

# What are the potential policy options for Australia in dealing with a nuclear-armed North Korea?

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## Abstract

This paper examines the policy options for Australia in dealing with a nuclear-armed North Korea. It notes that over the past two decades, North Korea has become an ever-increasing threat to regional security, and that it continues to develop and test nuclear weapons and ballistic-missile systems. It assesses that North Korea's increasingly credible capability heightens the risk of miscalculation and conflict on the Korean Peninsula, which would have a significant impact on Australia's national interests.

The paper asserts that US policy has not managed to curb North Korea's belligerence. It proposes that Australia should attempt to influence the US to change its policy to an approach that aims to reduce tension by focusing on peace-building measures rather than denuclearisation, which would require the re-establishment of dialogue, as well as recognition of North Korea as a nuclear-weapons state. The paper also suggests several complementary military-related policy options that Australia could progress against the possibility that diplomatic options prove unsuccessful or that tensions continue to escalate regardless.

## Introduction

Over the past two decades, North Korea has become an ever-increasing threat to peace and security.<sup>1</sup> It continues to develop and test nuclear weapons and ballistic-missile systems that will soon lead North Korea to possess a credible nuclear-weapons capability.<sup>2</sup> World leaders have condemned the North Korean nuclear and missile tests, with then US Defense Secretary Ashton Carter describing them in September 2016 as 'destabilizing and provocative'.<sup>3</sup> As retired US General Mark Hertling stated in August 2016, 'North Korea is now a practical threat, not a theoretical threat'.<sup>4</sup>

Some analysts contend that North Korea is already a de facto nuclear-weapons state.<sup>5</sup> When North Korea achieves a nuclear-armed ballistic-missile capability, it will likely place South Korea, Japan, Australia and the west coast of the US within its nuclear-armed missile range.<sup>6</sup> As Hugh White has stated, 'a nuclear armed North Korea matters to Australia ... because of the proliferation of weapons of mass destruction ... the strategic future of the Asia-Pacific region ... and war in Northeast Asia'.<sup>7</sup> A miscalculation on the Korean Peninsula could therefore have a significant impact on Australia's national interests.

Nariman Behraves has asserted that 'the impact on markets and global confidence [from conflict on the Korean Peninsula] would be shattering'.<sup>8</sup> Australia's top four trading partners are China, the US, Japan and South Korea, each of which, with perhaps the exception of Japan, would most likely be involved in any military conflict on the Korean Peninsula.<sup>9</sup> Australia would not be economically shielded if conflict eventuated. Further, any such conflict would most likely result in Australia committing military forces in support of its major ally, the US.<sup>10</sup> Conflict on the Korean Peninsula could potentially escalate into the use of weapons of mass destruction, exposing committed ADF assets to very high risk.<sup>11</sup>

US policy toward North Korea needs to change.<sup>12</sup> Under the Obama Administration, the US continued to pursue a policy of 'strategic patience', which many experts contend was a failure.<sup>13</sup> That approach was adopted in 2009 in an attempt to constrain North Korea's nuclear-weapons program and force it to return to dialogue.<sup>14</sup> It required North Korea to demonstrate practical denuclearisation efforts before the recommencement of dialogue.<sup>15</sup> However, North Korea's nuclear and ballistic-missile testing programs have continued unabated, with North Korea conducting four nuclear tests and attempting to launch at least seven ballistic missiles since the policy's inception, with no apparent change in its behaviour.<sup>16</sup>

Many experts contend that a continuing policy of strategic patience will most likely lead to more North Korean provocations and greater risk of conflict on the Korean Peninsula.<sup>17</sup> To remove the North Korean nuclear threat, a US military

strike on North Korean nuclear facilities has reportedly been considered.<sup>18</sup> However, some commentators believe that 'surgical strikes and air raids against nuclear installations will not work ... [as] the weapons-grade plutonium and nuclear devices have been manufactured and now ... are safely hidden'.<sup>19</sup> Moreover, a pre-emptive military strike by the US risks a retaliatory nuclear response on South Korea or other US ally; it could also escalate into conflict between the US and China.<sup>20</sup>

With the current policy failing, UN Security Council sanctions against North Korea have become even more critical. However, there is widespread agreement that these are also failing, with Dursun Peksen asserting that 'Pyongyang has been able to shield its ruling circle from the economic costs of sanctions, and has employed means of repression to quell dissent and domestic opposition'.<sup>21</sup> Andrei Lankov also contends that China's ambivalent attitude to enforcing the sanctions has enabled it to shield North Korea from their impact.<sup>22</sup> China does not want to place pressure on North Korea to the point where it destabilises the country, which could lead to the loss of China's strategic buffer between US forces stationed in South Korea.<sup>23</sup> Any such instability would also impede China's economic growth plans. Hence, sanctions are not placing sufficient strain on North Korea's regime to change its behaviour, nor are they likely to do so.

This paper will argue that Australia should attempt to influence the US to change its policy toward North Korea to an approach that aims to reduce tension by focusing on peace-building measures rather than denuclearisation.<sup>24</sup> This would require, in the first instance, the US to re-establish dialogue with North Korea.<sup>25</sup> Once dialogue is recommenced, a number of policy options that support a reduction in tensions and ultimately strive for peace should be considered. Within any policy options roadmap, experts have contended that denuclearisation should only be considered as a long-term aspiration at best, given the importance that North Korea places on nuclear weapons for its national security and legitimacy.<sup>26</sup>

This paper will be presented in four parts. The first part argues that North Korea should be acknowledged as a nuclear power, which would be a critical decision in terms of shaping future US policy options. This is done by firstly examining the reasons why North Korea has pursued a nuclear-weapons capability and then providing an assessment of North Korea's nuclear and ballistic-missile capabilities.

Part 2 of the paper explores why the past two decades of US denuclearisation policies have failed, and whether North Korea would consider denuclearising in future. This is answered by first providing an assessment of the potential reasons for US policy failures toward North Korea's denuclearisation. The

importance of nuclear weapons to North Korea is then examined, not least because understanding North Korean drivers for a nuclear-weapons capability is critical in considering future US policy options.

Parts 3 and 4 of the paper offer two broad policy themes, diplomacy and military, together with more detailed recommendations. The diplomacy recommendations will be presented in a framework covering policy rationale, potential benefits, resources required and the potential strategic risks. Policy options that support these themes are considered critical in the context of striving for a reduction in tensions through peace-building measures on the Korean Peninsula, yet still ensuring Australian interests are protected from the North Korean threat.

## Part 1: Is North Korea a nuclear power?

It is important to first consider why North Korea would pursue a nuclear-weapons capability. This assessment also needs to take into account its current nuclear-weapons capability and what it could be in the near future. These assessments will then be utilised to form a position on whether North Korea should be acknowledged as a nuclear power and why this is a critical element in progressing any future US policy positions.

### North Korea's pursuit of a nuclear-weapons capability as a deterrent

North Korea sees the US as an existential threat, as both the US and South Korea fought against North Korea in the Korean War.<sup>27</sup> Although the armistice from the Korean War remains extant today, it is an uneasy truce, with North Korea ready to defend its territory from US attack and the US ready to defend South Korea from a North Korean attack. Militarily, North Korea possesses one of the largest armies in Asia.<sup>28</sup> Its size, however, hides the fact that its weapons systems are predominantly ex-Soviet era, which are considered no match for modern Western systems.<sup>29</sup>

On balance, it has been assessed that North Korea's conventional military forces would be defeated by the combined US-South Korean forces, albeit with the loss of hundreds of thousands of lives on both sides.<sup>30</sup> To counter its conventional military inferiority, North Korea has pursued a nuclear-weapons capability to generate a deterrent effect.<sup>31</sup> To complicate US-South Korean policy options, North Korea has a bilateral defence treaty with China.<sup>32</sup> Although its efficacy is questioned by some Western experts, the treaty is a factor in US policy options in dealing with North Korea.<sup>33</sup>

## The importance of nuclear weapons to North Korea beyond the deterrent effect

North Korea's nuclear-energy program commenced in the late 1950s, utilising cooperation with the then Soviet Union. This program branched out into nuclear-weapons development in the 1970s, based in part on concerns that South Korea was pursuing its own nuclear-weapons program.<sup>34</sup> The North Korean nuclear program sped up following the demise of the Soviet Union, manifested in Kim Jong Il's *Songun* policy, which means 'military first'.<sup>35</sup> It signalled a massive increase in state resources for nuclear-weapons development, as part of its quest for self-reliance (*Juche*) and to ensure continued military support to the regime.<sup>36</sup>

Like his predecessor, North Korea's current leader, Kim Jong Un, understands the importance to the regime of the military and its associated nuclear-weapons program.<sup>37</sup> In March 2013, he introduced a policy of *Byungjin*, an iteration of the *Songun* ideology, which translates into developing the economy and nuclear weapons in parallel.<sup>38</sup> His announcements at the Korean Workers Party Congress in May 2016, where he declared his country to be 'a responsible nuclear weapons state', are typical of national leaders striving to maintain control of the populace and generate legitimacy.<sup>39</sup> Kim further declared that North Korea 'will not use a nuclear weapon unless its sovereignty is encroached upon by any aggressive hostile forces with nuclear weapons', and that North Korea would 'faithfully fulfil its obligation for non-proliferation and strive for global denuclearization'.<sup>40</sup>

Domestically, Kim has utilised North Korea's nuclear-weapons program as a mechanism to generate national pride and to add to 'the cult of Kim', demonstrating that he is a strong leader standing up to the threat from the US, and that North Korea can overcome significant technological challenges.<sup>41</sup> As such, nuclear weapons are linked to the future prosperity of North Korea through the actions and driving force provided by Kim. Predictions of North Korea's collapse have been raised for decades and have all proven to be wrong. As Kim is a young man, and has shown ruthlessness to remain in power, the international community should plan for Kim Jong Un to be in power for decades.<sup>42</sup>

## What is the status of North Korea's nuclear-weapons capability?

North Korea has declared that it already has a full nuclear-strike capability, even altering its constitution to enshrine itself as a nuclear-armed state.<sup>43</sup> However, it is difficult to gauge the real extent of North Korea's nuclear-weapons status, given its isolation. North Korea has conducted five nuclear tests since 2006, the latest in September 2016.<sup>44</sup> Importantly, the frequency of both ballistic-missile

tests and nuclear tests increased in 2016, despite North Korea being under strict UN sanctions. As South Korea's Foreign Minister Yun Byung-se said in October 2016, 'North Korea's nuclear capability is growing and speeding to a considerable level, considering the fifth nuclear test was the strongest in scale and [that] the interval has quickened substantially'.<sup>45</sup>

Uncertainty in North Korea's nuclear program extends to two issues, namely the miniaturisation of nuclear warheads to fit into extant ballistic-missile designs, and North Korea's ability to weaponise uranium in the form of highly-enriched uranium. Miniaturisation is important as it impacts North Korea's ability to attach nuclear materials to long-range ballistic missiles. If North Korea has the ability to integrate a miniaturised nuclear warhead onto the KN-08 ballistic missile, for example, then targets as far away as the west coast of the US are a possibility.

Weaponising uranium into a highly enriched form is important as it represents an alternative path to the development of nuclear weapons via plutonium-based systems. Highly-enriched uranium is considered preferable in nuclear-weapons development as its manufacturing facilities are easier to hide from surveillance systems.<sup>46</sup> Weapons based on highly-enriched uranium are also the simplest, enabling easier production, albeit greater yields are produced by plutonium weapons, which is important in terms of the yield capacity of long-range missiles.<sup>47</sup>

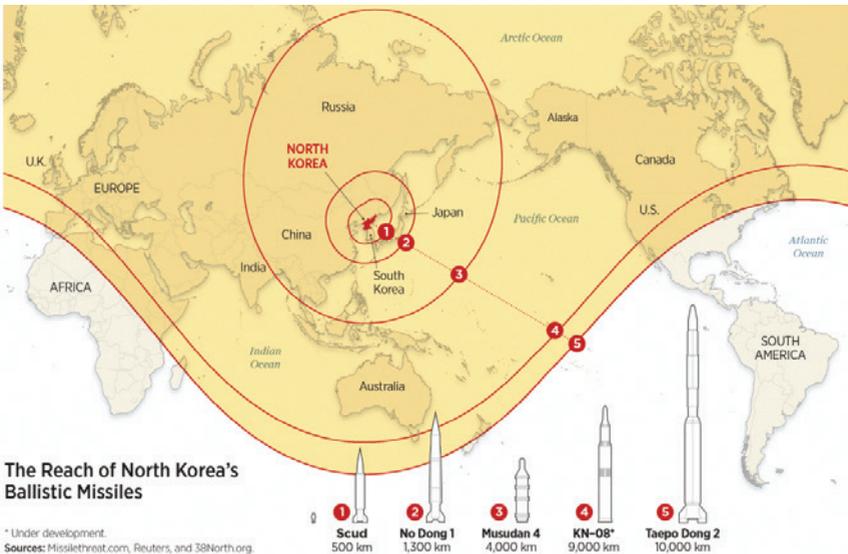
Experts have assessed that North Korea has probably developed a miniaturised nuclear warhead, which implies that it would have the capability to strike targets with its operational ballistic missiles. As early as 1999, A.Q. Khan, the father of Pakistan's nuclear program and notorious provider of nuclear technologies to North Korea, asserted that North Korea had developed what appeared to be nuclear warheads able to be fitted to missiles.<sup>48</sup> Although his assertions are questionable, North Korea and Pakistan have had a close working relationship on nuclear and missile programs since at least the mid-1990s.

It is reasonable to assume that North Korea's Nodong-1 missile has a nuclear warhead, just as the same missile in the Pakistan inventory, the Ghauri, is assumed to have a nuclear warhead.<sup>49</sup> General Curtis Scaparrotti, then commander of US forces in Korea, told reporters in October 2014 that 'I believe they [North Korea] have the capability to have miniaturized the device at this point, and they have the technology to potentially, actually deliver what they say they have'.<sup>50</sup> Notably, Kim declared in March 2016 that his country had developed miniature nuclear warheads that can fit onto a ballistic missile, the first time he made such an assertion.<sup>51</sup>

Experts agree that North Korea has probably developed the capability to manufacture highly-enriched uranium, implying that it can now consistently manufacture nuclear warheads, although the number of nuclear weapons

held by North Korea is unknown. Siegfried Hecker said in January 2016 that 'my best estimate is that they may have enough bomb fuel for 18 bombs, with a capacity to make six to seven more annually'.<sup>52</sup> In April 2016, Joel Wit and Sun Young Ahn estimated that Pyongyang possessed between 16 and 20 nuclear bombs, comprising 6-8 from plutonium and 4-8 from highly-enriched uranium.<sup>53</sup> Others suggest North Korea may have up to 16 warheads, and that by 2020 it could have anywhere between 20 and 100 nuclear warheads.<sup>54</sup>

North Korea's nuclear-weapons program requires its medium- and long-range ballistic missile programs to provide the delivery vehicles. Its missile expertise developed in the early 1960s from Chinese and Russian benefactors. Medium-range Scud missiles entered full-scale production in 1991, followed by the longer-range Nodong missile, which became operational in 2016.<sup>55</sup> Intercontinental-range ballistic missiles are reportedly still under development, with engine testing detected earlier this year. Importantly, however, North Korea has successfully launched an intermediate-range ballistic missile (designated KN-11, a Nodong derivative).<sup>56</sup> North Korea has also successfully launched a satellite utilising an Unha-3 missile, a derivative of the Taepodong class.<sup>57</sup> Figure 1 shows the indicative ranges for missiles in the North Korean inventory.<sup>58</sup>



**Figure 1:** Range of North Korean ballistic missiles (noting that Musudan and longer-range missiles are not yet operational)

## Recognition of North Korea as a nuclear power

North Korea's nuclear and ballistic-missile actions are intended both to demonstrate the regime's strong leadership to the North Korean people and inculcate legitimacy in the mind of the international community.<sup>59</sup> The North Korean regime craves international recognition and wants to be accepted as a legitimate nation state.<sup>60</sup> Its quest for legitimacy—or its bid to attract international attention—includes taking increasingly provocative actions.<sup>61</sup> The concern is that increasingly provocative acts, by an authoritarian regime in possession of nuclear weapons, present a potentially worrying threat to the wider Asia-Pacific region.

One way to reduce the threat would be to recognise North Korea as a nuclear-weapons state.<sup>62</sup> The US, South Korea and Japan do not recognise North Korea as a nuclear-armed power, which Kim Jong Un presumably perceives as undermining the international status of North Korea, and his legitimacy as leader of a sovereign nation.<sup>63</sup> Hence, recognising North Korea as a nuclear-armed power could be leverage for the US to use in progressing the policy recommendations outlined later in the paper.

The legal status of a nuclear-weapons state is recognised through the Nuclear Non Proliferation Treaty (NPT).<sup>64</sup> It currently recognises five nations as nuclear-weapon states: the US, Russia, UK, China and France, which are also the five permanent members of the UN Security Council. The NPT supports three pillars: non-proliferation, disarmament, and the peaceful use of nuclear energy.<sup>65</sup> In addition to the NPT, those considered 'responsible nuclear powers' (in regards civil use) are members of the Nuclear Suppliers Group.<sup>66</sup> It is a 48-member state forum whose aim is to contribute to the non-proliferation of nuclear weapons through the implementation of guidelines for nuclear exports and nuclear-related exports. These two agencies represent the pinnacle of global nuclear responsibility, underpinned by the inspection regimes and standards of the UN-mandated International Atomic Energy Agency.

Not being legally recognised by the NPT or being a member of the Nuclear Suppliers Group does not necessarily preclude the acceptance of a nation state as a nuclear power. Neither India nor Pakistan are NPT or Nuclear Suppliers Group signatories, although both are treated by the international community as nuclear powers.<sup>67</sup> In the past, both have been subjected to sanctions because of their nuclear-testing programs.<sup>68</sup> Both are also reportedly increasing their nuclear-weapons arsenals to counter perceived threats from each other, and in India's case also from China.

Any such build-up of nuclear arsenals is contrary to the NPT's disarmament goal. Yet neither Pakistan nor India are currently being penalised, not least because the key nuclear-weapons states are themselves modernising their arsenals.<sup>69</sup> Both India and Pakistan have tested nuclear weapons; six each according to public sources, and they are each purported to hold significant nuclear-weapons stockpiles in excess of 100.<sup>70</sup> So a comparison between the North Korean and India-Pakistan nuclear programs would seem to suggest that North Korea deserves similar recognition, a position indeed acknowledged by a number of experts.<sup>71</sup>

## Part 2: Why denuclearisation policies have failed and may continue to do so

This part will first argue that US policies toward North Korea, based on the concept of denuclearisation, have failed, each for a unique set of reasons. The policies include the Agreed Framework, the Six Party Talks and 'strategic patience'. The review will be from a US perspective, given it has been the driving force in these endeavours. It is acknowledged that a Chinese perspective would be different, given that its priority for the Korean Peninsula is stability rather than denuclearisation; however, this will not be explored. This part then examines the importance of nuclear weapons to North Korea and whether that importance could be reduced to a point where denuclearisation could be considered in future policy options for the US.

### From the Agreed Framework to strategic patience

The first US attempts to denuclearise North Korea, under negotiations termed the Agreed Framework, were unsuccessful because of the failure of the parties to deliver what was agreed.<sup>72</sup> Under the Clinton Administration, the Agreed Framework's goal was for North Korea to cease and eventually dismantle its plutonium-based nuclear-weapons program.<sup>73</sup> In turn, North Korea was to be provided with energy sources, including two nuclear light-water reactors, economic benefits and progress toward normal state relations.

In the event, challenges in the Republican-dominated US Congress impeded the Agreed Framework's implementation, resulting in delays to agreed fuel oil shipments and the construction of two light-water reactors.<sup>74</sup> These delays were seen by North Korea as evidence that the US was reneging on the Framework.<sup>75</sup> The US then asserted that North Korea admitted to possessing a uranium-enrichment program, which violated its Agreed Framework commitments, an assertion North Korea flatly denied.<sup>76</sup> With each side blaming the other, the

Agreed Framework stalled. However, while the Agreed Framework's aims were not fully achieved, it was successful in freezing plutonium production at the Yongbyon complex (a key North Korean nuclear facility) from 1994 to December 2002.<sup>77</sup>

When President G.W. Bush came to power in 2001, his Administration discarded the Agreed Framework and took a tougher line on North Korea. It included the President labelling North Korea part of an 'axis of evil' in his State of the Union address in January 2002; the Administration's US National Security Strategy also articulated pre-emptive strikes and regime change.<sup>78</sup> This aggressive policy position led China to become increasingly concerned that the US would undertake actions inimical to its interest. From being a relative bystander during the development of the Agreed Framework, China thus became a pivotal player in negotiations over North Korea's nuclear-weapons program in an attempt to reduce the risk of conflict on the Korean Peninsula.<sup>79</sup>

In parallel, the aggressive US policy toward North Korea was gradually replaced by a more diplomatic approach as Washington realised that threats were not deterring North Korea, and the Administration came to realise the significant risks involved in striking North Korea.<sup>80</sup> With China's support, the US developed a negotiated approach, known as the Six Party Talks, beginning in 2003 between China, Russia, South Korea, North Korea, Japan and the US. However, the US aim of the denuclearisation of North Korea was not necessarily shared by the other parties.<sup>81</sup> Hence, as the talks progressed, agendas were manipulated to suit national priorities, with the talks eventually stalling.

A spate of North Korean provocations led the incoming Obama Administration to pursue its 'strategic patience' policy in 2009.<sup>82</sup> However, since the policy's inception, North Korea has tested five nuclear devices and nine ballistic missiles, including two nuclear devices and six missiles in 2016 alone.<sup>83</sup> Pyongyang has improved its nuclear-weapons capability, both quantitatively and qualitatively, and the US and the region now face a more capable North Korea that has vowed never to give up its nuclear-weapons capabilities.<sup>84</sup> Concurrently, the other stakeholders continue their relatively-unchanged views on how to bring about stability on the Korean Peninsula, resulting in a form of policy paralysis, even as North Korea continues to push its provocative actions, with seemingly no prospect of denuclearisation.<sup>85</sup>

## What are the prospects of North Korea denuclearising?

Many experts now contend that North Korea has never been genuine about denuclearisation. According to Evans Revere, North Korea has no intention of relinquishing its nuclear capabilities, which provide a deterrent effect against the perceived threat from the US, as well as engendering national pride in North Korea's technological achievements, ingrained in Kim's *Byungjin* ideology, both of which underpin the regime's survival.<sup>86</sup> But could North Korea be influenced to progress towards denuclearisation in future?

Assessing North Korea's motives and likely courses of action are highly problematic. North Korea may perceive that US power in the Asia-Pacific region is reducing as China grows economically and militarily. This may bolster North Korea's confidence that it can continue to develop its nuclear arsenal, and avoid retaliatory action by the US, given its relationship with China.<sup>87</sup>

North Korea would also be aware that pre-emptive strikes by the US against North Korean nuclear facilities were wargamed by the US military as 'extremely risk', with no guarantee of success and the possibility of extreme second-order effects.<sup>88</sup> The US concern would be that pre-emptive strikes may not completely destroy North Korea's nuclear arsenal, which could lead to nuclear retaliation against South Korea or the territory of another US ally.<sup>89</sup> It is also possible that any such pre-emptive strike could escalate into conflict between the US and China.<sup>90</sup> So North Korea may perceive that it can bide its time and keep developing its nuclear capability, as its assessment of the probability of a pre-emptive strike by the US reduces commensurate with China's rise.

Accordingly, any strategy that attempts to coerce or entice North Korea to relinquish its nuclear capabilities in the short term has almost no prospect of success.<sup>91</sup> Reflecting a typically outlandish bargaining position, North Korea has stated that it would only give up its nuclear weapons if the US did likewise, and that all other nations relinquished their nuclear arsenals.<sup>92</sup> This precondition is clearly unrealistic. However, reducing North Korea's perception of the threat posed by the US is clearly a critical element in reducing tensions on the Korean Peninsula.

Some have argued that facilitating economic reforms within North Korea may offer a potential alternative to the nuclear narrative. In order to do this, Pyongyang would need to be convinced that improved living conditions for the North Korean people, particularly if it was at the expense of nuclearisation, would enable the regime to continue providing its almost absolute control over the population. It would also require the US threat toward North Korea

to significantly diminish, given that national survival is a higher North Korean priority than economic reform.

Along those lines, Kim could cast increased economic integration with the wider international community as a success story for the regime, particularly if it was seen to result in improved living conditions.<sup>93</sup> This alternative would not necessarily change Kim's *Byungjin* ideology, which would be important in ensuring that Kim maintains 'face'.<sup>94</sup> At present, the prospects for North Korea's economy are not good, given its limited engagement with the international community.<sup>95</sup> Nevertheless, China, as North Korea's main economic supplier, has demonstrated that an authoritarian regime with direct controls over a market-based economy can be a success, which may offer Kim a model to emulate.<sup>96</sup>

The risk from Kim's perspective is that even limited, state-controlled economic reforms that improve the socio-economic living conditions of North Koreans may pose a threat to the regime. Increasing domestic wealth and international engagement may lead to a rise in the North Korean people's expectations and awareness of the wider world.<sup>97</sup> That may lead the regime to stay with the nuclear-weapons narrative, rather than opening the Pandora's box of economic reform. Nevertheless, some have suggested that Kim will have to conduct some reforms to improve his nation's economy in order to sustain the ideology, which may present an opportunity for the US and others to facilitate some opening of the North Korean economy.<sup>98</sup>

This part started with asking the question of whether North Korea would denuclearise. Given that North Korea has no reason to denuclearise, as the benefits to the regime far outweigh the risks, the international community, including Australia, should reconsider its policies toward North Korea, taking into account that they are dealing with what is effectively a nuclear-weapons state.

### Part 3: Diplomatic policy options for dealing with a nuclear-armed North Korea

Thus far, this paper has assessed that the current US policy of 'strategic patience' has failed to prevent North Korea from becoming a nuclear-weapons state. Further, it has been contended that North Korea has no intention of relinquishing its nuclear-weapons program, given its deterrent effect on the US and its role in supporting the regime. Moreover, North Korea has not capitulated to inducements or threats to denuclearise in over 20 years of engagement on the issue. And any future policy considerations that utilise this same methodology will most likely result in similar outcomes. So what is to be done?

One obvious option is a paradigm shift in policy, led by the US. The starting point should be to drop the demand that Pyongyang commences the process of denuclearisation before commencing talks.<sup>99</sup> That needs to be followed by the re-commencement of consistent and regular dialogue.<sup>100</sup> As Justin McCurry has argued, 'this whole crisis has shown us how little we really know about Kim Jong-Un, and we're not going to learn any more unless we talk. And talking isn't the same as backing down'.<sup>101</sup>

Moreover, the focus of dialogue should be the peace process, not the denuclearisation process.<sup>102</sup> Given the very low probability of the denuclearisation of North Korea in the near term, if at all, Washington should adopt a policy approach that addresses how to deal with a nuclear-armed North Korea.<sup>103</sup> Bruce Cumings contends that 'we have no choice but to talk to the North Koreans. The only path to opening North Korea is through diplomacy and people to people contact'.<sup>104</sup> Without dialogue, there is a reduced ability to influence, which of course goes both ways.

## Policy recommendations

As a close ally of the US, Australia has a role to play in influencing the US to review its policy on North Korea. Its ability to engage the US formally on the diplomacy recommendations offered is extensive, given the close relationship that has developed and been maintained over decades. Options for Australia to broach the subject of North Korean policy with the US Administration could include informal engagement through academic consultations and think-tanks, as well as formally through departmental engagements.

Academic engagements offer the opportunity to conduct wide-ranging dialogue, including 'testing the waters' on the robustness of the recommendations. The departments of Defence, and Foreign Affairs and Trade would be the obvious avenues for more formal engagement. The policy recommendations could also be discussed at Australian-US Ministerial (AUSMIN) meetings.

The policy options that Australia could consider are each presented, in sequential order, with a policy rationale, the potential benefits, the resources required of Australia, and the potential strategic risks.

**Policy recommendation 1: Australia to attempt to influence the US to change its policy to one that re-commences dialogue with North Korea, without preconditions**

The policy rationale for and benefits of this recommendation have been provided earlier. The Australian resources required to raise this initiative are no more than extant diplomatic resources.

The strategic risks associated with this policy are significant. The US could be seen as weak in not enforcing a rules-based global order in relation to North Korea, which may also generate alliance anxieties with regional states, particularly South Korea and Japan.<sup>105</sup> The US would have to continue persuading those countries to refrain from pursuing their own nuclear-deterrent capabilities in response. Although Japanese society has a longstanding sentiment against the use or possession of nuclear weapons, Prime Minister Abe's government has asserted that Japan's Constitution allows for the possession of nuclear weapons.<sup>106</sup> South Korea reportedly explored acquiring nuclear weapons in the 1970s and there are concerns that it may review its position should North Korea continue to progress its nuclear-weapons program.<sup>107</sup> Any such developments would risk a nuclear-arms race in the region.<sup>108</sup>

The strategic risk to Australia lies in its reputation with the US, which is a common risk for all the policy recommendations and therefore shall not be repeated further. The manner in which Australia presents this policy for consideration would be critical, as it could result in a US perception that Australia is starting to side with China on regional security issues or that Australia considers itself overly influential in the development of US policy.<sup>109</sup> As White has noted, 'Australia has big interests in North Korea, but our capacity to shape outcomes is relatively modest'.<sup>110</sup>

### **Policy recommendation 2: Australia to attempt to influence the US to acknowledge North Korea as nuclear-armed power**

The policy rationale for this recommendation has been provided earlier in the paper. The benefits of this policy for North Korea would be an acknowledgement of its legitimacy as a nation state.<sup>111</sup> The benefit to the US and the wider world would be the potential for a reduction in provocative actions by North Korea. The Australian resources required to raise this initiative are no more than extant diplomatic resources.

The key strategic risk for the US would be in managing the likely negative reaction of its key Asian allies, South Korea and Japan. South Korea has promoted a number of policies toward North Korea, from the 'Sunshine Policy' in the late 1990s, which attempted to establish more open dialogue and economic interaction, to the present hard-line approach that matches the US policy of no engagement without verifiable denuclearisation.<sup>112</sup> Japan's policy position is to seek normalised relations with North Korea, on the proviso that North Korea works actively toward denuclearisation and refrains from

further provocations.<sup>113</sup> So any decision by the US to acknowledge North Korea as a nuclear-weapons state would be a complex and challenging task in alliance management.

A wider strategic risk for the US would be the potential for an increase in nuclear-proliferation activities by nations with an interest in becoming nuclear powers. It could also set back the credibility of nuclear non-proliferation. Although this policy might be considered a precedent for other nations, it has been argued that the precedent was already set by the US and the international community's tacit acknowledgement of India and Pakistan into the nuclear power club.<sup>114</sup>

Any acknowledgement by the US of North Korea as a nuclear-weapons state could also undermine the US position regarding Iran. The US, together with the other P-5 states, as well as Germany and the European Union, were adamant in 2015 that Iran should not be allowed to develop nuclear weapons, and implemented the so-called Joint Comprehensive Plan of Action, which lifted international oil and financial sanctions on Iran in return for Tehran agreeing to curtail its nuclear-related program.<sup>115</sup> The risk is that any acknowledgement of North Korea's status might give Iran incentive to seek similar recognition, notwithstanding the argument by some commentators that Iran and North Korea are fundamentally different nations with different levels of nuclear program maturity.<sup>116</sup>

The strategic risk to Australia is its reputation as 'a global champion of non-proliferation'.<sup>117</sup> In order to pursue this policy recommendation with the US, Australia would have to concede that North Korea is effectively a nuclear-armed power, which would run counter to Australia's longstanding non-proliferation policy. However, recognition of North Korea's current status does not mean that Australia and the US should abandon the denuclearisation of North Korea as a long-term policy goal.<sup>118</sup> It is also the case that Australia has arguably already undermined its non-proliferation stance by exporting uranium to India in 2014, which was hailed by some as a non-proliferation 'disaster'.<sup>119</sup> However, Australia would clearly need to give careful consideration to the messaging it used in explaining any decision to progress this policy recommendation.

### **Policy recommendation 3: Australia to attempt to influence the US to bring North Korea into the mainstream arms control dialogue**

In the interests of incremental, controllable change, this recommendation should be considered in tandem with policy recommendation 2. It aims to have North Korea cease its nuclear-weapons research and production programs, while retaining its extant capabilities, underpinned by non-proliferation control measures.

The benefit for North Korea is that it would bolster its legitimacy as a nuclear-weapons state, which it perceives would enhance its international standing. North Korea may also gain additional benefit with the lifting of some UN Security Council resolutions as a result of its compliance with arms control requirements.

The benefit to the US and the wider international community would be the potential for reduced tensions on the Korean Peninsula, with North Korea's compliance providing a cap on its nuclear capability and a commitment to accept non-proliferation requirements as a responsible nuclear power. Although it is at odds with North Korea's behaviour to date, Kim has stated that North Korea wants to be a responsible nuclear state.<sup>120</sup> Its compliance with arms control verification requirements could ultimately lead to North Korea's reinstatement as a member of the NPT, a membership it held from 1985-2003.

The resources required to implement this policy from an Australian perspective may be to offer nuclear systems or negotiation specialists to assist in arms control dialogue, or as specialist inspectors to perform arms control verification activities. As noted by White, Australia has considerable experience and expertise in the development of multilateral arms control and disarmament instruments.<sup>121</sup>

The strategic risk for the US in progressing this policy would be if North Korea, having been offered the opportunity to join the mainstream arms control dialogue, decided not to participate.<sup>122</sup> Any such rejection by North Korea, most likely related to concerns that compliance would be an intrusion on its sovereignty, could have several follow-on effects. First, the international community would continue to have little clarity on North Korea's nuclear-weapon capabilities. Second, knowing that its non-compliance would jeopardise the lifting of UN Security Council resolutions, North Korea may be tempted to continue nuclear proliferation activities with other actors in exchange for hard currency. North Korean intransigence would also likely harden the attitude of Japan and South Korea, and increase the likelihood that one or both would be inclined to revisit their own stance on the acquisition of nuclear weapons.

#### **Policy recommendation 4: Australia to attempt to influence the US to progress a peace treaty with North Korea, following recommendations 1 to 3**

This policy recommendation could only be considered if North Korea agreed and acted on policy recommendations 1, 2 and 3. As such, it would be a long-term policy goal. In 2010, two years after the collapse of the Six Party Talks, North Korean Foreign Ministry officials stated that 'if confidence is to be built between the DPRK [North Korea] and the US, it is essential to conclude a peace treaty for terminating the state of war, a root cause of the hostile relations, to begin with'.<sup>123</sup> China has also enunciated its desire for a peace treaty to

replace the existing armistice, to be negotiated in parallel to denuclearisation talks.<sup>124</sup> Notwithstanding the obvious desirability of denuclearisation as a long-term objective, it should not complicate the progression of a peace treaty in the meantime.<sup>125</sup>

The benefit of such a policy would be to reduce North Korea's perception of its existential threat. As stated by Cho, 'North Korea's uniqueness in the nuclear age lies first of all in the way it has faced and lived under the shadow of nuclear threat for longer than any other nation'.<sup>126</sup> While most Western observers would argue that North Korea's perceived sense of threat is both illusory and self-proclaimed for domestic purposes, the prospect of a peace treaty with its perceived nemesis would surely ameliorate its threat assessment and reduce its need to continue provocative actions aimed at the US and its allies.<sup>127</sup>

The potential benefit to the US would be a significant reduction in tensions between it and North Korea, which would have further benefits to South Korea and its immediate neighbours. It may also be the start of the only feasible path toward the denuclearisation of North Korea. The resources Australia would need to expend would relate to diplomatic effort, which could entail being part of peace treaty deliberations.

The strategic challenge for the US in pursuing this recommendation would be in managing its relationship with South Korea. As a condition of any peace treaty, the US would likely need to dismantle—or at least agree to the phased dismantling of—the UN-mandated security construct in South Korea, which includes a significant US component.<sup>128</sup> Both the US and South Korea may wish to keep some US forces stationed on the Korean Peninsula to counterbalance China's rise. However, a continuing US presence would almost certainly be strongly resisted by both North Korea and China, and may indeed be a 'deal breaker' from Pyongyang's perspective. These tensions would obviously need to be carefully managed, with the aim of negotiating a 'least worse' treaty for the longer term.<sup>129</sup> Given the complexities involved, there is a risk that peace treaty negotiations would prove too difficult. However, it would be a significant policy success even to start such negotiations, notwithstanding that the deliberations could take years.<sup>130</sup>

**Policy recommendation 5: Australia to attempt to influence the US to assist North Korea to improve its economy, following the progress of recommendations 1 to 4**

The policy rationale behind this recommendation has been provided earlier in the paper. Essentially, any improvement to North Korea's economy would increasingly result in more open relations with the international community,

which would gradually mitigate the threat of potential future conflict on the Korean Peninsula.<sup>131</sup>

As stated previously, there remains a risk that North Korea would not implement needed economic reforms because of the regime's concern that increased contact with 'the outside world' would threaten its control of the population.<sup>132</sup> Such risks may place serious constraints on the ability to progress this recommendation; however, if recommendations 1 to 3 were to be successful, it should be considered.

The benefits to the US of this recommendation are subtle. The Kim regime may change its behaviour for the betterment of international security and peace as a result of the increasing ties inherent in international trade. Optimistically, this change may be one that presents a positive outcome for North Korea and the international community. Pessimistically, it may result in the continuance of a strict authoritarian regime that imposes extreme controls on economic reform and social change. The second potential benefit to the US would be a gradual, albeit minor reduction in North Korea's reliance on China's economic support, which would therefore reduce China's influence.<sup>133</sup> US policy and the effectiveness of UN Security Council sanctions have been thwarted in the past by China's actions. A tempering of the China-North Korea relationship may result in more normalised relations between the US and North Korea in the long term.

The resources required of Australia would be extant diplomatic and trade skills. Australia could utilise extant trade activities with South Korea to be a reliable supplier of goods and services to North Korea, benefiting Australia's economy.

The risk to the US in assisting to improve North Korea's economy would be predicated on how North Korea manages the potential benefits. If economic change is too rapid, the regime may quickly revert to type.<sup>134</sup> The nation may rapidly become unstable, with the potential for significant negative international consequences. These consequences may include political instability, internal conflict within North Korea, a humanitarian crisis, and significant flows of refugee movements into China, together with an insecure cache of sensitive nuclear materials.<sup>135</sup> As such, this policy recommendation suggests slow, incremental improvements to support North Korea's economy. The US would need to display patience and restraint to implement and support this recommendation over a number of years.

In summary, these are complex diplomacy recommendations that Australia should pursue in an attempt to influence the US policy position on North Korea. The strategic risks for each recommendation are significant. For Australia, in general terms, there is a risk that the US may not appreciate Australia soliciting

such recommendations on an issue that Washington would likely perceive as not being a direct interest to Australia, particularly as a number of the recommendations would challenge the current US position.

There is also the risk that Washington may perceive that Australia is pushing a solution that may be seen as favouring China's strategic position in the Asia-Pacific region at the expense of the US. The recommendations would likely also raise significant concerns from US allies in the Asia-Pacific region, for similar reasons. However, given the policy failures to date that have resulted in a nuclear-armed North Korea, this paper would argue that any policy recommendations that reduce tensions on the Korean Peninsula are deserving of serious consideration.

## Part 4: Military policy options to deal with a nuclear-armed North Korea

Irrespective of the potential for long-term diplomatic solutions on the Korean Peninsula, both the US and South Korea, and Australia and Japan as US allies, must also continue to prepare for the worse until such time that North Korea no longer represents a significant threat to US and allied interests. The worst case scenario would be a pre-emptive nuclear-armed ballistic-missile strike by North Korea against South Korea or Japan.

In the event of such a scenario, or during seriously heightened tensions leading to such possibility, Australia should be prepared to support the US militarily. The following recommendations are therefore cognisant of the fact that Australia needs a set of military policy options should the previously discussed diplomatic policy recommendations not progress positively or should tensions escalate significantly in the meantime. These military recommendations could be pursued ahead of or in parallel to the diplomacy policy recommendations, particularly if the incoming US Administration decides to persist with the policy of strategic patience.

The US force of some 28,000 military personnel on South Korean soil, supported by US Navy and US Air Force assets in the region, plus the very capable South Korean military forces, provides a conventional advantage to any conventional attack by North Korea. Those forces are about to be augmented by a US anti-ballistic missile capability, the Terminal High Altitude Area Defense (THAAD) system, designed to intercept incoming ballistic missiles in their terminal phase of flight.<sup>136</sup> The deployment is tacit recognition of North Korea's emergent ballistic-missile capability. It also represents an important alliance gesture in providing practical and psychological support to South Korea and US regional allies.

Coupled with equivalent afloat ballistic-missile defence capabilities provided by the US Navy, the THAAD systems provide a level of force protection to US and allied forces against the North Korean ballistic-missile threat.<sup>137</sup> Not surprisingly, the THAAD deployment has drawn considerable criticism from China, as it reshapes the balance of power calculus between its forces and the US, notwithstanding US assurances that the system is specifically being deployed to counter the threat from North Korea.<sup>138</sup>

## Military policy recommendations

Despite its size, compared to US and South Korean forces, the ADF could make a meaningful contribution should conflict arise on the Korean Peninsula. The following recommendations avoid singling out North Korea as a specific target nation, in the interests of reducing risk to the success of the previously discussed diplomacy recommendations. With China increasing its military presence in the South China Sea, and regional neighbours modernising their military forces, the military policy recommendations in this paper are considered to have the flexibility in implementation to avoid targeting North Korea specifically and are consistent with the *2016 Defence White Paper*.<sup>139</sup>

### **Policy recommendation 6: The ADF should enhance its understanding of ballistic-missile defence**

The Australian Department of Defence has undertaken initial steps in engaging the US to increase its understanding of the concepts of operation and the system standards (including technical-related communications and architectures) required for a ballistic-missile defence capability. The aim is to ensure that the ADF could, as far as practical, seamlessly interoperate with US ballistic-missile defence forces in future.

The threat assessment of North Korea as reflected in the *2016 Defence White Paper* was likely conducted some time in 2015. However, North Korea's ballistic missile and nuclear testing has progressed considerably since then, suggesting that Australia should accelerate its ballistic-missile defence understanding, by increasing the resources assigned to the existing Bilateral Working Group.<sup>140</sup>

### **Policy recommendation 7: The ADF should undertake personnel exchanges with US forces that operate afloat and ashore ballistic-missile defence systems**

The ADF needs to develop a cadre of personnel with the requisite experience in modern US ballistic-missile defence systems, to promote more efficient introduction into Service and enhanced interoperability, in anticipation of the ADF acquiring such systems. The personnel exchanges would initially

be non-reciprocal, aiming to gain an understanding of US operational and tactical considerations. The exchanges could be funded by related-projects within Defence's Integrated Investment Program, such as the Integrated Air and Missile Defence Program and the Maritime Area Air Defence Weapons Program.<sup>141</sup>

**Policy recommendation 8: The ADF should increase military exercise opportunities with US and South Korean forces**

The *2016 Defence White Paper* stated that 'Australia has increased its participation in Republic of Korea-US led multilateral exercises and will maintain this commitment'.<sup>142</sup> Although Defence's international engagement program is classified, recent actions by North Korea should provide the prompt for the ADF to join high-intensity exercises with the US and South Korea, building from force protection in the first instance. Australian forces that have the highest probability of being assigned to support the US on the Korean Peninsula need to train in a chemical-biological-nuclear-radiological (CBNR) environment, protected from such threats by US capabilities until organic capabilities are achieved.

More broadly, ADF elements should engage in exercise opportunities involving ballistic-missile defence, as a subset of a wider area air defence role; precision strike; intelligence surveillance and reconnaissance; special forces and conventional land force operations; anti-submarine warfare; and cyber operations. All these warfare areas are extremely complex and highly classified. They also require extensive planning and intelligence sharing to afford effective operational outcomes. Many extant US-Australia exercises already include South Korean forces but further opportunities should be explored.

## Conclusion

This paper has argued that in order to live with a nuclear-armed North Korea, the US needs to change its policy. It argues that successive US policies, each attempting to coerce or constrain North Korea's ability to continue its nuclear and ballistic-missile programs, have failed and that North Korea seemingly now has the capability to launch a nuclear warhead via ballistic missile.

The paper accordingly proposes that Australia's policy toward North Korea needs to progress along two related themes: diplomacy, and military policy options. In the first instance, the paper argues that the focus of diplomacy needs to be the peace process, not the denuclearisation process. To that end, it asserts that the Australia should attempt to influence the US to recommence dialogue with North Korea without conditions, to gain a greater understanding of North Korea and to defuse the rapidly building tensions. It would also require

an acceptance by the international community of North Korea's status as a nuclear-weapons state, which is clearly important to North Korea in terms of its legitimacy as a nation state.

The paper also recommends that Australia should propose that the US offers to negotiate a peace treaty with North Korea to replace the armistice that has continued uneasily since the Korean War. It also suggests the US should assist North Korea to normalise its economy through increased interaction with international markets, which in turn would give the North Korean people greater exposure to the societal norms and rules-based behaviour of the international community.

The paper concludes with several military policy recommendations for Australia, as a parallel track to the diplomacy policy recommendations. They include a better understanding by the ADF of ballistic-missile defence, personnel exchanges with US ballistic-missile defence forces to increase the ADF's expertise and potential interoperability, and increased participation in high-intensity exercises with US and South Korean forces in the event that the ADF is required to assist in operations on the Korean Peninsula.

The paper also notes that while a number of these recommendations may take years to negotiate, they also carry considerable risk, both for Australia in proposing them and for the US in attempting to implement them. However, 60 years of allied policy to date has not only failed to prevent the so-called 'pariah' state from becoming increasingly belligerent but has reached a point where North Korea is on the verge of becoming a de facto nuclear-weapons state. The US and its allies need to try something new, however different or difficult it may seem.

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