

## Managing North Korea: The Need for Coordination between Washington and Seoul\*

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As the Cold War retreats in history and memory, the American approach to managing relations in northeast Asia continues to evolve. For decades, U.S. policymakers have instinctively looked to their South Korean and Japanese allies as the primary channels through which to engage the region and manage challenges. Today, however, foreign policy in Asia increasingly involves other actors. The U.S. approach to North Korea has typified this trend: whereas Washington once relied primarily on its allies in Seoul and Tokyo for engagement with the North, in recent years it has sought to expand the format for dealing with Pyongyang — culminating in the Six Party Talks that include China and Russia.

Yet America's alliances in the region remain not only the pillars of American engagement in East Asia, but also Washington's most reliable mechanism for dealing with the array of threats posed by the regime in Pyongyang. The Republic of Korea (ROK) is both uniquely positioned to conduct diplomacy with the DPRK and the state most affected by events on the peninsula. If and when an unexpected event occurs in North Korea, it will fall to the ROK and the United States to respond and play the leading role in the peninsula's future. Given this fact, coordination between Washington and Seoul on North Korea policy is of singular importance.

This article examines three essential elements of coordination between the U.S. and ROK in managing the North Korean issue: diplomacy towards the DPRK, management of the military component of the alliance as the U.S. prepares to transfer wartime operational control (OPCON) to South Korea in 2012, and the “whole of government” and “whole of alliance” approach necessary to meet the challenge of a potential North Korean collapse. Getting all three elements right is critical to the

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effective management of North Korea policy, and to the continuing vitality of the alliance. While aligning approaches to North Korea in the region and with other parties is key to any possible success, this effort begins with coordination between Washington and Seoul.

### I. Why Coordinate?

As the hundreds of American and South Korean officials involved in North Korea policy over the years will attest, theirs is a difficult endeavor. Pyongyang's actions and intentions are notoriously inscrutable, and the North's alternating pattern of threats, bluster, and occasional concessions are as treacherous a path to navigate as exists in international relations. The threat posed by Pyongyang's nuclear program, combined with its proliferation of nuclear and missile technologies, naturally represents a major challenge to the current American and South Korean administrations, while the story of the North's on-again, off-again engagement with multilateral nuclear talks consistently fills the headlines.

In the longstanding diplomatic effort to arrest or reverse Pyongyang's pursuit of nuclear weapons, failing to coordinate policies threatens to undermine the effectiveness of any approach to an already arduous task. During the Clinton administration, for example, Seoul's fears that Washington was making excessive concessions to the North nearly prevented the realization of the Agreed Framework.<sup>1</sup> By the early years of the George W. Bush administration, the positions were reversed, and the U.S. tried to isolate Pyongyang at the same time that South Korea was making efforts to engage the DPRK. Should such gaps reemerge in future diplomatic approaches to Pyongyang, the North will undoubtedly seek to split the parties to its advantage. By achieving a unified approach, Washington and Seoul can ensure greater leverage over Pyongyang and facilitate the difficult task of bringing into alignment the other interested parties, including Tokyo, Beijing, and Moscow. Indeed, the mechanism for conducting nuclear negotiations — the Six Party Talks — was conceived during the Bush administration and retained by the Obama team in part as a way to improve coordination among the five non-North participants. The value of this format — a unified front attempting to push North Korea toward denuclearization — is obviously at maximum impact when those

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<sup>1</sup> LINDSEY FORD, ZACHARY HOSFORD & MICHAEL ZUBROW, CTR. FOR A NEW AM. SEC., U.S.-DPRK NUCLEAR NEGOTIATIONS: A SURVEY OF THE POLICY LITERATURE 21 (2009).

parties are fully aligned in their positions. This exercise has little chance of success, however, if it does not begin with full diplomatic coordination between Washington and Seoul.

Diplomatic coordination would also be of prime importance following any agreement with the North. Whether a pact with Pyongyang reaches the allies' stated goal — full denuclearization — or some other, more modest objective (such as threat reduction), any agreement will require maximum binding power. Because Pyongyang has shown a repeated penchant for abrogating its international commitments, it is necessary to begin with a clearly articulated view of how the parties interpret any commitments reached. Coordination along this dimension begins with the U.S. and the ROK reaching a shared vision of Pyongyang's requirements and then agreement on the terms of implementation. As the troubles that surrounded the implementation of the Korean Peninsula Energy Development Organization (KEDO) in the 1990s suggest, even a broad agreement reached by several parties can easily founder in the implementation phase.

Apart from diplomatic harmonization, coordinating plans and policies for contingencies north of the demilitarized zone represents a core activity of the U.S.-ROK alliance. While diplomats seek to steer the peninsula towards greater stability, both nations actively prepare — often beyond the headlines — for the possibility of upheaval. Since the Korean War, ROK Armed Forces and U.S. Forces Korea (USFK) have worked to deter and contain North Korean aggression. Both nations are also well aware of the potentially devastating impact of a DPRK collapse, a contingency that could destabilize the peninsula and the region if not properly managed. Short of regime collapse, other events — including renewed famine and nuclear disaster — would demand a coordinated response.

The decades-long experience of extended cooperation between the two militaries provides a durable foundation upon which to manage such challenges. Planned changes in the structure of U.S.-ROK military integration, however, revolving around the scheduled 2012 transfer of wartime operational control from the United States to South Korea, threaten to undermine this effort at a time when coordination should be expanded. In addition, the manifold challenges that instability north of the DMZ pose to the United States and South Korea demand that the two allies employ a whole-of-government and a whole-of-alliance approach that

synchronizes civilian and military efforts. Thus far, this issue has not received the degree of attention in Seoul and Washington that it requires.

Properly coordinating North Korea policy offers benefits that go beyond the specifics of diplomacy with the North or planning for the “day after”. The U.S.-ROK alliance has demonstrated its resilience over decades and represents an important pillar of stability in northeast Asia. Uncoordinated North Korea policies promote bilateral distrust and misunderstanding, risking strains in the alliance that can spill over into the larger U.S.-ROK agenda. Given all that each side has put into this unique relationship — the time and energy, troops and treasure, hopes and expectations — neither Washington nor Seoul can afford to risk such an outcome. In coordinating its North Korea policies, Seoul and Washington have the opportunity to strengthen their alliance and demonstrate its vitality, rather than to uncover cracks that invite doubts about its future.

## II. Coordination on the Diplomatic Front

Active diplomatic efforts to achieve full denuclearization of the Korean peninsula have taken place for nearly two decades. Throughout these years, seemingly every possible format and configuration has been tried in an attempt to persuade Pyongyang to reverse its pursuit of nuclear weapons. At various moments, the U.S. has supported negotiations between North and South Korea, talks between the DPRK and the International Atomic Energy Agency (IAEA), U.S.-DPRK bilateral talks, Four-Party Talks, Six-Party Talks, multilateral talks with the opportunity for bilateral engagement, and multilateral talks precluding bilateral engagement. In each of these efforts, the nature of coordination between Washington and Seoul has been a key variable, and attempts to achieve a common position have consumed great amounts of time and effort on both sides.

Common positions have at times been elusive. This is partly explained by the sheer number of issues on the diplomatic agenda, which includes not only denuclearization, but also missile production, proliferation, the North’s conventional force posture, Japanese abductees, internal stability, and human rights. As both sides have pursued a mix of carrots (such as economic assistance, high level visits, and the provision of heavy fuel oil) and sticks (including sanctions, aid cut-offs, military exercises and threats directed at the North, and the interdiction of illicit materials), each has held its own view of the means necessary to prompt changes in

Pyongyang's behavior. Beyond the means, however, both sides have frequently disagreed about the desired end state itself. South Korea, for example, given its proximity to the North and the serious implications of an unstable state north of the DMZ, has tended to place a greater priority on regime stability than the United States. Washington, on the other hand, has generally emphasized proliferation and human rights to a greater degree than has Seoul. Domestic policy differences are also important. Liberal South Korean politicians have stressed the need for reconciliation between North and South more than their conservative counterparts, who have emphasized to a greater extent the threat posed by Pyongyang and the ROK's defensive needs. These different approaches to means and ends have presented natural challenges of coordination.

Some coordination problems have sprung less from differing strategic calculations and more from the delicate and sometimes emotional nature that North-South relations plays in South Korean politics. Even if South Korean leaders view the U.S. as indispensable in diplomacy with North Korea, a strong current of opinion in South Korea remains uncomfortable being perceived as a "junior partner" on the country's most important foreign policy issue, and one so central to its national identity. South Korean policymakers have sometimes encouraged their American counterparts to make concessions to North Korea as talks sputter, only to attempt to rein in U.S. progress later. Such contradictory behavior is partly driven by distress at being sidelined on such a critical issue, but also by a feeling by many in the South that only they, as Koreans, truly understand how to manage their northern counterparts.<sup>2</sup> Finally, like leaders in any democracy, South Korean policymakers also feel pressure to respond to shifts in public opinion and criticism from the media, which can trend alternately toward an accommodationist or hard-line stance.

#### *A. The First Bush Administration*

Taking office near the end of the Cold War, the George H.W. Bush administration was the first to attempt to seriously engage North Korea on its nuclear program. Although the administration was internally divided over whether to emphasize pressure against Pyongyang or to seek an accommodation, the President supported a strategy of "comprehensive engagement." The U.S. decision to withdraw nuclear warheads from South

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<sup>2</sup> LEON V. SIGAL, *DISARMING STRANGERS: NUCLEAR DIPLOMACY WITH NORTH KOREA* 19, 33–35 (1998).

Korea and cancel *Team Spirit* military exercises appeared to prompt Pyongyang to slow its weapons production.<sup>3</sup>

While the Bush administration faced internal division about whether to proceed with direct nuclear negotiations with the North, it also met resistance from Seoul. South Korean officials expressed concern that such talks would be unproductive, and complained about a lack of consultation with Washington.<sup>4</sup> In the face of these objections, the administration offered inducements to the North and encouraged talks between North and South and between Pyongyang and the IAEA. The approach produced a safeguards agreement with the IAEA, but progress quickly stalled in 1992 as the IAEA and South Korea employed tougher tactics.

### *B. The Clinton Administration*

Denuclearization efforts gathered steam and prominence during the Clinton administration, particularly after 1993 when the DPRK announced its intention to withdraw from the Nuclear Nonproliferation Treaty (NPT). The provocation came as a shock to the new South Korean administration of Kim Young-sam, which had hoped that a diplomatic solution to the nuclear issue would accompany his policy of reconciliation. Following close consultations among the U.S., the ROK, and Japan, America's allies lined up behind a strategy of "gradual escalation", which called for both diplomacy and preparations for sanctions in the event that talks failed. In a nod to the ROK, the U.S. insisted that North-South dialogue play a role in the diplomatic process, though some participants concluded that it actually hindered progress in the talks between the U.S. and Pyongyang.

The process of direct American bilateral talks with Pyongyang — culminating in the 1994 Agreed Framework — revealed the challenges of coordination with Seoul. The Clinton team briefed South Korean diplomats at the end of each negotiating day, a move that kept the ROK side informed about the conduct of the talks and allowed it to offer input for the next day of negotiations.<sup>5</sup> Nevertheless, South Korean delegates

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<sup>3</sup> *Id.* at 5; SCOTT SNYDER, NEGOTIATING ON THE EDGE: NORTH KOREAN NEGOTIATING BEHAVIOR 108 (2002).

<sup>4</sup> SIGAL, *supra* note 2, at 19–33.

<sup>5</sup> During early negotiations, daily meetings were held between lead negotiator Robert Gallucci and Seoul's UN ambassador, Yu Chong Ha, and close contacts were maintained between the State Department and its Washington embassy. This information was passed along to the Blue House, and advice from Seoul was passed back to the Americans through

essentially waited in the hallway while the U.S. negotiated with the North, producing suspicions among ROK officials that the U.S. was proceeding in a fashion that did not fully protect Seoul's interests.<sup>6</sup> Because of this distrust, one Korea expert has written, "no concession or compromise in U.S.-DPRK negotiations proved too small to shock the South Korean public, [or] to reinvigorate paranoid debate in some quarters about the possibility of a U.S. betrayal . . . ."<sup>7</sup>

South Korean officials were, for example, infuriated by U.S.-DPRK joint statements in the spring of 1993 regarding inspections and American intentions not to use force against the North. These officials expressed less outrage about the actual content of the statements than with the way in which they were issued: Seoul first learned about them from North Korean officials.<sup>8</sup> One American official compared the reaction of South Koreans (among both officials and the general public) to that of a spouse who discovers his partner committing adultery. In the first of many such instances during the course of the negotiations, pressure from domestic opponents and the media drove the Kim administration to take a harder line and to come out publicly against the direction of talks.<sup>9</sup>

Another rift emerged between Washington and Seoul in late 1993, this time over a media leak that alleged the U.S. was pursuing a "comprehensive package" deal with North Korea. The allegation opened President Kim to further charges from South Korean hardliners that his government was a mere bystander in talks with the North. Following this episode, American officials concluded that their close contact with South Korean embassy staff and envoys did not do enough to ensure policy coordination with Seoul, and began to establish closer contacts with the Foreign Ministry, Blue House and the President himself. Repeated summits and conversations between Presidents Clinton and Kim enabled the two sides to overcome prior suspicions and to align policies in an unprecedented

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these channels. See JOEL S. WIT, DANIEL B. PONEMAN & ROBERT L. GALLUCCI, *GOING CRITICAL: THE FIRST NORTH KOREAN NUCLEAR CRISIS* 66 (2004).

<sup>6</sup> Even had the United States wished to fully align with South Korea behind unified goals, the speed with which negotiations took place would have made doing so exceedingly difficult. U.S. negotiators later reflected on the great difficulty required simply to agree upon talking points within the U.S. interagency process, let alone with other countries. See SNYDER, *supra* note 3, at 108.

<sup>7</sup> *Id.* at 108.

<sup>8</sup> SIGAL, *supra* note 2, at 64–65; WIT, PONEMAN & GALLUCCI, *supra* note 5, at 66.

<sup>9</sup> WIT, PONEMAN & GALLUCCI, *supra* note 5, at 66–67, 82–88; SIGAL, 71–72.

fashion.<sup>10</sup> In one telling instance, President Kim reportedly told President Clinton that he would stand up to media attacks on a particular negotiating issue, since Clinton had taken the time to call.<sup>11</sup> Such high-level communications were particularly important when former President Jimmy Carter's personal diplomacy with Pyongyang interrupted ongoing preparations by the U.S., South Korea and Japan to impose sanctions and sent the U.S. back to negotiations.<sup>12</sup>

U.S. coordination with Seoul and Tokyo was also essential during the Geneva talks that culminated in the Agreed Statement and the establishment of the Korean Peninsula Energy Development Organization (KEDO). The Agreed Statement required Pyongyang to accept South Korea's involvement in building light-water nuclear reactors in the North, and for Seoul to provide financing for the project. Despite close coordination, President Kim nearly upended the agreement when, fearful of domestic political pressures, he publicly denounced the U.S. negotiating strategy and criticized the Clinton administration's ignorance and over-eagerness to make concessions.<sup>13</sup>

Coordination issues went beyond the difficulties inherent in aligning the American and South Korean negotiating teams behind a common position. Following the Agreed Framework, for example, Japan resisted funding initiatives stemming from the deal — a deal it had not directly negotiated.<sup>14</sup> In addition, the U.S. had its own coordination problems at home. The new Republican majority in the Congress, brought to power in the 1994 elections, drew strong objection to the bargain with Pyongyang and took particular exception to the provision of a light water reactor to the North.<sup>15</sup> The administration's subsequent struggle to secure funding for KEDO delayed its promised shipments of heavy fuel and made it impossible

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<sup>10</sup> High-level visitors tended to be exchanged every six to eight weeks. See SNYDER, *supra* note 3, at 113; WIT, PONEMAN & GALLUCCI, *supra* note 5, 108–111.

<sup>11</sup> WIT, PONEMAN & GALLUCCI, *supra* note 5, at 116.

<sup>12</sup> After months of rising tension in the spring of 1994, Carter travelled to North Korea with President Clinton's permission and unexpectedly secured a promise from Pyongyang to freeze its nuclear weapons programs and enter into high-level talks with the U.S. FORD, HOSFORD & ZUBROW, *supra* note 1, at 13.

<sup>13</sup> James Sterngold, *South Korea President Lashes Out at U.S.*, N.Y. Times, Oct. 8, 1994. The sequencing of the deal would have allowed all the benefits to Kim's predecessor, and put all the sacrifices on the current administration. WIT, PONEMAN & GALLUCCI, *supra* note 5, at 313–14.

<sup>14</sup> FORD, HOSFORD & ZUBROW, *supra* note 1, at 20.

<sup>15</sup> SIGAL, *supra* note 2, at 177–78.

to provide the reactor on deadline.<sup>16</sup> In the face of continued DPRK intransigence, the U.S., Japan, and two Koreas entered into Four-Party Talks in 1997, a mechanism designed to blunt the DPRK's brinkmanship tactics, expand intra-peninsula diplomacy, and sustain the Agreed Framework and KEDO.<sup>17</sup>

While South Korea had previously criticized the American approach to the North as insufficiently firm, the election of Kim Dae-jung in 1998 and the establishment of his "Sunshine Policy" of engagement and concessions turned the situation on its head. Washington grew exasperated with North Korea's non-compliance with the Agreed Framework and leaned towards expanding sanctions against the North, while Seoul sought a path of greater accommodation with North Korea. Yet after a policy review conducted by former Secretary of Defense William Perry called for further engagement of North Korea, U.S. and ROK policies became further aligned and the U.S. established the Trilateral Coordination and Oversight Group (TCOG) as a forum for consultation among the U.S., ROK, and Japan. The TCOG, which was to endure until 2003, constituted a formalization of previous trilateral talks.<sup>18</sup>

### C. *The George W. Bush Administration*

With respect to North Korea policy, the change from Clinton to Bush was, according to one official who served both presidents, "about as dramatic as any change I have seen in foreign policy."<sup>19</sup> Relations between Washington and Seoul became strained over differences in philosophical approach to North Korea, particularly after President Bush's famous 2002 speech in which he labeled North Korea a member of the "axis of evil", and the Administration's adoption of a tougher stance toward Pyongyang than that of its predecessors. A first summit between Bush and Kim Dae-jung went poorly, and South Koreans routinely disparaged what they perceived as unduly hawkish rhetoric emanating from Washington. Bilateral U.S.-DPRK talks early in the Bush administration made little progress, and they

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<sup>16</sup> MIKE CHINOY, *MELTDOWN: THE INSIDE STORY OF THE NORTH KOREAN NUCLEAR CRISIS* 8 (2008).

<sup>17</sup> SNYDER, *supra* note 3, at 134–35; YOICHI FUNABASHI, *THE PENINSULA QUESTION: A CHRONICLE OF THE SECOND KOREAN NUCLEAR CRISIS* 283 (2007).

<sup>18</sup> FORD, HOSFORD & ZUBROW, *supra* note 1, at 20–21.

<sup>19</sup> Interview with Ambassador Thomas C. Hubbard, in Washington, D.C. (Oct. 20, 2009) [hereinafter Hubbard Interview].

broke down completely following American accusations of a secret North Korean highly enriched uranium program.

Yet rising from the embers of bilateral diplomacy came a new, multilateral strategy for engaging North Korea: the Six Party Talks, in which the U.S., South Korea, Japan, China, and Russia were drawn into the negotiation process. The forum began after China invited the U.S. and DPRK into trilateral talks, which the U.S. then succeeded in expanding to include its allies.<sup>20</sup> A six party framework allowed the U.S. to consolidate its cooperation with the allies, leverage the persuasive tools of its partners, and help immunize them from the possibility of DPRK-created divisions.<sup>21</sup> Whatever the failures of the Six Party Talks, they did serve — at least in their earlier incarnation — as an effective tool for closing gaps with the allies. In the first few rounds of negotiations, the U.S., South Korea, and Japan met under formal conditions to exchange positions, discuss the upcoming agenda and decide who should take the lead on issues (usually with bilateral U.S.-Japan discussions taking place first — before engaging China in an attempt to win its support for the allied position. Strategy disagreements between the White House and Blue House naturally arose, with Seoul arguing for more carrots and fewer sticks, an interim freeze of nuclear programs rather than immediate dismantlement, and more vigorous efforts by the U.S. in bilateral talks. U.S. negotiators often ignored their suggestions, but not before lengthy discussions and the establishment of solid agreement on basic principles.<sup>22</sup>

No diplomatic format could, however, serve as a panacea in the face of the DPRK's intransigence and challenges in the broader U.S.-ROK relationship. Presidents Bush and Roh Moo-hyun approached the North from different philosophical and personal backgrounds, and Seoul-Washington ties were strained by a series of developments, including anti-American demonstrations in 2002, Roh's comments about being a "balancer" between the United States and China and distrust of Roh, deriving from a number of anti-U.S. and anti-alliance statements he made before becoming President.<sup>23</sup> Despite these challenges, the two sides were

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<sup>20</sup> FUNABASHI, *supra* note 17, at 262–81.

<sup>21</sup> *Id.* at 158–59.

<sup>22</sup> *Id.* at 343, 361–63.

<sup>23</sup> Victor D. Cha, *Outperforming Expectations: The U.S.-ROK Alliance*, in *GOING GLOBAL: THE FUTURE OF THE U.S.-SOUTH KOREA ALLIANCE* 15–16 (Ctr. for a New Am. Sec. 2009); FUNABASHI, *supra* note 17, at 219.

able to make progress in several significant areas, including defense realignment, free trade, and alignment of overall goals in nuclear negotiations — a testament to the strength of official relationships below the very top levels.<sup>24</sup>

By 2005 and the fourth round of Six Party Talks, however, the process of consultations with the allies began to fray badly. Discord between South Korea and Japan broke out over an unrelated territorial dispute, leading the ROK to reject almost all contact with the Japanese. Several individuals involved on the American side have also attributed this shift at least in part to a reluctance on the part of lead negotiator Christopher Hill to embrace allied agendas — Japan's focus on the abductees issue in particular.<sup>25</sup> The Japanese and Americans, for their part, began to see the South Koreans as unwilling to take any steps that would provoke the North. These developments made the State Department's interest in enhanced consultation with China even more attractive.<sup>26</sup>

The U.S. administration's attempts to coordinate approaches with the South were also seriously compromised by a near inability to achieve consensus at home. As Ambassador Hill (supported by Secretary of State Condoleezza Rice) stepped up engagement with the DPRK in an attempt to win a lasting agreement, broad interagency discord emerged without resolution. Because of the great difficulty — and perhaps impossibility — of winning formal interagency acceptance of policy positions, the U.S. negotiating team took to fleshing out negotiating positions and strategy in the field, rather than in Washington. This turn of events was compounded by a lack of congressional buy-in to the Administration's overall approach to North Korea. Together, the internal lack of coordination on the U.S. side rendered the task of coordinating policy with Seoul increasingly difficult.

A different, but similarly complicating, dynamic played out among South Korean government agencies. The Roh administration's Unification Ministry received a Blue House mandate to fund North Korea-related programs without coordinating its efforts with either the United States or with its own Foreign Ministry. Its unconditional engagement with North Korea made Seoul's overall efforts to align with the other members of the

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<sup>24</sup> Cha, *supra* note 23, at 13–15; Hubbard Interview, *supra* note 19.

<sup>25</sup> Interviews with knowledgeable former officials (Oct. 2009).

<sup>26</sup> FUNABASHI, *supra* note 17, at 425–31.

Six Party Talks more difficult.<sup>27</sup> This experience, like the Bush administration's internal conflicts, strongly points toward the importance of both Washington and Seoul ordering their own houses before attempting to win the support of foreign allies.

#### *D. The Obama Administration*

From what can be gathered from little more than a year into the Obama administration, the American President and Korean President Lee Myung-bak are more aligned in their North Korea policy than the previous occupants of their offices. Following North Korean provocations, including its 2009 nuclear test, the U.S. and ROK have insisted that the DPRK return to Six Party talks to address the denuclearization of the Korean Peninsula. While the DPRK remains unwilling to resume negotiations on acceptable terms, major disagreements between American and South Korean officials over how to engage the North have rarely become public (an exception is an October 2009 incident in which the White House brushed aside Seoul's proposal for a "grand bargain" with North Korea, apparently after Seoul failed to effectively communicate the proposal to Washington).<sup>28</sup>

Still, both sides must remain alert to the need for coordination. The U.S. and South Korean responses to the recent sinking of the ROK corvette *Cheonan* or to certain Chinese initiatives towards North Korea should serve as a test of their unity. The administration must also be careful any time that it meets bilaterally with the DPRK (the U.S.'s Special Representative on North Korea conducted a round of bilateral talks with Pyongyang in December 2009).<sup>29</sup> Such meetings, Administration officials have been careful to note, do not represent the meat of negotiations over the North's nuclear program or other core aspects of the Six Party agenda, but rather constitute a forum through which the U.S. hopes to persuade Pyongyang to return to the Six Party Talks.<sup>30</sup> But it is possible to conclude that bilateral talks may allow issues which had formally been under the purview of the six parties to bleed into the bilateral forum, creating coordination challenges for the U.S. and its partners.

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<sup>27</sup> Cha, *supra* note 23, at 24.

<sup>28</sup> *Playing Out of Tune*, JOONGANG DAILY, Oct. 23, 2009.

<sup>29</sup> Kim Ji-hyun, *U.S., N. Korea May Hold Talks in Beijing*, KOREA HERALD, Oct. 19, 2009.

<sup>30</sup> *Any North Korea Meeting Must Lead to Six Way Talk: U.S.*, REUTERS, Oct. 19, 2009.

For the Six Party Talks to succeed in the future, the U.S. and ROK will have to overcome the same sorts of coordination challenges that have characterized previous efforts — namely, the need to convey a unified message; coordinate negotiating positions in the midst of live set of negotiations; and to align their positions with Russia, Japan, and China in an attempt to maximize leverage.

### III. Diplomatic Coordination: Recommendations and Lessons Learned

A review of the diplomatic experience that has marked the past several American and South Korean administrations — and numerous rounds of diplomacy with Pyongyang — suggests several lessons and recommendations to guide future diplomatic efforts.

*Maintain discipline at home.* The Clinton administration was notoriously unable to get congressional buy-in to its North Korea approach, particularly after completing the Agreed Framework was followed by the emergence of a Republican majority on Capitol Hill in 1994. The Bush administration faced objections not only from Congress, but also from its own agencies, prompting grave problems of internal coordination. South Korea has endured similar challenges. Such experiences put a primacy on each side putting its own house in order to the maximum degree possible. This entails strong presidential leadership on each side to make clear to all elements of government that any given approach has support at the highest level, and requires the appointment of a senior negotiator that has the imprimatur of the president. On the U.S. side, there is a need for greater executive-legislative coordination, which should begin with regular consultations between administration officials (including negotiators) and congressional leaders.

*Coordinate all aspects of North Korea policy.* Given the disparate perceptions of threat and opportunity inherent in how Washington and Seoul view the North, and the different emphases they place on each aspect of North Korean misbehavior, it is inevitable that each side will weigh issues differently. Nevertheless, the U.S. and the ROK should make a more concerted effort to move beyond coordination on the nuclear agenda to other issues, including proliferation and human rights. A start in this direction would include, as Victor Cha has suggested, the appointment in Seoul of a special envoy for North Korean human rights.<sup>31</sup>

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<sup>31</sup> Cha, *supra* note 23, at 25.

*Conduct pre- and after-action exercises.* Before any round of negotiations — and particularly surrounding any bilateral U.S.-DPRK talks — the United States should solicit input from the allies and brief them on the agenda. After any negotiations, American diplomats should share with Seoul and Tokyo their views of how the talks proceeded and solicit corresponding views from their counterparts. This is important even at negotiations in which Seoul and Tokyo participate, as discussions about the content and character of North Korean talking points can prevent misunderstandings of North Korea's views.

*Ensure communication between officials.* Media leaks, personal frictions between top officials, and domestic pressures all pose various perils to policy coordination. One method for mitigating the negative effects of these incidents can be summed up with the mantra of one former U.S. official: “consult, consult, consult”.<sup>32</sup> High-level and routine NSC to NSC and State Department to Foreign Ministry communications can help overcome misunderstandings, offer course corrections, and put out fires before they engulf diplomatic action.

*Recognize the importance of Japan.* It is difficult, if not impossible, for the U.S. to productively coordinate North Korea policy with its allies when the two are not themselves interested in coordination with each other. When, during President Roh's administration, South Korea was reluctant to coordinate directly with Japan, the U.S. team was forced to consult with Tokyo, then brief Seoul, and vice versa. Trilateral coordination is more efficient and by far the more preferable course.<sup>33</sup>

*The bilateral question.* The United States should not shy away from bilateral discussions with Pyongyang within the context of the Six Party Talks. At the same time, however, ensuring coordination of positions in advance of bilateral talks is imperative. An extensive series of interviews conducted by researchers with Korean and Japanese officials revealed a remarkable degree of comfort with the prospect of bilateral Washington-Pyongyang talks — particularly at the outset of renewed diplomatic engagement with North Korea — so long as the United States coordinates positions with its allies.<sup>34</sup> Given that the same study found that bilateral talks have been the primary driver of progress in negotiations, and given the

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<sup>32</sup> Telephone Interview with Evans Revere (Oct. 23, 2009).

<sup>33</sup> FUNABASHI, *supra* note 17, at 427.

<sup>34</sup> MICHAEL ZUBROW & ZACHARY HOSFORD, CTR. FOR A NEW AM. SEC., LESSONS LEARNED: A GUIDE TO NEGOTIATIONS WITH THE DPRK (forthcoming).

Obama administration's stated willingness to engage bilaterally in an attempt to move Pyongyang back to the six party framework, the U.S. and the ROK should consult closely on the way in which the United States will go about direct talks with Pyongyang.

#### IV. Military Coordination and Transfer of Operational Control

Talks aimed at denuclearization of the Korean peninsula will continue to occupy global attention and the energy of leaders in Washington and Seoul. Yet as these talks proceed — and even when they do not — another bilateral process is taking place that has as its ambit the future direction of North Korea. Preparing for potential crises north of the DMZ remains a critical, but often overlooked, element of the U.S.-ROK alliance.

Nearly thirty thousand American troops are stationed on the Korean peninsula, in place to dissuade and defeat North Korean military aggression, maintain regional stability, and respond to potential turmoil, including contingencies within North Korea. Through various integration mechanisms, the U.S. and South Korean armed forces jointly plan for contingencies and prepare to operate in unison if the need arises. Within the next several years, however, longstanding components of the bilateral military relationship will change in ways that place greater responsibility in the hands of the ROK Armed Forces. Some in Seoul have worried aloud that these changes may harm cooperation between the two militaries, weaken their fighting ability, and put the American commitment to South Korea in doubt. It is the task of officials in both Washington and Seoul to ensure that this is not the case.

The most important change in the military alliance in more than a decade is scheduled to take place on April 17, 2012. On that date, the U.S. intends to transfer wartime Operational Control (OPCON) to the South Korean Armed Forces. Prior to the transfer, the United States will maintain unified command of all American and South Korean forces on the peninsula in the case of any conflict; after the transfer, Korean and American forces will operate under separate war-fighting commands — with the ROK taking the leading role during conflict. More precisely, ground and naval operations would be spearheaded by the ROK Joint Chiefs of Staff (JCS), supported by U.S. ground, naval, and marine assets under the tentatively named KORCOM. Air missions, meanwhile, will

remain something of a throwback, as an American commander will have direct control over nearly all U.S. and ROK air forces during conflict.<sup>35</sup>

President Roh Moo-hyun originally proposed OPCON transfer as a way by which South Korea could demonstrate its military self-sufficiency and create a more equal relationship with its American ally. At the time, the move was vigorously criticized by Roh's own generals and by South Korean conservatives concerned that it would degrade South Korean security. The decision was embraced, however, by the U.S. Department of Defense as helpful to its force posture modernization goals on the peninsula and reflective of South Korea's formidable ability to defend itself against threats from the North.<sup>36</sup> Still, several concerns with OPCON transfer remain and have yet to be sufficiently addressed.

The first is the psychological impact of the change, as the upcoming termination of U.S. command has intensified South Korean concerns about America's commitment to their defense. A loss of U.S. command, some worry, may make the U.S. less determined to assist the ROK during times of conflict. The timing of the change also remains an issue, as ROK officials often convey to Washington that they will not be prepared to take command by 2012.<sup>37</sup> U.S. officials insist in public that OPCON transfer will take place as scheduled, but off the record comments from some in the Obama administration suggest the United States may show flexibility down the road, if conditions demand it.<sup>38</sup>

The operational challenges involved in OPCON transfer are especially daunting. The U.S. and South Korea have spent the last sixty years devising military plans and a division of labor to suit their respective capabilities. The transfer of command will require that this division of labor

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<sup>35</sup> This will occur through an arrangement in which the American commander will report to KORCOM and the ROK JCS, but direct U.S. and ROK air assets in war through the Combined Air Component Command (CACC), under the ROK JCS. Interview with United States Department of Defense official (Oct. 2009); Interview with a knowledgeable Washington strategist with extensive connections in the ROK government (Oct. 2009); Hamm Taik-Young, *The ROK Towards Defense Self-Reliance: The Self-Reliant National Defense of South Korea and the Future of the US-ROK Alliance*, MILITARY TECH., Jan. 2007, at 339.

<sup>36</sup> CHINOY, *supra* note 16, at 262–63.

<sup>37</sup> Jung Sung-ki, *Calls Grow to Reschedule Command Transfer*, KOREA TIMES, May 27, 2009.

<sup>38</sup> *U.S. Hints at Possible Delay in OPCON Transfer: Official*, YONHAP NEWS AGENCY, Oct. 18, 2009.

be reworked and plans redrawn. Although the U.S. will provide certain “bridging” (short term) and “enduring” (long term) capabilities to the ROK, South Korean forces must procure new systems and train for a range of new missions they will be required to perform under the post-2012 arrangement, including in the areas of early warning, target acquisition, intelligence, operational planning, C4I (command, control, communications, computers and intelligence), and joint battlefield management.<sup>39</sup> Some analysts maintain that careful planning on both sides and lessons learned over time will allow for strong coordination between the two commands. Critics, on the other hand, charge that the new set-up will fail to match the efficiency of a unified command.<sup>40</sup>

Perhaps the most crucial of the changes, at least in the minds of many critics, is the planned dissolution of the Combined Forces Command (CFC). The CFC is an integrated organization of American and South Korean commanders that would lead a military response in wartime and reports to the national command authorities of both the United States and South Korea.<sup>41</sup> It is led by an American four-star general and supported by a four-star Korean deputy commander, an American three-star chief of staff, and subordinate command units with alternating American and Korean commanders and deputy commanders.<sup>42</sup> In addition to ensuring a joint response from the U.S. and ROK to a potential crisis, the CFC stands as the “keystone of an arch”, tied to a host of command mechanisms and contingency plans.<sup>43</sup>

Given the great importance of coordinating military responses to any potential crisis, the U.S. and South Korea have a strong interest in fashioning mechanisms capable of meeting their military objectives.

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<sup>39</sup> Kate Ousely, *Wartime Operational Control*, in SAIS U.S.-KOREA YEARBOOK 2006 33–38 (U.S.-Korea Inst. ed., 2007), available at <http://uskoreainstitute.org/pdf/Yearbooks/2006/2006%20SAIS%20USKI%20YB%20Chapt3.pdf>.

<sup>40</sup> Jung Sung-Ki, *South Korea to Launch Theatre Command by '09*, DEF. NEWS, Mar. 13, 2009.

<sup>41</sup> Bruce E. Bechtol & Richard C. Bush III, *Change of U.S.-ROK Wartime Operational Command*, Sept. 14, 2006, [http://www.brookings.edu/articles/2006/0914southkorea\\_richard-c--bush-iii.aspx](http://www.brookings.edu/articles/2006/0914southkorea_richard-c--bush-iii.aspx) (last checked May 12, 2010).

<sup>42</sup> Bruce Klingner, *It's Not Right Time to Discuss OPCON Transfer*, HERITAGE FOUND., June 22, 2009, <http://www.heritage.org/Research/Commentary/2009/06/Its-not-right-time-to-discuss-OPCON-transfer> (last checked May 11, 2010).

<sup>43</sup> Bechtol & Bush, *supra* note 41.

Washington and Seoul have begun setting up an array of subsidiary coordination cells that will come online when the CFC dissolves: a Combined Operational Coordination Group (a liaison team in support of ROK JCS), a Joint Operational Coordination Group (to provide ROK operational support to KORCOM), a Combined Warning and Indications Operations Center (indications and warning), a Combined Logistics Coordination Center (supporting ROK JCS), the Alliance Korea Joint C-2 System (the alliance C4I system), and an Alliance Military Cooperation Center (to provide political-military guidance to ROK and U.S. commanders).<sup>44</sup> Yet these mechanisms will not constitute a one for one replacement of the CFC; instead, they will primarily aid the ROK JCS in informing KORCOM of its orders and directives, in receiving awareness and intelligence input from KORCOM, and in de-conflicting the two forces. This represents a major change in command relations, not a simple reshuffling.<sup>45</sup>

However significant the dissolution of the CFC — and for some the real issue is the political optics associated with the move — it is also clear that many of the concerns raised about OPCON transfer are, in fact, the sorts of normal concerns that accompany any evolving military relationship. Ten years ago, the CFC was, in reality, a U.S. command mechanism — according to a DOD official, South Koreans were “there in body, but not in spirit.”<sup>46</sup> The last decade has seen the ROK armed forces take a much more active role, and OPCON transfer will represent another, significant development in this respect.<sup>47</sup> Since 2007, the outlines of the transfer have taken shape in several documents, including the joint Strategic Transition Plan, American command relations studies and, most recently, in the Korean joint staff’s OPCON Transition Action Plan.<sup>48</sup> Yet however detailed the plans, much remains to be determined with respect to how each military will operate under these new conditions.

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<sup>44</sup> Interview with Washington strategist; S. KOREA MINISTRY OF NAT’L DEF., DEFENSE WHITE PAPER 2008 94 (2008).

<sup>45</sup> Interview with Department of Defense official.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Interview with Department of Defense official; News Release, U.S. Dep’t of Def., Office of the Assistant Sec’y of Def. (Pub. Affairs), 41st U.S.-RoK Security Consultative Meeting Joint Communique (Oct. 23, 2009), *available at* <http://www.defense.gov/releases/release.aspx?releaseid=13072>.

The two sides have already begun a series of joint military exercises leading up to 2012 to test the new structures and working out any kinks in advance.<sup>49</sup> In the 2009 *Ulchi Freedom Guardian* exercises, the allies discovered several integration challenges, including linking U.S. and South Korean communications systems (language barriers remain a complication — the exercises were carried out in English, but war will be waged in Korean.<sup>50</sup> Having clarified end states and alliance goals, and tested provisional plans in the field, the two militaries must now clarify and improve the necessary operational plans.<sup>51</sup>

Through the OPCON transfer process, the alliance must also consider the issue of South Korea's military modernization and defense transformation goals. According to South Korea's *Defense Reform 2020* document, the ROK intends to build leaner, more modern armed forces, with better capabilities in C4I, detection, and precision.<sup>52</sup> At the same time, however, ROK joint planning and procurement is notoriously ad hoc, and has often been imitative of the American military. A distinct advantage of the CFC structure is that it has wrapped the South Korean military within the Pentagon's planning process.<sup>53</sup> After the CFC is dissolved, and as South Korea looks to modernize its military, it will face planning and procurement challenges as it seeks to acquire new capabilities.

Finally, OPCON transfer brings into sharper relief existing questions in Seoul and Beijing about the purpose of U.S. military forces on the peninsula. By handing to the ROK the near-exclusive responsibility for conducting ground operations in a peninsular war, OPCON transfer renders transparent the fact that conflict will not automatically trigger a massive influx of some 600,000 U.S. troops to the peninsula as called for in earlier war plans.<sup>54</sup> Though this has been the reality of war planning for some time, as the modernization of the ROK armed forces has made such a massive response unnecessary, the transfer of command has raised these

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<sup>49</sup> Jung, *supra* note 40.

<sup>50</sup> Interview with Department of Defense official. Still, the Pentagon felt the difficulties were manageable and certified that OPCON transfer is on track. *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *South Korean Military Doctrine*, GLOBALSECURITY.ORG, <http://www.globalsecurity.org/military/world/rok/doctrine.htm> (last checked May 12, 2010).

<sup>53</sup> Hubbard Interview, *supra* note 19.

<sup>54</sup> Interview with Michael J. Finnegan in Washington, D.C. (Oct. 2009); Hamm Taik-Young, *supra* note 35, at 339.

issues anew. In addition, by recognizing the capacity of South Korea to command forces in case of conflict, OPCON transfer has prodded observers in both Beijing and Seoul to wonder whether the U.S. presence on the peninsula is geared partially toward China. And the fact remains that both nations have different views about how to handle the PRC; indeed, South Korean officials have shied away from discussions with their American counterparts about China or with their Chinese counterparts about end states on the Korean peninsula. Nevertheless, such issues will increasingly rise to the forefront of the strategic agenda in East Asia.

### V. OPCON Transfer: Recommendations

Improving the OPCON transfer process will be important to securing the U.S.-ROK alliance's vital operational military relationship. The following recommendations should guide this process:

*Ease fears and deter.* To allay fears of abandonment in Seoul and to deter Pyongyang, Washington should make clear that the United States maintains its obligations under the Mutual Defense Treaty to defend the ROK. In addition, the U.S. must maintain a continued stated commitment to the provision of a nuclear umbrella.<sup>55</sup> As OPCON transfer potentially adds doubt about the American role on the peninsula and blurs previously clear responsibilities, Washington and Seoul should agree on defense guidelines (similar to those that exist between the U.S. and Japan), clarifying responsibilities and commitments to various missions — both on the peninsula and beyond, in light of South Korea's increasingly regional and global military role.

*Bolster coordination mechanisms.* After dissolution of the CFC, the U.S. and ROK militaries will never be as "joint" as they once were. The allies must, however, continue to develop coordination mechanisms and test them in the field.

*Stress combined planning.* Combined planning not only assures tactical readiness for various contingencies — from full-scale war on the peninsula,

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<sup>55</sup> In June 2009, President Obama provided a written assurance to the ROK of the U.S.'s "continuing commitment of extended deterrence, including the U.S. nuclear umbrella," the first time such a commitment was made at such a level. See Jung Sung-ki, *US Nuclear Umbrella: Double Edged Sword for S. Korea*, KOREA TIMES, June 24, 2009; Richard Halloran, *Nuclear Umbrella*, REAL CLEAR POLITICS, June 21, 2009, [http://www.realclearpolitics.com/articles/2009/06/21/nuclear\\_umbrella\\_97104.html](http://www.realclearpolitics.com/articles/2009/06/21/nuclear_umbrella_97104.html) (last checked May 12, 2010).

to interdiction efforts, to surgical strikes inside North Korea — but also reassures both sides of their mutual commitments. A common understanding of missions and goals also provides the foundation for force planning and the division of roles essential to successfully carry out OPCON transfer. Quiet discussions of contingencies beyond the peninsula should be considered on a Track 1.5 and II level.

*Aid ROK defense transformation.* American advice and training in force planning and procurement processes can help the ROK identify needs and priorities. Consultation with the U.S. will also ensure that the ROK understands how the equipment it acquires interacts with that of American forces and can be employed to its fullest potential. Continued joint training missions will remain an important testing ground for new capabilities.

*Maintain guarded flexibility on OPCON transfer.* Flexibility in OPCON transfer can help ensure that the right mechanisms and capabilities are in place at the time of transfer and that the wrong message is not sent to Pyongyang at an inconvenient time. This does not mean that leaders in Seoul and Washington should seek to delay transfer for vague political reasons, but rather that they should consider the specific concerns of military commanders and the overall foreign policy environment in which transfer would take place. In the meantime, insistence on the current transfer date provides a catalyst for the ROK military to make necessary changes to assume wartime command.<sup>56</sup>

## VI. Preparing the Alliance for a Collapse Scenario

Heeding the above recommendations will be essential to ensuring a smooth transfer of operational command, complete with adequate coordination mechanisms, and to meeting a range of alliance military goals. On their own, however, they are not sufficient for achieving a core alliance mission: preparing for instability, including potential collapse, in the North. Given the complexities inherent in any required response and the significant consequences such a contingency would pose for the wider region, these issues deserve special attention. Yet diplomatic sensitivities and continuing inertia in the alliance have produced a yawning gap in coordination between the allies in this sphere. A collapse contingency would require a “whole of government” and “whole of alliance” approach that involves military, civilian, foreign, non-governmental, and private entities to meet the manifold challenge such a scenario would pose.

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<sup>56</sup> Klingner, *supra* note 42.

However remote a possibility it may seem at present, a wholesale collapse of the North Korean regime would pose extraordinary challenges for the U.S. and South Korea. At a minimum, a DPRK government collapse would require that the U.S. and ROK be able to: 1) immediately fill the power vacuum and stabilize North Korean territory; 2) rebuild the economy and government of a poor and traumatized nation; and 3) ensure that the reconfigured geopolitical arrangement of the peninsula is conducive to long-term stability in northeast Asia. This is to say that collapse and unification would likely require the full array of tasks associated with nation building, including peacekeeping, reconstruction, economic and political development, and regional diplomacy. It would involve significant financial costs, and require strong diplomatic and military management to shape geopolitical outcomes.<sup>57</sup> The way in which any collapse occurs — involving economic decay, a coup, a revolt, civil war, or conflict with outside powers — would also introduce unpredictable variables to this challenge. In addition to considering the implications of such contingencies for alliance operations, there exists a range of scenarios short of total collapse that deserve attention, including famine, natural disaster, internal chaos, and refugee flows.

The South Korean government, along with China and several American administrations, has expressed a strong preference that any unification of North and South take place via gradual reform of North's economy, and not through sudden collapse.<sup>58</sup> But even a determination by outside powers to prevent a collapse of North Korea cannot ensure such an outcome. The DPRK remains the world's most autarkic economy and one of its preeminent human rights abusers.<sup>59</sup> Its totalitarian political system is highly dependent on the personal legitimacy of its dynastic leaders, and routine shortages of food, energy, and capital suggest that its ability to survive is dependent, in part, on support from the international community.

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<sup>57</sup> Francis Fukuyama, *Guidelines for Future Nation Builders*, in *NATION BUILDING: BEYOND AFGHANISTAN AND IRAQ* 232–33 (Francis Fukuyama ed., 2006).

<sup>58</sup> Soogil Young, Chang-Jae Lee & Hyoungsoo Zang, *Preparing for the Economic Integration of Two Koreas: Policy Challenges to South Korea*, in *SPECIAL REPORT 10: ECONOMIC INTEGRATION OF THE KOREAN PENINSULA* 251–52 (Marcus Noland ed., 1998) [hereinafter *SPECIAL REPORT 10*].

<sup>59</sup> Marcus Noland, *Economic Strategies for Reunification*, in *KOREA'S FUTURE AND THE GREAT POWERS* 213 (Nicholas Eberstadt ed., 2003).

Although few experts predict the collapse of the North Korean state in the short to medium term, the extreme opacity of the Kim Jong-il regime argues for erring on the side of caution by striving for robust contingency planning. Many analysts believe that Pyongyang's provocations in 2009, including repeated missile launches and a nuclear weapons test, were driven by a tenuous succession process that is poorly understood by those outside the country. A contested or failed succession following Kim's passage from the political scene could lead to a loss of regime control or internal power struggle that fosters domestic instability.<sup>60</sup> Even knowledgeable Chinese, who have traditionally been more optimistic than most American strategists about the inherent stability of the DPRK, worry that the death of Kim Jong-Il could trigger events that bring down the government.<sup>61</sup>

None of this is to say that such a scenario will unfold, or even that it is likely. It does mean, however, that given the far-reaching consequences that would result should such a contingency occur, the United States and South Korea have a strong interest in preparing for this potentiality. Previous efforts to do so have fallen far short of what is necessary, however, and today neither Seoul nor Washington possesses a whole of government plan for the "day after" scenario. To the extent that such planning — or even analysis — occurs, it is largely under the auspices of intelligence agencies or the two militaries. It is not even certain that the U.S. and ROK militaries have shared operational plans for handling the effects of a collapse in the North. The United States produced "CONPLAN 5029" in 1999, a conceptual strategy for dealing with such a crisis or other unusual scenarios. Yet Seoul blocked production on sovereignty grounds of "OPLAN 5029", a follow-on document aimed at providing for U.S. and ROK forces a concrete military strategy to deal with turmoil in North Korea.<sup>62</sup> Reports suggest that both sides have, at the very least, begun to review and update OPLAN 5029 after the long hiatus in development.<sup>63</sup> The plan requires the CFC for execution, however, and it will be necessary to develop a new

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<sup>60</sup> PAUL B. STARES & JOEL S. WIT, *PREPARING FOR SUDDEN CHANGE IN NORTH KOREA* (Council on Foreign Relations, Special Report No. 42, 2009).

<sup>61</sup> Bonnie Glaser, Scott Snyder, & John S. Park, *Keeping an Eye on an Unruly Neighbor: Chinese Views of Economic Reform and Stability in North Korea* (Jan. 3, 2008) (U.S. Inst. of Peace & Ctr. for Strategic and Int'l Studies, unpublished working paper, available at <http://www.usip.org/files/resources/Jan2008.pdf>).

<sup>62</sup> Jin Dae-woong, *JCS Nominee Back Contingency Plan*, KOREA HERALD, Mar. 27, 2008.

<sup>63</sup> Lee Choon-kun, *U.S. Support Needed to Handle Crisis in N.K.*, KOREA HERALD, Mar. 31, 2008; Jung Sung-ki, *S. Korea, US to Chart Contingency Plans on N. Korea*, KOREA TIMES, Sept. 11, 2008.

conceptual and operational plan as part of the joint planning for OPCON transfer. Embarking on such a path will likely require a political commitment on the parts of Washington and Seoul to work together and share sensitive information on this controversial issue.

The political sensitivities that attend this issue have thus far precluded regular dialogue and planning between the two allies. The South Korean government remains committed to minimizing foreign intervention in its unification process and is also aware that such planning could generate the misperception that it has adopted a policy of regime change in the North.<sup>64</sup> Yet the United States also has interests at stake in the event of a North Korean collapse, and would desire to share some of the burden with the ROK in order to shape the outcome. Washington will wish to ensure the security of nuclear stockpiles, stop refugee flows from destabilizing the region, prevent Chinese or Russian intervention in Korea, and foster a stable and unified peninsula that can resist pressure from its northern neighbors. Given the interests of both sides in the outcome of this process, it is important that Seoul overcome its skepticism of a potential American role following a collapse in the North, and help establish a framework for cooperation that puts robust contingency planning into place.

A look at the likely challenges suggests why this planning must proceed. In the initial stage following a collapse in the North, military forces must be prepared to provide security, carry out humanitarian relief operations, secure nuclear materials, and potentially disarm and demobilize the DPRK military.<sup>65</sup> They must also be prepared to safeguard important infrastructure and resources, incorporate logistical support from Japan, and gather contributions from international organizations and donors.<sup>66</sup> Carrying out these and other tasks requires combined military and civilian efforts, but this proved a weak spot in past exercises. In the *Ulchi Freedom Guardian* military exercises, for instance, American observers cited ROK civilian response as ineffective in deployment.<sup>67</sup> On the U.S. side,

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<sup>64</sup> Moo Bong Ryoo, *The ROK Army's Role When North Korea Collapse Without A War with the ROK*, (Jan. 2001) (U.S. Army Command and Gen. Staff Coll., Sch. for Advanced Military Studies, unpublished monograph, available at <http://egsc.cdmhost.com/cgi-bin/showfile.exe?CISOROOT=/p4013coll13&CISOPTR=433&filename=434.pdf>).

<sup>65</sup> CTR. FOR U.S.-KOREA POLICY, *NORTH KOREA CONTINGENCY PLANNING AND U.S.-ROK COOPERATION 9* (2009), available at <http://asiafoundation.org/resources/pdfs/DPRKContingencyCUSKP0908.pdf>.

<sup>66</sup> *Id.* at 10.

<sup>67</sup> Interview with Washington-based Asia expert.

difficulties associated with the effort to build a robust stabilization and reconstruction capacity — particularly outside the Department of Defense — have been well documented.

Once this initial stage of stabilizing North Korea were complete, the allies would be confronted by a country with a poor, isolated population, with weak public institutions, a failed economy, and a legacy of ideological indoctrination and brutal repression. The costs of rebuilding — not just securing North Korea, but actually turning it into a viable part of a unified Korean nation — would be staggering.<sup>68</sup> The wealth gap between North and South is considerably greater than it was between the two Germanys when they unified, and even that process cost more than \$700 billion and constrained West German economic growth for years. Also, unlike in Germany, financing would have to come to a larger degree from the international community, as the South Korean tax system and financial markets may not be able to handle the burden alone.<sup>69</sup> In addition, the North Korean population would likely chart a more difficult transition to a market economy than did East Germans, and may well reject the legitimacy of South Korean policies and governance.

To address such challenges, reconstruction efforts would require the ROK and international partners to address many difficult policy issues. Macroeconomic policies would need to be established, including on exchange rates, rules regarding trade and labor flows, property rights, the handling of investment, and reforms of state-owned enterprises. Political issues would need to be carefully managed, including the reassertion of authority, establishment of the rule of law, migration to the South, and efforts at national reconciliation.

Further complicating matters are the consequences that particular reconstruction and stabilization policies might have on the broader region. Drawing in resources and investment for reconstruction from other nations would be essential, but these resources can also be used as a proxy for influence and would have to be carefully managed. Some reconstruction requirements, such as the use of foreign militaries or resources, could give rise to fears that an outside power seeks to alter the geopolitical balance in

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<sup>68</sup> Estimates generally place the costs at hundreds of billions of dollars, with some even estimating the costs to be more than two trillion dollars. Soogil Young et al., *supra* note 58, at 266–68.

<sup>69</sup> *Id.*; Young Sun Lee, *The Cost and Financing of Korean Unification*, in PERSPECTIVES ON KOREAN UNIFICATION AND ECONOMIC INTEGRATION, 133–34 (Y. Choi ed., 2001).

the region — and thereby provoke a response. A worst-case scenario would involve China and Russia seeking to carve out zones of influence in North Korea, bringing their militaries and personnel in uncoordinated contact with those of South Korea or the United States.<sup>70</sup>

These reflections on the many difficulties attending a wholesale collapse of government in North Korea should suggest just how great is the need to begin thinking the unthinkable before it occurs. As a potential response to such a crisis should demonstrate, the U.S.-ROK alliance must be more than an alliance of militaries. Dealing with a major contingency north of the DMZ — whether it entails outright collapse of the DPRK government, a nuclear disaster, a major refugee outflow, or another such scenario — requires a whole of government, whole of alliance approach, and one that considers carefully the role of regional and global actors.

#### VII. Preparing for a Collapse Scenario: Recommendations

Planning for such an approach should begin in earnest and take into account the following recommendations:

*Institute political guidance.* It is clear that a political approach to dealing with a collapse contingency must guide the military approach, not the other way around. Only by aligning bilateral political support behind a series of shared goals can Seoul have faith that American military and civilian contributions can preserve its own interests. The political leadership in South Korea should drive the planning process by first sharing its objectives and desired ends states with Washington. High-level policymakers in both capitals should then establish joint principles that would assign leadership for various post-collapse missions, followed by tasking respective agencies to work out the steps necessary to attain the desired end state. Given the controversial nature of this issue — and a desire in both capitals not to have contingency planning be misconstrued as an affirmative shift of emphasis toward a policy of regime change — such bilateral discussions are best initiated within quiet and already established consultation mechanisms between the U.S. and ROK.

*Coordinating Mechanisms.* Following the establishment of end goals and clear agency roles, there will be a compelling need to establish

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<sup>70</sup> For further reading, see Robert D. Kaplan, *When North Korea Falls*, ATLANTIC, Oct. 2006, available at <http://www.theatlantic.com/magazine/archive/2006/10/when-north-korea-falls/5228>.

interagency coordination within and between the governments of the United States and South Korea. Planning for, and execution of, reconstruction efforts will incorporate South Korea's armed forces, National Intelligence Service, Unification Ministry, Ministry of Foreign Affairs, Ministry of Strategic Planning and Finance, Ministry of Health and Welfare, and the Ministry of Justice, among others. Given the difficulties inherent in this task, such an effort will have to be spearheaded by the Blue House. On the U.S. side, clear NSC direction to the various agencies, including the Departments of State, Defense, Treasury, and so on will be required.

It is unlikely, however, that such a complex, large-scale bilateral planning effort will be successful absent specially-designed institutions that provide a framework for unified action. A convenient mechanism for planning immediate stabilization responses would be a dedicated, military-based bilateral coordination cell like those that are likely to arise after the CFC is dissolved. Such a body should plan operations, liaise with civilian agencies, and promote the equipping and training of ROK and U.S. military units for the needs of the mission. For longer-term reconstruction tasks, the Blue House should designate a civilian ministry or inter-agency body to lead planning efforts if it deems the Unification Ministry unsuited for managing the process.

*Engage Regional Players.* Washington and Seoul should seek to bring Japan into the planning fold while consulting with — and reassuring — China and Russia. With China in particular, the U.S. and the ROK should attempt to establish a basis of understanding regarding Beijing's likely responses to collapse or other disaster in North Korea. Because of political sensitivities, Chinese policymakers have been highly reluctant to talk to others about a collapse contingency, so such consultations should commence first at the track 1.5 and II level.

*Coordinate multiple actors.* Dealing with a post-collapse scenario in the North will involve leveraging the skills and resources of non-alliance actors, including the World Bank and the International Monetary Fund, foreign aid agencies, the International Committee of the Red Cross, United Nations agencies, NGOs, private banks and private firms.<sup>71</sup> Washington and Seoul should encourage some of these organizations to conduct their own planning and begin a dialogue with them on “day after” scenarios.

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<sup>71</sup> SPECIAL REPORT 10, *supra* note 58, at 251–52.

## VIII. Conclusion

The recent history of U.S.-South Korea relations demonstrates just how complex ties between the two allies have become. Yet while complications will enter into the alliance as a matter of course, it remains a pillar of U.S. strategic engagement in northeast Asia. The task ahead for policymakers in both Washington and Seoul should be to make the alliance ever more resilient, increasingly moving it onto a foundation of mutual trust, open communication, and shared expectations.

Approaching the tasks set out here — coordinating the diplomatic approach to North Korea, ensuring a smooth transition following transfer of wartime operational control, and planning for a “day after” contingency — will help move the alliance in that direction. Yet each will require, above all, a concerted effort by leaders in both nations to forge a common vision of their shared future. Progress in each of the areas outlined above should be valued not simply on its own terms, but also by the mutually reinforcing effect it can have on other aspects of the relationship. Progress in coordinating diplomacy will make contingency planning more feasible; comfort with the state of military ties renders diplomacy a more collaborative effort; confidence in the allies’ overall approach to North Korea makes easier the important task of growing and sustaining the alliance over the long term. Given the numerous challenges the United States and its allies in South Korea and Japan are likely to face in the coming years, it will be incumbent on each of the three players — and with respect to North Korea, on Seoul and Washington in particular — to deal from a position of unified strength, rather than from uncoordinated weakness.