

North Korea and Arms Control: Past Agreements and Future Proposals

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Abstract: The United States had officially refused to enter into direct dialogue with North Korea, until recently. Dialogue had previously been conditioned on Pyongyang's commitment to complete, verified and irreversible denuclearization – the normative hazard of otherwise rewarding North Korea's nuclear ambitions had mainly driven the dismissal of un-preconditioned bilateral talks. The Trump administration's sudden high-level engagement, however, has illustrated the renunciation of long-standing normative underpinnings of U.S. Korea policy and condemnation of previous administrations' achievements. As the June 12 Singapore summit produced the promise of follow-up negotiations, re-visiting past nuclear-related negotiations with North Korea is now more crucial than ever. Lessons learnt from past diplomatic attempts at denuclearizing North Korea suggest that a process of gradual steps – falling more in the category of arms control than disarmament measures – can move Northeast Asia towards stability and peacefulness, with the complete dismantlement of Pyongyang nuclear materials and facilities being left to future administrations in Washington and Seoul.

Keywords: North Korea, nuclear weapons, diplomacy

Schlagwörter: Nordkorea, Nuklearwaffen, Diplomatie

Following a number of overtures from the then newly-elected administration in Seoul and Pyongyang's positive reply on the eve of 2018, South Korea and the Democratic People's Republic of Korea (DPRK, North Korea) have begun dialogue processes on a range of topics. Starting with ongoing sports diplomacy between the two Koreas, North Korea participated in the Winter Olympic Games in Pyeongchang, South Korea. The positive momentum of inter-Korean dialogue has continued and resulted by now in the establishment of direct, high-level communication lines as well as the restoration of military crisis communication lines. The third inter-Korean summit produced the April 27 Panmunjom declaration, outlining an ambitious time schedule for diplomacy to continue and plan for cooperation to expand. The recent inter-Korean general-level military talks and Red Cross talks on family reunions affirm the political will to implement the declaration.

Despite opposing voices from Congress and the White House's advisers and a brief cancellation, Donald Trump and Kim Jong-Un have convened their meeting in Singapore on June 12. Although the summit between a sitting U.S. president and the North Korean leader is unprecedented and marks an apparent turn in Washington's approach towards Pyongyang, the summit document merely promised new bilateral relations and a future negotiation process, saving the details for later (or never).¹

Although the current engagement period has surpassed previous engagement periods in speed, symbolism and high-levelness, the road ahead is far from clear. The following article puts the latest diplomacy into context by providing firstly a brief analysis of previous diplomatic efforts at denuclearizing the DPRK, since 1993. By comparing the process to and outcomes of past dialogues, the symbolism and substance of the latest declarations and statements becomes clear. Even though a number of unilateral steps to reduce tensions have been taken,

it is necessary to cement these actions and build on them. With lessons from history in mind, the article lastly concludes with obstacles on the path to peace.

1. Successes and Failures of Past Agreements

Past negotiations between the U.S. and North Korea cannot simply be described as failed, but as rather mixed.² Three past agreements, that will be discussed below, differ not only in content, but in the process leading up to them.

Table 1: Overview of arms control-related developments on the Korean Peninsula

	U.S.-DPRK and international developments	Inter-Korean developments
1985	DPRK accession to NPT	
1991		Simultaneous accession to UNO BASIC Agreement
1992	IAEA safeguards agreement signed	Joint Declaration of Denuclearization of the Korean Peninsula
1993	IAEA demands special inspections DPRK threat of withdrawal from NPT First nuclear crisis, first bilateral talks	
1994	Jimmy Carter in Pyongyang Death of Kim Il-Sung, succession Kim Jong-Il Agreed Framework	
1996	First missile talks in Berlin	
1998	DPRK launch of long-range missile Bilateral missile- and terrorism-related talks begin	Beginning of Sunshine Policy (under Kim Dae-Jung)

¹ It should be noted that despite the Trump administration's apparent willingness to engage North Korea, the threat of maximum pressure, such as further sanctions and belligerence, still exists; see: Colin Zwirko, Trump's "movie trailer" pitch to Kim Jong Un sees return of military threat, *NK News*, 13 June 2018.

² Due to the brevity of this article, nuclear-related U.S.-DPRK negotiations are put at the center of analysis. Yet, parallel talks on other security issues as well as inter-Korean talks – which are explicitly decoupled from nuclear issues – remain crucial elements in retrieving commitments from Pyongyang.

1999	William Perry in Pyongyang Missile moratorium until 2006	
2000	Jo Myong-Rok in Washington, Joint Statement of mutual non- hostility and on terrorism Madleine Albright in Pyongyang Election of George W. Bush	First inter-Korean summit
2002	Second nuclear crisis	
2003	DPRK withdrawal from NPT Four-party talks First round of Six Party Talks	Continuance of Sunshine Policy (under Roh Moo-Hyun)
2005	Six Party Talks Joint Statement	
2006	DPRK's first nuclear test, missile tests	
2007	Six Party Talks second agreement on actions concerning Joint Statement	Second inter-Korean summit, first inter-Korean military-to- military talks
2008	Last round of Six Party Talks	End of Sunshine Policy (under Lee Myung-Bak)
2011	Begin of missile-related talks Death of Kim Jong-Il, succession Kim Jong-Un	
2012	Leap Day Agreement	

Source: author's illustration

The Agreed Framework was agreed on October 21st, 1994. It represents the successful bilateral mediation of the first nuclear crisis that evolved mainly from the International Atomic Energy Agency's (IAEA) demand for special inspections and the DPRK's threat to withdraw from the Nuclear Non-Proliferation Treaty (NPT). The Clinton administration heavily engaged the Kim regime – after also considering targeted military strikes – in the forms of preliminary talks, Jimmy Carter's visit to Pyongyang, the suspension of joint military exercises with South Korea as well as a presidential letter of assurance on October 20th.³ The main deal inscribed in the Agreed Framework was to replace the graphite moderated reactor in Yongbyon, suitable for producing plutonium, with two proliferation-proof light water reactors. While the former was to be immediately frozen and consequently dismantled under IAEA supervision, the later reactors were to be built by an international consortium and shipments of heavy oil fuel provided to the DPRK in the interim. The Framework Agreement represents a grand bargain-deal, as it also encompassed promises of normalizing bilateral relations, the adherence to the Inter-Korean Declaration of Denuclearization and North Korea's unchanged membership to the NPT.⁴

Despite the positive momentum at the end of the 1990s – that included Bill Clinton's consideration of a summit in Pyongyang, the delay in U.S. commitments, e.g. regarding reactor construction, substantiated the unchanged, deep-seated mistrust.⁵ The change of political attitude in Washington and the second nuclear crisis then set the seal on the end of the Agreed Framework: The Bush administration confronted Pyongyang with its intelligence claims of North Korea's clandestine uranium enrichment program, without offering

a solution to include these in the Agreed Framework.⁶ As a consequence, the DPRK withdrew from the NPT and expelled all remaining IAEA inspectors in January 2003.

Chinese diplomacy engaged in order to mitigate this second nuclear crisis. The four party talks between the U.S., South Korea, North Korea and China were broadened into the Six Party Talks to include Japan and Russia within the same year of 2003. The number of parties involved, the number and nature of issues on the table – including a regional peace regime – as well as parallel U.S.-DPRK bilateral negotiations appear to have complicated the resolution of the nuclear issue. Although the Six Party Talks issued a Joint Statement in 2005 and an implementation plan in 2007, the security assurances within these agreements represent rather weak political declarations, more attributable to Chinese drafting than to the relevant parties' political will.⁷ Moreover, the issues of mistrust, verification and domestic opposition to implement commitments such as the supply of economic aid to the DPRK stagnated cooperative efforts.⁸

In contrast to the two preceding arrangements with North Korea, the Leap Day Agreement from 2012 represents a narrow deal: The DPRK committed to a moratorium of missile and nuclear tests in return for humanitarian aid from the U.S. The obvious end to this agreement came shortly after, when Pyongyang announced and conducted the launch of a satellite; its fate was already sealed, however, when Washington and Pyongyang both issued different agreement texts, illustrating the failure of consolidating the contents and interpretations of the deal.⁹

An overlooked lesson from past U.S.-DPRK interactions concerns the inherent asymmetry to grand bargain deals:¹⁰ The majority of commitments that the U.S. had agreed to in 1994 and 2005 were of political nature; the lifetime of promises to normalize relations is debatable, even shipments of aid can be reversed when political attitudes change or legislative support is lacking. The commitments agreed upon by the DPRK, on the other hand, encompassed changes in material military capabilities, that – if indeed fulfilled – are difficult and costly to reverse. These asymmetries in addition to tit-for-tat behavior have triggered negative action-reaction spirals, fostering mistrust.

2. Recent Developments Put into Context

The problem of asymmetry between political commitments on the one side and military commitments on the other, looms to impede also future negotiations. North Korea has, in fact, repeated its long-standing demand for reciprocal, phased denuclearization of the Korean peninsula, which refers to steps taken by Pyongyang as well as Washington (and Seoul) in the nuclear-related and conventional weapons realms. The Trump administration, in turn, has moved away from its maximalist

6 Uri Friedman, Bill Perry: America 'Blew the Opportunity' Stop Kim's Nukes, *The Atlantic*, 9 March 2018.

7 Hayes 2015, p. 85.

8 Leon V. Sigal, Bad History Makes for Flawed Policy, *38 North*, 27 March 2018.

9 Robert Carlin, Details, Details: History Lessons from Negotiating with North Korea, *38North*, 14 October 2016.

10 Tong Zhao, Grand Bargain Versus Incremental Approach to Disarm North Korea, Carnegie-Tsinghua Center for Global Policy, 12 February 2018.

3 Robert Collins, A Brief History of the US-ROK Combined Military Exercises, *38 North*, 26 February 2014.

4 Peter Hayes, Overcoming U.S.-DPRK Hostility: The Missing Link Between a Northeast Asian Comprehensive Security Settlement and Ending the Korean War, *North Korean Review*, 2015 11:2, p. 83.

5 Julian Borger, Two minutes to midnight: did the US miss its chance to stop North Korea's nuclear programme? *The Guardian*, 30 March 2018.

demand of immediate complete, verifiable and irreversible dismantlement of the North's nuclear weapons program towards accepting a phased approach. Statements, especially from the U.S. president himself, have exaggerated the administration's achievements, assuring Kim Jongun's personal commitment to nuclear disarmament and affirming this to be within reach. The Singapore summit document can thereby only be understood as a top-down approach to engagement, a process that began with high-level meetings showing Washington's current willingness to begin a *fundamentally different strategic relationship* with Pyongyang.¹¹

The 2018 Joint Statement falls behind all previous joint statements between the U.S. and the DPRK. Past texts had included principles of interactions, set goals for bilateral relations and diplomacy; the Singapore summit document refrains from mentioning previous achievements and Donald Trump explicitly discredited past engagement efforts.¹² The summit document lists new bilateral relations and a peace regime as aspirational goals, and re-states Pyongyang's commitment to complete denuclearization of the Korean Peninsula. It announces U.S. security guarantees to North Korea, the repatriation of Korean War remains, other confidence-building measures as well as a follow-up negotiation process. The document thereby presents the beginning of another grand bargain, without mentioning the inter-connectedness or sequencing of these points. Moreover, all of these points were on the agenda of all past engagement periods.

In contrast to the past, the current engagement period between the U.S. and the DPRK stems from South Korea's diplomatic efforts to broaden inter-Korean dialogue – in addition to Trump's unconventional style and prioritization of the North's nuclear issue.¹³ The progressive, left-leaning president in Seoul, Moon Jae-in, outlined early on his willingness for dialogue with Pyongyang under two continuous conditions: the end of North Korea's nuclear and missile tests as well as its willingness to enter dialogue with the U.S.¹⁴ At the beginning of March 2018, Seoul's special envoy delegation first travelled to Pyongyang – where it was unprecedentedly highly welcomed¹⁵ – and then to Washington, securing the first summit meeting between Moon and Kim as well as initiating preparations of the Trump-Kim summit. Since the start of 2018 until now, inter-Korean dialogue has been gradual, but ongoing, broad and substantive, whereas bilateral interactions between Pyongyang and Washington have

been more scarce, circulating around preparations of the summit and often facilitated by Seoul's National Intelligence Service.¹⁶

In contrast to past engagement periods, the current administration in Seoul focuses on cooperation in the security realm, while adhering to the existing United Nations and its own sanctions regime.¹⁷ Moreover, Moon Jae-in declared to put Seoul in the driver's seat towards peace on the Korean Peninsula, echoing general nationalist sentiments in the South, and in the North.¹⁸ Actions taken by the Moon administration show that his administration is keen to move Seoul from the sidelined position to the intermediary function, over to a moderating role: Seoul initiated dialogue with Pyongyang and narrated the regime's willingness for genuine cooperation. South Korea relayed Kim Jong-Un's summit invitation to Trump, linked Trump's personality¹⁹ with peace on the Korean Peninsula and convened a spontaneous second summit in the aftermath of the temporary cancellation of the summit.²⁰ Additionally, the Moon administration has been eager to transparently communicate ongoing diplomatic procedures to China, Japan and Russia, as well as to the United Nations and the European Union. Strikingly, the Singapore summit document refers to the inter-Korean Panmunjom Declaration with regard to North Korea's commitment to denuclearization. Inter-Korean relations have taken a strategically new form, influencing U.S.-DPRK dialogue.

The nuclear issue mainly necessitates a negotiated solution between Pyongyang and its archenemy Washington. While the question of multilateral negotiations remains,²¹ the role of China is crucial to the current processes: As a signatory to the Truce Agreement from 1953 that ended the Korean War, Beijing will need to be part of future negotiations regarding a peace treaty, replacing the armistice. The two Koreas have promised in the 2018 Panmunjom Declaration to begin three-way talks with the U.S., or four-way talks including China, to declare the end of the Korean War within this year. Moreover, Beijing has proven its long-standing "special friendship" with Pyongyang remains relevant: Before the Moon-Kim summit, before and after the Trump-Kim summit, Kim Jong-Un travelled to meet Xi Jinping, accepting three invitations by the Chinese. Until 2018, Sino-North Korean relations had been in a historic low.²²

- 11 Mike Pompeo met Kim Jongun in Pyongyang, once in April in his CIA chief capacity, later in May as Secretary of State. The regime's top aide, Kim Yongchol, visited New York at the end of May to meet with Pompeo, and later delivered a personal letter from Kim Jongun to Donald Trump. The attribution of the new bilateral relationship stems from Mike Pompeo's press conference, see: NHK News, Exclusive Interview: US Secretary of State Mike Pompeo on US-N.Korea Summit, 8 June 2018.
- 12 The White House, Press Conference by President Trump, 12 June 2018.
- 13 Leon V. Sigal, First Ignore, Then Disparage: Reporting Trump's Nuclear Diplomacy, 38 *North*, 6 June 2018.
- 14 Moon Jae-in was a strong supporter of the Sunshine Policy, the inter-Korean engagement period from 1998 to 2008 that produced the first two summit meetings in Korean history, and declared the advent of a new engagement policy towards North Korea, and overall the New Northern Policy towards China and Russia. See: Jonathan E. Hillman, South Korea's Emerging Vision, *Reconnecting Asia*, 15 December 2017.
- 15 The delegation was welcomed by Kim Jongun personally – 2017's Chinese special envoys were not honored similarly – in the Worker Party's building, in which South Korean officials had never stepped foot in before. See: Aidan Foster-Carter, A third North-South summit: what might it achieve? *NK News*, 6 March 2018.

- 16 Soyoung Kim, South Korea's spy chief plays key role in historic meeting with North, *Reuters*, 28 April 2018.
- 17 Chung-in Moon, A Miracle in a Day: The Moon-Kim Summit and Prospects for Peace in Korea, *Global Asia* Vol. 13, No. 2, June 2018.
- 18 The guiding principle of inter-Korean relations, which is found in all major inter-Korean joint texts as well as in the 2018 Panmunjom Declaration, is that the destiny of the Korean nation is to be determined on both Korea's own accord. The principles of Moon Jae-in's North Korea policy can be found in his Berlin speech: <http://www.koreaherald.com/view.php?ud=20170707000032>.
- 19 Benjamin A. Engel, South Korea's Strategy to Bring Peace to the Peninsula: Credit Trump, *The Diplomat*, 3 May 2018.
- 20 The second Moon-Kim summit has also proven that their newly established hotline functions, especially in such crisis-like situations. For a timeline of the events surrounding the cancellation, see: Scott A. Snyder, Chronology of Events Surrounding the Cancellation and Reconfirmation of the Trump-Kim Summit, *Council on Foreign Relations*, 29 May 2018.
- 21 Japan and Russia are surely interested in resuming the Six Party Talks; such multilateral talks, that put also regional economic cooperation and the overall security architecture in Northeast Asia, on the agenda will be necessary at a later time.
- 22 China does not approve of North Korea's nuclear armament; its nuclear and missile tests threaten Beijing's priority of regional stability. Besides Pyongyang's continuous suspicions towards China's strategic interests, the years 2016 and 2017 strained relations as North Korea advanced its nuclear and missile programs, and Beijing supported United Nations Security Council sanctions resolutions.

Overlaying the complex nature of the North Korean nuclear conflict, the main issue concerns the promised path between the Trump administration and the regime in Pyongyang: Since nuclear disarmament cannot happen neither technically nor politically overnight, both countries have signed off on a long and strenuous process to negotiate steps on both sides. The greatest difference to past diplomatic efforts at disarming North Korea are, however, the technological weapons advancements achieved and showcased by Pyongyang over the course of 2016 and 2017.

3. Proposals for Nuclear-Negotiations Ahead

Pyongyang believes to have successfully developed a long-range ballistic missile that can deliver a nuclear warhead to targets on the U.S. mainland. According to Kim Jong-Un, the North can therefore shift its focus on economic development and refrain from nuclear and missile tests.²³ While fitting to Pyongyang's narrative of negotiating from a position of (nuclear) strength, the stop to nuclear and missile tests fulfilled Moon's first condition for dialogue. North Korea continued to show willingness to end international condemnation, destroying its nuclear testing site in Punggyeri on May 24, 2018, in the presence of international reporters.²⁴

The DPRK had previously restrained itself from testing during talks with the U.S., such as prior to the Agreed Framework and after 1999. As significant as these unilateral steps taken by Pyongyang are, it is now crucial to bring substance to symbolic actions: The presence of international reporters does not equal the presence of technical experts. Following North Korea's interest in appearing as a responsible nuclear armed state, it would be fitting to see experts from the Comprehensive Test Ban Treaty (CTBT) Organization screen the sight. Independent of Pyongyang's signature of the CTBT, technical details and insights need to follow political declarations. The closing of any other testing facilities necessitates the presence of international technical experts, if political confidence-building measures are to have technological value. The stop of flight-testing missiles and testing nuclear explosives, however, can be observed from outside the country, not requiring on-site verification. In order to cement North Korea's unilateral actions, an actual nuclear freeze *agreement* presents the first steps towards the goal of nuclear disarmament.

A freeze agreement includes the stop of nuclear and missile testing, the stop of fissile material production as well as the end to exports of nuclear or missile technology to state or

non-state entities. These three No's have long been priorities of U.S. North Korea policy.²⁵ Here, if mistakes from the Leap Day Agreement 2012 are not to be repeated, a testing freeze needs to be explicitly defined and include satellite launches; ideally, medium- and short-ranges missiles, and submarine-launched ballistic missiles as well.²⁶ Concerning the third point, a political commitment from Pyongyang to refrain from weapons exports can base on the Joint Statement on Terrorism from 2000 or take the forms of a declaration of adherence to the International Convention for the Suppression of Acts of Nuclear Terrorism, while export control systems remain in place.²⁷

With regard to the stop of plutonium reprocessing and uranium enrichment, the verification problem arises. In order to verify that fissile material production is indeed completely stopped, Pyongyang needs to declare *all* production facilities and cooperate with the IAEA to allow on-site inspections.²⁸ Past IAEA inspections between 1992 and 2003 had focused on the plutonium reprocessing facilities at Yongbyon.²⁹ Pyongyang presumably operates more and other nuclear-related facilities, including uranium enrichment programs that remain unknown to date.³⁰ The foremost difficulty lies, here, in convincing Pyongyang to *fully* cooperate with the IAEA; the following difficulty is verification itself.³¹

Such a comprehensive agreement freezes North Korea's nuclear and missile programs at the current state, allowing first insights into its facilities and capabilities. The next step can be to put a cap on the amount of fissile material, nuclear warheads, all or certain ballistic missile types. A production limit or even deconstruction of warheads or missile (parts), however, will require further on-site inspections and credible data. The issue of a production limit is relevant since Kim Jong-Un publicly declared that missile and nuclear warheads will go into full-scale production.³²

After agreements to comprehensively freeze and limit North Korea's nuclear and missile programs would ideally come the dismantlement of nuclear warheads and facilities. Independent of whether dismantlement takes place within or outside the country, arriving to this stage is a process at least five years away.³³ Instead of insisting on (unlikely) complete dismantlement, *demilitarization* of Pyongyang's nuclear program, respecting its rights to civilian nuclear energy and peaceful space technology, appears more reasonable.³⁴ Demilitarization envisions the last

25 Robert S. Litwak, Preventing North Korea's Nuclear Breakout, The Wilson Center, 2017, p. 85.

26 Ankit Panda, What Does Trump Mean When Alluding to a North Korean 'Missile Test' Freeze? *The Diplomat*, 12 March 2018.

27 Wit 2016, p. 21

28 Explaining the technical details of declarations and different forms of inspections goes beyond this article.

29 *The Atlantic*, What's There to Talk About With North Korea? 8 March 2018.

30 Ankit Panda: Exclusive: Revealing Kangson, North Korea's First Covert Uranium Enrichment Site. *The Diplomat*, 13 July 2018.

31 Friedman 2018.

32 Leon V. Sigal, Arranged Marriage No. 3: Can Trump and Kim Work It Out Despite Past Failures? *Global Asia* Vol. 13, No. 2, June 2018.

33 Stanford University's Siegfried Hecker together with Elliot Serbin and Robert Carlin propose a technically-informed roadmap for North Korea's denuclearization, available here: https://cisac.fsi.stanford.edu/sites/default/files/hecker_carlin-serbin_denuc_rlc.pdf.

34 Siegfried Hecker, Elliot A. Serbin, Robert L. Carlin, Total Denuclearization Is an Unattainable Goal. Here's How to Reduce the North Korean Threat. *Foreign Affairs*, 25 June 2018.

23 Kim Jong-Un proclaimed the Byungjin Line of economic development and parallel nuclear weapons pursuit in 2013. In his 2018 New Year's speech he claimed the later part of the policy to be fulfilled, see: Rüdiger Frank, Kim Jong Un's 2018 New Year's Speech: Self-Confidence After a Tough Year, 38 *North*, 3 January 2018.

24 The entrances to the testing tunnel complex were destroyed by explosion, leaving a number of questions concerning safety, verification and reversibility. See: Siegfried Hecker, Why did Kim Jon Un blow up his nuclear test site? *Washington Post*, 30 May 2018; Frank V. Pabian, Joseph S. Bermudez Jr. and Jack Liu, More Potential Questions About the Punggye-ri Nuclear Test Site Destruction, 38 *North*, 8 June 2018. *Additionally*, the Trump administration is discussing adjustments of the Sohae Satellite Launching Ground in Tongchangri with its North Korean counterparts. The vertical engine test stand at Sohae has been used to test large liquid-fueled rocket engines applicable to both intercontinental ballistic missiles and large space launch vehicles.

step of warhead dismantlement similar to the Cooperative Threat Reduction Program, necessitating close technical cooperation between the U.S. and the DPRK, as well as technological support by South Korea, possibly China and Japan.³⁵ A similar, regional approach is the idea of establishing a nuclear-weapons free zone that centers on a nuclear-free Korean Peninsula, involves regional nuclear energy cooperation as well as security assurances from the NPT-nuclear weapon states China, Russia and the U.S.³⁶

The above mentioned steps by North Korea require a high level of political will as well as concessions from Washington, in consultation with Seoul. Recognition as a de facto nuclear weapons state and the end of U.S.-South Korean alliance are Pyongyang's ultimate wishes. More realistically, Washington and Seoul (plus Tokyo) can mitigate Pyongyang's threat perceptions. The DPRK's foremost goal is to end enmity with the U.S. Until bilateral relations are formally normalized, Washington can institutionalize working-level dialogue with Pyongyang, e.g. by dispatching a special envoy to reside there. On the declaratory level, Washington and Seoul can issue a declaration of the present and future absence of nuclear weapons on the Southern half of the peninsula, affirming Seoul's commitment to a denuclearized peninsula.³⁷ While the U.S. deployed tactical nuclear weapons on its ally's territory from 1957 to 1991, only the then-South Korean president declared the absence of nuclear weapons on its territory.³⁸

Security guarantees will be part of the equation, as recent statements from Pyongyang and the Singapore summit document suggest.³⁹ Past U.S. statements of non-hostility and respect of national sovereignty have, however, not gained credibility amongst talk of regime collapse and preventive strikes on North Korea. Although the effectiveness of negative security assurances is generally debatable,⁴⁰ Washington, Seoul and Tokyo can issue a joint statement of non-hostility towards Pyongyang, or a non-aggression pledge of not using certain weaponry *first*.⁴¹ Since maintaining regional stability are also in Beijing's and Moscow's interests, a regional negative security assurance is more likely to convince the DPRK of a favorable security environment.⁴²

While a peace treaty provides Pyongyang with the ultimate security guarantee, an interim peace agreement or non-

aggression pact serves as a middle step. The very first step is a declaration by all relevant parties that the Korean War has officially ended, that negotiations to replace the armistice will begin and that provisions from 1953 will be observed in the interim.⁴³ This first step was envisioned by the Inter-Korean Panmunjom Declaration to take place within this year.

Another concession are the annual joint military exercises by the U.S. and South Korea. 2018's spring military exercises were delayed and did not meet North Korea's usual criticism.⁴⁴ Additionally, the upcoming autumn drills have been indefinitely suspended. Pausing military exercises has been done by Washington previously, and is a reversible confidence-building measure. In order to reduce tensions longer-term, the scale, composition, timing and/or location of the drills can be adjusted without compromising allies' readiness and other objectives.⁴⁵ Especially, decapitation drills, that practice the elimination of the regime and command structures, or show-of-force demonstrations with strategic assets, such as nuclear-capable aircraft and submarines approaching DPRK territory or airspace, can be omitted.⁴⁶ A declaration on the defensive nature of allied exercises cements these adjustments. Another measure, but one that requires normalized relations, would be to invite DPRK personnel to observe military drills.⁴⁷

The discussion of withdrawing U.S. troops from South Korea in return for North Korea's nuclear-related progress is misplaced. While Pyongyang's hidden objective might be to blackmail Washington into withdrawing its military, North Korea has hinted at its acceptance of U.S. troop presence in the past.⁴⁸ Moreover, the existence of U.S. troops is related to the conventional threat posed by North Korea, not the nuclear threat. The partial withdrawal of U.S. troops thus becomes thinkable only in exchange for conventional arms reductions by the DPRK, ideally the removal of its long-range artillery targeted at Seoul.⁴⁹ In fact, military talks between the two Koreas have put the issue of moving Pyongyang's artillery away from the joint border area on the agenda, with an outcome pending.⁵⁰

Finally, lifting sanctions are most commonly discussed as a trade-off for North Korea's commitment to denuclearization.⁵¹ The currently broad sanctions regime targeting the DPRK punishes its human rights abuses as well as international

35 The Cooperative Threat Reduction Program basically allowed Soviet nuclear warheads to be "re-used" for nuclear energy production in the U.S.; see: <https://armscontrolcenter.org/fact-sheet-the-nunn-lugar-cooperative-threat-reduction-program/>.

36 Uri Friedman, *The Mystery at the Heart of North Korea Talks*, *The Atlantic*, 26 June 2018.

37 The U.S. did include a sentence – denying the presence of nuclear weapons in South Korea – in the Joint Statement from 2005. The DPRK has not attributed much credibility to this statement overall, however.

38 Hans M. Kristensen and Robert S. Norris, *A History of US Nuclear Weapons in South Korea*, *Global Research*, 25 December 2017.

39 Sang-Hun Choe and Mark Landler, *North Korea Is Willing to Discuss Giving Up Nuclear Weapons*, *South Says*, *New York Times*, 6 March 2018.

40 Positive security assurances are the promise of State A to come to the defense of State B; e.g. South Korea and Japan enjoy U.S. nuclear extended deterrence. Negative security assurances, on the other hand, are the promise of State A not to attack State C; these assurances between adversaries often take the form of non-aggression promises. Negative security assurances – in theory, a tool to convince proliferating states to roll-back their programs – have been controversially debated after the invasion of Libya and of Ukraine, however; see: Robert Einhorn, *Ukraine, Security Assurances, and Nonproliferation*, *The Washington Quarterly*, 2015 38:1, 47-72.

41 Michael O'Hanlon & Mike Mochizuki (2003) *Toward a grand bargain with North Korea*, *The Washington Quarterly*, 26:4, pp. 5-6.

42 Jane Perlez, *Talks With North Korea? China Gives a Thumbs-Up*, *New York Times*, 9 March 2018.

43 Wit 2016, p. 17.

44 The spring exercises were held in April 2018. In May, there was another short-term maritime exercises that met North Korean criticism; see: Scott A. Snyder, *Chronology of Events Surrounding the Cancellation and Reconfirmation of the Trump-Kim Summit*, *Council on Foreign Relations*, 29 May 2018.

45 Robert Einhorn and Michael E. O'Hanlon, *Olympic cooldown can help bring North Korea to the negotiating table*, *Brookings Institute*, 3 January 2018.

46 Leon V. Sigal, *A Strategy For Dealing With North Korea*, *Testimony before the Senate Foreign Relations Committee Subcommittee on East Asia, the Pacific and International Cybersecurity Policy*, 25 July 2017.

47 Christopher Green, *The Modest Diplomatic Promise of North Korea's Charm Offensive*, *International Crisis Group*, 11 March 2018.

48 Hayes 2015, p. 80; and: Suzanne DiMaggio and Joel Wit, *Trump Is Smart to Talk to Kim Jong Un*, *Politico*, 10 March 2018.

49 John Barry Kotch, *Kim Jong-un can't just wish away US role on the Korean peninsula*, *South China Morning Post*, 28 February 2018.

50 Hjung-Jin Kim, *North Korea to move artillery out of range of Seoul as part of peace talks*, *South Korea suggests*, *The Independent*, 25 June 2018.

51 Michael E. O'Hanlon, *North Koreans tease nuclear weapons concessions. Should Trump believe them?* *Brookings Institute*, 9 March 2018; and: Robert A. Manning and James Przystup, *What's Wrong with Both Sides of the North Korea Debate*, *The National Interest*, 9 October 2016.

law and arms control violations. While sanctions serve as a coercive and leveraging tool, (the promise of) sanctions relief is needed to retrieve a commitment from Pyongyang.⁵² The wide scope of the sanctions regime allows for a phased lifting of sanctions, depending on the nuclear-related progress made: Reversing the U.N. sanctions regime to its scope prior 2016 is a much smaller step than reversing it to pre-2006.⁵³ South Korea and the U.S. can also loosen unilaterally imposed sanctions selectively. Yet, domestic opposition – consisting of legislative and popular skepticism in Washington and Seoul – complicate sanctions relief.

4. Outlook

North Korea's nuclear disarmament and future negotiations with the U.S. are more than ambiguous. Despite the Trump administration's unconventional approach and prioritization of the North Korean issue, domestic and international expectations of "denuclearization" being a quick and deliverable task whose irreversibility can be assured are dangerous.

The regime in Pyongyang has shown consistency in its foreign policy narratives and interests. What has changed is Pyongyang's weapons advancements and its focus on Seoul to broker U.S.-DRPK dialogue. The current regional constellation – with an "unconventional" U.S. president and an ambitious, engagement-oriented administration in Seoul – allows for a new attempt at mitigating the nuclear crisis. Moon Jae-in shows eagerness to steer diplomacy and recently gained wide public support of his North Korea approach.⁵⁴ While Moon strives to obtain parliamentary support, it is crucial for the U.S. Congress to be also part of the process.⁵⁵

Awaiting details on the promised negotiation process between Pyongyang and Washington, confidence-building measures help to set the environment: The decision to continue the repatriation of remains of U.S. military servicemen died in the Korean War is positive, as was the release of U.S. detainees from North Korea. Furthermore, Pyongyang, Seoul, Washington and the United Nations Command can work together to examine the border area for war remains. The joint search and disarming of landmines in the border area is another of many more confidence-building measures. Before other regional actors join negotiations, it is crucial for international organizations – the United Nations with regard to the peace treaty process, the IAEA in nuclear-related negotiations – to support diplomacy on the Korean Peninsula.

52 Peter E. Harrell, Trump Should Do His Nuke Deal Homework, *Foreign Policy*, 29 March 2018.

53 *NK News*, Fire, fury and diplomacy: A breakthrough in Washington? Podcast, 9 March 2018.

54 In recent local elections, the governing party gained nation-wide support; see: Geoffrey Fattig, South Korean local election results: a ringing endorsement of Moonshine? *NK News*, 19 June 2018. While mid-term elections are coming up in the U.S., the next legislative elections will take place in South Korea in 2020.

55 Many delays in U.S. commitments within the Agreed Framework stemmed from domestic politics, mainly from Republican-led Congress not supporting the Clinton administration's decisions. If future deals are to be more durable, legislative support of executive's actions is crucial.



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