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BETWEEN CONFLICT AND COOPERATION:

NATIONAL, REGIONAL AND GLOBAL

SALIENT ISSUE AREAS



UNIVERSITY OF BOTSWANA AMBASSADORIAL LEADERSHIP FORUM



Policy Brief

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Between Conflict and Cooperation: National, Regional and Global Salient Issue Areas

ACRONYMS / ABBREVIATIONS

ABM	Anti-Ballistic Missile
ADB	African Development Bank
AU	African Union
BBC	British Broadcasting Corporation
CAR	Central African Republic
CCP	Concerned Citizens for Peace
CIPEV	Commission to Investigate the Post-Election Violence
CJPC	Catholic Justice and Peace Commission
CND	Campaign for Nuclear Disarmament
CPC	County Peace Committees
CRS	Catholic Relief Service
DPCs	District Peace Committees
DRC	Democratic Republic of Congo
DPRK	Democratic People's Republic of Korea
EAC	East African Community
EVRI	Electoral Violence Response Initiative
EVS	Emergency Volunteer Scheme
GLCM	Ground-Launched Cruise Missile
HI	Hudson Institute
IAEA	International Atomic Energy Association
ICBM	Intercontinental Ballistic Missile
ICC	International Criminal Court
IEBC	Independent Electoral and Boundaries Commission
IFES	International Foundation for Electoral Systems
IGAD	Intergovernmental Authority on Development
INF	Intermediate-Range Nuclear Forces
IPPNW	International Physicians for the Prevention of Nuclear War
IRF	Inter-Religious Forum
IRI	International Republican Institute

KANU	Kenya African National Union
KBC	Kenya Broadcasting Corporation
KCSSP	Kenya Civil Society Strengthening Program
KEDO	Korea Peninsula Energy Development Organization
KNDR	Kenya National Dialogue and Reconciliation
KPSA	Kenya Private Sector Alliance
KTN	Kenya Television Network
KWPA	Kenya Women Parliamentary Association
LPCs	Local Peace Committees
MSU	Maritime State University
NA	National Accord
NATO	North Atlantic Treaty Organization
NCIC	National Cohesion and Integration Commission
NDI	National Democratic Institute
NKN	New Kenyan Nation
NPR	Nuclear Posture Review
NPT	Nuclear Non-Proliferation Treaty
NSA	National Super Alliance
NSC	National Steering Committee
NSCPCM	National Steering Committee on Peacebuilding and Conflict Management
NVS	Neighborhood Volunteer Scheme
ODM	Orange Democratic Movement
PNU	Party of National Unity
PSC	Parliamentary Select Committee
RC	Rand Corporation
R2P	Responsibility to Protect
SP	Special Tribunal
START	Strategic Arms Reduction Treaty
TJRC	Truth Justice and Reconciliation Commission
UN	United Nations
UNDP	United Nations Development Programme

UNPF	United Nations Peacebuilding Fund
UNSC	United Nations Security Council
USAID	United States Agency for International Development
UPP	Uwiano Platform for Peace
WB	World Bank
WMD	Weapons of Mass Destruction
WWCIS	Woodrow Wilson Center for International Scholars

Between Conflict and Cooperation: National, Regional and Global Salient Issue Areas

Introduction: A General Overview

The studies in this first volume of policy brief deal with critical and indeed contentious issue areas namely, the post 2007 electoral violence in Kenya; the International Criminal Court (ICC)-African Union (AU) strained relations; and North Korea's nuclear ambition which remain delicate in the context of national, regional, and global peace and stability respectively. Peace and stability at national, regional and global levels are important ingredients for, among other things, cooperation between and among actors in international relations. Focusing on conflict resolution initiatives in Kenya following the widespread violence in the country during and after the 2007 general elections, Muema Wambua assesses the role of national and international actors in the process. Wambua argues that it was the because of the direct employment of the good offices of the AU and the UN that tangible agreement, that is, the National Accord, was reached between the belligerent parties in Kenya which paved the way for peace and stability in the country. Wambua offers suggestions on what he calls gaps and challenges in the agenda of conflict transformation.

Alex Njenga Kabia examines the ongoing competing debates about the uneasy relations between the International Criminal Court (ICC) and the AU, particularly in the area of protecting human rights and fundamental freedoms of the people of Africa. More specifically, Kabia opines that the AU member states and the leaders in particular, need to cooperate with the ICC to enable the Court to deal with crimes against humanity and genocide which are common in the African continent. Taking Afro-optimist epistemological perspectives on the ICC-AU cooperation and its inherent dividends and ramifications Kabia argues that as contracting parties to the Rome Statute the AU member states need to adhere to their statutory obligations and commitments in conformity with rules governing international agreements. Kabia provides a trajectory of the competing epistemological debates associated with the ICC's

involvement in Africa. The author offers specific recommendations on what he considers to be key in relation to the ongoing debate.

North Korea's nuclear preparedness and development over the years continue to pose regional and global challenge. Using theories of nuclear strategy and arms control Paul Nantulya traces this systemic scenario. Nantulya provides detailed analysis of North Korea's domestic situation, culture and the country's search for identity and ideological independence.

The author provides a detailed analysis of these issues and the dominance of the Kim family and North Korea's *raison d'être* and self-preservation. Nantulya observes that North Korea's ambition of developing its own nuclear preparedness is directly linked to its historical past associated with subjugation by its neighbours. The author argues that on the question of denuclearisation, North Korea insists on acquiring its own capability and recognition as a nuclear power prior to the idea of denuclearisation. The author traces these historical nuclear ambitions by North Korea and implications thereof regionally and global.

Policy Brief 1

Reflections on the Conflict Transformation Agenda in Post-National Accord Kenya

Muema Wambua

1

Abstract

Track One interventions play a critical role in attaining peace agreements in states experiencing manifest conflict. The signing of agreements oftentimes paves the way for peace and stability. Post-intervention states may however relapse into conflict due to failure of interventions to lay a stable groundwork for effective conflict transformation. This brief reflects on the local and international interventions that were initiated in Kenya after the signing of the National Accord (NA) in February 2008 following the conflict that ensued after the disputed 2007 presidential election results. The brief also demonstrates the gaps and challenges that constrained these interventions and, in the end, draws insights that may strengthen the country's conflict transformation agenda.

Introduction

Kenya has since the wake of multi-party democratic politics experienced electoral conflicts that have threatened its stability. The non-violent resistance against repression during the Kenya African National Union (KANU) regime and the calls for constitutionalism and democratization led to the repealing of Section 2A of the Constitution in 1991. This paved the way for the return of multiparty politics in Kenya. There was however observed the proliferation of political parties that attracted ethnic and regional patronage that pitted communities against each other. This accentuated the protracted indigenous-foreigner ethnic discourses that consequently attracted ethnic conflict, especially during the 1992 and 1997 elections. Besides the indigenous-foreigner ethnic antagonisms, the protracted historical injustices meted during the reign of Jomo Kenyatta (1963-1978) and Daniel Moi (1978-2002) in particular, the expropriation of land resources, internal displacement of persons, ethnic massacres, as well as marginalization and inequitable distribution of economic resources

¹ Muema Wambua holds a PhD Degree in International Relations from the United States International University-Africa, Nairobi, Kenya, and is a Next Generation Social Sciences in Africa Dissertation Research Fellow 2019/2020. He is the author of "The ethnification of electoral conflicts in Kenya: Options for positive peace" published in 2017 in the *African Journal on Conflict Resolution*, 17(2) and "Transitional justice and peacebuilding: The ICC and TJRC processes in Kenya" published in 2019 in the *African Conflict and Peacebuilding Review*, 2(1), 54-71. He has also contributed a chapter titled "Hurting Stalemate in International Interventions: An Analysis of the African Agency in the IGAD-Led Engagements in the South Sudan Crisis, 2013-2018," In Munyi, E., Mwambari, D. & Ylönen, A. (Eds.). (2020). *Beyond history: African agency in development, diplomacy and conflict resolution*. Lanham, Maryland: Rowman & Littlefield.

heightened political antagonisms in the country (Truth, Justice and Reconciliation Commission, 2013, pp. 250-314). While there were initiatives that sought to address the ethnic-based electoral conflicts, for instance, the 1992 Kiliku Parliamentary Select Committee (PSC) and the 1999 Akiwumi Commission of Inquiry into Tribal Clashes, the failure of the state to resolve the ethnic antagonisms, especially on the distribution of the land resource in the Rift Valley, central, and coastal regions, transcended into the 2007 elections. After the declaration of the presidential election results on December 30th, spontaneous violence erupted in the country over allegations of electoral rigging in favor of the then incumbent president and leader of the Party of National Unity (PNU), Mwai Kibaki. The rejection of the contested results and the subsequent refusal by the Orange Democratic Movement (ODM) party's candidate, Raila Odinga, to seek legal redress over claims that the courts were prejudiced against the opposition attracted a political stalemate between the two leaders and their allies (Mwagiru, 2008, pp. 39-40). This stalemate occasioned organized retaliatory violence amongst the supporters of the two political formations leading to the death of 1,133 people and the internal displacement of an estimated 350,000 others (Commission of Inquiry into Post-Election Violence, 2008, pp. 305, 351).

Track One Interventions and the National Accord

In response to the political stalemate, local actors immediately called for Kibaki and Odinga, and their allies, to resolve the violence. Local proposals, for instance, the Ambassador Bethuel Kiplagat-led Concerned Citizens for Peace's (CCP) Seven Point Plan for Peace and the Inter-Religious Forum's Peace Proposal failed to resolve the stalemate (Mwagiru, 2008, pp. 49-50). As a result of the heightened atrocities, the African Union (AU) led by the chairperson, John Kufuor, deployed its good offices that laid the pre-negotiation diplomacy that paved the way for the former United Nations (UN) Secretary General Kofi Annan-led Panel of Eminent Personalities' mediation. The Panel constituted the Kenya National Dialogue and Reconciliation (KNDR) team that laid the four-point agenda for the negotiations which included: stopping the violence, addressing the humanitarian crisis, resolving the political crisis, and addressing long-term historical injustices and structural issues that attract violence (Office of the AU Panel of Eminent African Personalities, 2014, p. 261).

In addition, the United Nations deployed the Responsibility to Protect doctrine with a view to averting the atrocities (United Nations General Assembly, 2009). Addressing the African Union Summit in Addis Ababa on January 31st, and in further consultation with Kibaki and

Raila in Nairobi on February 1, Secretary General Ban Ki-moon called for immediate resolution to the conflict through dialogue (Ki-Moon, 2008). The president of the United Nations Security Council (UNSC) also offered full support to the Panel in finding a political solution (United Nations Security Council, 2008). On its part, the Inter-Governmental Authority on Development (IGAD) prescribed that the stalemate be resolved within existing legal frameworks while the chairperson of the East African Community (EAC) President Yoweri Museveni, an ally of Kibaki, offered to mediate. Museveni's peace proposal was however rejected by Odinga, and Annan, due to his perceived bias toward Kibaki (Inter-Governmental Authority on Development, 2008; Annan, 2012, p. 191; Mwagiru, 2008, p. 25).

Besides the interventions by regional and inter-governmental organizations, states, for instance, the United States and United Kingdom deployed prescriptive diplomacy in building consensus amongst the conflicting parties. The Assistant Secretary of State for African Affairs, Jendayi Frazer, argued that the United States would not conduct 'business as usual' with Kenya until at such a time when the crisis would be resolved (Mwagiru, 2008, p. 77). The United Kingdom's House of Commons issued a statement arguing for non-recognition of the Kibaki government and also threatened to withdraw development aid (Mwagiru, 2008, p. 83; Orlale, 2008). Since Kenya is a strategic partner to the West in that it hosts diplomatic and federal agencies and is the centre of multilateral diplomacy in Africa, these states responded immediately with a view to protecting their foreign geostrategic interests in the country, and in the region (Juma, 2009, pp. 423-424). These prescriptive diplomatic measures came against the backdrop of a joint statement by the African Development Bank (ADB) and the World Bank (WB) that called for the parties to resolve the political crisis (Juma, 2009, p. 422; Mwagiru, 2008, p. 82). European Union's call to suspend development aid to Kenya asserted further diplomatic pressure that created a ripe moment for the negotiations (Deutsche Welle, 2008; Khadiagala, 2008, p.16; Mwagiru, 2008, p. 82).

Despite the deadlock over sharing of responsibilities by the executive and cabinet portfolio balance, the eventual signing of the National Accord in February 2008, which was essentially a power sharing agreement, resolved the political crisis and paved the way for peace and stability. The Accord laid the groundwork for electoral and constitutional reforms, prescribed measures on accountability for the election violence, and recommended mechanisms for justice such as the Truth, Justice and Reconciliation Commission (TJRC). These recommendations set the pace for comprehensive reforms that sought to enhance effective conflict transformation in Kenya.

Conflict Transformation Interventions Post-National Accord, 2008-2017

Besides the Track One interventions that led to the signing of the Accord as examined in the preceding discussion, other state and non-state actors initiated interventions that sought to strengthen the country's conflict transformation agenda. At the outset of the violence, the United Nations Peacebuilding Fund (UNPF)–Kenya instituted the Emergency Volunteer Scheme (EVC) that provided humanitarian support to the victims of the violence, especially the internally displaced persons. The Emergency Volunteer Scheme, which was later renamed as Neighborhood Volunteer Scheme (NVC), helped to advance re-integration of the displaced persons. Due to the violence, there was internal displacement of persons, especially in Rift Valley, central, and coastal regions, that divided communities along ethnic-identity formations thereby threatening national integration. At the expiry of the Scheme, the United Nations Peacebuilding Fund-Kenya implemented the Electoral Violence Response Initiative (EVRI) that advanced national cohesion and integration, and also built the capacity of state and non-state actors in early response and post-conflict recovery (United Nations Peacebuilding Fund-Kenya, 2012, pp. 7-8).

Besides the Fund, the United Nations Development Programme (UNDP)-Kenya, which served as the focal point for the international interventions, worked in collaboration with the government in particular the National Steering Committee on Peacebuilding and Conflict Management (NSCPCM) in building the capacity of state and non-state actors in early warning. Through the Consolidating Peace Process Program, the United Nations Development Programme, working in collaboration with District Peace Committees (DPCs) and Local Peace Committees (LPCs), strengthened the national, regional, and grassroots levels' capacity to respond to conflicts with a view to ensuring peaceful transition during the 2013 elections. In collaboration with the National Cohesion and Integration Commission (NCIC), the United Nations Development Programme implemented the *Uwiano* (cohesion) Platform for Peace that sought to address the ethnic antagonisms in order to enhance cohesion (Nderitu, 2018, pp. 179-205; United Nations Development Programme-Kenya, 2010).

During the 2007 violence, the business and private sector was greatly affected leading to a 6.7 percent slump in economic growth (Kenya National Bureau of Statistics, 2009, p. 22). The political uncertainty also led to increased capital flight, a 7.1 percent rise in inflation, as well as a 74.9 percent reduction in foreign direct investment as investors withdrew and invested in other stable markets in the region. In response to the market distress, the Kenya Private Sector

Alliance (KPSA) initiated the *Mkenya Daima* (Forever Kenyan) initiative that sought to consolidate the economic gains made after the signing of the Accord. The Alliance mobilized business and private sector stakeholders in dialogue that sought to advance the quest for peaceful electoral processes especially during the 2013 elections. The Alliance further engaged the parliament, judiciary, media, academia, and women and youth groups in consultative meetings and peace forums that fostered dialogue for peaceful elections (Kenya Private Sector Alliance, 2014, p. 11).

In addition, faith-based organizations advanced the quest for conflict transformation in Kenya. Besides the Peace Proposal advanced by the Inter-Religious Forum (IRF) at the outset of the violence, the churches provided humanitarian response, for instance, food materials, and medical and non-medical aid to the internally displaced persons. In particular, the Catholic Church's Diocese of Eldoret under the leadership of Reverend Cornelius Korir was instrumental in reconciling warring communities in the Rift Valley region. Through the Amani Mashinani (Peace at the Grassroots) initiative, the Catholic Church, in partnership with the Catholic Relief Services (CRS) and Catholic Justice and Peace Commission (CJPC), built connector projects in Burnt Forest and Yamumbi-Kapteldon areas in Eldoret that helped to reconcile the communities (Korir, 2009, pp. 28-47).

Institutions involved in advocacy and activism were also critical in influencing institutional, electoral and constitutional reforms that would enhance conflict transformation. The United States Agency for International Development's (USAID) Kenya Civil Society Strengthening Program (KCSSP) was for instance instrumental in developing the capacity for the civil society organizations in Kenya to influence policy as well as political action for reforms. The Program was also instrumental in enhancing conflict sensitivity and further advanced dialogue on peace by engaging key policy stakeholders, for instance, legislature, executive, and constitutional commissions in policy review and reforms. In addition, the Agency's Conflict Mitigation for Peaceful Kenya Program advanced integration through youth and women empowerment initiatives as well as connector projects implemented in Nakuru, Uasin Gishu, Kericho, Nandi, Bomet, and Trans Nzoia (United States Agency for International Development, 2010, pp. 6-7, 11-26; 2013, p. vi).

In addition, media organizations initiated interventions that sought to address hate media that propagated the 2007 violence. British Broadcasting Corporation (BBC) Media Action for instance initiated the *Sema Kenya* (Kenya Speaks) program that advanced dialogue on peace

and good governance. In partnership with Kenya Broadcasting Corporation (KBC) and Kenya Television Network (KTN), as well as Radio Sahara, the program engaged in a countrywide discussions on different thematic areas including peace, accountability, security, gender representation, women empowerment, and devolution. The program created a national platform that enlightened communities on the need to take non-violent political action and enhanced consultative dialogue on how to address political antagonisms that attract violence (Murithi & Page, 2013, pp. 7-8). Internews Network's Land- and Conflict-Sensitive Journalism, as well as Peace Reporting programs also built capacity for practitioners in conflict-sensitive reporting with a view to countering media that perpetuates violence, especially during elections (Long, 2013, pp. 35-37).

Further, the Kenya Election and Political Processes Strengthening Program implemented by National Democratic Institute (NDI), International Republican Institute (IRI), and the International Foundation for Electoral Systems-Kenya demonstrated the role played by research and policy institutions in conflict transformation. In partnership with the Kenya Women Parliamentary Association (KWPA), the National Democratic Institute engaged in the Women in Leadership component of this program through training women on leadership and resource mobilization. The International Republican Institute on its part engaged in the Gender Responsive Budgeting and Policy Making component of the program which enhanced gender responsiveness and women participation in policy making, implementation and monitoring while the International Foundation for Electoral Systems (IFES)-Kenya partnered with the Independent Electoral and Boundaries Commission (IEBC) in enabling transparency in electronic transmission of election results (United States Agency for International Development, 2015, pp. 1-2).

While the interventions examined in the foregoing discussion are non-judicial, the quest for judicial mechanisms that would pursue accountability for the 2007 violence was critical in attaining conflict transformation. The enactment of the Truth, Justice and Reconciliation Commission Act 2008 and the establishment of the Commission thereof set the pace towards addressing historical injustices and structural inequalities that have constrained reconciliation efforts in the country. In addition, Parliament's failure to establish the Special Tribunal of Kenya to investigate the perpetrators of the violence as recommended by the Commission to Investigate the Post-Election Violence (CIPEV) occasioned the International Criminal Court (ICC) situation in Kenya. In March 2010, the Pre-Trial Chamber II authorized the Office of the Prosecutor to *proprio motu* institute investigations in the country. The presentation of the

Commission report to President Kenyatta in May 2013, and the eventual withdrawal and vacation of the two cases in the Kenyan situation in the Court in March 2015 and April 2016, respectively, on claims of non-cooperation eventually ended the two judicial interventions in Kenya's conflict transformation agenda (International Criminal Court, 2015; 2016; 2016a).

These interventions strengthened the infrastructure for peace and in part enhanced peaceful transition during the 2013 elections. However, the killing of 37 people after the August 8th 2017 general elections due to the contested presidential election results over claims of electoral rigging in favour of the incumbent president, Uhuru Kenyatta, renewed political antagonisms in the country (Kenya National Commission on Human Rights, 2017, p. 16). Subsequently, the failure of the National Super Alliance (NSA) candidate Raila Odinga to concede to the re-election of the Kenyatta and the ruling of the Supreme Court petition after the October 26th fresh presidential elections attracted political antagonisms that led to the killing of 25 people in Nairobi, Kisumu, Busia and Migori (Kenya National Commission on Human Rights, 2018, p. 19). Nevertheless, the March 9th 2018 handshake between Kenyatta and Odinga, and the launch of the Building Bridges to a New Kenyan Nation (NKA) initiative thereof, ended the six-month political stalemate that was characterized by calls for regional secession, mobilization for civil resistance, and economic boycotts. This paved the way for peace and stability. Nevertheless, the relapse into conflict during the 2017 elections exposed some gaps and challenges in Kenya's conflict transformation.

Gaps and Challenges in the Conflict Transformation Agenda

The interventions examined in the foregoing discussion created opportunities for conflict transformation in Kenya. After the signing of the Accord, the government through the National Steering Committee (NSC) replicated the District Peace Committees and Local Peace Committees in all regions in the country with a view to strengthening the infrastructure for peace. The promulgation of the Constitution of Kenya 2010 further significantly transformed the structure of governance by devolving political and economic resources from the national government to the county governments. The formulation of the National Policy on Peacebuilding and Conflict Management in 2011 also established a framework that would guide peace interventions in the country. However, the conflict transformation agenda has faced several gaps and challenges.

At the outset, the interventions initiated did not address historical structural injustices that trigger conflict in Kenya, especially on the inequitable distribution of the land resource. The

expropriation of the land resource during the colonial period, and during the Kenyatta and Moi regimes, led to the displacement of indigenous communities from their ancestral lands. The unresolved land question perpetuated in the indigenous-foreigner discourse, especially in the Rift Valley, central and coastal regions, has constrained the re-integration of communities. While Track One actors deployed prescriptive diplomacy that culminated in the signing of the Accord, the implementation of the recommendations in the Agenda Four items was relegated to the parties to the agreement without structured framework for monitoring, especially in resolving the long-term issues of historical injustices and structural inequalities. Besides, the Track One interventions were exclusive to the elite and did not respond to the interests of the conflicting communities at the grassroots, especially on the land question. Once the interests of the elite were met in the power sharing agreement, the needs of conflicting communities were relegated.

The conflict transformation interventions initiated after the signing of the Accord further suffered institutional challenges. For instance, the recommendations of the Commission of Inquiry into Post Election Violence that emphasized the need to address historical injustices and structural inequalities were not implemented thereby transcending into the 2017 election. In addition, the Truth, Justice and Reconciliation Commission findings were not implemented. Parliament amended the Truth, Justice, and Reconciliation Act (2008) with a view to derailing the implementation of the Commission findings that accused the political elite of perpetrating historical injustices, among other human rights violations. Parliament's failure to debate the report delayed the establishment of implementation committee and reparations framework thereby derailing reconciliation efforts in the country. Parliament's failure to establish the Special Tribunal (SP) and Kenya's non-cooperation with the International Criminal Court especially in witness protection and evidence gathering also constrained efforts to attain transitional justice. Furthermore, institutions in charge of electoral processes have facilitated non-democratic transitions through election malpractices that attract periodic electoral antagonisms. For instance, the allegations of election rigging in favor of the incumbent during the 2017 elections revived ethno-political tensions that led to violence thereby derailing the conflict transformation agenda.

In addition, the interventions did not resolve protracted identity-based differences that permeate political processes in Kenya. The identity-based differences transcended these interventions with ethnic-based coalitions dominating the country's political formations post-National Accord. Nevertheless, initiatives such as the *Uwiano* Platform for Peace (UPP) that

was initiated by the National Cohesion and Integration Commission in partnership with the United Nations Development Programme significantly championed the agenda for national cohesion and integration.

Besides, conflict transformation interventions in Kenya suffer the challenge of state interference. The state has on various occasions accused Track One actors of perpetuating regime change in the guise of conflict transformation interventions. In 2008, the state for instance accused the United Kingdom and United States of imposing the power sharing government with threats for non-recognition and withdrawal of development aid. The February 2013 'Choices Have Consequences' clarion call by Assistant Secretary of State for African Affairs, Johnnie Carson, was also perceived as an attempt to oppose the election of Uhuru Kenyatta and William Ruto who had been indicted by the International Criminal Court. As a result, there is opposition to and suspicion about foreign-funded conflict transformation interventions which are perceived to be advancing the interests of foreign agencies. In 2016, the government also revoked the Kshs. 2 billion United States-funded Kenya Electoral Assistance Program with claims of foreign interference in the guise of electoral assistance. Consequently, the government revoked the operating licence of the International Foundation for Electoral Systems-Kenya and also froze its banks accounts. Such interference by the state constrains conflict transformation interventions.

Moreover, conflict transformation interventions in Kenya are piecemeal in their implementation. The interventions are mostly initiated in the year before and during elections and are withdrawn almost immediately. Interveners therefore view conflict transformation as a short-term event yet it is a long-term process that requires sustainable programs. The lack of long-term interventions spanning the electoral cycle constrain the sustainability of conflict transformation agenda. The top-down approach to interventions further constrains conflict transformation as interveners initiate programs mostly in Nairobi and implement them in the grassroots without prior proper consultation of the local communities. As a result, the interventions lack necessary political buy-in and social licenses that are essential in building ownership and sustainability of interventions.

In addition, there is apparent gatekeeping within different intervention spaces in Kenya. Due to the protracted electoral conflict system in the country, different interveners have established a system of networks at the national, regional and grassroots level that defines the target beneficiaries of interventions. The gatekeepers hence dominate the intervention spaces with a

view to advancing their economic interests, especially in the provision of medical and non-medical aid, as well as technical capacity training programs. As a result, interventions in conflict transformation in the country have become an enterprise. In responding to the needs of their financiers, gatekeepers hence replicate initiatives in the same intervention spaces that do not bear positive outcomes and impacts on the conflict transformation agenda. At worse, the gatekeepers suppress any meaningful interventions that contradict the interests of their foreign financiers.

In furtherance, interventions have not addressed existing gender and cultural constructions that limit women involvement in conflict transformation processes. Due to social constructions, women are perceived as victims and not perpetrators of violence and are hence mostly relegated in conflict transformation interventions. In addition, cultural standpoints that limit women involvement in peace interventions are a constraint to conflict transformation. In some communities in Kenya, women are not allowed to engage in discussions on peace and conflict and are on most occasions relegated to passive actors in conflict transformation interventions.

Inadequate funding further constrains conflict transformation in Kenya. After the signing of the Accord, donors largely funded the conflict transformation interventions. For instance, the United Nations Peacebuilding Fund-Kenya and the United Nations Development Programme-Kenya mobilized funds from development and diplomatic agencies that had a significant turnaround effect on the conflict. The withdrawal of funding by major donors and the minimal funding from the government has led to piecemeal interventions thereby constraining the sustainability of the conflict transformation agenda. This has weakened the infrastructure for peace in Kenya.

Policy Recommendations

There is a need to invigorate the conflict transformation Agenda in Kenya. This would involve implementing the National Policy on Peacebuilding and Conflict Management that envisions an infrastructure for peace that integrates interventions at the National Steering Committee, County Peace Committees (previously District Peace Committees) and Local Peace Committees. Other initiatives such as the Uwiano Platform and the National Cohesion and Integration Commission should be strengthened to respond to emerging ethno-political tensions that attract violence.

The National Steering Committee needs to adopt a systems approach to conflict transformation that would involve establishing inter-systemic and intra-systemic relationships amongst international and local state and non-state actors involved in peace interventions. Different interveners in Kenya are working independently without engaging the National Steering Committees or the County Peace Committees (CPC). This has led to replication and duplication of peace interventions at the grassroots level without proper mechanisms for accountability and reporting. In addition, there is lack of synergy amongst interveners and hence the apparent lack of structured feedback on the outcomes and impacts of the conflict transformation interventions.

In order for the interventions to be effective, there is the need to resolve historical injustices and structural inequalities that constrain reconciliation amongst communities. The indigenous-foreigner discourse in the Rift Valley, central and coastal regions needs to be addressed in order to resolve the protracted ethno-political antagonisms that manifest during elections. The implementation of the Truth, Justice and Reconciliation Commission findings would help to address historical injustices that have transcended generations and constrained national cohesion.

It also critical to engage grassroots communities in designing the interventions. While scholars and practitioners may deploy international best practices in interventions for peace, the failure to engage local communities in the planning of interventions leads to lack of political support and social buy-in. This ultimately affects implementation and sustainability of interventions. Hence, state and non-state actors should acquire necessary social licenses before initiating interventions.

In addition, it is critical to establish economic empowerment initiatives for the youth and other marginalized communities. Unemployed youth in Kenya are vulnerable to political mobilization and are easily recruited into violence during elections. The rise of militia groups and juvenile gangs also predisposes youth into electoral violence. The protracted ethnic security dilemma in some parts of the country has led the re-emergence of militia groups that have ethno-political patronage. Building technical capacity for unemployed youth would improve their employability.

Further, it is necessary to deploy early warning and early response mechanisms in order respond to structural conflict before it manifests as direct violence. Taking pre-emptive measures such as institutional strengthening of the Independent Electoral and Boundaries

Commission and the National Cohesion and Integration Commission would help address potential triggers of conflict.

It is also critical to mainstream gender-responsive interventions that engage both women and men in conflict transformation processes. This would involve domesticating and localizing legal regimes that mainstream women involvement in interventions for instance the United Nations Resolution 1325. There should also be a deliberate effort on the part of the state and the society to deconstruct existing social constructions that relegate the position of women in peacebuilding.

There is the need to build the capacity for compliance and cooperation with entities mandated to pursue reconciliation and integration in Kenya. The failure of the Parliament to debate the Truth, Justice and Reconciliation Commission report especially in the formulation of the implementation committee and the reparations framework, and the reported non-cooperation in the International Criminal Court process in Kenya suppresses the efforts to pursue transitional justice which is a critical ingredient in attaining effective conflict transformation in the country.

Conclusion

The Track One interventions that led to the signing of the National Accord in February 2008 paved the way for peace and laid the groundwork for Kenya's conflict transformation agenda. The conflict transformation interventions initiated by local and international state and non-state actors thereof significantly improved the infrastructure for peace and in part contributed to the peaceful 2013 general elections. The failure of the state to allocate adequate financial resources with a view to strengthening the National Steering Committee interventions has greatly affected the implementation of the National Policy for Peacebuilding and Conflict Management. This has affected the sustainability of conflict transformation interventions at the national, county and grassroots levels. The gaps and challenges identified in the foregoing discussion and the relapse into violence during the 2017 elections assert the need for state and non-state actors to invigorate the conflict transformation agenda in order to ensure peace for the posterity of the nation.

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Policy Brief 2

A Justice Perspective on Why Cooperation between the AU and ICC is Significant in Africa

Alex Njenga Kabia²

Abstract

This policy brief points out that cooperation between the African Union (AU) and International Criminal Court (ICC) is significant towards attaining justice for victims of war crimes, crimes against humanity and genocide in the African continent. These crimes against humanity are mainly committed in the continent when political and military leaders seek to attain power through violence; rather than allowing citizens exercise their sovereign rights on the ballot. The ICC (hereafter referred as the Court) has legal jurisdiction to prosecute persons responsible for committing the above crimes. Whilst this is overly provided by the Rome Statute, the AU blames the Court for eroding sovereignty of its member states, selective investigation and acting as an instrument for neo-imperialism in the continent. Within this view, the organization calls for limited cooperation between its member states and the Court. It further advocates for persons accused of gross violation of human rights to be tried in the continent through hybrid courts and tribunals. This brief faults this argument because the (AU) has over the years been hesitant to either arrest or at best call aggressors by their names; violators of human rights and war criminals. In this sense, the brief points out that the overall protection of human rights of African citizens rests with the Court dispensing justice.

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Introduction

African continent forms the largest block of the state parties to the ICC. The continent also played fundamental role towards establishment of the Court. It was established on legal normative background of prosecuting individuals with highest responsibility in regard to committing war crimes, crimes against humanity and genocide. The wake of 1994 Rwanda genocide, war crimes in the former Yugoslavia, mass killing in Sierra Leone and many parts of the world influenced the creation of the Court in 1998. The Court as Mills and Bloomfield (2017) and Wedgwood (1999) allude was a warning to civilian leaders and political elites of likely magnitude of violation of human rights and international laws. Like in the case of holding civilian leaders accountable, the Rome Statute also addresses the issue of commanders responsibility in conflict as well as civil wars involving military leaders.

The legal framework of the preamble of the Assembly of the State Parties to the Rome Statute is based on the understanding that cooperation between the Court and member states is critical towards dispensing international justice (du Plessis 2012; 2013; Tladi, 2014). Cooperation is furthermore significant in respect that the Court lacks law enforcement officers to arrest persons with highest responsibility of committing war crimes, crimes against humanity and genocide. It is towards this end Article 86 of the Rome Statute spell out the general duty for the state parties to fully cooperate with the Court.

Nonetheless, burgeoning literature shows limited cooperation between the AU and the Court (Akande, Plessis, & Jalloh, 2010; du Plessis 2013; du Plessis & Gevers, 2011; Materu, 2014). The AU as the brief demonstrates calls its member states to have limited cooperation with the Court in respect of issuance of warrant of arrest of the former Sudanese President Omar al-Bashir. Al-Bashir was accused of playing critical part in torture, genocide and rape of thousands of women in Darfur region, Sudan (Kiyani, 2013). The case was referred to the Court by the United Nations Security Council (UNSC) through Resolution 1593.

The AU reminds the Court to respect African states independence and sovereignty. Africa leaders and some scholars also accuse the Court of advancing selective justice against African states when it extended its jurisdiction over Sudan which is non-state party to the Rome Statute. They see violation of human rights in Iraq, Palestine and Syria as more deserving cases for the

Court. Ngalim (2018) for instance argues that President George Walker Bush's war on terror led to mass murders and indiscriminate drone attacks in the Middle East region. The intervention according to the scholar was grave violation of human rights in the region. The AU further advocates for prioritization of peace building process rather than protection and redress for victims of human rights in Africa. It can be argued here that the AU values peace process in the continent rather than justice. Justice and human rights as provided in the seminal work of John Rawls (1971) are sacrosanct, notwithstanding. They cannot therefore be sacrificed at the extent of peace process.

Limited cooperation between the AU and Court provided avenue for al-Bashir to travel to South Africa (Oluoch, 2019; Vyver, 2015). This was outright contempt of the Court in the sense that AU member states have obligation of executing arrest within the legal framework of the Rome Statute. Given this, the Court fault AU and its member state of not respecting their obligation as stipulated in the Rome Statute. AU on its part calls for prosecution of violators of human rights and international law to be conducted in Africa. Trying political and military leaders in African court and tribunals is powerful idea; it will indeed lay a fundamental foundation for states in continent solving conflicts internally.

While this is important, the capability of these courts and tribunals to dispense justice to victims of human rights is however a moot point. This is due to the nature of the continent's body politics that might undermine independent investigation and subsequent court rulings. This leaves the Court and other international organizations to intervene in various states in Africa in attempt to dispense justice, maintain peace and security. This said, the brief extends position that the AU and its member states should cooperate with the Court during investigation and prosecution of violators of human rights and international laws.

Politicization of ICC Intervention in Africa: A Reflection from the African Union

As argued above, cooperation between the AU and the Court is critical in eradication of war crimes, crimes against humanity and genocide in Africa. Nonetheless, the AU and some of its member states has engaged in smear political campaign portraying the Court as incapable of executing its mandate. The onslaught on the Court gained momentum when former Sudanese President Omar al-Bashir, Libyan Muammar Gaddafi and other few African leaders were indicted by the Court. In this respect, some states parties to the Rome Statute such as South

Africa withdrawn, while Kenya threatened to withdraw from the Rome Statute. Oluoch (2019) for example notes that, “three years ago, South Africa, then under President Jacob Zuma, reacted with an abrasive campaign to leave the ICC when asked about its decision to host al-Bashir . . .” (p.4).

This threat in the midst for call for limited cooperation between the AU and the Court has made peace and security to remain elusive in the Democratic Republic of Congo (DRC), Sudan, South Sudan, Somalia, Libya, Central African Republic (CAR), amongst other African states. Violation of human rights and international laws as Eberechi (2009) notes call for the Court to open investigation and prosecution of individuals involved. This point was well highlighted by the Prosecutor of the Court, Fatou Bensouda when she warned African leaders to stop violating human rights and international laws if they want the court to stop carrying out investigation in the continent.

The Court has however been accused by the AU and African leaders as colonial court targeting blacks and African people. Commenting on this matter, Tladi for instance states that:

Cooperation too has been a key feature in the tension between the AU and ICC. The AU has adopted several decisions calling on members, including States Parties to the Rome Statute of the International Criminal Court . . . not to cooperate with the ICC in relation to the situation in both Darfur and Libya . . . Several African States Parties, namely Kenya, Malawi, Chad, Nigeria and most recently the Central African Republic have heeded this call and have declined to cooperate in the arrest and surrender of a person under an ICC warrant (2014, p.383-384).

In line to the above, the AU accuses Court of targeting weak states in Africa while human rights and international laws are violated in other parts of the world by powerful states. Within this view, Mutua (2019) for example notes, “the selective prosecution of blacks and Africans at the ICC has greatly damaged its credibility and given hypocritical African dictators the cheek-who know and care nothing about Pan-Africanism-to accuse it of “hunting Africans” (p.5). This argument may be reasonable in the sense literature shows how USA weaponized drone attacks in Pakistan result into massive civilian casualties and deaths (Khan, 2011).

In this respect, the AU and some African leaders such as President Paul Kagame view the Court to be unfair towards the continent. Indeed, their argument is full of rhetoric showing how the Court investigation is aimed at undermining independence and sovereignty of African states. Selective investigation according to the African leaders is anchored on international

power politics rather than law. Within this ambit, the Court is perceived as tool for neo-colonialism (Fritz, 2008). Yet, some cases before it like that of Mali, Uganda, Democratic Republic of Congo (DRC) and Central African Republic (CAR) are self-referrals. Through invoking Article 14 of the Rome Statute, Ugandan government for example referred Joseph Kony and Dominic Ong'wen of the Lord Resistance Army to the Prosecutor in 2003. There was no resistance for AU-ICC cooperation during this referral. This was also against the backdrop that AU has appealed to its state members to sign and ratify the Rome Statute in 2004. African states thus underwent many constitutional and legal reforms aimed at domesticating the Rome Statute in their legal systems.

In parallel, the AU is openly resisting cooperation with the Court. There is even discussion that the Court investigation and prosecution will destabilize peace processes in many places in Africa (Mills & Bloomfield, 2017). The reason behind this argument is based on political and personal interests. The understanding here is based on observation that most African elections are conducted in undemocratic manner. This shortcoming leads to violence and deaths of innocent children, women and elderly citizens. Governments therefore not only fail to guarantee security to their citizens, but also fundamental freedoms. Mahony (2010) for example avers that ever since attainment of independence, many African states has been engulfed in political related violence. In this view, Mahony advocates for judicial process framed within international law when protecting the most vulnerable people in the continent. So, the briefs extend this argument while at the same time advocating protection of the most vulnerable within the jurisdiction of the Court.

Mass killing of people in African continent seriously violate their sovereign rights. The claim of protection of sovereignty of African states cannot therefore be sustained when human rights are violated by political and military leaders in Africa. The conception here is that sovereign power of state belongs to the people. It is the people who transfer this power to the state. Philosophers such as Rawls (1999) and Simmons (2001) conceptualize these rights as permanent and inherent. Rawls for instant posits that states violating human rights should not complain when international institutions or other actors intervene with their domestic affairs. Rawlsian justice is framed within the premises of Responsibility to Protect (R2P). In this light, this brief argues that it is necessary for the Court and other international organizations to protect violation of fundamental freedoms and human rights of people in Africa and beyond.

Why Cooperation between the AU and ICC is Important

The debate concerning cooperation between the AU and Court has been heated with claim and counterclaims. Critics as argued earlier asserts that the Court is eroding African states sovereignty and independence. Correspondingly, there has been argument that African states should engage in solving the violence related problem in the continent. As well as this logic make sense, it overly ignores the nature of politics in the various states in the continent. Crimes against humanity, war crimes and genocide are committed without perpetrators being hold accountable. The fact of the matter here is that domestic courts and tribunals in the continent cannot bring to account leaders and elites involved in violation of human rights. This entrenches impunity in the continent.

There is a merit when the AU request for deferral of some cases for the interest of peace. Deferral as Akande, du Plessis and Jalloh (2010) point out can bolster cooperation between the AU and the Court. In light of this, universal human rights standards and norms can be entrenched in the continent. Despite the fact that deferral of some cases can promote cooperation, political activism geared towards deferrals should however not be allowed to indirectly influence the Court decisions. The claim of deferral is not correspondingly shared by many civilians in Africa. Materu (2014) for instance point out that the AU views concerning the ICC is different from the views of the civilians in Africa.

Similarly, Tladi alludes that, “but, it is also clear that many Africans were left feeling decidedly uncomfortably by the AU decision, suggesting that perhaps Africans (as opposed to the AU) felt a sense of commitment to those values underlying the ICC and the arrest warrant issued against Al Bashir.” (2009, p.65). From this perspective, this brief posits that the Court is driven by the need of offering justice to victims of war crimes, crimes against humanity and genocide. As such, the AU-ICC cooperation is critical in tackling impunity in Africa.

It is for this similar reason that the brief also argues that cooperation is critical to the success of the Rome Statute. Relatedly, Ulimwengu (2019) supports intervention of the Court in Africa when he asserts that:

I have always been an avid defender of the ICC, despite all the weakness it may have. Much too often those who oppose the international jurisdiction of the court would want us to believe that it targets only African, although, of course, that it has tried people from elsewhere. But the sad truth is that there is no continent quite like Africa when it comes to our own rulers killing their people as if they were widebeasts (2019, p.17).

It can also be argued that the AU call for member states to balance their obligation with that of the Court under the Rome Statute is underpinned by political undertone of serving the leaders interests (du Plessis & Gevers, 2013). The improper use of force to attain political power makes some Africa leaders and elites potential candidates for the Court. Seen in this light, African leaders play an important role towards influencing AU decision on either limited or non-cooperation with the Court.

The call for limited cooperation can be thought as significant towards establishing independent African Court of Justice, hybrid courts and tribunals for prosecuting individuals with highest responsibility of war crimes, genocide and crimes against humanity in the continent. This furthermore promote the idea of “African solutions for African problems” as conceptualized by scholars such as Williams (2013). Notwithstanding, citizens trust for this legal process in respect of offering justice may lack. Within this context, the brief advocates for AU-ICC cooperation due to the latter principle of international legal jurisdiction.

The assertion that the Court is a reflection of Western values and norms has been advanced by scholars such as Koskeniemi (2005). While this might be clear, the question whether African values and norms permit mass killing of civilians remain unanswered. Furthermore, whether African states to the Rome Statute were unaware of inconsistency of Western and Africa norms when ratifying the Rome Statute largely remains answered. The question whether African values permit violation of human rights and mass killing of civilians also remains unaddressed. At best, human values and norms allow justice to be dispensed without political consideration. This is on the basis that society of civilized states recognizes these binding norms. It is part of these binding norms as Mills and Bloomfield (2017) assert that inform the dry letter and the spirit of the Rome Statute.

Like in the case of the AU and its member states invoking sovereignty when calling for non-cooperation with the Court being flawed, the argument concerning imposing Western values to Africans can be examined using the same logic. It is actually a strategy of evading justice among civilian and military leaders. There is also little doubt that unwillingness of African states to arrest individuals indicted by the Court is defeat of natural law of justice.

Importantly, the AU's zero-sum onslaught on the Court is ploy of African leaders to either retain or amass political power at the expense of human rights. This is on the basis that most elections and campaigns in post-colonial Africa are replete with organized violence. Yet, political and military leaders involved see this as mean to an end of attaining political power. It should be recalled that violence and mass killings in Rwanda, DRC, Somalia, Sudan, South Sudan amongst other states in Africa is driven by power politics. For ensuring the individuals seeking power avoid committing atrocities, the court of law with almost universal jurisdiction is then needed. On this vein, this brief call for cooperation between AU and the Court.

Policy Recommendation for the African Union:

- That the AU member states prioritize respect for the sovereignty of the people rather than of the state;
- That the AU recognize human rights of African citizens as natural rights that need to be protected;
- That the AU hasten creation of independent tribunal and hybrid courts that will complement the Court in arbitration and settlement of cases of violation of human rights in timely and consistent manner;
- That the AU ensures its member states respect fundamental freedoms and human rights of African people, and;
- That the AU respect and support independent investigation and prosecution of persons suspected committed war crimes, crimes against human right and genocide in order to enable the Court adjudicate cases efficiently and quickly.

Policy Recommendation for ICC:

- That the Court avoid conducting seemingly selective investigation and prosecution towards African states;
- That the Court enhance its image as independent and permanent international judicial institution, and;
- That the Court conduct an outreach programme to demystify itself as well as making itself better known by state parties.

Conclusion

Homogeneity of personality among African leaders makes them share similar blackspots and gaps in understanding essence of protecting human rights and fundamental freedoms of the citizenry in the continent. This brief therefore extended the view that AU and its member states should cooperate with the Court for the purpose of eradicating war crimes, crime against humanity and genocide in the African continent. AU call for limited cooperation between its member states and the Court is thus violation of the tenets of the Rome Statute that bind its state parties. This should not be tolerated because it may likely make the AU in future loose international support on important area of cooperation with other multilateral institutions. Determinant towards respecting human rights in Africa is therefore dependent on the AU-ICC cooperation during investigation and prosecution of perpetrators of violation of human rights.

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Policy Brief 3

Will North Korea Denuclearize?

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Cooperation Agency, National Defense University, Department of Defense or United States Government.

Introduction

This paper discusses the prospects for North Korean denuclearization. It relates contending theories on arms control, nuclear strategy, and conflict to the recurring tensions between North Korea and the United States, and by extension other key actors involved in efforts to denuclearize the Korean Peninsula, in particular China and Russia. The first part of the paper examines the three major theories of arms control, showing the extent to which they explain North Korea's behavior, and crucially, how North Korea relates to the major debates on nuclear disarmament and international security. Key to this discussion is an assessment of major geopolitical developments outside the Korean Peninsula that have a direct bearing on the North Korean nuclear crisis, in particular the escalating tensions between Russia and the U.S., and by extension the North Atlantic Treaty Organization (NATO), the uncertainty over arms control, and the strategic rivalry between the U.S. and China.

The second part of the paper discusses international efforts to denuclearize the Korean Peninsula, demonstrating how they employed three major theories on the causes of war to address different aspects of the North Korean crisis. The third part adds a strategic culture dimension to the analysis to shed light on North Korean motivations, attitudes, worldviews, and modes of thought that cannot be fully explained by comparative theories of arms control, conflict, and nuclear strategy. Using strategic culture as a frame of analysis, this part of the paper also takes a closer look at why China and Russia feature in North Korea's threat perceptions and how this constrains the options available to them to persuade or coerce North Korea to abandon its nuclear ambitions.

Next, the paper draws lessons from the Southeast Asian experience to examine why countries give up nuclear weapons and whether these conditions are present in North Korea. The paper concludes by discussing what North Korea might be hoping to achieve with its nuclear program based on its strategic behavior, threat perceptions, patterns of behavior, and models of survival.

North Korea and Three Major Theories of Nuclear Strategy and Arms Control

Historically, arms control has sought to prevent the use of force, restrain its employment during hostilities, and limit or reduce armaments in peacetime.¹ Arms control theories differ widely in basic assumptions and focus. They can be grouped into three schools.

Disarmament School

This school views arms control as a path to disarmament. Its advocates believe that the total elimination of nuclear weapons should be the driving focus of international security politics. Along these lines, North Korean denuclearization efforts should focus on reviving the 2003 Six Party Talks bringing together China, Japan, Russia, North and South Korea, and the United States that collapsed in 2009.² The conceptual roots of disarmament lie in the nuclear abolitionist movements of the 1960s, including groups such as the Campaign for Nuclear Disarmament (CND), Greenpeace, and International Physicians for the Prevention of Nuclear War (IPPNW). They believe the only way to eliminate the nuclear threat is to stop the spread of nuclear weapons, secure all nuclear materials, and eliminate all nuclear weapons.³

Nuclear abolitionists also welcome minimum deterrence as an important step towards eliminating nuclear weapons. Minimum deterrence is built on the idea that if countries rely on the minimum number of arsenals required to achieve deterrence, then the role of nuclear weapons in national security will be reduced and their rationale will diminish overtime, thereby laying the groundwork for abolition.⁴ The modern nuclear abolitionist movement finds expression in the Global Zero campaign founded in 2008 and endorsed by 300 world leaders.⁵ It envisions a five-step process leading to total elimination of nuclear arsenals by 2030. The process starts with deep reductions by the U.S. and Russia; the two countries combined hold 90 percent of the world's nuclear warheads.⁶ Leadership by these two nations is considered critical because of their decades-long arms control relationship.

In 2010, the Stimson Center reviewed the perspectives of 13 nuclear states and aspiring nuclear powers on nuclear disarmament. Of these, North Korea was the most skeptical about relinquishing nuclear weapons and the idea of disarmament in general. The Democratic People's Republic of Korea (DPRK) or North Korea, the study concluded, is more focused on

“eliminating the political, economic, and security threats it perceives to be posed by the United States and its allies.”⁷

North Korea/U.S. conflicts are a major strategic impediment to North Korean denuclearization. They are a product of 70 decades of confrontation starting with the 1950-1953 Korean War. The official line in North Korea is the U.S. started the war.⁸ The counterattack by U.S. forces that rolled back North Korea’s sudden invasion of the South, meanwhile, is a source of great bitterness for North Korean leaders.⁹ The U.S. has been the object of more nuclear threats by North Korea than any other country in the world and vice versa.

North Korea blames the “hostile U.S. policy” for the failure to implement the 2018 Joint U.S. DPRK Statement that laid the groundwork for three summits between President Trump and Kim Jong-un.¹⁰

From time to time, however, North Korea has also offered to denuclearize in exchange for American concessions. Some arms control theorists describe Pyongyang’s approaches as “nuclear bargaining” while others view it as outright “nuclear blackmail.”¹¹ Proponents of both views argue that North Korea appears to believe that the U.S. will always be open to talks given that non-proliferation ranks highly in its security priorities. This gives Pyongyang leverage, allowing it to equalize its relationship with the U.S. despite its small size, a narrative meant for domestic consumption within North Korea. Still others argue that North Korea will remain resistant to disarmament given the role that nuclear weapons play in bolstering North Korea’s influence on the global stage.¹² Robert Powell (2005) describes this as a strategy in which a state threatens the use of nuclear weapons to force an adversary to perform some action or make some concessions.¹³

A significant aspect of the debate on whether North Korea will denuclearize is affected more by developments in Europe and between the U.S. and Russia and less on what is happening on the Korean Peninsula. A quick assessment of the positions of other countries on nuclear disarmament could, therefore, add pointers on whether North Korea could denuclearize or not.

Current Status of Russia and U.S. Arms Control

U.S./Russia nuclear relations feature prominently in nuclear disarmament debates and in discussions on North Korean denuclearization.

Their nuclear arsenals numbered in the tens of thousands during their Cold War arms race. Eight arms control agreements between 1972 and 2010 have reduced them to possessing less than 5,000 operational deployed strategic weapons as of 2020.¹⁴ However, the U.S./Russian arms control architecture has been shrinking progressively, prompting concerns that the world might be on the verge of another wave of nuclear proliferation and that rising tensions between the U.S. and Russia will undermine international efforts to dismantle North Korea's nuclear program.

In 1992, the U.S. withdrew from the 1972 Anti-Ballistic Missile (ABM) Treaty, arguing that the U.S./Russia relationship should no longer be predicated on their mutual ability to destroy one another with nuclear weapons.¹⁵ In 2019, the U.S. withdrew from the 1978 Intermediate-Range Nuclear Forces (INF) Treaty that disabled an entire category of weapons, namely land-based ballistic and cruise missiles and short-range (having ranges of 500-100 kilometers) and intermediate-range (1,000 – 5,500 kilometer range) missile launchers. The U.S. said its decision was in response to multiple Russian treaty violations, including Moscow's deployment in February 2017 of the SSC-8 Ground-Launched Cruise Missile (GLCM).¹⁶

The U.S., shortly after withdrawing from the INF, tested a new ground-launched cruise missile, stating it would embark on "future intermediate-range capabilities" to cope with Russian violations.¹⁷ New U.S. investments in missiles are also aimed at responding to China's growing prowess in several classes of cruise missiles that have grown in sophistication, range, targeting, and lethality.¹⁸

China was not a party to the INF and has not shown interest in agreements that will limit its missile programs, a perceived gap and that American defense analysts believe put the U.S. at a strategic disadvantage, particularly in light of the growing strategic rivalry between the U.S. and China.¹⁹

The demise of the INF Treaty leaves just the 2010 New Strategic Arms Reduction Treaty (New START) in place in the U.S./Russia arms control architecture. It is however, set to expire in February 2021. With U.S./Russia tensions mounting, the U.S. has raised concerns about the treaty's shortcomings. First, the U.S. says that not all of Russia's nuclear capabilities are covered under the treaty, including low-yield nuclear weapons, new capabilities no longer constrained by the INF, and new nuclear delivery systems.²⁰ Second, the U.S. says that the

treaty does not constrain China's growing intermediate and strategic range nuclear capabilities that threaten it and its Pacific allies.²¹

Other disagreements in U.S./Russia arms control are shaped by the growing role of nuclear weapons in Russian national security. Russia's 2000 and 2010 nuclear doctrines reserve the right to use nuclear weapons to respond to non-nuclear threats. This is aimed at offsetting Russia's weaknesses in conventional military power relative to the U.S.²² Russia's 2019 nuclear doctrine reiterates its willingness to use nuclear weapons against non-nuclear strikes.²³ Russian officials, meanwhile, admit developing new warheads, including low-yield nuclear weapons.²⁴ These are particularly troublesome from an arms control perspective as their lower blast power of about eight kilotons makes them more usable than standard warheads, which have a blast power between 90 to 450 kilotons.²⁵

The U.S. has reacted to Russian nuclear developments by expanding its own nuclear options. The 2018 U.S. Nuclear Posture Review (NPR) states that, "While the United States has continued to reduce the number and salience of nuclear weapons, others, including Russia and China, have moved in the opposite direction."²⁶ Reflecting this heightened threat assessment, the U.S. military deployed low-yield nuclear weapons aboard its submarine-launched ballistic missiles in February 2020.²⁷

Russia responded by warning that any attack involving those missiles would be met by "all out nuclear aggression."²⁸ According to the Russian foreign ministry spokeswoman, Maria Zakharova, "Those who like to theorize about the flexibility of American nuclear potential must understand that in line with the Russian military doctrine such actions are seen as warranting retaliatory use of nuclear weapons by Russia."²⁹ China has also come under the spotlight regarding the role of nuclear weapons in national security.³⁰ The U.S. in April 2020 accused it of conducting a possible low-yield nuclear test at its Lop Nur test site.³¹ Arms control proponents argue that low yield nuclear weapons significantly raise the risk of nuclear weapons use, thereby weakening deterrence, undermining the rationale for abolishing nuclear weapons, and hampering efforts to prevent countries such as North Korea from acquiring weapons.³²

This growing instability in global arms control is also being felt in Europe, home to two of the world's five recognized nuclear powers, France and the United Kingdom, and four sites holding nuclear weapons as part of the North Atlantic Treaty Organization (NATO) nuclear posture: Belgium, Germany, Italy, and the Netherlands.³³ NATO commits to arms control and

nuclear disarmament as core policy objectives, but has made clear that “for as long as nuclear weapons exist, it will remain a nuclear alliance.”³⁴

Russia traditionally views NATO as a deeply hostile, anti-Russian military coalition whose sole task is to maintain a state of confrontation with Russia.³⁵ Ruslan Pukhov, the Director of the Centre for Analysis of Strategies and Technologies, a Moscow-based institute with deep ties to the Russian Defense Ministry, calls NATO “the obstacle to improving Russian-Western relations.”³⁶

“There is a deep conviction in Russia that NATO is nothing more than an instrument of U.S. military,” Pukhov argues that “Washington will always be able to ram any decision through the NATO governing bodies, regardless of what its Western European partners might think of that decision.”³⁷ He goes on to state, “That explains why any NATO enlargement is automatically regarded in Russia as a ruse to deploy U.S. forces in close proximity to Russian borders; NATO’s own role in that ruse is seen as a cover story — nothing more.”³⁸

Unsurprisingly, the collapse of the INF Treaty features heavily in the tensions between Russia and NATO. Writing for the *NATO Review* in September 2019, Jacek Durkalec, of the U.S. Energy Department’s Lawrence Livermore National Laboratory, noted that “The world without the INF Treaty requires creativity from NATO to design different arms control options that in distinct ways achieve the same goal of improving European security by constraining Russia’s destabilizing options and actions.”³⁹ This echoed a February 1, 2019 press statement by NATO that made the following warning: “NATO continues to closely review the security implications of Russian intermediate-range missiles and will continue to take steps necessary to ensure the credibility and effectiveness of the Alliance’s overall deterrence and defence posture.”⁴⁰ Many saw this as diplomatic language making clear that NATO will acquire capabilities to counter the new Russian threat.⁴¹

Impact on North Korea

Russia’s tensions with NATO and the U.S. will likely dampen Moscow’s political will to support international efforts on North Korean denuclearization. In general, Russia shares the U.S. goal of preventing North Korea from developing nuclear weapons. However, the two countries diverge on several issues that tend to flare up when tensions between them grow. First, Russia has long indicated that a stable North Korea is more important to it than a nuclear

armed one.⁴² For example, Russia joined China in opposing stronger sanctions on North Korea after its sixth nuclear test in September 2017. Russian President Vladimir Putin warned that tougher sanctions, particularly an oil embargo, would cause the regime to collapse.⁴³ Some analysts saw this as sending a wrong message to Pyongyang as this test was 10 times more powerful than the one it detonated in 2016.⁴⁴

According to Putin, the sanctions regime had “run its course and is ineffective.” “North Korea would rather eat grass than simply give up its nuclear program in the face of outside pressure.”⁴⁵ Notably, Russia hinted that only tacit acknowledgment of North Korea as a defacto nuclear power could bring the crisis under control. He argued that the North Korean regime was “acting rationally” in continuing with its weapons program since Iraq and Libya—both regimes that gave up their nuclear ambitions—were ultimately toppled by the U.S. and its allies.⁴⁶

Second, Russia, believes that solving the North Korea question would require other measures such as “reducing overall political and military tensions, a pause of building up military infrastructures, and trust-building between states in the region.”⁴⁷

Within this context Moscow views the lifting of the U.S. nuclear umbrella over Japan and South Korea as legitimate bargaining chips in denuclearization efforts. “This could be a difficult, if not impossible task for the U.S.,” notes Anastasia Barannikova, a research fellow at the Admiral Nevelskoy Maritime State University (MSU), in Vladivostok, Russia. However, she pointedly explains, “Some things are worse [for Russia] than a nuclear-armed Pyongyang.”⁴⁸

Third, Russia believes that South Korea cannot be considered non-nuclear “as long as it can rely on another country’s [meaning the U.S.] nuclear weapons,” a position that supports North Korean positions.⁴⁹ Along these lines, Vladimir Putin announced during a summit with Kim Jong-un in April 2019 that North Korea needed “legally binding international security guarantees” from the U.S. and other members of Six Party Talks.⁵⁰

These positions are unlikely to win support from the United States, South Korea, and Japan, as well as from UN Security Council (UNSC) members France and the United Kingdom, thus hampering collective action. They are also unlikely to find support in the European Union and NATO. As such, the likelihood that multilateral talks on North Korea can be re-launched based

on these agenda items is low, raising concerns that North Korea will continue with its activities unimpeded.

In December 2019, China and Russia drafted a UN Security Council resolution easing sanctions on North Korea to persuade it to return to the negotiating table. The U.S. rejected it, saying it was premature to ease sanctions while North Korea advanced prohibited weapons systems and threatened escalation.⁵¹ This joint proposal came at a particularly sensitive time when strategic rivalry among China, Russia, and the U.S. has escalated, giving Beijing and Moscow strong incentives to challenge and frustrate U.S. leadership on North Korean denuclearization. These tensions are reflected in the 2017 U.S. National Security Strategy and the 2018 U.S. National Defense Strategy. The latter names China and Russia as strategic adversaries who are “now undermining the international order from within the system by exploiting its benefits while simultaneously undercutting its principles and rules of the road.”⁵² North Korea follows these disagreements closely and exploits them to strengthen its negotiating position. Indeed, its latest positions on denuclearization mirror those of Chinese and Russia. For example, in December 2018, North Korea called on the U.S. to reduce its arsenals before North Korea could consider dismantling its nuclear program.⁵³ However, whether North Korea would actually follow through on this remains an open question.

Skeptics point out that the unilateral removal of all U.S. tactical nuclear weapons from the Korean Peninsula in 1991 did not change North Korea’s calculus.⁵⁴ Quite the contrary, after a brief lull, North Korea’s race to acquire a nuclear weapon accelerated over the next decade. In 2003, the U.S. government assessed that Pyongyang held “one or two plutonium-based nuclear warheads.”⁵⁵ In 2019, the U.S. put this number at between 30 and 60.⁵⁶

While this is small compared to the U.S. inventory of 6,185 operationally deployed weapons, it still gives North Korea coercive leverage, putting nuclear disarmament far down its list of operational and strategic priorities.

Keith Payne, a former U.S. nuclear negotiator, scholar, and former Assistant Secretary of Defense For Forces Policy sums this up succinctly: “The notion that even the greatest of powers can be deterred by a very small nuclear force—might actually encourage proliferation, for this is just what such regimes seek to do to the United States, even while lacking the means to acquire a large arsenal.”⁵⁷

Strategic Stability School

This school focuses on reducing the incentive to strike first in a nuclear confrontation rather than to abolish nuclear weapons. Strategic stability theorists believe that nuclear negotiations should focus on eliminating the notion that a state can win a nuclear exchange in any meaningful sense.⁵⁸ Instead, states should invest in capabilities that can guarantee retaliation on a scale that is so devastating that potential attackers will think twice before engaging in a nuclear confrontation.⁵⁹

The thinking behind this theory of war is that the threat of nuclear force should be held in reserve.⁶⁰ In this sense, nuclear weapons are stabilizing when the opponent never contemplates their use out of a fear of certain retaliation and annihilation. Adherents of this theory of war credit it for contributing to global stability as with the exception of the bombing of Hiroshima and Nagasaki at the close of World War II, nuclear force has not been employed in an international conflict.⁶¹

The strategic stability school can be divided into two camps: escalation dominance, developed by Herman Kahn, and balance of terror, developed by Thomas Schelling. Herman Kahn, a researcher at the Hudson Institute (HI) and Rand Corporation (RC) thought that deterrence could be best achieved through “escalation dominance” and “strategic superiority” at each stage in the escalation process.⁶² This, in his view, produced an “imbalance of terror” that was a more effective means for the U.S. to achieve deterrence. Kahn focused on three elements: 1) a predictable “escalation ladder” of non-nuclear to nuclear options; 2) robust and accurate offensive forces, such as air and missile defenses to limit the damage of an enemy attack; and, 3) a retaliatory capability that could survive a first strike.⁶³ Retaliation was made more credible by strong defenses and U.S. superiority at each rung of the “escalation ladder” from conventional to nuclear. In this sense, the opponent would think twice before launching a pre-emptive strike and instead opt for de-escalation.⁶⁴ On the opposite side of the debate stood Thomas Schelling, an economist who took the ‘rational actor model’ of economics and applied it to international relations. Schelling believed in deterrence through “balance of terror” as opposed to “escalation dominance.”⁶⁵ He advocated small numbers of offensive arsenals capable of holding critical infrastructure and civilian populations at risk. This theory is built around a strong aversion to strong defenses as these can blunt the effectiveness of the enemy’s offensive capabilities, thereby giving one a sense of invulnerability. This could in turn increase

one's likelihood of launching an attack, promoting the idea that a nuclear war is survivable and even winnable.⁶⁶

For Schelling, invulnerability should instead be replaced with mutual vulnerability as a basis for nuclear restraint and strategic stability.⁶⁷ This model of deterrence has dominated U.S. nuclear strategy and U.S./Russia arms control since the 1960s. It is codified in the 1972 Anti-Ballistic Missile (ABM) Treaty that restricted each side to two ABM sites, each limited to 100 anti-ballistic missiles (100 launch systems and 100 interceptor missiles).⁶⁸ One site could protect the national capital, while the second could be used to guard an intercontinental ballistic missile (ICBM) field. All other parts of the territory would remain vulnerable to attack, reflecting Schelling's idea that "vulnerability contributes to peace, and invulnerability contributes to war."⁶⁹ Although the U.S. withdrew from the ABM Treaty in 2002, the doctrine of mutual vulnerability continues to undergird U.S./Russian arms control. Its supporters in the U.S. and Russia call it "the cornerstone of strategic stability."⁷⁰ North Korea does not have an official doctrine, making it difficult to ascertain with precision how the strategic stability school applies to its nuclear weapons program. However, its record of behavior and military doctrine suggests two possible scenarios in which it would employ nuclear force. First, North Korea would threaten to use nuclear weapons first if it detects the preparation of a preventive attack, whether conventional or nuclear, to decapitate the regime.⁷¹ Second, North Korea, through ambiguity and brinkmanship, seeks to instill doubts among those who think it would not respond to strikes against its nuclear and missile sites out of a fear of escalation and, ultimately, regime collapse.⁷²

This latter point is closely linked to Schelling's 1960 work *Strategy of Conflict* that introduces two key ideas in strategic competition. First, a party to a conflict can bolster its position by appearing to worsen its options and engaging in brinkmanship. Second, uncertain retaliation, or "a threat that leaves something to chance," is more credible and effective than assured retaliation.⁷³ For Schelling, behavior that is unpredictable, ambiguous, and unconventional can help a party win a military confrontation because the opponent is kept guessing and unsure about the outcomes of the engagement. Jeffrey Kimball, in reviewing Schelling's *Strategy of Conflict* summed this up as follows: "If Agent A is not really irrational—or mad—but is using his/her unconventional behavior as part of a conscious bargaining or competitive strategy, then his/her so-called irrationality is effectively rational in relation to the game's payoffs."⁷⁴ This

applies almost perfectly to North Korea. The regime is often described as “irrational,” and “reckless” and is known for engaging in high-stakes brinkmanship. For example in June 2020, the DPRK blew up the Joint North Korea-South Korea Liason Office,³ the only crisis-management hotline it has to the outside world. It did this to “vent our people's resentment" at South Korea allowing North Korean defectors to send propaganda leaflets into the North via balloons.⁷⁵

It then threatened to send its army into the Demilitarized Zone (DMZ), only to announce a few days later that it suspended plans to invade South Korea.⁷⁶ There is, however, a growing body of scholars who believe that North Korea’s signature brinkmanship and seemingly “crazy” behavior is far from erratic.⁷⁷ On the contrary, it is highly calculative and aimed at intimidating enemies while at the same time securing advantages for the regime. James Person, a North Korea expert at the Woodrow Wilson Center for International Scholars (WWCIS) notes that Pyongyang’s behavior “ might seem at first glance to be completely irrational, it’s not: It’s actually an effective way of getting America’s attention — and often, a way of gaining an upper hand over it.”⁷⁸ North Korea, he goes on to state, “carefully studies U.S. responses to all its actions and has learned that it can often get the US to yield when it carries out some of its edgier provocations.” Indeed, some news reports suggest that North Korea’s decision to blow up the joint liason office was part of its plan to get the attention of the U.S.⁷⁹

Comparative Advantage School

This school takes a competitive approach; it holds that states use arms control to gain strategic advantages over their adversaries. John Maurer (2018) argues that the U.S. pursued two offsets against the Soviet Union/Russia since the very start of their arms control relationship.⁸⁰ The first offset focused on maintaining overwhelming U.S. nuclear superiority.⁸¹ Washington’s first nuclear proposal, the Baruch Plan, would have allowed the U.S. to keep its arsenal while banning other countries (apart from the Soviet Union) from acquiring nuclear weapons.⁸² The U.S. strategy in arms reduction talks leading to the 1994 Strategic Arms Reduction Treaty

³ This building was located in the North Korean city of Kaesong. It was a joint office of North and South Korea.

(START) focused on freezing Russian deployments of ballistic and anti-ballistic missiles while the U.S. maintained the lead in nuclear weapons.⁸³

The second U.S. offset leveraged America's comparative advantages in electronics, precision munitions, and computing, a strategy embraced by the U.S. after the Soviet Union reached parity with it in nuclear weapons. This offset is evident in the 1972 Anti-Ballistic Missile (ABM) Treaty whose limits are roughly comparable to those the U.S. Congress was prepared to fund, thus capping the Soviet Union to those ceilings.⁸⁴ The wording of the treaty also gave the U.S. advantages in testing new ABM concepts. The then U.S. Defense Secretary, Melvin Laird, acknowledged that this bought America time until its superior ballistic missile technology had matured.⁸⁵ During a Senate hearing in 1972, he said that the U.S. would "vigorously pursue a comprehensive ABM technology program [to] examine ABM deployment options that might be exercised if permitted by future agreements, or otherwise necessary."⁸⁶

The 1968 Nuclear Non-Proliferation Treaty (NPT)—the cornerstone of nuclear non-proliferation—also has elements of comparative advantage built into it. It commits nuclear-weapon state parties not to transfer nuclear technology, weapons, and material to any recipient, while requiring non-nuclear ones to foreswear nuclear weapons.⁸⁷ Many countries—North Korea included—have claimed that the NPT is discriminatory because it limits legal possession of nuclear weapons to five countries: China, France, Russia, United Kingdom, and United States and effectively freezes out the others. Pyongyang sometimes cites this in justifying its 2003 departure from the NPT, insisting on its "right" to "self-defense" against "hostile U.S. policies."⁸⁸

Comparative advantage is also central to all successive diplomatic efforts to halt North Korea's nuclear program. The defunct 1994 U.S./DPRK Agreed Framework and 2003 Six Party Talks sought to prevent North Korea from acquiring nuclear weapons while preserving the international nuclear status quo.

The key parties to this process—U.S., Russia, and China—have serious differences but they agree on one thing: a nuclear-armed North Korea is not beneficial to their national security and complicates the regional and international security environment. The idea of maintaining the nuclear status quo is viewed as the least bad option, but one that effectively preserves their comparative advantages as nuclear powers.⁸⁹

The Position of China

The 2018 U.S. Nuclear Posture Review warns that, “China’s military modernization has resulted in an expanded nuclear force, with little to no transparency into its intentions.”⁹⁰ China’s 2019 White Paper on Defense for its part provides a clear response to the perceived “massive shift” in U.S. strategy from counterterrorism to strategic competition with China.⁹¹ “International strategic competition is on the rise,” the paper says. “The US has adjusted its national security strategies, and adopted unilateral policies. It has provoked competition among major countries, significantly increased its defense expenditure, pushed for additional capacity in nuclear, outer space, cyber and missile defense, and undermined global strategic stability.”

⁹²In June 2020, China turned down calls by the U.S. for Beijing to join the New Strategic Arms Reduction Talks as a third party. Beijing noted that its nuclear stockpiles were far smaller than those of Russia and the U.S. and that China would not be drawn into a process that would place it at a strategic disadvantage.⁹³ Hua Chunying, the Chinese foreign ministry spokeswoman, conveyed the Chinese position in pointed remarks: “As is known to all, China's nuclear power is not on the same order of magnitude as that of the US and Russia. It is not yet the right timing for China to participate in nuclear disarmament talks.”⁹⁴

Song Zhongping, a Hong Kong-based military analyst notes that “Until the US and Russia cut their stockpiles to the same level as China’s – or China builds up its nuclear capacity to the same level as theirs—China won’t sit down at the negotiating table with the US and Russia.”⁹⁵

With regards to North Korea, China by far has more influence than Russia as Pyongyang is completely dependent on it for its energy and food needs as well as and access to external markets. The U.S. often pushes China to exert more pressure on its tiny neighbor to bring it to the negotiation table.⁹⁶

China’s influence over North Korea, however, is not straightforward. Beijing is concerned that North Korea’s behavior could push Japan and South Korea to acquire their own nuclear deterrents. This would seriously jeopardize China’s security given its troubled history with both countries.⁹⁷ Some analysts close to the Chinese government even openly question Beijing’s tight relationship with Pyongyang, which is often described by Chinese and North Korean leaders as being as close as “lips and teeth.”⁹⁸ Despite China’s misgivings, however, North Korea remains an inextricable part of its security. The collapse of the DPRK would put

U.S. and South Korean forces on China's border, a nightmare scenario Beijing experienced briefly during the Korean War that successive Chinese leaders are determined to prevent at all costs.

This is at the heart of a longstanding Chinese policy that balances North Korea's stability with the consequences of a nuclear-armed Pyongyang. China, like Russia, often prioritizes North Korea's stability over nuclear disarmament despite the risks this might pose to its national security. However, China also pursued a dual-track policy that supported U.S. policies and positions on North Korea at critical points.

Lately however, China has adopted confrontational policies against the U.S. on the North Korea question given its ongoing strategic geo-political rivalry with Washington. This is reflected by the convergence of positions among China, Russia, and North Korea.⁹⁹

North Korea and Theories on the Causes of War

Robert Jervis, in his 1993 study on *Arms Control, Stability, and Causes of War*, argues that if the purpose of arms control is to make war less likely, then it must rest on a theory of the causes of war. John Maurer (2018)¹⁰⁰ develops this argument and proposes three theoretical explanations. The first holds that war is caused by interest groups in the military-industrial complex and the institutional cultures and attitudes they promote.

The second explains war as occurring due to certain types of weapons that enhance first-strike advantages. The third believes that war is caused by certain actors—states that are ideologically-driven and especially aggressive.¹⁰¹

Maurer posits that each of these theories of the causes of war leads to a different approach to arms control. For conflicts caused by influence groups, the focus of arms control should be disarmament, for example the reduction of weapons and dismantling of the institutions and cultures that produce them.¹⁰² For those who believe that certain types of weapons promote war, the purpose of arms control is stability. This should be predicated on limiting offense-dominant weapons while permitting the limited deployment of defensive weapons, an idea closely associated with “mutual vulnerability.”¹⁰³

For those who believe that war is caused by states that are particularly prone to aggression due to ideology and other factors, the focus of arms control should be to prevent them from acquiring

dangerous weapons in the first place. This draws on the concept of comparative advantage as discussed earlier.

North Korean denuclearization efforts have seen an interplay of these three approaches to conflict, for example the 1994 U.S./DPRK Agreed Framework focused on dismantling critical infrastructure within North Korea's military-industrial complex. This was based on the logic that deeply entrenched interest groups, including the military establishment, were driving North Korea's aggressive behavior and its search for a nuclear weapons capability.¹⁰⁴ The Framework sought to resolve this by replacing North Korea's nuclear facilities with two proliferant-resistant light water reactors.¹⁰⁵

The Korea Peninsula Energy Development Organization (KEDO), an organization formed to implement the agreement, with financing from multilateral partners including the European Union, would install these reactors.¹⁰⁶ KEDO would also provide North Korea alternative energy sources in the form of heavy fuel oil for heating and electricity production.¹⁰⁷

The closure of North Korea's nuclear facilities would have dismantled a significant portion of its military-industrial complex and the vast constituency that keeps it running. The U.S. also undertook not to threaten or use nuclear force, an offer aimed at removing Pyongyang's rationale for keeping its military establishment on a war-footing. In exchange, North Korea would return to the NPT, and normalize its relations with the United States.¹⁰⁸

This deal did not last. The International Atomic Energy Association (IAEA) repeatedly found North Korea in breach of many of its undertakings, including covert uranium enrichment (Pyongyang admitted to this in 2002).¹⁰⁹ Matters came to a head in August 1998 when North Korea tested a ballistic missile. The situation unraveled quickly, and by November, KEDO had halted construction of the light water reactors and suspended oil shipments.¹¹⁰ The U.S., meanwhile, conducted a North Korea policy review that corroborated the IAEA finding of North Korea's non-compliance. "This was the hammer I was looking for to shatter the Agreed Framework," wrote John Bolton, the then U.S. Undersecretary of State for Arms Control and International Security.¹¹¹ In December North Korea expelled IAEA inspectors and withdrew from the NPT.

In 2003, the Six Party Talks were launched to bring North Korea back to the NPT. This time the process focused on preventing North Korea—widely seen as a dangerous and unpredictable

actor—from acquiring a nuclear weapon, a process many feared was accelerating at break-neck speed. Kim Jong-il had by then established himself as a reclusive and aggressive leader, and

North Korea was even more militarized than when the Agreed Framework was negotiated. Under the new *songun* (‘military first’) policy, the military became the embodiment of the state and society, superseding all other institutions, a departure from Kim il-sung when the ruling Korea Workers Party held sway.¹¹²

By the time the Six Party Talks started, the Korean People’s Army had become the world’s fourth largest military force with nearly 1.3 million active duty personnel, or more than two times the size of South Korea’s military.¹¹³ Given this state of affairs, allaying the regime’s fears became central to the negotiations framework given.

Real progress started during the fourth round of the Six Party Talks in July 2004 when the U.S. recognized North Korea as a sovereign state, and offered a written undertaking that it had no plans to attack.¹¹⁴ North Korea in exchange committed to abandoning nuclear weapons, returning to the NPT, and accepting IAEA inspectors. The U.S. and South Korea reciprocated by issuing a joint declaration that they would not deploy nuclear weapons on the Peninsula.¹¹⁵ Notably, they also acknowledged North Korea’s right to the peaceful use of nuclear energy, a major sticking point in earlier rounds.

Another seeming breakthrough came much later in the sixth round in July 2007 when the IAEA confirmed that North Korea had disabled three nuclear facilities at its main nuclear complex in Yongbyong.¹¹⁶ The other parties immediately agreed to supply one million tons of heavy fuel oil (up from North Korea’s request of 50,000). The U.S., for its part, removed North Korea from the Trading with the Enemy Act and notified Congress of its simultaneous removal from the list of state sponsors of terrorism.¹¹⁷

The process, however, derailed due to disagreements over verification and continuing lack of transparency by North Korea. In November 2008, Pyongyang rejected an American proposal to extend inspections to sites throughout North Korea.¹¹⁸ The Six Party Talks eventually collapsed in April 2009 when North Korea fired a more advanced rocket than the one it fired in 1998, thereby ending previous negotiations. North Korea then intensified its nuclear and missile activities. By 2016, it had completely mastered the plutonium fuel cycle and uranium enrichment.¹¹⁹ By 2019, it had an arsenal of nuclear warheads and a range of missile delivery

systems that could potentially reach the U.S. homeland.¹²⁰ What is not known is whether North Korea has mastered the technology to miniaturize and fit its warheads on missiles.

North Korea and Strategic Culture

Definitional Issues

North Korea's sense of external threat, brinkmanship, deep distrust of external actors, and extensive militarization cannot be fully explained by the prevailing theories of arms control and conflict. For example, if the fear of attack is the sole driver of its disputes with the U.S., then American pledges of non-aggression and the removal of U.S. tactical nuclear weapons from the Korean Peninsula should have moved North Korea toward denuclearization. The fact that Pyongyang moved in exactly the opposite direction means that the realist theories of the "security dilemma" as articulated by Ken Booth, Nicholas Wheeler, and other realist scholars does not fully explain Pyongyang's security behavior.¹²¹

Another case in point: realist theories of international relations suggest that hegemony can use their influence to coerce or persuade partners to abandon nuclear weapons. Francis Gavin, in *Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation*, explains that the U.S. successfully coerced Germany, South Korea, and Taiwan to moderate their nuclear ambitions. This was achieved through the threat of abandonment, and in the case of South Korea, by extending a nuclear umbrella.¹²²

Within this paradigm, China and Russia, both nuclear powers, and powerful patrons of North Korea, could coerce their neighbor to change course while providing security guarantees. This, however, did not work. North Korea enjoyed mutual defense pacts with China and Russia but steadfastly pressed on with its nuclear program.

North Korea's leaders also repudiate the suggestion that China or Russia should guarantee its security, invoking memories of frequent invasions by China, in particular during Korea's history. North Korea's obsession with independence and autonomy is underlined by its official state ideology known as *juche*, or "self-reliance."¹²³

As a concept, strategic culture sheds light on the underlying drivers of some of these behaviors as it takes into account the cultural milieu and ideational factors that shape decisions on the use of force. Jack Snyder (1978) defines strategic culture as the "sum-total of ideas, conditioned

emotional responses and patterns of habitual behavior that members of national strategic community have acquired through instructions or imitations.”¹²⁴ He suggests that political elites perceive security threats through knowledge that is socialized overtime through the subjective interpretation of historical experiences.¹²⁵

Colin Gray (1999) described strategic culture as “The modes of thought and action with respect to force, which derive from the perception of national historical experience, from aspirations for responsible behavior in national terms and even from the civic culture and way of life.”¹²⁶ Alastair Iain Johnston defines strategic culture as “An integrated system of symbols which acts to establish pervasive and long lasting strategic preferences by formulating concepts of the role and efficacy of military force.” These concepts are clothed with such an “aura of factuality that the strategic preferences seem uniquely realistic and efficacious.”¹²⁷

Some Shortcomings

Strategic culture is often criticized for being overly descriptive and reductive, yet deeply ingrained strategic behaviors can change in response to shifts in the external environment, key political events, or short-term political calculations, and expediency.¹²⁸ Secondly, political elites can exhibit contradictory goals that challenge established strategic traditions. A good example was North Korea’s pursuit of mutual defense pacts with China and Russia, a move that ran counter to its *juche* principle of self-reliance. Strategic culture theories are also sometimes criticized for offering simplistic explanations for complex phenomena.

Alan Bloomfield (2012), in a major critique titled *Time to Move On: Reconceptualizing the Strategic Culture Debate*, argues that the temptation to oversimplify elite behaviors ignores competing sub-cultures vying for influence and power within a particular socio-political and socio-cultural setting.¹²⁹

However, a growing body of strategic culture research challenges this view. For example Andrew Scobell (2001) and Alastair Iain Johnston (1995) offer a strategic culture methodology that takes competing sub-cultures into account along with external changes that can introduce new strategic cultures or discard old ones. Both of them applied this framework in examining Chinese strategic culture and found that this culture has pacifist and aggressive features that interact with each other to produce what Scobell coins as a “cult of defense.”¹³⁰ He argues that this “paradoxically predisposes Chinese leaders to pursue offensive military operations as a primary alternative in

pursuit of national goals while rationalizing these actions as being purely defensive and a last resort.¹³¹

This dualistic strategic culture has been a constant, and China has not become more bellicose or aggressive in recent years except to the extent that the war fighting capabilities of the People's Liberation Army (PLA) have improved and its military doctrine has changed.”¹³²

Does Strategic Culture Hold Sway?

It will be argued here that strategic culture remains relevant in examining key features of North Korea's strategic behavior, particularly in terms of how the ruling establishment sees itself and the world around it, the role of military power in its calculus of survival, and the narratives North Korea propagates to keep itself in power. All these features of strategic culture reflect patterns of behavior, thought, and even spirituality that have evolved overtime. Notably, these elements have deeper roots than Marxism-Leninism and Stalinism. It is worth noting that Pyongyang firmly rejected Soviet ideology (and Chinese communism for that matter) as an organizing principle as far back as the 1960s.¹³³

Strategic culture offers a more nuanced framework that takes into account political, cultural, ideological, and even philosophical and spiritual ones more comprehensively. All DPRK leaders have instrumentalized these elements in pursuit of their domestic and foreign policy goals.

Strategic Culture Overview

Korea's peculiar geography, coupled with longstanding grievances from a history of violent occupation by its neighbors, provides a powerful context for how modern North Korean leaders perceive their external environment as well as the narratives they instrumentalize regarding the use of force and their search for nuclear weapons.

To begin with, the Korean Peninsula is mostly mountainous with poor soils; only 22 percent of the landmass is arable, making both Koreas net food importers.¹³⁴ Food insecurity, therefore, poses perennial security problems of which one of the most significant was the inability to maintain and feed large standing armies.¹³⁵ Food insecurity also served to undermine national unity, highlighted by the fact that North Korea was at its most vulnerable during the period of mass starvation from 1994 to 1998 known in DPRK propaganda as the “March of Suffering.”

¹³⁶This coincided with two additional traumatic events, the death of DPRK founder Kim Il-sung,

and the loss of Soviet subsidies after the collapse of the Communist Bloc. The latter led to the collapse of the DPRK economy, causing widespread international concern that the state itself was on the verge of collapse.

It was in this context of weakness, domestic unrest, and instability that North Korea entered into talks leading to the 1994 Agreed Framework.¹³⁷ Notably, as talks ensued, North Korea undertook drastic actions on three fronts. First, with communist countries falling one by one, and Russia forging ties with Washington, the regime adopted the *songun* (“military first”) policy, granting the military a primary position in North Korean society, government, society, and political ideology.¹³⁸

North Korea accordingly embarked on a scale of mass militarization of society last seen during the Korean War as Kim Jong-il sought to legitimize himself and fill the power vacuum as quickly as possible. Second, the pursuit of nuclear weapons was given utmost importance and equated with the survival of the state and the Kim family itself. With this in mind, the regime took steps that would eventually lead to the establishment of a secret uranium enrichment program.¹³⁹

Third, North Korea became more insular than ever in light of its perceived abandonment by China and Russia. Dependence on benefactors became a key lesson never to be repeated. This was framed within the ruling Korea Workers Party as North Korea’s “Never Again.”¹⁴⁰ As Kim Jong-il regained control, it became clear that the 1994 Agreed Framework would eventually collapse. The DPRK’s nuclear ambitions increased even as it gave assurances and won key concessions.¹⁴¹ By the time the process ended in 2003, North Korea was just three years away from its first nuclear test.

North Korea draws a direct line from its period of turmoil between 1994 and 1998 to its history of invasions, many of which were foreshadowed by prolonged periods of instability and weakness. Korea experienced more than nine hundred invasions in 5,000 years, memories that are heavily socialized in Korean historical consciousness and continue to shape the insecurity, paranoia, and belligerence of North Korea’s ruling establishment.¹⁴² Korea’s pre-Cold War states managed their strategic vulnerabilities through a combination of heavy militarism, and extreme isolation, and where these failed, supplication to foreign powers. The DPRK models itself on the first two while shunning the third. It draws on two models: *Koguryo*, a highly militaristic state

that ruled Korea from 37 BC to 668 BC, and Korea's last traditional state, *Joseon*, that completely walled itself from the outside world from 1392 to 1910.¹⁴³

As an indication of how the past connects with the present, the DPRK calls itself *Joseon*, a state that prizes self-isolation and secrecy as part of its security strategy.¹⁴⁴

The DPRK's foundational military literature, including the writings of Kim Il-sung, are also replete with references to *Koguryo*. Military traditions from this era provide one of the templates for North Korea's contemporary military doctrine.¹⁴⁵ North Korea's threat perceptions are also reflected in the images and political rhetoric of invasion, foreign domination, isolation, and survival. The DPRK propaganda as well as the education system presents the Korean race as pure and innocent, in need of constant protection against outside influences and under the watchful eye of the state.¹⁴⁶ The intense cult of personality around the Kim family uses Korean traditions—with Confucianism at the core—to reinforce such themes, the closest thing North Korea has to a state religion.¹⁴⁷ This cult is particularly pervasive and potent, given the traditional Korean obedience to authority and hierarchy, key features of Confucian culture.¹⁴⁸

The Nuclear Dimension

North Korea's nuclear ambitions are consistent with the notions of self-isolation, militarism and aggression, distrust of outsiders, extreme insecurity, and regime survival that the DPRK has constructed overtime. These build on aspects of Korean history, culture, and historical memory.

They are combined with lenses of self-deception in which the Kim family's dreams, fears, ambitions, and personal survival are conflated with those of the party, state, government, and society. Nuclear weapons in this sense are not just political weapons; they are part and parcel of the mythology of the Kim family and synonymous with the DPRK's founding myths.¹⁴⁹

North Korea's thinking on nuclear weapons is processed through the three components of *juche* that involves the following: 1) complete independence (*chaju*), 2) economic independence from foreign influences (*charip*), and 3) complete military independence from imperialists and other foreign powers (*chawi*).¹⁵⁰ The fact that nuclear weapons, regime longevity, and personal survival are fused tightly together makes the North Korean nuclear challenge particularly vexing and unique. Nowhere else are nuclear weapons so closely tied to the mythology around a single leader

and his family. In other words, Kim Jong-un cannot stop his nuclear program without threatening the national ideology and cult of personality that has kept his family in power since the DPRK was founded.¹⁵¹

North Korea's threat perceptions are not just limited to its perceived archenemy, the United States, but also include China and Russia, its only benefactors in the international system. This is yet another nuance of North Korean behavior that can only be understood through a strategic culture lens. In May 2017, the DPRK, publicly attacked China, warning it "not to test the limits of our patience."¹⁵² This took many by surprise as it challenged widely held assumptions of the "unbreakable" bonds between China and North Korea. The statement was aimed at expressing Pyongyang's displeasure at what it called "warming ties between Xi Jinping and Donald Trump" aimed at persuading China to convince it to abandon its weapons.¹⁵³

The wording of the statement conveyed deep historical grievances: "We have so devotedly supported and helped the Chinese revolution and suffered enormous damage, yet China infringed on our strategic interests by becoming closer to the U.S., thus committing betrayal." China for its part stated that while it was "reasonable" for the DPRK to pursue its own security, its nuclear and missile ambitions have "put itself and the whole region into dire peril."¹⁵⁴

North Korea was livid: "For us, nuclear weapons are an absolute symbol of dignity and power. If we give up nuclear weapons, we will not only intensify economic sanctions, but also military intervention."¹⁵⁵ This warning invokes the traditional Korean aversion to foreign influence built on memories of subjugation by foreign powers. These key features of North Korean strategic culture are very much alive in the DPRK's dealings with China and serve to complicate Beijing's role in North Korean denuclearization efforts.

The North Korean mistrust of China also draws on conflicts dating back to the 1950s when its leaders took extraordinary steps to thwart perceived Chinese influence in their country.¹⁵⁶ Some of these included extensive and violent purges carried out by Kim Il-sung against internal challengers with suspected Chinese (and Russian) links.¹⁵⁷ This went together with propaganda reminding North Koreans of how they had been occupied and humiliated through the centuries.

These measures had their origins in an apparent attempt by Beijing and Moscow to overthrow Kim Il-sung in 1956, a watershed event that re-defined North Korea's relations with them.¹⁵⁸

China's "reform and opening up" policies of the 1990s again stimulated North Korean fears, this time of wholesale economic absorption into the Chinese economy. Kim Jong-il was also concerned that China's new development path would embolden those seeking change within North Korea. Reflecting these extreme insecurities, China was described by regime propagandists (albeit indirectly) as being among the "impure, hostile, and inferior forces" surrounding the Peninsula and threatening the purity and innocence of the Korean race.¹⁵⁹

As an indication of the complicated relationship between the DPRK and China, no Chinese leader set foot in Pyongyang for 14 years until Xi Jinping's visit in 2019.¹⁶⁰ Notably, North Korea's belligerence has been a central issue of concern for China. Since 2011, Kim Jong-un has fired three times more missiles than his father and grandfather combined along with conducting nuclear tests.¹⁶¹ Each time, China joined the U.S. and other powers to impose new sanctions, even though it watered down many of these resolutions and continued to keep the North Korean economy afloat. However, in November 2017 Beijing stopping oil shipments to North Korea for one month after halting coal imports in February.¹⁶² "You could say that China, since Xi came to power, is increasingly fed up with North Korea," said Ye Fei, a political analyst at the influential Beijing research and advisory firm, China Policy." "Xi is really trying to treat Kim the third as a juvenile hooligan."¹⁶³

Lu Chao, the Director of the Border Study Institute at the Liaoning Academy of Social Sciences, which has close ties to the Chinese government, argues that the defense pact between the DPRK and China no longer applies given North Korea's unilateral and high-risk activities. "It was signed at a very different time and should no longer be seen as committing China to defend North Korea.

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The fact that the Chinese government clears such comments for public release signals the extent of its displeasure as commentary on North Korea is strictly confined to government circles. This, however, has not led to a demonstrable change in the DPRK's behavior. Its standard response is to dismiss China's frustrations as "foreign influences" aimed at destabilizing and humiliating North Korea and undermining its regime.

All this fits into the *juche* ideological template, invoking key features of North Korean strategic culture.

Is There a Different Path?

Different models of denuclearization have been proposed over the years to inject fresh ideas to move North Korea towards denuclearization.

The Libya Model

In 2004, the George W. Bush administration called on North Korea to follow the Libyan model of nuclear disarmament.¹⁶⁵ Robert Joseph, one of the top U.S. officials involved in those efforts, wrote that the dismantlement of Libya's nuclear and ballistic missile programs only became achievable and irreversible after its leader, Moammar Gadhafi, made a personal decision to devalue the role nuclear weapons played in his survival strategy and Libya's national security.¹⁶⁶ Two factors contributed to this strategic decision. First, there was a widespread belief within the Libyan government that Gadhafi would be next after Saddam Hussein was toppled in a U.S. military intervention. That invasion was predicated on dismantling Weapons of Mass Destruction (WMD), and according to Joseph, it was not lost on the Libyans that President Bush had repeatedly announced that combating WMD was his highest priority.¹⁶⁷ Indeed the 2002 U.S. National Security Strategy stated explicitly that the U.S. would "fight terrorists and tyrants" many of whom "are determined to acquire WMD."¹⁶⁸

Second, the U.S./Libya talks coincided with a shift within Libya's ruling establishment from isolation toward re-integration into the international community. Gadhafi believed this would strengthen his domestic appeal and isolate his internal challengers.¹⁶⁹ North Korea, however, scoffed at the suggestion that it could emulate the Libya model. Kim Jong-il had this to say about how the DPRK viewed the Libya model: "The U.S. has ripped out Libya's heart and if we were to follow this precedent the price we would have to pay would be the calamity of war and the miserable destiny of a slave."¹⁷⁰

Any hope that the Libyan disarmament experience could be applied to North Korea evaporated after Gadhafi's murder by Libyan mobs following a NATO-led military intervention during the Arab Spring in 2011.¹⁷¹ North Korea capitalized on this to justify why it needed nuclear weapons, which it views as its most reliable deterrent against a possible invasion that may well inflict a similar fate on the Kim family. The DPRK underscored this narrative shortly after its January 2016 nuclear test: "The Saddam Hussein regime in Iraq and the Gaddafi regime in Libya could

not escape the fate of destruction after being deprived of their foundations for nuclear development and giving up nuclear programs of their own accord.”¹⁷²

Southeast Asian Models

Southeast Asia offers some pointers on the conditions under which countries decide to abandon nuclear weapons. Etel Solingen, in *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*, explains that domestic models of regime survival offer a better framework of analysis to understand why some countries chose restraint and why others opt for weapons.¹⁷³ She offers this as an alternative to realist theories of self-help that have dominated the field of nuclear strategy since countries started acquiring nuclear weapons.¹⁷⁴

Taiwan

Taiwan, like North Korea, faces a tenuous security predicament that drove it towards developing a nuclear capability. First, only 15 states recognize Taiwan, a precarious situation that isolates it from the international community. Second, Taiwan lives in a constant state of fear of forceful reunification by China, who views it as a renegade province. Taiwan’s fears were elevated when China became a nuclear power in 1964. It embarked on a nuclear weapons program and continued through the 1980s despite robust U.S. security guarantees.¹⁷⁵ Taiwan gave up its nuclear ambitions in 1987, when a defector gave the U.S. government proof of its secret nuclear program. By this time, Taiwan was just two years away from becoming a nuclear power.¹⁷⁶

Taiwan’s decision to abandon nuclear weapons was intricately tied to its transition from an authoritarian and highly militarized one-party state to a constitutional democracy. Solingen argues that these factors played a much more important role than U.S. security guarantees and coercion.¹⁷⁷ As democracy deepened, Taiwan’s model of political survival and domestic legitimacy shifted from seeking nuclear weapons, to delivering economic growth and prosperity, expanding international relations, and showcasing its democratic system as a viable alternative to the People’s Republic of China.¹⁷⁸ This was aided by a corresponding shift in ideology within Taiwan’s founding *Kuomintang* party which abandoned the authoritarianism it brought from the Mainland and embraced a new vision of a technologically advanced, dynamic, and prosperous Taiwan.¹⁷⁹

The vast majority of Taiwan’s emerging political elites at the time believed that the pursuit of nuclear weapons would undermine this vision. Accordingly, when constitutional multiparty

democracy was introduced in 1996, non-proliferation was enshrined as a bedrock political and social norm and has remained so ever since.¹⁸⁰ By 2011, the Taiwan economy was ranked seventh in Asia and 20th in the world in terms of purchasing power parity.¹⁸¹ To be sure, Taiwan maintains a highly advanced nuclear infrastructure that can enable it to become a nuclear weapons state relatively quickly. Furthermore, there are occasional bursts of public pressure to restart the nuclear program, especially during periods of extreme tension with China. Despite this, maintaining the Taiwan economic miracle trumps nuclear weapons as a core value in Taiwan's body politic.

Japan

Similar dynamics have been at play in Japan, which is often said to be a “screwdriver turn” away from “developing a bomb in the closet.”¹⁸² Since 2006, dozens of North Korean ballistic missiles have fallen in the Sea of Japan after testing, prompting fears in the international community that Japan has inched closer to acquiring a nuclear deterrent with each test.¹⁸³

So far, however, Japan has chosen restraint over nuclear weapons despite having the technological capability to become a nuclear power, “virtually overnight.”¹⁸⁴ Japan's domestic model of political survival is the key to understanding why it opted for this path. Its first Prime Minister, Yoshida Shigeru conceived of an all-encompassing vision to turn Japan away from its militarist past and the shame and humiliation of its defeat and surrender in World War II.¹⁸⁵ The Yoshida Doctrine, as it is widely known, commits Japan to “forever renounce war as a sovereign right” in order for Japan to “occupy an honored place in international society.”¹⁸⁶

These commitments were written into the Japanese Constitution which states that Japan will “never maintain armed forces as well as other war potential.”¹⁸⁷ Yoshida's vision resonated with the public. The sentiment that Japan paid dearly for its aggression during World War II and needed to forge a new identity was widespread as was an intense sense of humiliation.¹⁸⁸

The post-war government, in an effort to restore national pride, promoted the concept of “merchant nation” (*chōnin kokka*) that emphasizes building world class manufacturing capabilities, economic infrastructure, and propelling Japan to leadership in global commerce. By the second half of the 20th century, Japan had become the world's third largest economy, a technological superpower, and member of the Group of Seven (G7) most advanced economies in the world. The vast majority of Japan's political class believe that the pursuit of nuclear weapons

and a return to Japan's militarist roots would have curtailed its astronomical rise and led to disastrous consequences.¹⁸⁹

However, Yoshida's successors have varied in their commitment to nuclear restraint. Moreover, Japan's Self Defense Forces (JSDF) rank as the world's fourth most powerful in conventional terms. Japan also has the world's eighth largest military budget despite a constitutional ban on offensive weapons.¹⁹⁰

Prime Minister Abe Shinzo's Liberal Democratic Party has championed amending the constitution's war-resounding clause by mentioning the JSDF by name and formally recognizing its role in defending Japan.¹⁹¹

His supporters say this merely acknowledges Japan's defacto military. Opponents, however, believe it opens the door to diluting Japan's constitutional commitment to pacifism. Despite these differences, political parties across the divide agree that a nuclear deterrent would cause irreparable damage to Japan's international standing, leadership, and influence. In sum, the *Yoshida Doctrine* continues to hold sway, reinforcing strong domestic incentives to forswear nuclear weapons and position Japan as a leader in nuclear non-proliferation. Japan has leveraged this to strengthen its security alliance with the United States, increase its competitive advantages against China, and improve multilateral security arrangements in support of its national security.

South Korea

The foundations for South Korea's nuclear non-proliferation were laid during the presidency of the late General Park Chung-hee.¹⁹² After seizing power in a coup in 1961, he ruled with an iron fist over an authoritarian, repressive, and highly militarized one-party state bearing striking resemblance to North Korea.¹⁹³ Park inherited a war-ravaged economy lagging far behind North Korea's. He also had powerful incentives to acquire a nuclear deterrent as memories of being swallowed whole by the North in a surprise attack in 1950 that loomed large over the political process.¹⁹⁴ These fears were heightened by the North's overwhelming conventional superiority over South Korea and the perceived decline of U.S. commitments to Seoul in the 1960s and 1970s.¹⁹⁵

This was the geopolitical context under which South Korea embarked on a nuclear weapons program. Construction of a nuclear power plant began in 1971. By the late 1980s, South Korea had mastered the nuclear cycle.

By 1993, it was by all indications a latent nuclear power.¹⁹⁶ However, even as South Korea developed its nuclear capabilities, General Park Chung Hee was entertaining the idea of turning South Korea into a global economic powerhouse as opposed to a nuclear weapons state.

He articulated his vision in a 1971 statement: “I have proposed to North Korea to accept peaceful competition between our free system and theirs to determine which can give the people a better life. The Republic of Korea is already emerging victorious from this competition and by making full use of our talents as a people we should continue to sustain high growth to create in Korea, an affluent and highly industrialized society.”¹⁹⁷ South Korea by the late 1970s had overtaken the North economically. By 2004, it became a trillion-dollar economy. In 2020, it was ranked as the world’s 11th biggest economy and had eliminated poverty, malnutrition, and illiteracy. Its 2019 GDP per capita of \$29,742 dwarfs North Korea’s of \$1,700.¹⁹⁸

However, the threat of war has never receded. Compulsory military service for males remains in place and South Korea has the seventh largest military in the world.¹⁹⁹ From time to time South Korea has also used its nuclear latency and the existential threat from the North as a bargaining tool to extract concessions from the U.S. and the international community.²⁰⁰ However, South Korea remains steadfast in its quest to create an advanced and sophisticated society that outcompetes the North. This basic thinking continued long after Park’s assassination in 1979.²⁰¹ Military rule continued until 1993 when Kim Young-sam assumed office as the first civilian president in nearly 30 years.

In addition, South Korea’s ensuing democratization process created an even stronger impulse to turn the country into a global economic power. South Korean politicians believe that the pursuit of nuclear weapons would have seriously jeopardized this vision and alienated South Korea internationally.²⁰²

Conclusion: Key Lessons and Prospects

The key to framing North Korea's nuclear behavior lies in understanding its domestic models of regime survival, which differ drastically from those of Japan, Taiwan, and South Korea.

While these Southeast Asian powers sought integration into the international system and conceived of competition and national power in terms of economic prowess as opposed to military might and aggression, North Korea moved in the opposite direction. North Korea's search for nuclear weapons is deeply entrenched in *juche* ideology and entwined with its concepts of total independence, autarky, self-isolation, and dominance.

These are processed through the instrumentalization of key features of traditional Korean strategic culture and the lenses of self-deception built around the cult of personality of the Kim family. Within these paradigms, the threat and use of nuclear force, not a Japan or South Korea-style economic miracle, are the ultimate means through which North Korea believes it can correct its historical subjugation by its neighbors, equalize its status with external powers, and manipulate the international security environment in ways that strengthen its domestic objectives.

Prevailing theories of arms control, conflict and nuclear strategy point to a common theme:

North Korea, above all else, appears to be seeking *de jure* or *de facto* recognition as a "legitimate nuclear weapons state." This is the demand it reiterated after detonating its fifth nuclear test in September 2016, and again in September 2017 when it fired its *Hwasong-12* ballistic missile.²⁰³ It is plausible that Kim Jong-un's diplomatic overtures to the U.S. and the international community since 2017 are aimed at seeking such recognition. Along these lines Kim Jong-un might have calculated that U.S. President Donald Trump's non-traditional and highly personalized approach to deal-making might offer unique opportunities for North Korea to press for such recognition.

By every measure, however, North Korea and the U.S. have a vastly different understanding of denuclearization. The U.S. expects it to dismantle its entire program. North Korea on the other hand appears to be seeking a nuclear capability first while hedging on its stated

commitment to denuclearization. It should be recalled that Kim Jong-un launched his diplomatic charm offensives after announcing that North Korea had “finally realized the great historic cause of completing the state nuclear force.”²⁰⁴ This declaration was made on November 28th, 2007 the same day North Korea successfully tested its *Hwasong* 15 ICBM, its longest-range weapon yet.

The triumphal messaging behind this launch is the closest North Korea has come to announcing its status as a nuclear weapons state. This missile is a milestone in North Korea’s weapons development, building on three shorter range variants launched since August 2017.

The Middlebury Institute of International Studies said that the *Hwasong* program appears to be modelled on China’s “four missiles in eight years” program of the 1960s that foreshadowed its emergence as a nuclear weapons state in 1964.²⁰⁵

It is unclear if North Korea is indeed following the Chinese path to nuclear statehood. What is clear, though, at this point is that achieving recognition as a nuclear power, an ambition enunciated in the DPRK Constitution, would be a crowning achievement in the eyes of the North Korean establishment. It would cement Kim Jong-un’s legacy, as he would have achieved milestones that eluded his father and grandfather. The question remains as to whether the international community can live with the prospect of a nuclear-armed North Korea? This is still to be determined. In the meantime, North Korea’s nuclear behavior, strategic culture, and its domestic models of political survival tell us it would be a fatal error to assume that Kim Jong-un’s Korea will renounce nuclear weapons anytime soon.

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This Policy Brief deals with contemporary contentious systemic salient issue areas at national, regional and global levels. At the national level the question of intervention by local and international actors as players in conflict resolution in Kenya's 2007-2008 election violence is addressed by Muema Wambua. The involvement of the local as well as the African Union (AU) and the other regional actors such as the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD), among others, can be understood in the context of African solutions to African problems. Alex Njenga Kabia's article draws attention to the useful role the International Criminal Court (ICC) plays as it deals with crimes against humanity and genocide related issue areas on the continent. Kabia therefore emphasizes the importance of the recognition of and respect for the role of the ICC in its quest for justice in Africa. The prospect for denuclearization by North Korea is put into proper perspective by Paul Nantulya. Tracing its historical antecedents, Nantulya provides detailed assessment of the circumstances which led to the pursuit of nuclear weapons by North Korea. These issues among others are clearly articulated taking cognizance of regional and global contexts and ramifications.