization and peacebuilding operations following an intervention, then either the first or second option may be favored. The third option might be chosen if North Korean military and civil resistance is low and the military intervention is rapid and peaceful. Alternatively, if South Korean law is deemed to apply, a fourth option may be available whereby a South Korean governmental body tasked with making decisions regarding North Korean territory could be set up locally instead of establishing a new provisional government. Setting up a short-term transitional government in the DPRK would help to reduce resistance to outside forces and create greater stability by allowing cooptation or deconstruction of existing DPRK state apparatus and authorities.²⁸ Ideally, if the intervention involved military or peacekeeping forces, this interim government would be set up through a United Nations mandate or a mandate agreed upon by all the parties involved in a multinational force operation. The goal would be to integrate the ROK government with this transitional body to create a unified Korean government as well as to prevent conflict with China and Russia. The establishment of a transitional government in the DPRK could also be accomplished successfully if a ceasefire or peace agreement had already been negotiated²⁹ or if one were being negotiated between the relevant stakeholders after regime collapse.

Due to the enormous size of the North Korean military and security forces,³⁰ another crucial part of establishing stability will be the disarmament, demobilization, and reintegration of these forces. If the forces are not neutralized immediately they may devolve into warring factions or into criminal groups that will make it nearly impossible

²⁵ Bennett, *Preparing for the Possibility of a North Korean Collapse*, 172-73.

²⁶ Cha and Kang, 7.

²⁷ Special Inspector General for Iraq Reconstruction (SIGIR), *Hard Lessons: The Iraq Reconstruction Experience* (Washington, DC: US Government Printing Office, 2009), 7.

²⁸ James Dobbins et al., *The Beginner's Guide to Nation-Building* (Santa Monica, CA: Rand Corporation, 2007), summary xx

²⁹ Bennett, 179; Shin, 16-19.

³⁰ Ken Gause, *Coercion, Control, Surveillance, and Punishment: An Examination of the North Korean Police State* (Washington, DC: Committee for Human Rights in North Korea, 2012).

for the allies (and other stakeholder countries) to establish peace and stability. In this regard, the ROK, US, and Japan may draw important lessons from the cases of Iraq and Afghanistan and implement strategies based on these experiences.³¹

In Iraq, immediately after Saddam Hussein was ousted from power, a temporary body, the Coalition Provisional Authority (CPA), assumed authority before handing power over to a new Iraqi Interim Government after one year. The CPA was responsible for creating a separate council that drafted an Iraqi Constitution and also handled the disarmament, demobilization, and reintegration (DDR) of the Iraqi army. However, the lack of knowledge of local conditions and adequate planning, as well as the complicated nature of conflict between political and religious groups in the region, resulted in great upheaval and prolonged the military conflict despite the establishment of a new government. The DDR program in Iraq was deemed a failure because even though the Iraqi Army was dissolved, the CPA failed to reform and re-build the necessary military and police forces to maintain a secure environment.³² A DDR program was also implemented in Afghanistan but was a relative failure: even though the soldiers were disbanded and their weapons were taken away, they were not given sufficient jobs or means of survival. In both Iraq and Afghanistan, many dismissed soldiers resorted to criminal activities or rejoined insurgent groups contributing to protracted fighting and extended military operations. The failure to establish a secure environment created many subsequent problems for operations in both countries.

Similar conditions could develop in North Korea if there is inadequate preparation, planning, and a lack of a shared vision for the search and rescue (SAR) mission among the allies. A major difference either positive or negative, however, could be the role of China (and Russia). As mentioned, the ROK forces might assert a legal right to intervene based on the South Korean constitution but China and Russia would claim the actions to be a violation of international law without prior approval of military force by the UN Security Council. Both the short and long-term successes of these operations will depend on cooperation or potential conflict with Chinese and/or Russian forces. Another potential problem could be the South and North Korean concerns about having Japanese Self-Defense Forces operating on Korean territory because of their shared colonial history. The three allies should discuss Japan's contribution to the MNF through provision of nonmilitary personnel such as medical doctors, scientists, and humanitarian aid workers prior to the start of any operations. If there is agreement and coordination among the five parties (ROK, US, Japan, China, and Russia) the chances of establishing stability and peace will be infinitely greater. Without prior agreement the Chinese are likely to send military forces into North Korean territory to protect their national interests.³³ If the allies' forces are operating in the same territory as Chinese forces they will need to take extreme care to avoid military conflict.

³¹ The US has learned a great deal from the failures in both Iraq and Afghanistan and both the ROK and Japan have participated in a very limited extent to the peacekeeping operations in these countries.

³² SIGIR, *Hard Lessons: The Iraq Reconstruction Experience*, summary xxi.

³³ Choo Jae-woo, "North Korea's Collapse and China's Strategic Options," *Korea Focus*, Vol. 40 (Autumn 2008).

Without prior coordination and cooperation with China on intervention in North Korea, many unfavorable scenarios could unfold including the establishment of a new puppet regime in North Korea (with China's backing), the outbreak of civil war, or the complete or partial takeover of North Korean territory by Chinese forces.³⁴ These alternative scenarios would further perpetuate the division of the Korean Peninsula. The three allies should consider how to work with or at the very least neutralize the threat of conflict with China over North Korean issues.³⁵

Mid-to Long-term Strategies for Political Unification of the Korean Peninsula

Long-term political integration of the two Koreas will depend primarily on the ability of the three allies to ensure that the stabilization and reconstruction process in the North Korean territory proceeds smoothly. Ideally, reunification from a legal point-of-view would involve the integration of two separate sovereign entities under a single, unified constitution. The gradual political integration of the two Koreas will depend on: 1) whether Seoul possesses or is granted the domestic and international legal rights to absorb Pyongyang, and 2) if so, what kind of reunification formula should be applied to enhance the degree of integration of the two Koreas.

Reunification Formula

Ever since the Koreans declared their independence from each other, they have had different ideas on the formulae for reunification. Pyongyang has insisted on reunification through establishment of a 'federation' whereby the central government is granted sole authority to exercise foreign affairs and defense, and has greater authority over the local governments. Seoul, on the other hand, has traditionally preferred a 'confederation' whereby independence and autonomy of the local government is guaranteed and foreign relations and defense rights also fall under the jurisdiction of separate local governments.

Both the confederation and federation are a form of a union of nations, but differ to the extent that a confederation is a "union of nations according to the rule of equality of nations without component states losing their individual legal distinctness."³⁶ Technically, it is an association of two or more nations for the purpose of taking a united position internationally. A federation, on the other hand, is a grouping of states and is itself a state, with its legal orders founded in the constitution of the federation and not in

³⁴ Ibid.

³⁵ To prevent conflict with China or discourage it from sending troops into North Korea without prior agreement the allies should not only appeal to the leadership's pragmatic side as discussed earlier (see note 2 & 23) but also devise concrete military plans and options such as the one proposed by Bruce Bennett to avoid conflict. He proposes a "mutual intervention" in which the US, China, and ROK agree to secure and rebuild the DPRK but also divides the Northern territory into zones of control that are occupied by Chinese, US, and ROK forces, respectively. See Bruce W. Bennett, *Preparing for the Possibility of a North Korean Collapse*, 273-79.

³⁶ J. H. W. Verzijl, *International Law in Historical Perspective*, vol. 2 (Leiden: A. W. Sijthoff, 1969), 159.

general international law.³⁷ But, a confederation is substantially more of a temporary, provisional, and transitional form of association of states.³⁸

History of Reunification Formulas on the Korean Peninsula

Since the end of World War II, when Korea achieved its independence from Japan, the two Koreas have worked to establish an ideal formula for unification. Such efforts were epitomized in the ‘June 15 South-North Joint Declaration’ during the historical Inter-Korean Summit in 2000. In it, the two sides agreed to “solve the question of national unification in an independent manner” while “acknowledging that the South’s ‘Confederation Proposal’ and the North’s ‘Low Stage Federation Proposal’ have similarities.”

The ROK’s Confederation Proposal was first drafted in 1994 in the name of “National Community Unification Formula (*minjok gongdongche tongil bangan*)” which proposed a “Korean Commonwealth (*nambuk yonhap*)” system and a “Three-Phased Unification Formula” as a “transitional unification process.” It aimed to establish a national community first in economic, social, and cultural areas, gradually to endorse political unification at the end. The proposal was an extension of the 1989 unification plan called the “Korean National Community Unification Formula (*hanminjok gongdongche tongil bangan*)” and has since been accepted by succeeding governments in the ROK. Having said that, the 2000 “Confederation Proposal” is the generally accepted pre-unification formula for the ROK at this present time.

North Korea’s “Low Stage Federation Proposal” was first mentioned in 1991 but is in essence a modification of Kim Il-Sung’s 1980 unification proposal entitled the “Koryo Federation (*Koryo yonbangje*).” As opposed to the South’s Confederation Proposal of “two state, two systems, two governments” as prerequisite for creation of a Korean Commonwealth, the North’s Low Stage Federation Proposal is defined by “one state, two systems, two governments” with a weak central government and strong regional governments. As can be seen, the two proposals have both similarities and distinctions, which leads to the conclusion that both sides worked to achieve a compromise solution to the unification formula.

In essence, the South’s idea of a Korean Commonwealth envisaged a loose and interim union of the two Koreas consisting of executive and administrative organs such as: 1) Council of Presidents which would be the highest decision-making organization consisting of top leaders of the two Koreas, 2) Council of Ministers, 3) Council of Representatives, 4) Joint Secretariat, and 5) Resident Liaison Missions. The North’s Low Stage Federation proposed the establishment of a 1) Supreme National Federal Assembly and a 2) Permanent Federal Committee which would guide the regional governments, but

³⁷ Charles Leben, “Hans Kelsen and the Advancement of International Law,” *European Journal of International Law* 9 (1998), 294.

³⁸ Jhe Seong-Ho, “Comparison of the South’s Confederation Proposal with the North’s “Low Stage Federation” Proposal – From the Perspective of International Law,” *International Journal of Korean Unification Studies*, Vol. 12, No. 1, 2003, 165-197.

would not limit the autonomy of either. Rights to military and diplomatic affairs would also be granted to regional governments. However, such authorities are meant to be given ‘provisionally’ as a first step to achieving a unified country.

International Acceptance and Approval

Agreeing upon a long-term plan and path for unification between the two Koreas will not be easy. Given the large economic, political, and social gaps between the two Koreas, reunification will also be highly contingent on which political party (liberal or conservative) happens to be in power in South Korea when a transition or contingency occurs. The next question would be whether, if the South were to absorb the North, related stakeholders such as the US and China would authorize the conclusion of a new treaty that recognizes the ROK as the legal successor to North Korea’s rights and obligations. The treaty’s success will depend on how well these stakeholders are able to advance their interests. The process would involve a national referendum by North Korean citizens, as well as national elections in the ROK to elect new leaders for a unified Korean government. Here, another question arises: will the Armistice Agreement of 1953 be automatically substituted by a permanent peace treaty? Leaving aside the position of China, which is also party to the Armistice Treaty, North Korea’s regime dissolution would have already invalidated the legal treaties that North Korea has signed.

According to international law, this could require establishment of a new North Korean government that may or may not wish to begin talks on re-unification with its counterpart in the South. If so, a treaty will need to be signed to define new terms of the unified Korea’s constitution, political system, and executive system, as well as electing new members to take those roles. As in the case of Germany, the Armistice Agreement will be replaced by a peace treaty before the establishment of a unified Korean government with participation by the US, China, and Russia.

Necessity for the Establishment of an Interim Government

If reunification fails to improve even slightly the quality of life of the people in the North or brings about a setback in the lives of the people in the South, there will be more demerits than merits for unification of the two Koreas. When the Berlin Wall collapsed in 1989, East Germany was swiftly and completely absorbed into the West German system within a one-year time frame. During the transition period, East German people were free to hold elections, yet later voluntarily chose to unite with the West. The last communist premier of East Germany, Hans Modrow, during that time opposed sudden integration of the two Germanys and instead proposed peaceful co-existence through a treaty community. West German Chancellor Helmut Kohl proposed that the two Germanys establish a Confederation as an interim government to eventually unify as a Federation. Amid the political discourse, the Soviet Union, Great Britain, and France advised that they would acknowledge the German unification process to the extent that it did not impair the peace and stability of Europe.³⁹ However, history shows that German

³⁹ Chung Yong-gil, *Germany on October 3, 1990: Looking to Germany for Reunification* (Seoul, Dongguk University Press, 2009), 231. (in Korean)

reunification did not leave room for a phased and gradual process for unification. Instead, the East German people's firm political will to enter into the West's system was rapidly reflected in the unification process.⁴⁰

In this vein, establishment of an interim government after North Korea's sudden change is necessary for at least three reasons. The first would be to provide the North Korean people the freedom to choose their future, whether that would be unifying with the South through a confederation, federation, or even complete absorption with Seoul. Second would be to endorse the relevant stakeholders' recognition of the justification of the reunification process. This would preclude any future unwanted interference in or backfire on post-Korean Peninsula unification scenarios. Third, an interim government would contribute to stabilizing the domestic chaos in the North and give more time and room for incoming multinational and peacekeeping operations to provide basic necessities and education to the North Korean people. This would contribute to a smoother reunification process. Lastly, applicable laws that can be applied to stabilization and peacebuilding efforts can be drafted during the interim period. As noted, three options may be available for forming an interim government: a military administration, a civilian transitional authority, or a provisional government comprised primarily of local Korean authorities.

That said, the ideal unification formula in North Korea's post-collapse setting will resemble a "one nation, one state, one system" and preferably "two government" political structure. Ironically, it would be closer to North Korea's pre-unification formula of 'Low Phased Federation' than the South's 'Confederation Proposal.' While assisting North Korea to establish its own interim or transitional government to buffer the shocks of having to unite with the South instantaneously, the South could also work to create a federal assembly or committee consisting of both members of the South and the North as a way to reflect the immediate needs of the North Korean people.

To that end, the creation of a federal assembly should be a bicameral legislature with an upper and lower house, where the lower house is elected according to population representation of the South and the North. Because the South's population is roughly twice that of the North, the ROK would have that many more representatives in the lower house. Meanwhile, the upper house should reflect the special nature of unification and elect the same number of representatives from both South and North, who would cooperate and work out a plan to twin transitional integration into permanent unification.

Policy Recommendations and Future Contingency Planning

The process of stabilizing and rebuilding North Korea after a regime collapse will be a long, complicated, and painful process. Reunification of the Korean Peninsula will be an even longer and more difficult process but it is in the best interests of the ROK,

⁴⁰ Kim Geun-sik, "The Political Dynamics of Korean Reunification: Case Study of Germany and Yemen," In Ed. Lee Su-Hoon and Cho Dae-Yup, *Reconceptualizing Theories of Korean Reunification* (Seoul: Sunin Press, 2012), 159. (in Korean)

US, and Japan to support this development as it will bring greater peace and stability to Northeast Asia. There will be many obstacles and challenges to achieving peace and a secure environment. The three allies, through close coordination, cooperation, and sharing of resources and experience, can succeed in propelling the future of the Korean Peninsula in a positive direction. Based on the analysis in this paper it is proposed that the ROK, US, and Japan seek to consider and/or implement the following recommendations:

The US, ROK, and Japan should work closely together in the United Nations to gain support for a Multinational Peacekeeping Force to ensure stabilization of North Korean territory after regime collapse. To avoid military conflict, the three allies must be prepared to work pragmatically with China and Russia on a mandate outlining operations for intervention and stabilization. Concurrently, the three allies must be ready to deliver basic and immediate necessities and public services to the impoverished North Korean people.

The ROK, US, and Japan should institute a workable DDR program to deal with North Korean military and security forces. The three allies can help re-establish public order by drawing on their combined UN PKO experience and military operations without involving Japanese Self-Defense Forces that could create Korean opposition.

Re-establishing a functioning government will require close coordination and compromise between the ROK, US, and China. These three countries should work together on a peace agreement (or ceasefire agreement) to be instituted as soon as possible after the regime collapse. Japan may act as a neutral observer for negotiations.

To deal with other temporary government functions and problems during transition, the ROK, US, and Japan could create a pool of legal and political experts to provide expertise to a temporary governmental body in North Korea or a united Korean government (unified under South Korean law). This pool of experts could provide advice on the draft of a new “united” Korean constitution. A pool of other social science experts could write recommendations on methods for smooth integration of the two political, economic, and social systems (as well as nuclear technology issues).

The three allies could contribute to and raise funds for reconstruction. They could also create a pool of financial experts to ensure transparent use of money in newly established government and local institutions. Also, they could help train and educate locals through NGO initiatives to rebuild the economy and stimulate market growth.

NGOs from the US, ROK, and Japan could help rebuild North Korean civil society, gather on-the-ground information, and help further communication between government officials and local people to further the long-term process of integration and reconciliation.

The Need for US-ROK-Japan Humanitarian Assistance Planning on NK

by

Darcie Draudt, Akira Igata, and Joseph Oh

Phase I: Routine Joint Coordination (Pre-Collapse)

Rapid, effective, and efficient response to a North Korean collapse scenario detailed in phases I and II requires routine joint coordination in the pre-collapse period. However, this coordination should not be limited to a simple coordination plan that includes government agencies in the three countries. Response to a sudden crisis should also include nongovernmental entities that have the potential to contribute.

This section outlines the importance of expanding both the international coordination among the three countries as well as internal coordination among these various actors within each country in preparing for a possible collapse of the North Korean regime.

1.1 Trilateral Military-to-Military Coordination

The importance of trilateral coordination among US allies in the realm of non-traditional security has been stressed in various contexts.¹ The Japan-US-South Korea trilateral is no exception – these three countries have profound shared interests such as strong economic ties, shared norms and values, and interest in regional stability.² Furthermore, given that military organizations are the only actors capable of large-scale deployments, stronger coordination for a North Korean contingency would be desirable for an effective response in the immediate post-collapse period (Phase II).

The road to trilateral military-to-military coordination is not likely to be a smooth one. There are strong public sentiments in South Korea towards Japan, which makes arrangements such as Self-Defense Force (SDF) planes flying into South Korean airports difficult, even for humanitarian assistance purposes. This is reflected in the current legal structure, where Japan and South Korea cannot agree to basic cooperation agreements such as the Acquisition and Cross-Servicing Agreement (ACSA)³ or the General Security

¹ For instance, a case for Japan-US-Australia trilateral cooperation in the issue of HA/DR is made in: The Association for Cooperation between Japan, US and Australia, The Asia-Pacific Center for Security Studies, and Queensland University of Technology. *Enhancing Trilateral Disaster Preparedness and Relief Cooperation between Japan, US and Australia: Approaches from Various Civil-Military Perspectives*. July, 2013.

² For a detailed argument on the importance of trilateral coordination in the Japan-US-Australia trilateral context, see: Ibid. 14-20 for Japan and Ibid. 29-37 for US

³ Acquisition and Cross-Servicing Agreement (ACSA) is a bilateral agreement that allows basic logistical cooperation among military organizations. Japan has concluded ACSA with 2 countries: US and Australia. Japan has also agreed to sign ACSA with Canada in September, 2013. US has concluded ACSA with 19 countries, including both Japan and South Korea.

of Military Information Agreement (GSOMIA).⁴ Although both countries are strong, long-time allies of the US, the prospect of genuine ‘trilateral’ coordination seems distant.

Despite these difficulties, quiet progress has been made in the past decade. For example, Japan and South Korea have touched upon the issue of disaster prevention in a bilateral context as far back as 1998.⁵ Furthermore, Japan, the US, and South Korea have made a trilateral joint-statement to strengthen humanitarian assistance and disaster relief (HA/DR) capabilities in 2010⁶ and advanced cooperation efforts to prepare for natural disasters in 2012.⁷ Transforming current trilateral coordination efforts, now primarily concerned with disaster relief, into humanitarian assistance-minded efforts sensitive to a North Korean collapse scenario would be a natural progression of current trilateral dialogue trends. Such expansion requires the easing of political tension between Japan and South Korea, the conclusion of basic legal agreements such as ACSA and GSOMIA, and increased joint-training among the three countries in a humanitarian assistance context.

1.2 Increased Civil-Military Coordination in Each Country

In addition to international coordination, all three states can also improve their effectiveness through internal efforts, namely stronger internal coordination among actors within each country. For instance, the Japanese government was unable to fully utilize the capabilities of domestic nongovernmental organizations (NGOs) in the Great East Japan Earthquake because the government was unaware of their capabilities.⁸ One of the lessons of the Great East Japan Earthquake is that large-scale contingencies cannot be dealt with by a single government, even in an industrialized state such as Japan. Each country should increase communication among its domestic actors, both governmental and private, to maximize their capabilities for sudden crises.

For instance, a Japanese nonprofit organization, Peace Winds Japan (PWJ) was already heading toward the disaster-stricken area by helicopter within the first 24 hours of the Great East Japan Earthquake. PWJ also sent a total of 160 tons of relief material to about 20,000 victims in the first month following the disaster, then continued to support the victims by providing mattresses and dishes for those living in temporary housing. The

⁴ General Security of Military Information Agreement (GSOMIA) is a bilateral agreement that facilitates exchange of sensitive information. US has concluded GSOMIA with over 60 countries, including both Japan and South Korea.

⁵ Ministry of Foreign Affairs. *21 seiki ni muketa aratana nikkans pa-tona-shippu no tameno koudou keikaku* [Action plan for a new Japan-South Korea partnership towards the 21st Century]. 1998.

⁶ Ministry of Foreign Affairs. *Nichi-bei-kan sankakoku kyoudou seimei* [Japan-US-South Korea Joint Trilateral Statement]. December, 2010.

⁷ Ibid. *Nichi-bei-kan sankakoku kyoudou puresu seimei* [Japan-US-South Korea Joint Trilateral Press Statement]. July, 2012.

⁸ Statement made by a participant at a conference: Strategic Assistance: Disaster Relief and Asia Pacific Stability. Sept. 12-13, 2013.

government may have been able to respond more effectively had they worked in tandem with NGOs like PWJ.⁹

A useful delineation of this position is summed up in a “whole of society approach” that includes government agencies, militaries, NGOs, INGOs, the private sector, and multilateral organizations.¹⁰ Each of these stakeholders has unique capabilities that can contribute in different ways. It would be impossible for the government to tap into these nongovernmental resources without prior communication and coordination in the pre-collapse period. In addition, there may be room for improvement in coordination among different governmental agencies as well, such as the JDF and Japan International Cooperation Agency (JICA), US Army and the US Agency for International Development (USAID), and the Republic of Korea Army (ROKA) and Korea International Cooperation Agency (KOICA). Increasing domestic multiagency workshops, conferences, and training could facilitate exchange of information, offer networking opportunities, and increase readiness.

1.3 Interagency Trilateral Coordination

Lastly, it would be desirable to have a comprehensive joint-training involving all actors from the three countries to deal with a major humanitarian crisis scenario. Such large-scale joint-training is likely to be very costly and complex due to the sheer number of personnel that would be involved. However, such complexity is what the three countries must face in the event of an actual collapse. It would be desirable to have a periodical, perhaps annual, trilateral comprehensive humanitarian assistance training that is not expressly targeted at North Korean collapse, but that could be applied for various contingencies.

Phase II: Post Collapse Relief Phase (Short-Term)

The primary focus of this section is to provide recommendations on how the ROK, US, and Japan can trilaterally coordinate humanitarian assistance efforts following a collapse in North Korea. Such a large-scale humanitarian crisis on the Korean Peninsula would prompt the ROK-US alliance to garner international support, establish security, and provide relief to North Koreans. But Japan is not currently included in the aforementioned operations for various reasons. Expanding the scope of Japan’s involvement in future humanitarian assistance efforts is worth considering given its close proximity to Korea, logistical capabilities, and past experiences with HA and disasters. In any case, a swift and coordinated HA response is required in an acceptably secure environment to prevent such a scenario from unfolding.

⁹ For more details on the activities of PWJ during the Great East Japan Earthquake, see: Tohoku (Higashi Nihon Daishinsai) Puresu Riri-su Ichiran [List of Press Release for Tohoku (Great East Japan Earthquake).] <<http://peace-winds.org/activity/tohoku/PR.html>>

¹⁰ Peace Winds America. *Strengthening the Alliance: HA/DR Cooperation in the Asia-Pacific (The Japan-U.S Civil-Military Disaster Preparedness Initiative)*. 2013: p.10-11.

The details of combat operations on the peninsula have been discussed exhaustively elsewhere. Thus, the remainder of this section will address ways to mitigate the massive movement of North Koreans, which is the key trigger for a worsening crisis, by utilizing components of civil-military operations (CMO) such as populace control, resource control, and civil information management.¹¹ The first preventative approach to keep North Koreans at home is populace control.

2.1 Population Control

Population control relates directly to the dislocated civilian (DC) problem. Joint Publication 3-57, published by the US Department of Defense, defines population control as a task that “provides security for the populace, mobilizes human resources, denies enemy access to the population, and detects and reduces the effectiveness of enemy agents.”¹² Similarly, a key enabler of population control is strategic messaging directed at DCs. If the populace is unaware of the location of DC camps and essential services, then efforts to influence potential DCs will bear no fruit. Thus, it is critical for the Allies to supplement messaging with action that is credible by providing a secure environment, distributing basic necessities, and restoring infrastructure and essential services.

In a collapse scenario, the North Korean leadership’s ability to provide basic needs for the populace will be severely limited. Particularly in a government collapse, many central government functions would fail.¹³ Consequently, a lack of provision from the government and a malfunctioning distribution system would also cause the populace to increase their reliance on other means for survival such as black markets and external aid. Although North Korean citizens would distrust aid from the ROK and US at the outset, a deteriorating situation would leave the populace with few remaining options for food and security. For example, the current situation in Syria show that civilians are migrating to Jordan, Lebanon, Iraq, Turkey, Egypt and North Africa because they fear that their lives are in danger and their basic needs are not being met by the government. Thus, a dire lack of food and security could prompt North Korean citizens to accept assistance from the ROK and US. Once civilians in desperate situations accept aid, the Allies can reassure the remainder of the North Korean populace that their basic necessities will be met, declare that other citizens’ needs are being met, and influence the North Korean people to remain in place.

Another approach to population control is for the ROK, US, and Japan to identify and share information on the location of DCs and DC camps. The inability to gather complete information on areas susceptible to displacement and respond in an expedient manner would only undermine the reliability of those claiming to help North Korea. Given the urgency to resolve a humanitarian crisis on the peninsula, it is worth leveraging

¹¹ United States Department of Defense, Joint Publication 3-57 Civil-Military Operations (Washington, DC: Government Printing Office, 2013), I-8.

¹² United States Department of Defense, Joint Publication 3-05, Special Operations (Washington, DC: Government Printing Office, 2011), 3-2.

¹³ Bennet, Bruce W., “Preparing for the Possibility of a North Korean Collapse,” (Santa Monica, Calif.: RAND Corporation, 2013), p. 6.

the expertise, transportation assets, and collection capabilities of Japan, particularly in this scenario. Accordingly, trilateral planning and coordination on temporary shelter construction for DCs in a permissive environment and delivery of aid to these DC camps are key factors in mitigating massive movements. Additionally, the construction of DC camps would require logistical coordination of HA supplies, the integration of NGO/IO expertise, and the identification of areas susceptible to displacement.

In the case where DCs flee south, the Allies must usher these North Korean citizens toward DC camps that are away from main supply routes to enable movement of security forces and aid. Otherwise, North Korean citizens could impede the transportation required by the Allies to deliver critical resources. China also plays a key role in the shaping of the HA environment. The best-case scenario for involving China is to coordinate with the Allies prior to a humanitarian crisis. But if China has not collaborated on HA planning and massive migration begins to occur, then the US, ROK, and Japan could collectively offer insight into the shortfalls and where Beijing may be able to contribute to emergency humanitarian relief operations.

2.2 Resource Control

The second mitigation measure for a massive movement of North Koreans is resource control. Resources that will be important to identify and secure for humanitarian purposes are property, food, water, and medicine.¹⁴ Thus, the first logical step under resource control is to identify all food and water storage areas in North Korea and transport stores of food and water from South Korea to respond to the humanitarian situation. Once these resources have been identified and delivered, the ROK should communicate shortages in basic necessities as well as logistical challenges. Especially in areas away from major ports and airfields, many North Koreans could be put in jeopardy of starvation or at least be displaced from their homes without resources from the ROK and other governments and militaries.¹⁵ Thus, trilateral coordination in areas facing logistical issues and food shortages could accelerate the delivery of aid.

Next, medical support is necessary to assuage the possibility of mass migration. For the areas that are difficult to access in North Korea, the ROK, the US, and Japan could send out forward-deployed medical teams to address malnutrition, tuberculosis, and vector-borne diseases. US civil affairs units are uniquely suited to provide medical assistance in remote areas in the immediate aftermath of a disaster or humanitarian crisis.¹⁶ However, the extent to which Japan tolerates the risk in providing such assets requires further discussion. In any case, communicating these issues will allow the three countries to be aware of the capabilities and limitations for addressing such mission sets. International humanitarian organizations should be encouraged to work with the military

¹⁴ Robert, Douglas F. “A United States Civil Affairs Response to the Pending Humanitarian Crisis Following the Collapse of the North Korean Regime”, (Fort Leavenworth, KS.: US Army Command and General Staff College, 2012), p. 45.

¹⁵ Bennet, Bruce W., “Preparing for the Possibility of a North Korean Collapse”, (Santa Monica, Calif.: RAND Corporation, 2013), p. 146.

¹⁶ Robert, p. 59.

and provide as much aid as they can while receiving ROK and allied military security. The ROK and allied militaries should then focus their aid in areas that international humanitarian organizations cannot reach.¹⁷

2.3 Civil Information Management

The third mitigation measure for a massive movement of North Koreans is civil information management (CIM). Civil information serves as a tool to assist the military to collaborate with interagency and other civilian counterparts. A broad dissemination of civil data helps reduce duplication or conflicts in the humanitarian space. Similarly, developing organizations that coordinate between the Joint Task Force (JTF) and the interagency or intergovernmental organizations like the United Nations cluster system mitigates gaps or overlaps in services.¹⁸ The clusters consist of various UN organizations with separate responsibilities that address specific issues and phases of a humanitarian crisis. Incorporating the UN Office for the Coordination of Humanitarian Affairs (OCHA) in HA situations in North Korea could serve as a bridge to the next phase of contingency operations.

Phase III: Rehabilitation and Reconstruction (Mid- to Long-term)

In phases I and II, humanitarian concerns focused on immediate relief and stabilization. In the long term, humanitarian assistance must focus on transfer from military-supported relief to NGO- and IGO-led sustained support.

The list of long-term support consideration is long; the centralized structure of population support and the lack of a codified civil society in North Korea means that sustained and sustainable (long-term) development must be provided on a variety of fronts, including: medical care, food assistance, economic system restructuring, infrastructure construction, permanent housing construction, and local security concerns. Each of these necessitates knowledge of the unique situation facing North Korea. To allow for sufficient analysis, this section will focus solely on the issue of food distribution.

3.1 Supporting Agricultural Production

In a good production year, North Korean farmers can produce 4.4 million tons (Mt) of cereal equivalent. With consumption at 5.5 Mt, the nation must import about 1 Mt of food commercially or as aid; the current food deficit is supplied by the World Food Programme and the European Commission's regular development program, as well as commercial imports.¹⁹ Despite the deficit, North Korea has the potential to produce enough domestically to sustain its population; 15 percent of North Korean land is arable,

¹⁷ Bennet, p. 146.

¹⁸ United States Department of the Army, FM 3-57, Civil Affairs Operations, 3-12.

¹⁹ Bates, Matthew. "Prospects for Food Self-Sufficiency in the DPRK: An Interview with Tom Morrison." *Sino-NK*, June 1, 2013. <http://sinonk.com/2013/06/01/prospects-for-food-self-sufficiency-in-the-dprk-interview-with-tom-morrison-part-1/>

which is comparable to China and Burma, two countries that are self-sufficient.²⁰ Agricultural production should be supported by facilitating collective agricultural efforts as the liberalization of farming continues.

3.2 From PDS to Market Distribution Systems

The prospect of food aid failure has the potential to have even more devastating impact on the North Korean population than violence in the face of regime collapse.²¹ The key in the long-term will be the transition from relief to sustainable distribution. Reports have indicated that past and current food supply issues in North Korea are not due to deficiencies in agricultural output, but rather the North Korean distribution system.²²

Currently, the Public Distribution System (PDS) of food supply in North Korea is concentrated in the center, and surplus in bountiful areas of the nation is not redistributed to areas in need. Previous international food assistance, such as during and immediately following the famine in the mid-1990s, was often mismanaged locally and sent to the military rather than civilians.²³ The trilateral partnership should involve organizations that will support the development of markets at the grassroots level, involving North Koreans as well as NGOs that would provide long-term assistance, in order to create sustainable food distribution mechanisms in the long term.

Indeed, breakdown in the already strained PDS is the “most commonly feared spillover effect” of collapse.²⁴ Following regime collapse, the threat of these distribution channels failing is high. In the short-term, military-led efforts may be tenable, but longer-term efforts must focus on developing a sustainable distribution system led by non-military agencies. Such routes must be newly made. Multilateral agencies providing assistance to North Korea have had no route for distributing aid, and were not allowed to develop them.²⁵ Therefore, the trilateral partners must work to provide these distribution structures. Maps of previous locally focused engagement projects inside North Korea, such as at Engage DPRK,²⁶ can be compiled through an intergovernmental clearinghouse such as the UN Office for Coordination of Human Affairs (OCHA). The trilateral can leverage its presence as stabilizers for intergovernmental and nongovernmental actors providing long-term assistance to establish and utilize proper distribution channels.

3.3 Involvement of NGOs

²⁰ Ibid.

²¹ Dr. Myung-hyun Go, interview by Darcie Draudt, Oct. 15, 2013.

²² Bates, Matthew. “Prospects for Food Self-Sufficiency in the DPRK: An Interview with Tom Morrison.” *Sino-NK*, June 1, 2013. <http://sinonk.com/2013/06/01/prospects-for-food-self-sufficiency-in-the-dprk-interview-with-tom-morrison-part-1/>

²³ Scott Snyder. “American Religious NGOs in North Korea: A Paradoxical Relationship.” In *Ethics & International Affairs* 21, No. 4 (2007):424.

²⁴ Paul B. Stares and Joel S. Wit. *Preparing for Sudden Change in North Korea*. Washington: Council on Foreign Relations (2009): 18.

²⁵ Haggard and Nolan 1997:90

²⁶ Engage DPRK. <http://www.engagedprk.org/>

There are some NGOs currently working in North Korea that can help provide sustained care.²⁷ South Korea, the US, and Japan should work with these groups, leveraging their knowledge of the particular issues facing North Koreans as well as the informal local networks they have built. The organizations currently in North Korea have focused on providing agricultural, educational, and health development projects rather than food assistance.²⁸ This is because of the structural barriers to developing the channels for food assistance. Many of the American NGOs currently active in North Korea receive religious funding. These organizations have the advantage of experience and established relationships, but as Scott Snyder pointed out there may be moral or ethical questions for the North Koreans related to states incorporating religiously funded NGOs in North Korea.²⁹ Groups previously working in North Korea, including Action Contre la Faim and Oxfam International, should be re-involved.³⁰

3.4 Moving Forward: Past Issues for Each Nation

Long-term efforts must first facilitate a more effective and efficient distribution system in conjunction with developing a market-based economy. Additionally, special concern must be given to malnourishment, especially in the rural areas, as well as special needs populations, including women, children and the disabled.

From the late 1990s, American NGOs were limited in providing assistance to North Korea, which was targeted by the US Trading with the Enemy Act.³¹ Japan had cut off food aid in 2001 due to disputes over the reliability, quality and accuracy of data about the DPRK.³² However, the US and South Korea would need Japan's logistic support and economic assistance on these issues.³³ The Multilateral Planning Augmentation Team, which falls under the UN OCHA, brings together the militaries of 30 countries for response to natural disasters and includes Japan, the US, and South Korea.³⁴ Working to develop ties between other intergovernmental organizations is necessary to address the abovementioned issues past military coordination for disaster relief.

Using food distribution as just one example, we can see that sustained humanitarian assistance can be provided by the trilateral partnership by a) providing

²⁷ For more information on current or past engagement projects in North Korea, Engage DPRK provides a good overview of development assistance and humanitarian relief efforts of foreign projects taking place inside North Korea. <http://www.engagedprk.org/>

²⁸ Snyder 2007: 426.

²⁹ Ibid. 430.

³⁰ Both of these groups left in 1999 due to what they claimed were extreme restrictions by Pyongyang. "US Bilateral Food Assistance Has Mixed Results: Report to the Chairmain and Ranking Minority Member, Committee on International Relations, House of Representatives." Washington: United States General Accounting Office (June 2000): 55.

³¹ Snyder 2007: 425.

³² Hazel Smith. *Hungry for Peace: International Security, Humanitarian Assistance, and Social Change in North Korea*. Washington: United States Institute of Peace Press (2005):8.

³³ Stares and Wit 2009:33.

³⁴ Ibid. 33-34.

support to farmers as the agricultural sector is privatized; b) establishing new distribution channels for food supply; and c) consulting and eventually transitioning oversight to NGOs and IGOs who have previous experience working in North Korea.

Press Beijing on DPRK Contingency Planning

by

Chin-Hao Huang and Timothy Stafford

China will play a key, if not central, role in any North Korean collapse scenario. Beijing has a tremendous economic and political stake in the future of the peninsula, as well as the geographic proximity and capabilities to affect the outcome of any instability. It can therefore be expected to be anything but passive in the event of the Kim regime losing control of the hermit kingdom.

In theory, this ought to be a huge advantage to those hoping for political change in the DPRK, for Beijing has the capacity to mitigate the negative effects of a collapsing regime. However this line of thought neglects the fact that change of any kind is an acutely undesirable outcome for China. As Thomas McNaugher notes, throughout history the Korean Peninsula has been a corridor through which threats to mainland China have been manifested.¹ Indeed, the advance of US forces up the peninsula in 1950 prompted China's intervention in the Korean War by evincing memories of Japanese invasions in 1592 and 1894. Accordingly, Beijing sees North Korea's sheer existence as a useful buffer zone, for it constrains the reemergence of an historic security dilemma. Likewise, Beijing fears any instability in the Korean peninsula with the potential to trigger a refugee problem. Over 400,000 North Koreans crossed into China during the 1990s during an era when famine was rife.²

All these points underscore the paradox of China's role in any North Korean collapse scenario. No country has the capacity to do more. And yet, simultaneously, no country has the inclination to do less. Indeed, most analysts conclude that any Chinese intervention in North Korea would aim to stabilize the Kim regime, rather than pave the way for unification. It is of little surprise, then, that US efforts to get China to engage in serious contingency planning have thus far failed. Chinese interlocutors fear a self-fulfilling prophecy whereby their involvement in any discussion of North Korean collapse would make it more likely.

This unwillingness to engage poses an acute dilemma to the United States, for no policy prescription for a collapsing North Korea can be expected to succeed over Beijing's opposition. For instance, most of North Korea's nuclear sites are near China's border, making Beijing, and not the US, a likely candidate to lead any effort to guard against a 'loose nukes' scenario. Likewise, China has the resources necessary to relieve the suffering and hardship that North Korea's population is likely to suffer should Pyongyang's authority collapse. For instance, Chinese troops stationed close to its border with North Korea have the capacity to play a major humanitarian role. For those thinking

¹ Thomas L. McNaugher, "Reforging Northeast Asia's Dagger: US Strategy and Korean Unification," *Brookings Review*, Summer 1993, pp. 12-17

² Bruce W. Bennett and Jennifer Lind, "The Collapse of North Korea: Military Missions and Requirements," *International Security*, Fall 2011, p. 97.

about the collapse of the DPRK, securing greater Chinese cooperation is not only desirable but essential.

How might China be incentivized to cooperate and participate in contingency planning? What are some of the most pressing concerns and where are there openings for closer consultation between the two sides on North Korea? Fundamentally, these questions revolve around how the United States frames and clarifies its position on three key issues: (1) intervention to secure the North's nuclear arsenal; (2) humanitarian assistance and infrastructure development; and (3) potential unification issues. In doing so, it should make clear that Chinese disengagement on these issues makes unilateral US moves more likely, whereas participation in discussions provides Beijing with opportunities to be an integral part of contingency planning and implementation.

Dual Intervention or Dueling Interventions?

Should North Korea begin to collapse, the stakes will be high. As a result, so too will be the desire to intervene. Both the US and China have the capacity to undertake military operations in North Korea. Establishing some common threshold for military intervention will therefore be vital. Two methods could be adopted in this regard. The first is a 'legitimacy' threshold, such as a UN authorization for the use of force. The second would be a mission specific threshold, such as nonproliferation, in which both parties would affirm that they would refrain from operations that lack a specific counter-proliferation objective.

Indeed, securing North Korea's nuclear assets in a scenario of regime collapse will be the overwhelming imperative of the international community. Ideally, Beijing would lead any such effort. Resistance to the presence of US military personnel is likely to be intense, especially among North Korean armed forces, even if centralized control has broken down. By contrast, North Korean hostility to a Chinese military presence can be predicted to be less. Moreover, at a practical level, Chinese entry into the DPRK from the north would be easier than a southern entry by US-ROK forces stationed along the 38th parallel.

However, to even raise the prospect of international military involvement in the DPRK leaves Chinese officials aghast. Washington should therefore emphasize the consequences of failure if Beijing refuses to engage. First, the lack of coordination could result in dual – and, perhaps dueling – interventions. Such a development could give rise to the worst possible outcome: a standoff between China and the United States.

In addition, the US should make clear that a lack of coordination makes it likelier that Beijing will be left out of any response to the threat of 'loose nukes'. That could not only lead to a situation in which China discovers US forces operating close to its border, but also a scenario in which South Korea acquires North Korea's arsenal, a development Beijing has long opposed. By playing up the likelihood of outcomes Beijing opposes, the US can pressure China to reveal more of its thinking as to how it might intervene should North Korea's regime start to collapse.

Humanitarian Assistance and Infrastructure Development

Perhaps one of the most important aspects of contingency planning is the issue of refugees and migration. Life in North Korea is difficult, and North Korean citizens suffer from prolonged malnutrition and starvation. In spite of such harsh conditions, North Korea's collapse may not trigger the massive outflow of refugees, an assumption that is largely based on the model of current defection patterns from North Korea into China, South Korea, and elsewhere. As observed in other cases of regime collapse in Iraq and parts of Africa, massive migration rarely occurs.³ In fact, most people tend to stay put given familiar surroundings, and aspirations that new political governance may bring an improvement in their socio-economic conditions. This is an important point to convey to the Chinese government as the issue of mass migration from North Korea is a longstanding concern. By deflating the hyperbole of the refugee problem, the US government and its allies should consider several concrete steps to engage Beijing more constructively and solicit Chinese support to help address the humanitarian concerns in any contingency planning.

Equally important, discussions about China's role in infrastructure development in North Korea should be of high priority. The Chinese government, along with its state-owned enterprises and emerging multinational conglomerates, has accumulated extensive experience and expertise in building large-scale infrastructure at home and abroad.⁴ From clinics and dams to roads and airports, China can draw from its own strengths and expertise to help deliver many of the short-term priorities as well as longer term infrastructural needs that will be critical during and after the transition phase. The incentives for China cannot be clearer and simpler: the immediate delivery of aid and provision of such reconstruction efforts contribute to a degree of security on the ground, all of which will help prevent a mass exodus of refugees and instability on the Sino-North Korean border.

Several achievable steps can and should be considered in terms of humanitarian relief. The US should coordinate with such UN aid agencies as the Coordination of Humanitarian Affairs (OCHA), the High Commissioner for Refugees (UNHCR), the World Food Program, the Red Cross, and other regional governments and organizations, to prioritize and deliver the necessary humanitarian assistance to the North Korean population. Engagement through UN and other multilateral channels may be more time consuming and cumbersome, but doing so would be critical as it would legitimize a large-scale humanitarian presence in North Korea and address Chinese concerns. Perceiving the UN process as a more legitimate course, China could also be tapped to play a pivotal role in opening access points along its land borders, airspace, and ports to help deliver external humanitarian aid into North Korea.

³ Victor Cha and David Kang, *Challenges for Korean Unification Planning* (Washington, DC: Center for Strategic and International Studies) December 2011.

⁴ *Ibid.*

Providing immediate and longer-term health needs in North Korea will be a high priority in any contingency planning. The state of North Korea's health system remains largely unknown and untested.⁵ But, given the close ties between China and North Korea, it can be assumed that a majority of the health professionals, physicians, and nurses have received training and/or education that mirrors China's health practices, including Traditional Chinese Medicine⁶. Experts in global health have identified revamping national health systems as an important priority, given their close linkage to migration patterns. Any adjustment to North Korea's national health system must incorporate and build upon the pre-existing system. As such, North Korean doctors, nurses, and midwives will need to be identified to create a sense of community ownership. Beijing can help in this regard, and it can also provide some of the necessary support, such as building clinics and hospitals, while other governments provide such software as medical equipment and additional training. These efforts can help deliver and stem some of the immediate health challenges and outbreaks in the event of a government collapse in North Korea.

As outlined, the Chinese government should be encouraged to contribute to North Korea's infrastructure development under the auspices of UN and/or other multilateral humanitarian agencies. China has successful experience of (re)building state infrastructure on a large scale both at home and abroad as part of its foreign aid and assistance in Africa, Southeast Asia, and Latin America. In any contingency planning that involves state building, the political forces in charge face the twin challenges of providing both immediate humanitarian handouts that will have a demonstrable improvement in the living condition, as well as longer-term restructuring and investment in the country's larger-scale infrastructure. Chinese engineering and construction companies should thus be consulted, engaged, and included in the process in rebuilding North Korea's infrastructure, given their expertise and efficiency in building roads, water purification systems, hospitals, dams, canals, sewage treatment plants, electrical grids, and large-scale housing projects. Like South Korea, China's proximity to North Korea makes it easier to transport the necessary logistical equipment, resources, and material for the infrastructure needs of North Korea. Several key points need to be conveyed in convincing Chinese authorities to shoulder some of these responsibilities. Chinese efforts regarding infrastructure development can be delivered promptly and effectively, and the sooner these services are provided, the more quickly conditions will stabilize as living conditions for North Koreans improve.

West Germany, Poland, Austria, or Iraq?

Aligning US and Chinese positions on a preferred 'end-state' in the event of North Korean collapse will be the most difficult challenge of all. Absent prior coordination, Beijing is likely to regard any US intervention in North Korea as an effort to unify the peninsula. By contrast, the US is likely to see any Chinese intervention as an effort to sustain the Kim regime. It is therefore essential that discussions take place as to whether North Korea will continue as an independent state, or be integrated into South Korea, either through unification or via some form of confederation. However, Beijing is

⁵ Ibid.

⁶ Ibid.

opposed to engaging in any discussion of post-Kim governance, let alone the possibility of reunification. How can it be incentivized to engage?

Both the US and the ROK have unused leverage. The former's military presence enables it to strengthen or weaken its position on the peninsula, and the latter holds a de facto veto over any attempt to unify the two Koreas. By threatening to support end states that Beijing opposes, while leaving open the possibility of supporting an option Beijing would accept, both states can exercise this leverage in order to incentivize Beijing to come to the table.

How could this work in practice? US and ROK officials should begin by making clear to China that four policy options would be available in the event of a Kim regime collapse. They should then make clear that their choice will be linked to the extent of Chinese cooperation. Doing so will establish a dynamic in which Beijing has more to gain from seeking to establish a common position with Washington and Seoul than from refusing to enter into discussions.

What would those options be? The first option can best be described as the 'German' option. Under this approach, Seoul and Washington would seek an 'unequal' form of unification, in which the DPRK is incorporated into the ROK in its entirety. The new 'United Korean Republic,' henceforth UKR, would act as a successor state to both the ROK and DPRK, but would be governed from Seoul. It would also maintain South Korea's currency, governmental infrastructure, and existing treaties. As a result, the existing ROK security relationship with the United States would endure. Such an option could well win the support of both the US and Korean governments. The latter has long sought to find a way to bring an end to the threat posed by the North, and support for reunification in the South remains high. By contrast, Beijing would be deeply opposed to this option, as a military alliance between the US and UKR would, in theory, permit the advance of US forces to the Chinese border. By outlining this option, the US and ROK would seek to convince Beijing that it must enter discussions to prevent such an outcome.

A second option would be to press for unification, but to guarantee that US forces would establish no presence north of the 38th parallel. The analogy here would be the 1994 NATO-Russia Founding Act, in which the US pledged not to establish military installations in former Eastern Bloc countries such as Poland if and when they attained NATO membership. Any policy that prevents the advance of US forces up the Korean Peninsula will receive a more favorable hearing in Beijing. However, given China's likely opposition to unification, it would still exert pressure on the PRC to send a delegation to talks about a post-DPRK era. Such an outcome could also be credibly proposed, as it would be likely to find a friendly audience in both Washington and Seoul.

A third option would be to press for unification on the condition that it would be followed by phased withdrawals of US military personnel from South Korea, together with the unwinding of the US security guarantee. The analogy here would be the Austrian State Treaty of 1955, in which the nation regained its prewar independence on the condition that it never play host to foreign forces, nor join any military alliance. As a

result, Soviet and US forces departed peacefully, and Austria recovered its sovereignty as a nonaligned nation in the heart of Europe. A neutral Korea could address Chinese concerns about the disruptions to the regional balance of power that might result from unification, and Beijing may be prepared to endorse unification if it results in the eventual departure of US forces from the peninsula. The weakness of this approach is that it could only be offered by the US acting alone, for ROK officials are unlikely to support any suggestion that the security guarantee with Washington might be broken. Accordingly, in outlining such an offer, the US would risk damaging its relationship with Seoul.

Finally, the US could sacrifice the goal of unification altogether, and concede maintenance of North Korean sovereignty in exchange for nonproliferation efforts north of the 38th parallel. The closest analogy in this instance would be Iraq circa 2003, in which the US sought to restore Iraqi sovereignty, yet engaged in an unhindered search for WMD sites. Such a move also carries the prospect of damaging US-ROK relations by angering actors that remain supportive of unification. However, this outcome would be the most 'Beijing-friendly' of the four, as it would hold out hope of maintaining or restoring the status quo ante following the collapse of the Kim regime. Such an option could also secure the US interest, especially if it rids the DPRK of its nuclear capability once and for all.

Each of these options represent means by which the US and South Korea might - either acting alone or in unison - unnerve or reassure Beijing, with the intention of prompting it to engage in serious discussions about North Korean collapse now, not just when instability occurs.

Progress at Last?

For years, China has resisted all efforts to engage US officials in dialogue with respect to North Korean contingency planning. This silence suggests that Beijing is either unwilling to prepare for the DPRK's collapse or unprepared to coordinate its response with the international community. Both answers are troubling. Policies adopted at short notice have little chance of success, and uncoordinated responses threaten to worsen the situation. By highlighting how Beijing could profit from engaging with the US, as well as outlining what it stands to lose from maintaining its disconnected diplomacy, Washington would appeal to China's national and regional interests. That may not encourage Chinese officials to change their approach, but it may prompt a re-evaluation of where China's true interests really lie, offering the prospect of a more flexible position in future.

Threshold for Intervention

By

Ryo Hinata-Yamaguchi and Joseph B. Lenox

Instability or collapse remains a possibility for North Korea. While this may bring us a step closer to the long-awaited unification of the Koreas, the events that will unfold are unlikely to be smooth and would pose a number of dire ramifications for the Republic of Korea (ROK). Intervention by the United States and its alliance partners would be appropriate and necessary but there are questions about the feasibility, cost-effectiveness, purpose and, above all, the threshold for execution.

Aims and Objectives of Intervention

When discussing intervention, the foremost agenda is often to determine the aims and objectives during a contingency in North Korea. Broadly, three aims can be considered – ceasefire (reestablishment of the armistice and the status quo), restoration of stability in North Korea and establishment of a ‘modified’ regime, and unification under ROK governance. The latter two – particularly unification – present the biggest challenges. This paper will assess caveats related to these aims and determine the most plausible threshold for intervention in North Korea.

Determining the Threshold for Intervention

The purpose of intervention would be to contain instability in North Korea and restore regional order. Although the purpose of intervention is clear, the threshold for operations is not. The multi-level challenges escalate the risks of intervention and make it extremely difficult to determine the precise time to intervene into North Korea.

Nonmilitary Intervention

Nonmilitary intervention would be necessary. Compared to military intervention, its threshold for intervention is more easily defined. The threshold for nonmilitary action would be the moment when it is clear that there is large scale North Korean instability but that it is safe and secure enough to intervene with nonmilitary, humanitarian aid missions. Without compelling evidence that the safety of nonmilitary, humanitarian aid missions can be guaranteed, intervention by nonmilitary institutions would be limited to indirect operation from outside of North Korea, thereby limiting the actual amount of aid.

Nonmilitary intervention could also take place when Pyongyang calls for assistance. For instance, the Ryongchon railway disaster in April 2004, and a series of natural disasters and famines have led the North Korean government to ask for international assistance. However, Pyongyang’s political insecurity and insistence on absolute control would limit the nature and volume of the assistance allowed into the country. Likewise, the level of stability would also be a concern for agencies and institutions going into North Korea, indicating that political security would be the prerequisite for civilian assistance.

Military Intervention

While there is value in preventative and pre-emptive plans against the North Korean regime, it is not plausible to become directly involved with possible regime deterioration and/or domestic conflict within North Korea *unless* there is a clear, imminent threat of spillover into the ROK or Japan. Diving into an internal armed conflict within North Korea with armed insurgents from the disintegrated Korean People's Army (KPA) with little understanding of the situation would create extremely high risks for the US, ROK, and Japan. Given this, the initial focus should be on containing instability within North Korean borders to determine the precise scenario for stabilization operations.

Realities of Intervention

The scenario and threshold for intervention depends on how North Korea destabilizes.¹ Those responsible for sustaining the Kim regime will make every effort to ensure the regime's survival. For decades, North Korea has sculpted a centralized, politicized political structure that prevents and preempts the instant dismantlement of the leadership. The regime utilizes an 'authoritarian toolbox' to remain in power. This includes: restrictive social policies, manipulation of ideas and information, the use of force and fear, co-optation, the manipulation of foreign governments, and institutional coup-proofing.² Such political maneuvers by Pyongyang were epitomized by the execution of Jang Song-thaek in December 2013, demonstrating just how far Kim Jong-un will go to ensure his autonomy. Still, instability and fragmentation will take place if the regime loses the ability to sustain political order. Broadly based on political and economic factors, the following four scenarios should be considered for the future of North Korea.

Scenario 1 – The regime concentrates on the political solidarity of the Korean People's Army (KPA) and the Workers' Party of Korea (WPK) to ensure regime survival in spite of persistent serious economic problems. This is the current situation in North Korea.

Scenario 2 – North Korea's economic capacity revives to sustainable levels while the regime maintains its autonomy. Such circumstances are ideal for the DPRK, considering that it is a significant step toward achieving *kangsong taeguk* (an ideological slogan expressing the desire to become a strong and prosperous nation).

Scenario 3 – The regime's control over the state weakens as the economy revives. Economic improvement would be caused by, or serve as a catalyst for, political reform, creating opportunities for alternative organizational entities and instability.

¹ For the range of possible scenarios, see: Bennett, Bruce W. "Preparing for the Possibility of a North Korean Collapse." Santa Monica, CA: RAND Corporation, 2013. p.57

² Byman, Daniel. "Pyongyang's Survival Strategy: Tools of Authoritarian Control in North Korea," International Security (2010).

Scenario 4 – The regime loses its control over the state as the economy continues to fail. Domestic instability would lead to reactions from the KPA and their factionalism.

The nature of intervention operations would depend on which of those four scenarios occurs. Yet it is important to note that these scenarios would affect only the environment during intervention and not the threshold for intervention. Since in scenarios 1 and 2 the regime remains in power, these scenarios imply that a bottom-up uprising would be unthinkable. Therefore a collapse in scenarios 1 and 2 would largely involve infighting among the political, military, and economic elite. Scenarios 3 and 4 involve the regime losing totalitarian control. Therefore scenarios 3 and 4 would entail a bottom-up movement caused by economic despair and political dissent, as well as marketization beyond government control. This would certainly affect the dynamics of a collapse. The bottom-up scenarios would be more chaotic due to the backlash of an angry public. Top-down would likely be more organized and potentially better planned. If planned well, a coup d'état could reach stability quickly and avert the need for intervention. However resistance by force should be expected from the Kim Jong-un regime. Intra-military conflict is possible and in the worst-case scenario military elites could use WMD to legitimize their authority. These concerns are only the tip of the iceberg, and other endogenous and exogenous factors dictate the capacity and execution of intervention operations.

Divergence and Specialization of Intervention Roles

The US and its alliance partners have diverging thresholds for intervention. The ROK may favor intervention for the sake of unification, depending on the domestic political climate of the ROK at the outbreak of instability. This desire for unification could be highly influenced by perceived competition with China over control of North Korea. However, the US cannot be a part of an intervention to back unification, even though it supports unification under a democratic regime. Without a direct threat of spillover into the ROK, it would be undesirable for the US to commit troops into a situation with so many uncertainties. If the ROK were to act unilaterally, the probability of success becomes questionable, despite impressive developments in military capability in recent years. Problems arise not only from a capacity problem, but also from the broad, unpredictable nature of instability or collapse of the North Korean regime.

At the strategic level, Japan's role will be closely aligned with that of the US. However, beyond financial and material assistance, Japan's constitutional and operational constraints and Korean resistance to Japanese 'boots on the ground' limit Japan's potential security involvement. The Japan Self-Defense Forces (JSDF) can play crucial roles in small-scale, specialized, non-combat operations such as: search and rescue; decontamination efforts in areas and facilities affected by chemical, biological, radioactive, and nuclear incident and spills; security and safety operations of air and maritime domains surrounding the Korean peninsula (especially in the east); missile defense; and containment to restrict the smuggling of loose weapons from North Korea.

Political disagreements could undermine the formation of trilateral efforts to deal with instabilities in North Korea. Furthermore, capacity issues combined with the unforeseen nature of the North Korean regime also pose challenges to trilateral coordination and cooperation.

China Factor

China's influence and role must be considered. Intervention scenarios involving China could either be cooperative or competitive given Beijing's determination to keep a buffer zone to protect its political and economic interests. If cooperation – or at least coordination – with Beijing can be achieved, determining the threshold and precise nature of the intervention operation would be easier. However, the interests among the US, the ROK, and Japan could severely conflict with those of China. Urgent circumstances could cause the US and its alliance partners to conduct an intervention into North Korea without proper coordination with China. To avoid direct conflict with China, it is essential that exchanges continue with Beijing. After all, Beijing avoids touching upon topics that concern Pyongyang's uncertain future. Seoul, Tokyo, and Washington must keep Beijing and Pyongyang informed about their red lines and trilateral intervention efforts to minimize the probability of conflict.

Should instability prevail in North Korea, China will aggressively attempt to restore order, while being cautious of movement by the US and the ROK. Perceived intervention aimed at the installation of a ROK-led government (with US assistance) will discomfort and cause China to resist such efforts whether through diplomacy, or, worse, by force. Compounding the problem is whether instability revives the Korean War, whereby China unconditionally confronted the ROK and the US.

China's reluctance to accept an ROK intervention is based on two factors. The first issue is border security. Beijing would be reluctant to share a land border with a US alliance partner, particularly if the USFK remains on ROK soil. Post-unification presence (even by proxy) of the US on the Korean Peninsula would be interpreted by China as the ultimate containment strategy; the Korean Peninsula would be used as a launching point for attacking Beijing. Hence China would act to prevent intervention that leads to such scenarios, including pre-emptively intervening into North Korea to stabilize the situation and bolster the China-Korea border. If, however, the ROK and the US intervene before China, Beijing would push to establish a buffer zone that keeps the allied forces at arms length. This would complicate any form of military intervention, as it would force the dynamics of operation from a US-ROK-Japan vis-à-vis North Korea framework to one that is also pointed at China. With China in the mix, the framework and interactions become more complex and increase the risk of an armed conflict with China.

The second factor that concerns China is the fate of its investments in North Korea. China accounts for approximately 89.1 percent of North Korea's total trade, and Chinese investments have proliferated in many parts of the country. Recent investments in areas such as Rason epitomize how investments from China play a crucial role in North Korea. China has invested heavily in building the infrastructure required to

capitalize on its leased access to Rason's warm-water port.³ As Northeast China has been limited in its participation in China's export economy due to being landlocked, port access will be key to its future development strategy. It is an asset worth protecting. Ranging from logistical/transport infrastructure to commercial and industrial products, much of Chinese economic agreements and investments are long-term, spanning over decades. Intervention that accelerates the likelihood of unification under ROK control would be viewed by China as a threat to its economic interests. Moreover, China's commitment to North Korea despite its displeasure at the political developments in Pyongyang implies that Beijing will continue to protect its interests on the Korean Peninsula even if it risks conflict with the US, ROK, and Japan.

Russia Factor

Recently, there have been growing investments from Russia in the northeastern region of North Korea, such as the redevelopment of a railroad connecting North Korea and Russia. Russia has completed construction of a dual-rail railway capable of supporting both Russian and North Korea railcars.⁴ This new railroad was a significant investment that provided Russia valuable access to warm-water ports in Rason (an alternative to Vladivostok). As a result, Russian and Chinese overlapping interests in Rason could hinder Chinese intervention. Russia and China legally share the port access to Rason. Both this access and the railroad connecting the port to Russia are worth protecting. Russia maintains enough military might that its interests cannot be ignored by Beijing or the PLA as it calculates the cost of intervention in North Korea. Therefore Russia's interests complicate China's ability to unilaterally intervene and/or to form a buffer zone. These crossing interests would benefit the trilateral efforts by buffering and hindering Beijing's influence on the Korean Peninsula. Russia adds an additional cost to Chinese intervention. Coordination of multilateral intervention efforts would be much more desirable for the US and its alliance partners than going in alone or dealing with a conflicting Chinese or Russian unilateral intervention.

Sinkhole: Trilateral Coordination

There are problems in coordination among the US, ROK, and Japan, especially given the level of uncertainty concerning North Korea. The nature of trilateral intervention operations will not only depend on the type of instability, but how those operations are negotiated by Seoul, Tokyo, and Washington. Therefore, for the US and the ROK, the capacity for the execution of operations could be slowed, if not undermined, by the scenario and by differing perceptions. Japan's role on the Korean Peninsula would be both politically and operationally limited.

³ "North Korean Economy Watch » Rajin-Sonbong (Rason)." North Korean Economy Watch. Web. 14 Oct. 2013. <<http://www.nkeconwatch.com/category/economic-reform/special-administrative-regions/rajin-sonbong/>>

⁴ "N. Korea, Russia to start cross-border freight train service in October." Yonhap[SEOUL] 2 Apr. 2012: Yonhap News Agency. Web. 14 Oct. 2013.

The deterioration of relations between Seoul and Tokyo is serious, and the two governments have shown little flexibility. The volley of nationalistic overtures concerning history and sovereignty overshadows any progress in bilateral cooperation. Some improvements are evident at the operational level, such as the recent trilateral naval exercises with the US, and the November 2013 plans to hold bilateral urban search and rescue drills. Yet the scars from historical and sovereignty issues, and politicized frictions are real. Against this backdrop, discussions aimed at securing cooperation on security affairs on the Korean peninsula are distant, at least for the foreseeable future. Even without the bilateral bitterness, Japan-ROK cooperation on the Korean Peninsula is difficult. While the JSDF is the only institution with a high-volume of air/sealift and manpower to operate at a time of emergency, constitutional constraints and operational unfamiliarity limit Japan's capacity.

Backlash: Direct Repercussions for Seoul

Coordinating a direct military intervention by the US, ROK, and Japan could trigger bold reactions from North Korea such as escalating attacks on Seoul, or insurgencies and domestic armed conflict caused by the fragmentation of the KPA. If the North Korean leadership weakens to the point where cracks appear in the command and control of the military, the KPA will split into multiple groups centered on various interests. The nature of these groups would depend on their loyalty to the regime, the "state" (i.e., national identity), their citizenry, or individual economic benefits. Dispersed interests would lead to conflicts within, but could also spawn bold actions by, hard-line groups toward the ROK and the US. This forces both Seoul and Washington to prepare for direct conflict with combative elements of the KPA.

Hazard: North Korea's Decaying State

The situation in North Korea is volatile. Intense centralization, politicization, and inheritance of totalitarian practices by the third-generation leadership, as well as the failed economy are just some of the factors that could lead to the fall of the regime. Yet North Korea has survived due to Pyongyang's robust, preventative policies. Hence as Victor Cha correctly argues, collapse and survival are both plausible scenarios.⁵

Environmental factors in North Korea also warrant consideration, as they would determine the capacity of any efforts that go into the country. The poor state of infrastructure and geographical characteristics limit the movement of vehicles, aircraft, and vessels. The political and military situation in North Korea would be decisive in accessing the roads, railroads, ports and airfields.

Natural conditions in North Korea are also crucial. Like the other Northeast Asian states, North Korea has four distinct seasons, with extreme climate and weather in summer and winter. Severe difficulties would be faced during winter when stockpiles are limited and logistical accessibility is disrupted by heavy snow and low visibility that exacerbates already poor infrastructure. Bottom-up collapse scenarios based on public

⁵ See: Cha, Victor. *The Impossible State: North Korea, Past and Future*.

dissatisfaction would likely coincide with difficult weather conditions such as flooding or the coldest parts of winter. Such conditions would exacerbate difficulties in dealing with North Korea's poor infrastructure.

Conclusion

Instability in North Korea that warrants intervention will require extreme caution, coordination, and well-crafted regional legitimacy. The threshold for military intervention would be a scenario that indicates the imminent spillover of violence directly affecting any member of the alliance. Even if the members of the trilateral effort could legitimately claim the need for military intervention, potential friction or conflict with other regional player interests could arise. The sooner multiple contingency scenarios are planned, the better alliance members would be able to reduce the risks and difficulties. Advance coordination with other regional players such as China and Russia would be ideal, but, at the very least, the alliance's intentions and reasons for intervention should be made transparent.

Non-Use, Non-Proliferation, and Securing WMD in North Korea

by

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Stability on the Korean Peninsula remains the most acute regional security concern in East Asia and is a litmus test for the US ‘rebalance.’ Two years have passed since the death of Kim Jong-il and the time has vanquished sanguine thoughts that the next in line – Kim Jong-un – would press forward with economic and political reforms necessary to bring North Korea into the international community. Meanwhile, the North continues to develop its capabilities for weapons of mass destruction (WMDs) and related materials, highlighted by its third nuclear test in February 2013 and missile tests in 2012 and 2013. Further deepening this crisis is Pyongyang’s intention to bolster its uranium enrichment program, which would supplement its stock of plutonium weapons-grade fissile material. The threat also transcends the nuclear program as the North is widely suspected of having significant stocks of chemical weapons and biological agents which could be used in the event of conflict.

Indeed, the WMD threat from the North is multifaceted and presents a significant test to Washington and its alliances in East Asia, specifically those with Japan and South Korea. On one hand, these three states’ common security interests bolster efforts aimed at deterring and containing the threat posed by North Korean WMD proliferation – both vertically and horizontally. Yet at the same time, Washington, Seoul, and Tokyo need to coordinate planning on the collapse of the Kim regime in North Korea to ensure a rapid and coordinated response aimed at securing and preventing the proliferation of the North’s WMDs and related materials.

This chapter describes a collapse in North Korea in three general stages: 1) economic collapse and political turmoil; 2) violent conflict and civilian uprising; and 3) regime collapse. These stages are meant to be general dividers and have natural overlap in regard to policy implications. Japan, South Korea, and the United States must improve their coordination in a number of areas including: cross-servicing for militaries, the sharing of intelligence and military information, enhanced trilateral cooperation within multilateral counter-proliferation vehicles, and cooperation between border and security administrations. It is essential that strategic planning on collapse scenarios does not become marginalized due to a myopic focus on deterrence and mitigating changes to the current state of play with the North.

Phase I: Economic Collapse and Political Turmoil

While there have been some positive trends in North Korea’s economy since Kim Jong-un’s succession, largely as a result of Chinese support, the instability of its economic growth makes sudden economic collapse possible.¹ Such a collapse could lead

¹ Bruce W. Bennett, “Preparing for the Possibility of a North Korean Collapse,” RAND Corporation, 2013, p. 17.

to political instability with violent uprisings that may turn into a civil war. With different groups and factions fighting for power and resources, the state may lose control of its WMDs and related materials. These weapons would also present a significant proliferation risk if their control were compromised. For example, the North's WMDs may be taken out of the country and passed to other states of proliferation concern, such as Iran, or to nonstate actors like terrorist organizations. To prevent such incidents from occurring, the US, South Korea, and Japan must engage in effective trilateral intelligence-gathering cooperation that is focused on filling intelligence gaps about the current situation in North Korea and the locations of WMDs and related materials. Signing important intelligence agreements, such as a General Security of Military Information Act (GSOMIA), are crucial for a successful trilateral intelligence-gathering operation.

The initial US-ROK-Japan trilateral response to securing WMDs following economic collapse and political instability in North Korea should be intelligence gathering so that all three countries have quick and reliable access to information. Because North Korea is such a closed country, there is scant intelligence about internal power dynamics available to the outside world. Among the unknown information about North Korea are the state's exact WMD capabilities, the number of WMD stockpiles, and their locations.² There must also be a way to gather information on what is happening on the ground to identify what part of the political and economic systems and which infrastructures are functioning. A trilateral intelligence-gathering operation should focus on filling in these intelligence gaps and ensuring ease of cooperation. Cooperation should reduce the duplication of intelligence-gathering efforts of each of the three countries and unify information that each possesses to create strategies for securing WMDs and quickly disseminate intelligence information.

Signing Intelligence and Servicing Agreements

Part of the difficulty of creating an effective trilateral intelligence-gathering operation is that intelligence agreements have not yet been signed. Bilateral defense coordination between the US and South Korea and the US and Japan remains strong.³ Yet, there is very little defense cooperation between Japan and South Korea. The ROK-Japan GSOMIA would allow the two countries to utilize each of their strengths in collecting intelligence.⁴ South Korea has an advantage in collecting human intelligence (HUMINT) on North Korea, and Japan has exceptional signal intelligence (SIGINT) capabilities.⁵ GSOMIA would allow the US to work more closely with both partners in intelligence gathering on WMD and would remove the need for the US to withhold information that it had received individually from Japan or South Korea.⁶ David Asher, former senior adviser on East Asian affairs at the US State Department, notes that, "it's

² Ibid., p. 22.

³ John Hofilena, "Japan ready to sign South Korea military agreement in light of North's aggressions," *Japan Daily Press*, April 17, 2013.

⁴ Ibid.

⁵ Ibid.

⁶ Moon Young Jun, "History Intrudes On Korea-Japan Security Cooperation," *The Stimson Center*, July 13, 2012.

essential ... that we have a common intelligence and reconnaissance operating picture and operating strategy... The inability to share information among our alliances inhibits that and therefore leads to increasing dysfunction.”⁷

The first step will be to ensure that both GSOMIA and an Acquisition and Cross Servicing Agreement (ACSA) are in place between Japan and the ROK. Ideally these steps would take place even before the first triggers of an economic collapse, but political risk on the Korean side continues to stymie efforts and this situation may remain until there is a stronger impetus for greater cooperation. Indeed, these two agreements would form the basis of Japan-Korea cooperation on North Korea and would also ensure smooth intelligence sharing during real time collapse. Ralph Cossa notes:

“GSOMIA is a fairly routine agreement outlining procedures to facilitate the sharing of classified defense-related threat information regarding North Korean nuclear and missile programs and other potential common security challenges. Its adoption would also make trilateral defense cooperation with Washington easier for both Japan and South Korea. Seoul has agreements similar to GSOMIA with some two dozen other countries. An ACSA allows for logistical cooperation when both countries are engaged in humanitarian assistance/disaster relief and peacekeeping operations.”⁸

Given the political sensitivities surrounding the ROK-Japan GSOMIA, especially in Seoul, it would be politically difficult for the agreement to be signed soon. However, given the importance of GSOMIA for intelligence collection in securing WMD in a case of state collapse in North Korea, the South Korean policy community should try to convince the public and politicians of the benefits of signing GSOMIA with Japan. One way to do this may be for South Korean government officials to stress Japan’s strengths in intelligence gathering that South Korea may not have and the ways in which Japan can help South Korea in times of crises. Yet, ironically, it may be more likely that Pyongyang’s actions and provocations will have more of an impact in allowing the ROK-Japan GSOMIA to be signed.⁹ An increase in the North’s provocations and a crisis there would raise the South Korean threat perception of the North and may make the signing of the ROK-Japan GSOMIA inevitable.¹⁰

Phase II: Violent Conflict and Civilian Uprising

The intermediary stage of regime collapse can be the most challenging time for international actors who wish to influence the outcome. This difficulty has been demonstrated on numerous occasions within the last decade with the most recent

⁷ Rachel Oswald, “Japan-South Korea Discord Seen Harming Efforts to Defend Against N. Korea,” *Global Security Newswire*, Dec. 2, 2013. <http://www.nti.org/gsn/article/japan-south-korea-discord-seen-harming-efforts-defend-against-n-korea/?mgs1=1b8fdVw6eh>

⁸ Ralph A. Cossa, “Japan-South Korea Relations: Time to Open Both Eyes,” Council on Foreign Relations, July 2012. <http://www.cfr.org/south-korea/japan-south-korea-relations-time-open-both-eyes/p28736>

⁹ Ibid.

¹⁰ Ibid.

examples being Washington's policy during the Arab Spring. Indecision does not come from a lack of competence, however. Rather, most states undertake a calculated hedging approach to regime instability to ensure that their interests will be partially protected in the event of either regime restoration or collapse.

In the case of North Korea, the US, Japan, and South Korea must coordinate in a significant manner to build upon steps taken during the initial signals of a collapse. As Bennett and Lind note, "rapid cooperation would be essential because many response missions are time-sensitive – for example, the longer it takes to organize humanitarian efforts, the higher the number of North Koreans who might perish or decide to leave their homes; in addition, the longer North Korean WMD are left unsecured, the larger the risk that they will disappear across international borders."¹¹

First, it is important for the three sides to agree upon which indicators and variables would elevate their incremental efforts. With regard to the second stage, once violence and uprisings have begun, the three states should look at the pendulum of the Kim regime's ability to maintain control over its people.¹² In other words, during the initial stage of regime collapse there is still a potential for a Kim-led government to maintain power. The introduction of certain indicators in the second stage – such as significant violent conflict and large pockets of civilian uprising – would change the trilateral calculus away from hedging efforts toward mitigation and damage control.

While North Korea is an autocratic regime it should not be confused as a failed state. Robert Rotberg provides a good criterion for failed states:

"Failed states are tense, deeply conflicted, dangerous, and contested bitterly by warring factions. In most failed states, government troops battle armed revolts led by one or more rivals. Occasionally, the official authorities in a failed state face two or more insurgencies, varieties of civil unrest, different degrees of communal discontent, and a plethora of dissent directed at the state and at groups within the state. It is not the absolute intensity of violence that identifies a failed state. Rather, it is the enduring character of that violence (as in Angola, Burundi, and the Sudan), the fact that much of the violence is directed against the existing government or regime, and the inflamed character of the political or geographical demands for shared power or autonomy that rationalize or justify that violence in the minds of the main insurgents."¹³

According to Rotberg's more precise definition, it will be necessary for several of these conditions – intense factional conflict, civilian unrest, military subordination – to occur before the pendulum tilts Pyongyang toward collapse. And even with these conditions, it will still be difficult to determine the timeframe or magnitude of collapse. As Bennett and Lind note, "the manner in which collapse occurs could range from

¹¹ Bruce Bennett and Jennifer Lind, "The Collapse of North Korea: Military Missions and Requirements," *International Security* Vol. 36, No.2, Fall 2011, p. 85.

¹² Bennett, "Preparing for the Possibility of a North Korean Collapse," p. 17.

¹³ Robert I. Rotberg, ed. "When States Fail: Cause and Consequences," Princeton University Press, 2004, p. 5.

relatively benign to highly dangerous.”¹⁴ Moreover, such a scenario could develop in a multitude of directions with different powerbrokers seeking control of WMD with dubious allegiances and intentions. Bennett and Lind underscore this point stressing that, “North Korea could quickly become a warlord state, where competing civilian and military leaders claim to rule swaths of the country and battle one another for control of territory or resources.”¹⁵

Trilateral Efforts during Mid-Collapse

In the event that North Korea reaches this second stage, the trilateral group will need to enhance its efforts to prepare for an inevitable collapse, which could come either rapidly or through a prolonged timeframe.¹⁶ After determining indicators of this stage, all sides should agree on the key objectives of cooperation in advance of new leadership in Pyongyang. With regard to WMDs, the objectives must be the following: enforcing the non-use of WMDs and related materials during any conflict with external powers or through the suppression of internal factional battles; ensuring that WMDs and related materials are not proliferated either externally to other states or nonstate actors as well as taking efforts to ensure that there is no internal proliferation within future factions; and securing WMDs and related material sites to protect against proliferation, sabotage, contamination, or theft.

Japan, the US, and the ROK can work together in achieving these objectives through an unprecedented commitment to prioritizing information sharing and resources to avoid a worst-case scenario of WMD use or proliferation. By focusing on WMD security as a core national security interest for all parties, the trilateral group should work to avoid bundling this with a greater combined effort on an endgame post-Kim, which could divide and delay consensus.

There are several steps that can build upon the intelligence-sharing recommendations noted in the first stage of regime collapse. One key area during this mid-stage will be trilateral cooperation via the Proliferation Security Initiative (PSI) and the G8 Global Partnership. The former will be especially important to stem horizontal proliferation of WMDs and related material from the Korean Peninsula. The PSI is a global effort to stop the trafficking of WMDs between states and non-state actors of proliferation concern, which the US launched in 2003 and over 100 states, including the US, Japan, and ROK have endorsed its principles.¹⁷ Tokyo, Washington, and Seoul will also need to make a concerted effort to work with Russia, also a member of the PSI, to ensure that its waters are not used for proliferating WMDs. While it would be premature to enact a naval blockade at this stage, it will be imperative for all three parties to focus naval resources on ensuring that WMDs do not leave North Korea via the sea. Proliferation efforts over the land border with China pose a greater risk and will be impossible to mitigate without working with Beijing. The importance of reaching out to

¹⁴ Bennett and Lind, “The Collapse of North Korea,” p. 89.

¹⁵ *Ibid.*, p. 89.

¹⁶ Bennett, “Preparing for the Possibility of a North Korean Collapse,” p. 19.

¹⁷ “Proliferation Security Initiative,” US Department of State, <http://www.state.gov/t/isn/c10390.htm>.

China on this should be framed as a concern of transproliferation (through China to another state or group of nonstate actors) rather than the transfer of WMD to Beijing. The trilateral group will need to bolster dialogue with China to prevent such an occurrence.

The G8 Global Partnership can also help of this stage and would be an effective vehicle for trilateral cooperation. The partnership was established by the G8 in 2002 and was originally conceived as a 10-year, \$20 billion initiative to prevent terrorists, or states that support them, from acquiring or developing WMDs.¹⁸ Japan and the US are two inaugural members of this G8 initiative. The ROK joined the Global Partnership as a non-founding member and views its membership as another spoke in the counter-proliferation wheel. Threat reduction projects in North Korea have always been a non-starter for the Global Partnership but this calculus would change in the event of regime collapse and it will be crucial for the trilateral group to focus its expertise in this area at an early stage through the partnership. WMD expert Trevor Findlay has noted this opportunity:

“The Global Partnership, given its expertise and experience, and the involvement of Russia, could be an effective mechanism for assisting in the dismantlement process quickly and efficiently (in North Korea). China could also be engaged, as other non-G8 partners have. One could imagine a special role... to ensure that North Korean weapons scientists and technologists were gainfully employed, that dismantlement occurs in an environmentally sensitive way and that any peaceful nuclear activities that the North is permitted to pursue are undertaken with the necessary safety and security measures in place.”¹⁹

Phase III: Regime Collapse

In the final stages of a Kim regime collapse, the US-ROK-Japan must continue to address a plethora of issues that are complex and intricately linked. Facing economic collapse and ensuing doubts about the Kim family regime’s ability to provide protection and power, military elites may scramble to seize authority from an unstable central government. During this period, faction infighting can lead to violent outbreaks and potentially a civil war amongst factions struggling for power.²⁰ Conversely, the North Korean leadership could initiate provocations or a large-scale attack against the South as a ‘diversionary war.’²¹ In either case, the absence of a strong central leadership would threaten control over WMD and all related materials, facilities, personnel, and information. The US, Japan, and South Korea must be prepared to prevent or respond to the use of WMD, devise a strategic plan to secure WMD before they can proliferate, and

¹⁸ US Department of State, “G8 Global Partnership”
<http://www.state.gov/t/isn/gp2013/>

¹⁹ Trevor Findlay, “G8 Global Partnership Expansion and Extension,” Canadian Center for Treaty Compliance, March 2010, p. 9.
<http://www6.carleton.ca/cctc/ccms/wp-content/ccms-files/Global-Partnership-Report-FINAL-19-April-2010.pdf>

²⁰ Bennett, “Preparing for the Possibility of a North Korean Collapse,” pp. 161-162.

²¹ Ibid., pp. 63, 176.

take appropriate measures to eliminate North Korean WMD in a safe manner under international standards.

Preventing the Use of WMDs and Responding to a WMD Attack

The first issue of utmost concern is to ensure Pyongyang does not employ the use of WMDs. Before violent factional conflict and unrest erupt on a large scale, the US-ROK-Japan should maintain a posture of robust and credible deterrence against the use of WMDs regardless of whether such attacks are aimed at North Korean civilians or South Korea. During a chaotic transition of power from a failing Kim regime, certain factions may feel compelled to use WMDs against North Korean civilians or rival factions in an attempt to quell rebellion.²² North Korean military leaders who have access to WMDs could use chemical and biological weapons (CBW) to secure their power against competing groups (such as a disjointed KPA) or civilian uprisings.

To counter the use of WMDs, the US and South Korea should attempt to negotiate with North Korean leaders while maintaining a credible deterrent backed by the threat of the use of force. Washington and Seoul, in collaboration with Beijing, should first seek to reach out to high-positioned officials in the Kim regime and various leaders in North Korea to prevent factional conflicts from threatening the stability and control of nuclear facilities and to ensure WMDs are not used.²³

If the Kim government crumbles and conflict escalates to violent insurgency, the US, South Korea, and China should aim to establish a ceasefire agreement to end armed hostilities in North Korea and put a process in place to protect WMD facilities and materials.²⁴ The ceasefire agreement could entail incentives based on guarantees of provisions from the US, South Korea, and Japan, including food, shelter, amnesty, and protection from adversarial groups. Yet any form of negotiation or armistice agreement would need to include China as a negotiating party, as China could offer similar or even better alternatives to potentially dangerous North Korean factions. Preventing widespread internal conflict from factional confrontations or reducing armed conflict under a ceasefire agreement would significantly decrease the likelihood of the use of WMDs and create an environment more conducive to securing WMD in North Korea.

Diplomatic approaches or reciprocal agreements must be backed by the threat of the use of force. A credible and severe punishment against the use of WMDs – including CBW – should be issued by the US and ROK, backed by a show of force that conveys readiness to act. The 2010 Quadrennial Defense Review Report provides examples of how this can be done:

“Deterrence of such threats and defense against them can be enhanced through measures aimed at better understanding potential threats, securing and reducing dangerous

²² Ibid., p. 63.

²³ Robert D. Kaplan, “When North Korea Falls,” *The Atlantic*, Oct. 1, 2006. http://www.theatlantic.com/magazine/archive/2006/10/when-north-korea-falls/305228/?single_page=true

²⁴ Bennett, “Preparing for the Possibility of a North Korean Collapse,” pp. 175-178.

materials wherever possible, monitoring and tracking lethal agents and materials and their means of delivery, and, where relevant, defeating the agents themselves.”²⁵

As soon as signs of a potential collapse begin to emerge, the US-ROK alliance (with input from Japan) should garner domestic and international support for the use of force against North Korea in the case that it employs WMDs. As evidenced by the Syrian case, domestic and international consensus on the use of force against WMDs is essential for carrying out punishment against violators.²⁶ In the event that deterrence fails, the US and South Korea must be prepared to act accordingly, even if there is no UN Security Council (UNSC) mandate, to secure WMDs and prevent proliferation and further use.

Safeguarding Against the Proliferation of WMDs

The second major issue that the US, Japan, and South Korea need to address is to provide safeguards against the proliferation of WMDs and all WMD-related materials/personnel across North Korean borders. Amidst internal conflict, the North’s central leadership (or what is left of it) will face diminishing control over WMD assets, facilities, and personnel with access to highly classified information related to WMDs. In fear of capture by foreign forces, many North Korean military elites and nuclear scientists will feel compelled to escape the country during chaos and, “will likely try to disperse many weapons and related production capabilities to retain control of them and to reduce the chances of the weapons being destroyed by South Korea and US attack.”²⁷ Additionally, key personnel and officials who have detailed knowledge of WMD technology, development, or access to WMD facilities in North Korea may seek sanctuary in countries of proliferation concern, such as Iran, that would welcome such individuals. To retain power and survival, they will offer to sell their knowledge to a number of dangerous groups, including terrorist networks and rogue state governments.

The US, ROK, and Japan must first be able to identify all military leaders and personnel who have access to sensitive materials and knowledge. By coordinating efforts with the Russians and the Chinese, the US and South Korea, with assistance from Japan, should attempt to co-opt individuals with relevant information and offer incentives to defect. Offering legal and physical protection to high-level officials will increase their willingness to cooperate or at least discourage them from divulging WMD-related information to rogue states and terrorist organizations.

Securing borders – air, naval, and on the ground – is also essential to preventing the proliferation of WMDs outside of North Korea. Chinese and Russian land borders and access to the sea are areas of significant vulnerability, as criminal and terrorist organizations can attempt to smuggle weapons or people between small cracks in containment. Through initiatives such as PSI, a naval blockade should be established to prevent proliferation via the sea. Cooperation with Chinese and Russian authorities at

²⁵ Quadrennial Defense Review Report, US Department of Defense, February 2010.

²⁶ Lara Jakes, “Syria Strikes Lack International Support, Obama in Difficult Position,” *The Huffington Post*, Aug. 30, 2013. http://www.huffingtonpost.com/2013/08/30/syria-strikes-international_n_3846626.html

²⁷ Bennett, “Preparing for the Possibility of a North Korean Collapse,” p. 166.

their respective borders with North Korea is also important to ensure smugglers from both sides of the border (China or Russia and North Korea) cannot transfer WMD-related materials or persons. China and Russia have vested interests in ensuring that WMD are not proliferated into their own borders, where such weapons would be unaccounted for. Japan can provide intelligence and assist the US and South Korea in monitoring suspicious movements along borders and sensitive areas, such as air and sea. The US and South Korea should also set-up a no-fly zone – ideally with authorization by the UNSC – around North Korea to prevent proliferation by air.

Identifying, Securing, and Eliminating WMDs

After ensuring non-use and non-proliferation of WMDs, an active process of WMD elimination (WMD-E) should be initiated with advanced planning among the US and its allies, and China. Amidst North Korean collapse and instability on the peninsula, WMD-E should be conducted within the country and managed under international standards. Because WMD consists of both Chemical and Biological Warfare (CBW) and nuclear weapons, a panel of experts that draws personnel from security and science communities is essential for the WMD-E process.

South Korea has intelligence on known WMD facilities in North Korea, but the actual number and location of all facilities is uncertain.²⁸ Given the uncertainty of information regarding the North's WMD programs and facilities, the US, ROK, and Japan should first sustain efforts to contain movement and conflict within North Korea to prevent a spill-over across borders and to ensure safety in areas surrounding WMD facilities. After reaching a certain level of stability (defined by low levels of armed hostilities) in North Korea, these countries should coordinate efforts with China and Russia to establish agreements with factional leaders in the country to send international WMD experts (both chemical/biological and nuclear) into regions containing WMD facilities. Without North Korean consent, the placement of foreign inspectors and personnel into North Korea would fuel conflict and insecurity in its leaders. Thus the role of China as a mediator to convince the North Korean side to accept denuclearization is essential. Given a chance to secure North Korean WMDs, the US, ROK, and Japan are highly unlikely to pass on the opportunity and allow North Korea to keep its WMD programs. Other countries in the region, including China, seek a denuclearized peninsula as well to maintain regional stability.

In the case of securing nuclear weapons, nuclear states should abide by the conditions set forth in the Nuclear Non-Proliferation Treaty (NPT) and cooperate with the International Atomic Energy Agency (IAEA). The NPT states that signatory states that possess nuclear weapons cannot “transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly.”²⁹ Thus, the nuclear states in the region – the US, China, and Russia – must handle the North's nuclear weapons without transferring related materials

²⁸ Ibid., p. 206.

²⁹ “Treaty on the Non-Proliferation of Nuclear Weapons,” International Atomic Energy Agency, INFCIRC/140, April 22, 1970.

and possession to South Korea or Japan (non-nuclear states).³⁰ Because the US and its allies would oppose transferring nuclear weapons to China or Russia, the nuclear states should draft an agreement to collaborate through international agencies to dismantle North Korea's nuclear weapons programs and materials. Collaboration with the IAEA is essential for identifying and dismantling nuclear programs in North Korea under transparent and legal standards.³¹

For chemical and biological weapons, South Korea should take the lead with support from regional and international partners. Resources to eliminate CBW programs and facilities in North Korea would be readily available in and transferable from South Korea. Intergovernmental agencies, such as the Organisation for the Prohibition of Chemical Weapons (OPCW), will play an important role in securing CBW compliant with international standards. These countries can draw significant lessons and examples from the Syrian case, as international organizations dismantle Syria's CBW programs and facilities even amidst a civil war. Cooperation from the North Korean government (or whichever faction is in power in regions with WMD programs and facilities) is key to securing WMD in a safe manner that avoids military confrontation and boots on the ground.

Conclusion

Given the complexity and plethora of issues involved in addressing a regime collapse in North Korea, early contingency planning among the three countries and increased security cooperation between Japan and South Korea are necessary to ensure that the three governments can effectively respond to a crisis situation on the peninsula. The US, South Korea, and Japan should aim to secure the non-use of WMDs by the North through credible deterrence, prevent proliferation by securing borders and working closely with neighboring states, and establish an active process for dismantling the North Korean WMD programs. The three countries share strategic interests in denuclearizing the Korean Peninsula and maintaining regional stability, and an allied response to a North Korean collapse scenario requires increased attention and cooperation.

³⁰ Bennett, "Preparing for the Possibility of a North Korean Collapse," pp. 205.

³¹ This paper's scope is limited to US-ROK-Japan trilateral cooperation to address WMD in a North Korean contingency situation. For further details on the IAEA's role in inspecting and dismantling nuclear weapons programs, see IAEA 2001 Annual Report, "Nuclear Security & Safeguards," *IAEA Bulletin*, Vol. 43, No. 4, 2001; Adolf von Baeckmann, Garry Dillon, and Demetrius Perricos, "Nuclear verification in South Africa," *IAEA Bulletin*, Jan. 1995, http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/proliferation/south-africa/baeckmann_dillon_perricos_verification.pdf; Matthias Dembinski, "North Korea, IAEA Special Inspections, and the Future of the Nonproliferation Regime," *The Nonproliferation Review* (Winter 1995), pp. 31-39.

Appendix A

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Appendix B

US-ROK-JAPAN EXTENDED DETERRENCE TRILATERAL

September 2-3, 2013

The Asan Institute for Policy Studies, Seoul, Korea

Conference Agenda

Monday, September 2

9:00AM Introductions

9:15AM **Session I: Strategic Perspectives and Extended Deterrence**

The three countries compare and contrast perspectives on regional security threats and challenges, with special attention to the role of US extended deterrence. What distinguishes these threats from other security challenges? What are the important trends or factors that influence the salience of these threats? What is the role of deterrence by denial and deterrence by punishment for addressing these threats and what role does the US nuclear arsenal play versus other non-nuclear assets like missile defense, conventional forces, etc.? How should we apportion our range of resources to these specific challenges? How should we discuss or frame these challenges to ensure they get the attention they deserve without inflating them or provoking other countries?

Korea Presenter: CHOI Kang, The Asan Institute
Japan Presenter: Sugio TAKAHASHI, MOD
US Presenter: Shane SMITH, NDU

10:45AM Coffee break

11:00AM **Session 2: Views of China and the balance of power in the Asia Pacific**

How does each country see the balance of power in Asia? Is it changing? If so, how and why (i.e, what is driving that shift)? What is the impact of that shift? How does a shift impact US extended deterrence commitments and the role of nuclear weapons? How does each country evaluate PLA military modernization efforts (e.g. nuclear forces, submarines, etc.)?

US Presenter: Eric THOMPSON, CNA
Korea Presenter: KIM Hankwon, The Asan Institute
Japan Presenter: Ken JIMBO, Keio University

12:30PM Lunch

1:45PM **Session 3: Views of North Korea**

How does each country characterize the North Korean threat? What is the role of deterrence? What specific scenarios is each country trying to deter and what are they doing? What does each government expect the other two to contribute to deterrence and what is expected when deterrence fails? At what level does North Korea become a threat that engages the US extended deterrent and at what point should the US nuclear arsenal come into play?

Korea Presenter: CHEON Seong-Whun, KINU
Japan Presenter: Hiroyasu AKUTSU, NIDS
US Presenter: Kevin SHEPARD, USFK

3:15PM Break

3:30PM **Session 4: Changes in national defense postures and status of reforms**

What is the status of defense postures and programs, especially given the new governments in Tokyo and Seoul? What is each government planning to do? How will those changes impact the extended deterrent? To what degree does the extended deterrent shape Japanese and ROK plans? What is the status of the rebalance and the Obama administration's plans to try to continue to reduce nuclear weapons on the extended deterrent? How can these policies best be used to strengthen extended deterrence?

Japan Presenter: Ken JIMBO, Keio University
US Presenter: Bryan PORT, USFK
Korea Presenter: CHO Nam Hoon, MND

5:00PM Adjourn

Tuesday, September 3

9:00AM **Session 5: Reassurance and extended deterrence**

How can the US reassure the ROK and Japan regarding the viability and credibility of its extended deterrent? What does each government want Washington to do? Is there anything in particular that would be troubling to these governments? What should the US NOT do? Are there nonmilitary ways the US can reassure its allies of the durability of its extended deterrent and its commitment to their defense?

US Presenter: Robert GROMOLL, US State Dept.
Japan Presenter: Sugio TAKAHASHI, NIDS
Korea Presenter: WOO Jung-Yeop, The Asan Institute

10:30AM Coffee break

10:45AM **Session 6: Opportunities for trilateral relations that increase extended deterrence**

What can the three governments do together to shore up extended deterrence in East Asia? When can they cooperate in the region in a meaningful way? Can each government see ways that the other two countries can cooperate to increase extended deterrence? Are there things they should not do?

Korea Presenter: KIM Young-ho, KNDU
Japan Presenter: Takehiro FUNAKOSHI, MOFA
US Presenter: Michael URENA, US State Dept.

12:15PM Lunch

1:30PM **Session 7: Next steps**

What should the three countries do to strengthen regional stability and deterrence? How can this dialogue contribute to that process?

3:00PM Adjourn

US-ROK-JAPAN EXTENDED DETERRENCE TRILATERAL

September 2-3, 2013

The Asan Institute for Policy Studies, Seoul, Korea

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