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South Korea's Role in the UN Human Rights Council

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Abstract

South Korea has been board member of the UN Commission on Human Rights and member of the UN Human Rights Council serving as Chairman of the latter in 2016. Both organizations have been characterized by politicization, which undermines their work. However, no such example was found related to their work on human rights in North Korea. Although South Korea's position on North Korean human rights issues had been inconsistent previously, Seoul has consistently supported UN resolutions since 2008. North Korea has rejected criticism from the UN of its human rights record. Work by the UN and South Korea on the North Korean human rights issue has failed to improve the situation. Regardless, these efforts have increased global awareness of North Korea rights violations and exerted some pressure on Pyongyang to address the situation. South Korea strengthened its commitment in this area when the National Assembly enacted the North Korean Human Rights Act in 2016. Realists' and liberals' views of international cooperation form the theoretical framework of the study.

Key words: South Korea, North Korea, UN Human Rights Council, UN General Assembly, UN Commission of Inquiry

Introduction

Since South Korea became a UN member in 1991, many studies have been published on the overall impact of membership. However, it is far more difficult to find studies analyzing what South Korea has done as member of UN agencies, with the exception of the Security Council. This study aims to shed light on its role in UN work for human rights. After UN admission, South Korea has been board member of the UN Commission on Human Rights (UNCHR: 1946-2006) and member of its successor the UN Human Rights Council (UNHRC). In 2016, the country served as Chairman of the UNHRC. With this background, the main purpose of this study is to investigate what role South Korea has

played in the two agencies by analyzing and assessing its work. The North Korean human rights issue has received increased global attention and has been a highly disputed point in inter-Korean relations. Accordingly, this study's focus is the agencies' work related to North Korea. Additionally, this study examines whether politicization of the two agencies has affected their work on North Korea.

The study begins with a review of the formation of the UNHRC, its tasks and how the agency has worked. Since the UN and South Korea have interacted closely on the North Korean human rights issue, the following section investigates how the UN has addressed human rights. Finally, this paper analyzes South Korea's work in the UNHRC, to include a review of the North Korean Human Rights Office and the significance of the North Korean Human Rights Act. In order to make a fair assessment of South Korea's work, the section concludes by assessing criticism raised against its own human rights record.

Realists' and liberals' views of international cooperation form the theoretical framework of this paper. Realist theory assumes that international politics is characterized by the continuous quest for power by all states. Since the ability to use organizations to pursue national interests is determined by a country's strength, realist theory claims powerful states will form and use inter-governmental organisations (IGOs) to pursue their own self-interest. Thus, the design of IGOs will primarily reflect the state's interests.

Liberals place importance on international institutions for collective problem solving; they have a more positive view of IGOs than realists. According to the liberal view, the international system is a framework in which multiple interactions occur, and where actors adhere to common norms, consent to common rules and institutions, and recognize common interests. Although power is important, it is exercised within this framework of rules and institutions, which also makes international cooperation possible.¹ The relevance of realists' and liberals' views will be tested in the empirical account.

The UN Human Rights Council

The UNCHR with 53 member states was disbanded in 2006 due largely to the selectivity, bias and partiality that increasingly dominated its proceedings. The 47-member UNHRC succeeded the UNCHR. This change occurred as a result of a reform proposal submitted at the 2005 World Summit to address challenges faced by agencies affiliated with the

Economic and Social Council (ECOSOC). The previous system was viewed as overly complex and inefficient as agencies reported to both the General Assembly and the ECOSOC; agency reports required the approval of both entities. Additionally, the UNCHR failed to address many gross and systemic country-specific human rights violations due to the politicization of the organization. In this instance, politicization referred to political discussions unrelated to the particular debate occurring at an organization or body. Politicization arguably originated from the interrelated nature of human rights and politics. The most important kind of politicization in the Commission occurred through regionalism. Regional alliances allow a larger number of states' views to be represented through collective voices, providing an alternative to powerful states dominating Council proceedings.

The UN has sought to prioritize human rights as separate and superior to politics, giving them a higher-order status than competing political interests. It is this superiority that dictates those rights be upheld universally. Yet, in reality, the UNCHR devoted vastly disproportionate attention to Israel. During the Commission's 60 years, one quarter of its country-specific resolutions focused on Israel. In contrast, not one resolution dealt with human rights abuses in China.

The UN Human Rights Council is the principal inter-governmental forum within the UN for human rights issues. Its resolutions and decisions are not legally binding, but do contain strong political commitments. The Council's function is to ensure the effective implementation of human rights as guaranteed by international law, and, in particular, by the various instruments of the UN. More specifically, the Council a) addresses situations of violations of human rights around the world, and in relation to specific countries or thematic issues, adopts a position and makes recommendations; b) establishes international 'standards' in the field of human rights; c) develops instruments that are legally binding, and; d) promotes human rights through dialogue, by reinforcing capacity-building and providing technical assistance.

The Council is universal in the sense that it monitors respect for human rights by all members of the UN; it does not merely restrict itself to those states, which are party to human rights treaties. Unlike the treaty bodies that specialize in the protection of specific rights, the Council has a broad mandate to protect all human rights. The Council is composed of government representatives and not independent experts. It is a full-fledged UN body. Lastly, the HRC has semi-permanent status as a UN

body and is a subsidiary body of the General Assembly, and not of the ECOSOC as the UNCHR was. The purpose is to make its considerations more transferable, authoritative and prominent.²

Prior to its creation, there existed an expectation that the UNHRC would overcome its predecessor's failings. Reform proposals sought to alter the Council, but many of the more radical reforms were not implemented. Consequently, politicization, selectivity and bias remain endemic at the Council. The new body greatly resembles its failed predecessor, particularly with regards to the body's composition and the "soft" membership criteria that do not impose formal requirements for compliance with human rights obligations. The similarities between the Commission and the Council have resulted in the same tactics occurring at the new body as those that overwhelmed its predecessor. In accordance with realists' views that international politics—characterized by the continuous struggle for power—powerful groups and blocs in the Council have used tactics to block action being taken against their allies. As a result of regional and political alliances' collective influence, the Council focused disproportionately on Israel during its first six years. The unfair treatment of that country highlights that the Council has not fulfilled its mandate in a transparent, non-selective, inclusive and de-politicized manner.

Owing to the perceived selectivity and disproportionate bias of the Council against the Jewish state, Israel announced that it would no longer engage with the Council or its mechanisms in May 2012. These included refusing to attend the Universal Periodic Review (UPR) set up by the Council in 2007. This peer review mechanism involves examining the human rights record of each UN member state every four and a half years according to a fixed schedule by a Working Group composed of the member states. The UPR is based on key international human rights instruments. The UPR aims to strengthen and support the existing monitoring system set up by the ECOSOC in 1956. Previously, states were requested to submit reports on progress every three years. This self-reporting system was abolished in 1980, as it was considered obsolete and of marginal use. In fact, the system co-existed with the proliferation of international human rights treaties that included reporting requirements. The replacement UPR is based on a national report, a compilation of UN information and a summary of other stakeholders' data. It lacks punitive sanctions in cases of non-compliance or non-implementation. The recommendations are non-binding and after the

discussions and reports in Geneva, the state under review is free to implement or ignore the recommendations it sees fit.

Although Israel reversed its position within 18 months by attending its rescheduled review session in October 2013, its disengagement demonstrates the degree to which the Council had isolated and ostracized that country. Because Israel was frequently the focus of Council discussions on any, and sometimes all, agenda items from 2006-2013 North Korea received very little attention at the Council in spite of the grave human rights situation.³

The North Korean Human Rights Issue in the UN

Nonetheless, the UN has worked to exert pressure on North Korea. In 1997, the UN Sub-Commission on the Promotion of Human Rights adopted a North Korean Human Rights resolution. From March 16 to April 24, 1999, South Korean Foreign Minister Hong Soon-young participated for the first time in the UNCHR session and emphasized the importance of human rights in Seoul's foreign policy. He also requested, in line with liberals' views of the importance of international institutions for collective problem solving, the global community to show interest in the North Korean human rights issue. At the UNCHR session in 1999 South Korea raised the issue of North Korean human rights abuses. However, due to special factors unique to inter-Korean relations, Seoul did not vote in the Commission in 2003; South Korea abstained during the period from 2004 to 2005. South Korea was board member of the Commission from 1993 to 2006. The Council failed to adopt resolutions in 2006 and 2007. In 2008, South Korea supported the Council resolution, and proposed or co-sponsored resolutions during the period 2009-2014.⁴

In 2004, the UNCHR appointed a Special Rapporteur on Human Rights in North Korea. Pyongyang refused to recognize the mandate, or to extend cooperation to the rapporteur. After adopting its first North Korean Human Rights resolution in 2005, the UN General Assembly has passed resolutions every year. South Korea abstained from the vote on the resolutions in 2005 and 2007, citing special inter-Korean relations. However, Seoul backed the 2006 resolution in the wake of Pyongyang's nuclear test and growing global opinion against North Korea. From 2008 to 2013, South Korea sponsored the resolutions, stating that it regarded human rights as a universal value.

In 2009 and 2014, the UNHRC conducted UPRs on North Korea.

When the first review was completed, the UNHRC made 167 recommendations, of which the North Korean representative office rejected 50. The recommendations included a visit by the UN Human Rights Rapporteur, guarantees for citizens' rights to travel, and the cessation of public executions, torture, inhuman punishment and forced labor. North Korea made no commitment whether it would adhere to the other 117 recommendations, but claimed that it would review its position later. When the final report was adopted in 2010, North Korea rejected 50 recommendations and claimed that they were unrelated to serious human rights concerns. North Korea said the recommendations were intended to change the country's social system and damage its image. The recommendations only expressed a deep sense of rejection of and hostility against North Korea, which declared that it would further consolidate its human rights regime.

When the second UPR was conducted from April 28 to May 9, 2014 North Korea rejected 93 of 268 recommendations; Pyongyang accepted 113, partially accepted four, and noted 58 for further review. Rejected recommendations included acceding to the Rome Statute of the International Criminal Court (ICC), cooperating with UN human rights mechanisms including the Commission of Inquiry (COI), improving the nation's criminal code, eliminating discrimination based on class, closing its political prison camps, as well as recommendations on abducted persons. North Korea rejected calls to close its prison camps in 2009. The recommendations Pyongyang accepted concerned fulfilling duties set forth in international treaties, improving economic, social and cultural rights, and cooperation and dialogue on human rights. Noted recommendations included acceding to international human rights conventions—such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment—establishing an independent national human rights institution, and abolishing the death penalty. North Korea stated that it would be difficult to take measures at present owing to its circumstances and environment, but that it will make continuous efforts to review possibilities for implementation onwards.⁵

On March 21, 2013 the UNHRC adopted a resolution to establish the UN Commission of Inquiry (UNCOI) on Human Rights in the Democratic People's Republic of Korea (DPRK). The UNCOI published its written report on February 17, 2014. South Korea, Japan and the EU

were among the sponsoring countries. Based on inquiries of 320 witnesses abroad and satellite images of North Korea, the report condemned the Pyongyang government for numerous and severe human rights violations in terms of freedoms of thought, movement and residence, the right to food, as well as discrimination, arbitrary detention, abduction, enforced disappearances and the imprisonment of 80,000-120,000 political prisoners in camps. The Commission concluded that crimes against humanity have been committed.⁶ North Korea rejected the findings as having “no relevance,” arguing the report was being wielded as a tool to overthrow the government. Pyongyang also criticized the United States for double standards related to its treatment of suspected terrorists. While the dire human rights situation in North Korea has long been known, the report is important as the most comprehensive study on the issue to made to date. The Commission’s work transformed the global community’s position on the North Korean human rights issue from one of observation to one calling for accountability. Previously, the human rights situation in the country was seen as a state of affairs requiring improvement. However, the global community regards North Korean human rights as an issue of justice in which perpetrators must be identified and punished.

On November 18, 2014, the UN General Assembly Third Committee, which is responsible for social humanitarian affairs, and human rights issues that affect people all over the world, overwhelmingly adopted a condemnatory but non-binding resolution related to large-scale human rights violations in North Korea; the resolution was based on the UNCOI report. Previously, on March 28, 2014, the UNHRC had adopted a resolution acknowledging the Commission’s findings that crimes against humanity had been committed, stressed North Korean authorities had failed to prosecute those responsible for the crimes, and recommended the General Assembly submit the COI report to the Security Council for consideration. The General Assembly resolution acknowledges the Commission’s findings that crimes against humanity have been committed, and calls for referring those responsible, including Kim Jong Un, to the ICC. North Korea’s reaction was angry and swift. On November 25, North Korean authorities organized a mass protest at the Kim Il-sung Square in Pyongyang to support the National Defense Committee’s objection to the resolution and criticize the United States. Indeed, there is no evidence that the country has taken steps to

ameliorate its human rights record. The General Assembly adopted the resolution on December 18. The Security Council's action marked the first time the state of human rights in North Korea came before the council, and reflected the global community's concerns that Pyongyang's human rights violations can have a significant impact on world peace and security.

The Security Council did not vote to refer high-level North Korean officials to the ICC. China declared that it would not back any actions to refer North Koreans to the ICC, arguing that the COI report lacked credibility. China's position limits progress to a non-binding General Assembly resolution. Later, on June 23, 2015, the UN opened an office in Seoul to monitor human rights violations in North Korea; this action was based on one of the recommendations of the UNCOI. North Korea strongly protested against the establishment of the office, calling it a "hideous, politically-motivated provocation challenging the dignity and social system" of the country and "a criminal act of escalating tensions." On November 26, 2015, the UN special rapporteur on North Korea's human rights since 2010, Indonesian Marzuki Darusman, said during his official visit to Seoul that "nothing has changed" since the COI report was launched. Also, "Regrettably, the human rights situation in the DPRK has not improved, and crimes against humanity documented by the Commission of Inquiry appear to continue." On December 17, 2015, the UN General Assembly adopted a resolution denouncing North Korea's human rights record. As in 2014, it encouraged the Security Council to refer the case to the ICC. China, joined by Russia, opposed sending the case to the ICC. In April 2016, the Database Center for North Korean Human Rights claimed that in spite of global efforts to push Pyongyang to mend its way, the human rights situation had not improved. On December 19, 2016, the UN General Assembly for the twelfth consecutive year adopted a condemnatory resolution. For the third consecutive year, it called for referring North Korea to the ICC for its human rights violations.⁷

South Korea's Work in the UNHRC

As noted in this paper, South Korea's position on the North Korean human rights issue has been inconsistent. Opinions in South Korea have long been divided on how to deal with the issue. The progressives have argued that the government should avoid criticizing North Korea's human rights record or inserting human rights considerations into inter-

Korean negotiations. When, as noted above, South Korea generally abstained from voting in the UN, it was led by the progressive Roh Moo-hyun. Roh's administration (2003-2008) gave significant quantities of humanitarian aid to the North as a measure to address serious economic shortfalls despite the regime's human rights violations. However, the opposite occurred during the conservative Lee Myung-bak administration (2008-2013). Because the Lee administration regarded human rights as universal, South Korea voted for UN resolutions criticizing North Korea's human rights violations, raised awareness of the violations through conferences and symposia, and provided support for human rights NGOs working in the field. The Lee administration made humanitarian aid conditional on progress in nuclear disarmament negotiations.

In spite of South Korea's inconsistent policies, the global community regarded the country as a leading defender of democracy and human rights in Asia. Additionally, the country played a constructive role in the UNCHR. South Korea was first elected a member of the UNHRC in 2006. It served also from 2009-2011 and 2013-2015. On December 7, 2015, South Korea was elected Chairman of the UNHRC for 2016, leading the Council through its Ambassador in Geneva, Choi Kyong-lim. Although South Korea's regard of North Koreans as their ethnical brethren creates a sense of responsibility to act, the Chairmanship of the UNHRC and pursuit the North Korean human rights issue must be separated from inter-Korean issues. Generally speaking, it is difficult for Council member states to raise human rights violations in particular countries where bilateral relations are hostile; e.g., South Korea's relationship with North Korea. Nonetheless, South Korea participates in the work of drafting resolutions on North Korea and wants to raise awareness of the North Korean human rights issue. Most countries share South Korea's opinion on the issue. As Chairman, South Korea has raised such global issues as minority peoples' rights and human rights of young and old people.

Although the author has not found any relationship between the politicization of the UNHRC and its work on North Korea, the difficulties for galvanizing the world community to act on the North Korean human rights issue should not be underestimated. The UN renewed the 2004-mandate of the Special Rapporteur for North Korean Human Rights Violations in 2010, but he has not been allowed to enter the country. The North Korean government has generally reacted with

outrage and denial when faced with criticism of its human rights record. However, the global human rights movement is not entirely irrelevant to the leadership. The country has ratified four of the major human rights conventions, amended its constitution to include rights protection and participated in the Human Rights' Council's Universal Periodic Review (UPR). Yet, it is questionable whether this engagement has had any effects on the ground. As noted above, North Korea accepted none of the 167 recommendations that it received at the UPR in 2009.⁸

South Korea has acted on the North Korean human rights issue through channels other than the UNHRC. First, in June 2016, a government official spoke on the anniversary of the opening of the UN North Korean Human Rights Office in Seoul. He stated the office's strategic importance was a) that the North Korean human rights issue was no longer a bilateral inter-Korean issue, but one for the UN to address; b) that human rights conditions can be monitored regardless of changes in national and international politics; and, c) that recording human rights abuses can lay a foundation to legally resolve them in the event of reunification. The office's report delivered to the UNHRC in March stated there was no freedom of movement, expression, demonstration, assembly and organization. Those caught while attempting to escape the regime received inhuman treatment such as torture. The authorities controlled all media, and an atmosphere of terror was expanding. Since the Council was established, it has placed North Korea under Item 4, which is reserved for countries in special need of review due to their miserable human rights records. On March 14, 2016, North Korea boycotted the opportunity to address its human rights record, believing that there were no issues to discuss. Speakers called on North Korea to immediately dismantle all political prison camps and to end reprisals based on "guilt by association," which constitutes a collective punishment of the families of alleged criminals. South Korea decried North Korea's announcement that it would never be bound by international resolutions.

On the anniversary of the opening of the office, Professor Park Heung-Soon assessed that it was a place for urging improvements in human rights, and a means to induce policy changes to exert pressure on North Korea. The office is sufficiently staffed to monitor human rights conditions in North Korea and to accumulate evidentiary material. In particular, it plays a great role for domestic NGOs to expand communication with civil society. The office has been active by holding

speeches, and arranging conferences, consultations and seminars. The office improves awareness of human rights conditions in North Korea, while highlighting the important work of the UN. On the occasion of its first anniversary, the Danish head of the office, Signe Poulsen, said that work had focused on monitoring and recording human rights abuses to seek accountability for those responsible; informing about human rights conditions through social networking sites; and, in cooperation with the South Korean government and civil society, holding various debate forums in order to raise awareness of the work of the UN on North Korean human rights issues. Among the office's achievements was the establishment of a system to canvas the community of North Korean defectors, enabling the collection of information on human rights conditions.

Second, during the past year, its work to improve awareness of human rights in North Korea had developed significantly. The South Korean government enacted the North Korean Human Rights Act on March 3, 2016. Although debates on the issue began in 2005, it took 11 years to pass legislation due to the changing philosophies of successive South Korean administrations. The objective of this act was to promote and advance the human rights of North Korean citizens in accordance with the UN Declaration of Human Rights and international human rights conventions.⁹

The main provisions of the North Korean Human Rights Act state that government shall a) establish a Basic Plan for the Promotion of Human Rights in North Korea every three years—along with annual Implementation Plans—and report them to the National Assembly to protect and promote the human rights of the North Korean people; b) create an Advisory Committee for the Promotion of Human Rights in North Korea under the Ministry of Unification to offer policy advice for improving human rights in the North; c) appoint an ambassador-at-large on North Korean human rights under the Ministry of Foreign Affairs to cooperate with international organizations, groups, and foreign governments to enhance the international community's interest in promoting human rights in North Korea; d) set up the “Foundation for Human Rights in North Korea” to conduct research related to North Korean human rights and humanitarian aid, and develop policies and support to civic and social organizations; and, e) establish the “Center for Investigation & Documentation on Human Rights in North Korea” under the Ministry of Unification to collect, record and study information about

North Korean human rights, and transfer the findings to the Ministry of Justice every three months.

The Korea Institute for National Unification welcomed passage of the legislation, though noting that South Korea's actions appear belated for a stakeholder in inter-Korean issues. Nonetheless, it is significant that Seoul has now joined the international cooperation on the North Korean human rights issue. Following the implementation of the new law on September 4, North Korea condemned it. The propaganda website *Uriminjokkiri* [Our People] claimed that South Korea has no right to take issue with the North Korean human rights situation, and that the implementation of the law is a "sinister" move to undermine the dignity of Pyongyang. The North Korean website Dprktoday.com went even further by saying "South Korea's criticism on the North's rights situation is nothing more than a brazen act to hide its crime against humanity and distract angry South Koreans from the truth." Later, on September 28, the Center for North Korean Human Rights Record stated it would investigate and document human rights abuses.

In addition to the UN Office in Seoul and the North Korean Human Rights Act, it is important to note that nongovernmental organizations (NGOs) are always present at UNHRC meetings, and take part in its negotiations. It has come to the author's attention that NGOs are more active within the UNHRC than in any other UN agency. Without their participation, the Council would not function. However, several countries oppose NGOs and do not allow them to travel to meetings, as was the case with Bahrain this year. Such issues are a major concern for the Council, which reported the incident to South Korea.¹⁰

Finally, it should be noted that South Korea has been criticized for its own human rights record in recent years. When the UNHRC adopted the UPR on South Korea on March 14, 2013, Amnesty International welcomed the opportunity to address discrimination, including against migrant workers, and policies to guarantee the full enjoyment of the rights of those workers. However, in 2016 South Korea was still not a party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and the Convention for the Protection of All Persons from Enforced Disappearance.

Amnesty International regretted the rejection of recommendations to abolish or amend the National Security Law (NSL) in line with global standards, to establish a moratorium on executions as a step toward full abolition of the death penalty, and to introduce legislation to provide

alternative service for conscientious objectors. Amnesty International further notes the misuse of vaguely worded clauses in the NSL to target particularly individuals and groups perceived to oppose government policies on North Korea.

In 2016, the Special Rapporteur to the UNHRC claimed that "... human rights should not be sacrificed in the name of security concerns." The rights to freedom of peaceful assembly and freedom of association must be respected. The dissolution of the Unified Progressive Party in 2014 raised concerns about the erosion of these freedoms. South Korea responded in a constructive way by saying that it will improve its human rights record and invite more human rights rapporteurs. Nonetheless, in 2017 Amnesty International said that restrictions on the rights to freedom of peaceful assembly and expression persist. The pretext in the former case was often to protect public order. In the latter case, Amnesty International mentioned the National Assembly's passage of an "anti-terrorism bill" that gives the government the right to monitor the communications of "citizens who are deemed to have links with terrorism." The report mentioned the authorities' attempt to regulate press freedom by interfering with news reporting, particularly by television broadcasters. It referred to the government's use of tactics such as putting pro-government individuals on the boards of influential to include state-run media corporations, as well as subjecting journalists to disciplinary measures in such cases as the reporting of the Sewôl ferry disaster in 2014.¹¹

Conclusion

Since its admission to the UN in 1991, South Korea has been a board member of the UNCHR and a member of the UNHRC, serving as Chairman of the latter organization in 2016. Its position on North Korean human rights issues alternated with changes between progressive and conservative governments. However, since 2008 South Korea has consistently voted in support of UN resolutions condemning human rights abuses. As Council Chairman, South Korea did not initiate investigations into North Korean human rights issues, but has participated in the Council's work in this area. Despite replacing the UNCHR with the UNHRC in 2006, the continued politicization of the UN body focused on human rights undermines its ability to function. It should be noted, however, that there is no relationship between political divisions in the Council and its work related to North Korea.

The realist view that power politics matter in the Council is reflected in the quest for power in global politics through the formation of regional blocs and groups to block action taken against their allies. While not pursuing power politics, North Korea's rejection of the UN's work challenges the global community.

In accordance with liberals' view on international cooperation for problem solving, the UNCHR, the UNHRC, the UN General Assembly and South Korea have acted to improve the human rights situation in North Korea. However, there are no indications that there have been any improvements thus far. On the other hand, their work has raised global awareness of this issue, leading to an increase pressure on North Korea. In 2016, South Korea enacted the North Korean Human Rights Act, implementing additional measures related to human rights in the North. At the same time, the UN has criticized South Korea's human rights record, claiming that freedom of expression and the right to assemble peacefully remained restricted.

Notes:

¹ The two last paragraphs are based on Kenneth W. Abbott and Duncan Snidal, "Why States Act Through Formal International Organizations," in Paul F. Diehl and Brian Frederick (eds.), *The Politics of Global Governance: International Organizations in an Interdependent World* (Boulder and London: Lynne Rienner Publishers, 2010), pp. 32-33; Margaret P. Karns and Karen A. Mingst, *International Organizations: The Politics and Processes of Global Governance* (Boulder and London: Lynne Rienner Publishers, 2010), pp. 36-37; Volker Rittberger, Bernhard Zangl and Andreas Kruck, *International Organization* (Houndmills and New York: Palgrave MacMillan, 2012), pp. 15-16.

² Rosa Freedman, "The United Nations Human Rights Council: More of the Same?," *Wisconsin International Law Journal*, vol. 31, no. 2 (2013), pp. 208, 209, 210, 211, 212-213; Nathalie Lihuvud Svensson, *The Universal Periodic Review: A study on the effectiveness of the United Nations Human Rights Council's monitoring mechanism* (Stockholm University: Faculty of Law, 2014), p. 17; Permanent Mission of Switzerland to the United Nations Office and to the other international organizations in Geneva, *The Human Rights Council: A Practical Guide* (Geneva, 2015), pp. 5-6; Yu, Chun-gu, "Global governance-wa UN: Governance nonûi kujo-ûi munjejôm-gwa chaejôngnip kwaje," [Global Governance and the UN: Problems of and Tasks for a Restructuring of the Structure of the Debate on Governance], *Chuyo kukche munje punsôk*, (Fall 2014), p. 61. Original quotation marks.

³ Freedman, *ibid.*, pp. 208, 209-210, 243, 249; Permanent Mission of Switzerland, *ibid.*, pp. 5, 11; Lihuvud Svensson, *ibid.*, pp. 6, 21, 22, 67; Sameer Rana, "Review or Rhetoric? An Analysis of the United Nations Human Rights Council's Universal Periodic Review" (2015). *Independent Study Project (ISP) Collection*. Paper 2239, pp. 15, 32, 36. Original quotation marks. Freedman (*ibid.*, p. 209) does not exemplify any of the more radical reforms.

- ⁴ Han Dong-ho, *Han'gug-üi taebuk inkwôn chôngch'aek yôn'gu* [A Study on South Korea's Policies on Human Rights in North Korea], (Seoul: Korea Institute for National Unification, 2014), p. 35: Table II-1 and p. 37: Table II-2 record South Korea as a proposing country of UNHRC resolutions from 2008-2013 and 2009-2014, respectively, but it has come to the author's knowledge that it is more correct to label it co-sponsor.
- ⁵ Han, *ibid.*, pp. 33-35, 36-37, 41; Republic of Korea Ministry of Foreign Affairs, *Han'guk wegyo 60 nyôn* [South Korean Diplomacy 60 Years], (Seoul: Ministry of Foreign Affairs, 2009), p. 196; Korea Institute for National Unification (KINU), *Improving Human Rights in North Korea* (Seoul: KINU, 2015(a)), pp. 2-3: *Implementation Strategies for Policies on North Korean Human Rights* (Seoul: KINU, 2015(b)), pp. 22-24, 29; Soh Chang-rok and Kim Yoon-eui, "Yuen hônjang kiban inkwôn poho ch'eje-wa Tongasia inkwôn: Pop'yônjôk chôngnye inkwôn kômt'o (UPR)-rül chungsim-üro," [UN Charter-Based Human Rights System and East Asian Human Rights: Focusing on the Universal Periodic Review], *Kukche chôngch'i nonch'ong*, vol. 64, no. 4 (2014), p. 170; UN General Assembly, *Resolution adopted by the General Assembly on 16 December 2005, 60/173. Situation of human rights in the Democratic People's Republic of Korea* (n. p., December 16, 2005), p. 2; Wang, Im-dong, "Sin kukche chilsô-esô-üi Han'gug-üi Yuen wegyo-üi panghyang-gwa kwaje," [Directions and Tasks of South Korea's Diplomacy Toward the UN in the New International Order], *Han'guk tongbuga nonch'ong*, vol. 22 (2002), p. 20.
- ⁶ Crimes against humanity entail gross human rights violations of a scale and level of organization that shock the conscience of humanity. Crimes against humanity have a high legal threshold. Two elements must coincide: (a) Individuals must commit inhumane acts with the requisite criminal intent and (b) These inhumane acts must form part of a widespread or systematic attack directed against a civilian population. The Rome Statute also requires that the attack must be pursuant to, or in furtherance of, a state or organizational policy. From Commission of Inquiry on Human Rights Violations in the Democratic People's Republic of Korea, *Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1* (n. p., February 7, 2014), pp. 320-321.
- ⁷ Cho Jung-hyun, "Ch'oegün kukche sahoe-üi Pukhan inkwôn nonüi tonghyang: Yuen Pukhan inkwôn chosa wiwônhoe (COI)-rül chungsim-üro," [Recent Trends in the Debate on Human Rights in North Korea: With Focus on the Commission of Inquiry (COI) on North Korean Human Rights], Jeju p'yônghwa yôn'guwôn, *JPI chôngch'aek p'orôm*, [Recent Trends in the Debate on Human Rights in North Korea: With Focus on the Commission of Inquiry (COI) on North Korean Human Rights], *Jeju Peace Institute Policy Forum*, July 11, 2013, p. 18; Gabriel Jonsson, "Human Rights in North Korea: Pressure and Engagement," Stockholm: Institute for Security & Development Policy, *Policy Brief*, no. 172, March 8, 2015 (http://www.isdp.eu/publications/index.php?option=com_jombib), pp. 1, 2; KINU, *op. cit.*, 2015(a), pp. 2-5: *op. cit.*, 2015(b), pp. 16, 18, 19, 51; Song, Sang-ho, "UN passes resolution calling for N.K. referral to ICC," December 18, 2015, pp. 1-2, Available online at: http://www.koreaherald.com/common_prog/newsprint.php?ud=20151218000295&dt=2, Accessed the same day; *The Korea Herald*, "U.S. hails opening of U.N. human rights office in Seoul," June 24, 2015, p. 1, Available online at: http://www.koreaherald.com/common_prog/newsprint.php?ud=20150624000246&dt=2, Accessed the same day; "U.N. rapporteur calls for accountability over N.K. human rights abuse," November 26,

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<http://www.koreatimes.co.kr/www/common/printpreview.asp?categoryCode=485&newsldx=220483>, Accessed the same day. Original quotation marks.

⁸ Republic of Korea Ministry of Foreign Affairs, op. cit., pp. 187-188; The author’s visit at the Permanent Mission of the Republic of Korea to the United Nations in Geneva, October 18, 2016; Andrew Wolman, “South Korea’s Response to Human Rights Abuses in North Korea: An Analysis of Policy Options,” *Asia Pacific Issues, Analysis from the East-West Center*, no. 110, June 2013, pp. 2, 3, 4; Yonhap News, “Han’guk, 2016 nyôn Yuen inkwôn isahoe ûjjang mannûnda,” [South Korea Is Chairman of the UN Human Rights Council in 2016], December 8, 2015, p. 1, Available online at:

http://www.huffingtonpost.kr/2015/12/08/story_n_8738984.html, Accessed the same day. Original quotation marks. It has come to the author’s knowledge from an anonymous source that the UNHRC unlike its predecessor has no board members but only members.

⁹ Human Rights Council, *Human Rights Council holds separate interactive dialogues on human rights in the Democratic People’s Republic of Korea and in Eritrea*, March 14, 2016, pp. 1, 5, Available online at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17221&LangID=E>, Accessed the same day;

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¹⁰ Korea Institute for National Unification, *The Implications of the North Korean Human Rights Act and Future Challenges* (Seoul: Korea Institute for National Unification, 2016.03.04), p. 5; Ministry of Unification, op. cit.; The author’s visit at the Permanent Mission of Sweden to the United Nations in Geneva, October 17, 2016 and at the Permanent Mission of the Republic of Korea in Geneva, October 18, 2016; *The Korea Herald*, “NK condemns Korean law on Pyongyang’s human rights,” September 5, 2016, Available online at:

http://www.koreaherald.com/common_prog/newsprint.php?ud=20160905000339&dt=2,

Accessed the same day: “Center aimed at documenting NK human rights abuses begins operation,” September 28, 2016, Available online at: http://www.koreaherald.com/common_prog/newsprint.php?ud=20160928001022 &dt=2, Accessed the same day. Original quotation marks.

¹¹ Amnesty International, *Public Statement*, AI Index: ASA 25/003/2013 (n. p., March 14, 2013), pp. 1-2; *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his mission to the Republic of Korea, A/HRC/32/36/Add.2* (n. p., June 15, 2016), pp. 3, 4, 5-6, 17; The author’s visit at the Permanent Mission of the Republic of Korea in Geneva, October 18, 2016; *The Korea Times*, “Korea’s right to assembly, expression restricted: Amnesty,” February 22, 2017, Available online at: <http://www.koreatimes.co.kr/www/common/printpreview.asp?categoryCode=371&newsldx=224507>, Accessed the same day. The last two quotations have original quotation marks.

North Korean Agriculture: Recent Changes and Prospects after Unification

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Rural Development Solutions

Abstract

Modern farming in Korea has followed two divergent paths since the partition of the peninsula. Both countries substantially raised agricultural production in the 1970s, but policy decisions in North Korea created a situation in which the farm sector stagnated and ultimately failed when faced with changes in the 1990s. In addition to reviewing the technical and policy changes since the start of the food crisis, this paper examines the likely consequences of reunification on the North Korean farm sector. Structural changes would include the dominance of a market economy, dissolution of cooperative and state farms, and the need to re-capitalize the entire farm economy. Organizational changes regarding land tenure, operation and management of formerly collective resources, and new roles for former North Korean agricultural guidance and research organizations would be challenging. Rural residents would face personal challenges of adapting to the requirements and thinking patterns of a market economy, coupled with the loss of close technical direction by the North Korean planning system. Although there are opportunities for enhanced farm productivity and economic well being at the household level, smoothly adapting to reunification would greatly depend on planning, policies and resources set in place for such an event.

Key words: North Korea, South Korea, agriculture policy, farm production, famine, unification.

Introduction

Restoring food production and food security in the Democratic People's Republic of Korea (DPRK) has been one of the three central issues occupying North Korean discourse since the mid 1990s, the other two being human rights and nuclear weapons development. Although the issues are not unrelated, this paper will address the causes of the North Korean food crisis, the significant technical and policy changes that have been implemented since 1998 to improve food security, and the probable

changes that would take place in the North Korean agriculture sector following unification. There are interesting parallels between the development of North and South Korean agricultural policies and of their respective agricultural sectors. These have important implications for the shape of North Korean farming were unification to take place.

North Korea has more agricultural potential than is commonly recognized. However, policy choices since the end of World War II created an economic and environmental situation where the country was vulnerable to changes in the external political environment. This precipitated a multi-year famine that was relieved only by substantial international humanitarian and technical assistance. The last two decades have seen improvements in agricultural practice, as well as policy modifications that were promulgated in an effort to stimulate greater farm production. Domestic food production has improved, but is still below the minimum requirement for basic health. This is a problem because North Korea, as a matter of policy, chooses not to import the food needed to meet the nutritional requirements of the population.

The South Korean agriculture sector faces many of the same environmental constraints as the North. Agriculture policy initially extracted surplus from the rural areas to help finance export-led industrialization. This policy was later modified to support the rural sector, and particularly to insure self-sufficiency in rice production through market and price control mechanisms. South Korean farms are productive, but now contribute only about 5 percent of total GDP. The South Korean food supply is now highly dependent on imports financed by dynamic industrial and service sectors.

North Korea has the potential to feed itself, though this choice would not be economically optimal if it were a full participant in the global economy. Should the two Koreas unite under a market economy, the effects on the North Korean rural population would be substantial and very disruptive at the outset. Nonetheless, unification will be positive in the long term, both in terms of raising overall rural productivity and the personal standard of living.

Establishing Modern Farming on the Korean Peninsula

Agriculture after Partition

Following partition at the end of World War II, and accelerating after the Korean War, both North and South Korea instituted structural and

technical changes in their agriculture sectors in an effort to stabilize the rural economy, provide a basis for industrialization, and produce enough food domestically to feed the population. Under Japanese occupation, the northern half of the peninsula was developed as an industrial resource for Japan; the southern half was used as the rice bowl, also to feed Japan. Following liberation, both the North and South Korean governments instituted land reform. The Pyongyang government created a system of cooperative farms (CFs) that were more or less organized about existing rural villages and hamlets, while the southern reform was based on a 3 ha per household limit,¹ creating a relatively homogeneous class of small farmers.²

The northern system utilized centralized direction of cropping patterns and farming methods, production quotas for each cooperative farm, distribution of farming supplies from the central government, and the required contribution of a share of each farm's production to the government Public Distribution System (PDS). Collected goods were distributed nationwide as food rations to the non-farm population. The government established a separate set of State Farms (SFs) for specialized purposes, organizing these entities more like industrial enterprises. Like the rest of the North Korean economy, the agriculture sector was essentially not monetized. The collective performance of the entire cooperative farm was the basis for the calculation and distribution of the annual surplus, and the motivation of workers was largely a function of their commitment to community and national well being.

Beginning under Park Chung Hee, South Korean economic policy emphasized export-led industrial development. This kept food prices low for the benefit of the urban population. Government-guided investment toward industry and urbanization led to rapid growth in manufacturing, urbanization of the population (from 28 percent in 1960 to 55 percent in 1979),³ and the conversion of significant amounts of farmland into factory sites and housing areas. Although domestic food production still met about 80 percent of demand, the rural sector economically fell behind the cities.

Implementing Modern Farming

By the early 1960s, North Korea embarked on a program of the four "rural technical revolutions,"⁴ which were largely modeled on the so-called Green Revolution that was in process around the world. This technology emphasized the development of new hybrid grain varieties

(especially maize, wheat and rice) that were highly responsive to fertilizer application, along with a sharp increase in use of chemical fertilizers. North Korea also rapidly increased farm mechanization, provided electricity to rural areas, and developed irrigation systems to counter highly seasonal rainfall patterns and enable rice production in fields at higher elevations. Because of the perceived need to increase the availability of food staples, grain production (primarily rice and maize) was strongly emphasized, with little production of fruits or legume crops such as soy or mung bean.

In contrast, the agriculture sector in South Korea was lagging behind industry by the late 1960s. In 1972, the Park government began policies to support farmers, raising food prices and initiating the *Saemaul* Movement. Under the *Saemaul* Movement, rural access roads were improved, electricity service was extended, and numerous irrigation systems were constructed or improved. The government expanded agricultural extension efforts, introducing new hybrid rice varieties, and encouraging more fertilizer and pesticide use to increase production. Farm mechanization also improved, with the development and production of small tractors, rice transplanting machines and small harvesting equipment suited to the small size of South Korean farms.

In most countries the Green Revolution resulted in substantial increases in overall farm production, but in many cases also aggravated income and social inequality and landlessness as smaller farmers were less able to procure credit to buy the fertilizer and seed needed to fully take advantage of these changes. This was not an issue in either Korea. In North Korea, improved seed, fertilizer, tractors and other farm equipment, electricity and irrigation water were distributed to all CFs on a relatively even basis at little or no cost to the farmer. In South Korea, the homogeneous farm size gave no advantage to a sub group of large farmers.

North Korean farm production grew substantially and appeared to be a success story in the 1960s and 1970s, paralleling a similar growth of industry. However, the seeds of collapse were planted precisely by the policies that contributed to agricultural growth. Operating in a centrally planned economy and lacking the price signals of a market economy, neither cooperative farm managers nor the central government had any motivation to increase production efficiency. Rice was planted in areas that could not be irrigated without great expense, fertilizer was applied at rates far beyond the economic break-even point,⁵ and machinery designs

were never modernized over the years.⁶ By the late 1980s, North Korea claimed rice yields in excess of seven metric tons per hectare. Although the nation was purportedly self sufficient in food production, there were reports of shortages from one year to another.⁷ This level of farm production, and a parallel growth in industrial production, was substantially financed by advantageous and largely unacknowledged trade relationships with China and the USSR for fuel and essential materials.

In South Korea, individual farm management decisions were guided by economic considerations, though the government had a heavy hand in controlling the price of rice and some other commodities. The Saemaul Movement emphasized empowering local communities and community leaders to take charge of their own development and community growth.⁸ Production and productivity both increased in the 1970s. Farm household income more than tripled between 1970 and 1975, while urban income just more than doubled during the same period. Rice production grew from 3.9 million metric tons (mMt) in 1965 to 4.7 mMt in 1970 and 5.6 mMt in 1985.⁹ South Korea met at least 93 percent of its domestic demand for rice in every year but two since 1973¹⁰ Farm sizes have remained small and land ownership egalitarian. South Korean farmers have greatly diversified the crops grown in order to satisfy a growing domestic demand for variety and quality of food. Grains other than rice were neglected in favor of vegetable, fruit and livestock production, with corresponding benefit to farm income.

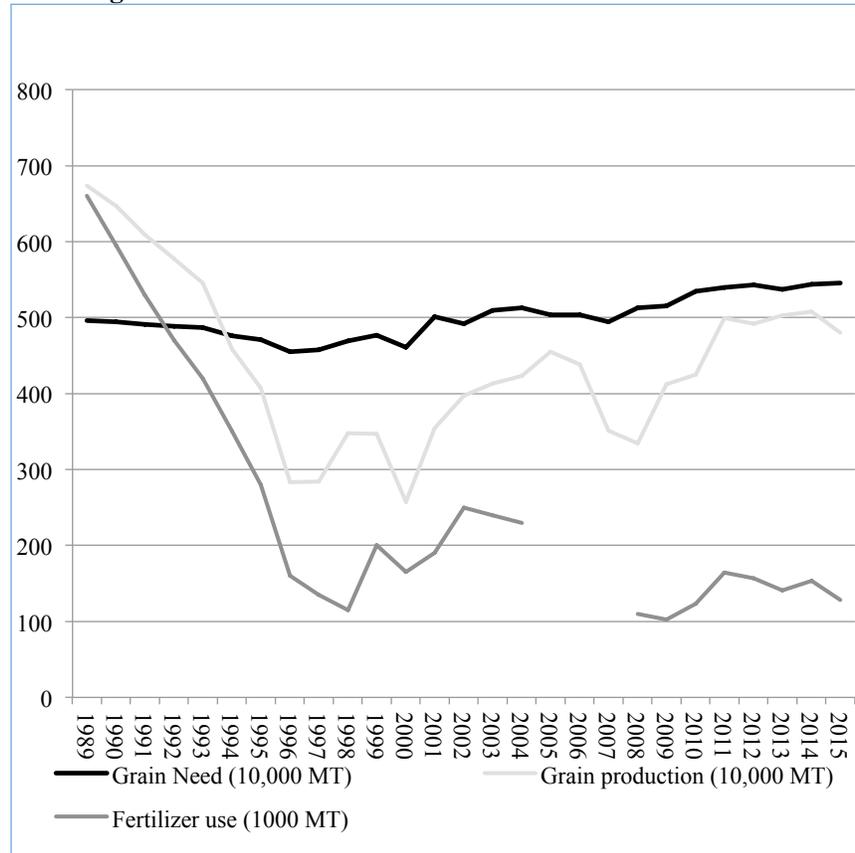
The North Korean Collapse

When the USSR dissolved in 1989 and China at the same time instituted more market based economic policies, their support to the North Korean economy rapidly dissipated. In the agriculture sector, these changes were quickly apparent in reductions in both the availability of fuel for running farm machinery, and in the amount of fertilizer distributed by the government.¹¹ Food production began to decline, PDS rations were cut below the established standard, and the government began to institute campaigns such as “Let’s eat two meals a day”.¹² Lacking adequate fertilizer, rice and corn yields plummeted to about a third of the previous harvest. Years of over-fertilization had also depleted the soil of organic matter, rendering farm production even more sensitive to the loss of nutrients. Deprived of fuel and raw materials, the industrial sector also began to collapse, and farms could not obtain repair parts for

their equipment. With 65% of population living in urban areas, there was no pool of agricultural workers available to pick up the slack for plowing fields, planting and harvesting.

A few years after this contraction began, North Korean farms were hit by three successive years of adverse weather: severe rain and consequent flooding in 1994 and 1995, followed by a prolonged period of drought in 1996. Figure 1 shows the rapid decline in food production between 1989 and 1997, paralleling the drop in fertilizer availability.

Figure 1. North Korean Food Need and Food Production



Sources: FAO/WFP *CFSAR* series 2001, 2003-2013; FAO country summary 2007; FAO Global Indicator Early Warning System 2014, 2015

Farms and farm workers responded to these circumstances as best they could, planting maize on marginal hillsides and increasing the area under double cropping¹³. The government mobilized urban and suburban residents to assist with farm work during the periods of intensive labor demand at planting and harvest. Farmers were also directed to make compost, collecting leaves and other vegetable matter from surrounding areas and carrying it miles to the fields. Farm households put more efforts into their home garden plots (100 m² per household) to buttress their food security. With farm production collapsing, the state could not enforce historical quotas on delivery of a portion of the farm's grain production. Regardless, the government still took a substantial share. Although the Korean famine was most strongly felt in urban areas, farm households were universally short of food during this period.

Technical Changes since 1998

Responding to the humanitarian crisis, foreign governments began in 1995 to contribute food aid to North Korea. At its peak in 2001, donors delivered nearly one and a half million metric tons of food.¹⁴ Some agencies began assistance programs to the agriculture sector, initially providing critical inputs such as seed and fertilizer. As a more complete understanding of the causes of the famine developed among aid workers, efforts were directed to encouraging changes in farming practices, as well as importing some farm equipment. Aid agencies began programs to address the main constraints to production, addressing underlying issues of soil fertility improvement and maintenance, crop diversification, resource conservation and sustainable farming practices. Some international organizations implemented specialized projects centered on such issues as freshwater fish production, animal husbandry, potato seed production and farm equipment repair and maintenance.

Fundamentally, North Korean farmers do not need radical innovations, but rather the opportunity to implement best farming practices that are common throughout the world. Under the central planning system, each region had a limited number of varieties of the major cereal crops from which to choose, and farmers were instructed to follow a one-size-fits-all approach to farming tasks. The farming system thus had little diversity and therefore little flexibility and resilience to changing conditions. Farmers relied on detailed directions from central authorities regarding farming practices, rather than experimenting and changing their crops and farming methods as external factors (especially

weather and the economy) changed. This history, which is now undergoing change, will have an important effect on the ability of North Korean farmers to adapt to the consequences of unification, should it occur.

The effects of foreign assistance on farming in North Korea have been mixed. Technical recommendations helped to increase productivity in many cases, but internal structural or policy constraints made it difficult for farms to implement them on a wide scale. Double cropping depended on foreign donations of fertilizer, and efforts to introduce green manure crops were stymied by a rigid farming schedule. Nonetheless, soybean production has increased substantially.

The government also developed new technical approaches, some appropriate and some less so. Rice and maize breeders in the Academy of Agricultural Sciences began a long-term program to develop new varieties that were more suited to farming in a low-resource environment. Farmers were instructed to raise grass fed animals rather than livestock that require feed grains for large-scale production. Beginning in 1999, the government decreed that farms should radically expand potato production. After an initial spurt of government-mandated enthusiasm—when potatoes were planted in many unsuitable locations—potato farming is now appropriately concentrated on higher elevation lands as a main season crop to replace maize. The government has also encouraged the development of semi organic farming methods that require less chemical fertilizer and more compost and manure in the fields. Figure 1, which shows the collapse of food production in parallel with the loss of fertilizer prior to 1997, also shows the recent recovery of food production despite no substantial increase in the availability of chemical fertilizer. It is difficult to identify all the changes that contribute to this trend, but greater and more effective use of organic sources of plant nutrients likely play some role.

Of more long-term significance, particularly when considering the potential impact of unification, are recent adaptations to the changed economic situation. Lacking adequate equipment, farms have mobilized labor to accomplish necessary tasks and adopted resource conservation strategies. Wherever possible, farmers are rotating crops and using an intensive relay planting of crops. Livestock production at CFs has been decentralized to households, rather than left to a specialized work team. As farm production has recovered, farm households are marketing more of their surplus to the farmers' markets or through other informal means,

rather than delivering it to the government. The changes in policy and practice that underlie increased market participation will be considered in detail below.

Policy and Economic Changes since 1998

While North Korean policy is often viewed as rigid and inflexible, we can identify a number of important changes in policy related to the agriculture sector, some involuntary and some intentional. As the economic collapse of the 1990s grew, people began to ignore regulations in an effort to survive. There have been a number of detailed accounts of these coping strategies, and it is not necessary to review them in detail here.¹⁵ The important trends are reduced government control over population movement, a rise in the general use of markets, an increased proportion of food being sold through the markets (and in some cases diverted in advance of the PDS quota delivery), increased effort on household private garden production both for personal use and sale, and an increase in small scale service and manufacturing activities (food products, furniture, carrying goods on small carts, etc.). Lacking alternatives the state has tacitly allowed these activities.

The North Korean government has also instituted a number of policy shifts over the years, generally with the intention of stimulating increased production both in the agriculture and industrial sector. These policy change points are summarized in Table 1. During most of the 1990s, cooperative farms received a set price for the grain they were required to deliver to the government.¹⁶ The first economic policy shift after the famine occurred in July 2002. At that time, the official exchange rate for the US dollar was 2.12 KPW and the black market rate was around 150 KPW. Food prices in the then-quasi-legal farmers' markets reflected Chinese prices when denominated using the black market exchange rate. The so-called "7.1 policies" effectively devalued the North Korean Won to the black market value, raised prices the farms were to receive for grain¹⁷ and raised workers' salaries more or less commensurate with the devalued KPW. Importantly, these measures also legitimated the farmers' markets. Government apparently expected that that the increased prices would encourage farmers to work harder and produce more, and that increased salaries would encourage more work and support more consumption by industrial and service workers. But lacking additional supplies or fuel beyond the meager government allotments, farms could not significantly increase production. With no increase in

food supply, the gap between official and market prices and exchange rates immediately reestablished itself, and continued to grow. By late 2004 rice and maize sold in the market for 650 and 270 KPW/kg.¹⁸

Table 1. Significant Economic Policy Changes Affecting Agriculture

Date	Policy
July 2002	"7.1 measures". Devalue KPW from 2.12 to 150 per US\$. Set new prices for farm products and food in PDS. Set new salaries for non-farm workers
2004	SWT size reduced in a few counties; farm quotas disaggregated to SWT level.
2005	Prior changes in SWT size and organization quietly erased. Reaffirmation that all grain sales must be to the government, not in the market
2007	Men prohibited from trading in markets; later that year women under 40 years old prohibited; later extended to women under 50 years old.
June 2009	Pyongsong market in Pyongyang closed and split into smaller markets
Nov 2009	Currency redenomination
June 2012	"6.28 measures". Reduce SWT size, disaggregate quota to SWT level and SWT keeps 30% of quota plus excess; private investment OK by certain organizations. Initially implemented in select counties
Feb 2014	Convention of SWT leaders receive letter from Kim Jong Un amplifying details of 6.28 measures
May 2014	"5.30 measures". Further reduce SWT size, change farmer share to 60% of quota and may be sold. Stability of land "tenure" for SWTs.

A second attempt to improve the policy environment occurred late in the 2004 growing season. The government announced that sub work teams (SWTs) should be reduced in size, that farm production quotas would be disaggregated to the SWT level, and that any surplus production above the quota could be sold in the farmers' markets. Cooperative farm leaders that I spoke with at that time were guardedly enthusiastic, though the changes were announced too late in the year to affect any farm management decisions. Apparently these changes were only announced in a few counties, and in any case in mid 2005 they were rescinded.¹⁹

Over the next several years, the government regulated the expanding markets, but continued efforts to limit participation.²⁰ In mid 2009 the Pyongsong market in Pyongyang was closed and split into two smaller markets.²¹ In November 2009, an ill-conceived currency devaluation created momentary chaos in the markets and substantial popular disaffection.²² The KPW was devalued by a factor of 100, and limits were placed on how much currency people were allowed to convert to the new won, thus wiping out the won-denominated savings of many merchants and operators of small private enterprises. As in 2002, the policy was apparently an ineffective effort to rationalize the value of the won and stabilize prices.

In the agriculture sector, policy remained more or less constant until late June 2012 when the so-called “6.28 measures” were promulgated. Initially introduced on a limited and uneven fashion, they have apparently now, for the most part, been implemented nationwide.²³ Key provisions were that SWTs should be kept small (10-12 persons), would be responsible for their own production decisions, and would keep 30 percent of their production quota plus any excess over the quota. Whether the retained grain surplus could be sold in the open market or must be sold to the state was not entirely clear. The timing of these measures and their gradual roll-out made it impractical for farms to implement the changes until the following year (2013) or later.²⁴

In February 2014, over 8,000 SWT leaders were brought to Pyongyang for a convention, and received a detailed letter from Kim Jong-un calling for specific technical and organizational innovations in farming. The letter effectively reiterated the 6.28 policies in an extremely public setting, and both the convention and the contents of the letter were widely publicized within North Korea. Kim Jong-un also confirmed that the distribution of the harvest should be according to the work and productivity of the SWT members.²⁵ It now seems clear that the 6.28 measures were widely if not universally or evenly implemented during 2014.

These policies are apparently having desired results, because a new set of pronouncements (the “5.30 measures”) were issued by the Cabinet and the Central Committee of the Korean Workers’ Party in May 2014, amplifying and extending important elements of the 6.28 policy. SWTs were further reduced to “family size,” teams can now expect to cultivate the same field(s) for many years (this was hinted at in Kim Jong-un’s letter to the SWT leaders), and the farmers’ share of production was

raised from 30 to 60 percent of their quota. These changes are still in process, but appear to continue the movement toward local autonomy in production decisions.²⁶ As with the 6.28 measures, these policies also encourage more rational economic practices for manufacturing enterprises outside the agricultural sector. International program representatives confirm the predominance of the market in all areas of food distribution, including grains, and the apparent changes in farm work team organization.²⁷ It seems that at this moment the momentum is toward greater decentralization in farm management, greater ability to participate in the market, and highly limited but improving ability to access productive resources (farming supplies) through other than government channels. There is no certainty that the government will not reverse these trends in the future, however.

Comparing the South Korean and North Korean Agriculture Sectors

Notwithstanding some commonalities in resource mix and environmental factors, the agriculture sectors in the two Koreas have developed in strikingly different ways. Both countries chose to remove the landowning class through land reform, and to support modern farming methods to insure domestic self-sufficient food production and rural well-being. But the institutional contexts are diametrically opposed, which has resulted in the near collapse of North Korean agriculture. In contrast, farms in South Korea are profitable and productive, even as they contribute an increasingly small share to the overall national GDP.

Statistical Comparisons

The difference in performance of the northern and southern farm sectors will affect unification. Table 2 summarizes some of the differences between the agriculture sectors in the DPRK and ROK. The DPRK has about 35 percent more arable land than the ROK, but only half the population. The North Korean rural population is nearly 10 million, or 39 percent of the national total, compared with 8.4 million in South Korea, 17 percent of the total. While most of the northern rural population is active in farming, less than half of southern rural households farm. The farm labor force is almost three million in North Korea, but just over one million in the ROK. As in other developed countries, however, the workforce in the South Korean food industry, including processing and distribution, is greater than the number directly farming. The rural population in the south is aging: 39 percent are 60

years or older, compared with 14 percent in the north.

Table 2. Comparison of DPRK and ROK Farm Statistics

Measure (2012 data unless noted)	Units	DPRK	ROK
Total land area	10 ⁶ ha	12.04	10.12
Arable land area	10 ⁶ ha	2.35	1.73
Population	10 ⁶	25.03	50.2
Rural population	10 ⁶	9.89	8.4
% Rural population	%	39.4	17
Rural population age 60 or over	%	14	39
Labor force – 2011	10 ⁶	14.07	25.4
Farm labor force – 2011	10 ⁶	2.94	1.02
Farm labor as percent of total – 2011	%	21%	4%
Arable land per ag worker	Ha	0.86	1.51
Fertilizer use (nutrient)	kg/ha	~65	~400
Area planted to rice - 1970	10 ³ ha	n/a	1203
Rice production, paddy – 1970	10 ³ MT	n/a	6060
Rice yield – 1970	MT/ha	n/a	5.03
Area planted to rice - 2005	10 ³ ha	583	980
Rice production, paddy - 2005	10 ³ MT	2582	7337
Rice yield – 2005	MT/ha	4.43	7.48
Value of crop production per land in use	\$/ha	~1140	~3200

Sources: 2008 Census of Population of the DPRK; U.S. Department of Agriculture Economic Research Service; Food and Agricultural Organization of the United Nations; Organization for Economic Cooperation and Development; *Evaluation of Agricultural Policy*; Index Mundi, *Korea-Rural Population*

Productivity differences are great. Rice yields in South Korea average over 7 MT/ha (paddy), while North Korean yields have only recently recovered to above 4 MT/ha, with 2013 yields estimated at 5.3 MT/ha. Because South Korean farms are more diversified, the value of production per hectare is nearly three times that of North Korea.

Reliable data on North Korean GDP are unavailable, but two estimates place total GDP at \$10.6 billion in 2000²⁸ and around \$21 billion in 2013.²⁹ Agriculture accounts for approximately 21 percent of GDP in the north.³⁰ In contrast, the South Korean GDP was \$1014 billion in 2010, nearly doubled since 2000, and agriculture contributed just \$42.6 billion or four percent to that total. This does not consider value

added by processing.³¹ The South Korean economy is nearly 50 times larger than the North Korean economy.

Agriculture in Context

In both countries, agriculture cannot be understood separately from industry. Both industrial sectors supplied equipment and supplies to their respective farm sectors. In particular, the South Korean agricultural sector was exploited as a source of inexpensive food for a growing urban industrial population. As North Korean industry collapsed following the loss of imported energy in the 1990s, the agriculture sector failed along with it. In the last decade, North Korean farm production has increased. These increases have come without access to industrial goods and equipment, but through reorganizing farm work and applying labor and local natural resources to the greatest extent possible.

Operating in a market economy, South Korean farmers adapted to changing economic conditions and policies, taking advantage of the subsidized domestic price for rice, but also diversifying into higher value crops or livestock production. South Korean farmers also were regularly able to upgrade equipment that was supplied by an evolving industrial sector.

The structural differences between the two economies have resulted in one farm sector which has been unable to maintain or improve its productive capital and infrastructure, and now relies on barely functioning and inefficient equipment, and one farm sector which is well supplied with productive capital, has good access to market infrastructure, and is able to make management decisions based on cost-benefit calculations rather than on the absolute scarcity of crucial supplies. Central control over cooperative farms in the North appears to be both relaxing and failing, especially as the market continues to supplant the state distribution system for foodstuffs and consumer goods. Lack of a convertible currency and regularized trade networks with neighboring countries will continue to impede North Korean farmers' efforts to re-capitalize their equipment and infrastructure, and to invest any surplus or profit they may produce.³²

South Korean farmers face different challenges. As a party to the General Agreement on Tariffs and Trade (GATT) and the Uruguay Round Agreement on Agriculture (URAA), Seoul will reduce barriers to agricultural trade, which will affect farm profitability and farm management decisions. The government has committed significant funds

to restructure agriculture from its emphasis on rice to cash crops, processing and rural infrastructure. The government is expanding rice imports, and reducing price supports for domestic rice production. Nonetheless, substantial support to farmers continues.³³

Considering the Consequences of Unification

Should the two Koreas reunify in the future, the economic and social consequences will be significant for both sides. Planning for possible unification continues, though it seems largely oriented to the development of institutional frameworks that would facilitate gradual unification, as well as building support among the South Korean population for the effort and expense that will be required should unification occur. Although the *2014 White Paper on Korean Unification* outlines ways to build and expand dialogue between the two Koreas, a discussion of policies that might be needed to manage a unified Korea is limited to the last section.³⁴ English language sources regarding detailed planning for activities after unification seem unavailable. Regardless, we are concerned here more with changes to the North Korean agriculture sector, as experienced by those currently part of it. Predicting such outcomes is uncertain, but by understanding the nature of the two systems, some likely directions can be anticipated.

Analytically, we can consider effects at three levels: structural, organizational, and personal. Whatever the mechanism and nature of reunification, I assume the South Korean system will dominate the economy, and central planning in North Korea will completely disappear. Consequently, state enterprises and cooperative farms will in some way be converted into privately managed entities. The initial challenges and changes for North Korean citizens will be substantially greater than challenges for those in the south. For that reason, the discussion that follows focuses on the possible effects of change for the north.

Structural Changes

As I have argued elsewhere, it is both technically and economically possible for North Korea to be self-sufficient in food production at a basic level.³⁵ The barriers to achieving that goal are structural and political, rather than technical. But total self-sufficiency in food is not to the North's comparative advantage, any more than it is the South's. Even now, if North Korean farmers could sell their produce freely, could

receive convertible currency for those sales, and were allowed to purchase farm inputs and equipment that were economically beneficial, farm production would rise in very short order. Similarly, to the extent that the North Korean industrial and service sectors were able to produce a profit, some food could be imported to meet the domestic demand. As in the ROK, DPRK farmers would over time allocate resources and effort away from low value grains (especially maize) in favor of higher value vegetables, fruits and meat production.

In the event of unification, this is essentially the scenario that would confront North Korean farmers and workers. Unless considerable economic cooperation and integration had already developed over a period of years prior to unification, changes in market access would likely occur abruptly, whereas productivity would be slower to increase. This would be disruptive for northern farmers on many levels. First, their farms have already been de-capitalized by lack of investment over decades and they have little equipment, infrastructure or other resources to direct toward increasing production. This condition also holds at the household level. A large scale concerted plan of infrastructure investment in the North would be needed to overcome this structural barrier. Investment or loans equivalent to even one year of the ROK government's budget for rural support for the URAA changes (\$10 billion) would go a long way to meeting this need.

Second, North Korean farms would have to compete with more efficient ROK farmers. Only in the last few years have North Korean farmers been able to consider the relationship between production costs and the price received for farm products. Prices for farming supplies and food are currently distorted by scarcity, and the supply of certain crucial supplies (especially fertilizer) is simply not influenced by the price farmers would pay. Assuming that market restrictions were removed after unification, and that transport improved, farmers would have access to supplies and farming tools they can now only dream of, but little or no experience in determining the economically optimal level of use or investment. North Korean farmers learned basic technical skills but received cookie-cutter recommendations for farming methods. Planning and managing for annual changes in market prices, for example, and choosing among a suddenly rich list of products, seed varieties, etc. will take time to learn.

A third related concern is that North Korean farmers after unification would be required to devise their own farming plans, rather than just aim

to fulfill a state mandated quota. Some will undoubtedly accept this challenge with enthusiasm and ability, while others will have difficulty adapting to the lack of state direction. A strong agricultural extension service mobilized in the North would be very helpful in ameliorating the negative consequences of this and the previous concern.

Organizational Changes

Farming is organized very differently in the North and South. ROK farms are small, privately owned, and diversified. Cooperation takes place among neighbors and some sharing or leasing of farm equipment occurs, but for the most part the enterprise is self-contained. Cooperative farms in the DPRK are “owned” by the state, and historically have been managed by a central staff, with delegation of work tasks and production quotas to work teams which are village-sized. Only in the last few years has there been any movement to individual responsibility at the household level. Assuming these policy changes hold, North Korean farmers will likely develop individual management skills and will invest time, resources and knowledge in improving the plot of land they have been assigned. What happens to the cooperative farms after unification is a critical question for the future of farming in the North. An apparently easy and logical approach would be to distribute the land to the sub work teams that are currently farming each parcel, but that would not provide for the administrative staff of the farm, or for members of specialized work teams responsible for machinery maintenance and operation, fruit trees, animal raising, etc. The national average figure for arable land per farm worker is 0.86 ha, which in a labor-intensive farming operation is a reasonable figure for management. A well managed holding of such size should easily produce enough food for a family and allow surplus for sale. The organizational question then becomes how to recognize the developing usufruct rights of SWTs under the 2012 and 2014 agriculture policy pronouncements and at the same time provide a productive resource for farm workers who did not have direct responsibility to a designated parcel of land.

Farm equipment in the north is mostly unsuited for small farms. Each farm’s stock of equipment was designed assuming that it would be moved around from SWT to SWT according to a plan devised by the cooperative farm managers. Today no farm has enough equipment to accomplish all the needed tasks, but what little there is should be shared until a new stock of appropriately sized, modern, and fuel efficient

tractors, rice planters, harvesters, small trucks, and other equipment is available. To preserve farming in the north after unification, the re-capitalization of farm infrastructure must be a top priority.

Reorganizing state farms after unification would be more difficult. Most are designed for specialized operations such as seed production, livestock, fruit or fish production; their fields, barns, ponds and processing equipment are designed for large-scale industrial farming. As on the cooperative farms, the productive capital is in a poor state. The existing management structure should be used and modified, while vesting some kind of ownership and profit sharing rights in the workers. Without immediate technical and economic guidance, these potentially productive enterprises would have a very difficult time competing with similar enterprises in the south.

Other elements of agricultural infrastructure in the north will also require attention. How will irrigation networks be managed and maintained if the farms that use them are now small and privately owned? Who will take charge of the grain storage depots and where will the vehicles and railcars needed to move farm supplies and farm produce come from? One can imagine farms or other organizations that have access to serviceable vehicles forming small transportation enterprises. Alternatively, South Korean transport companies could meet this need.

Substantial institutional resources reside in the Ministry of Agriculture (MOA), the National Academy of Agricultural Sciences, national and regional agricultural universities, and several specialized agricultural research centers. The MOA has traditionally been organized as a command and control network for setting priorities and quotas, as well as disseminating instructions about farming methods. After unification, this agency is best positioned to act as an agricultural extension service, as there are branches down to the county level, and staff familiar with the conditions at the farms. Considerable training and re-orientation would be needed to fully mobilize this resource. On the other hand, the many researchers involved in agricultural issues would likely welcome the opportunity for increased collaboration with their colleagues in the south. Integration of the research institutions would be challenging and require substantial investment in the north but would be beneficial to all parties concerned.

Northern farmers would need to learn how to produce and deliver goods in a different marketing system. Quality standards, certification and packaging will be dramatically different and require unprecedented

adaptability by the farmers. These are areas that a newly tasked MOA extension service could address. Assuming that farm production in the north would be primarily distributed and consumed in the north for the first years after unification, there would be some time for farmers to learn about and adapt to the requirements for effective marketing that would ultimately govern their sales. A possible demand in the south for northern processed goods (soy sauce, *toenjang*, various liquors and confections, for example), similar to the preference for Pyongyang *raengmyeon*, would be of some advantage to northern farmers.

A third organizational concern regards the kind of development assistance that would flow to the north. Given the drastic difference in economies between the two halves of the peninsula, one must assume substantial flows of capital and information toward the north. Rebuilding and modernizing production infrastructure would be a high priority, and would absorb immense resources. Would these resources be delivered as grants, as investment, or as loans? Would they be managed by South Korean institutions or delegated to residual North Korean institutions? What about household-level production loans? Except for three successful but geographically limited projects by the International Fund for Agricultural Development (IFAD), North Korean farmers have no experience in managing farm loans and would require education regarding how such funding works and is repaid.

One also can anticipate the possibility of South Koreans taking undue advantage of the likely economic instability and change in the north. Would there be a land grab by investors or speculators from the south? Would there be initial restrictions on population movement to avoid either a mass exodus from the north to the apparently better living in the south, or a migration from the south to bring private investment into an area greatly needing imported resources of all kinds?

Personal Changes

Seventy years of socialist indoctrination, education and life in a centrally planned economy does not prepare people for life in a competitive market economy. International technical assistance personnel report that even at the policy levels, North Korean officials have had a difficult time understanding and relating to the principles of market economics, banking and finance mechanisms. The reflexive calculations that a person makes are different in a market economy than in a planned economy.³⁶

Residents of the north will also lose the support and guidance of the state in decision-making, especially with regard to farm management. Initially farmers will likely continue past practices, as they have been reasonably effective. One does not (no matter what the economic system) make radical changes to one's livelihood when living on the margin of survival. But as free communication grows, opportunities to evaluate multiple options and decide among them will emerge. Unification will require a change in outlook and planning perspective for northern farmers. The last decades of economic crisis have already started this process. Slogans about a great and powerful nation or supporting the *songun* or *byungjin* policies will cease to motivate behavior or guide decisions, if they ever did. Farmers will need to evaluate their productive potential, the market for anything they may produce, and learn new skills of household or individual economic planning, saving, investing and budgeting. These changes in outlook and orientation are beginning under the North Korean economic policy changes, but will have to increase greatly if the two Koreas are reunified.

One advantage for the north in a unification scenario is the relatively young age of the rural population. A younger farming population would potentially be more able to adapt to changed economic and political circumstances, as well as to new farming methods. Even in the most optimistic scenario, it would take years for the northern industrial sector to revive to the degree it would influence rural to urban migration. A younger and potentially more dynamic rural work force would facilitate the necessary immediate changes in the farm sector that bring increased productivity and market access. Given the difficulty farmers in the south have in hiring enough farm labor, some opportunity for north to south migration might provide a different set of opportunities for northern farmers and their families.

A Longer Term Perspective

The discussion above is speculative. The consequences of North-South reunification will be affected by many factors, including the precipitating causes of unification, the governmental form it takes, and the speed with which it occurs. Regardless of the path, several actions could mitigate the disruption and household uncertainty that will most likely occur in the north. Regarding the rural sector, planning for rapid and extensive investment to rebuild farming infrastructure would have immediate benefit and be extremely advantageous and relatively

inexpensive on a per-capita basis. Roads, crop handling equipment, and irrigation pumps are especially needed. Short term loans to farm households would allow investment in productive potential that has long been missing. Priority needs include lime to counteract soil acidification, small walk-behind tractors for land preparation, and fuel and fertilizer. Education in market economics, as well as in how to assess the cost and profit of farm activities, how to develop a household budget, and the need for regular investment in equipment maintenance are among the factors that would help orient farmers in the north to the new economic system.

Farm production would likely increase rapidly given access to long unavailable supplies, as well as some adoption of better farming practices. As farmers gradually turn away from a cereals-dominated production model to grow higher value crops for the market, one can expect their profits to be invested in productivity-enhancing items—crop handling equipment, a long-term program of soil rehabilitation, motorbikes—and, as farming becomes less labor intensive, some people will inevitably migrate to urban occupations.

The lives of the elderly will likely be disrupted. What social safety net remains through the PDS and cooperative farm social welfare funds will likely disappear, leaving the elderly dependent on their children. Without appropriate planning and commitment by the South Korean government, the lives and well-being of this sector of the northern population could well be threatened.

Finally, at a structural level, we would expect the farm sector in the north to eventually follow a similar trajectory as in the south, moving from a goal of self-reliance in food production to export-financed food security. For many reasons rice may remain central, but if the half million hectares of rice paddy in the north produced an average yield of 7 tons per hectare, the harvest would provide about 90 kg of rice per person, just slightly less than South Korean farms produce. Price supports or similar measures may be needed to enhance rice farming in the northern half of a unified Korea, but the other million or so hectares of farmland can and likely would be used for much better purposes than growing maize and small grains. Livestock production will eventually also expand, but until the infrastructure is in place to support concentrated farming,³⁷ we must expect the bulk of eggs and meat to come from small “backyard” activities at the many farming households.

All things considered, unification would be a difficult experience for

the North Korean rural population. Without question, many people would be disadvantaged in the short term. But the long term structural and organizational changes would lay a foundation for a sustainable increase in the productivity and production of the farm sector, and better quality of life for the majority affected. Good planning to anticipate the changes and challenges, and a substantial government financial commitment to giving farmers in the north a start toward reviving their operations would greatly ease the transition, as well as ameliorate the inevitable problems.

Notes:

¹ C. Clyde Mitchell, "Land Reform in South Korea," *Pacific Affairs* 22(2): 144-154. June 1949.

² The number of owner cultivator households exploded from 349,000 in 1949 to 1,812,000 in 1950. See Justin Maloney, "Land Tenure History and Issues in the Republic of Korea," University of Maine, 2000.

<http://www.spatial.maine.edu/~onsrud/Landtenure/CountryReport/Korea.pdf>

³ Andrea Matles Savada and William Shaw, eds. *South Korea: A Country Study*, Washington: Library of Congress, 1990.

⁴ Oh Dae Ho, *Experiences in Rural Technical Revolution*, Pyongyang: Foreign Languages Publishing House, 1986; see also Kim Il Sung, *Theses on the Socialist Rural Question in our Country (1964)*, Pyongyang: Foreign Languages Publishing House, 1990.

⁵ Woon-Keun Kim "The Agricultural Situation of North Korea," Food and Fertilizer Technology Center, Taipei, 1999. <http://www.ffc.agnet.org/library/article/eb475.html>

⁶ W. Randall Ireson, "Food Security in North Korea: Designing Realistic Possibilities," Stanford University Asia-Pacific Research Center, 2006, p 9.

⁷ Eberstadt estimates an average of 800,000 MT/year of grain imports between 1987 and 1993, most from China. Nicholas Eberstadt, *The North Korean Economy: Between Crisis and Catastrophe*, New Brunswick, NJ: Transaction, 2007, pp 108ff.

⁸ See, for example, Asian Development Bank, *The Saemaul Undong Movement in the Republic of Korea*, Mandaluyong City, Philippines: Asian Development Bank, 2012. <http://www.adb.org/sites/default/files/publication/29881/saemaul-undong-movement-korea.pdf>

⁹ OECD, *Evaluation of Agricultural Policy Reform in Korea*, Paris, 2008, pp. 86-7. <http://www.oecd.org/tad/agricultural-policies/40383978.pdf> accessed 12 June 2015.

¹⁰ Asia-Pacific Information Platform on Food Security, "Ratio of Food Self-Sufficiency in Korea (Overall)." http://www.apip-apec.com/kr/statistics/files/Korea_Food_Self-Sufficiency.pdf

¹¹ David von Hippel & Peter Hayes, *Foundations of Energy Security for the DPRK*, Berkeley, CA: Nautilus Institute, 2012, pp .8, 37, *passim*. http://nautilus.org/wp-content/uploads/2012/12/1990-2009-DPRK-ENERGY-BALANCES-ENGAGEMENT-OPTIONS-UPDATED-2012_changes_accepted_dvh_typos_fixed.pdf

¹² Barbara Demick, *Nothing to Envy*, New York: Spiegel & Grau, 2010 gives an excellent description of how food scarcity was perceived in the Northeast provinces. Also see

Stephen Haggard & Marcus Noland, *Famine in North Korea: Markets, Aid and Reform*, New York: Columbia University Press, 2007.

¹³ Double cropping involves planting wheat in the late fall or barley or potato in the early spring and harvested in early June to provide a small harvest prior to the main crop.

¹⁴ See WFP Food Aid Information System summary data at:

<http://www.wfp.org/fais/reports/quantities-delivered-two-dimensional-report/run/code/CEREALS+%28aggregate%29/year/All/cat/All/recipient/Democratic+People%27s+Republic+of+Korea+%28DPRK%29/donor/All/mode/All/basis/1/order/0/>

¹⁵ See again Demick, *Nothing to Envy*, and Haggard and Noland, *Famine in North Korea*.

¹⁶ As explained to me by several DPRK agricultural officials in Sept 1999, farms received 0.7 KPW/kg for paddy rice, and 0.45 KPW/kg for maize. Milled rice was “sold” through the PDS at 0.23 KPW/kg, or less than 20% of what the government paid for it. The maize sale price was similar. Farms were charged between 0.38 and 0.45 KPW/kg for urea fertilizer.

¹⁷ Prices were 29 and 20 KPW/kg for paddy rice and maize, respectively, and the price of grain distributed through the PDS became 46 and 24 KPW/kg for milled rice and maize. UN Food and Agriculture Organization, *FAO/WFP Crop and Food Security Assessment Mission to the Democratic People’s Republic of Korea*, Rome: FAO/WFP, 2004 (henceforth cited as *CFSAR* and year) and personal report by DPRK ag officials in Sept 2002.

¹⁸ *CFSAR* 2004 p 4.

¹⁹ Multiple conversations with cooperative farm managers and agricultural officials in March and Sept 2005.

²⁰ See John Everard, “The Markets of Pyongyang,” Korea Economic Institute Academic Paper Series 6(1), January 2011.

²¹ *Timelines of History. Timeline North Korea*.

<http://timelines.ws/countries/KOREANORTH.HTML>

²² See *CFSAR* 2011, p 9; and Rudiger Frank, “Currency Reform and Orthodox Socialism in North Korea,” Policy Forum Online 09-092A: December 3rd, 2009.

<http://www.nautilus.org/fora/security/09092Frank.html>

²³ See “6.28 Policy goes live in 3 Yanggang counties,” **Daily NK**, July 20, 2012.

<http://www.dailynk.com/english/read.php?cataId=nk01500&num=9551>, and “North Korea’s new economic management measures stalled,” **NK Briefs**, Institute for Far Eastern Studies 18 October, 2012.

http://ifes.kyungnam.ac.kr/eng/FRM/FRM_0101V.aspx?code=FRM121018_0001. Two representatives of aid programs in the DPRK report that in 2014 the reforms seem to be much more widely, if not universally, implemented.

²⁴ Kim So Yeol, “Cabinet Acknowledges June 28th News,” *Daily NK*, 13 May 2013,

<http://www.dailynk.com/english/read.php?cataId=nk09002&num=10565>; Lee Sang Yong,

“Agricultural Madness Angers Farmers,” *Daily NK*, 5 July 2013.

<http://www.dailynk.com/english/read.php?num=10713&cataId=nk01500>; Park Hyeong-jung,

“North Korea’s ‘New Economic Management System’: Main Features and

Problems,” *Korea Focus*, October 2013,

http://www.koreafocus.or.kr/design3/essays/view.asp?volume_id=146&content_id=105092&category=G; at the end of 2013 the FAO reported no evidence of any changes in agriculture market policy: FAO/WFP, *Crop and Food Security Assessment Mission to the Democratic Peoples Republic of Korea*, Rome: FAO and WFP. See pp 9-11.

<http://www.fao.org/docrep/019/aq118e/aq118e.pdf>

²⁵ Randall Ireson, "Game-Changing Agricultural Policies for North Korea?" 38 *North.org*, February 26, 2014. <http://38north.org/2014/02/rireson022414/>

²⁶ "May 30th Measures and IFES Report," *Choson Exchange blog*, December 3, 2014. <http://www.chosonexchange.org/our-blog/2014/12/3/may-30th-measures-and-ifes-report>

²⁷ Not for attribution discussion among members of the National Committee for North Korea, 2015.

²⁸ <http://www.ncnk.org/resources/briefing-papers/all-briefing-papers/macroeconomic-statistics-and-the-dprk>

²⁹ "Hyundai Research Institute: DPRK Economic Report for 2013," 16 March 2013 in NKEcon Watch. <http://www.nkeconwatch.com/category/statistics/gdp-statistics/>

³⁰ "North Korea's Economy – Economic Data," Washington: Korea Economic Institute, 2008. <http://www.nkeconwatch.com/nk-uploads/KEI-NK-DATA-2008.pdf>

³¹ Korea Economic Institute of America. "Leading Indicators South Korea." <http://www.keia.org/pagefullwidth/leading-indicators#>

³² See my discussion elsewhere regarding the structural conditions necessary for DPRK farmers to meaningfully increase their productivity: Randall Ireson, "Agricultural Reform Again – or Not?" *www.38north.org*, U.S.-Korea Institute of the School of Advanced International Studies, 2012. <http://38north.org/2012/11/rireson111512/>

³³ Economic Research Service, USDA, "South Korea - Policy". <http://www.ers.usda.gov/topics/international-markets-trade/countries-regions/south-korea/policy.aspx>

³⁴ Ministry of Unification, *2014 White Paper on Korean Unification*, Seoul, 2014.

³⁵ Randall Ireson, "Why North Korea Could Feed Itself," *www.38north.org*, U.S.-Korea Institute of the School of Advanced International Studies, 2010. <http://38north.org/2010/05/why-north-korea-could-feed-itself/>; Randall Ireson, "Developing the DPRK Through Agriculture," *www.38north.org*, U.S.-Korea Institute of the School of Advanced International Studies, 2012. <http://38north.org/2012/02/rireson020812/>

³⁶ My experience working in 1990 in southern Laos brought this home. In a planning exercise with province and district level officials to identify ways of improving the farm economy under the Lao "New Economic Mechanism", after only about 20 years under socialist governance, the first response to any question about improving quality or efficiency was "the government should decree that ..." rather than investigating what individuals could do, or how targeted education could change farmer behavior to produce something that was more acceptable to domestic or international consumers.

³⁷ For example feed mills, transportation for feed and animals, equipment and repair systems for managing livestock barns, and a veterinary service would all be required and are currently very inadequate in the DPRK.

Theater-level Command and Alliance Decision-Making Architecture in Korea

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Abstract

The theater-level command relationships in the Republic of Korea are complex and nuanced. They are often misunderstood by American and South Korean military and civilian leaders. Available open source resources often focus on specific elements of the command relationships, sometimes over-relying on official rhetoric from the respective commands. These narratives don't provide a complete picture of how these distinct organizations work together towards the common goal of defending South Korea from North Korean aggression. This paper consolidates and amalgamates relevant open source resources to provide clarity to what was previously an opaque understanding of the interconnected, yet distinct relationships between the four concurrently operating theater-level commands that have roles in defending South Korea. In particular, this paper dissects each command's roles, its relationships with the commands, and guidance and direction governing each command.

Key Words: United States, Republic of Korea, Alliance, U.S. Forces Korea, Combined Forces Command, Republic of Korea Joint Chiefs of Staff, United Nations Command, Senior United States Military Officer Assigned to Korea, Military Committee

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Introduction

Theater-level command in Korea is distributed across four separate and distinct commands. Each command maintains its own clear-cut, higher authority and a unique set of imperatives. This complex, nuanced

command structure is often misunderstood by military and civilian leaders in both the Republic of Korea (ROK) and the United States (U.S.), particularly those with casual or new relationships to the commands or the U.S. / ROK security framework. This essay is intended to provide a concise description of the command structure in Korea to help correct existing—and prevent future—misunderstanding of the commands, their respective roles, the relationships between the commands, and where each receives guidance and direction. While all four theater-level commands operating in Korea are addressed, this essay largely focuses on the three U.S.-affiliated commands.

The four theater-level commands in Korea are: U.S. Forces Korea (USFK), a American unilateral command; the ROK Joint Chiefs of Staff (JCS), a Korean unilateral command; the Combined Forces Command (CFC), a U.S. / ROK bilateral command; and, the United Nations Command (UNC), an American-led multinational command.

The U.S. Government (USG) attempts to mitigate the numerous administrative and logistical challenges of managing such a complex structure in a relatively confined area through the practice of simultaneously appointing, or “triple-hatting” service members for duties across all three U.S. affiliated staffs (USFK, CFC and UNC). For example, the Senior U.S. Military Officer assigned to Korea (SUSMOAK), a flag/general officer (FO/GO) in the grade of O-10, is triple-hatted as the Commander of USFK, CFC, and UNC.¹ For its part, the ROK Government (ROKG) considers its Chairman of the JCS (CJCS) to serve as the senior military advisor (similar to the U.S. CJCS) as well as the senior operational commander of the Korean Armed Forces. Comprehending the individual roles, authorities, and the relationship between SUSMOAK and ROK CJCS is fundamental to understanding the command structure in Korea.

While the practice of triple-hatting on the U.S. side may create efficiencies in the allocation of resources, it also contributes significantly to the confusion about theater-level command structures in Korea. An unintended, expedient outcome of “triple-hatting” is a “slash-bar” mentality that groups USFK / CFC / UNC together in discussions and documents. Grouping these commands based on the SUSMOAK’s appointed duties improperly intermingles one command’s authorities, responsibilities, and equities with another.²

The only effective method to overcome the inherent challenges associated with “triple-hatting” is a skilled staff with a clear

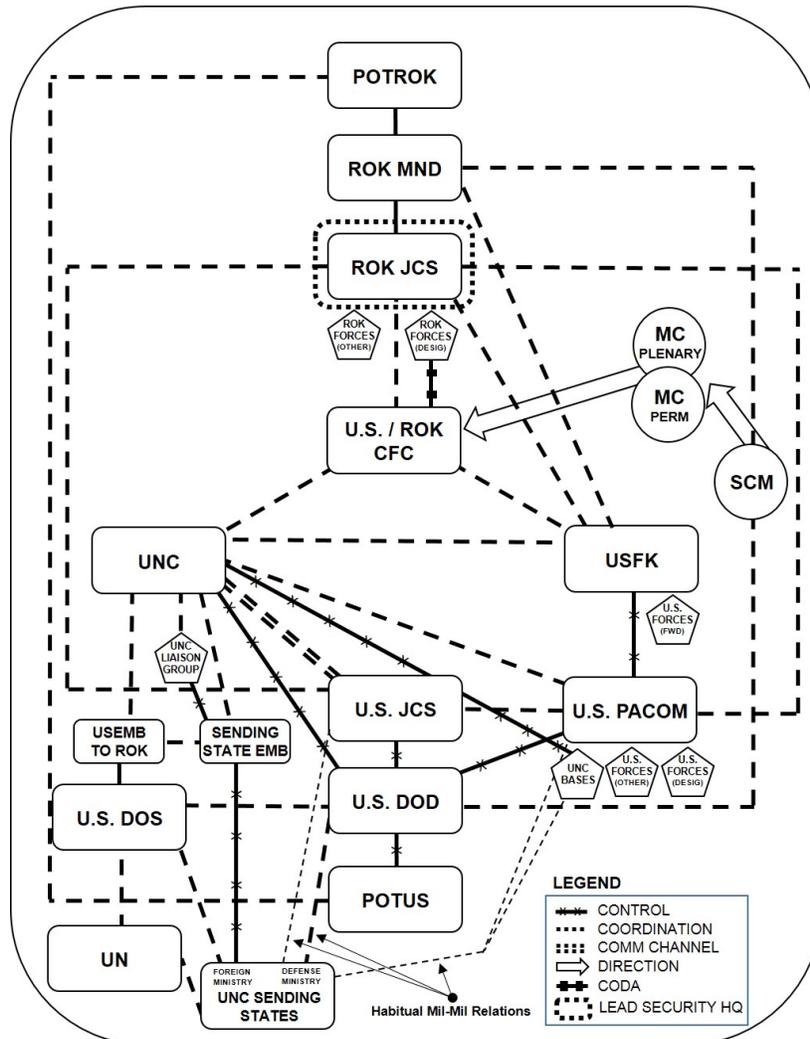
understanding of each command's unique set of roles, missions and authorities. This staff should be adept in performing their duties while maintaining the ability to change their conceptual focus. The staff, leaders in particular, must be able to instantaneously transition between their appointed duties and internally wrestle with, and adjudicate among, the competing command imperatives.³ As an example, in a crisis the SUSMOAK must resolve the competing imperatives of UNC to deescalate the crisis situation and return to Armistice (cease fire) conditions. As the CFC Commander, the SUSMOAK is responsible for preparing for hostilities, and should hostilities begin, to decisively win.⁴ Further complicating the internal dialogue and decision making process for the SUSMOAK are his USFK Commander duties, in which he is subject to orders from the USG. Likely actions would include beginning the Reception, Staging, and Onward Movement of U.S. forces, or to support Non-Combatant Evacuation Operations (NEO).⁵ A second consideration for the USFK Commander might be supporting a USG decision to disassociate the U.S. from a crisis and treat it, for the time, as a North-South issue. As the Commander of UNC and USFK, he is acting on possibly competing guidance from the USG, while as the Commander of CFC, he is responding to guidance from the bilateral Military Committee.⁶ The conflict of de-escalation measures with preparation for combat and non-combatant evacuation convey different, polar-opposite messages to our opponents and complicates the bilateral U.S. relationship with the ROK.

Furthermore, the four theater-level commands in Korea also wrestle with synchronizing competing government policies. American and Korean policies are shaped by their respective domestic population's expectations and influenced by changes in the security environment. Pressure from regional powers and international community is also a significant factor, but not near as influential as those by the domestic audience. The UNC is the outlier among the four commands, in that the international community and contributing nations have greater influence on the UNC's decision-making process than on the other commands.⁷ The ability, or inability, of the ROK and U.S. Governments to bridge policy differences dramatically influences the ability of these four theater-level commands to achieve their end states, individually and in concert for the collective good. Should Washington and Seoul be unable to resolve competing policies, tension may arise between the ROK JCS, UNC, and USFK, leading to paralysis in the CFC on combined reactions

to threats against the ROK.⁸

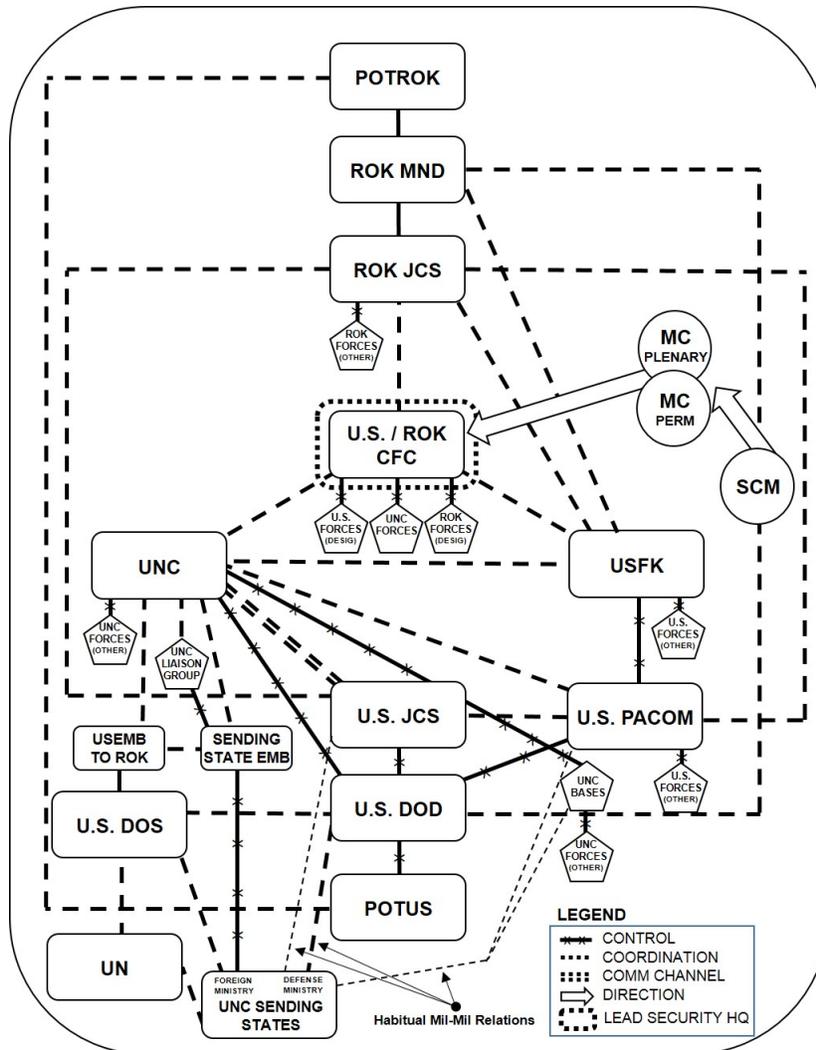
The following diagrams depict the theater command relationships during Armistice (peacetime) and hostilities (wartime):

Figure 1: Theater Command Relationships During Armistice, circa 2016



Source: Created by the author from multiple sources.⁹

Figure 2: Theater Command Relationships During Hostilities, circa 2016



Source: Created by the author from multiple sources.¹⁰

U.S. Forces Korea

The U.S. Department of Defense's Unified Command Plan establishes the missions and geographic responsibilities among combatant commanders. The Unified Command Plan designates USFK as a subordinate unified (sub-unified) command. Current U.S. joint doctrine does not contain detailed information on the roles, organization, and structure of sub-unified commands. When doctrine does exist, it tends to be emphasis Title 10 of the United States Code, which focuses on responsibilities of the individual services, as opposed to functions of an operational headquarters.¹¹ Sub-unified commands are something of an anomaly, having been largely replaced operationally by joint task forces.

USFK is the senior military command for American forces in Korea. A FO/GO in the grade of O-10 commands USFK. USFK reports to the U.S. Pacific Command (USPACOM), and represents USPACOM to the ROK JCS. USFK and its subordinate service components perform Title 10 functions for U.S. forces in the ROK. The Korea-based service component headquarters, maintain varying degrees of control over permanently stationed and rotational forces. Korea-based service components also report to Hawaii-based component headquarters that are subordinate to USPACOM or other functional Combatant Command (COCOM) service component commands. USFK's mission, functions, command relations, and support relations are codified in standing USPACOM Instructions.

In the event of crisis or hostilities, USFK performs a supporting role to CFC. As a supporting command, USFK executes critical supporting tasks such as NEO for American citizens and designated third country nationals, and RSO for American and multinational augmentation forces. USFK also provides reach-back support for CFC to USPACOM, the functional COCOMs, the U.S. Joint Staff, and, when authorized, agencies of the USG.¹²

Republic of Korea Joint Chiefs of Staff

The ROK JCS is the senior military command and the second-highest deliberative organization for military policy in the ROK; the State Council, which includes the ROK President (POTROK) and the Minister of National Defense, is the nation's highest policy-making entity.¹³ The ROK JCS headquarters staff is similar to the U.S. Joint Staff and performs comparable functions. These include, providing

strategic direction of the service departments and operational commands, and integrating them into an efficient team of land, naval and air forces. Service departments in Korea are charged to man, train, and equip forces similar to their American counterpart's Title 10 responsibilities. However, unlike the U.S. CJCS, the ROK CJCS is the senior commander in their armed forces, and maintains executive authority over forces in an operational role.¹⁴

Although the ROK CJCS has a greater operational role than its American counterpart, he has less authority and a more limited role in inter-governmental discussions. The ROK CJCS, also a FO/GO in the grade of O-10, is less influential in formulating national security and defense policy. This often results in the ROK CJCS deferring decisions his American counterpart would routinely make while awaiting policy guidance from the Ministry of National Defense or Blue House.¹⁵ Nevertheless, the chairman is a national military authority and sits on the bilateral Military Committee in this capacity. As the senior commander in the ROK Armed Forces, the ROK CJCS is an operator and responds to ROK National Authority when executing unilateral missions, and Military Committee guidance for agreed-upon Alliance missions.¹⁶ The ROK military has many roles and responsibilities that they choose not to partner with the U.S. Yet, at the same time, there have been numerous occasions when the ROK has partnered with the U.S. outside its Mutual Defense Treaty obligations.¹⁷

The ROK JCS controls daily security operations in Korea, including the initial responses to North Korean provocations and attacks.¹⁸ Following a bilateral consultative process and decisions by the ROK and U.S. National Authorities, control of operations is transitioned from unilateral Korean control to bilateral (U.S.-ROK) control of operations. In select, agreed-upon cases during crisis, Korean forces may transition to operate under CFC control in support of UNC.

Combined Forces Command and Alliance Decision-Making Architecture

The CFC is the bilateral (U.S. / ROK) command in Korea. It is the designated theater-level operational command for bilateral responses in crisis and for U.S. / ROK Alliance actions during hostilities. CFC has a standing headquarters and component commands, but no permanently assigned forces. The forces CFC would lead during a crisis response or hostilities remain under their respective governments during the

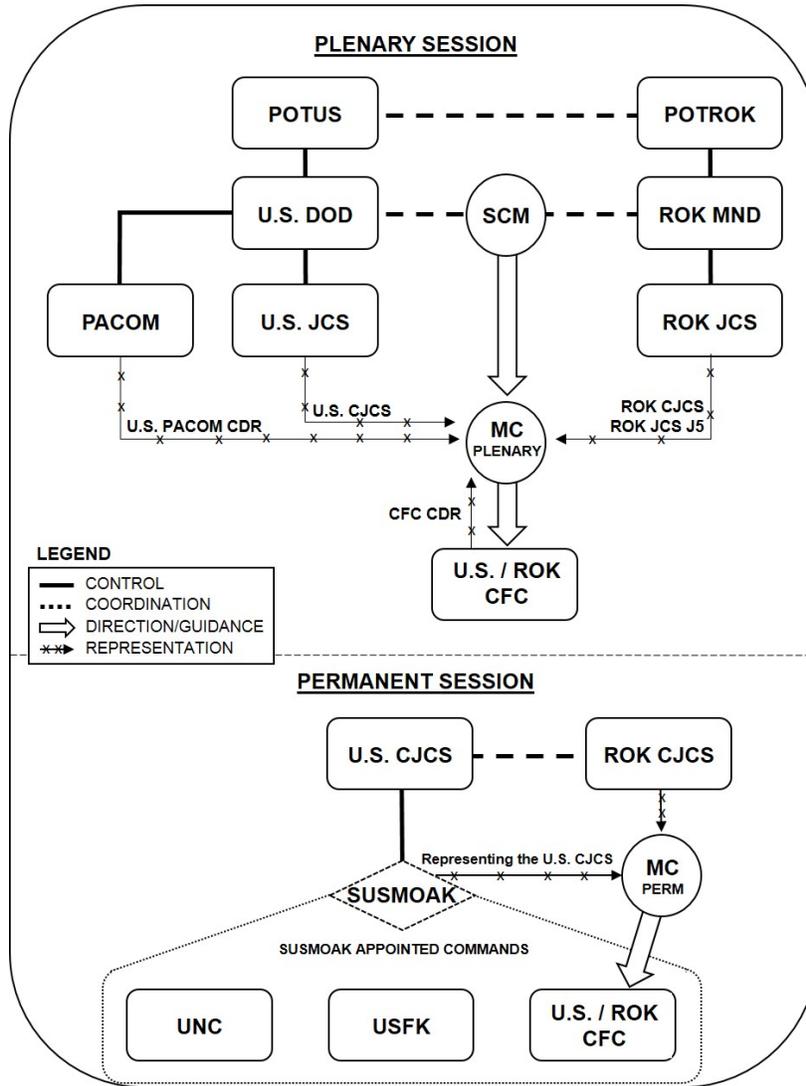
Armistice. Once Washington and Seoul reach a bilateral decision to provide CFC with necessary authorities and resources, the respective National Authorities approve the change of operational control of forces over to the bilateral command's control.¹⁹

Although CFC has no permanently assigned forces, the command exercises Combined Delegated Authority (CODA) over Korean forces designated by the ROKG.²⁰ CODA provides the CFC Commander nominal authority to prepare forces for hostilities during the Armistice. CODA only applies during Armistice and early phases of a crisis, periods when CFC doesn't have direct control over Alliance forces.²¹ Furthermore, CODA only applies to Korean forces as the ROK Armed Forces are solely responsible for daily security operations. In addition, standing USPACOM instructions to USFK and Korea-based service components, allow CFC to obtain support from American forces during the Armistice, including planning and training for missions during hostilities.²² CODA and the standing USPACOM Instructions related to supporting the Alliance command are exercised daily in tasks ranging from bilateral contingency planning, to combined training and exercises, to Command, Control, Communications, Computers, and Intelligence (C4I) network integration efforts.

The USG appoints the CFC Commander and the ROKG appoints the Deputy Commander; both officers are FO/GOs in the grade of O-10.²³ Although the senior commander is an American, he responds to orders from the Military Committee in performing the duties as the CFC Commander. Many people do not fundamentally understand this nuance of the Alliance command. There are several strategic documents that codify the standing guidance and authorities from which the CFC Commander operates.²⁴

The bilateral Military Committee provides guidance and direction to the CFC commander.²⁵ The Military Committee consists of two sessions, a Plenary session and a Permanent session.²⁶

Figure 3: U.S.-ROK Military Committee Structure, circa 2016



Source: Created by Author from multiple sources.²⁷

The plenary session is a meeting of the full Military Committee that traditionally has been used to deliberate and achieve concurrence on Alliance business. Although the Military Committee frequently decides routine issues, it often forwards recommendations on more sensitive matters to American and Korean National Authorities for ultimate resolution. The plenary session normally meets once a year, but can, and does, meet in crisis situations.²⁸

The Military Committee's plenary session is composed of the U.S. CJCS, the USMACOM Commander, the ROK CJCS and another ROK FO/GO, normally the ROK JCS J5 (Strategic Plans). The CFC Commander also sits on the plenary session. Both countries are equally represented in the plenary session: there are two U.S. members, two ROK members, and one combined member, the CFC Commander.²⁹ The CFC Commander does not represent the U.S. or the ROK in the plenary session meetings. Rather, the CFC Commander represents and advocates for bilateral alliance interests. The Military Committee reaches its decisions through concurrence between both sides, rather than a numerical vote. Thus, the plenary session's decisions represent agreement between the American and Korean views.³⁰

A standing Military Committee body is held in permanent session. The permanent session provides the Alliance with a decision-making body capable of providing the CFC with both routine and time-sensitive guidance.³¹ The permanent session is composed of two members: the Koreans are represented by the ROK CJCS and the Americans are represented by the SUSMOAK.³² Understanding the permanent session, the relationship between the SUSMOAK and the ROK CJCS, and their authoritative relationship to CFC (and ROK JCS) is also key to comprehending the command relations in Korea. Permanent session actions are normally validated at the annual meetings of the plenary session.³³ In addition, the plenary session generally provides the permanent session with alliance management tasks to be implemented over the next year. Lastly, the permanent session's individual members serve as the respective country's senior-level conduit for seeking additional clarifying policy and decision guidance between plenary sessions.

The U.S. Secretary of Defense and the ROK Minister of National Defense provide guidance to—or validate the decisions of—the Military Committee decisions through the Security Consultative Meeting (SCM) mechanism.³⁴ Similar to the Military Committee, the SCM generally

meets annually, but also has established procedures to meet in crisis situations, as required. SCM-level decisions are made anytime the SCM comes to an agreement on an Alliance issue. For extremely sensitive situations, the American and Korean Presidents will be consulted, and will ultimately approve recommendations or provide guidance to the SCM.³⁵ Lastly, it is important to highlight that the U.S./ROK Alliance is bilateral and consultative, with neither partner possessing the authority to unilaterally issue guidance to CFC.³⁶

United Nations Command

The USG established the UNC to lead UN member nation's forces in the summer 1950 following North Korea's invasion of the ROK. The U.S. was already supporting the ROK with ground, sea and air forces when the United Nations Security Council enacted Security Council Resolution 84. The UN Security Council requested UN member nations provide military forces under a U.S. unified command, and the U.S. appoint a commander of such forces.³⁷ The UN Security Council resolution did not authorize the establishment of a command, but sanctioned the command's actions on behalf of the UN's first collective security effort. It did this by authorizing the U.S. command to fly the UN flag during the course of its operations and by requesting the USG to submit reports on the command's activities.³⁸ The USG coined the unified command's naming convention.³⁹

The UNC Commander is a FO/GO in the grade of O-10 appointed by the USG. The UNC works for, and reports to, the USG. The UNC's reporting channel runs through the U.S. CJCS to the Secretary of Defense, and culminates with the U.S. President. USPACOM is not within UNC's command or reporting chain; however, the UNC is expected to inform USPACOM on its communication with the U.S. CJCS.⁴⁰ The UNC provides routine status reports through the U.S. Joint Staff and U.S. Department of Defense, to the U.S. Department of State and its UN delegation, and onward to the Security Council and the UN Secretary General.⁴¹ The UNC's mission, command relations, support relations, functions, and communications channels are codified in Memorandum, Joint Chiefs of Staff 9-83 (MJCS-9-83), a Terms of Reference (TOR) document issued in 1983.⁴²

The UNC was established as a belligerent, not a peacekeeper.⁴³ The "UN" in the UNC's naming convention often confuses the casual observer in that the command has more affiliation with the UN body than

it actually does.⁴⁴ The UNC is more akin to contemporary UN authorizations for collective security actions such as the American and Saudi Arabian-led coalition mission for Operation Desert Storm in Kuwait and Iraq, than to other UN missions including the UN Protection Force (UNPROFOR) in the former Yugoslavia.⁴⁵ This dichotomy has resulted in the UN Security Council and the wider UN system having distanced itself from the UNC since the conclusion of active hostilities in Korea in mid-1953. Despite the UN's distancing itself from the UNC, the UNC-related UN Security Council Resolutions remain active.

Though a USG-established command, the UNC has served since its inception as the venue for UN member nations to provide military forces to the defense of the ROK. These nations are referred to as the UNC Sending States.⁴⁶ Multinational Sending States maintain their interests and equities in the UNC through liaison teams, as well as their ambassadors to the ROK; there are currently 16 active UN member nations.⁴⁷ Some of these nations have formalized Foreign Exchange Officer agreements with the USG. Foreign officers have been formally appointed to UNC staff positions, although this is a recent phenomenon.⁴⁸

The UNC is no longer the theater-level warfighter command it was in the 1950-1953 Korean War; it is not the headquarters responsible for the defense of the ROK. These roles and missions were transferred to the CFC in 1978, at which time the UNC became a multinational supporting command. Despite this change of mission focus, the UNC retains the responsibility for maintaining friendly force compliance to the Armistice Agreement. Regardless of the changes to UNC's role and missions, the command remains a belligerent and an active participant to the Armistice. However, the UNC no longer has an active enemy counterpart per the terms of the Armistice Agreement; the Korean People's Army (KPA) and the Chinese People's Volunteers (CPV) withdrew their Military Armistice Commission (MAC) representatives in the mid-1990s.⁴⁹ In spite of the KPA and CPV withdrawal, the UNC continues to appoint its MAC delegation (UNC MAC). The KPA's successor to the KPA MAC, the Panmunjom Representatives delegation, formally notified the UNC MAC delegation on April 4, 1996 that it intended to withdraw from the Armistice Agreement, as well as its responsibilities related to the maintenance and administration of the Korean Demilitarized Zone and Military Demarcation Line.⁵⁰ Regardless of the CPV and KPA withdrawal from the Armistice Agreement and its

provisions, the UNC adheres to the letter and spirit of the cease fire document, including maintaining the formal mechanisms codified in the Armistice. These include continued support to the UNC MAC delegation and the Neutral Nations Supervisory Commission.⁵¹ However, despite the opposing side's withdrawal from the Armistice and its mechanisms, the KPA still tacitly complies with the Armistice, periodically meeting with the UNCMAC delegation via the General Officer Talk venue, concluding several supplementary agreements to the Armistice, and largely respecting the Military Demarcation Line, Han River Estuary, and Demilitarized Zone.⁵²

Small-scale engagements and battles have occurred repeatedly since the cease fire was concluded 63 years ago. Historically, the UNC Commander's most effective tool to maintain the Armistice Agreement following initial self-defense actions by ROK (and U.S.) forces has been to separate friendly forces from the opposing enemy forces, and prevent the resumption or escalation of localized hostilities.⁵³ Since 1978, and in particular after the 1994 ROKG's withdraw of operational control, the UNC Commander can request the CFC Commander to exercise CODA over ROK forces through the ROK CJCS to direct this separation of friendly forces.⁵⁴ CODA requests can be time consuming, as it is difficult to reach units in contact and depends on Korean compliance. Since it was developed in 1994, CODA has only been exercised once with troops in contact or immediately following an engagement. This occurred after a 2002 ROK-DPRK naval engagement. CODA was exercised to support a recovery operation of the sunken ROK ship. The operation was carried out under a UN flag.⁵⁵

Conclusion

In closing, the four separate, distinct, and concurrently operating theater-level commands in Korea are unique, and can be a challenge to negotiate. However, experienced staff members who understand the commands and command relations—particularly the multiple hats worn by senior leaders—can address the challenges that regularly present themselves during the course of daily activities. Leaders can positively shape the command environment by clearly delineating specific commands, discouraging slash-bar grouping in staff actions, and distinctly assigning the various command missions.⁵⁶ Better understanding each command's roles, functions, communications and reporting chains, as well as the relationships among the commands, will

address some of the misperceptions of command relations in Korea.

Notes:

¹ When acting in the official capacity as the SUSMOAK, the U.S. O-10 FO/GO in Korea is serving as the senior U.S. military representative for the U.S. Chairman of the Joint Chiefs of Staff (CJCS). Documentation on the SUSMOAK and his authorities within the U.S. Armed Forces is sparse due to its unique disposition as a Korea-only entity. Interpretation is often determined by the leadership personalities for the threshold of decisions and work the U.S. Secretary of Defense and U.S. CJCS empower the SUSMOAK to perform. Some analysts in Korea speculate that the ROK appreciates the value and is protective of its unique relationship it has with the U.S. CJCS (and access to U.S. National Authority) through his representative in Korea, the SUSMOAK. This relationship allows for streamlined access to the U.S. CJCS without going through the geographic combatant command, USPACOM, where it is competing with 35 other nations for attention. Kwang-sub Kwak, *The US-ROK Alliance, 1953-2004: Alliance Institutionalization* (Ann Arbor, MI: ProQuest Books, 2006), pp. 131-139; ROK Ministry of National Defense, *The History of the ROK-US Alliance, 1953-2013* (Seoul, ROK: Ministry of National Defense Institute for Military History, 2013), pp. 167-168; Jeong-won Yoon, "Recalibrating the US-ROK Alliance, Chapter 6, Alliance Activities: Meetings, Exercises and CFC's Roles." May 2003, Available online at <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB53.pdf> (accessed January 18, 2016), 92 and 106 (endnote #3); Combined Forces Command (CFC) Activation Press Briefing, briefing slides with scripted commentary, Yongsan Garrison, Seoul, ROK (document provided by the CFC Historian Office) November 1978.

² The challenges of competing imperatives within multiple dual/triple-hatted commands is not a new or unfamiliar phenomenon. GEN Ridgway, upon appointment to the United Nations Command (UNC) and Far East Commands identified this and addressed it with the U.S. JCS in late spring/summer 1951. His solution was to distinctly separate the two command's roles, responsibilities and functions by demanding separate and distinct instructions (with prioritization) from his higher headquarters. James F. Schabel, *United States Army in the Korean War – Policy and Direction: The First Year* (Washington, DC: U.S. Army Center of Military History, 1972), 380-387; Doris M. Condit, *History of the Office of the Secretary of Defense, Volume II, The Test of War: 1950-1953*, (Washington, DC: Office of the Secretary of Defense Historical Office, 1988), pp. 110-114; CFC Assistant Chief of Staff C-5 BGen T.R. Morgan, "Policy on UNC Command Relationships," policy memorandum for the CFC and UNC staff on inappropriate and incorrect messaging by staff members on the UNC, Yongsan Garrison, ROK, (document provided by the CFC Historian Office), document undated: likely early 1979 following the CFC activation; GEN John W. Vessey Jr., *Headquarters United Nations Command / United States Forces Korea / Eighth United States Army Annual Historical Report, 1978*, (Yongsan Garrison, ROK: Command Historian Office), p. 14, 16. One contemporary example of slash-bar confusion is the incorrect use of signature blocks or letter head for memorandums and correspondence. While it may seem minor, it results in significant confusion at times, like when a formal letter is submitted to the ROKG regarding UNC matters, but the signature block includes the CFC signature block, thereby conveying to the ROKG that the U.S. appointed officers within CFC are acting on unilateral U.S.

guidance. Other examples include conducting unilateral U.S. only work and appearing to pass it off as CFC products in public bilateral forums when the ROK CFC staff were not involved, nor did they provide any input on the supposedly combined product. Lastly, UNC/CFC/USFK establishes yearly priorities, yet does not distinguish, nor prioritize between the priorities or commands. Instead, the slash-bar staff just lumps them together as one list of priorities, which leaves some ROK officers scratching their heads on why one of their priorities is to support the U.S. DoD Sexual Assault Prevention and Response (SAPR) program. Small issues individually, but cumulatively causes a lot of confusion. Clumsy staff work feeds ROK perceptions (and narrative) that CFC is not bilateral, but in fact is tacitly a U.S. command.

³ At times it has proven difficult for some individuals to adequately conceptualize how to properly perform their duties when they are simultaneously appointed to multiple duties. When an individual is unable to achieve the proper level of understanding on their duties, the net result is this individual will be disposed to disproportionately prioritize one duty appointment at the expense of others. On occasion, the use of a metaphor describing a dissociative identity disorder conversation to conceptually depict the internal decision-making process of a “triple-hatted” officer has been useful in educating and highlighting that when one is appointed to duties at multiple commands that they are in fact individually serving in different capacities (i.e. as if they are separate individuals representing the various commands meeting to discuss a particular subject for decision, hence the metaphor). In many cases the various command positions may share many of the same goals and objectives. However at other times, these duty capacities may conflict in prioritization, and it is up to the individual staff officer’s discretion and professional judgment to adjudicate and choose one command imperative over another. Sometimes the “greater good” requires one command imperative (i.e. a multinational command) to be prioritized over another equally compelling command imperative (i.e. the national command).

⁴ General (Ret) BB Bell, “The Evolution of Combined Forces Command,” June 9, 2012, Available online at <http://www.brookings.edu/~media/events/2012/6/08%20korea%20foundation%20global%20seminar/69%20bell%20evolution%20of%20combined%20forces%20command> (accessed January 18, 2016), p. 2.

⁵ The “I”, integration function, in RSO&I would be performed by the gaining unit, in this case by CFC. Secondly, military support to a U.S. Department of State ordered departure directive in Korea is executed after a Department of Defense execution order is issued to USPACOM (and functional COCOMs). USPACOM then directs U.S. Forces Korea (USFK) to conduct Non-Combatant Evacuation Operations (NEO) in support of the U.S. Department of State operations.

⁶ Competing guidance generally comes in the form of the USG issuing simultaneous / combined orders or guidance to both USFK and UNC, in which the combined instructions can, at times, conflict with the responsibilities and authorities of one or both commands. In addition, the members of both commands at times can find difficulty in execution of these higher headquarters instructions because the instructions are not adequately prioritized. While improved over time, this challenge has been around since the early days of UNC, when GEN MacArthur and Ridgeway each identified this problem, although GEN Ridgeway was far more successful in resolving this challenge than his predecessor. Schabel, *United States Army in the Korean War*, pp. 380-387.

⁷ As described later in the document, UNC is a U.S. command. As such its decision making is unilaterally conducted by the USG. However, the UNC is a multinational force command that flies the UN flag during the course of its operations. Therefore, while the contributing nations and international community do not have a formal role in the decision-making process, the contributing nations ultimately significantly shape U.S. decision making through their willingness to provide forces. The international community also shapes the UNC decision making process due to the USG desire to retain a semblance of UN legitimacy as it visibly displays the UN flag.

⁸ There have been numerous ROK and U.S. policy divergences throughout their shared history since 1950. Examples include, but are not limited to: In early October 1950, the Korean President ordered the ROK Army I Corps (forces under the operational control of UNC) to continue its attack across the 38th Parallel over the objections of the UNC Commander. In June 1953, the Korean President again issued orders to ROK Army units (forces under the operational control of UNC) to release Korean prisoners of war (POW) held in four UNC POW camps in an attempt to derail the Armistice negotiations. In the mid-1970s the ROKG had a clandestine nuclear weapons program, which the USG actively worked and succeeded in halting. In May 1980, a major policy divergence occurred between the ROK and U.S. Governments when the ROK used military forces under its operational control to suppress the democracy demonstrations / rebellion in Kwangju. Lastly, the ROK and U.S. Governments have an ongoing policy divergence since the early 1970s with regard to the Northern Limit Line (NLL) in the West (Yellow) Sea; the U.S. position is the NLL is a friendly control measure, while the ROK position is the NLL is a de facto border to be defended. William S. Richardson, "The North/South Korea Boundary Dispute in the Yellow (West) Sea," November 14, 2002, <https://www.law.hawaii.edu/sites/www.law.hawaii.edu/files/content/Faculty/N-SKoreaBoundary2003.pdf> (accessed August 09, 2016), p. 1.

⁹ Glenn Rice, "CFC Command Relationship Orientation," briefing slides and scripted commentary, Yongsan, ROK, U.S. / ROK CFC, circa-1986, *Nautilus Institute Freedom of Information Act (FOIA) document*, <http://nautilus.org/foia-document/cfc-command-relationships-orientation/> (accessed September 16, 2016); ROK Ministry of National Defense, *History of the ROK-US Alliance*, p. 162, 172, 285; Min-koo Han, *2014 Defense White Paper*, (Seoul, ROK: ROK Ministry of National Defense, December 31, 2014), 126; CFC Activation Press Briefing, 3, 5, 7, 9; LTG Randolph House, *Headquarters UNC/CFC Organization and Functions Manual*, (Yongsan, ROK: United Nations Command and Combined Forces Command, November 7, 1997), p. 2-3-1, 4-3-1, 4-3-2; GEN John A. Wickham Jr., *Headquarters United States Forces Korea / Eighth United States Army Annual Historical Report, 1979*, (Yongsan Garrison, ROK: Command Historian Office), 5-6; USFK Assistant Chief of Staff J3 MG Richard L. Prillaman and ROK JCS Assistant Chief of Staff J5 MG Jang-nai Sohn, "Joint Recommendation for the Activation of the Combined Forces Command," memorandum for the Commander USFK and ROK CJCS, Seoul, ROK, December 13, 1977, p. 7a-8.

¹⁰ Ibid.

¹¹ Title 10 is the area in U.S. code that governs the U.S. Armed Forces. It provides the legal basis for the Department of Defense and the respective service's roles, missions and organization. The services, and in the case of sub-unified commands, are charged with the responsibility for ensuring the personnel readiness, equipping, and training of the forces under their control.

¹² Two examples where USFK may provide reach-back support for CFC with the U.S. interagency is for the CFC Combating Weapons of Mass Destruction (CWMD) and humanitarian assistance support missions during hostilities and post-hostilities.

¹³ Article 74 of the ROK Constitution states the ROK President is the Commander in Chief of the Armed Forces. Article 89, of the ROK Constitution states that the State Council is the highest deliberative body for important military affairs, to include imposition of martial law, declarations of war, etc. Article 87 and 88 of the ROK Constitution mandates that the State Council be made up of no less than 15 members, but no more than 30 members, all of which must be civilian (retired military is authorized).

¹⁴ The ROK CJCS, in his command role, does not have authority to promote, demote, or take administrative action against ROK officers. This authority is retained by the respective ROK Service Chiefs, which in the ROK are the Army, Navy and Air Force.

¹⁵ The ROK CJCS is far more involved in implementing national decisions than he is in making them. In addition, an interesting development occurred in the early to mid-2000s whereby the ROK National Security Council (NSC) began to encroach upon defense-related issues that previously had been the exclusive purview of MND. Bruce E. Bechtol Jr., “The ROK-US Alliance During the Bush and Roh Administrations: Differing Perspectives and Their Implications for a Changing Strategic Environment,”

International Journal of Korean Studies Vol IX, no 2 (Fall/Winter 2005),

<https://www.ciaonet.org/attachments/10783/uploads> (accessed August 29, 2016) p. 98; Evan S. Medeiros, Keith Crane, Eric Heginbotham, Norman D. Levin, Julia F. Lowell, Angel Rabasa, and Somi Seong, *Pacific Currents: The Responses of U.S. Allies and Security Partners in East Asia to China’s Rise* (Santa Monica, CA: RAND Corporation, 2008), p. 88. This encroachment into defense issues mirrors the recent developments within the U.S. national security realm whereby the U.S. NSC has encroached upon and inserted itself into areas previously the exclusive domain of the U.S. DoD. Needless to say the addition of both NSCs into the management of the U.S. / ROK Alliance has increased the level bureaucracy and partisan politics into Alliance decision-making.

¹⁶ In some forums ROKG officials have distanced themselves from acknowledging that their CJCS will take guidance from the Military Committee when acting in an Alliance capacity. The concept was articulated in a non-binding agreement by the Permanent Military Committee to address scenarios in a crisis where the Alliance is jointly responding, but the situation is so fluid that a transition from ROK JCS to CFC would disrupt friendly force operations in progress. The fact that the concept was stipulated in a high-level, but non-binding fashion below the National Authority level threshold does give credence to ROK arguments that it is not ROKG policy. However, should such a situation arise and the ROKG not agree to Military Committee control over the bilateral operation, the USG is unlikely to concur with allowing an “Alliance” activity to be only responsive to one partner’s unilateral direction.

¹⁷ The ROK military has its own unilateral responsibilities to its government outside the scope of the Alliance that it chooses to not involve its U.S. partner. Examples include any contingency plans it may or may not have to address disputes with adjacent regional parties (outside of the DPRK), its bilateral military relationship with Russia or the People’s Republic of China, or plans to respond to its own domestic disasters. Furthermore, ROK support to U.S. treaty responsibilities to the defense of Japan or the Philippines, participation in USPACOM Theater Security Cooperation exercises / multilateral training events, and military deployments in support of humanitarian

operations in the Indo-Pacific are prime examples of where the ROK, at times, distances itself from partnering with the U.S. However, it is valuable to acknowledge that throughout the shared U.S. and ROK history, the ROK has deployed in support of U.S.-led operations outside the scope of the U.S. / ROK MDT, of which the ROK military deployments to South Vietnam, Iraq and Afghanistan are prime examples.

¹⁸ The ROKG has exercised command of its forces throughout the history of the U.S. / ROK security relationship. From 1950 through 1978 the ROKG delegated operational control of its armed forces to the USG, which exercised control through the UNC. From 1978 to 1994, the ROKG delegated the operational control of the majority of its armed forces (those aligned to the Korea defense operational plan) to the bilateral command, CFC. In 1994, the ROKG withdrew operational control from CFC during peacetime. Since 1994, the U.S. and ROK Governments have maintained standing plans to delegate operational control of their forces under CFC for the prosecution of the bilateral campaign during hostilities. Furthermore, as part of the 1994 operational control transition, the two countries developed and instituted CODA (delegated by the ROKG) as a peacetime linkage mechanism between the ROK armed forces and CFC to ensure those forces were interoperable, trained and ready to perform Alliance missions during hostilities.

¹⁹ USPACOM retains COCOM of U.S. forces, ROK JCS retains OPCOM (COCOM equivalent), and the respective equivalent retains command authority.

²⁰ At times, ROKG officials will erroneously allude that CODA equates to U.S. control over ROK forces and that the ROK has not gained true “operational control” over its armed forces. At times these officials will also tacitly suggest that the U.S. has taken this control and not allowed it to return to the ROK. What these officials fail to acknowledge is that the ROKG delegated this control and it is fully within their sovereign right to withdraw any bilateral control measures they deem necessary. In addition, these officials also gloss over that CODA and wartime operational control are bilateral constructs guided by the Military Committee. These statements are often used to gain sympathy and leverage in bilateral or multilateral settings to gain a position of advantage in the ensuring discourse.

²¹ ROK Ministry of National Defense, *History of the ROK-US Alliance*, p. 171 and 456 (endnote #15); Sam Yeol Jang, *The Role and Command Relationship of the USFK in the Changing Security Environment*, Strategic Research Project (Carlisle Barracks, PA: U.S. Army War College, Class of 2001), p. 29-31 (copy of the 1st Steering Committee Memorandum No 1).

²² Bell, “Evolution of CFC,” 3.

²³ ROK Ministry of National Defense, *History of the ROK-US Alliance*, 168.

²⁴ Yoon, “Recalibrating the US-ROK Alliance,” 102-104; Early unclassified descriptions of the relationship can be found at: Kwak, “US-ROK Alliance,” pp. 131-136 and 142-144; MG Richard L. Prillaman and MG Jang-nai Sohn, “Joint Recommendation for the Activation of the Combined Forces Command,” CFC Activation Press Briefing; Rice, “CFC Command Relationship Orientation,” 4.

²⁵ Mr. Glenn Rice, former chief of the Policy Operations Branch at CFC, identifies five functions the Military Committee performs. 1) Develop and transmit strategic direction and missions to Commander CFC from the ROK and U.S. Governments; 2) Provide a channel of communication between the two Governments and Commander CFC; 3) Respond to guidance of the ROK and U.S. Governments for urgent matters; 4) Make

recommendations to the Governments concerning the military forces under the operational control of Commander CFC; and 5) Provide appropriate support for the strategic plans of both country's Governments. Rice, "CFC Command Relationship Orientation," pp. 3-4.

²⁶ Bell, "Evolution of CFC," 3; ROK Ministry of National Defense, *History of the ROK-US Alliance*, 125-128 and 171; Kwak. "US-ROK Alliance," pp. 132-134 and 136-139; Donald A. Timm, "Chapter IX, Visiting Forces in Korea," in *The Handbook of the Law of Visiting Forces*, ed. Dieter Fleck (New York, NY: Oxford University Press, 2001), p. 447; Yoon, "Recalibrating the US-ROK Alliance," pp. 91-92; CFC Activation Press Briefing.

²⁷ Glenn Rice, "CFC Command Relationship Orientation," 2-4, 7-8; CFC Activation Press Briefing, 3, 9; MG Richard L. Prillaman and MG Jang-nai Sohn, "Joint Recommendation for the Activation of the Combined Forces Command," 7a-8; Timm, "Chapter IX, Visiting Forces in Korea," p. 447.

²⁸ Typically through a combined live and secure video teleconference medium.

²⁹ Timm, "Chapter IX, Visiting Forces in Korea," p. 447; Jang, *Role and Command Relationship*, p. 9 and 36 (footnote 21).

³⁰ CFC operates on its standing guidance and bilateral guidance that it receives, not responding to unilateral guidance, whether it be the ROK or U.S. Bilateral concurrence within the Alliance construct is both a strength and a possible weakness of the bilateral command. As a strength, it provides a mechanism for achieving unity of effort in the Alliance Command's actions, ensuring the individual member nations are committed to the decision and resulting action. It hedges against a single member forcing its agenda, but exposes the Alliance to decision paralysis when the member nations cannot achieve agreement. Timm, "Chapter IX, Visiting Forces in Korea," p. 447.

³¹ Even though modern communications allow for the plenary session to meet, in a crisis it may require several hours to coordinate and conduct a plenary session meeting. The permanent session allows for near real time bilateral consultative discussions to occur, setting the stage for initial bilateral concurrence for the respective governments to consider, decreasing decision space and reaction time in crisis. Furthermore, the permanent session also reflects the dichotomy of an Alliance, with one member with a one-nation theater responsibility and another with global responsibilities. The care and feeding of the Alliance command with routine (daily, monthly, quarterly, etc) course corrections by the permanent session ensures the Alliance command is not completely paralyzed with indecision by distant decision bodies.

³² Timm, "Chapter IX, Visiting Forces in Korea," p. 447; CFC Activation Press Briefing.

³³ Unless otherwise stated, permanent session's decisions are accepted as valid by the plenary session. However, at times the plenary session has chosen to provide additional legitimacy to the Permanent session's decision by including endorsement of decisions in official statements, additional signed documents or inclusion in the meeting's joint communiqué.

³⁴ SCMs have been held since 1968 to establish a formal dialogue between the U.S. Secretary of Defense and the ROK Minister of National Defense. The body has been used as a senior policy consultative forum on the U.S. / ROK security relationship and to conclude high-level military agreements between the two countries. Since 1978, it has been used to ratify Military Committee decisions, adjudicate divergences in Military Committee reaching decisions, and to provide synchronized, bilateral national level

guidance to the Military Committee for implementation by the Alliance command. For a description of the SCM: Seong Tae Cho, *2000 Defense White Paper*, (Seoul, ROK: ROK Ministry of National Defense, December 31, 1999), 115-116; Yoon, "Recalibrating the US-ROK Alliance," 88-91. For an example narrative on the relationship between the permanent and plenary Military Committee sessions and the SCM: Min-Koo Han, *2014 Defense White Paper*, 123-125. For a topical overview of Military Committee plenary session and SCM sessions, and to see the linkages between them: ROK Ministry of National Defense, *History of the ROK-US Alliance*, 120-128 and 418-422.

³⁵ Examples of decisions that the respective National Authority would approve and then provide through their military Secretary / Minister include, but are not limited to, transitioning the Alliance Defense Condition; chopping forces from national to bilateral control; declaration of H-Hour, C-Day, etc; and transitioning phases in the Operational Plan. Bell, "Evolution of CFC," 3;

³⁶ The foundation of the consultative process is the ROK and U.S. Mutual Defense Treaty concluded on October 17, 1953 and mutually ratified (and entered into force) on November 17, 1954. CFC Activation Press Briefing.

³⁷ The U.S. was already military engaged with ground, sea, and air forces under a unified command and a Commander in the field in support of the ROK when United Nations Security Council Resolution 84 was enacted. The unified command was the U.S. Far East Command and the Commander was General of the Army Douglas MacArthur. There already was discussion of General MacArthur being designated as the unified commander for UN forces prior to United Nations Security Council Resolution 84 being enacted, since he and the U.S. Far East Command were already leading U.S. (and several other nations to include the United Kingdom, Australia, etc.) operations in support of the ROK. Telegram from U.S. Representative at the UN (Warren Austin) to the U.S. Secretary of State (Dean Acheson), dated July 06, 1950, linked from the U.S. Department of State Home Page at "Foreign Relations of the United States, 1950, Volume VII, Korea," <https://history.state.gov/historicaldocuments/frus1950v07/d233> (accessed April 27, 2016). One might even assert that the Far East Command continued to be the unified command which conducted the war based on message traffic from the USG, with the UNC being established as a paper headquarters to marshal and highlight the UN member states forces operating underneath – at least for the early part of the war. The UNC as a separate and distinct command really came more into its own at GEN Ridgeway's insistence of separating the UNC functionally from the Far East Command in the spring of 1951 and once the Armistice negotiations started in mid-1951. Furthermore, the UNC staff was not officially established until October 11, 1950 when the headquarters published UNC General Order Number 14. Although the command did back-date the staff's establishment to July 24, 1950, the day the command was formally established. MG Doyle O. Hickey, UNC Acting Chief of Staff, "UNC General Order No 14," Tokyo, Japan, GHQ UNC, October 11, 1950. "The armed forces from 15 satellite countries and south Korea mobilized for the Korean War engaged in combat operations under the direct command of the U.S. commander-in-chief of the armed forces in the Far East veiled as the commander-in-chief of the "UN Forces" in the whole period of the war. However, the U.S. commander-in-chief of the armed forces in the Far East never answered to the UN, but to the U.S. President, Pentagon, and the headquarters of the Joint Chiefs of Staff." The author of this quote is a researcher for the DPRK's Institute For American Studies (IFAS), and reflects an opinion held by the opposing side of the UNC's naming

convention and attempts to affiliate the command with the UN body. Jong Nam Hyok, "Replacing Armistice Agreement with Peace Agreement is the best way for ensuring peace on the Korean Peninsula and the rest of the northeast Asian region," March 10, 2016, linked from the *Center For Strategic & International Studies Home Page* at <https://www.csis.org/analysis/pacnet-25-replacing-armistice-agreement-peace-agreement-best-way-ensuring-peace> (accessed August 9, 2016).

³⁸ *United Nations Security Council Resolution 84*, Fifth Session of the United Nations General Assembly (July 7, 1950); United Nations, *United Nations Juridical Yearbook, 2003*, (New York, NY: United Nations Publication, 2006), 553-555. UN Security Council Resolutions are a source of responsibility, but have erroneously been believed at points to be a source of authority. Resolutions are internationally approved mandates, communiqués to national governments, which each UN member state elects to accept and undertake, decline, or ignore.

³⁹ United Nations, *United Nations Juridical Yearbook 2003*, 525; James F. Schnabel and Robert J. Watson, *The Joint Chiefs of Staff and National Policy, 1950-1951, The Korean War, Part One* (Washington, DC: History of the Joint Chiefs of Staff, Volume III, 1998), pp. 55-59 and 63-67; Donald W. Boose Jr., "The United Nations Command in the Korean War: A Largely Nominal Connection," paper presented to the 2000 Conference of Army Historians for "The U.S. Army in the Korean War, the Fiftieth Anniversary," p. 12. It is important to remember that the use of "UN forces" as an idiom during this period (1950) was an accepted practice since 1942. The phrase was developed and used during the Second World War (albeit limited during the war) by the Allied Powers, following their "Declaration of United Nations" on January 1, 1942. The phrase continued to be used to denote UN actions following its establishment in 1945. So it was not out of place nor inappropriate when the UN, U.S. and others used the term to coin the UN collective security effort in Korea as the UNC. "1942: Declaration of the United Nations," *United Nations Homepage*, <http://www.un.org/en/sections/history-united-nations-charter/1942-declaration-united-nations/> (accessed March 16, 2017).

⁴⁰ Timm, "Chapter IX, Visiting Forces in Korea," p. 445.

⁴¹ *Ibid*, pp. 445-446.

⁴² This MJCS TOR from the U.S. JCS is the only standing written guidance issued to the Commander, UNC. Consolidated, standing Joint Staff instructions to the Commander, UNC have occurred five times in the sixty-six years of the command's existence. The Joint Staff issued MJCS 9-83 in 1983, which superseded MJCS 108-73 dated April 12, 1973. The Joint Staff issued JCS Message 955314 on February 20, 1959, following the implementation of the 1957 Unified Command Plan. Although there are secondary source references to the 1959 instructions, no known copy remains. The 1959 instructions superseded JCS Message 968900 issued October 6, 1954, which provided the Commander, UNC his post-Armistice instructions. The Joint Staff first issued stand-alone, consolidated instructions to the Commander, UNC in JCS Message 95977 dated July 10, 1951. Prior to July 1951, the Joint Staff issued joint instructions to UNC and the Far East Command or iteratively as the situation required. General Ridgeway found the iterative and jointly issued instructions to be confusing and replete with contradictions between what the Joint Staff expected from the UNC and Far East Command.

⁴³ The "belligerent" word choice is intentional. It was selected over more benign terms, so as to be absolutely clear what UNC is. This was done because there is an erroneous perception amongst some groups that the UNC is a neutral party between the ROK and

DPRK, and from time to time the case is made that the UNC could or should transform into a peacekeeper. Both assertions are false, grossly ignoring the UNC's origin and the command's history.

⁴⁴ Schnabel and Watson, *Joint Chiefs of Staff and National Policy*, p. 59; "There was no organic connection between the United Nations Organizations and the UNC. Strategic policy and direction of the field force were vested in the United States." Boose, "United Nations Command in the Korean War: A Largely Nominal Connection," p. 15; United Nations, *The United Nations Today*, (New York, NY: United Nations Publication, 2008), p. 77.

⁴⁵ United Nations, *United Nations Juridical Yearbook 2003*, p. 554.

⁴⁶ There is no definitive definition of a UNC Sending State, however, it is a generally accepted naming convention used to identify the nations that contributed combat, combat support, and combat service support forces to the United Nations Command between 1950 through 1953. Sending States have also been referred to as "contributing nations", "member nations" or "member states" throughout the UNC history, however the naming convention used today by UNC is "Sending State". The earliest documented use of the term "Sending State" found by the author was the February 19, 1954 reference in the "Agreement Regarding the Status of United Nations Forces in Japan," also known as the UN-Government of Japan (GOJ) Status of Forces Agreement (SOFA).

⁴⁷ There are sixteen active UNC Sending States: United Kingdom, Philippines, Thailand, Canada, Turkey, Australia, New Zealand, Greece, France, Columbia, Belgium, South Africa, The Netherlands, Italy, Denmark, and Norway. Ethiopia, Luxembourg, India and Sweden are currently not active nations with the UNC; while India was a sovereign nation during the war, it provided forces under the British Commonwealth umbrella and its forces equities were represented by the United Kingdom's UNC representatives; additionally, Sweden did not assign a liaison to the UNC headquarters during the war. Nations that contributed humanitarian forces for civilian purposes to the ROK or UNC such as West Germany (provided a Red Cross field hospital for civilian usage only), are not considered Sending States; thirty-nine UN member nations and several non-member nations answered the call and provided some form of support to the ROK during the conflict. Paul M. Edwards, *United Nations Participants in the Korean War: The Contributions of 45 Member Countries* (Jefferson, NC: McFarland & Company, 2013), pp. 143-144. While the ROK placed its forces under the UNC throughout the duration of the war, it is not considered a UNC Sending State for the reason that the UNC mission was to provide assistance to the ROK to repel DPRK aggression. Timm, "Chapter IX, Visiting Forces in Korea," (footnote 22) p. 446. The U.S. is also not considered a Sending State since UN member states were called upon by the authorizing UN Security Council Resolution to provide forces to the American-led unified command.

⁴⁸ Multinational interests were first represented in UNC by a FO/GO from the United Kingdom that was appointed to the UNC staff as the Deputy Chief of Operations from 1952-1956. After the United Kingdom and Commonwealth forces departed Korea there were no non-U.S. members of the UNC staff until 1978, when in an informal, non-binding agreement via an exchange of letters between the Commander CFC and the ROK CJCS, select ROK members of the CFC staff were given duties (later appointed to specific staff billets) in support of UNC. Commander CFC GEN John J. Vessey, "Designation of Certain CFC Staff Members to Serve on UNC Staff" letter for ROK Chairman of the Joint Chiefs of Staff GEN Jong-Hwan Kim, Yongsan, ROK, January 16,

1979; ROK Chairman of the Joint Chiefs of Staff GEN Jong-Hwan Kim, "Letter concerning the 'Designation of Certain CFC Staff Members to Serve on UNC Staff'," letter for Commander CFC GEN John J. Vessey, Yongsan, ROK, January 19, 1979. Sending State interests were not formally represented on the UNC staff until early 2015, when an Australian FO/GO was assigned to the USFK staff through the U.S. Department of Defense Foreign Exchange Officer (FEO) program. This officer was subsequently appointed for duty to the UNC staff as the Deputy U-5. In late 2015 a similar FEO arrangement was concluded with the United Kingdom for two field grade officer FEOs being assigned to USFK and appointment to the UNC staff.

⁴⁹ The MAC had ceased functioning as outlined in the Armistice Agreement in early 1991 after conducting 459 plenary sessions since 1953, although it still did meet informally up through 1994. Chi-young Pak, *Korea and the United Nations* (Cambridge, MA: Kluwer Law International, 2000), pp. 228-229; Timm, "Chapter IX, Visiting Forces in Korea," 445. The CPV formally withdrew their representative to the MAC in December 1994 and officially departed the DPRK. The KPA concurrently withdrew their MAC representative, leaving the UNC to honor and independently conduct the business of the MAC. The KPA established a "Panmunjom Representatives," which since 1998 meets periodically with the UNC MAC representatives in a "General Officer Talks" capacity. These General Officer Talks perform many of the KPA/CPVs MAC crisis management and dialogue functions. General Officer Talks have continued to conclude former MAC business on behalf of their respective sides, to include negotiating and concluding Subsequent Agreements to the Armistice Agreement. However, it is important to note that the DPRK has been adamant that its KPA Panmunjom Representatives are not members of the MAC.

⁵⁰ UNC Commander GEN Gary E. Luck, "Special Report of the United Nations Command to the United Nations Security Council on the Korean People's Army Non-Compliance with the Provisions of the Military Armistice Agreement" communication to the U.S. Director, Joint Staff, Yongsan, ROK, April 11, 1996. The DPRK and the Korean People's Army have repeatedly stated that it has withdrawn or no longer recognizes the Korean Armistice Agreement (1976, 1994, 1996, 2003, 2006, 2009, and 2013). Korean War Armistice Agreement, <http://www.cfr.org/north-korea/korean-war-armistice-agreement/p22481> (accessed August 8, 2016); Madison Park, "North Korea declares 1953 armistice invalid," March 13, 2013, Available online at <http://www.cnn.com/2013/03/11/world/asia/north-korea-armistice/> (accessed August 8, 2016); Robert F. Dorr, "North Korea Invalidates Armistice," March 11, 2013, <http://www.defensemedianetwork.com/stories/north-korea-declares-armistice-invalid/> (accessed August 8, 2016).

⁵¹ The KPA "decredentialed" the Czechoslovakian NNSC delegation when the country split into the Czech and Slovak republics in 1992 and ceased logistically supporting the Polish NNSC delegation in 1995 following the Polish transition away from Communism. Poland continues its NNSC activities albeit limited and out of Poland with periodic visits to Korea. This left the UNC's Swiss and Swedish NNSC delegations alone to perform their limited duties, without a full-time counterpart on the northern side. Timm, "Chapter IX, Visiting Forces in Korea," p. 445.

⁵² Hyo-jin Kim, "Armistice Agreement is valid, but not functional," February 12, 2015, The Korea Times, http://www.koreatimes.co.kr/www/news/nation/2016/06/180_173288.html (accessed

August 8, 2016). “It is a universally acknowledged international practice and the requirement of any international law that if an agreement between any countries becomes essentially nullified due to one party, such an agreement would no longer be valid and subsequently, there would be no reason for the other party to stay bound by that agreement.” The author of this quote is a researcher for the DPRK’s IFAS, and reflects an opinion by the opposing side of why it no longer maintains the mechanisms of the Armistice. Hyok, “Replacing Armistice Agreement.”

⁵³ Friendly forces are largely limited to ROK forces today since they are singularly responsible for daily security operations, but could include U.S. forces forward stationed in the ROK. The opposing enemy forces today are the DPRK’s KPA, and formerly included the CPV when it had sizable forces still deployed to the DPRK (prior to 1958).

⁵⁴ ROK Ministry of National Defense, *History of the ROK-US Alliance*, 171; Rice, “CFC Command Relationship Orientation,” 1.

⁵⁵ In 2002, a ROK Navy patrol craft capsized following a sea engagement in the West Sea (Yellow Sea) at the Second Battle of Yeonpyeong. Following the CFC request for CODA of designated ROK forces from the ROK CJCS, CFC placed the selected designated forces under temporary UNC control for the execution of the recovery operation. Senior U.S. Military Officer Assigned to Korea (SUSMOAK) GEN Leon J. LaPorte and ROK Chairman of the Joint Chiefs of Staff GEN Nam-shin Lee, “ROK/U.S. Military Cooperation for the West Sea ROKN Vessel Salvage Operation,” ROK/U.S. Military Committee Permanent Session Memorandum, Yongsan, ROK, July 25, 2002.

⁵⁶ As an example, routinely the staff is directed/tasked to provide a briefing or a product to the “Commander.” While it is clearly understood which physical person to whom the briefing is intended for, the fundamental question leaders and staff must ask is, “Which Commander?” so that the briefing or product is tailored to the specific roles, responsibilities and authorities the (respective) Commander is acting under. It often takes some months for many staff officers to understand this important question, and far too many never conceptually grasp this nuance for operating in Korea. Yet, by understanding the question and the role of the respective commander, the staff officer provides clarity rather than compounding the confusion often associated with assignments in Korea.

Romanian Perspectives on Korean Unification: Regime Change and the Romanian Precedent

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Abstract

Romanian dictator Nicolae Ceausescu was a great admirer of North Korean leader Kim Il-sung, attempting to duplicate the personality cult, national-Communism and other aspects of the North Korean dynastic totalitarian regime. Systematic human rights violations were common in both countries. Despite the relentless repression, indoctrination and surveillance, there are several factors that could potentially erode the Kim Family Regime's grip on power, including informal marketization and increased information inflow from the outside world. As such, Romania provides an important precedent for the current situation in North Korea. Of particular note, understanding those factors that conferred legitimacy on the Romanian military enables a deeper appreciation of the military's role in the anti-communist revolution and turbulent times that followed. Kim Jong-il learned from the Romanian experience, adopting a military first policy in North Korea. In contrast, Kim Jong-un has attempted to return some power to the Korean Workers Party. Kim Jong-un's success in gaining the support of the country's elites would be a key factor in avoiding a Romanian-style revolution and obliteration of the top leadership.

Key Words: North Korea, Romania, Kim Il-sung, Kim Jong-il, Kim Jong-un, Nicolae Ceausescu, Mihai Pacepa, Romanian revolution, Romanian precedent, regime change, human rights denial, UN Commission of Inquiry, apparatchik capitalism, post-communist transition

Introduction

“What the Romanian revolution does demonstrate is that the heroes die, the fighters go home, and opportunists make their way to the fore.”

- Professor Dennis J. Deletant, Georgetown University

“Carpathian Genius,” Kim Il-sung’s Disciple

Romania was the one communist country in Europe that came closest to becoming a dynastic totalitarian regime. Nicolae Ceausescu, dubbed the “Carpathian genius” by communist propaganda, was dictator of Romania from 1965 to 1989. Ceausescu made his wife number two in the country’s political hierarchy, and was grooming his youngest son Nicu to assume hereditary leadership of Romania. The leader’s cult of personality, inspired by his good friend Kim Il-sung (whom he visited in 1971, 1978, 1982, and 1988, and hosted three times from 1975 to 1985) drove the country into desperation and bankruptcy.

In 1971, Ceausescu fell deeply in love with Kim Il-sung’s surreal personality cult, national-communism, and self-reliance, or *juche* philosophy.

What Ceausescu loved the most was giving speeches before large crowds of highly regimented people. Third world dictators put on a show for him everywhere he went, but the ones who were absolutely flawless were the North Koreans. That is why, when he first visited North Korea in 1971, it was love at first sight.¹

Following closely in Kim Il-sung’s footsteps, Ceausescu trampled on the human rights of Romanians with impunity. Traveling abroad was severely restricted. The degree of surveillance, control, coercion and punishment exercised by Romania’s Securitate (Departamentul Securitatii Statului, the more or less “secret” political police) attained levels comparable to the Kim Family Regime (KFR) in North Korea. Overwhelmed by food shortages, power outages, human rights violations and political oppression, Romania became Eastern Europe’s “heart of darkness;” the situation was particularly acute in the 1980s. For these and other reasons, comparisons have often been drawn between Ceausescu’s totalitarian state and the KFR in North Korea.

Following a magnitude 7.2 earthquake in March 1977, Ceausescu saw an opportunity to raze large parts of the capital city of Bucharest, once known as “The Little Paris.” The new city would be a Romanian replica of Pyongyang, a city filled with cold, soulless pharaonic structures and gigantic squares where tens of thousands of worshippers gathered to venerate the leader. Ceausescu borrowed astronomic amounts of money from foreign sources in the 1970s to build a notoriously

inefficient industrial sector, the sole purpose of which was to claim self-sufficiency and establish the Romanian brand of *juche*. Unlike Kim Il-sung, he did not default on his debt, but decided to pay it in its entirety, even before the expiration of loan terms. Toward the late 1980s, Ceausescu managed to repay the entire foreign debt by exporting vast amounts of Romanian consumer goods and drastically curtailing imports, resulting in food and energy shortages that challenged the very survival of average citizens. Life in Romania under Ceausescu was the closest Eastern Europeans ever got to experiencing life in North Korea.

North Korea under Kim Jong-un: A Human Rights Perspective

Twenty-eight years after the collapse of communism in Eastern Europe, the DPR has not only managed to survive, but it has accomplished two hereditary transmissions of power. Under Kim Jong-un, North Korea's human rights situation continues to remain abysmal. Five trends have defined the human rights situation under the Kim Jong-un regime: 1) an intensive crackdown on attempted defections; 2) an aggressive purge of senior officials, aimed to consolidate the leader's grip on power; 3) a "restructuring" of the political prison camp system, with some facilities, closer to the border with China, being shut down, while inland facilities have been expanded; 4) disproportionate oppression of women, who have assumed primary responsibility for the survival of their families; thus, women represent the majority of those arrested for perceived wrongdoing at the *jangmadang* (markets), or for "illegally" crossing the border; and, 5) the sustained, if not increased, economic importance of the political prison camps.²

In the twenty-first century, North Korea is the only country in the world that is still running a vast system of political prison camps, incarcerating 120,000 men, women and children under gruesome conditions. They are persecuted behind the barbed wire fences of North Korea's political prison camps, subjected to malnutrition, forced labor, torture, and sexual violence, as well as public and secret executions. In 2017, pursuant to *songbun*—a system of social discrimination established in the 1950s—access to food, jobs, and any type of opportunity continues to depend on one's perceived loyalty-based social classification. As a UN member state since 1991, North Korea is bound by the *Universal Declaration of Human Rights*, and other international human rights instruments it has ratified, including the *International Covenant on Civil and Political Rights*, the *International Covenant on*

Economic, Social and Cultural Rights, the *Convention on the Elimination of All Forms of Discrimination against Women*, and the *Convention on the Rights of the Child*. Nonetheless, North Korea violates each and every conceivable human right.

For 69 years, North Korea has been a dynastic totalitarian state ruled by the Kim family. Marshal Kim Jong-un has been the *suryong* (supreme leader) following his father's death in late 2011. Although many analysts hoped Kim Jong-un would be more tolerant and reasonable than his father and grandfather, he has, by some accounts, been far more "aggressive, arrogant and impulsive."³ After all, he was likely chosen to be leader of North Korea despite being the youngest of three sons. Kim Jong-un's selection can be attributed to being the son most likely to follow in his father's footsteps, not because he was seen as a potential reformer. Moreover, while his father was 53 when he became leader of North Korea, Kim Jong-un was only 28 years old. While his father had twenty years to prepare to assume the top leadership position, he only had three. As he attempted to quickly establish a power base during his first four and a half years at the helm, Kim Jong-un purged potential rivals in all four fundamental building blocks of the regime: the Korean People's Army; the Workers' Party (in particular, the Administrative Department); the internal security agencies; and the inner core of the Kim family. The execution of Jang Sung-taek, his uncle and Kim Il-sung's only son-in-law, highlights the unprecedented extent of the purges.

Under the Kim Jong-un regime, North Korea's fundamental strategic objectives have stayed the same: preserving the regime through a domestic policy of human rights denial,⁴ aggressive behavior and diplomatic deception; establishing hegemony over the entire Korean peninsula under the KFR, as the ultimate long-term guarantee of regime survival; maintaining international "relevance" and preserving the regime through the development of nuclear weapons and long-range ballistic missiles; and, continuing to attempt to drive a wedge between the United States and its key strategic allies in Northeast Asia, South Korea and Japan.

The methods the regime has employed to stay in power have persisted: conducting relentless surveillance and control of its people, and punishing those ascertained as disloyal; systematically brainwashing every North Korean, since the pre-cognizant age; and severely restricting the inflow and outflow of information across the borders. The nation's

three internal security agencies, the State Security Department (SSD), the Ministry of Public Security (MPS), and the Military Security Command (MSC) comprise 270,000 agents, who conduct strict surveillance of North Korea's 25 million people.⁵ Every family has to participate in *inminban*, a "neighborhood watch" system involving weekly meetings, self-criticism sessions, and reporting on one's relatives and neighbors. Under the strict supervision of internal security agents, the *inminban* ensures the implementation of the policy of human rights denial at the local level. Due to the relentless surveillance of the population, the degree of social cohesion in North Korea is very low, and civil society inexistent.

Not only ordinary people, but also those at the core of the system have been victimized under the Kim Jong-un regime. The purges have been on a par with Kim Il-sung's purges of the late 1950s, if not worse. According to a report of the South Korean Institute for National Security Strategy, 140 high-ranking officials were executed, and more than 200 purged during the first five years of the Kim Jong-un regime.⁶ One has to keep in mind that North Korea is a massive bureaucracy. Each time a senior official is purged, the entire bureaucratic support structure below the victim is removed. Associates and family members are physically eliminated or sent to political prison camps, pursuant to *yeon-jwa-je*, a system of guilt-by-association of feudal inspiration. Up to three generations of the perceived offender's family are punished. Following Jang Sung-taek's execution in late 2013, *Yonhap* News Agency and other Korean and international media organizations reported, based on multiple in-country sources, that Kim Jong-un had ordered the "total elimination of his uncle's biological relatives." Those reportedly executed included Jang's sister Kye-sun, her husband and DPRK ambassador to Cuba Jon Yong-jin as well as Jang's nephew Jang Yong-chol, DPRK ambassador to Malaysia, together with the nephew's two sons.⁷

An overview of the purging of the Korean People's Army (KPA)'s General Staff Department (GSD) illustrates of the extent of the purges affecting the North Korean military. The GSD is the senior military agency in charge of the KPA's administrative, operational, and logistical needs.⁸ Prior to the Kim Jong-un regime, the GSD had twelve chiefs since its establishment in 1948. The GSD has had five chiefs in the five years since Kim Jong-un came to power in December 2011. Vice Marshal Ri Yong-ho (GSD Chief, 2009–2012), was thought to be one of

Kim Jong-un's mentors and protectors; he was one of the eight honorary pallbearers who walked alongside Kim Jong-il's hearse. Vice Marshal Ri was demoted, disappearing in the summer of 2012. His successor, Hyon Yong-chol (GSD chief, 2012–2013) was promoted to Vice Marshal and Minister of Defense. He was executed in April 2015. Hyon's successor, General Kim Kyok-sik (GSD chief, 2007–2009, 2013) was demoted after a North Korean arms shipment was intercepted in Panama, dying of "respiratory complications" soon after. Kim's successor, General Ri Yong-gil (GSD chief, 2013–2016) was demoted in early 2016, and succeeded by General Ri Myong-su.⁹ As *fearpolitik* continues, the favorite piece of execution equipment has been the ZPU-4. A widely quoted satellite imagery analysis report published by HRNK and AllSource Analysis confirms the use of the .50 caliber four-barrel anti-aircraft machine gun system in high profile executions.¹⁰ The victims' bodies are practically pulverized, turned into "pink mist." No one is safe in Kim Jong-un's North Korea: even the perpetrators of human rights violations may become victims themselves.

Kim Jong-un's government maintains a policy of human rights denial on the international stage by North Korea's flagrant disregard for United Nations resolutions, reports, and sessions. Domestically, as the 2014 UN Commission of Inquiry found, the government's human rights violations against its people are "without parallel in the contemporary world." These rights violations are most severe inside its political prison and forced labor camps, where many violations constitute crimes against humanity. Throughout the country, and especially outside of the privileged enclave of Pyongyang, North Koreans generally face severe restrictions to their civil, political, economic, and social rights due to the KFR.

Despite new sanctions, North Korea continues to develop its weapons programs, including nuclear weapons and ballistic missiles. The KFR diverts precious resources away from the humanitarian needs of its people, and denies citizens their basic human rights. In the weeks leading up to the first Workers' Party Congress in 36 years, Kim seemed more unrelenting than in implementing in *byeongjin* (simultaneous nuclear and economic development) policies and denying human rights, making it even more necessary to continue highlighting the regime's atrocities.¹¹

The individuals who preserve the KFR and enable it to retain political control are rigorously selected through the unforgiving filter of a loyalty-based system of social classification. North Korea's ideology,

centralization of power, resource prioritization, and political loyalty-determined privilege support the preservation of the regime through a policy of human rights denial. Crimes against humanity and other egregious human rights violations do not happen in a vacuum. They span nearly seven decades and are an intrinsic part of the Kim regime's *modus operandi*, situated at the very core of the apparatus that has maintained the family in power.

Forces Working to Delegitimize and Undermine the Kim Regime

Despite the relentless repression, indoctrination, and surveillance, there are drivers of internal change in North Korea that could potentially erode the Kim regime's grip on power. Such forces emerged in the aftermath of the famine that killed millions in the 1990s. They include: small, informal markets developed as a survival mechanism; information that penetrates North Korea's firewall through foreign radio broadcasting and mobile media storage devices sold on North Korea's black markets, at a higher rate than a decade or so ago; remittances and phone calls from some of the 30,000 North Korean defectors living in South Korea, surreptitiously taken by relatives left behind on smuggled Chinese cell phones; and the slow, but steady inroads underground Christianity is making into North Korea.

The Kim regime and its officials thrive on corruption. Internally generated market activities fuel corruption among North Korea's elites. One of the likely reasons why the regime allowed Orascom Telecom to establish a cell phone network is to collect *de facto* taxation through the sale of expensive phones and plans to those who have money, power, or both.¹² Most quasi-private activity must be carried out under the protection of a government agency. So, while money has been playing an increasingly important role in North Korea, good *songbun*, or at the very least access to those of good *songbun* continues to be a pre-requisite of entrepreneurial success. Pyongyang's real estate market is reportedly on the rise.¹³ Since the government owns all real estate, transactions involve the right to reside in a dwelling rather than the title to a property. The same applies to many of those driving "private" cars in North Korea: they don't purchase property titles, but the "right" to drive cars registered under government agencies. This hybrid of quasi-private entrepreneurship and property and state control is a formula for unfathomable corruption. Although it fills the regime's coffers, such corruption also acts as a factor slowly eroding its grip on power.

Although North Korea continues to be an extraordinarily oppressive regime, markets have driven significant social change. Before the development of North Korea's markets, life used to be centered on the workplace and the place of residence. An individual couldn't choose his or her workplace; instead, the government assigned each person a workplace. Because one's place of residence was assigned through the workplace, the government played a similar role in determining where an individual lived. The life of men and single women was centered on the workplace, the workplace Worker's Party organization, and the workplace chapter of the General Federation of Trade Unions of Korea (GFTUK).¹⁴ The life of married women was centered on the place of residence, the local *inminban* neighborhood watch unit, and the local Democratic Women's Union chapter. People only related to one another through the workplace and place of residence or through public mobilization campaigns, sports and cultural events organized by the workplace or place of residence. Although friendships were surely forged in the process, they were hardly sustainable. Once people were reassigned to a new workplace, and they were given a new place of residence.

Developed as a coping and survival mechanism, not as the result of top-down reform, the *jangmadang* (open market), *nongmin-shijang* (farmer's market) and *ahm-shijang* (black market) of North Korea have changed the way people interact. Although technically everyone has to be employed by a state entity, money is increasingly generated through market activity. People with money have begun to relate through shared interests, including shared hobbies, now made possible by money.

Women, married women in particular, are much more active than men at North Korea's markets. In North Korea, once they marry, women spend less time on public mobilization campaigns, and thus have more time to spend on ensuring their own survival, as well as the survival of their families, through involvement in market activities. Moreover, as Hazel Smith points out, "in the face of a government that remained fundamentally hostile to liberal capitalism, women's participation in markets was not understood as a direct challenge to the economic organization of the DPRK."¹⁵ One cannot help but think of the precedent of Protestant Christianity changing Chosun Korea through its appeal to women, enlightened and empowered through the access to education provided by Christian missionaries. In somehow similar ways, markets are changing North Korea through their appeal to women, enlightened

and empowered through access to economic opportunity. On the downside, as indicated by HRNK's recent research, since women are most active at the markets, they are the ones who are imprisoned for crossing the border without government approval, or for alleged wrongdoing at the markets. This has resulted in the disproportionate repression of women.¹⁶

North Korea has never been a society relying on trust among its people, but rather on surveillance, control, coercion, punishment, and seeding deep distrust into the hearts and minds of each and every person. However, as markets developed, goods have been imported from China, through wholesale markets in the border areas, wholesale markets in the provinces, and ultimately retail markets. But North Korea doesn't have an available banking system capable of sustaining private business transactions. Absent a formal financial system, phone calls are made, money is lent and borrowed, and merchandise sold and purchased based on reputation and trust. It is the markets that taught North Koreans that developing a solid reputation was more profitable in the long run than making a few thousand dollars through a one-time theft. Above all, the increasing importance of trust in business relationships is perhaps the biggest change the markets have induced in North Korea.

After the collapse of the Public Distribution System (PDS)¹⁷ the regime realized that the markets could not be wiped out. Nonetheless, the Kim regime has been cracking down on precisely such potential drivers of positive change. The ongoing crackdown has resulted in the worsening of the overall human rights situation. In late 2009, with preparations for the second hereditary transmission of power under way, a confiscatory currency reform aimed to wipe out the savings of those active on North Korea's black markets. According to South Korean National Intelligence Service chief Nam Jae-joon, in late 2013, the number of confirmed public executions increased twofold since the previous year, from 17 in 2012 to 40 in 2013. In late 2013, people accused of watching or distributing South Korean soap operas and movies were executed in seven major North Korean cities. According to the ROK Ministry of Unification, the number of former North Koreans arriving in South Korea declined by almost 50% during the first year of the Kim Jong-un regime, from 2,706 in 2011 to 1,509 in 2012. In 2015, due to the continued crackdown on attempted defections, only 1,276 (251 male and 1,025 female) North Koreans escaped to South Korea, down from the previous year and less than half the number in 2011.¹⁸

In the aftermath of dozens of reported executions of senior officials, including Jang Sung-taek, North Korea's elites must have noticed that the rules have changed. Members of the inner core of the KFR have to fear for their personal safety. Even loyalists may turn away if they fear they and their families are next in the ZPU-4 line, as proven by recent high-level defections to South Korea.

The North Korean state is built on human rights violations including *songbun*-based social discrimination, enforced disappearances, *yeon-jwa-jae*-based multi-generational unlawful imprisonment and arbitrary deprivation of life. It is a state that profits from the exportation of its own citizens as forced laborers and its women as prostitutes. It is the same human rights violations, including the lack of adequate private property rights, and the relentless operation of North Korea's surveillance state that hamper and stifle the nascent market forces. As forces challenging the regime's grip on power continue to strengthen, North Korea today may resemble Ceausescu's Romania in the early 1980s: dark, impoverished, isolated and oppressed. At the same time, the state is increasingly aware that alternatives to totalitarianism do exist. Could the Romanian precedent apply to Kim Jong-un's North Korea?

The Romanian Precedent

The December 1989 anti-communist revolution began with popular unrest in the southwestern city of Timisoara. Very much alike North Korean border cities such as Shinuiju, Timisoara was a major point of transit for goods smuggled into Romania from Yugoslavia. Purchased at open wholesale markets in Timisoara, electronics, clothing, footwear, foreign liquor, cigarettes, coffee and other goods (that the regime made available only at hard currency stores for foreigners and the communist elites) found their way to open markets and black markets throughout Romania. North Korea has its *jangmadang*. Romania had the *talcioc*, a strikingly similar concept. The anti-communist revolution began in the heart of the Romanian *jangmadang*, where people could also watch West German television broadcasts (with better reception on cloudy days). Many had relatives abroad, most concentrated in West Germany.

Inflamed by the vicious repression of the communist authorities, the December 1989 anti-communist revolution soon spread all over Romania, eventually reaching the capital city of Bucharest. The downfall of Ceausescu was swift. Undoubtedly, it was the popular revolution that set in motion the demise of communist dictatorship. But what ultimately

ensured the success of the popular uprising and avoided a bloodbath was a coup staged by the Romanian military.

After dozens of protesters were killed on December 16–22, many of them by army bullets, General Vasile Milea, the minister of defense, died of a gunshot wound to the chest.¹⁹ Ceausescu appointed General Victor Stanculescu as minister of defense, and ordered him to step up the armed repression of the protestors. However, the general refused to carry out Ceausescu's order, his direct superior and commander-in-chief of the military. Stanculescu ordered the troops back to their barracks instead.²⁰ Stanculescu's decision likely avoided unimaginable civilian casualty figures.

In his book *Finally, the Truth*, General Stanculescu claimed that, unknown to him at the time, a group of pro-Russian military officers and communist party officials had acted behind the scenes, assuming power after the execution of the Ceausescu couple.²¹ Immediately after the coup, General Stanculescu was replaced by General Nicolae Militaru, who was called out of retirement; Militaru was previously proven to have been a Soviet agent. Lieutenant General Ion Mihai Pacepa, the highest ever intelligence officer to defect from a Warsaw Pact country, had identified Militaru as a Soviet GRU agent in a book published in 1987.²² Stanculescu would then become minister of the economy and, eventually, again minister of defense. Until his death, Stanculescu claimed that the members of pro-Soviet factions that had contributed to Ceausescu's demise also created the legal problems that followed him.

Although open dissidence was nearly impossible in Ceausescu's Romania, scholars and investigative journalists have identified three anti-Ceausescu "factions" responsible for masterminding the coup: the "Old Stalinists," the "Soldiers," and the "Perestroika Group."²³ For various reasons, all three groups had Soviet connections: disappointment with Ceausescu's perceived betrayal of the Soviet Union; a Soviet education (in particular at the Frunze Military Academy);²⁴ or fascination with the new openness and reform proposed by Mikhail Gorbachev. Members of these three groups, including Ceausescu's direct successor, former President Ion Iliescu, and their offspring have continued to play prominent roles in post-communist Romania.

It was the Soviet intervention that extinguished the 1953 anti-communist East German uprising, the Hungarian Revolution of 1956, and the Prague Spring of 1968. Surely, what Gorbachev wanted was openness and reform to sustain and legitimize a more "humane" version

of socialism and Soviet domination, not the collapse of communism or the dissolution of the Warsaw Pact. Keen on preserving his regime, Ceausescu claimed that reforms had already been enacted in Romania, and refused to follow Gorbachev's lead. There was no love lost between Gorbachev and Ceausescu, and the absence of a Soviet intervention ultimately ensured the success of the revolution that brought down the Ceausescu regime.

Gorbachev's red line appeared to be Ceausescu's openly confronting him at a meeting of the Political Consultative Committee of the Warsaw Pact. Soviet leaders summoned Warsaw Pact heads of state to Moscow for discussions on December 4, 1989, immediately following the December 2-3 Malta Summit between Presidents George H. W. Bush and Mikhail Gorbachev. The minutes of the bilateral meeting between Nicolae Ceausescu and Mikhail Gorbachev, held on the sidelines of the Warsaw Pact gathering, highlight dramatic differences between the two leaders, despite the apparently cordial tone. Gorbachev speaks in favor of reform, and mentions the fall of communist leaders who had failed to follow that direction. Ceausescu speaks from the standpoint of an inflexible, uncompromising Orthodox communist.²⁵

By refusing to adopt *perestroika* and *glasnost* at the last hour, and by openly confronting Gorbachev, Ceausescu crossed a red line. Unlike Berlin 1953, Budapest 1956, or Prague 1968, the Soviets would not invade or attempt to protect the Ceausescu clan. A few hours after attempting to flee, Ceausescu and his wife were captured, tried at an ad-hoc tribunal, and executed by a military firing squad on Christmas Day 1989.

I thought they didn't believe they would die, not till the last minute. As we walked out of the building, I sensed they thought the trial had been just for show, and everything would be O.K. After being ordered to place them against the wall and shoot them, we headed in the direction of the two helicopters outside. When I put my hand on his shoulder and turned him around toward the wall, he realized he would die. That's when I saw his eyes tear up. Elena just cursed us. He started singing the Internationale, but was cut down by our bullets before he finished.²⁶

In the period between their attempted escape and the days following their execution, more than 1,000 people were killed and over 3,000 wounded during a week of fighting. Some were killed by rogue snipers, acting under a supposed guerilla warfare plan to “defend the country temporarily occupied by hostile forces.”²⁷ Many died accidentally, caught in the crossfire or killed by friendly fire, due to the incompetence of Romanian officers and NCOs. New recruits who had joined the military in September 1989 had barely seen a weapon before, having spent their entire time working in agriculture to replace farming hands depleted by forced industrialization. Some were killed in plots to eliminate witnesses or settle scores.

The Romanian military was involved in the brutal repression of the popular demonstrations prior to the fall of the regime, as well as accidentally shooting protestors during subsequent fighting. Nonetheless, the role of the Romanian military is generally perceived to have been benign. After all, the anti-communist revolution would have failed if the military had not fraternized with the protesters. Moreover, the military allowed civilian leadership to take control. The reasons for the decision not to establish military rule may have included: a genuine belief that the role of the military was not to rule the country, but to support civilian leadership; the international press corps’ close monitoring of developments in Romania; the very negative perceptions that may have been created by the replacement of one type of dictatorship with another; and, the possibility that new government leaders offered privileged positions to former senior military officers in the new government, as well as opportunities in the rapidly expanding private sector.

Although its ultimate success was ensured by a coup d’état, the Romanian Revolution and its aftermath were far more complex. A coup d’état rarely results in dramatic systemic change. Romania underwent a significant transformation. Post-1989, Romanians ultimately managed to put in place a liberal and democratic system, although affected by all-pervasive cronyism and endemic corruption.

What Conferred Legitimacy upon the Romanian Military?

Ultimately, the transformation begun in December 1989 resulted in a functioning democracy, a market economy, and Romania’s joining the NATO in March 2004 and the European Union in January 2007. None of this would have been possible without the coup and subsequent military support of the anti-communist revolution. What conferred legitimacy

upon the Romanian military, allowing it to win the hearts and minds of the anti-communist revolutionaries and become a stabilizing force through turbulent times?

In communist Romania, time-honored institutions including the monarchy and the multi-party system had been eliminated. Severely repressed, the Romanian Orthodox Church was hardly relevant. Within the one-party system, the two most prominent establishments were the communist party and the military. The omnipresent Securitate (Departamentul Securitatii Statului), the secret police, was powerful, but not as visible. Although by the mid-1980s about 20% of Romanian adults belonged to the communist party, membership was limited, and fairly strict conditions had to be met. In contrast, all able-bodied men above age 18 were drafted into the military. The Romanian army had around 140,000 personnel in 1989, but close to 100,000 of them were conscripts. Additionally, Romanian conscripts served the shortest period of conscription of all Warsaw Pact countries: most served between nine and 16 months of service, with Marines, alpine troops, and border guards serving up to 24 months.²⁸

The paramilitary “patriotic guard” was supposed to include all men under 62 and all women under 57, theoretically incorporating millions of Romanian citizens. All of them had full-time jobs, and regarded paramilitary training as a great weekend nuisance. Under the umbrella of the Interior Ministry, the internal security force, or Securitate had over 20,000 troops, most of them also conscripts. The police, or “militia” had about 30,000 personnel. The only “professional” combat units within the Interior Ministry included approximately 500 presidential guards and about 800 members of anti-terrorist squads. In 1989, the Interior Ministry troops had no experience and little training in the use of nonlethal force in riot control. The system had relied on a network of informants, ensuring that dissent was identified and quashed with extreme prejudice before it could gain momentum. The sole exceptions had been a coal miners’ strike in 1977, and a smaller scale rebellion in the city of Brasov in 1987, when a 20,000 strong demonstration had been dispersed with no casualties and 300 arrests.

The indiscriminate use of lethal force by Interior Ministry and Ministry of Defense troops against the initial Timisoara protests in 1989 inflamed spirits throughout Romania. News spread via foreign radio stations, fueling the uprising. Although by comparison to other Eastern Bloc countries military duty was short, the nine to sixteen months of

military service were, nonetheless, a rather traumatizing experience, shared by most Romanian men, young and old, college graduates and high school dropouts, from both urban and rural areas.

By the time of the revolution, the pre-communist elite mentality of the officer and non-commissioned officer corps had been substantially diminished; both groups had begun their military careers as conscripts. Most members of the Romanian military did not view themselves as a group separated from the rest of society. Rather, conscription and serving in the military were seen as an integral part of the collective ordeal of living under the communist regime. Decades of forced industrialization had depleted agricultural labor. To make up for the lack of farm hands, military conscripts were often used as forced labor. In addition to agriculture, conscripts supported the construction of Ceausescu's pharaonic projects, including the People's House in downtown Bucharest and the Danube-Black Sea Canal. Conscripts worked alongside paid construction workers, as well as convicts.²⁹ This helped further enhance awareness that the military was a "popular army," experiencing the same hardship as the rest of Romanians, and not a privileged group that could help crush dissent and maintain the dictator's grip on power.

While many viewed the communist party as Ceausescu's cheerleading squad, the military was perceived as less ideological, possibly with the exception of very senior officers, and thus not responsible for the appalling political oppression, human rights violations, Ceausescu's absurd personality cult, and the dramatic shortages of food and other daily necessities. For a long time before the collapse of the Ceausescu regime, many regarded the military as the only benign institution in the communist state, willing and able to fight and defeat the much feared and loathed secret police, the Securitate, which, also had to depend heavily on conscripts.

In order to solidify his grip on power and further legitimize his rule, Ceausescu employed a type of national-communism bordering chauvinism. This was very similar to the North Korean view on national history. National history and the tales and images of historic kings and generals were used to justify and legitimize the dictator's personality cult. Leaders were presented as the direct descendants of the heroes of a glorious past, identified with the struggle for independence against the great empires surrounding the Romanians. Consequently, the communist propaganda presented the military as the one national institution that had always been on the just side of history. The Romanian military's

participation in the Holocaust in Moldova alongside German troops was conveniently ignored, and never included in communist history books. Within the national-communist view of history, the military was portrayed as the protector of national integrity throughout history. This further reinforced the military's image as the institution that people expected to fill the vacuum left after the collapse of the Ceausescu regime.

The unprecedented concentration of power in the hands of one man, his wife, family, and top-tier party collaborators—backed by the secret police—meant that these individuals could be blamed for the failures of communism. Consequently, the second- and third-tier party leaders got away relatively easily; in many cases they managed to become the great winners of the post-communist transition. Although Romanians had been oppressed for decades and had suffered from severe deprivation, the only guarantee they had under Ceausescu was relative peace and order, often brutally enforced by the communist authorities. This meant that, in the sudden power vacuum left by the disappearance of Ceausescu, people felt lost and disoriented, and desperate to see order restored.

As thousands of workers were marching on Ceausescu's palace, some of them were chanting "monarchy," and others "military dictatorship." The popular revolt evolved quickly: the demonstrators asked for food; an hour later for freedom of foreign travel; and, then for a multi-party system and free elections. The feeling of great disorientation was further exacerbated by the semblance of a civil war, being fought for a few days on the streets of many Romanian cities. With the country on the verge of collapse, the institution that was deemed capable of filling the power vacuum and restoring peace and order was the military.

In the early days of the transition, people were rather short sighted, focusing less on democratic change and more on improvement of their living standards. This enabled the National Salvation Front (Front) to assume control, despite the fact that it included many communist apparatchiks. Addressing the infiltration of second- and third-tier communist party members among the revolutionaries, Mircea Dinescu, a dissident poet and one of the two prominent personalities who first broadcast news from the recently liberated TVR Romanian television station—the other one was actor Ion Caramitru—told the author:

Caramitru and I had been exulting and telling viewers that the dictator and his wife had fled, and Romania was

free. Then, one by one, slowly but surely, party apparatchiks began showing up, wearing tricolor armbands, just like us and the other revolutionaries. To this day, I am sure that, had we not accepted them in our midst, they would have just killed us. Plain and simple.³⁰

Led by Ion Iliescu, a Soviet-trained “perestroika” communist previously purged by Ceasescu, the Front pledged to restore control and prepare the country for free elections. It soon broke that promise, turned itself into a political party in February 1990, and assumed control of the infrastructure and leadership networks of the communist party. After winning a landslide victory in Romania’s first free elections in May 1990, the Front ensured that transitional justice only targeted top tier communist party officials. The inadequacy of transitional justice resulted in deeply embedded cronyism and corruption, still plaguing Romania 28 years after the fall of communism.

Romania and North Korea: “Reversed Confucianism” Aside, Striking Similarities

Historically and culturally, Romania and North Korea are surely different. In certain ways, North Korea still resembles a Confucian country, although its Confucianism has been reversed. The old elites were exterminated and replaced with new elites, whose place in society depends on *songbun* and their loyalty to the regime. However, similarities between North Korea and communist Romania are also significant. To see that, one would have to look at the modern and contemporary history of Romania and North Korea, but also examine much older chapters in the history and culture of the two countries.

One of the reasons why the Kim regime has been so resilient is that it drew its inspiration from three totalitarian political systems: North Koreans went straight from feudal Chosun Korea, to the brutal occupation by imperial Japan, followed by Stalinist communism. After the death of Joseph Stalin on March 5, 1953, Kim Il-sung quickly realized that communist allies in Eastern Europe were beginning to flirt with concepts to include the peaceful coexistence with the liberal democracies of the West. This was unacceptable to Kim. The “siege mentality” he created, perpetuated by his son and grandson is, after all, one of the main arguments providing domestic “legitimacy” to the Kim regime. Kim Il-sung adamantly rejected such “foreign influences.”

Instead, he chose to repel them with *juche*, the leader-centric doctrine of “self-reliance” that is the ideological centerpiece of North Korea’s dynastic totalitarian national communism:

Pak Yong-bin, on returning from the Soviet Union, said that as the Soviet Union was following the line of easing international tension, we should also drop our slogan against US imperialism. Such an assertion has nothing to do with revolutionary initiative. It would dull our people’s revolutionary vigilance.³¹

Nicolae Ceausescu, Romania’s dictator, seized the opportunity to create his own national communist personality cult three years after he assumed power during the 1968 Prague Spring. He notoriously opposed the Soviet invasion of Czechoslovakia, ordered the Romanian military to stand down, and gave an epic speech from the balcony of communist party headquarters, condemning Soviet interference in the internal affairs of brotherly communist nations. This earned him huge support in the West, translating into credit, investment, technology transfers, and political capital. In 1969, Richard Nixon visited Romania, becoming the first U.S. president to visit a communist country. What the West failed to realize was that, under the guise of an “independent minded” socialist leader, Ceausescu was forging a ruthless, repressive, merciless dictatorship. In July 1971, he issued the “April Theses,” including 17 policy proposals for ideological transformation and a return to socialist realism, heavily inspired by *juche* and Ceausescu’s recent visits to the PRC, North Korea, North Vietnam, and Mongolia.

Like his North Korean friend and mentor Kim Il-sung, Ceausescu quickly understood the need to find an external “threat” to national sovereignty to justify his one-man dictatorship and draconian grip on power. Just like North Korea’s *juche*, Ceausescu’s “self-reliance” meant that he was accountable neither to his own people, nor to any international norms, principles or fora governing human rights standards. Ceausescu’s regime created the perception of tensions between Romania and Hungary, in particular over the historic Romanian province of Transylvania. In 1988, one year before the demise of the Ceausescu regime, Romanian escapee, dissident and Radio Free Europe broadcaster Vlad Georgescu noted that Ceausescu’s “false nationalism” was nothing but “pure deception.” His remarks then could very well apply to Kim

Jong-un's North Korea today:

By entertaining an atmosphere of fortress under siege, by repeating ad nauseam that the motherland is in danger, the personality cult regime aims to divert attention away from the true and serious problems of the country, toward a false issue. Romania's number one problem is not revisionism, [...] not the frontiers. Romania's biggest problem is the Romanians who lead her. The Romanians who are ruling badly, those who are ruining her.³²

Nevertheless, throughout the four decades of communist dictatorship, despite the massacre of the old elites in forced labor camps in the late 1940s and 1950s, despite relentless indoctrination, and despite Ceausescu's all-pervasive cult of personality, Romanians had memories of different political systems, including the constitutional monarchy uprooted by the Soviets in 1947.

In North Korea, the collective memory of a non-totalitarian system is absent. This makes it extremely difficult for the ordinary person to challenge the *status quo*. Moreover, several factors have contributed to the Kim regime's longevity for almost seven decades, spanning three generations: the astonishingly low degree of social cohesion, caused by the relentless surveillance conducted by North Korea's three internal security agencies; the brainwashing of all North Koreans since a pre-cognizant age; and the obstinate control of information exercised by the North Korean regime. All of these elements were present in Ceausescu's Romania, much more so than elsewhere in Eastern Europe, but not to the extent still seen in North Korea today.

One should not assume that the historical background was more conducive to anti-communist revolution and democratic change in Romania. In conversations with North Korean escapees, one often hears, "Ceausescu was bound to fall, as Romania is a European country." While this is true, Romania is a European country that has usually lagged behind other European countries by about half a millennium. In this regard, one can see that isolation and developmental delay are distinctive features characterizing both Romania and North Korea.

The conquest and subsequent occupation of Dacia by the Roman Empire, finalized in 106 A.D., was the genesis of the Romanian people

and their Romance language. Nonetheless, the Romans continued to regard any territory north of the Danube River as “uncivilized.” The Romans’ perceptions of their own province of Dacia as part of the “barbarian world” continued until the Roman administration and military was withdrawn in 271 A.D. This “marginalization,” traced back to Roman times, resulted in less exposure to European political, economic, and cultural centers.³³

The Romanian states of Wallachia and Moldova were created toward the middle of the 14th century. By this time, not only Western Europeans, but also Eastern neighbors including the Bulgarians, Czechs, Hungarians and Serbs had had viable political systems for centuries. Charles I, the first King of Bohemia to become Holy Roman Emperor, had established Prague’s first university in 1348, more than 500 years before the first Romanian university was created. Romania entered the Middle Ages at the time it was almost over in the rest of Europe. For most of their history, the Romanian principalities of Wallachia and Moldova were by far the most unstable states in Europe. Rival factions would assassinate and dethrone kings, whose reigns just seldom exceeded a few years. Urban centers developed slowly, and continued to lag behind cities in the rest of Europe.³⁴ The great European cathedrals had generally been completed more than 500 years ago. In contrast, the Romanian Orthodox Church is still building its first grand, national cathedral (the “Cathedral of National Salvation”) in 2017.

The “westernization” of Romania is a relatively recent phenomenon. Between the 1830s and the 1860s, Levantine garments, Cyrillic script, and Greek and Russian influences were replaced by Western clothes, the Latin alphabet, and great admiration for their French Latin cousins; the French became mentors to the quickly modernizing Romanians. Romania’s first modern Constitution of 1866 closely imitated the 1831 Belgian Constitution. Just as Koreans use the phrase a “shrimp among whales” to describe being surrounded by great powers, Romanian discourse centers on being a “Latin island in a Slavic sea,” and emphasizes its historically difficult position amidst the Russian, Ottoman, and Habsburg empires.

The present nation of Romania was fully defined by the mid-19th century. The principalities of Wallachia and Moldova were unified in 1859. After World War I, the historic province of Transylvania was unified with Romania. Lost through the Molotov-Ribbentrop Pact of 1939, the Soviet Union annexed part of Moldova, creating today’s

independent Republic of Moldova. The appetite for unification has dramatically declined with the passage of time. One could rightfully argue that failure to reunify immediately after the end of the Cold War is a similarity shared by Koreans and Romanians.³⁵

For most of their history, Romanians lived in a patriarchal society, generally devoid of the mechanisms capable of ensuring internal checks and balances. The obedient masses regarded the leader as the supreme administrator of justice and state affairs. Against this background, the descent into totalitarianism and political violence constituted an ever clear and present danger. Communist dictatorship, brought to Romania through Soviet tanks, was preceded by the fascist dictatorships of the Iron Guard and Marshal Ion Antonescu. Two sitting prime ministers (I.G. Duca in 1933 and Armand Calinescu in 1939) and a former prime minister and renowned historian (Nicolae Iorga in 1940) were assassinated by the Iron Guard. Corneliu Zelea Codreanu, leader of the Iron Guard, was assassinated by order of King Charles II in 1938, and Marshal Antonescu was tried and executed by firing squad in 1946, together with brother Mihai, a former Foreign Minister.

Is a Romanian Style Collapse Possible in North Korea?

Despite draconian surveillance, dissent is not entirely absent in North Korea, to include attempted military coups. In 1995, officers of the VI Corps, stationed in Chongjin launched a coup, attempting to join forces with the VII Corps in Hamhung. The conspirators were arrested, and dozens were executed. However, experts dismiss the possibility of a successful popular revolt or a military coup in North Korea, due to the tight control exercised by Kim Jong-un through the Organization and Guidance Department (OGD) and the coercion, control, surveillance and punishment exercised by the SSD, the MPS and the MSC. Romania's military chain of command was purely military, despite the presence of counter-intelligence (CI) officers in each unit, the equivalent of North Korea's MSC. In contrast, North Korea's military follows three chains of command: military, security agency (MSC, SSD) and political (OGD). This makes a North Korean military rebellion more difficult than the 1989 Romanian revolution.

Does this preclude a Romanian-style scenario from happening in North Korea? In North Korea, in similar fashion, but to a far greater extent than in Romania, previously existing institutions and traditions were completely wiped out. Kim Il-sung decided to abolish the

traditional Korean holidays of *Chuseok* (Thanksgiving) and *Seollal* (Lunar New Year). Although both traditions were reestablished under Kim Jong-il, the actions can be seen as a means for the “eternal president” to assume the absolute power that was subsequently inherited by his son, Kim Jong-il and grandson Kim Jong-un. Membership in the Workers’ Party is even more restrictive than it used to be in Romania: the overwhelming majority of the North Korean people do not have access to the advantages bestowed upon the upper echelons of the Korean Workers’ Party.

The population of North Korea is 25 million, similar to Romania’s 23 million in 1989. However, the North Korean Armed Forces are ten times larger than their Romanian counterparts. The 1.2 million-strong Korean People’s Army is the one institution that offers open access through the compulsory military service. Men and women between ages 17 and 49 must serve for 10 and seven years, respectively. While this provides a basis for the regimentation of North Korean society and the use of men and women in uniform as forced laborers, it also means that KPA members see themselves as a popular army. While North Korea’s 100,000 strong special forces continue to be well fed, trained, and equipped, many of the other North Korean troops have been affected by food shortages and the humanitarian crisis for the past two decades.

Have Kim Jong-un’s purges enhanced the loyalty of senior officers, or have they made it more likely that a Romanian-style scenario may unfold in North Korea? Similar to Ceausescu’s Romania, the Kim regime has mastered surveillance and repression. Regardless, are North Korean internal security and military forces trained and equipped in the use of nonlethal force to suppress large-scale demonstrations, should they happen? If, despite surveillance, punishment, and indoctrination, large-scale demonstrations do happen, will the North Korean military be ready to use overwhelming lethal force against the civilian population? The Romanian military could engage in the use of lethal force against unarmed civilians only for a few days. Will the KPA, a similar popular military sharing in the misery of the military experience, be ready to use lethal force against mothers, fathers, brothers and sisters for an extended period of time? Or will it find a way to outplay and bypass the political chain of command and follow in the footsteps of the Romanian Armed Forces?

The Kim Regime: Struggling for Survival

To ensure its own survival, the Kim Jong-un regime will continue to play cat-and-mouse, trying to repress the elements that erode its grip on power, including new technologies and information from the outside world. Above all, the Kim regime will do its best to avoid a Romanian-style obliteration of the top leadership.

By 1989, Ceausescu's policies had become so destructive and unpopular that the Romanian people, the military, perestroika proponents, Stalinists, and even the secret police contributed to his demise. Soviet acquiescence was also critical in ensuring the success of the revolution and coup. In Romania, the "red line" that turned the masses against the dictator was the indiscriminate use of lethal force against unarmed civilians. Is there such a "red line" in North Korea? Would an attempt to crack down on the markets constitute such a "red line?" For Gorbachev, the "red line" was Ceausescu's refusal to adopt *perestroika* and *glasnost*, to open up and reform. While China is seriously annoyed by North Korea's development of nuclear weapons and ballistic missiles and its military provocations, it hasn't reached the point where it is ready to change its fundamental strategic stance on North Korea. China continues to regard the Kim regime, which it helped establish and perpetuate for almost seven decades, as a vassal, a buffer state, and a bargaining chip. While it doesn't enthusiastically endorse the Kim Jong-un regime, China continues to regard it as the only available political arrangement that ensures stability on its borders, prevents high refugee outflows into China, and maintains North Korea within China's sphere of influence. Is there a Chinese "red line" that, if crossed, would have China standing by while a Romanian-style scenario unfolds in North Korea? Or would China intervene anyway, unless it had a viable alternative to Kim Jong-un, keeping North Korea stable and within China's sphere of influence/

According to North Korean escapees, including Hwang Jang-yeop, the highest-ranking defector, Kim Il-sung and Kim Jong-il were seriously frightened by Ceausescu's downfall. What Kim Jong-il learned from the Romanian experience is that the secret police are instrumental in identifying and crushing dissent, but the loyalty of the military is the ultimate guarantee of regime survival when large-scale demonstrations erupt. Arguably, the Romanian precedent persuaded Kim Jong-il to implement his military-first *songun* policy. Kim Jong-il decided to shift authority away from the Korean Workers' Party, toward the KPA. In

doing so, Kim entrusted his regime's legitimacy, safety and sovereignty to the military, rather than the party, as had been the case during his father's rule. This shift was completed at the 10th Supreme People's Assembly in 1998. At that time, the National Defense Commission was invested with supreme decision making authority over the KWP.

In contrast, Kim Jong-un has been attempting to shift the balance by focusing more on the party, more or less along the lines of his grandfather's policies. Diverting resources and influence away from the military may arguably increase the likelihood of a Romanian-style scenario in North Korea, despite the relentless surveillance of senior officers by the MSC and SSD, supported by the OGD's close supervision. What hasn't changed is the length and timing of North Korea's military service. Those who rose up to bring down communist dictatorships in Budapest in 1956, Prague in 1968 and Bucharest in 1989 were young people in their late teens and early to mid-twenties. In North Korea, almost every young man is in a military uniform from age 17 to 27, subjected to even more relentless indoctrination than he endured in school. By the time they are discharged, the "age of revolution" has already passed. In addition to surveillance, punishment, and indoctrination, this is what has made a "spring of Pyongyang" extraordinarily difficult.

One of the unfortunate side effects of the fall of the Soviet empire was the emergence of connected criminal groups and corrupt politicians, comprising a Global Shadow Economy.³⁶ Many of those behind this shadow economy were former senior communist party, overseas intelligence, and secret police officials. They had the capital, know-how, overseas experience, and networks that enabled them to succeed. Although they were supposedly guardians of the totalitarian system, they realized they could become the great winners of post-communist transition. Recognizing their potential windfall, they subsequently began conspiring on bringing down the system and the top leaders. This is what also happened in Romania, against the background of a popular revolt.

Could North Korea's elites realize that, like their Eastern European peers more than a quarter century ago, they could be the great winners of the post-communist transition? Most likely not. North Korea's elites understand that, unlike Eastern European communist elites, they are not indispensable, but disposable. The reason is the very existence of the Republic of Korea, which presents the clear alternative of unification under a free, prosperous and democratic Korea. North Korea's elites are

still convinced that their survival depends on the survival of the Kim regime. Perhaps aware of the role played by communist elites in the downfall of communist regimes in Eastern Europe, Kim Jong-il commanded loyalty through bribery and *giftpolitik*, continued by his son Kim Jong-un. Almost twenty years ago, Marcus Noland predicted:

In the end, North Korea will most likely follow Romania in a form of apparatchik capitalism in which growth will follow the initial decline in output that results from the relaxation of central control.³⁷

Moreover, as Stephan Haggard pointed out, Kim Jong-un has tried to keep the elites loyal by creating more consumption space for them. These activities included the construction and operation of projects including water parks, theme parks, department stores, and ski resorts.

If the elites of North Korea are to ever consider contributing to regime change, the full toolkit of transitional justice should be applied. Those involved in the chain of command that has perpetrated crimes against humanity must surely be prosecuted, unless they safeguarded political prisoners in the camps and other victims of the regime during its agony. However, truth, reconciliation and amnesty will also be important, if the elites of North Korea are to be incentivized to enact positive change. That said, Romania's difficult transition also indicates that lustration is extraordinarily important. Whether Korea would be reunified after dramatic change in North Korea, or whether the two Koreas would coexist for a period, empowered former apparatchiks could become a poison pill that would contaminate a post-Kim regime in North Korea for decades as the Romanian precedent indicates. Most importantly, the people of North Korea, and not outside actors, are the ones who must reach consensus on the transitional justice mechanisms employed, including amnesty for former senior officials.

As far as the people of North Korea are concerned, the Kim Jong-un regime continues to prevent dissent and rebellion through its policy of human rights denial. Coercion, control, surveillance, punishment, indoctrination and information control continue to be the tools of regime preservation. Ultimately, the only actors who can bring change to North Korea are its very people. However the outside world can facilitate change by stepping up information campaigns delivered through vehicles including radio broadcasting, mobile media storage devices, and even

drones. These means should convey three basic stories to the people of North Korea: the story of their own abysmal human rights situation, which they do not know or understand; the story of the corruption of their leadership, especially the core of the Kim family; and the story of the outside world, in particular the story of democratic economic powerhouse South Korea, and that of the downfall of communist despots, such as Romania's Ceausescu.

Notes:

¹ Ambassador Urian studied at Kim Il-sung University from 1954 to 1962. He was Ceausescu's personal interpreter in meetings with Kim Il-sung. He was later appointed Romania's first ambassador to the Republic of Korea, serving from 1990 to 1994. Izidor Urian in discussion with the author, May 22, 2014.

² Joseph S. Bermudez, Jr., Andy Dinville, and Mike Eley, *North Korea Ch'oma-bong Restricted Area*, (Washington: The Committee for Human Rights in North Korea and Longmont, Colorado: AllSource Analysis, 2016), p. 2. Available online: http://www.hrnk.org/uploads/pdfs/ASA_HRNK_Chmbg_201603_FINAL.pdf

³ Senate Armed Services Committee, *Advance Questions for General Vincent K. Brooks, USA, Nominee to be Commander, United Nations Command, Commander, Republic of Korea-United States Combined Forces Command, and Commander, United States Forces Korea*, 114th Congress, April 19, 2016, (Statement of General Vincent K. Brooks, USA), http://www.armed-services.senate.gov/imo/media/doc/Brooks_02-19-16.pdf.

⁴ Robert Collins coined the term "North Korean policy of human rights denial," constituting the centerpiece of his report *Pyongyang Republic: North Korea's Capital of Human Rights Denial*, (Washington: The Committee for Human Rights in North Korea, 2016), Available online:

http://www.hrnk.org/uploads/pdfs/Collins_PyongyangRepublic_FINAL_WEB.pdf

⁵ See, generally, Ken E. Gause, *Coercion, Control, Surveillance, and Punishment: An Examination of the North Korean Police State*, (Washington: Committee for Human Rights in North Korea, 2012), Available online:

https://www.hrnk.org/uploads/pdfs/HRNK_Ken-Gause_Web.pdf.

⁶ See, generally, *Kim Jong-un Jipkwon Five Nyun Shilchong Baek-seo* [The Reality of the First Five Years of the Kim Jong-un Regime: A White Paper] (Seoul: Institute for National Security Strategy, 2016). http://www.inss.re.kr/contents/publications_yc.htm. Last accessed March 15, 2017.

⁷ "North Korea Executes Entire Family of Kim Jong-un's Uncle, Jang Sung-taek," *The Huffington Post UK*, January 26, 2014. Available online: http://www.huffingtonpost.co.uk/2014/01/26/kim-jong-un-uncle-jang-sung-taek-executed_n_4669249.html.

⁸ Ken E. Gause, North Korean House of Cards. Leadership Dynamics under Kim Jong-un. HRNK. 2015. http://www.hrnk.org/uploads/pdfs/Gause_NKHOC_FINAL_WEB.pdf.

⁹ Based on information provided by the ROK government, numerous media organizations reported that General Ri Yong-gil was in early 2016. However, he resurfaced during the recent 7th Congress of the KWP, albeit missing a star on his epaulette—a fairly

widespread practice involving those who are purged, but not imprisoned or physically eliminated.

¹⁰ Greg Scarlatoiu and Joseph Bermudez. “Unusual Activity at the Kanggong Military Training Area in North Korea: Evidence of Execution by Anti-aircraft Machine Gun?” *HRNK Insider*, April 2015. Available online:

<http://www.hrnkinsider.org/2015/04/unusual-activity-at-kanggong-military.html>.

¹¹ “The risk of waning support for universal human rights norms is increasing as authoritarian regimes push back against human rights in practice and in principle.” Senate Armed Services Committee, *Statement for the Record, Worldwide Threat Assessment of the US Intelligence Community*, 114th Congress, February 9, 2016, (Statement of James R. Clapper, Director of National Intelligence), Available online: http://www.armed-services.senate.gov/imo/media/doc/Clapper_02-09-16.pdf.

¹² The other conceivable reasons to allow a cell phone network in the world’s most reclusive country could include: a. Tapping into cell phones and using them an effective tool of surveillance targeting those who matter most. b. Cell phones make the capital city of Pyongyang look good: Although the respective cell phones can’t be used to make international calls or to call foreign residents of North Korea (who use a different network), by seeing people on cell phones and women on high heels foreign travelers to Pyongyang may be left with the impression that it is a more or less normal city.

¹³ According to the author’s discussions with senior North Korean defectors in Seoul, elites purchase the right to live in a “posh” Pyongyang apartment for sums up to \$100,000.

¹⁴ GFTUK is the only legal trade union organization in North Korea—in actual terms, just a paper umbrella union, fully under government control.

¹⁵ Hazel Smith, *North Korea: Markets and Military Rule*, (Cambridge: Cambridge University Press, 2015), p. 212.

¹⁶ See, generally, David Hawk, *The Hidden Gulag IV: Gender Repression and Prisoner Disappearances*, (Washington: The Committee for Human Rights in North Korea, 2015), Available online: https://www.hrnk.org/uploads/pdfs/Hawk_HiddenGulag4_FINAL.pdf.

¹⁷ The PDS continues to work only for Pyongyang residents and members of the elites.

¹⁸ Republic of Korea Ministry of Unification, Resettlement Support Division, *Buk Han Ital Chumin Hyunhwang [Status of North Korean Defectors]*, last accessed April 20, 2016, <http://www.unikorea.go.kr/content.do?cmsid=1440>.

¹⁹ Although General Milea’s death was ruled a suicide, it is not absolutely clear to this day whether that was the case, in particular in light of some of the little forensic information collected at the scene.

²⁰ General Stanculescu passed away on June 20, 2016, aged 88.

²¹ Alex Mihai Stoenescu, *In Sfarsit, Adevarul... Generalul Victor Atanasie Stanculescu in dialog cu Alex Mihai Stoenescu [Finally, the Truth: A Conversation with General Victor Atanasie Stanculescu]*, (Bucharest: Rao Publishing House, 2011).

²² Ion Mihai Pacepa, *Red Horizons: The True Story of Nicolae and Elena Ceausescu’s Crimes, Lifestyle, and Corruption*, (Washington: Regnery Gateway, 1987), pp. 193-195.

²³ Grigore Cartianu, *Sfarsitul Ceausestilor [The End of the Ceausescus]*, (Bucharest: Adevarul Holding Publishing House, 2010), p. 41.

²⁴ Interestingly, hundreds of North Korean graduates of Moscow’s Frunze Military Academy were purged following a 1992 failed coup attempt in North Korea, which involved the participation of some alumni of the same institution. See Ralph Hassig and

Kongdan Oh, *The Hidden People of North Korea: Everyday Life in the Hermit Kingdom*, Second Edition, (Lanham, Maryland: Rowman & Littlefield Publishers, Inc., 2015), p. 124.

²⁵ Serban Sandulescu, “Minutes of the Meeting between Nicolae Ceausescu and Mikhail Gorbachev, December 1989,” trans. Mircea Munteanu, December ’89. *The Coup D’Etat Confiscated the Romanian Revolution*, (Bucharest: Omega Press Investment, 1996), pp. 283-298. Available online: <https://chnm.gme.edu/1989/items/show/692>.

²⁶ Dorin Carlan (former paratrooper and one of the three members of the firing squad that shot the Ceausescus) in discussion with the author, May 23, 2014.

²⁷ “The Terrorists of December ’89: Resistance Fighters” [Teroristii din Decembrie ’89: Luptatorii-din-Rezistenta], *Jurnalul National*, December 9, 2009. Last accessed January 26, 2017, <http://jurnalul.ro/campaniile-jurnalul/decembrie-89/teroristii-din-decembrie-89-luptatorii-din-rezistenta-531005.html>.

²⁸ Border guards were under the umbrella of the Interior Ministry, and not the Ministry of Defense.

²⁹ The Danube-Black Sea canal project was first suggested by Stalin to Ceausescu’s predecessor, Gheorghe Gheorghiu-Dej. Thousands of members of the pre-communist elites, politicians, lawyers and senior military officers died in the canal labor camp. Many of the unmarked individual and mass graves have yet to be located.

³⁰ Mircea Dinescu (poet) in discussion with the author, May 19, 2014.

³¹ Kim Il-sung “On Eliminating Dogmatism and Formalism and Establishing Juche in Ideological Work,” Speech to Party Propaganda and Agitation Workers, December 28, 1955, in *Kim Il Sung Works*. Volume 9 (July 1954-December 1955), (Pyongyang: Foreign Languages Publishing House, 1982), p. 401.

³² Vlad Georgescu, “A False Nationalism,” *Romania Anilor ’80 [Romania in the 80s]*, page 33-34. Essay collection edited by Gelu Ionescu. Ion Dumitru-Verlag Publishing House. Munich-Bucharest, 1995.

³³ Lucian Boia, *De Ce Este Romania Altfel? [Why Is Romania Different?]* (Bucharest: Humanitas Publishing House, 2012), p. 7.

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³⁵ *Ibid.*, pp. 19-25.

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China's Uneven Response to THAAD and its Coercive Strategy Aimed at the ROK: Implications for the U.S.-ROK Alliance

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Abstract

The United States-Republic of Korea Alliance has arrived at a critical juncture. In July 2016, the countries jointly decided to deploy the U.S. Terminal High Altitude Area Defense (THAAD) ballistic missile defense system to the Korean Peninsula to defend against North Korea's accelerating nuclear and ballistic missile programs. China has long opposed an American-led, regional missile defense system, persistently warning South Korea against deploying THAAD. Since the deciding to deploy THAAD, the political landscapes in the U.S. and the ROK have changed dramatically. The new Donald J. Trump administration has signaled a change from the previous administration's "strategic patience" policy, but details of the new approach have yet to emerge. North Korea, meanwhile, continues to aggressively test ballistic missiles and promote its nuclear weapons program. In South Korea, the impeachment and subsequent removal of Park Geun-hye triggered the need for a snap election, and a left-leaning candidate, Moon Jae-in, is leading in the polls. The election could mark a return of previous liberal administration policies that favored cooperation with North Korea. Additionally, Moon has signaled his opposition to THAAD. Nonetheless, the U.S. began deploying THAAD to South Korea in March 2017. China retaliated, implementing a series of economic, political, and military measures to pressure South Korea. This paper provides background on THAAD, analyzes the decision by Washington and Seoul to deploy the system to Korea, and examines Beijing's concerns and coercive counterstrategy.

Keywords: Ballistic Missile Defense System, Terminal High Altitude Area Defense, THAAD, AN/TPY-2, X-band phased array radar, U.S.-ROK Alliance, USFK, ballistic missile, theater missile defense, Curtis Scaparrotti, James Thurman, Seongju, Lotte, Geng Shuang, Wang Yi, Song Zhongping

Introduction

Three months after the events of September 11, President George W. Bush issued National Security Presidential Directive 23. The December 2002 directive presented new ballistic missile defense policy to correspond to the emerging threats of that time. It also warned of the North Korean threat:

Some states, such as North Korea, are aggressively pursuing the development of weapons of mass destruction and long-range missiles as a means of coercing the United States and our allies. To deter such threats, we must devalue missiles as tools of extortion and aggression...although missile defenses are not a replacement for an offensive response capability, they are an added and critical dimension of contemporary deterrence. Missile defenses will also help to assure allies and friends, and to dissuade countries from pursuing ballistic missiles in the first instance by undermining their military utility.¹

The Terminal High Altitude Area Defense (THAAD) ballistic missile defense program (originally, “Theater” High Altitude Area Defense) grew out of the 1980’s Strategic Defense Initiative. After years of development, failed tests, Congressional budget battles and program realignment, THAAD emerged as a viable missile defense system by the mid-2000s with THAAD battery activation beginning at Fort Bliss, Texas, in 2008. In 2011, U.S. Forces Korea (USFK) Commander, General James Thurman, told Congress that THAAD would be the best system “to provide layered defense and also improve early warning for the Korean Peninsula as well as enhance Ballistic Missile Defense (BMD) early warning in the region.”² By 2013, a Fort Bliss THAAD battery was deployed to Guam in response to growing North Korean nuclear and ballistic missile threats. The following year, USFK Commander General Curtis Scaparrotti publicly recommended THAAD to the ROK government to defend against the North Korean threat. After long and careful consideration, the ROK government agreed in 2016 to provide land to facilitate the installation of a THAAD battery at a location within South Korea. By March 2017, the first shipment of the THAAD system arrived in the ROK.

The THAAD deployment comes at a critical juncture for the U.S.-ROK Alliance. China continues to exert pressure during a time of unique political change in both the U.S. and ROK. The Trump administration's North Korea policy has yet to take shape, as North Korea continues to aggressively test its ballistic missiles and promote its nuclear weapons program. A snap presidential election will be held in the ROK in May to fill the void left when Park Geun-hye was removed, and left-leaning candidate, Moon Jae-in, is the front-runner. A Moon victory could revive previous liberal policies that impact how the next administration works to repair relations with China while balancing the defense needs of the U.S.-ROK Alliance.

THAAD Deploys to the ROK

On the evening of March 6, 2017, cameras followed a U.S. Air Force C-17 as it slowly descended and landed at Osan Air Base. After the cargo aircraft taxied and parked, the massive rear cargo door opened upward and two large mobile launchers rolled down the aircraft's offloading ramp. The THAAD deployment to the ROK had begun.³ Predictably, China reacted scathingly and consistently with the increased warnings the country had been leveling at the Park administration since the ROK-U.S. joint agreement was made in July 2016 to deploy the system.

Park Geun-hye was impeached in December, and despite domestic opposition to THAAD, the agreement to deploy the system remained intact. In February 2017, the ROK Ministry of National Defense made plans to acquire land to facilitate the installation of a THAAD battery, and announced that the deployment was expected to begin between May and July of 2017.⁴ However, THAAD began deploying earlier than expected—four days prior to Park Geun-hye's constitutional removal from office.⁵ Directly thereafter, Moon Jae-in, the progressive presidential candidate sitting comfortably ahead in the election polls, pushed back on THAAD, questioning the rationale and timing of the deployment.⁶ Previously, after the original July 2016 decision to deploy THAAD, he pressed for a suspension of the deployment, favoring instead a resumption of diplomatic efforts to denuclearize North Korea.⁷ Surrogates in Moon's camp blamed the Park administration's "rush" to deploy THAAD as the reason for Beijing's retaliation.⁸ In actuality, the THAAD decision had culminated after years of threat assessments, planning, programming, budgeting, and U.S.-ROK consultations.

THAAD—Part of an Integrated, “Layered” Architecture

The U.S. Ballistic Missile Defense System (BMDS) is composed of an integrated "layered" architecture made up of networked sensors, radars, interceptor missiles, and communications links. The system is designed to counter all ranges of ballistic missiles—short, medium, intermediate, and long. The layered architecture provides the system with multiple opportunities to destroy enemy missiles and their warheads before they reach their targets.⁹ Within the architecture, missile defense systems are layered to defend against hostile missiles in each phase of flight—boost, midcourse, and terminal.

The boost phase begins at launch and is the most difficult phase at which to engage a missile since the intercept "window" is from only one to five minutes. The midcourse phase begins after the booster on the enemy missile burns out and can last as long as 20 minutes while the missile coasts in space towards its target. During this phase, there are several opportunities to destroy the enemy ballistic missile while it is still outside of the earth's atmosphere, allowing any debris that remains after the intercept to burn up as it enters the atmosphere. The terminal phase represents the last opportunity to intercept an enemy missile before its warhead reaches its target. Since this phase begins once the missile is reentering the atmosphere and is very short in duration, there is little margin for error. Terminal phase missile defense systems are operated by the U.S. Navy and Army, and include the sea-based Aegis, the Patriot Advanced Capability-3 (PAC-3), and THAAD.¹⁰ The PAC-3 complements THAAD to provide an integrated, multi-tiered defense against enemy missiles in the terminal phase of flight.¹¹ These mobile, terminal phase systems are built to defend against enemy short-and medium-range ballistic missiles.¹²

The THAAD System

The THAAD system is made up of four primary components: a launcher, interceptors, a radar, and a fire control capability. The launcher is mounted to the trailer of a modified military vehicle, providing a stable platform from which interceptors can be fired and rapidly reloaded. Instead of carrying warheads, interceptors are fired from the launcher using “hit-to-kill” technology in the form of kinetic energy to destroy incoming enemy warheads.¹³ Within the missile defense community, this is often referred to as “hitting a bullet with a bullet.” For its radar, THAAD uses the Army Navy/Transportable Radar Surveillance and

Control Model 2, (AN/TPY-2). The AN/TPY-2 can track all classes of ballistic missiles. It functions by searching, tracking, and discriminating objects from long distances and then providing updated tracking data back to the interceptor. The radar operates in two modes.

In the “terminal mode,” the radar tracks enemy ballistic missiles in the “terminal,” or descent phase of flight, and guides the interceptor to the target. In “forward-based mode,” it acts as a forward based sensor for the BMDS by acquiring ballistic missiles in the boost, or ascent phase of flight, shortly after launch. Critical tracking and threat discrimination data is then passed on to decision makers.¹⁴ THAAD’s fire control performs as the communication and data-management backbone for the system, linking THAAD components as well as linking the system’s communications to external command and control nodes, including the entire BMDS.¹⁵

The THAAD system is configured to be globally transportable and rapidly deployable via air, rail, land and sea, and can be set up within four hours of its arrival.¹⁶ As an operational capability, a THAAD battery is scalable but is typically comprised of six truck-mounted launchers¹⁷ and 48 interceptors (eight per launcher).¹⁸ With its AN/TPY-2 radar in terminal mode, the system searches, tracks, and discriminates objects at a range of up to 1,000 kilometers (km).¹⁹ If a terminal-phase enemy missile threat is detected, a missile interceptor is launched and the radar provides tracking data to the interceptor, guiding it to the enemy missile target.²⁰ With an interceptor range of 200 km at altitudes of up to 150 km, THAAD integrates with the PAC-3 to provide the “upper tier” portion of multi-tiered defense against enemy missiles in the terminal phase of flight.²¹ THAAD’s ability to conduct high-altitude intercepts mitigates the effects of enemy weapons of mass destruction before they reach the ground.²²

THAAD Program Development

The THAAD program grew out of the Strategic Defense Initiative (SDI), the program started under President Ronald Reagan, and famously dubbed “...a reckless Star Wars scheme” by Senator Edward M. Kennedy.²³ The U.S. and Soviet Union (USSR) had agreed to terms set in the 1972 Anti-Ballistic Missile (ABM) Treaty that mandated a prohibition against deployment of a national anti-ballistic missile defense system by each party, leaving both sides exposed to the threat of nuclear ballistic missiles. This institutionalized the doctrine of mutually assured

destruction, which paradoxically required that in order to protect the nation's people from nuclear attack they would have to be left unprotected.²⁴ President Reagan changed that trajectory in March 1983, when he delivered what would come to be known as the "Star Wars" SDI speech:

Tonight, consistent with our obligations of the ABM treaty and recognizing the need for closer consultation with our allies, I'm taking an important first step. I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles.²⁵

Following a year of studies, the Department of Defense (DoD) chartered the Strategic Defense Initiative Organization (SDIO) in April 1984²⁶ and the THAAD program began as a technology demonstration program by the late 1980s.²⁷ One problem with the ABM Treaty, which the U.S. would eventually abrogate during the George W. Bush administration, was that it fixated only on the U.S. and USSR—the thinking was that limiting ABM systems would curb the nuclear arms race between the two countries and decrease the risk of a catastrophic, all-out war. What wasn't envisioned or understood at the time was the global proliferation of ballistic missiles and the rise of new nuclear weapons states that would intensify through the 1980s and 1990s, and the requirement to expand the deployment of theater missile defenses against a range of ballistic threats.²⁸ The Gulf War would provide the venue to showcase the Patriot missile's capabilities and help galvanize support for U.S. theater missile defense efforts, at home and among U.S. allies.

The Gulf War was arguably the first round-the-clock, globally televised "live war." Complete with vivid, 24-hour cable news coverage that showcased the latest advancements in military technology and provided detailed assessments from experts, viewers from around the world were exposed to real-time battlefield successes and failures. One of the weapon systems showcased was the PAC-2 Patriot missile defense system. After Iraq invaded Kuwait in August 1990, the U.S. Army deployed the Patriot to Southwest Asia to defend against the Iraqi-modified Scud missile, the Al-Hussein.²⁹ Although the Army would later significantly revise reports of the Patriot's effectiveness against incoming

Scuds fired toward Saudi Arabia and Israel during the Gulf War,³⁰ the performance of the Patriot sharpened Congressional interest in developing advanced theater ballistic missile defense.

In his State of the Union Address on January 29, 1991, just 12 days after Operation Desert Storm kicked off Gulf War combat operations, President George H. W. Bush acknowledged the threat from tactical missiles and the need to streamline efforts, while touting the success of the Patriot system:

Now, with remarkable technological advances like the Patriot missile, we can defend against ballistic missile attacks aimed at innocent civilians. Looking forward, I have directed that the SDI program be refocused on providing protection from limited ballistic missile strikes, whatever their source. Let us pursue an SDI program that can deal with any future threat to the United States, to our forces overseas, and to our friends and allies.³¹

After the Gulf War, in December 1991, President Bush signed into law the Missile Defense Act of 1991, which helped to propel theater missile defense programs forward. Included as part of the missile defense goal of the U.S. was to “...provide highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friends and allies of the United States.”³² It required the Secretary of Defense to “...aggressively pursue the development of advanced theater missile defense systems, with the objective of down-selecting and deploying such systems by the mid-1990s.”³³

Due to the stringent timing, the Act put pressure on the THAAD program, which was still in concept development. Concerned that a traditional acquisition strategy could not be expedited to fulfill the timing of the legislative mandate, planners conceived the User Operational Evaluation System (UOES) strategy to develop THAAD. This strategy and its failures ultimately led to the delayed fielding of THAAD.³⁴ By 1992, the THAAD UOES program awarded demonstration/validation contracts to build a system with full-scale production by 2002.³⁵ However, by March 1999, the system had failed in its first six consecutive attempts to intercept a target.³⁶ The General Accounting

Office determined that the UOES strategy was the cause of the program's problems because it required the program to use parallel testing to save time rather than use best practices, which ultimately hurt interceptor design and testing.³⁷ Then, in June and August 1999, there were back-to-back successful interceptor flight tests. Not long after, THAAD entered the Engineering and Manufacturing Development phase of its acquisition cycle in late June 2000.³⁸

The events of September 11, 2001 signified a changed security environment that included growing threats from weapons of mass destruction, ranging from terrorism to ballistic missiles. On December 13, 2001, President Bush gave Russia a six-month notice of intent for the U.S. to withdraw from the 1972 ABM Treaty and this became effective on June 13, 2002.³⁹ Subsequently, on December 16, he issued new policy on ballistic missile defense that "eliminated the artificial distinction between 'national' and 'theater' missile defenses."⁴⁰ It also directed the DOD to execute plans to deploy an initial set of missile defense capabilities beginning in 2004.⁴¹ After several successful tests, Lockheed Martin was awarded a contract in January 2007 for the first two THAAD production systems.⁴²

THAAD Fielding and Activation

The U.S. Army has identified a missile defense requirement for nine total THAAD batteries, but only seven are currently authorized in the defense budget.⁴³ There are currently six activated THAAD batteries in the Army's inventory—five are assigned to Fort Bliss⁴⁴, in El Paso, Texas. Of those batteries, one has been forward deployed to Guam since 2013. After a North Korean nuclear test in February 2013 and subsequent threats by North Korea to attack American military bases located in Japan and Guam⁴⁵, the U.S. deployed one of its three THAAD batteries from Fort Bliss in April 2013 as a precaution against the North Korean ballistic missile threat.⁴⁶ Reports claimed that North Korea had moved an unspecified number of Musudan missiles to its east coast. As an intermediate-range ballistic missile with a suspected range of 3,500 km, the Musudan was considered to be a threat to the island.⁴⁷ This was the Army's first operational deployment of a THAAD battery.⁴⁸ Rotational deployments to support a temporary THAAD mission in Guam have been ongoing, and the Army has considered installing a permanent mission there.⁴⁹ In addition to the five THAAD batteries assigned to Fort Bliss, a sixth battery was activated at Fort Hood, Texas in December

2016.⁵⁰ A seventh battery is scheduled to be activated at there, likely in 2017.⁵¹

Why is THAAD being Deployed to Korea?

North Korea has a very large and diverse inventory of ballistic missiles whose origins span decades of development. Beginning in the 1960s, the North Korean government had organized a fledgling missile program with help from the Soviet Union and China, and by 1984 was testing its own version of a SCUD-B ballistic missile.⁵² North Korea's current ballistic missile program portfolio has expanded to include over 1,000 short-, medium-, intermediate-, and intercontinental-range ballistic missiles that are either fully operational or in some stage of development.⁵³

Of the operational missiles, the short-range SCUDs are the most technologically mature—tested, deployed, and proliferated—and represent the greatest number and variety within North Korea's ballistic missile fleet. The Hwasong-5 (SCUD-B) and Hwasong-6 (SCUD-C), have ranges of 300 km and 500 km respectively.⁵⁴ The Hwasong-7 is a modified Hwasong-6 with decreased payload in favor of an increased range of between 800-1,000 km.⁵⁵ The next most technologically mature operational missile is the medium-range Nodong. The Nodong was built based on a SCUD design and has a range of 1,000-1,500 km.⁵⁶ Less proven is the intermediate-range ballistic missile known as the Musudan. The Musudan's range is estimated to be between 2,500-4,000 km.⁵⁷ cursory examination of North Korea's capabilities shows that, in addition to the ROK, Japan and the island of Guam are within North Korea's operational ballistic missile range envelope. Thus, in terms of a packaged offensive capability, North Korea's ballistic missile program has succeeded in putting not only the U.S.-ROK Alliance at risk, but also U.S. Forces stationed throughout the Pacific.

When North Korea's ballistic missile program is viewed alongside its ever-expanding stockpile of nuclear, chemical and biological weapons of mass destruction (WMD), the magnitude of the threat becomes clear. North Korea has conducted an unprecedented number of ballistic missile and nuclear tests since 2016, including short-range, medium-range, intermediate-range, long-range, and submarine-launched ballistic missile (SLBM) launches, as well as its fourth and fifth nuclear tests.⁵⁸

For over two decades, the ROK and U.S. have tried different strategies, including dialogue and negotiations, to curb North Korean

missile development and freeze its nuclear program, but to no avail. As Angelo State University Professor and North Korea expert Dr. Bruce Bechtol stated, North Korea

...has no intention of ever giving up its nuclear weapons or its long-range ballistic missiles. The reasons for this are clear: 1) Kim Jong-un needs these weapons in order maintain the credibility of his regime and to consolidate his power from a position of military strength; and 2) these weapons, once proliferated, serve to bring in billions of dollars in badly needed revenue for (North Korea).⁵⁹

Thus, with previous attempts at negotiation and dialogue to curb North Korea's nuclear and ballistic missile programs having shown little value, and owing to the likelihood that the country has no plan to ever relinquish its programs, a bolstered TMD system appears to be the only logical option for the U.S.-ROK Alliance.

Establishment of Lower Tier U.S. Patriot Systems in the ROK

In March 1994, as the North Korean nuclear crisis was heating up due to the country's noncompliance with international nuclear inspections, the U.S. began deploying a Patriot missile battalion to defend strategic areas of the ROK against the SCUD missile threat.⁶⁰ At the same time, U.S. officials were attempting to elicit the ROK government's interest in procuring the Patriot missile defense system. John Deutch, the Pentagon's Under Secretary for Acquisition and Technology at the time, proposed that South Korea join the U.S. in TMD development efforts. The ROK government was lukewarm to the idea, however. Russia's state-run weapons export company had approached ROK government officials with an offer to sell the S-300 air defense system. At the time, Russia owed South Korea \$1.5 billion; selling the S-300 system to Seoul would reduce the outstanding debt. Also, the ROK government was considering the development of an indigenous missile defense project, the SAM-X. Thus, the Russian offer was tempting, both in terms of the potential technology transfer and as a means of reducing Moscow's debt to Seoul.⁶¹

The ROK government eventually dropped the idea of acquiring the Russian S-300 system, citing interoperability concerns with the U.S.

Patriot missile defense systems in South Korea. By 2004, the U.S. Army had completed the deployment of an additional Patriot missile battalion, bringing its strength in Korea to a full brigade.⁶² Finally, in 2008, the ROK Air Force (ROKAF) received its first batch of used Patriot missiles from Germany.⁶³ While the ROKAF has taken steps to fully operationalize the Patriot system, it is concurrently developing three indigenous programs to provide missile defense to South Korea, as well as deter the North Korean threat: the Kill Chain, Korean Air and Missile Defense (KAMD) and the Korea Massive Punishment and Retaliation (KMPR) plan.

ROK Indigenous Missile Defense Programs

Kill Chain is a preemptive strike system that targets North Korean nuclear and missile facilities. The system, the core of which is comprised of surveillance assets including reconnaissance satellites, would be used if the ROK were faced with an imminent threat. The KAMD will include anti-ballistic missile early warning radar systems and domestically produced “L-SAM” long-range surface-to-air missiles to trace and shoot down North Korean ballistic missiles heading for South Korea. The KMPR would use indigenously developed Hyunmoo surface-to-surface ballistic and cruise missiles to punish and retaliate against North Korea if it strikes South Korea. The ROK government was initially planning on deploying the three systems at some point during the mid-2020s, but may accelerate the plan due to advancements in North Korea’s nuclear weapons and ballistic missile programs.⁶⁴ Nonetheless, considering the steady, incremental advancements of North Korea’s scientists and engineers, it is difficult not to question the timeline and feasibility of the indigenous South Korean programs, which are likely seven to 10 years away from being fielded.

The Need for a “Layered Defense”

North Korea claims the ability to integrate a nuclear warhead with its ballistic missiles through miniaturization—claims that are taken seriously by the American and South Korean intelligence officials—underscores the need for effective, near-term missile defense solutions.⁶⁵ The Patriot system is helpful, but it can’t cover the entire threat, as it is meant for local defense of U.S. and allied forces. Ballistic missiles carrying WMD, even if intercepted by Patriot missiles, could cause substantial harm. THAAD integrates with the Patriot system to provide

“upper tier” defense against enemy missiles in the terminal flight phase. THAAD is able to track and intercept enemy missiles at greater ranges and higher altitudes, which mitigates the effects of WMD. The complementary arrangement of lower-tier Patriots and upper-tier THAAD provides “layered” coverage of incoming ballistic missiles. Successive USFK commanders have articulated the need for the layered coverage provided by THAAD on the Korean Peninsula.

General James Thurman summed up the near-term missile defense requirement. Responding to advance questions at his confirmation hearing before the Senate Armed Services Committee in June 2011, the USFK Commander wrote:

One of the basic tenants of air and missile defense is the employment principle of “layered defense.” Layered defense allows different missile defense systems to engage an inbound ballistic missile at different points in its trajectory...The U.S. and ROK militaries both have Patriot systems which conduct engagements in the terminal phase of a missiles flight (the current version of the ROK Patriot systems provide a very limited Theater Ballistic Missile [TBM] defense capability) The system that would best support the layered defense employment principle is a Terminal High Altitude Air Defense (THAAD) system which can engage inbound TBMs at either the terminal or mid-course phase of flight.⁶⁶

In July 2013, then-Lieutenant General Curtis Scaparrotti echoed General Thurman’s earlier points regarding the need for THAAD at his confirmation hearing.⁶⁷ However, General Scaparrotti added an important point that underscored an additional need for THAAD to be deployed in Korea, while calling into question the effectiveness of the THAAD system deployed to Guam.⁶⁸

Our ballistic missile defense needs an organic Upper Tier ballistic missile defense capability such as Terminal High Altitude Area Defense (THAAD) or Theater Ballistic Missile capable Aegis ships in order to fully address the North Korean missile threat. While THAAD’s temporary

deployment to Guam bolsters the PACOM AOR overall ballistic missile defenses, it does not specifically address the ballistic missile defense shortfalls for the Korean Theater of Operations.⁶⁹

The Decision to Deploy THAAD

The agreement to deploy THAAD was not an easy decision for the ROK government due to concerns over China's reaction. The possibility of deploying THAAD to the Korean peninsula initially gained media traction in June 2014, when General Scaparrotti announced his recommendation to Seoul that THAAD be deployed to counter the North Korean threat.⁷⁰ However, at the time, China and South Korea's relations were warming and Seoul maintained a "three No's" position on THAAD—there was no official request, no consultation and therefore, no decision.⁷¹ It wasn't until January 2016 that the ROK government began to hint at possible plans to deploy THAAD. A week after North Korea claimed it had successfully tested a hydrogen bomb, President Park Geun-hye indicated that the ROK government would review USFK plans to deploy THAAD, factoring in North Korea's nuclear and missile threats.⁷² The pace of deliberations picked up—on March 4, the Washington and Seoul launched a joint working group to begin official discussions, and on July 8, the countries agreed to deploy THAAD to counter the North Korean threat.⁷³ Military planners needed to choose a location for the system next.

Air defense experts initially chose a ROKAF Hawk missile site in Seongju (west of Daegu, North Gyeongsang Province) as the location to deploy the U.S. THAAD battery.⁷⁴ This decision was reversed due to protests from local residents over health and environmental concerns associated with the electromagnetic waves emitted by the THAAD system's AN/TPY-2 radar. By November, a new location in Seongju was being considered—a golf course owned by the Lotte Group. In exchange for the golf course, the ROK Ministry of National Defense (MND) would provide military land located northwest of Seoul.⁷⁵ Conscious of its revenue stream from the numerous Lotte stores located in China, the conglomerate was in no hurry to sign over the golf course. Discussions between MND and the Lotte Group finally wrapped up on February 27, when Lotte approved the land exchange plan, paving the way for the deployment and installation of a THAAD battery.⁷⁶ A week later, the first THAAD shipments began arriving at Osan Air Base.

China's Reaction to THAAD

China's reaction to the THAAD deployment has gradually escalated, moving from a long-held policy grounded in opposition to U.S. ballistic missile defense to overt pressure on the ROK government in the form of specific warnings, and finally to the tactical implementation of various political, economic and, to an extent, military harassment of South Korea. In its white paper published in 2000, China's MND called for the U.S. to "stop the development and deployment of missile defense systems that may undermine global strategic stability."⁷⁷ In the same section of the white paper, China expressed concern over TMD collaboration between the U.S. and Japan, and the potential for incorporating Taiwan into a TMD system. There was no mention of South Korea, even though Patriots were deployed there, and the U.S. was openly seeking TMD collaboration with the ROK government. The white paper's language directed at U.S.-Japan TMD efforts foreshadowed what would foreshadow China's reaction to THAAD in Korea.⁷⁸

The joint research and development of the theater missile defense (TMD) system by the United States and Japan with a view to deploying it in East Asia will enhance the overall offensive and defensive capability of the US-Japan military alliance to an unprecedented level, which will also far exceed the defensive needs of Japan. This will touch off a regional arms race and jeopardize security and stability in the Asia-Pacific region.⁷⁹

After General Scaparrotti's recommendation to deploy THAAD in 2014, China began warning the ROK. In July 2014, at a summit held in Seoul between ROK President Park Geun-hye and Chinese President Xi Jinping, President Xi warned President Park to "tread carefully over the issue of the THAAD deployment (to South Korea)."⁸⁰ After the U.S. and ROK launched the joint working group in March 2016 to begin official discussions on deploying THAAD, China weighed in again. After a meeting with his South Korean counterpart Lee Kyung-soo in Seoul, Chinese Assistant Minister of Foreign Affairs Liu Jianchao urged South Korea and the U.S. to "make an 'appropriate' decision," saying, "It would be appreciated if Seoul takes account of China's concerns and worries."⁸¹ Finally, after the U.S. and ROK announced the joint

agreement to deploy THAAD to Seongju in July 2016, China submitted a joint statement with Russia to the United Nations opposing the THAAD deployment to South Korea. Chinese President Xi Jinping and Russian President Vladimir Putin signed the statement.⁸² In a stunning omission of the existence of North Korea's nuclear and ballistic missile threats, the strongly worded statement read (*italics added*),

It is worth noting that outside forces often use conjectural pretexts for the deployment of the “Aegis Ashore” system in Europe and the Terminal High Altitude Area Defence (THAAD) system in the Asia-Pacific region, as well as the planned deployment of that system in Northeast Asia. *These deployments are totally unrelated to the real challenges and threats being faced in the field of missile proliferation*, are clearly inconsistent with their stated objectives, and seriously damage the national strategic security interests of countries in the region, including China and Russia. China and Russia strongly oppose them.⁸³

Immediately following the statement submission to the U.N., China began to implement retaliatory tactics against South Korea—beginning with Korean television and pop music, or *K-pop*. Events in China featuring Korean music and television stars began getting canceled following the July THAAD announcement.⁸⁴ Additional unofficial trade sanctions continued to intensify in the months leading up to President Park's impeachment in December, beginning with tax investigations and safety inspections targeting Korean businesses, and extending to bans on imported Korean cosmetics and food items, disallowing charter plane travel to South Korea, and expanding anti-dumping tariffs.⁸⁵ After the Lotte Group signed the land swap deal with the ROK MND in late February 2017, China increased pressure on the company. Fire authorities suspended Lotte Mart's operations in China's northeastern city of Dandong, and protests were held in front of Lotte Department store in Shenyang.⁸⁶ By March 19, 79 of Lotte's 99 stores in China were temporarily shut down.⁸⁷

In addition to pressure aimed at the ROK economy, China applied military pressure. On January 9, 2017, several Chinese military aircraft, including six Xian H-6 bombers, repeatedly entered the Korean Air

Defense Identification Zone (KADIZ) near Ieodo, a submerged rock located in the waters of the Yellow Sea off the southern coast of Jeju Island. This prompted the ROKAF to scramble 10 F-15 and F-16 fighter aircraft to respond to the incursion.⁸⁸ While Chinese encroachment into the KADIZ is not unprecedented, it was widely interpreted that the action was related to the THAAD decision. When the aircraft were spotted, South Korea attempted to contact China using a military hotline, but the Chinese were slow to respond. It took China nearly 15 minutes to respond to South Korea's hotline request.⁸⁹ Additionally, there were reports insinuating China had previously canceled several bilateral military exchanges, violating the spirit and intent of a 2011 agreement to step up bilateral military cooperation, as well as a 2015 agreement to establish the hotline between the ROK and Chinese defense ministers.⁹⁰

Reasons for China's Anger

Until the ROK government began hinting at the possibility of a THAAD deployment in early 2016, the China-ROK relationship was warming considerably. By all appearances, the ROK was steadily moving into China's orbit of influence, and China looked like it was moving away from North Korea. In September 2015, President Park attended a celebration—a massive military parade—in Beijing to commemorate the 70th anniversary of the end to World War II. During the event, she stood prominently alongside President Xi Jinping and Russian President Vladimir Putin. Absent from the commemoration was North Korea's leader, Kim Jong-un.⁹¹ Prior to the event, in June 2015, South Korea and China signed a historic bilateral free trade agreement.⁹² Earlier, in March 2015, South Korea decided to join the Chinese-led Asian Infrastructure Investment Bank, generally regarded as a Chinese effort to bolster its economic influence by creating a counterbalance to the American-led Asia Development Bank.⁹³ Before that, in July 2014, President Xi traveled to South Korea for a two-day state visit, in what was regarded as a snub to North Korea since it was the first time a Chinese president visited South Korea before traveling to North Korea since 1992 when the two countries normalized diplomatic relations.⁹⁴

In the months leading up to the agreement to deploy THAAD, China's official position has consistently been 'firmly opposed' to a THAAD deployment (this has not changed since the deployment). High-ranking Chinese government officials and their spokespeople have presented this position, using mostly diplomatic language, to explain

where China's THAAD concerns lie. The view of these officials is explained in more detail by commentators—research institutes, academics, and retired military officials.⁹⁵ In February 2017, after reports that the Lotte Group was considering the land swap with the ROK government, China's Foreign Ministry Spokesperson Geng Shuang made comments that generally sum up China's official position:

The THAAD deployment in the ROK by the U.S. and the ROK will severely disrupt regional strategic balance, gravely jeopardize the strategic security interests of relevant countries in this region including China, and is not conducive to peace and stability on the Korean Peninsula. The Chinese side has stressed repeatedly that we understand the legitimate concerns of relevant parties in safeguarding their security, however, one country's security cannot be pursued at the expense of other country's security. Regrettably, ignoring China's interests and concerns, the ROK insisted on working with the US to accelerate the deployment process. China is firmly opposed to and strongly dissatisfied with that."⁹⁶

China's most specific, pressing concern about THAAD has to do with the AN/TPY-2's high resolution, X-band phased array radar. The X-band's shorter wavelengths allow for higher resolution imagery for target identification and discrimination.⁹⁷ In February 2016, after President Park indicated the ROK government would review USFK plans to deploy THAAD, China's Foreign Minister, Wang Yi, explained China's grave concerns regarding the radar:

The coverage of the THAAD missile defense system, especially the monitoring scope of its X-Band radar, goes far beyond the defense need of the Korean Peninsula. It will reach deep into the hinterland of Asia, which will not only directly damage China's strategic security interests, but also do harm to the security interests of other countries in this region.⁹⁸

Song Zhongping, a military expert, describes the X-band radar as the main threat since it can monitor China's "military deployment and

missile-launch, which will seriously undermine China's nuclear deterrence.”⁹⁹ Li Bin, a professor at Tsinghua University, explains that the radar, when positioned in Korea, is powerful enough to track some Chinese missiles during flight, undermining China's nuclear deterrence in two ways by collecting data on Chinese nuclear warheads. First, THAAD can be used to monitor missile tests launched from the northeast part of China toward the West, yielding defense countermeasure data and thus helping to understand the characteristics of the warheads and decoys released by Chinese missiles. Second, in a wartime scenario where an ICBM is launched from central China in retaliation against an American first strike, THAAD could track the missile in its early stages and transfer its trajectory data to the U.S. ballistic missile defense system, giving U.S. missile defense a better chance at intercepting the Chinese warhead.¹⁰⁰ This is a plausible concern, since the radar can operate either in the “terminal mode” to track enemy ballistic missiles in the descent phase of flight, or the “forward-based mode” to monitor ballistic missiles in the boost phase of flight. However, THAAD's mission on the Korean Peninsula is designed around countering the ballistic missile and nuclear threats posed by North Korea—a “terminal mode” operation. Additionally, as Troy University lecturer Dr. Daniel Pinkston points out, the U.S. already has two X-Band radars deployed in Japan, ship-borne radars in the region and space-based assets that can detect a Chinese ICBM after launch.¹⁰¹ Arguably, it would be a functional misallocation for the ROK-deployed THAAD system to have a primary mission that is fixated on China. The “forward-based mode” capability that China is concerned would monitor their missile activity seems to be, at best, an ancillary capability for a THAAD system based in South Korea. Even so, considering North Korea's relentless testing, which includes ICBMs that could threaten the U.S., THAAD's “forward-based” monitoring mode becomes justified under the U.S.-ROK Mutual Defense Treaty. China chooses to overlook the growing North Korean threat and instead personalizes THAAD as a counter to China only.

Conclusion

THAAD grew out of the 1980's Strategic Defense Initiative as a counter to theater ballistic missiles. As the U.S. was working to untether itself from the tenets of the ABM Treaty and the concept of mutually assured destruction, THAAD was being designed as the upper tier of a two-layer concept to engage enemy missiles at longer ranges and higher

altitudes with hit-to-kill technology to mitigate the damages from falling nuclear, chemical or biological debris.

North Korea has been developing ballistic missiles for decades. Pyongyang has expanded its inventory to include over 1,000 short-, medium-, intermediate-, and intercontinental-range ballistic missiles that are either fully operational or advancing toward maturity. In addition to the ROK, Japan and Guam are within range of these missiles, putting American armed forces throughout the Pacific at risk. During 2016, North Korea accelerated its missile and nuclear weapons programs by conducting an unprecedented number of ballistic missile and nuclear tests, including submarine-launched ballistic missile launches and two nuclear tests. In light of its rapidly advancing ballistic missile and nuclear programs, and owing to the likelihood that North Korea has no plan to ever relinquish its programs, THAAD fills the requirement for a bolstered theater missile defense for the U.S.-ROK Alliance to counter the North Korean threat.

The establishment of ballistic missile defense in Korea has incrementally evolved over two decades, beginning with the first U.S. Patriot deployment in 1994. South Korea has shown reluctance at joining U.S.-led cooperative ballistic missile defense programs, preferring instead to develop its own indigenous programs. Only after careful and lengthy consideration, and in conjunction with accelerated threats from North Korea, has the ROK agreed to combined missile defense efforts with its U.S. partner. The decision to finally deploy THAAD to South Korea comes nearly six years after General James Thurman outlined the need for layered ballistic missile defense on the Korean Peninsula, and nearly three years after General Scaparrotti recommended THAAD be deployed to counter the North Korean threat.

In reaction to the THAAD deployment, China has taken its anger out on the ROK by applying mostly diplomatic and economic pressure using unofficial forms of harassment. South Korea is vulnerable both economically and politically. China is the country's largest trade partner and South Korea has put tremendous stock at home in the development of its free economic zones and tourism to accommodate Chinese spending and investment. Politically, the THAAD deployment comes at a critical juncture for the U.S.-ROK Alliance. China's campaign of pressure is occurring in conjunction with domestic political changes in both the U.S. and ROK. China's strategy of harassment is undoubtedly being carried out with the knowledge that a May election win by Moon

Jae-in could spell a reversal on the THAAD decision.

China explains that its opposition to THAAD is rooted in concerns that a system positioned in South Korea disrupts the regional strategic balance, jeopardizes China's strategic security interests, and destabilizes the Korean Peninsula. This, Beijing says, is why it is steadfastly opposed to THAAD, despite North Korea's rapidly advancing ballistic missile and nuclear weapons programs that have repeatedly violated international agreements and U.N. sanctions. Through this lopsided lens, China has presented its concerns. China's issues with THAAD can be categorically simplified as both a strategic and regional problem for the country.

Strategically, a THAAD system on the Korean Peninsula represents a strengthening and expanding U.S. integrated ballistic missile defense capability on land that is contiguous with China's territory. While the system's AN/TPY-2 high-resolution, X-band phased array radar will be configured in "terminal mode" to counter North Korean nuclear and ballistic missile threats, it is capable of being utilized in "forward-based mode" in which case it could be used to monitor Chinese missile tests or in an attack, it could track Chinese missiles in early flight stages and transfer trajectory data to the U.S. ballistic missile defense system for the purpose of intercepting the Chinese warhead. However, the system positioned in Korea will operate in "terminal" mode to counter the North Korean threat.

Regionally, THAAD undermines China's influence. China's parallel strategy with the two Koreas since the early 1990s has focused on economic engagement with South Korea on the one hand, and tacit acceptance of North Korea's illicit weapons programs on the other. China and South Korea appeared to be making historic diplomatic strides through the engagement efforts of Presidents Xi Jinping and Park Geun-hye. China even appeared to begin favoring South Korea over North Korea. However, when the decision to deploy THAAD was made, China's influence over South Korea was undermined and China threw the engagement process in reverse. China purports that it does not approve of North Korea's nuclear and ballistic missile programs and sluggishly supports U.N. sanctions against the country. Yet, when North Korea launches a missile or tests a nuclear weapon, China consistently avoids tough action—certainly nowhere near the action it has taken against the ROK—preferring instead to call on other countries to show restraint. In other words, stand by and do nothing that could provoke

North Korea. THAAD undermines this position as well, since it strengthens the U.S.-ROK Alliance. Thus, from a regional perspective, THAAD challenges, frustrates and questions the effectiveness of China's parallel strategy to manage relations with the two Koreas.

Moving forward, if leading ROK presidential candidate Moon Jae-in is elected in May, platforms from previous liberal administrations favoring cooperative policies with North Korea will likely be revived. In addition, at the top of the next ROK administration's agenda will be finding a way to restore healthy economic and diplomatic relations with China while balancing the defense needs of the U.S.-ROK Alliance. THAAD will be at the center of this balancing act.

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⁶⁶ “Nominations before the Senate Armed Services Committee, First Session, 112th Congress,” pages 407-408. Also, see “Elements, Terminal High Altitude Area Defense (THAAD),” <https://www.mda.mil/system/thaad.html>. The “midcourse phase” consists of the portion of flight outside the earth’s atmosphere. THAAD is categorized as a “terminal phase” ballistic missile defense system; while not categorized as a “midcourse phase” system, it is touted as being able to “intercept and destroy ballistic missiles inside or outside the atmosphere during their final, or terminal, phase of flight.” This is possible since THAAD can intercept at exo-atmospheric altitudes as the missile descends from the midcourse to the terminal phase of its flight.

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North Korea's Nuclear and Ballistic Threats and the Tailored Deterrence Strategy

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Abstract

North Korea's nuclear weapons and ballistic missile programs threaten South Korea and its neighbors. Pyongyang's engineers are likely capable of producing a warhead small enough to place it atop a missile. As its ability to engineer warheads for flight and reentry improves, North Korea increasingly endangers the United States. Deterring Pyongyang is extremely difficult given North Korea's conventional, unconventional, and cyber capabilities. South Korean and American strategists have responded by developing a tailored deterrence strategy to address specific threats. At the operational level, this is supported by the Combined Counter-Provocation Plan. Ballistic missile defense, including the ability to detect, defend, disrupt, and destroy North Korea's missiles, is critical to the success of the tailored deterrence strategy. South Korea opted to develop its Korean Air and Missile Defense and Kill Chain system. These systems are independent of American ballistic missile defense systems. The Korean systems were conceived and developed amidst plans to transfer Wartime Operational Control from the U.S. to South Korea. Because transfer has been postponed, there is less rationale for maintaining separate systems. Despite the official desire to keep these systems independent, South Korea needs to develop options for enhancing interoperability with American missile defense systems to support the tailored deterrence strategy.

Keywords: Nuclear weapons, ballistic missile, intercontinental ballistic missile, Tailored Deterrence Strategy, Defense Reform Plan 307, Deterrence Strategy Committee, Kill Chain, Korean Air and Missile Defense System, Wartime Operational Control

Introduction

Murphy's First Corollary describes the challenges in deterring North Korea's nuclear and ballistic missile programs: "left to themselves, things tend to go from bad to worse." The Pyongyang government has

repeatedly shown that it doesn't adhere to global rules. North Korea signed the Nuclear Nonproliferation Treaty, then declared it was withdrawing from the treaty. Similarly, the country pledged to denuclearize, only to renege on its commitment. Nuclear weapons are central to the regime's identity, as well as Kim Jong-un's survival. At a recent Workers' Party Congress, Kim Jong-un made it clear that North Korea is a nuclear power and will remain one.

Kim Jong-un has accelerated North Korea's ballistic missile development efforts. There were 18 missile tests during his father's 18-year rule. In contrast, North Korea has conducted 25 missile tests since Kim Jong-un assumed power five years ago. North Korean scientists appear increasingly capable of miniaturizing nuclear warheads to the degree they can be integrated into the country's missiles. Engineers are working to overcome other technical challenges associated with long-range flight and reentry. Pyongyang's objectives are clear, and North Korean rocket scientists continue to learn with each test.

This paper analyzes the North Korean nuclear weapons program and strategies to deter the threat. The first part describes recent development in the North Korean nuclear program, as well as an assessment of Pyongyang's intercontinental ballistic missile (ICBM) capabilities using the framework developed by Jeffrey Lewis. The second part examines the tailored deterrence strategy as a means to counter this threat. This paper concludes by proposing the integration South Korea's Kill Chain and Korean Air and Missile Defense systems with American systems to enhance deterrent and defense capabilities.

North Korea's Nuclear Tests

Assessing North Korea's nuclear weapons' program has proved challenging despite the considerable efforts of the scientific and intelligence communities over the past three decades. Nonetheless, most analysts believe North Korea is capable of weaponizing both Plutonium and Highly Enriched Uranium (HEU). Additionally, the series of four underground nuclear tests has each produced higher yields.¹ Examining each test, North Korean pronouncements, and international reactions to verify Pyongyang's claims provides insight into the evolution of North Korea's nuclear program.

North Korea first tested a nuclear weapon on October 9, 2006, detonating the device in a tunnel at the Punggye-ri Nuclear Test Site.

Located in the remote mountains of North Hamgyong Province, North Korean engineers had spent years preparing and testing the site. The first device was assumed to use plutonium processed at the Yongbyon Nuclear Scientific Research Center (Yongbyon). However, many experts questioned whether a nuclear explosion occurred due to the small yield of the test. Speculation ranged from a conventional explosion designed to give the appearance of a nuclear test to a fizzle in which the bomb failed to meet its projected yield. After a week of uncertainty, the Office of the Director of National Intelligence (ODNI) announced that specially equipped American military aircraft detected radioactive isotopes, confirming that North Korea detonated a nuclear device.² The ODNI assessed the strength of the blast at less than one kiloton.³

Before the ODNI announcement, an unnamed North Korean official was quoted as saying that North Korea could launch a nuclear missile unless the United States sits down for face-to-face talks.⁴ This threat required the international community to believe that North Korean engineers and scientists had mastered the many technologies required to mount a nuclear warhead to a ballistic missile. At the time of the test, few experts believed North Korea possessed such capabilities.

Pyongyang tested a second nuclear device on May 25, 2009. Like the first test, the weapon was detonated in a tunnel at the Punggye-ri Nuclear Test Site. However, South Korea, the United States, and the Preparatory Commission for the Comprehensive Test Ban Treaty Organization (CTBTO) were unable to detect the radionuclides frequently associated with an atomic explosion.⁵ The inability to detect radionuclides doesn't mean that North Korea detonated conventional explosives. The depth of the test and type of rock may have contained the explosion; these factors shouldn't be discounted given North Korea's experience and expertise in building deep tunnels in hard rock. Based on seismic recordings, which varied from country to country, analysts in each country offered different estimates of the yield. The ROK Ministry of National Defense estimated the yield between one and 20 kilotons,⁶ while the U.S. Intelligence Community assessed that "North Korea probably conducted a nuclear explosion" with an explosive yield of "a few kilotons."⁷

North Korea launched two short-range surface-to-air missiles on the same day of its second nuclear test. Additional tests followed, with three short-range missiles launched on May 26 and five short-range missiles launched on May 27. In early June, American and South Korean defense leaders separately confirmed that North Korea was making preparations

to fire medium- and long-range missiles. Although North Korea did not launch its long-range missiles at this time, Pyongyang launched seven missiles into the East Sea on July 6.⁸ However, North Korea had demonstrated increased capability earlier in the year with the launch of a three-stage rocket carrying the satellite Kwangmyongsong-2 on April 5.

On February 12, 2013, the Korea Central News Agency (KCNA) announced that North Korea had conducted its third nuclear test. The test was the first under Kim Jong-un's leadership of the country. Despite sending planes and ships to collect samples, analysis done by the ROK Nuclear Safety and Security Commission failed to detect any radioactive isotopes; none of the agency's 122 unmanned radiation monitoring systems reported any changes.⁹

As with previous underground tests, assessments of the device's nature and yield varied greatly. Based on seismic activity, the CTBTO estimated the third test to be twice as large as the second.¹⁰ The ROK Ministry of National Defense, using analysis developed by the Korea Institute of Geosciences and Mineral Resources, assessed the strength of North Korea's nuclear test to be 6-7 kilotons.¹¹ The ODNI estimated the explosion yield was approximately several kilotons.¹²

The KCNA further reported that the test involved a "miniaturized and lighter nuclear device with greater explosive force than previously."¹³ Proving the veracity of Pyongyang's miniaturization claims was even more difficult than assessing explosive yields. While there are substantial doubts that North Korean scientists have succeeded in producing a miniaturized nuclear weapon, senior defense officials in South Korea and the United States don't dismiss the possibility. Appearing before the National Assembly's Defense Committee on June 14, 2011, South Korean Defense Minister Kim Kwan-jin stated, "It has been a long time [since the North's nuclear test], so we believe the North had enough time to make a smaller and lighter nuclear weapon."¹⁴ A year and a half after the third nuclear test, General Curtis M. Scaparrotti noted that North Korea had made significant progress in reducing the size of nuclear weapons. The senior American commander in South Korea stated, "they have the capability to have miniaturized the device at this point."¹⁵

North Korea's fourth nuclear test occurred on January 6, 2016. Although the seismic activity was similar to the third test, KCNA announced that North Korea had successfully tested a hydrogen bomb. Producing a hydrogen bomb—requiring a two-phase explosion that includes a nuclear fission trigger to initiate a fusion reaction—is

considerably more challenging than an atomic weapon; only China, Great Britain, France, Russia, and the United States have successfully tested hydrogen weapons.¹⁶

Consequently, most independent experts, as well as officials and agencies in South Korea, doubted North Korea's claims. They contended the device had been more likely to be a boosted fission weapon. Even if Pyongyang produced a boosted fission weapon, a ROK Ministry of National Defense official concluded that the test was likely a failure due to the small size of the yield.¹⁷ Regardless, North Korea's statement underscores the fact that hydrogen weapons are generally smaller and lighter than atomic weapons, making them more suitable for use in warheads.

Analytic uncertainties and Pyongyang's hyperbole notwithstanding, there are two key lessons to be learned from North Korea's first four nuclear tests. First, North Korea's objective is to develop a nuclear weapon capable of being delivered by a ballistic missile. Ballistic missile tests or official statements related to ballistic missiles have accompanied each of the four nuclear tests. Second, North Korean scientists and technicians appear to have learned from an initial failure, and have pursued more ambitious objectives with each test. While it is impossible to verify all claims, nuclear yields have increased significantly. Knowing North Korea's objective and current nuclear weapons capability, this analysis moves to the next step and examines the capabilities Pyongyang must master to achieve its goal of developing an intercontinental ballistic missile.

Assessing North Korea's Nuclear Capabilities

Although much of the current debate surrounding Pyongyang's nuclear weapons has focused on miniaturization, this is one capability (albeit a critical one) that North Korean scientists and engineers must perfect in order to arm a ballistic missile with a nuclear warhead. Jeffrey Lewis, Director of the East Asia Nonproliferation Program at the Middlebury Institute of International Studies at Monterey, posed three questions that will serve as a framework for assessing North Korea's nuclear capabilities:

Can North Korea make a nuclear weapon small enough?

Can North Korea's compact nuclear weapon survive the shock, vibration and temperature change associated with ballistic missile flight?

Can North Korea construct a reentry vehicle that can survive the extreme heat of reentry, a problem that gets worse with range?¹⁸ While the last question primarily affects Pyongyang's ability to target the U.S., North Korea's ability to address the first two questions affects South Korea and other countries in the region.

North Korea's regime is well-known for making outrageous and often false claims. However, its latest claim to have miniaturized a nuclear device seems plausible. As noted, the Commander of U.S. Forces, Korea opined that North Korea likely possessed the capability to miniaturize a nuclear weapon in October 2014. In March 2016, South Korean Defense Minister Han Min-koo concurred with the assessment, stating, "Given the time that has elapsed since its first nuclear test, we believe that North Korea has achieved a significant level of miniaturization."¹⁹

The U.S. Intelligence Community has often stated that North Korea may have followed by the path of other countries in focusing on developing smaller nuclear weapons weighing approximately 1,000 kg.²⁰ The U.S. Defense Intelligence Agency was even more explicit, assessing that North Korea might try to build a nuclear device in the 650-750 kg range that is similar to the American Mark 7 design. In either case, the weapons are considered unreliable without testing.²¹ Lewis notes that many believed North Korea's failed first test was a result of trying to build a compact device at the outset.²²

When North Korea's first test in 2006 produced a very disappointing yield, many experts took the small yield to mean that North Korea had tried to skip directly to a compact device, resulting in a failure. But, since then, North Korea has conducted three more nuclear tests that produced far higher yields with number of test increasing. Following the test in 2013, the North Koreans announced they had "miniaturized" their nuclear devices. The proliferation of design information has allowed countries to focus efforts on developing smaller warheads from the outset. The Pakistani nuclear program benefitted from receiving Chinese designs of a uranium-based warhead weighing approximately 500 kg. and measuring 90 cm. in diameter.²³ In turn, the Pakistanis passed this along to the Libyans.

If North Korean scientists were able to build a similarly-sized warhead, they would certainly be able to mount it to a Nodong missile. Dr. Bruce E. Bechtol, Jr., an Angelo State University professor who has authored several books on the North Korean military, estimates

Pyongyang has had this capability since 2010.²⁴ Officials increasingly believe North Korea is capable of fitting a warhead onto an ICBM. During an April 7, 2015 briefing, Admiral William Gortney, commander of the North American Aerospace Defense Command, told reporters that the Pentagon believed North Korea was capable of placing miniaturized warheads on the KN-08 ICBM.²⁵ Six days later, South Korea's Vice Defense Minister Baek Seung-joo dismissed Admiral Gortney's claims and repeated Seoul's position that North Korea had yet to build a nuclear weapon small enough to place on a warhead despite its advances in miniaturization.²⁶ The differing assessments marked a high-level split between senior defense officials, yet reflected the ongoing debate in academic and policy circles over North Korea's miniaturization capabilities. Lewis estimates the North Koreans could have miniaturized a warhead weighing 450-750 kg., and a diameter between 60 and 90 cm. as a result of their previous tests.²⁷

While miniaturization is a the key first step, Lewis notes that any North Korean warhead must be engineered to survive the shock, vibration and temperature change that occurs during ballistic missile flight. These challenges go beyond the issue of miniaturization, and include the design of the missile and integration of the warhead. Moreover, it is extremely difficult to replicate the conditions of ballistic missile flight in a laboratory. Melissa Hanham of the James Martin Center for Nonproliferation Studies pointed out the need for operational testing after North Korea's *Rodong Sinmun* published a photograph of Kim Jong-un inspecting a miniaturized nuclear device, "It's very hard to determine or to demonstrate the capability short of testing on the tip of flying missiles."²⁸ In addition to overcoming the engineering challenges inherent in designing and integrating nuclear warheads and ballistic missile, North Korea must consider the political risk associated with a test flight of an actual warhead.

Both the U.S. and China faced a similar challenge in developing ICBMs capable of delivering nuclear warheads. When the Soviet Union ended a de facto moratorium on atmospheric testing in September 1961, President Kennedy approved a series of atmospheric tests of American nuclear weapons and missile. Of the 36 tests conducted under Operation Dominic, Frigate Bird was the only test involving a live warhead and a ballistic missile.²⁹ On May 6, 1962, the *USS Ethan Allen* launched a Polaris A2 missile. After flying 2700 km., the warhead successfully detonated. However, subsequent tests indicated that the warhead was

unreliable.³⁰ Frigate Bird was the only American test of a nuclear ICBM from launch to detonation.³¹

China faced similar problems in testing the DF-2 ballistic missile in the 1960s. Like the Americans, the Chinese faced similar problems in replicating the extreme and varying conditions of ICBM flight. The Chinese leadership also carefully considered the risks associated with an operational test of a live warhead. Premier Zhou Enlai ultimately approved the test after considerable discussions between weapons experts and the central leadership. In October 1966, China successfully fired a nuclear-armed DF-2 missile.³²

North Korea doesn't appear to be at the stage where it is considering an operational test of an ICBM with a nuclear warhead. Pyongyang has yet to test the KN-08. However, like the U.S. and China, North Korea will likely have to consider an operational test in order to evaluate the reliability of its weapons. The results of such a test will have significant ramifications for both North Korea's nuclear program and those seeking to deter it.

Lewis's final question involves overcoming the significant technical challenges associated with designing, building, and testing a re-entry vehicle that can successfully re-enter the earth's atmosphere. Objects re-entering the atmosphere from the vacuum of space encounter enormous amounts of friction that generate extreme heat; ballistic missiles typically re-enter the earth's atmosphere at speeds reaching 7 km/second.³³ For a warhead to be operable, it must be built in a manner that allows it to survive reentry without burning up while remaining on course. The performance of warhead is a function of both the shape of the re-entry vehicle and its composition.

There are three shapes of re-entry vehicles: blunt, slender, and triconic; the latter is a hybrid between the blunt and slender warheads. North Korean military parades have featured blunt and triconic re-entry vehicles. Pyongyang has yet to exhibit the slender cones used by advanced nuclear powers.³⁴

Blunt re-entry vehicles function by creating an air cushion and moving the heat energy around the vehicle; the Apollo Command Module is perhaps the most famous blunt re-entry vehicle. While blunt re-entry vehicles are simple and robust, they are of limited military use. If North Korean were to package a nuclear warhead in a blunt re-entry vehicle, Lewis notes the weapon would be "inaccurate, very heavy and potentially vulnerable to theater missile defense systems."³⁵ In a separate

article, Lewis, non-proliferation research David Schmerler, and aerospace engineer John Schilling state, “If North Korea is planning on fielding such warheads, they are playing it very safe technologically, but they are limiting themselves to a system that can be used only against large, undefended targets.”³⁶

As implied by the name, a triconic warhead has three cones. This type of warhead is only found in nuclear weapons.³⁷ In addition to the design of the cone, triconic warheads deal with the problem of extreme temperatures by heat ablating materials; i.e., materials that dissipate heat by vaporization or evaporation.³⁸ North Korea has showcased missiles with triconic warheads during military parades. Additionally, the Iranians modified a North Korean *Nodong* missile, incorporating a triconic warhead onto the missile.³⁹

Lewis’s framework outlines significant challenges to arming a ballistic missile with a nuclear warhead. As noted, other states have overcome these challenges. Lewis notes that North Korea’s effort is aided experience gained through “50 years of space flight, a large body of open source information, better computer simulation capabilities,” as well as assistance from other countries. While officials often discount North Korea’s capabilities, it is increasingly probable that North Korea will develop, field, and test nuclear-tipped ICBMs.

Tailored Deterrence Strategy

During the 45th Security Consultative Meeting (SCM), South Korean and American defense leaders formally endorsed a bilateral “Tailored Deterrence Strategy Against North Korean Nuclear and Other WMD Threats.”⁴⁰ The agreement creates a “strategic, policy-level framework within the alliance for deterring specific threats.”⁴¹ Defense Secretary Chuck Hagel said the agreement would “help us work together more seamlessly to maximize the effects of our deterrence.”⁴² Defense Minister Kim Kwan-jin said both sides agreed to a “more future-oriented and comprehensive strategic alliance.”⁴³

The announcement was a significant milestone in the evolution of South Korean and American deterrence strategy against North Korea. Significantly, the agreement reflected the need for a combined (ROK-U.S) tailored deterrence strategy in dealing with threats from Pyongyang. This section describes the evolution of this combine strategy, beginning with a brief comparison between traditional deterrence and tailored deterrence. It reviews past instances of tailored deterrence, which often

involved independent actions South Korean and American. Lastly, this section describes combined tailored deterrence efforts following the October 2013 endorsement at the SCM.

Deterrence is frequently associated with the Cold War rivalry between the U.S. and the Soviet Union. In this bipolar world, each state viewed the other as posing the only major threat of attack. Because the stakes were so high, both the U.S. and Soviet Union invested significant resources in developing deterrence strategies. In addition to deploying nuclear weapons, strategists sought to develop theories of deterrence. Thomas Schelling's *The Strategy of Conflict* (1963) and *Arms and Influence* (1966) remain important works in strategy and international relations theory.⁴⁴

The end of the Cold War, the breakdown of the bipolar world, and the proliferation of nuclear weapons presented new problems to strategists, policy makers, and practitioners. The 1994 North Korean nuclear crisis highlighted the challenge of adapting deterrence theory to the post-Cold War era and the rise of regional adversaries armed with weapons of mass destruction. The Clinton administration concern over Pyongyang's ability to reprocess spent fuel rods led it to consider preemptive strikes on the facilities on Yongbyong. The Americans went as far as to deploy F-117 stealth fighters to Korea.⁴⁵ However, the Clinton administration eventually rejected this plan due to the risk of retaliation that could escalate to war.⁴⁶

The U.S. faced a similar situation in the summer of 2006 as North Korea prepared to launch a Taepodong-2 missile. Writing in *The Washington Post*, former and future Defense Secretaries William Perry and Ashton Carter urged the Bush administration to "immediately make clear its intention to strike and destroy the North Korean Taepodong missile before it can be launched."⁴⁷ By this time, North Korea had conducted its first nuclear test. Like the Clinton administration, the Bush administration decided against a preemptive strike.

The Bush administration's reluctance to act came shortly after it outline a vision for tailored deterrence. Released in February 2006, the *Quadrennial Defense Review (QDR) Report*, continues "a shift from a one-size-fits-all notion of deterrence toward more adaptable approaches suitable for advanced military competitors, regional weapons of mass destruction states, as well as non-state terrorist networks, while assuring allies and dissuading potential competitors."⁴⁸

Dr. M. Elaine Bunn, a senior research fellow at the Institute for

National Strategic Studies at the National Defense University, noted that the QDR failed to adequately define the term or describe the means to achieve tailored deterrence.⁴⁹ The objective of deterrence remains largely the same, “to prevent a hostile action (such as aggression or WMD use) by ensuring that, in the mind of a potential adversary, the risks of action outweigh the benefits, while taking into account the consequences of inaction.”⁵⁰ Dr. Bunn then provides three aspects of tailored deterrence that must be analyzed further in order to develop this concept: tailoring to specific actors and situations; tailoring capabilities; and, tailoring communications.⁵¹ Dr. Bunn points out that specific North Korean actions must be deterred—providing nuclear weapons to terrorists, invading South Korea, and using nuclear weapons—rather than simply desiring to “deter North Korea.”

North Korea presents unique challenges to the theory and practice of tailored deterrence. Dr. Michael Raska of Singapore’s Nanyang Technological University describes a “spectrum of threats” that extend beyond nuclear weapons and ballistic missiles.⁵² North Korea has demonstrated its conventional troops, special operations forces, and cyber capabilities in recent attacks including the sinking of the *ROKS Cheonan*, bombardment of Yeonpyoung Island, and hack of Sony Pictures.⁵³ In addition to the diversity of threats, Dr. Raska notes a key challenge is to “ascertaining North Korea’s threshold for limited conflicts, asymmetric attacks, and provocations” that inflict damage on South Korea without provoking retaliation from the ROK-U.S. alliance.⁵⁴

The ROK Government took initial steps toward a tailored deterrence strategy in the wake of the 2010 attacks on the *ROKS Cheonan* and Yeonpyoung Island. In December 2009, President Lee Myung-bak commissioned 15 experts to reexamine Defense Reform Plan (DRP) 2020. Led by Dr. Rhee Sang-woo, the Defense Reform Committee’s year-long review encompassed the tragic events of 2010. A key element of DRP 307 (named for the date the president approved the commission’s recommendations), the resulting Doctrine of Proactive Deterrence enables the South Korean military to make “prompt, focused and proportional retaliation against North Korea’s attacks.”⁵⁵ Previously, the Korean government had used a “Defense by Denial,” seeking to contain North Korean provocations in order to preserve inter-Korean relations.⁵⁶ In a subsequent analysis of DRP 307, Dr. Rhee states, “DRP 307 induces North Korea to non-belligerent policy options. If North Korea realizes that it is not possible to achieve national unification

through belligerent means, then it will seriously and sincerely consider non-belligerent alternatives.”⁵⁷

Shortly after the release of DRP 307, General Jung Seung-jo, Chairman of the ROK Joint Chiefs of Staff (JCS), and General James D. Thurman, Commander of the Combined Forces Command, signed the Combined Counter-Provocation Plan (CCP). Following the attack on Yeonpyoung Island, the ROK and U.S. JCS Chairmen agreed to develop a plan to counter North Korean threats.⁵⁸ The CCP is a South Korean-led, U.S.- supported plan that facilitates a “strong and decisive combined South Korean and U.S. response to North Korean provocations and threats.”⁵⁹

Korean and American defense officials continued to refine deterrence strategies for dealing with North Korea’s WMD and ballistic missiles at the 7th Korea-U.S. Integrated Defense Dialogue on April 14-15, 2014. Following guidance from the 47th SCM, the two delegations signed the terms of reference establishing the Deterrence Strategy Committee (DSC), combining the Counter-Missile Capabilities and Extended Deterrence Policy Committees.⁶⁰ The DSC is responsible for developed the “4D Operational Concept,” a proactive means to “detect, defend, disrupt and destroy” North Korean nuclear and missile threats.⁶¹ The Ministry of National Defense noted that the DSC will “more systematically utilize” American capabilities and South Korea’s Kill Chain and Korea Air and Missile Defense (KAMD) systems; both systems are under development.⁶² Because the Kill Chain and KAMD are central to tailored deterrence, the remainder of this paper focuses on these systems.

Korea Air and Missile Defense and the Kill Chain

In 2006, the ROK Ministry of National Defense announced plans to develop the KAMD, an indigenous missile defense system. Despite the combined command structure on the peninsula, South Korea has pursued a system that is largely independent from the U.S., as well as the joint system being developed between the U.S. and Japan. Military officials initially stated the American and joint systems were not suited for the peninsula’s geography and terrain; they also cited the high cost of these systems. During Lee Myung-bak’s administration, defense officials stated the weapons constituting the American and Japanese ballistic missile defense system—the Patriot Advanced Capability-3 (PAC-3), Terminal High Altitude Area Defense System (THAAD), Aegis ships

equipped with Standard Missile-3 (SM-3), and early warning radars—were not needed to protect South Korea from North Korean short-range missiles.⁶³

At the outset, the KAMD was envisioned to consist of PAC-2 missile interceptors and radar.⁶⁴ To this end, South Korea acquired 48 used PAC-2 missile interceptors from Germany in 2008; it would ultimately possess nearly 300 PAC-2 missiles. The ROK upgraded its capabilities in 2014, purchasing 136 PAC-3 missiles.⁶⁵

In 2009, the ROK Defense Acquisition Program Administration announced it would purchase two Green Pine Block-B (Super Green Pine) radar systems from Israel.⁶⁶ Capable of tracking dozens of targets at a reported detection range of more than 800 kilometers, the Super Green Pine systems would cover all of North Korea.⁶⁷ The ROK Ministry of National Defense approved construction of an Air and Missile Defense-Cell (AMD-Cell) earlier in the year. The AMD-Cell will integrate information obtained from Super Green Pine radars to counter low-flying, short- and medium-range missiles.⁶⁸

KAMD expanded to include a sea-based component. South Korea's three *Sejong Daewang* (*Sejong* the Great)-class destroyers were already equipped with the Aegis radar. In 2009, the ROK Ministry of National Defense officially requested to purchase the SM-2 missile from the U.S.⁶⁹ Four years later, South Korea announced that it would upgrade its Aegis destroyers with the SM-6. With a range of 320-400 kilometers, the SM-6 is considered more effective in destroying North Korean ballistic missiles.⁷⁰ South Korea later announced it would acquire three additional Aegis destroyers.

South Korea's emphasis on the KAMD was reflected in the defense ministry's budget submission for the fiscal years 2014-2018. Of the 214.5 trillion won (\$192.6 billion) requested, 70.2 trillion won (13.4%) would be allocated for ballistic missile defense systems associated with KAMD.⁷¹

In the *2012 Defense White Paper*, the ROK Ministry of National Defense outlined the concept for a preemptive strike capability: "in the event of provocation, our security posture will allow us to conduct swift, accurate, and thorough response within our sovereign rights of self-defense."⁷² Developed within the framework of the tailored deterrence strategy, the Kill Chain system is envisioned to find, fix, track, target, and engage North Korean missiles; assessing engaged targets is the final phase of the process.⁷³ There is strong support for the Kill Chain system.

Speaking at the 2013 Armed Forces Day parade, President Park Geun-hye said South Korea would be “quickly securing abilities to counter nuclear arms and other weapons of mass destruction.”⁷⁴

Kill Chain requires a significant investment in intelligence, surveillance, and reconnaissance capabilities needed to “find” North Korean missiles and supporting systems. In February 2013, South Korean defense officials revealed mid- and long-term plans to deploy spy satellites.⁷⁵ The ROK Air Force is considering development or purchase of an early warning satellite system capable of detecting missile launches.⁷⁶ Although the military has access to information acquired by the *Arirang-3*, a commercial multi-purpose satellite, it continues to rely on the U.S. for intelligence.⁷⁷ Additionally, the ROK military is expected to purchase four RQ-4B Block 30 Global Hawk aircraft from Northrop Grumman. South Korea intends to complete the purchase of the high-altitude, unmanned reconnaissance aircraft by June 28, 2019.⁷⁸

In addition to enhancing reconnaissance assets, the ROK military also plans to acquire capabilities to promptly strike fixed facilities and mobile launchers in North Korea. This involves enhancing the accuracy, range, and power of existing surface-to-surface missiles, air delivered munitions, and ship-to-surface missiles. To this end, in May 2013 the ROK purchased over \$823 million in weapons to support the F-15 SE aircraft, including Joint Direct Attack Munitions.⁷⁹

Since KAMD and Kill Chain were first proposed, South Korea has repeatedly stated that the systems will be independent of U.S. systems, as well as the those being jointly developed by the Americans and Japanese. It should be noted that these programs began during preparations for transferring Wartime Operational Control (OPCON) from the Americans to the Koreans. Indeed, the KAMD was announced the year following President Roh Moo-hyun’s first suggested transferring Wartime OPCON. James Harvey, the Asia-Pacific Editor at Jane’s HIS Defense Weekly, states that the transfer of Wartime OPCON was a “key driver” in South Korea’s pursuit of enhanced capabilities, to include the KAMD and Kill Chain systems.⁸⁰ Because the ROK and U.S. have agreed to a “conditions-based” approach—thus postponing the transfer indefinitely—it appears that much of the original rationale for independent systems is no longer as significant a factor.

Yonsei University Professor Choi Jong-kun questioned the deterrent value of the Kill Chain system following the postponement of Wartime OPCON. Absent Wartime OPCON, Professor Choi states, “Even if it

(South Korea) possessed physical kill chain capabilities, the president would still need to discuss the matter within the Combined Forces Command framework before issuing the order to strike.”⁸¹ He notes the contradiction between developing the capabilities for Kill Chain and the postponement of OPCON transfer; delaying OPCON transfer raises questions about South Korea’s commitment to the Kill Chain system and authority required to use it. Professor Choi concludes, “The North Korea deterrent is only complete when OPCON is transferred to South Korea as scheduled and Seoul is fully committed to carrying it out.”⁸² In this line of reasoning, postponing OPCON transfer has reduced Kill Chain’s deterrent value

There are other reasons to reconsider maintaining KAMD and Kill Chain as independent systems. First, both systems are primarily composed of American weapons systems and equipment.⁸³ As noted, major systems in the KAMD and Kill Chain include the PAC-2, PAC-3, SM-2, SM-6, Global Hawk UAV, and Aegis Combat System. Second, South Korea still relies on American early warning satellites. The AMD-Cell integrates “information acquired from the U.S. early missile warning satellites and South Korea’s radar system and sends it to Patriot missile units.”⁸⁴ Third, there are enormous costs associated with developing independent capabilities. The envisioned military satellite system will likely require significant funding. South Korea should consider integrating existing KAMD and Kill Chain capabilities with American systems.

Conclusion

Through four nuclear tests, North Korea has made considerable progress toward its goal of developing a warhead that can be delivered by a ballistic missile. In addition to substantially increasing yields, Pyongyang’s scientists and engineers likely have progressed in each of the critical areas outlined by Jeffrey Lewis. North Korea appears capable of miniaturizing weapons to the degree that they can be placed atop its medium-, and perhaps its long-range ballistic missiles. Pyongyang will still need to ensure that its warheads can survive the shock, vibration and temperature change that occurs during ballistic missile flight. ICBM’s will need to be engineered to survive reentry. Lewis notes that other countries have overcome these challenges, and North Korea is able to draw on 50 years of experience that is increasingly available in open source literature. Accordingly, it is increasingly probable that North

Korea will develop, field, and test nuclear-tipped ICBMs.

Faced with these threats, Korean and American policy makers have sought to develop a tailored deterrence strategy. These efforts began in parallel, with the U.S seeking to address challenges from advanced military competitors, regional weapons of mass destruction states, as well as non-state terrorist networks. In the wake of the attacks on the *ROKS Cheonan* and Yeonpyoung Island, South Korea sought to deter North Korea's conventional, unconventional, and growing cyber capabilities. These efforts came together when the Minister of National Defense and the Secretary of Defense signed the bilateral "Tailored Deterrence Strategy Against North Korean Nuclear and Other WMD Threats" in October 2013. At the operational level, the Combined Counter-Provocation Plan enables Korean and American forces to decisively respond to North Korean threats and provocations.

Ballistic missile defense, to include the means to detect, defend, disrupt, and destroy North Korean nuclear and missile threats, is central to the tailored deterrence strategy. Despite the combined command structure on the peninsula, South Korea has developed the KAMD and Kill Chain systems that are largely independent from the U.S., as well as the joint system being developed between the U.S. and Japan. This decision has been closely linked to the agreement to transfer Wartime OPCON from the U.S. to South Korea. Because this decision has been postponed, South Korea should consider whether these independent systems best support the tailored deterrence strategy.

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