IMPLICATIONS OF IRAN NEGOTIATIONS FOR NORTH KOREA

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Abstract

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The international nuclear agreement with Iran has generated some speculation about the potential for resurrecting similar negotiations with North Korea. Indeed, the Obama administration's dramatic shifts in policy toward Burma, Cuba, and now Iran might suggest an analogous gesture toward Pyongyang. But, a number of factors mitigate against the U.S. initiating a similar outreach with North Korea. From a domestic U.S. political point of view, the clock is running out for the Obama administration. With only a year and a half left, Obama has insufficient time to bring a complicated and contentious North Korean accord to completion. Moreover, after the failure of its 2009 and 2012 attempts, the Obama Administration is not inclined toward a third attempt at engagement with Pyongyang.

But the biggest obstacle to any potential nuclear agreement with North Korea is, of course, North Korea itself. Pyongyang's unceasing threats of nuclear annihilation against the United States and its allies, as well as cyber attacks and pledge of a "9/11-type attack," do not create an atmosphere conducive to diplomatic engagement. Not that there was any doubt, but North Korea publicly rejected any inclination to follow Iran into denuclearization negotiations with the United States.

Key words: North Korea, Iran, Nuclear Negotiations, Six Party Talks, Sanctions

INTRODUCTION

North Korea typically alternates provocative actions with periodic diplomatic charm offensives in order to achieve its objectives. Pyongyang has raised tensions in order to garner benefits for returning to the status quo ante. While North Korea has repeatedly offered engagement and signed international accords, the regime's subsequent behavior led to the collapse of all agreements.

Despite this poor track record, the P5+1 international nuclear agreement with Iran generated speculation – particularly in the South Korean media – of the potential for resurrecting Six Party Talks nuclear negotiations with North Korea. Indeed, the Obama administration's willingness to drastically soften U.S. policy toward Burma, Cuba, and now Iran seemed to suggest an analogous gesture toward Pyongyang. But, a number of factors mitigate against the U.S. initiating a similar outreach with North Korea.

Similarly, there is little optimism that the August 2015 inter-Korean agreement resolving the landmine crisis represents a dramatic policy shift by Kim Jong-un nor that it will lead to lasting improvements in South-North Korean relations. Thousands of previous official inter-Korean meetings and numerous non-government initiatives similarly raised hopes, only to ultimately fail.

LITTLE LIKELIHOOD OF IRAN-TYPE AGREEMENT WITH PYONGYANG

From a domestic U.S. political point of view, the clock is running out for the Obama administration. With only a year and a half left, Obama has insufficient time to bring a complicated and contentious North Korean accord to completion. Veterans of the Clinton presidency, such as Undersecretary of State Wendy Sherman, will



well remember their inability to conclude a missile agreement with North Korea in a limited time window.

While Sherman and Secretary of State Madeleine Albright claim that they were "this close" to a missile agreement at the tail end of Clinton's term, the reality was that a chasm remained between Pyongyang's demands and US willingness to move forward. North Korean intransigence at bilateral meetings in Kuala Lumpur in 2000 and insistence that the two country's leaders hash out the terms of an agreement during a Clinton trip to Pyongyang doomed any potential for progress.

Some experts might argue that Obama's trifecta of diplomatic initiatives with Burma, Cuba, and Iran gives him leverage and momentum to pursue a grand slam with North Korea. But it is more likely that the cumulative U.S. concessions and loosening of pressure on three still recalcitrant autocracies would limit congressional and public acceptance of yet more U.S. conciliation.

After the failure of its 2009 and 2012 attempts, the Obama Administration is not inclined toward a third attempt at engagement with Pyongyang. But even more so in the hyper-partisan atmosphere of the already underway 2016 presidential election campaign. Obama's outreach to Burma, Cuba, and Iran is already fodder for criticism of perceived U.S. capitulation and weakness and a similar initiative to Pyongyang could be a diplomatic bridge too far.

But the biggest obstacle to any potential nuclear agreement with North Korea is, of course, North Korea itself. Pyongyang's unceasing threats of nuclear annihilation against the United States and its allies, as well as cyber attacks and pledge of a "9/11-type attack," do not create an atmosphere conducive to diplomatic engagement.

Not that there was any doubt, but North Korea publicly rejected any inclination to follow Iran into denuclearization negotiations with the United States. The North Korean Ministry of Foreign Affairs declared in July that Pyongyang "is not interested at all in dialogue to discuss the issue of making it freeze or dismantle its nukes

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unilaterally first, [since its nuclear arsenal] is not a plaything to be put on the negotiating table."¹

That statement is consistent with years of regime declarations that the Six-Party Talks were "null and void" while dismissing any possibility of it living up to numerous previous pledges to denuclearize. The Korea Workers Party Central Committee declared North Korea's nuclear weapons "are not goods for getting U.S. dollars and they are neither a political bargaining chip nor a thing for economic dealings. [North Korea's] possession of nuclear weapons shall be fixed by law and should be expanded and beefed up qualitatively and quantitatively until the denuclearization of the world is realized."²

In 2013, North Korea even revised its constitution to enshrine itself as a nuclear state, and North Korean leader Kim Jong-un vowed to "increase the production of precision and miniaturized nuclear weapons and the means of their delivery and ceaselessly develop nuclear weapons technology to actively develop more powerful and advanced nuclear weapons [and] firmly bolster the nuclear armed forces both quantitatively and qualitatively."³

³ Kim Jong-un, Report and Remarks (speech at the March 31, 2013 plenary meeting of the Korean Workers' Party [WPK] Central Committee [CC], as disseminated by DPRK state media through Korean Central Broadcasting Station and Korean Central Television), http://nkleadershipwatch.wordpress.com/kim-jong-un/kim-jong-uns-report-andremarks-at-kwp-central-committee-meeting-31-march-2013/.



¹ Jethro Mullen, "North Korea: We're not interested in Iran-style nuclear talks," CNN, July 21, 2015, http://www.cnn.com/2015/07/21/asia/north-korea-not-interested-in-irantype-deal/.

² Report on Plenary Meeting of WPK Central Committee, KCNA, March31, 2013, http:// www.kcna.co.jp/item/2013/201303/news31/20130331-24ee.html.

FOUR RED FLAGS ON THE IRAN DEAL

(The Neighborhood Will Race to Go Nuclear)

The manner in which the deal was structured was bound to accelerate nuclear proliferation. Iran has violated its obligations under the Nuclear Nonproliferation Treaty (NPT) and repeatedly thumbed its nose at oversight from the International Atomic Energy Agency (IAEA). Yet it winds up getting a great deal under the agreement better, in fact, than the deal the United States gives its friends and allies through the 123 Civil Nuclear Agreements. If regional powers like Turkey, Egypt and Saudi Arabia believe that the likelihood of Iran getting a weapon is undiminished and the penalty for becoming a nuclear breakout power is plummeting, then the deterrent for them to cross the nuclear threshold drops as well.

(Teheran Keeps its Vast Nuclear Infrastructure and Missile Program)

Other regional powers are likely to race to nuclear, in part because the deal does nothing to scuttle Iran's plans to build a weapon. The administration's pitch is that the deal slows down Iran's program, leaving plenty of time for "early warning" of a nuclear breakout. That's cold comfort for Teheran's neighbors. What's concerned them is knowing that Iran will eventually put a nuclear warhead on a missile—and this deal won't stop that.

Further, even if the administration does receive early warning (a dubious promise at best), it has never indicated what—if anything—it would do about it. Indeed, these promises from Iran only confirm the obvious: that the regime definitely has nuclear-weapons ambitions. After all, why have a massive ballistic-missile program and secret military nuclear facilities if the plan isn't to build nuclear weapons?

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(Sanctions Relief Will Make the Region Less Safe)

People will argue the numbers, but the sanctions relief and the renewed ability to sell more oil on the open market could wind up bringing \$300-400 billion into the Iranian economy. As in any thriving kleptocracy, that money will be funneled through the hands of the regime, whose leaders will use it to tighten their grip on the Iranian people and fund the most aggressive and destabilizing foreign policy outside of ISIS. Essentially, the deal will pay for undermining U.S. policy and interests throughout the region.

(The Deal is Temporary, By Design)

Even the White House doesn't claim it will permanently keep Iran from getting a bomb. So, what's the point? Mr. Obama can't even guarantee it will outlive his presidency. After a couple of years of cashing in on sanctions relief, Teheran might just walk away.

The Oval Office insists that there are only two choices: this deal or war. But the choices are neither that limited, nor that simple. This deal is not the antidote to war. Rather, it makes increased conflict all the more likely, as a newly enriched and emboldened Iran increases its destabilizing activities throughout the region and its threatened neighbors pursue more extreme measures for self-preservation.

LESSONS LEARNED FROM NEGOTIATING WITH ROGUE REGIMES

(Violations Make a Shaky Foundation)

Nuclear diplomacy with both North Korea and Iran was precipitated by their violating previous agreements and UN resolutions hardly the basis for confidence in that they will abide by yet more



accords. Pyongyang and Teheran serially deceived, denied, and defied the international community. Yet, arms control proponents responded to growing evidence of cheating by doubting, dismissing, deflecting, denouncing, deliberating, debating, delaying, and eventually dealing.

Experts initially rejected intelligence reports of North Korea's plutonium weapons program, its uranium weapons program, complicity in a Syrian nuclear reactor, and steadily increasing nuclear and missile capabilities. Similarly, after decades of debating whether Iran even had a nuclear weapons program, experts now claim that U.S. intelligence will be able to unequivocally identify and then convince US policymakers and UN representatives to impose sufficient penalties to deter Iran from nuclear weapons, all within one year.

(Verification is Critical)

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President Ronald Reagan's dictum "Trust but Verify" was reflected in the extensively detailed verification protocols that enabled the United States to have arms control treaties with the Soviet Union. Debate currently rages over the Iran agreement's verification measures, including the ability to conduct short-notice challenge inspections on non-declared facilities as well as the "snap-back" clause if Teheran is suspected of cheating.

The Six Party Talks collapsed since North Korea balked at the proposed verification regime. Pyongyang's subsequent exposure in 2010 of its extensive uranium enrichment program would necessitate far more intrusive verification measures than those North Korea previously rejected.

Despite the Obama administration's assurances of the strength of the snap-back clause, the United Nations has shown a remarkable ability to respond lifelessly when its resolutions are blatantly violated, then only after extensive negotiations and compromise. Hampered by Chinese and Russian obstructionism, the UN Secu-

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rity Council has been limited to lowest-common denominator responses.

(Learning the Wrong Lessons)

North Korea and Iran have had a decades-long missile relationship as well as cooperation on nuclear weapons development. The two countries also likely closely followed each other's negotiations to curtail their nuclear ambitions. Unfortunately, they learned that alternating provocative behavior and a perceived willingness to negotiate enabled them to manipulate the international community into timidity about imposing penalties and acquiescence to repeated violations.

By maintaining strategic ambiguity on their nuclear programs, North Korea and Iran, like the proverbial camel's nose under the tent, are gaining international acceptance of activities that were previously declared "unacceptable." Proponents of the Iran deal dismiss criticisms that it allows Teheran nuclear capabilities precluded by successive UN resolutions. They argue that it is unreasonable to expect Iran to give up capabilities that it has devoted great resources as well as national pride to develop. If nuclear negotiations were to resume with North Korea, it is clear that Pyongyang would cite the Iran precedent and demand terms far less restrictive than current UN resolutions call for.

(With No Negotiations Likely, the United States Talks About Sanctions...And Talks)

The Six-Party Talks have not met since 2008. In February 2012, US and North Korean diplomats agreed to an interim agreement for Washington to provide nutritional assistance in return for Pyongyang's partial resumption of its previous commitments. North Korea's declared intent two weeks later to launch a long-range ballistic missile—yet another violation of UN resolutions—scuttled the accord. In response to the North Korean hacking of Sony in late 2014, the White House announced in January 2015 a new executive order expanding US authority to sanction North Korean entities. However, it only included 13 entities—3 organizations already on the sanctions list and 10 individuals not involved in cyber activities. The White House vowed the measure was "a first step…this is certainly not the end."⁴ No subsequent actions have since been announced.

Similarly, Secretary of State John Kerry declared in May 2015 there was international intent to "increase the pressure and increase the potential of either sanctions or other means"⁵ to alter Kim Jongun's behavior. The Obama administration has not yet announced any subsequent measures nor any human rights sanctions 17 months after the release of a UN Commission of Inquiry report which concluded Pyongyang had committed human rights violations so egregious as to constitute "crimes against humanity."

SANCTIONS : AN IMPORTANT AND VARIABLE COMPONENT OF FOREIGN POLICY

Sanctions (which includes targeted financial measures) are intended to deter, coerce, and compel changes in another country's policy and behavior. The debate over the utility of financial pressure in foreign policy is usually incorrectly depicted in binary fashion, such as whether the U.S. should use sanctions or engagement.

The reality, of course, is that sanctions and engagement-along

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^{4 &}quot;U.S. sanctions North Korea over Sony hacking," *Dallas Morning News*, January 2, 2015, http://www.dallasnews.com/news/local-news/20150102-u.s.-sanctions-north-koreaover-sony-hacking.ece.

⁵ Choe Sang-hun, "Kerry Calls for More Pressure on North Korea Over 'Horrendous' Acts," *The New York Times*, May 18, 2015, http://www.nytimes.com/2015/05/19/world/asia/ john-kerry-north-korea.html?_r=2.

with economic assistance, military deterrence, alliances, and public diplomacy—should never be used in isolation from each other but rather should be components of a comprehensive policy.

Critics of coercive financial pressure question its effectiveness because they have not yet forced Pyongyang to abandon its nuclear and missile programs, but neither did repeated bilateral and multilateral negotiations or unconditional engagement. Adopting such a narrow viewpoint overlooks the multifaceted utility of sanctions, which:

- Show resolve to enforce international agreements and send a strong signal to other nuclear aspirants. If laws are not enforced and defended, they cease to have value.
- 2. Impose a heavy penalty on violators to demonstrate that there are consequences for defying international agreements and transgressing the law.
- 3. Constrain North Korea's ability to acquire the components, technology, and finances to augment and expand its arsenal.
- 4. Impede North Korean nuclear, missile, and conventional arms proliferation. Targeted financial and regulatory measures increase both the risk and the operating costs of North Korea's continued violations of Security Council resolutions and international law.
- 5. In conjunction with other policy tools, seek to modify North Korean behavior.

DEBUNKING MYTHS ABOUT NORTH KOREAN SANCTIONS

Myth 1. Sanctions can't affect an isolated country like North Korea. Even the most reclusive regime, criminal organization, or terrorist group is tied to the global financial order. Dirty money



eventually flows across borders. Since the U.S. dollar serves as the global reserve currency, the vast majority of all international financial transactions are denominated in dollars. As such, virtually all international transactions must pass through a U.S. Treasury Department-controlled bank account in the United States.

For banks and businesses, there are catastrophic risks to facilitating – even unknowingly – illicit transactions. The British bank HSBC was fined \$1.9 billion for money-laundering and sanctions violations, including financial dealings with Iran. French Bank BNP Paribas was fined \$8.97 billion for processing banned transactions with Sudan, Iran, and Cuba.

Beyond having to pay fines and having assets frozen or seized, financial institutions can be denied access to the U.S. financial system – and thus shunned internationally as a pariah – if labeled as a "money laundering concern."

Myth 2. North Korea is the most heavily sanctioned country in the world. President Obama has made that mistake.⁶ It is simply not true. The U.S., EU, and UN imposed far more pervasive and compelling measures against Iran. Regardless of what one thinks of the recent nuclear agreement with Iran, the reality is that stringent international sanctions was a primary reason that Teheran returned to the negotiation table.

North Korea has withdrawn from the Non-Proliferation Treaty, developed and tested nuclear weapons, declared that its nuclear program is for military purposes, and threatened the United States and its allies with nuclear annihilation. Teheran has done none of these things. Yet the U.S., the European Union, and the United Nations imposed far less restrictive sanctions against Pyongyang than against Teheran.

^{6 &}quot;Best of Obama's Interviews with YouTube Stars," *The Wall Street Journal*, January 23, 2015, https://www.youtube.com/watch?v=wgJU7ou4zeQ.

Washington has unilaterally targeted fewer North Korean entities than those of the Balkans, Burma, Cuba, Iran, and Zimbabwe. The U.S. has targeted more than twice as many Zimbabwean entities than North Korean. Nor has Washington designated North Korea as a primary money-laundering concern as it did Iran and Burma.

While the U.S. has targeted Zimbabwe, Congo, and Burma for human rights violations, it has yet to take any action against North Korea 17 months after the UN Commission of Inquiry report documenting Pyongyang's crimes against humanity.

To date, the United States has targeted zero—yes, zero—North Korean entities for human rights violations. By contrast, the U.S. has targeted Zimbabwe, Congo, and Burma for human rights violations. Washington sanctioned by name the presidents of Zimbabwe and Belarus but has yet to name Kim Jong-un or the heads of any of the North Korean organizations listed by the U.N. Commission of Inquiry report.

Nor has Seoul passed a North Korean human rights law after ten years of debate in the National Assembly. Nor did it consider any possibility to close the Kaesong Industrial Zone even after the North Korean attacks on chenan-ham, killing 46 young South Korean naval soliders, and repeatedly artillery attack on Yeonpung-do in 2010.

Myth 3. There is nothing more the U.S. can impose on North Korea. The U.S. has pursued a policy in which it incrementally increases punishments on Pyongyang for its repeated defiance of the international community. Responding to indications of an impending fourth North Korean nuclear test, President Obama declared the U.S. would consider "further sanctions that have even more bite."

Former Assistant Secretary of State Kurt Campbell commented, "I thought North Korea was the most sanctioned country in the world, but I was (proven) wrong....Myanmar is sanctioned about 10 times



(more than) North Korea....It would be possible for us to put more financial pressure on North Korea...We can make life much more difficult through financial sanctions on North Korea."

Myth 4. Sanctions don't work against North Korea. Tougher measures were effective when applied. In 2005, the U.S. designated Macau-based Banco Delta Asia as a money laundering concern for facilitating North Korean illicit activities. North Korea was shunned by the international financial system due to the cumulative effect of the action, the clear signal that Washington would belatedly begin enforcing its laws, and a series of private meetings by U.S. officials throughout Asia which led to two dozen financial institutions throughout Asia voluntarily cutting back or terminating their business with North Korea.

A North Korean negotiator admitted to a senior White House official, "You finally found a way to hurt us." Years later, Obama Administration officials declared that the Banco Delta Asia action was "very effective" and it was "a mistake" for the Bush Administration to have rescinded it.

Myth 5. China would never go along with targeted financial measures. Unlike Iran, North Korea is small, weak, and undiversified in its economic or diplomatic contacts. It is singularly reliant on China, making Pyongyang more susceptible to sanctions if Beijing or Chinese banks comply.

China has shown itself to be part of the problem rather than part of the solution by turning a blind eye to North Korean proliferation crossing China and not fully implementing UN measures. But, the U.S. action on Banco Delta Asia compelled Chinese banks to make a choice — appear legitimate by scrutinizing North Korean illicit financial activity in their banks or risk becoming a financial rogue and losing access to the U.S. financial system.

Chinese financial entities could be persuaded to follow the U.S.

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Treasury's lead and act against their government's own stated foreign policy and political interests.

PYONGYANG CLOSES THE DOOR ON INTER-KOREAN DIALOGUE

Kim Jong-un's 2015 New Year's Day speech was interpreted by some experts as showing regime interest in resuming dialogue with South Korea and the United States. As occurs every year, the missive is scoured for signals of regime intent to reform and moderate its provocative behavior. Passages that are less vituperative than the preceding year are hailed as harbingers of peaceful engagement.

Despite inevitably rosy pundit predictions, there is less than meets the eye in the regime's annual missive. Such was the case this year, Pyongyang inevitably. A careful reading of the New Year's speech showed the conditionality of Kim's diplomatic outreach, calling for an end to the combined South Korean-U.S. military exercises. The regime added resuming the Mount Kumgang tourist venture, canceling post-Cheonansanctions, and preventing South Korean private citizens from sending anti-regime pamphlets into North Korea.

By late February, hopes of improved inter-Korean relations and a diplomatic resolution to the North Korean nuclear problem had, once again, dissolved. Kim Jong-un declared, "We are unwilling to sit down with [US] mad dogs anymore."⁷ The regime also dismissed dialogue with Seoul: "It is only too apparent that no major change or transformation could be achieved in inter-Korean relations even if we were to sit down a thousand times with such government offi-

⁷ Son Won-je, "Kim Jong-un Says North Korea Isn't About to Sit Down with 'Mad Dogs," The Hankroyeh, February 2, 2015, http://www.hani.co.kr/arti/english_edition/e_ northkorea/676421.html.



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(Only to Open It a Crack)

After Pyongyang created a crisis by planting a landmine in South Korea and exchanging artillery fire, the regime subsequently reached an agreement to defuse the rising tensions. Both Koreas can claim they achieved what they wanted. But, as with any development on the Korean Peninsula, the agreement will be a Rorschach test for interpreting, as either the beginning of a long awaited breakthrough in inter-Korean relations, or yet another temporary defusing of confrontation that won't lead to significant change.

While the risk of an immediate inadvertent military clash has receded, the underlying causes remain in place and the tense status quo remains. Kim Jong-un has shown himself to be just as resistant as his father and grandfather to implementing the political and economic reform necessary to significantly improve relations with Seoul. Indeed, he has ratcheted up political repression and directed security services to augment measures to prevent the contagion of foreign influences. Kim has also repeatedly threatened nuclear attacks against South Korea, Japan, and the United States.

In the agreement, North Korea expressed regret, rather than issuing an apology as President Park Geun-hye demanded. South Korea claimed victory in forcing North Korea to acknowledge the landmine incident, though not its responsibility, and lowering its war-time status. However, the North Korean National Defense Commission later denied accepting any responsibility for the incident and warned inter-Korean relations "would return to confrontation"

^{8 &}quot;U.S. Imperialists Will Face Final Doom: DPRK NDC," KCNA, February 4, 2015, http:// www.kcna.co.jp/item/2015/201502/news04/20150204-02ee.html; and Son Won-je, "Propaganda Balloon Launches Again Presenting Obstacle to Inter-Korean Dialogue," *The Hankyoreh*, January 9, 2015, http://www.hani.co.kr/arti/english_edition/e_ northkorea/672915.html.

if South Korea continued its "distortions."⁹

In return, Seoul vowed today that it would cease its propaganda broadcasts along the border that had infuriated the North Korean regime. South Korea had resumed the broadcasts in response to the landmine incident and vowed to expand them along the entire DMZ. Pyongyang agreed to suspend its "quasi-state of war" and allow resumption of separated family reunions and civil exchanges. Both sides pledged follow-on talks to improve bilateral relations.

Follow-on talks may provide the catalyst for long-awaited North Korean reforms and improvements in bilateral relations. But if history is any guide, the hope for the lasting effect of such talks is very slim.

Peace will continue to be maintained only through the continued presence of strong and vigilant South Korean and U.S. military forces. As George Orwell wrote, people "sleep soundly in our beds [only] because rough men stand ready in the night to visit violence on those who would do us harm." That has not changed on the Korean Peninsula.

CONCLUSION

Regrettably, the world has now become largely inured to North Korea's development of nuclear weapons, repeated violations of Security Council resolutions and international law, and belligerent threats. Evidence of North Korean nuclear and missile progress has often been dismissed until it became irrefutable.

The United Nations and the United States have both warned that North Korea's escalating nuclear and missile capabilities are

⁹ Choe Sang-hun, "North Korea Denies Apologizing for Land Mine Blasts," *The New York Times*, September 2, 2015.



a "clear threat to international peace and security." Yet, both have pursued a policy of timid incrementalism in applying targeted financial measures.

This raises the question as to why does the United States hesitate to impose the same measures on North Korea that Washington has already implemented on other countries for far less egregious violations?

The Obama Administration's policy of strategic patience is predominantly passive because it fails to impose sufficient pressure to effectively degrade North Korea's capabilities or alter its behavior. The U.S. has sufficient tools. It has just lacked the resolve to use them.

The collective international finger-wagging and promises to be tougher the next time have allowed North Korea additional years to develop and refine its nuclear weapons and the means to deliver them. The inability and unwillingness to impose more comprehensive sanctions has emboldened North Korea, Iran, and other nuclear aspirants to believe they can defy the world until they present their nuclear status as a fait accompli.



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