

North Korea: Beyond the Six-Party Talks

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Executive Summary

The Six-Party Talks were established in 2003 as a multilateral forum to achieve the denuclearisation of the Korean peninsula. However, the parties (China, Japan, North Korea, Russia, South Korea and the U.S.) have not met since December 2008, when the talks stalled over verification issues. There is a strong international consensus that North Korea (Democratic People's Republic of Korea, DPRK) should come into compliance with UN Security Council resolutions and abandon its nuclear weapons program but widespread disagreement over the strategy and policies for achieving this. Nuclear arms are now an integral part of North Korea's national identity, however, so it is increasingly apparent that absent a sea change in ideology or leadership in Pyongyang, the Six-Party Talks will not achieve their central aim. Though governments need to keep up pressure for disarmament and maintain the dynamics of the current containment and deterrence policy, they also should establish – and encourage other international actors to establish – new channels of engagement that may further incremental change in North Korean society.

Since the end of the Cold War, the DPRK has developed a state ideology of *sŏn'gun* (“military first”). Furthermore, the third generation of Kim family rule has adopted the *pyŏngjin* line, calling for simultaneous economic and nuclear technology development for both peaceful and military purposes, as Kim Jong-un's contribution to “scientific socialist thought” and essential to the continuing Korean revolution. Nuclear status has been enshrined in the constitution and statutes, and state propaganda emphasises the role of nuclear weapons, satellite launchers and nuclear technology in the nation's modernisation and prosperity. DPRK officials often have repeated that Pyongyang will denuclearise when the rest of the world does. Denuclearisation would require a transformation of that identity, in effect revolutionary change. The North has offered to return to the Six-Party Talks “without preconditions” to discuss regional security, nuclear disarmament and other issues – but not denuclearisation.

South Korea (ROK) faces an existential threat from the North's growing nuclear arsenal. It is divided, however, over policy toward Pyongyang. After activity was detected around the nuclear test site at Punggye-ri in spring 2014, it invested considerable effort in an attempt to restart the Six-Party Talks. By late February 2015, five parties had reached a consensus on the minimum criteria to present to Pyongyang. To test intentions and sincerity on denuclearisation, Seoul has pushed for “exploratory talks” in a track two setting as a first step toward resuming the formal six-party process. If Pyongyang does not meet the criteria for resumption, which have not been disclosed publicly, the U.S., South Korea and others appear poised to take increasingly punitive measures.

There is little likelihood the U.S. would enter upon resumed talks unless there is a much greater prospect than appears to exist that they would be pursued in good faith by the North and not simply for manipulation and propaganda. Experience under the Agreed Framework in the 1990s, in addition to widespread perception that the DPRK is unreliable, make the Obama administration, and almost certainly any future president, sensitive to likely domestic blowback from another failed diplomatic effort with Pyongyang. China does not face the same domestic risks if the talks were to restart and turn out badly. It could always take credit for hosting them, and in the case

of failure, blame the DPRK and/or the U.S. Its consistent position has been to restart dialogue even with low likelihood for success.

Japan also has a high threat perception regarding the North's nuclear and missile programs and generally will support South Korea and the U.S. over the talks. Bilateral discussion of Japanese citizens kidnapped by North Korean agents in the 1970s and 1980s raised hopes for improved relations, but that process also has stalled. Without a satisfactory resolution on abductions, Tokyo will be even more inclined to take a harder line on the nuclear issue. Russia wants the talks to resume as soon as possible. Though sensitive about Pyongyang's nuclear and missile activities, it believes Washington exaggerates the threat, and its focus is on economic cooperation, which the North welcomes as helping reduce economic dependence on Beijing.

Whether or not an intended exploratory meeting is held, the gap between positions is too broad to expect the Six-Party Talks to resume as a good-faith effort to denuclearise the peninsula. For that, either the DPRK must abandon its nuclear identity and ambitions, or the international community must accept transformation of the talks into a different type of institution that does not address denuclearisation of the Korean peninsula. Neither seems possible, so deterrence and containment will remain fundamental for dealing with a nuclear North.

Deterrence is imperfect and could fail, but it will remain a pillar of security in the Korean peninsula for the foreseeable future. At the same time, it needs to be complemented by a broader engagement with North Korea on a range of issues. The self-imposed isolation of Pyongyang perpetuates a dangerous regime, in the same way the U.S. isolation of Cuba may have delayed evolutions in the Caribbean island; every opportunity should be seized to encourage an opening of society in North Korea. Three sets of actors might do so: governments and inter-governmental organisations (IGOs); private sector firms; and civil society. The roles, risks, opportunities, and costs vary, and engagement must be assessed on a case-by-case basis. Only governments can sign treaties, impose and lift economic sanctions or change a military posture. Businesses can trade and invest, creating opportunities for contacts and engagement, but unconstrained trade can lead to dangerous technology transfers.

A relevant segment of civil society activities includes educational, cultural, artistic, musical, scientific and sports exchanges. There is no true North Korean civil society activity, but outside non-governmental organisations (NGOs), while they cannot substitute for governments or economic actors, could be important for transmitting ideas and information into the North, which ultimately is necessary to change its thinking, identity and policies.

Recommendations

To the government of North Korea:

1. Comply with UN Security Council resolutions regarding development of nuclear weapons and their delivery systems, including by:
 - a) returning to the Six-Party Talks to implement the September 2005 “Statement of Principles” and bargaining in good faith for denuclearisation of the Korean peninsula; and
 - b) returning to the Nuclear Non-Proliferation Treaty (NPT) and International Atomic Energy Agency (IAEA) safeguards.

To the governments of China, Japan, South Korea, Russia, the U.S. and others:

2. Refrain from governmental engagement that supports or validates the DPRK’s *pyŏngjin* line, including by not recognising the North as a nuclear state.
3. Do not accept transformation of the Six-Party Talks into a forum that ignores denuclearisation and recognises the DPRK as a nuclear state, and ensure that engagement with the North takes place in a venue appropriate to the relevant issue.
4. Continue to enforce UN sanctions against DPRK nuclear and missile programs and maintain vigilant export controls to ensure that dual-use materials and technologies are not transferred to it.
5. Support engagement of economic actors, within the framework of UN resolutions prohibiting illicit transfers.
6. Support civil society engagement with the DPRK, particularly programs that enable North Koreans to travel, while exercising care that such engagement is not utilised as a channel for transactions prohibited by UN resolutions.

Seoul/Brussels, 16 June 2015

North Korea: Beyond the Six-Party Talks

I. Introduction

The Six-Party Talks are the core mechanism for denuclearisation of the Korean peninsula and a fundamental pillar for international engagement with the Democratic People's Republic of Korea (DPRK, North Korea). However, since December 2008, when the process stalled over verification issues, the six parties (China, North and South Korea, Japan, Russia, and the U.S.) have not met. Though some interlocutors have displayed more flexibility in recent months, the North's refusal to denuclearise is likely to remain an insuperable obstacle to progress even if the talks reconvene. The international community's insistence on denuclearisation as a pre-condition for broader discussions has stunted attempts to engage Pyongyang on issues that are additional threats to regional and wider security.

This report looks at the positions of the six parties; the barriers to progress toward denuclearisation; and potential ways to manage prolonged deadlock. Diplomacy to roll back North Korea's nuclear ambitions has been underway for about 25 years. Various approaches and formats have been attempted: DPRK-Republic of Korea (ROK, South Korea) bilateral; DPRK-U.S. bilateral; China, DPRK and U.S. trilateral; and China, DPRK, ROK and U.S. quadrilateral; as well as six party. Positive and negative incentives have been applied, including negative security assurances, economic, food and energy aid, economic sanctions, deterrence, export controls, denial strategies and counter-proliferation.

North Korea has achieved its nuclear break-out after reneging on almost every agreement reached during nuclear negotiations. Given its *pyŏngjin* line, a state ideology that calls for simultaneous economic and nuclear technology development for both peaceful and military purposes, there is little hope it will return to the Six-Party Talks to bargain in good faith for denuclearisation. The likelihood of achieving diplomatic denuclearisation appears, therefore, to be near zero. The Six-Party Talks, at least with their present mandate and objective are essentially dead, though with no death certificate.

Containment and deterrence will continue to be central to managing the North Korean nuclear threat, but they are not enough on their own: the risks of miscalculation and high-intensity military conflict are real. To reduce these risks, the international community needs to develop other channels of communication and cooperation that are not contingent on progress toward denuclearisation. This report examines what roles governments, international organisations, the private sector and civil society might play in order to achieve principled engagement that can produce cooperative outcomes and avert catastrophes while avoiding doing harm.

This report is based upon interviews with a range of government officials, military personnel, scholars and members of non-governmental organisations, as well as a review of the relevant literature. In some cases, interviewees requested anonymity.¹

¹ For a full list of Crisis Group reporting on the Six-Party Talks and other Korean Peninsula related matters, see www.crisisgroup.org/en/regions/asia/north-east-asia/north-korea.aspx.

II. DPRK Internal Dynamics and the *Pyŏngjin* Line

A. Domestic Threats to the Regime and Motivation to Raise Tensions

The DPRK cites external threats to justify its nuclear weapons program, but the regime's most imminent threat is internal, deriving from the same forces it uses to repress its people. In effect, Kim Jong-un exaggerates external threats to divert the attention of the military and internal security forces.²

Keeping the (North) Korean People's Army (KPA) focused on external threats (Japan, the South and the U.S.), and claiming victory in inter-Korean military skirmishes are instruments the Kim family has used often to stay in power for over 60 years. The presence – real or imagined – of a menacing external threat justifies extreme militarisation, while diverting the KPA and internal security agencies, such as the state security ministry, from possibly rebelling against the dynasty.³ While this explains much of the verbal and physical belligerence against the ROK and the U.S., the main audience is internal.

The leadership issues frequent orders for the KPA to contend with a “sworn enemy [the U.S.] who seeks to enslave Koreans”. Domestic politics and the *sŏn'gun* [先軍, military first] ideology seek to construct a mindset and national narrative dominated by never-ending tension and external hostility. This is why, despite repeated cycles of diplomatic engagement, there are numerous cases of Pyongyang simultaneously elevating inter-Korean tensions. For example, on 4 October 2014, a very senior delegation paid a surprise visit to the closing ceremonies for the seventeenth Asian Games in Inch'ŏn, South Korea.⁴ The eleven-member group, led by Vice Marshal Hwang Byŏng-sŏ, elected as vice chairman of the National Defence Commission (NDC) nine days previous, was arguably the highest-level DPRK delegation ever to visit the South.⁵ During meetings with Prime Minister Chŏng Hong-wŏn, Unification Minister Ryoo Kihl-jae, and Kim Kwan-jin, director of the president's National Security Office, the two sides agreed to hold a round of high-level talks aimed at improved ties.⁶

² Georgy Epogorov and Konstantin Sonin, “Dictators and Their Viziers: Agency Problems in Dictatorships”, William Davidson Institute Working Paper no. 735, January 2005; Paul Gregory, *Terror by Quota: State Security from Lenin to Stalin* (New Haven, 2009); Milan W. Svoblik, *The Politics of Authoritarian Rule* (Cambridge, UK, 2012); Giacomo Chiozza and H.E. Goemans, *Leaders and International Conflict* (Cambridge, UK, 2011).

³ Also relevant are the people's security ministry, the Guard Command, Pyongyang Defence Command, General Reconnaissance Bureau and Korean People's Internal Security Forces.

⁴ “Hwang Pyong So Leaves to Participate in Asian Games”, Korean Central News Agency (KCNA), 4 October 2014.

⁵ Hwang, also director of the KPA General Political Bureau (GPB), was joined by Ch'oe Ryong-hae, NDC vice chairman April 2012–September 2014, secretary in the party Central Committee and Sports Guidance Commission chairman; and Kim Yang-gŏn, Central Committee secretary and director, United Front Department, the party body managing inter-Korean affairs. “Hwang Pyong So Leaves to Participate in Asian Games”, KCNA, 4 October 2014; Yi Whan-woo and Jun Ji-hye, “3 N. Korean bigwigs on same trip”, *The Korea Times*, 5 October 2014. The NDC is the highest state institution for integrating national resources and mobilising them for war. The NDC chairmanship is reserved in eternity for Kim Jong-il. Kim Jong-un is its first chairman, KPA supreme commander and chairman of the Central Military Commission.

⁶ Yi Whan-woo, “Top NK officials hold rare talks in South”, *The Korea Times*, 4 October 2014; Yi Whan-woo, “Kim Jong-Un fully in charge”, *The Korea Times*, 5 October 2014; Jun Ji-hye, “S-N rivalry to ease for now”, *The Korea Times*, 5 October 2014; “Park urges regular inter-Korean talks to improve ties”, *The Korea Times*, 6 October 2014.

However, just three days later, naval patrol boats from the two Koreas exchanged fire when a DPRK vessel crossed about 900 metres south of the Northern Limit Line (NLL) in the Yellow Sea. Then on 10 October, the KPA fired anti-aircraft artillery at balloons carrying anti-DPRK propaganda that travelled into DPRK airspace near the Demilitarised Zone (DMZ), leading the South to ready airstrikes if the situation escalated. Nine days later, small-arms fire was exchanged in the DMZ, when about ten KPA soldiers approached the Military Demarcation Line.⁷

Pyongyang's rhetoric tends to become particularly shrill during ROK-U.S. combined military exercises held annually in March and April, shortly after the KPA's winter exercises.⁸ The North calls them a "rehearsal for invasion that pushes the peninsula to the brink of nuclear war".⁹ It tries to convince Seoul and Washington that it considers them so threatening that it may be compelled to lash out, even with "a preemptive nuclear strike, if necessary".¹⁰ However, such threats are not credible since a preemptive nuclear strike by the DPRK would trigger a devastating, probably nuclear, response and DPRK destruction, which Pyongyang seeks to avoid.

B. *External Threats and Perception of U.S. Hostility*

Government officials, state media, literature and school curricula repeatedly assert that the U.S. has a "hostile policy" and is the "sworn enemy of Korea for century after century". State institutions say it is this hostility that has driven Pyongyang to acquire a nuclear deterrent.¹¹ In January 2013, the NDC said "U.S. hostile policy toward the DPRK has entered [a] more dangerous phase", adding: "No dialogue on the denuclearisation of the Korean peninsula will be possible in the future even though there may be dialogues and negotiations on ensuring peace and security in the region including the Korean peninsula".¹²

Advocates of engagement and nuclear diplomacy with the DPRK often cite the Agreed Framework (1994-2002) as evidence that diplomacy can be effective, and

⁷ Jun Ji-hye, "Two Koreas trade fire in West Sea", *The Korea Times*, 7 October 2014. For background, see Crisis Group Asia Report N°198, *North Korea: The Risks of War in the Yellow Sea*, 23 December 2010. Choe Sang-hun, "Koreas Exchange Fire After Activists Launch Balloons Over Border", *The New York Times*, 10 October 2014. Park Byong-su, "Leaflets balloons could have led to much more serious clash", *The Hankyoreh*, 20 October 2014. "Koreas exchange fire near heavily fortified border", *The Korea Herald*, 19 October 2014.

⁸ Key Resolve, a combined and multinational computer-simulated table-top exercise is followed by Foal Eagle, combined and joint field training exercises. In August or September, the ROK-U.S. hold the Ulchi Freedom Guardian computer-simulated combined command and control exercise.

⁹ For examples of recent DPRK rhetoric on ROK-U.S. exercises, see "U.S. Imperialists Will Face Final Doom: DPRK NDC", KCNA, 4 February 2015; "US, S. Korea's North-targeted War Drills Blasted", KCNA, 14 February 2015; "S. Korean Warmongers Stage Large-scale Mobile Drill", KCNA, 15 February 2015; "Aggressive Nature of U.S.-S. Korea Joint Military Exercises Can Never Be Concealed: Rodong Sinmun", KCNA, 24 February 2015; and "Minju Joson Raps at Projected U.S.-S. Korea Nuclear War Exercises against DPRK", KCNA, 25 February 2015.

¹⁰ The foreign minister told the UN Conference on Disarmament: "Now the DPRK has the power of deterring the U.S. and conducting a pre-emptive strike as well, if necessary". Stephanie Nebehay, "North Korea warns U.S. about pre-emptive strike 'if necessary'", Reuters, 3 March 2015.

¹¹ "NDC of DPRK Clarifies Stand on U.S. Hostile Policy ...", KCNA, 14 March 2014. "DPRK Terms U.S. Hostile Policy Main Obstacle in Resolving Nuclear Issue", KCNA, 31 August 2012.

¹² "DPRK NDC Vows to Launch All-Out Action to Defend Sovereignty of Country", KCNA, 24 January 2013.

Pyongyang can fulfil its commitments.¹³ However, the DPRK has since hardened its position, conducting a second nuclear test in May 2009 as the Kim family succession process intensified, and a third in February 2013.¹⁴ Even if Pyongyang initially intended to abandon its nuclear ambitions through the Agreed Framework, the present regime appears to have no such intentions.

Nuclear weapons are now an integral part of state ideology. On 31 March 2013, a plenary of the Korean Workers Party (KWP) Central Committee proclaimed the *pyŏngjin* line [立進路線], Kim Jong-un's contribution to Marxist thought and the continuing Korean revolution. Nuclear weapons are central to what the party called a "new strategic line on carrying out economic construction and building nuclear armed forces simultaneously". The *pyŏngjin* line set in stone the policy that:

[T]he DPRK's nuclear armed forces represent the nation's life which can never be abandoned as long as the imperialists and nuclear threats exist on earth Only when the nuclear shield for self-defence is held fast, will it be possible to shatter the U.S. imperialists' ambition for annexing the Korean peninsula by force and making the Korean people modern slaves¹⁵

The Supreme People's Assembly, the rubber-stamp national legislature, passed legislation the next day declaring the DPRK a "full-fledged nuclear weapons state" and stipulating ten principles, including "... repelling attacks and dealing deadly retaliatory blows at the strongholds of aggression until the world is denuclearised". The fifth principle indirectly threatened the South: "The DPRK shall neither use [nuclear weapons] against the non-nuclear states nor threaten them with those weapons unless they join a hostile nuclear weapons state in its invasion and attack on the DPRK".¹⁶

The government has indicated repeatedly that it is no longer interested in unilateral denuclearisation and has enshrined this in Kim's *pyŏngjin* line and state law. Instead, Pyongyang insists, it will abandon its nuclear weapons when the rest of the world does.¹⁷ Nuclear armament is justified and necessary according to the constitution, statutes and the *sŏn'gun* ideology that originated in the 1990s and propaganda for which asserts that the U.S. has been plotting to invade Korea since the 1830s. Media, school books, literature and museums depict relentless U.S. efforts to invade and subjugate Korea, as well as atrocities against Koreans, including cannibalism, murder, sexual assault, use of biological weapons and live experiments on Koreans for biological weapons research.¹⁸

¹³ The Agreed Framework froze nuclear activities in exchange for energy help and two "proliferation-resistant" light-water power reactors. It was to produce normalisation of DPRK-U.S. relations, and Pyongyang was to return to the Nuclear Non-Proliferation Treaty (NPT) and comply with all nuclear safeguards obligations prior to receiving the reactors' critical components.

¹⁴ Park Hyeong Jung, "Kim Jong-un's Renewal of Doctrines for Nuclear and South Korea Policy", Korea Institute for National Unification, Online Series CO 14-10, 14 August 2014.

¹⁵ "Report on Plenary Meeting of WPK Central Committee", KCNA, 31 March 2013.

¹⁶ "Law on Consolidating Position of Nuclear Weapons State Adopted", KCNA, 1 April 2013.

¹⁷ Baik Sungwon, "N. Korean Envoy: Nuclear Weapons Not Negotiable", Voice of America, 1 April 2015.

¹⁸ Crisis Group Asia Report N°167, *North Korea's Chemical and Biological Weapons Programs*, 18 June 2009, p. 10; Bruce B. Auster, "Unmasking an old lie", *U.S. News & World Report*, 16 November 1998; "GIs Spread New Drugs in S. Korea", KCNA, 21 July 2012; "U.S. Termed Special Class War Criminal State", KCNA, 18 December 2004; "Kim Jong-un Visits Sinchon Museum", KCNA, 25 November 2014.

Sŏn'gun ideology says the atrocities manifest a U.S. desire to enslave Koreans so as to gain a regional foothold, expand across Asia and dominate the world.¹⁹ Since the U.S. is seen as intrinsically hostile, its security guarantee would be by definition duplicitous, and accepting a denuclearisation deal would require rejecting part of the state's foundational ideology.

¹⁹ "DPRK History Society Brands U.S. as Provoker of Korean War", KCNA, 24 June 2013.

III. Deadlock

For more than two decades, various negotiation structures and strategies have been applied in attempts to resolve the nuclear crisis. Diplomats have offered a multitude of positive and negative incentives in exchange for denuclearisation. However, the North has failed to fulfil commitments, leading many observers to conclude that it views diplomacy and negotiations as “fighting the revolution through other means”.²⁰ The Six-Party Talks, established in 2003, reached several milestones but evolved into something Washington had not anticipated. The administration of President George W. Bush believed they would aggregate multilateral pressure on Pyongyang for denuclearisation. The international consensus against the nuclear program and the vast power asymmetries were expected to compel compliance, but Washington was unable to enlist the support of other parties to implement coercive measures strong enough to fully test the concept.²¹

Crisis Group has reported on the six-party process and offered numerous recommendations.²² Some advocates of engagement and diplomacy still assert that a denuclearisation bargain can be achieved. However, a very considerable shift in DPRK identity and ideology – most likely a revolutionary change – would be required to obtain any such deal involving Washington.

²⁰ On DPRK nuclear bargaining and contravention of agreements, see Christopher Ford, “Challenges of North Korean Nuclear Negotiation”, Hudson Institute, April 2011. On negotiating behaviour, see Chuck Downs, *Over the Line: North Korea's Negotiating Strategy* (Washington, 1998); Huh, Moon-Young, “North Korea's Negotiation Behavior toward South Korea: Continuities and Changes in the Post Inter-Korean Summit Era”, Korea Institute for National Unification, April 2006; C. Turner Joy, *How Communists Negotiate* (London, 1955); Richard Saccone, *To the Brink and Back: Negotiating with North Korea* (Elizabeth, NJ, 2003); Scott Snyder, *Negotiating on the Edge: North Korean Negotiating Behavior* (Washington, 1999); Song Jong-hwan, “North Korean Negotiating Behavior: A Cultural Approach”, *East Asian Review*, summer 2003, pp. 87-104. Specific to the nuclear negotiations, see Leszek Buszynski, *Negotiating with North Korea: The Six Party Talks and the Nuclear Issue* (Oxford, 2013); Leon V. Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea* (Princeton, 1997); Jesse D. Steele, “Negotiating with Deity: Strategies and Influences Related to Recent North Korean Negotiating Behavior”, *Pepperdine Dispute Resolution Law Journal*, 2008, pp. 119-146.

²¹ On the process, see Buszynski, op. cit.; Yoichi Funabashi, *The Peninsula Question: A Chronicle of the Second Korean Nuclear Crisis* (Washington, 2007); Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Washington, 2007); Mike Chinoy, *Meltdown: The Inside Story of the North Korean Nuclear Crisis* (New York, 2009); Victor Cha, *The Impossible State: North Korea, Past and Future* (New York, 2012).

²² Crisis Group Asia Reports N°61, *North Korea: A Phased Negotiation Strategy*, 1 August 2003; N°87, *North Korea: Where Next for the Nuclear Talks*, 15 November 2004; Briefings N°52, *After North Korea's Missile Launch: Are the Nuclear Talks Dead?* 9 August 2006; N°56, *North Korea's Nuclear Test: The Fallout*, 13 November 2006; N°62, *After the North Korean Nuclear Breakthrough: Compliance or Confrontation*, 30 April 2007; N°91, *North Korea's Missile Launch: the Risks of Overreaction*, 31 March 2009; Crisis Group Asia Report N°168, *North Korea's Nuclear Missile Programs*, 18 June 2009; and Report N°169, *North Korea: Getting Back to Talks*, 18 June 2009.

IV. Returning to Talks

The parties have divergent views on resuming the Six-Party Talks and their objectives. The DPRK official position is that it will return “without preconditions”, and resumption is up to the U.S. The U.S. and ROK say Pyongyang must first show it is “sincere and serious”.²³ They want credible evidence that the North is willing to implement its previous denuclearisation commitments under the “Statement of Principles” (September 2005). In practice this means a declaratory statement plus some additional actions or measures that have not been disclosed for fear Pyongyang would only do the bare minimum.²⁴

Since the talks stalled in 2008, there have been no real external constraints on the nuclear program. In spring 2014, activity around the Punggye-ri nuclear site suggested that a test was imminent, causing Beijing and Seoul to try to dissuade Pyongyang. No one knows if the North’s leadership intended a test, but the concern caused the ROK to initiate serious diplomatic endeavours to restart the six-party process under the “Korean formula”, which involved reaching consensus among the five before approaching Pyongyang.²⁵ By January 2015, after several rounds of shuttle diplomacy, the ROK had built such a consensus on the criteria for reconvening the talks.²⁶

The next step was to test whether the DPRK would be willing to return and bargain in good faith.²⁷ That required the six parties to meet, but considering the public scrutiny and expectations, they have been reluctant to convene an official session. Instead, in spring 2015, the five parties sought to talk with the DPRK under the auspices of an unofficial track-two dialogue in late May in Tokyo. That Northeast Asia Cooperation Dialogue (NEACD) has been hosted by the Institute on Global Conflict and Cooperation (IGCC) since 1993.²⁸ However, Pyongyang declined to send a delegation,

²³ Crisis Group interview, DPRK diplomat. Chung Min-uck, “NK rejects demand for nuke renunciation”, *The Korea Times*, 2 July 2013; “N. Korea urges resumption of nuclear talks”, *The Korea Times*, 18 September 2013; “U.S. Slammed for Blocking Resumption of Six-Party Talks with Unreasonable Preconditions: Spokesman”, KCNA, 26 November 2013.

²⁴ “Joint Statement of the Fourth Round of the Six-Party Talks”, Beijing, 19 September 2005. Crisis Group interviews, Ambassador Shin Chae-hyun, then director-general, North Korean Nuclear Affairs Bureau, foreign ministry, Seoul, 14 October 2014; Ambassador Kim Gunn, director-general, North Korean Nuclear Affairs Bureau, foreign ministry, Seoul, 6 April 2015; Crisis Group interviews, U.S. State Department officials, Seoul, Washington, Tokyo, 2014-2015.

²⁵ Chung Min-uck, “FM warns of military confrontation in Northeast Asia”, *The Korea Times*, 7 May 2015; Kang Seung-woo, “Seoul, Beijing persuading Washington NK nuke talks”, *The Korea Times*, 2 June 2014; “Remarks ... at the Korean Peninsula Economy Forum: Situation in North Korea (2015) and North Korean Nuclear Diplomacy”, Ambassador Hwang Joonkook, special representative for Korean Peninsula and security affairs, 12 March 2015, www.mofa.go.kr/ENG/main/index.jsp.

²⁶ “US vows to cut NK off from int’l financial system”, *The Korea Times*, 14 January 2015; “Seoul, Washington, Tokyo to meet over N.K. nukes next week”, *The Korea Herald*, 22 January 2015; “U.S. pointman on N. Korea to visit Tokyo, Beijing next week”, *The Korea Herald*, 23 January 2015; “Five parties in consensus on nuke talks”, *The Korea Herald*, 26 January 2015. Crisis Group interview, Ambassador Kim Gunn, director-general, North Korean Nuclear Affairs Bureau, foreign ministry, Seoul, 6 April 2015; “S. Korean envoy heads to Russia for talks on N.K. nukes”, *The Korea Herald*, 23 February 2015; “Seoul vows efforts for headway in N.K. nuke talks”, *The Korea Times*, 24 February 2015; “S. Korea, Russia hold talks on N. Korea’s nuke issue”, *The Korea Herald*, 25 February 2015.

²⁷ “North Korea’s neighbors push to resume six-party talks”, Reuters, 26 March 2015.

²⁸ Crisis Group interview, Ambassador Kim Gunn, director-general, North Korean Nuclear Affairs Bureau, foreign ministry, Seoul, 6 April 2015; “Security forum on Northeast Asia due in Japan next month: sources”, Yonhap News Agency, 5 April 2015. “Diplomacy & Policy: Northeast Asia Cooper-

and the other parties remain pessimistic on the prospects of restarting the Six-Party Talks.²⁹ Seoul, Tokyo, and Washington now seem poised to enhance their policies of deterrence, containment, and isolation.³⁰

A. South Korean Division over North Korea Policy

The ROK has a presidential system of government with strong executive powers. The president has extensive authority in national security, foreign policy and inter-Korean affairs and a constitutional obligation to seek peaceful unification. South Korean society, however, is deeply divided over methods. The constitution defines the ROK as the sole legitimate government for the peninsula and adjacent islands, and the National Security Act defines the DPRK as merely an illegitimate “anti-state group”.³¹

There is a wide arc of opinion among policymakers over the most effective way of dealing with the North, which means that policies oscillate between greater emphasis on engagement or on deterrence and containment, depending on the president’s views. As a candidate in 2012, Park Geun-hye’s platform included “trustpolitik”, her idea of trust-building to improve inter-Korean relations and lay a foundation for eventual unification. As president, trust-building has languished; Park supporters blame North Korea, detractors the president. The ambiguous stance on the North of conservatives is exemplified by Park’s press conference remarks (6 January 2014), describing unification as a “jackpot” or “bonanza” [대박]. The phrase won acclaim from conservatives, some of whom said it could dispel the “unification phobia” of many leftists.³²

Since ROK conservatives believe the solution to inter-Korean problems is the DPRK’s demise and unification, they tend to oppose legal and political processes for gradual convergence and unification via a confederation or loose federation as proposed during the first inter-Korean summit in June 2000.³³ They believe opportunities to undermine the North should be seized in order to hasten DPRK collapse and unification under the ROK. But conservatives often fail to explain or provide plausible pathways on how this should unfold, instead expressing what often appears to be merely wishful thinking.³⁴

ation Dialogue”, University of California, Institute on Global Conflict and Cooperation, <http://igcc.ucsd.edu/policy/track-ii-forums/northeast-asia-cooperation-dialogue>.

²⁹ Crisis Group interviews, May 2015.

³⁰ Elizabeth Shim, “Envoys discuss ways to return North Korea to six-party talks”, United Press International, 26 May 2015.

³¹ Constitution, Chapter one, Article three; National Security Act [國家保安法].

³² 조갑제, “‘통일은 대박이다’는 말이 통일을 앞당긴다!”, 뉴데일리, 2014년 1월 7일 [Cho Gap-che, “The phrase ‘unification is a bonanza’ hastens unification!”, *New Daily*, 7 January 2014].

³³ The 15 June 2000 North-South Joint Declaration has five clauses. The second stipulates: “For the achievement of reunification, we have agreed that there is a common element in the South’s concept of a confederation and the North’s formula for a loose form of federation. The South and the North agree to promote reunification in that direction”.

³⁴ For example, this sentiment is reflected in remarks to senior NIS officials by then National Intelligence Director (NIS) Nam Jae-jun in 2013, at a year-end party: “Our country will be unified under the system of a free Republic of Korea in 2015. Let’s devote our lives to unify our country under the system of freedom and democracy”. “남재준 ‘2015년 통일 가능’ vs. 류길재 ‘기개만으론 안돼’”, *조선일보*, 2013년 12월 24일 [“Nam Jae-jun ‘Unification is possible by 2015’ vs. Ryu Gil-jae ‘it takes more than a spirit’”, *Chosun Ilbo*, 24 December 2013].

Generally supporting unification by absorption, conservatives are sceptical at best of engagement with Pyongyang. They frequently denounce ex-President Kim Dae-jung's "sunshine policy" and ex-President Roh Mu-hyun's "peace and prosperity policy" as appeasement that propped up the Kim family regime, enabling it to divert resources to its nuclear and missile programs.³⁵ In general, they do not want to repeat what they believe was a failed approach.³⁶

Leftists range from those who sympathise with the DPRK and generally advocate its policies on unification and foreign affairs to those who prefer peaceful coexistence and cooperation until inter-Korean convergence and unification on liberal democratic principles. Kim Dae-jung's "sunshine policy" (1998-2003) was based on robust deterrence, while developing economic cooperation.³⁷ Kim, smeared as a "communist sympathiser" during the rule of Park Chŏng-hŭi (1962-1979) and Chŏn Du-hwan (1980-1987), combined populism with a strong belief in liberal democracy and free-market economics. He thought economic cooperation and interdependence would transform North Korea into a liberal market-oriented system and thus produce convergence and eventual unification. Roh Mu-hyun (2003-2008) deepened inter-Korean economic cooperation, but both liberals and conservatives were disappointed when Pyongyang failed to reciprocate on denuclearisation, arms control and military confidence-building measures.

The centre-left argues that hardline policies stressing pressure and isolation have not brought meaningful change in Pyongyang's behaviour. Yi Jong-sŏk, a unification minister under Roh Mu-hyun, contends that policy centred on punitive sanctions has failed and urges immediate resumption of the Six-Party Talks. He also believes the nuclear issue should be separated from other inter-Korean issues to an extent.³⁸ Chŏng Se-hyŏn, a unification minister under Kim Dae-jung, is suspicious of President Park's intentions on unification in the absence of progress on inter-Korean ties.³⁹

Interpretations of the historical record, and thus views on policy prescriptions, change significantly across the political spectrum. The right views liberal engagement as naïve and a failure. Conservatives believe hard currency earned in inter-Korean trade, ROK investments and fertilizer and food aid reduced pressure and enabled the Kim regime to become a "nuclear state".

³⁵ "한기호 '햇볕정책 없었다면 북 개방 또는 붕괴'", 연합뉴스, 2014년 1월 16일 ["Han Gi-ho: Had it not been for the sunshine policy, the DPRK would have opened up or collapsed", Yonhap News Agency, 16 January 2014].

³⁶ For example, Han Gi-ho, a senior member of the ruling Saenuri Party, pointed out that the ROK's effort to engage the DPRK was not reciprocated, so the policy failed. Ibid. Journalist Mun Ch'ang-gŭk, President Park's former nominee for prime minister, denounced the sunshine policy because "it extended and expanded the system of evil in North Korea, which is comparable to Neville Chamberlain's appeasement of Nazi Germany". He argued that peace cannot be maintained with "sunshine", but must be protected with power. "문창극 칼럼 햇볕정책 실패를 선언하라", 중앙일보, 2010년 12월 27일 ["Mun Ch'ang-gŭk Column Declare the Failure of Sunshine Policy", *JoongAng Ilbo*, 27 December 2010].

³⁷ Moon Chung-in (Chung-in Moon), "The Sunshine Policy and the Korean Summit: Assessments and Prospects", *East Asian Review*, vol. 12, no. 4 (Winter 2000): pp. 3-36.

³⁸ 이종석, "한미의 대북정책, 안녕한가?", 중앙일보, 2014년 9월 30일 [Yi Jong-sŏk, "What's up with the ROK-U.S. North Korea policy?", *JoongAng Ilbo*, 30 September 2014].

³⁹ Chŏng warns that if President Park's "unification bonanza initiative" is premised on DPRK collapse, it could backfire and limit the ROK's policy options. 정세현, "'북 붕괴' 전제한 통일대박론, 부메랑 될 수도", *프레시안*, 2014년 2월 10일 [Chŏng Se-hyŏn, "Unification bonanza initiative that assumes 'the collapse of DPRK' could backfire", *Pressian*, 10 February 2014].

Many centrists are disillusioned with Pyongyang and suspicious of engagement, which they believe should be conditional or limited to humanitarian aid. Younger South Koreans without personal ties are developing an indifference to the North and a separate identity, as they concentrate on an intensely competitive educational system and job market. However, most on the left, even those who admit engagement by earlier administrations was disappointing, believe engagement and diplomacy are the only viable policy choices.⁴⁰

B. *The U.S. Position*

The U.S. consensus is that the North's willingness to talk "without preconditions" shows not flexibility and good will, but the absence of readiness to honour earlier denuclearisation commitments, including in the "Statement of Principles". Returning to talks thus would risk DPRK manipulation and refusal to bargain in good faith, which, with so little prospect of success, would make no sense for the Obama administration. If Pyongyang continues trying to divide the other parties and consolidate its nuclear status, neither president nor Congress could support the six-party process. Cautious Washington officials say, "we're tired of buying the same horse twice".⁴¹ The U.S. thus will not reward the DPRK for agreeing to discuss commitments on which it has already reneged.

Six-party stalemate and failure to achieve a denuclearised Korean peninsula through diplomacy, however, presents a problem. If a nuclear deal is reached with Iran, more attention likely will turn to the DPRK. However, there are no good options with an uncooperative, nuclear-armed North Korea, so Washington will have to fall back on deterrence and containment. Some policy instruments will be controversial, since they are likely to include sanctions and deployment of sophisticated weapons systems. Critics will suggest the U.S. is overreacting; allies will question whether its response is adequate.

C. *China's Emphasis on Dialogue*

Chinese officials frequently call for speedy reopening of the Six-Party Talks to resolve the nuclear issue and reduce regional tensions.⁴² China is correct to argue that no settlement is possible without dialogue and negotiations; however, Beijing has little risk of negative domestic repercussions if the talks go badly or are manipulated by the DPRK. The process is what matters; a poor outcome could be blamed on the U.S. and the DPRK.

Though Beijing wants denuclearisation, officials tend to regard the U.S. assessment of the threat as exaggerated and, because it justifies a strong military presence in the region, self-serving. Dialogue is genuinely valued as the instrument with which

⁴⁰ Chung-in Moon [Moon Chung-in], *The Sunshine Policy: In Defense of Engagement as a Path to Peace in Korea* (Seoul, 2012).

⁴¹ David E. Sanger, "U.S. Weighs Intercepting North Korean Shipments", *The New York Times*, 7 June 2009; "A horse worth the price", *The Economist*, 3 March 2012; "US says open to North Korea talks, cites Iran", *The Straits Times*, 9 April 2014; David E. Sanger, "U.S. Gives North Korea the Silent Treatment", *The New York Times*, 9 November 2014.

⁴² "China urges to restart Six-Party Talks as soon as possible", *China Daily*, 28 September 2014, reporting the foreign minister's speech at the UN General Assembly.

to manage flare-ups on the peninsula, mitigate tension and perhaps pursue opportunities for small improvements when they present themselves.⁴³ If the six-party framework can be revived, China can take credit for hosting it and deflect U.S. pressure to increase punitive measures against the DPRK. Its position is encapsulated in the oft-repeated mantra of “asking all parties to exercise mutual restraint and settle their differences through dialogue in order to achieve denuclearisation in the Six-Party Talks”. Denuclearisation is seen as desirable, but retaining the status quo is considered preferable to risking DPRK instability or regime collapse. China also opposes military steps by the U.S. or others to counter the North’s nuclear and missile capabilities.⁴⁴

D. Japan

Tokyo is concerned about North Korea’s continuing nuclear and missile development. In the event of a second Korean War, Japan would be committed to provide logistical support from U.S. bases in the country, and it worries that its territory might accordingly be attacked. If so, or were the DPRK even to threaten such a strike, the public’s backing for support operations could evaporate.⁴⁵ The government also places a priority on resolving the issue of Japanese citizens abducted in the 1970s and 1980s by DPRK agents. Pyongyang has reluctantly agreed to reopen an investigation, but no report or explanation by its authorities is likely to satisfy the Japanese people and government, despite some progress in bilateral talks in 2014.

Tokyo’s ability to counter the military threat is constrained by Article 9 of the constitution, which renounces war as a means of settling international disputes. Several laws also limit military actions, but Japan has not renounced the right to defend itself under the UN Charter. It intends to strengthen its bilateral security alliance with the U.S. and create legal flexibility for collective self-defence within that framework, including pursuant to mutual defence guidelines revised for the first time since 1997 and released with the U.S. in April 2015.⁴⁶ Tokyo plans to maintain Article 9, but Prime Minister Shinzo Abe’s government seeks a reinterpretation to allow collective self-defence.

⁴³ Crisis Group Asia Report N°254, *Fire on the City Gate: Why China Keeps North Korea Close*, 9 December 2013; Andrew J. Nathan and Andrew Scobell, “How China Sees America”, *Foreign Affairs*, September/October 2012.

⁴⁴ For example, China opposes deployment of the U.S. Terminal High Altitude Missile Defence (THAAD) system to the ROK. A senior U.S. military official said Chinese military officers have recently been displaying less concern during discussions with U.S. counterparts. Crisis Group interview, October 2014. However, see Ankit Panda, “South Korea, China Trade Barbs Over THAAD”, *The Diplomat*, 18 March 2015; Park Byong-su, “China intensifying its opposition to deployment of THAAD in S. Korea”, *The Hankyoreh*, 20 March 2015.

⁴⁵ Crisis Group interview, Professor Michishita Narushige, Graduate Institute for Policy Studies, Tokyo, 27 November 2014. The North’s Strategic Rocket Forces can target Japan with their medium-range Nodong ballistic missile. Crisis Group Asia Report N°168, *North Korea’s Nuclear Missile Programs*, 18 June 2009; Markus Schiller, “Characterizing the North Korean Nuclear Missile Threat”, RAND Corporation, Santa Monica, 2012.

⁴⁶ “The Guidelines for U.S.-Japan Defense Cooperation”, 27 April 2015, available at www.defense.gov/pubs/20150427_guidelines_for_US_Japan_Defense_Cooperation_Final&Clean.pdf; Shannon Tiezzi, “A Closer Look at the New US-Japan Defense Guidelines”, *The Diplomat*, 1 May 2015; Arshad Mohammed, “U.S., Japan unveil new defense guidelines for global Japanese role”, Reuters, 27 April 2015.

The new guidelines permit enhanced cooperation in space and maritime security, the former to extend to DPRK missile threats.⁴⁷ Tokyo is already one of Washington's closest missile-defence partners, and this will deepen in the absence of DPRK denuclearisation. The U.S. deployed a second missile-defence surveillance radar in Japan in December, and there is cooperation to develop the Standard Missile-3 (SM-3) Block IIA interceptor missile that will be deployable on ships and on land.⁴⁸

E. *Russia*

Russia sees no need for an alternative to the Six-Party Talks. Preoccupied with other security problems and with limited leverage to influence the situation on the peninsula, it tends to believe that mutual deterrence will maintain the status quo, and the likelihood of conflict is not great.⁴⁹ It chairs the Six-Party Talks working group on regional security architecture, one of five established to discuss creation of a multi-lateral security institution for North East Asia. Moscow says "diplomacy is the only way to deal with the DPRK nuclear issues, and the Six-Party Talks are the optimal format".⁵⁰ It desires a restart of the talks as soon as possible and refuses to recognise the North as a "nuclear state".⁵¹ It objects to the DPRK's nuclear and missile testing not only because of the international security impact, but also because it occurs near the Russian border. "The Punggye-ri nuclear test site is only 200km from Vladivostok", a Russian diplomat noted. "What is the closest American territory? Guam? Vladivostok is much closer, so we are very sensitive to DPRK nuclear tests".⁵²

Despite concerns about the nuclear and missile programs, Moscow puts priority on economics in its North East Asia policy, as is apparent in government statements and discussions with Russian diplomats. It prefers a non-nuclear Korea and hopes for a thaw in inter-Korean relations that will enable greater economic opportunities for Russian firms. It echoes Beijing comments that peace and stability are necessary for economic development, and security and economics are closely linked. And like China, it considers Washington's threat perception excessive. A Russian diplomat said the "North Korean nuclear and missile threats are exaggerated. North Korea has some nuclear and missile technology, but they cannot threaten the U.S. It is absurd to develop missile defence based on [their] threat to the U.S."⁵³

Though Russia denies linkage, the imposition of sanctions against it with regard to Ukraine has coincided with the search for greater economic cooperation with east-

⁴⁷ "The Guidelines for U.S.-Japan Defense Cooperation", op. cit.

⁴⁸ "Second Missile Defense Radar Deployed to Japan", U.S. Department of Defense, 26 December 2014. "Standard Missile-3", www.raytheon.com/capabilities/products/sm-3.

⁴⁹ Crisis Group interview, Alexander P. Minaev, senior counsellor, Russian embassy, Seoul, 22 July 2014; Stephen Blank, "Russia Reacts Predictably to North Korean Nuclear Test", *Eurasia Daily Monitor*, vol. 10, issue 37, 27 February 2013.

⁵⁰ Crisis Group interview, Alexander P. Minaev, senior counsellor, Russian embassy, Seoul, 22 July 2014.

⁵¹ Chang Jae-soon, "(3rd LD) S. Korea to participate in Russian-led rail, port development project in N. Korea", *Yonhap News Agency*, 13 November 2013; Seo Ji-eun, "Park, Putin sign rail project MOU", *Korea JoongAng Daily*, 14 November 2013.

⁵² Crisis Group interview, Alexander P. Minaev, senior counsellor, Russian embassy, Seoul, 22 July 2014.

⁵³ *Ibid.* Chang Jae-soon, op. cit.; Seo Ji-eun, op. cit.; Seok Jin-hwan, "Pres. Park and Putin discuss political and economic cooperation during summit", *The Hankyoreh*, 14 November 2013.

ern neighbours. For example, Prime Minister Dmitry Medvedev and Chinese Premier Li Keqiang signed 40 such agreements in October 2014, including a three-year deal on central bank currency swaps worth 150 billion yuan (about \$24.4 billion).⁵⁴ This outreach also extends to the two Koreas.

In September 2013, a refurbished rail line was opened from Khasan to Rasŏn, the DPRK's special economic zone. Russia and the DPRK have begun a joint project to renovate the railway from the west coast port of Namp'o through Pyongyang and reportedly have signed a \$25 billion agreement to restore 3,500km of rail lines, about 60-70 per cent of the DPRK rail network.⁵⁵ Moscow also canceled \$10 billion of DPRK debt in September 2012 and agreed to reinvest the \$1 billion of payments in the North's economy. While the gains from economic integration are limited, Moscow hopes cooperation and infrastructure investment can build a bridge to transportation networks and energy markets in the ROK and Japan. It thus has an incentive to minimise or overlook the North Korean threat, so as to maintain good relations with Pyongyang.

⁵⁴ "China, Russia cement partnership with new cooperation", *People's Daily* (online), 14 October 2014.

⁵⁵ The \$340 million joint project to refurbish the Khasan-Rasŏn rail line began in 2008. Seo-Ji-soon, "(3rd LD) S. Korea", op. cit. "Ground-breaking Ceremony of Rebuilding Railroad Section Held", KCNA, 21 October 2014. "N. Korea modernizing railway lines with Russia's support", Yonhap News Agency, 22 October 2014.

V. Fallback: Deterrence and Containment

Unless the DPRK changes its nuclear policy, the international community has four broad main options: 1) force; 2) appeasement and acquiescence; 3) deterrence and containment; or 4) continuing deterrence and pressure for denuclearisation, while developing additional channels of communication until the DPRK leadership changes its policy. Military force to compel denuclearisation or capitulation to Pyongyang's demands would be politically unacceptable, regionally and globally. Diplomatic settlement resulting in verifiable denuclearisation is the preferred outcome. But without major change in the North enabling a breakthrough, alternative policies will be needed to mitigate the risk from a DPRK that will retain nuclear weapons for the foreseeable future.

Pyongyang's alternative to denuclearisation is to continue the *pyŏngjin* line and enhance its missile capabilities to consolidate its nuclear status. While prolonged negotiation without results would help the DPRK acquire de facto recognition as a nuclear state, it does not appear to view the six-power talks as necessary. Rather, it plays a long game for sanctions relief and normalisation of relations as a nuclear state, whether de facto or de jure.⁵⁶

The main burden of deterring and containing the nuclear threat falls on the ROK and the U.S. However, they have different approaches. The ROK government says it will not accept the North's nuclear weapons program, but Koreans share a common national identity, and it is bound by the constitution to seek peaceful unification. Geography and divided families mean there will always be some engagement. While the foreign ministry distrusts DPRK objectives and strategies on the nuclear issue, officials are cautiously optimistic about restarting the Six-Party Talks. A senior foreign ministry official did not want to consider alternatives but said the South would not be moved by charm offensives or compromise on denuclearisation.⁵⁷

Though officials decline to discuss alternative plans, the fallback is to strengthen deterrence and containment in the context of the mutual defence treaty with the U.S. There are divided opinions in the country, but many in government favour tougher measures to make Pyongyang pay a high price for failure to comply with non-proliferation commitments.⁵⁸

The DPRK's growing nuclear capability forces the ROK and U.S. to adjust their deterrence postures, which has important implications for peace and stability in the region and elsewhere.⁵⁹ Deterrence on the peninsula includes maintaining sophisti-

⁵⁶ Recognition of the DPRK as a nuclear state de jure would probably have to include accepting its withdrawal from the NPT as legitimate and consistent with international law and possibly nullifying in effect UN Security Council resolutions that have condemned its nuclear tests.

⁵⁷ Crisis Group interview, Seoul, October 2014. He spoke at the time of the high-level DPRK delegation visit to the closing ceremonies of the Asian Games (see Section II.A above).

⁵⁸ Clint Work, "South Korea: Dependence in the Age of OPCON", *The Diplomat*, 9 July 2014. Crisis Group interview, Ambassador Kim Gunn, director-general, North Korean Nuclear Affairs Bureau, foreign ministry, Seoul, 6 April 2015.

⁵⁹ For background on the U.S. policy, see Brad Roberts, "Extended Deterrence and Strategic Stability in Northeast Asia", NIDS Visiting Scholar Paper Series, no. 1, 9 August 2013; Lukasz Kulesa, "U.S. Extended Deterrence Weakened? Lessons Learned from the North Korean Crisis", Bulletin no. 57 (510), Polish Institute of International Affairs (PISM), 28 May 2013; and David S. Yost, "US Extended Deterrence in NATO and North-East Asia", Perspectives on Extended Deterrence, Recherches & Documents no. 03/2010, 2010.

cated intelligence, surveillance, and reconnaissance (ISR) assets for early warning, and complex command and control systems to deploy missile defences (deterrence by denial) or counter-strike capabilities (deterrence by punishment).⁶⁰ Though the allies mostly agree on deterrence issues, they will have to manage any future disagreements on important details, even up to potentially difficult ones relating to nuclear planning.

Some differences that have already emerged are relatively minor, such as base relocations and consolidations; others have serious implications. For example, Seoul is ambivalent about U.S. desire to deploy the Terminal High Altitude Area Defence (THAAD) system to the South.⁶¹ The U.S. views missile defence as essential for deterrence and reassurance of allies and also seeks to preserve strategic stability with Russia and China.⁶² Seoul's ambivalence on THAAD contradicts its portrayal of the DPRK threat, but it is concerned about Beijing's reaction.⁶³

THAAD and its support systems are mobile and deployable to the ROK on short notice, but waiting until a crisis emerges could be destabilising, since an observable deployment might lead the DPRK to use its missiles before the interceptors arrive.⁶⁴ The optimum time for such deployment is on an announced schedule during a stable period on the peninsula. It would also be important for the U.S. both to signal resolve and reassurance and to maintain transparency and communication with Beijing to preserve strategic stability.

More missile defence assets in the ROK would enhance deterrence by denial, but retaliatory assets are also required to bolster credibility of deterrence by punishment. Deployment of adequate counter-strike capabilities in conjunction with joint and combined military training is needed to sustain a credible deterrent posture. The U.S. has repeatedly reaffirmed resolve and reassurance by deploying and rotating assets and personnel and using signalling mechanisms such as the Security Consultative Meeting joint communiqué.⁶⁵ The South will continue to develop and deploy enhanced ISR and counter-strike capabilities under guidelines it issued in October 2012.⁶⁶ That will improve the credibility of retaliation, but at the same time the U.S.-ROK Combined Forces Command (CFC) and United Nations Command (UNC) com-

⁶⁰ ISR is an area where the ROK can improve capabilities and contribute more to the alliance. Crisis Group Asia Report N°259, *Risks of Intelligence Pathologies in South Korea*, 5 August 2014; Daniel Pinkston, "U.S.-ROK Alliance Management: OPCON Transition and ISR", Crisis Group, In Pursuit of Peace Blog, 18 June 2014, www.crisisgroup.org.

⁶¹ Daniel Pinkston, "No Such Thing as a Free Ride? ROK Missile Defence, Regional Missile Defence and OPCON Transfer", Crisis Group, In Pursuit of Peace Blog, 29 July 2014.

⁶² "Ballistic Missile Defense Review Report", February 2010; "Quadrennial Defense Review 2014", 4 March 2014, p. 14, both U.S. Department of Defense.

⁶³ Defence Minister Chang Wanquan expressed Beijing's opposition to THAAD deployment at a China-ROK defence ministers meeting in Seoul. Oh Seok-min, "China voices concern over U.S. THAAD on Korean soil", Yonhap News, 4 February 2015; see also fn. 42 above.

⁶⁴ Deployment during a crisis almost certainly would be observable, because politicians would be under pressure to disclose it to reassure citizens, and it would likely be leaked if military authorities tried to keep it secret.

⁶⁵ The Security Consultative Meeting (SCM) is an annual meeting between the U.S. defence secretary and the ROK defence minister. The most recent was held in Washington in October 2014. "Joint Communiqué: The 46th ROK-U.S. Security Consultative Meeting", 23 October 2014, www.defense.gov/pubs/46th_SCM_Joint_Communique.pdf.

⁶⁶ Daniel Pinkston, "The New South Korean Missile Guidelines and Future Prospects for Regional Stability", Crisis Group, In Pursuit of Peace Blog, 25 October 2012.

mand structures should increase confidence that those capabilities are less likely to be used for unjustified pre-emption or preventive war.⁶⁷

There is always risk of misperception and miscalculation when signalling different audiences. Thus, former Secretary of Defense Leon Panetta's memoirs cited a 2011 discussion with U.S. Forces Korea Commander General Walter Sharp about the possibility of the U.S. using nuclear weapons to repel a DPRK invasion. That passage meant to reassure allies, alarmed others and gave Pyongyang an opportunity to justify its own nuclear deterrent. Secretary of State John Kerry's 2014 remark that the U.S. was prepared to reduce its military presence in East Asia if the DPRK rejoined the Six-Party Talks and fulfilled its denuclearisation commitments was probably meant as a signal to China and the North of willingness to reciprocate concessions. However, it triggered anxiety and questions in Seoul and Tokyo regarding U.S. resolve.⁶⁸

⁶⁷ The CFC was created in 1978 as a U.S.-ROK combined command led by an American four-star army general, with a South Korean four-star as his deputy. In wartime, all but a few ROK military units come under CFC operational control (OPCON). The command would have about 600,000 active military personal from the two countries and about 3.5 million ROK reservists to fight if conflict resumed on the peninsula. "Combined Forces Command", U.S. Forces Korea website, www.usfk.mil/usfk/content.combined.forces.command.46.

⁶⁸ Lauren Walker and Jeff Stein, "Panetta Sparks Debate over U.S. Nuclear Strike on North Korea" *Newsweek*, 14 October 2014. Adam Taylor, "North Korea responds to Leon Panetta's memoirs by saying it will beef up nuclear program", *The Washington Post*, 20 October 2014; "KCNA Commentary Denounces U.S. Nuclear Threat against DPRK", KCNA, 20 October 2014; "Kerry: US could reduce troops if N. Korea denuclearizes", *The Korea Times*, 23 October 2014.

VI. Principled Engagement with the DPRK

While deterrence and containment are necessary until such time as a major change in the DPRK makes a political settlement of the nuclear issue more feasible, Western governments – including those that have participated in the Six-Party Talks – as well as their private actors should pursue broader engagement on issues that might accelerate at least limited change in North Korean society, and by extension reduce conventional threats. However, such engagement also would entail risks and costs.⁶⁹

Some analysts and scholars assert that dialogue might succeed where deterrence and containment have not in persuading the DPRK to abandon its nuclear weapons program.⁷⁰ Most such assertions are premised on the belief that dialogue automatically assuages insecurity and that security is the sole motivation for the DPRK's nuclear ambitions. Dialogue with no preconditions might, however, be vulnerable to manipulation. While it is a risk that Russia and China appeared more prepared to run, the ROK, U.S. and Japan are concerned that if the Six-Party Talks reconvene without tangible progress, the process could eventually be transformed in effect into disarmament talks among nuclear peers and that this might lead to virtual acceptance of the nuclear-state status the DPRK seeks, with consequences not only for the Korean peninsula, but also for the global non-proliferation regime.

Greater interaction with the DPRK can be mutually beneficial for the North Korean people and the international community, but it first needs to be assessed by issue and objective, which in turn should determine appropriate institutions and interlocutors. Three categories of actors can engage with the North: governments and inter-governmental organisations (IGOs); the private sector; and civil society.⁷¹ Some actions (eg, arms control, sanctions) can only be executed by governments and IGOs. Governments can also provide public goods, infrastructure, institutions, and regulatory settings that enable private actors to engage in turn. Some governments work with other governmental institutions, the private sector and academic institutions to engage and influence the DPRK. For example, the Swedish foreign ministry supports the International Council of Swedish Industry's collaboration with the Swedish International Development Cooperation Agency to provide education and training for North Koreans in business management and international trade.⁷²

⁶⁹ See, for example, Gi-Wook Shin, David Straub and Joyce Lee, "Tailored Engagement: Toward an Effective and Sustainable Inter-Korean Relations Policy", Shorenstein Asia-Pacific Research Center Policy Paper, September 2014.

⁷⁰ For example, Haksoo Paik, "Kim Jong Un's Unitary Leadership: Future Policies and Our Choices", 38 North, 10 December 2013; Chung-in Moon [Moon Chung-in], *The Sunshine Policy: In Defense of Engagement*, op. cit.; John Delury, "The Disappointments of Disengagement: Assessing Obama's North Korea Policy", *Asian Perspective*, April-June 2013, vol. 37, no. 2, pp. 149-182.

⁷¹ Some analysts consider humanitarian aid a type of engagement; though delivery exposes a small number of North Koreans to outsiders, it is unclear how this impacts internal thinking about domestic governance and international relations. Moreover, treating humanitarian aid as an engagement instrument introduces risk of politicisation, contradicting the aid's concept. Nevertheless, humanitarian aid and its impact on DPRK society should not be ignored. Arguably, its greatest political impact might be at the time of a severe regime crisis, even collapse, when people would remember past food help and might be likelier to view approaching outsiders as benign. For background on NGO activities in North Korea in the wake of famine, see Mi Ae Taylor and Mark E. Manyin, "Non-Governmental Organizations' Activities in North Korea", Congressional Research Service, report R41749, 25 March 2011.

⁷² "North Korea", www.nir.se/en/programmes/north-korea.

Economic engagement by private companies can be a mechanism for technology transfer and improvement in human capital through training. Many advocates of DPRK engagement cite an extensive literature on economic interdependence to suggest that trade and investment are effective in transforming identities and interests.⁷³ Kim Dae-jung had this objective when he pushed to create the Kaesŏng Industrial Complex. A risk, however, is that economic engagement can become a conduit for transfer of illicit or dual-use materials and technologies that undermine the sanctions regime or support weapons programs. The sanctions regime targets specific technologies, materials, organisations and individuals but not normal business activity or humanitarian aid. Nevertheless, sanctions work imperfectly: they do affect non-targeted transactions, and determined organisations, especially if backed by state resources, can circumvent them. Governments and IGOs establish the regulatory framework, but private company vigilance and compliance also are necessary.

Another risk is that the DPRK may interpret foreign trade and investment benefits as validating the *pyŏngjin* line. Its leadership asserts that simultaneous development of the economy and nuclear capabilities is possible and necessary, so it will take credit for economic growth and implementation of the *pyŏngjin* line. Yet a third risk or cost is that economic transactions are structured so that the Korean Workers Party gets a cut. The North claims to have abolished taxes, but state enterprises and North Korean organisations engaging in foreign business must deliver fees to the party that ultimately help keep the Kim family in power. In sum, economic engagement should be examined case-by-case.

Civil society engagement includes but is not limited to exchanges in realms such as education, science, culture, music, art and sports, focusing on people-to-people interactions and ideas, and generally does not carry the same risks as governmental and economic engagement. Examples have included an exhibition basketball game in Pyongyang with retired U.S. professionals and North Korean players and academic exchange programs with the University of British Columbia and Syracuse University. More recently, women peace activists drew attention to the peninsula's divisions by traveling to the North, holding discussions with North Korean women and crossing the Demilitarised Zone (DMZ) into the South.⁷⁴

Engagement, if it is to minimise the risks and produce benefits, should be pursued according to principles that do not support the DPRK's nuclear development and its *pyŏngjin* line or destabilise the region. A principled engagement approach recognises that different actors have different roles, opportunities, risks, and costs when interacting with the DPRK. In the context of robust deterrence and containment, governments should monitor Pyongyang for any signs of change and guard against

⁷³ For example, Robert Keohane and Joseph Nye, (1977), *Power and Interdependence: World Politics in Transition* (Boston, 1977); Susan M. McMillan, "Interdependence and Conflict", *Mershon International Studies Review*, vol. 41, no. 1, 1997, pp. 33–58; Erik Gartzke, Quan Li, and Charles Boehmer, "Investing in the Peace: Economic Interdependence and International Conflict", *International Organization*, vol. 55, no. 2, spring 2001, pp. 391–438; Håvard Hegre, "Development and the Liberal Peace", *Nordic Journal of Political Economy*, vol. 31, 2005, pp. 17–46.

⁷⁴ Mason Levinson, "Rodman's North Korea Trips Signal Basketball Push by Leader Kim", Bloomberg, 14 January 2014. Tristin Hopper, "North Korea's Canadian classroom: UBC's latest exchange with hermit nation quietly draws to a close", *National Post*, 1 January 2013. Stuart Thorson, "Syracuse expert on Korean Peninsula sees a new opportunity in U.S.-North Korea relations", *The Post Standard*, 8 January 2012, blog.syracuse.com/opinion/2012/01/syracuse_korean_peninsula.html. Katharine H.S. Moon, "Why did 'Women Cross DMZ' in Korea?", Brookings, 3 June 2015.

miscalculation. They must also be sensitive to manipulation of the six-party process and other official channels as instruments for Pyongyang to consolidate its nuclear status.

Private sector firms that engage with Pyongyang must be cautious and abide by all UN sanctions. They should refrain from activity that primarily generates rents and large hard-currency profit for a few elite rather than benefits the broader population. Extractive industry activity should be minimised or avoided since almost all returns go to the ruling elite. Labour-intensive production in which workers receive most returns in wages would be more desirable. Civil society exchanges should be supported, especially programs that facilitate North Koreans to travel abroad. They provide the regime with no dual-use technology and little hard currency, while facilitating information flows that can expose shortcomings in the North's system and contribute to social and political change.

VII. Conclusion

The Six-Party Talks are deadlocked. The prospects for resumption as a mechanism for denuclearisation are bleak. The DPRK is committed to remain a nuclear state under the *pyŏngjin* line. The process was meant to achieve a denuclearised Korean peninsula, but Pyongyang seeks to transform it into a strategic nuclear dialogue among peers so as to gain international recognition and validation of its nuclear status. The domestic political costs for this would be at most negligible for China and Russia, but given the perceived unreliability of the DPRK, its failure to fulfil earlier commitments and the minimal prospect for new success, the U.S., ROK and Japan, almost certainly will not return to talks in present circumstances.

The deadlock creates considerable finger-pointing. Dissatisfied Americans often blame China for not sufficiently pressuring Pyongyang; dissatisfied Chinese often blame the U.S. for not alleviating DPRK insecurity so as to create a more conducive environment. In the ROK, the right blames the left for coddling Pyongyang, while the left blames the right for policies that exacerbate its insecurity. All these views are flawed. Historical issues aside, the North's nuclear motivations are now driven by militant *sŏn'gun* ideology that prescribes acquisition of a nuclear arsenal regardless of approaches in Beijing, Seoul, or Washington. A denuclearisation decision requires a radical change in its policy that in turn depends upon fundamental change in thinking or government.

Principled engagement is compatible with deterrence and containment and has roles for governments, private firms, and civil society but presents risks and opportunities that require all to be sensitive to consequences when they interact with the DPRK. Pending a change in Pyongyang's policy orientation, governments have a responsibility to uphold the UN sanctions regime, maintain strong deterrence and containment, signal resolve and monitor the DPRK for signs of changed intentions. They also must beware of any efforts by Pyongyang to manipulate international institutions. The private sector should likewise be circumspect and beware that trade and investments do not contribute to a strengthening of North Korean weapons-of-mass-destruction (WMD) capacities.

Finally, civil society can play an important part by establishing exchanges that serve as a transmission belt for information and new ideas. Pyongyang generally takes a benign view of NGOs that are without political, economic or religious motivations, so these can create opportunities to expose North Koreans to alternative ideas and organising principles. Such exposure can become the first step in realising and thinking about DPRK inefficiencies and contradictions. Without travelling this path, it is unrealistic to expect North Koreans to abandon the *pyŏngjin* line.

Seoul/Brussels, 16 June 2015

Appendix A: Map of the Korean Peninsula



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 125 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord Mark Malloch-Brown, and Dean of Paris School of International Affairs (Sciences Po), Ghassan Salamé.

Crisis Group's President & CEO, Jean-Marie Guéhenno, assumed his role on 1 September 2014. Mr Guéhenno served as the UN Under-Secretary-General for Peacekeeping Operations from 2000-2008, and in 2012, as Deputy Joint Special Envoy of the United Nations and the League of Arab States on Syria. He left his post as Deputy Joint Special Envoy to chair the commission that prepared the white paper on French defence and national security in 2013.

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Appendix C: Reports and Briefings on Asia since 2012

As of 1 October 2013, Central Asia publications are listed under the Europe and Central Asia program.

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Stirring up the South China Sea (I), Asia Report N°223, 23 April 2012 (also available in Chinese).

Stirring up the South China Sea (II): Regional Responses, Asia Report N°229, 24 July 2012 (also available in Chinese).

North Korean Succession and the Risks of Instability, Asia Report N°230, 25 July 2012 (also available in Chinese and Korean).

China's Central Asia Problem, Asia Report N°244, 27 February 2013 (also available in Chinese).

Dangerous Waters: China-Japan Relations on the Rocks, Asia Report N°245, 8 April 2013 (also available in Chinese).

Fire on the City Gate: Why China Keeps North Korea Close, Asia Report N°254, 9 December 2013 (also available in Chinese).

Old Scores and New Grudges: Evolving Sino-Japanese Tensions, Asia Report N°258, 24 July 2014 (also available in Chinese).

Risks of Intelligence Pathologies in South Korea, Asia Report N°259, 5 August 2014.

Stirring up the South China Sea (III): A Fleeting Opportunity for Calm, Asia Report N°267, 7 May 2015.

South Asia

Sri Lanka's North (I): The Denial of Minority Rights, Asia Report N°219, 16 March 2012.

Sri Lanka's North (II): Rebuilding under the Military, Asia Report N°220, 16 March 2012.

Talking About Talks: Toward a Political Settlement in Afghanistan, Asia Report N°221, 26 March 2012.

Pakistan's Relations with India: Beyond Kashmir?, Asia Report N°224, 3 May 2012.

Bangladesh: Back to the Future, Asia Report N°226, 13 June 2012.

Aid and Conflict in Pakistan, Asia Report N°227, 27 June 2012.

Election Reform in Pakistan, Asia Briefing N°137, 16 August 2012.

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Nepal's Constitution (II): The Expanding Political Matrix, Asia Report N°234, 27 August 2012 (also available in Nepali).

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Resetting Pakistan's Relations with Afghanistan, Asia Report N°262, 28 October 2014.

Sri Lanka's Presidential Election: Risks and Opportunities, Asia Briefing N°145, 9 December 2014.

Mapping Bangladesh's Political Crisis, Asia Report N°264, 9 February 2015.

Women, Violence and Conflict in Pakistan, Asia Report, N°265, 8 April 2015.

The Future of the Afghan Local Police, Asia Report N°268, 4 June 2015.

South East Asia

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Indonesia: Cautious Calm in Ambon, Asia Briefing N°133, 13 February 2012.

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Timor-Leste's Elections: Leaving Behind a Violent Past?, Asia Briefing N°134, 21 February 2012.

Indonesia: Averting Election Violence in Aceh, Asia Briefing N°135, 29 February 2012.

Reform in Myanmar: One Year On, Asia Briefing N°136, 11 April 2012 (also available in Burmese and Chinese).

The Philippines: Local Politics in the Sulu Archipelago and the Peace Process, Asia Report N°225, 15 May 2012.

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Not a Rubber Stamp: Myanmar's Legislature in a Time of Transition, Asia Briefing N°142, 13 December 2013 (also available in Burmese and Chinese).

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