

# **Freeze and Advance: How North Korea Maneuvered to Get the Bomb and Prospects for Its Nuclear Future**

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## **Abstract**

U.S. administrations have opted to negotiate with North Korea in an attempt to curb its nuclear ambitions. Rather than producing their intended effect, past negotiations have inadvertently served as a vehicle for North Korea to methodically achieve its nuclear objectives. This paper presents evidence of North Korea's decades-old drive to maneuver through negotiations while also advancing its nuclear development, including its resistance to sign the IAEA safeguards agreement and its subsequent demands under the Agreed Framework which allowed Pyongyang to advance the clandestine portions of its nuclear program. The paper also explains, more specifically, how North Korea has used the negotiating process with the U.S. to achieve its objectives. Nuclear negotiations have followed a repeating cycle, with North Korea: (1) getting to the negotiating table; (2) agreeing to a freeze under a system of verification; (3) obstructing the verification process intended to monitor the freeze and then (4) blaming the U.S. for the ultimate collapse of the agreement while continuing to advance its weapons program. Finally, the paper uses the 'repeating cycle' framework above to assess events that have occurred during the Trump administration in order to predict probable future outcomes.

**Keywords:** North Korea, South Korea, United States, Armistice Agreement, Neutral Nations Supervisory Commission, Neutral Nations Inspection Teams, Park Chung Hee, Project 890, Agreed Framework, Strategic Patience, Kim Jong Un, Six Party Talks, Leap Day Agreement

## **Introduction**

North Korea's methodical drive to develop nuclear weapons began several decades ago. Once the U.S. comprehended the existence of the program in the late 1980s, it began efforts to curb Pyongyang's nuclear ambitions. Since then, U.S. presidents have dealt with the persistent challenge of getting North Korea to denuclearize. Each administration has

ultimately opted to negotiate with North Korea. Negotiations, however, have not had the intended effect. Rather, North Korea has shrewdly used the process of bargaining with the U.S. as a vehicle to advance its nuclear objectives.

U.S.-North Korean nuclear negotiations have generally followed a repeating cycle, with North Korea: (1) getting to the negotiating table with the U.S.; (2) agreeing to “freeze” some portion of its nuclear program under a framework that uses a system of verification; (3) obstructing the verification process intended to monitor the freeze and then (4) blaming the U.S. for the ultimate collapse of the agreement *while continuing to advance its weapons program*.

Pyeongyang has shown no serious inclination to denuclearize. Instead, North Korea has exhibited an intense penchant for advancing what has ultimately become a comprehensive portfolio of nuclear weapons. This paper will provide evidence that North Korea embarked long ago on a determined path to develop nuclear weapons. By examining U.S.-North Korean negotiations since the Korean War, the paper will also explain how North Korea has used the negotiating process with the U.S. to achieve its objectives. Finally, using the aforementioned ‘repeating cycle’ framework, the paper will assess events that have occurred during the Trump administration in order to predict probable future outcomes.

### **Foreshadowing Events to Come—the Armistice Agreement**

The Armistice agreement that halted the Korean War was signed on July 27, 1953, by North Korea, China and the U.S.-led United Nations Command (UNC). Negotiated over a period that spanned two years and 17 days, the agreement was intended to be a temporary measure—a “freeze”—that would soon lead to a peace treaty. To ensure stability during the Armistice until a peaceful settlement was attained, a provision under the agreement created a Neutral Nations Supervisory Commission (NNSC) composed of four senior officers from Sweden, Switzerland, Poland and Czechoslovakia for the purpose of monitoring and inspecting certain violations of the agreement in areas outside the demilitarized zone (DMZ). In accordance with this provision, no new reinforcing troops, munitions, weapons, aircraft or armored vehicles were allowed to be added to either side during the Armistice. To carry out this monitoring function for the NNSC, 20 Neutral Nations Inspection Teams (NNIT), each made up of at least four officers from the four neutral nations, reported directly to the NNSC—five teams were located at ports of entry in the South, five

teams were located at ports in the North and 10 mobile teams were located at NNSC headquarters in Panmunjom, inside the DMZ, where they would be dispatched as required to investigate suspected violations of this provision under the Armistice agreement.<sup>1</sup>

In a foreshadowing of future nuclear negotiations that would become hamstrung due to North Korea's arbitrary interpretation of agreements, and with China looking on with ambivalence, North Korea proceeded to systematically weaken the NNSC monitoring system until it collapsed in 1956. Once implementation of the Armistice began in 1953, Polish and Czech delegations of the NNSC repeatedly denied UNC requests for mobile inspections in the North, and North Korea consistently blocked NNITs at designated ports of entry from accessing records, manifests and other data necessary to conduct inspections. As North Korea continued to introduce new and advanced weapons, the imbalance between the North and South grew. Frustrated, the South Korean National Assembly passed a unanimous resolution calling for the expulsion of NNITs from the South and the disbanding of the NNSC altogether. Additionally, violent public protests against the NNSC broke out at the five Southern ports of entry. Finally, on May 31, 1956, the UNC unilaterally suspended the article in the Armistice pertaining to the NNITs. This led to the withdrawal of all NNIT personnel from both sides. A downsized version of the NNSC remained in Panmunjom, but only to review arrival and departure reports voluntarily submitted by both sides. In June 1957, when the UNC officially announced it was no longer bound by the article, North Korea vehemently blamed the U.S. for "wrecking the Armistice agreement and incapacitating the NNSC and its inspection regime."<sup>2</sup>

With no mechanism in place to monitor the introduction of new troops or weapons over and above replacement level, a military buildup ensued on both sides. While South Korea focused on increasing its troop strength, North Korea built up its air force capability. The number of South Korean troops increased from 350,000 in 1953 to 640,000 in 1955.<sup>3</sup> In the North, more than 500 jet fighters and 25 airfields were in existence by the spring of 1957.<sup>4</sup>

### **The Provenance of North Korea's Nuclear Program**

At the outset of the Cold War, competing ideas were emerging within the Washington policy establishment over how to best contain the worldwide proliferation of nuclear weapons. This debate would ultimately sprout bipolar branches of effort by the U.S. and Soviets to pursue

respective “peaceful” global atomic programs, and by contemporaneous extension, help create North Korea’s nuclear program in Yongbyon.

In the aftermath of the atomic bombs dropped on Japan, U.S. Secretary of War Henry Stimson and then Undersecretary of State Dean Acheson feared that attempts to hold on to a nuclear weapons monopoly would lead to an arms race; thus, they set into motion a bid to put nuclear weapons under the control of an international regime where nuclear information could be shared with the Soviets. On the other side of the debate sat Secretary of State James Byrnes, who preferred dealing with the Soviets from a position of power, rather than sharing information.<sup>5</sup>

After Stimson retired in 1945, and with Truman’s backing, Byrnes appointed Acheson to lead a committee to develop a “middle ground” U.S. policy around a concept to establish an “Atomic Energy Commission” at the United Nations (UN). Although the concept was vague, the Soviets expressed interest. Acheson’s five-member team of consultants, which included J. Robert Oppenheimer, released the *Report on the International Control of Atomic Energy* on March 17, 1946.<sup>6</sup> The report called for the U.S. to relinquish its nuclear bombs to a global authority that would control and monitor worldwide access to nuclear material. Upon receiving the report, Truman enlisted Wall Street financier Bernard Baruch to negotiate the plan with the Soviets. When Baruch met with his Soviet counterparts, he threw in last-minute stipulations to the plan that called for penalizing countries who violated the terms of the global “Atomic Development Authority”—and the penalties, according to Baruch’s rules, would not be subject to a UN Security Council (UNSC) veto. The Soviets balked at such a notion, and the plan ultimately fell apart.<sup>7</sup> However, the idea would carry over into the Eisenhower administration.

In 1953, U.S. President Eisenhower announced “Atoms for Peace”—an initiative to get the two nuclear powers to provide their nuclear material and know-how to an “international atomic energy agency” under the auspices of the UN with the peaceful mission of providing nuclear energy to the “power-starved areas of the world.”<sup>8</sup> Not to be outdone, the Soviets would come up with their own program geared for socialist-oriented countries. In 1956, North Korea and 10 other countries signed on to the agreement which created the Soviet Union’s Joint Institute for Nuclear Research (JINR).<sup>9</sup>

Soon after the multilateral JINR agreement was signed, North Korean technicians and scientists began traveling to the USSR for specialized training. In 1959, North Korea and the Soviet Union concluded a bilateral

agreement that called for the peaceful use of *nuclear energy* and included a provision that authorized Soviet assistance with establishing nuclear research facilities in North Korea.<sup>10</sup> In accordance with the agreement, a joint Soviet-North Korean geological survey team selected a site located 92 kilometers north of Pyongyang, near the town of Yongbyon, to build the research complex. With support from 30 Soviet specialists and the installment of a small Soviet-supplied reactor, the Yongbyon Scientific Research Center (referred to as a “furniture factory” by the North Koreans) became functional in 1965 at a startup cost of roughly \$500 million.<sup>11</sup>

### **Nuclear Weapons in the South**

In 1958—the same year Chinese troops were completely withdrawn from North Korea—the U.S. began deploying tactical nuclear warheads to South Korea. While the stockpiling of American nuclear warheads was mostly meant to deter North Korea, some of the weapons in the inventory also targeted sites in the Soviet Union and the People’s Republic of China. In 1967, the U.S. tactical nuclear stockpile in South Korea peaked to its highest level of 950 nuclear warheads.<sup>12</sup> After reaching this peak, the U.S. initiated a drawdown, which continued through the late 1960s. This, along with the eventual policies of the Nixon administration—withdrawing from Vietnam, improving relations with the Soviets and establishing relations with China—presented an unsettling series of developments for South Korea’s president Park Chung Hee. In 1970, when President Nixon announced the withdrawal of 20,000 troops from South Korea and Vice President Agnew told the South Korean leader that all U.S. troops could be withdrawn within five years, Park decided to launch his own nuclear weapons program.<sup>13</sup>

The U.S. was largely oblivious to South Korea’s nuclear program until India’s 1974 nuclear test caused the Ford administration to begin paying closer attention to President Park’s ambitions. South Korea’s nuclear program, codenamed “Project 890,” was eventually abandoned after Washington began pressuring Seoul to shut down the effort, even threatening to withdraw the U.S. security commitment to South Korea.<sup>14</sup> In April 1975, South Korea ratified the Nuclear Nonproliferation Treaty (NPT) and in turn, President Park terminated Project 890 in December 1976.<sup>15</sup> With South Korea’s nuclear program concluded, the U.S. continued to reduce its nuclear stockpile in South Korea through the 1970s and into the 1980s. By 1990, the number had declined to roughly 100 warheads.<sup>16</sup> The era of nuclear weapons was coming to an end in the

South. In the North, however, comprehensive nuclear programmatic activity was gaining considerable momentum.

### **The North's Nuclear Program is Exposed**

In 1967, the small research reactor supplied by the Soviets in 1965 began operating at the budding Yongbyon complex. Throughout the 1970s, North Korea scaled up its nuclear capability at Yongbyon, using declassified British blueprints along with a mix of indigenous resources and technologies obtained overseas. The effort culminated in a larger, 5-megawatt gas-graphite reactor capable of irradiating uranium to produce weapons-grade plutonium. By the mid-1980s, the 5-megawatt reactor had become operational and North Korea began constructing an even larger 50-megawatt reactor within the Yongbyon complex. The U.S., which had been keeping tabs on Pyongyang's nuclear progress through the use of satellite reconnaissance, appealed to Moscow to get North Korea to join the Nuclear Nonproliferation Treaty (NPT). To get North Korea to agree, the Soviets pledged to provide Pyongyang with four nuclear power plants, and in 1985, North Korea became party to the NPT.<sup>17</sup>

Although a signatory to the NPT, North Korea successfully dodged signing the *safeguards agreement*, which would have allowed the International Atomic Energy Agency (IAEA) to inspect its facilities at Yongbyon to ensure no nuclear weapons were being developed. Countries have 18 months to sign a comprehensive IAEA safeguards agreement once they accede to the NPT. In the case of North Korea, the IAEA erroneously sent Pyongyang the wrong safeguards agreement template. Eighteen months passed before the error was corrected and a new draft agreement was sent. The new 18-month clock started again, and expired, with North Korea still refusing to sign.<sup>18</sup>

By 1988, Washington had become convinced that North Korea was developing an ambitious nuclear weapons program. Years of persistent satellite surveillance had produced evidence of over 100 buildings in the Yongbyon complex, including the new, 50-megawatt reactor. The thorny issue of how to handle North Korea's nuclear advancement was passed to the George H. W. Bush administration, which, in 1989, decided to share information with the Soviets and China in an effort to pressure Pyongyang to sign the IAEA safeguards agreement and commit Pyongyang to IAEA inspections. The Bush administration also sent a team of experts to brief Tokyo and Seoul on the highly-classified developments, which, once briefed to its allies, were immediately leaked

to the South Korean press and spread through international media. News that North Korea was closing in on successfully producing a nuclear bomb drew international condemnation. North Korea responded unabashedly, denying it had a nuclear weapons program while at the same time insisting it could never agree to IAEA inspections, so long as U.S. nuclear weapons still existed in South Korea.<sup>19</sup> North Korea's nuclear program was slowly materializing as an insurance policy for the survival of the regime against a backdrop of shocking events that began to play out throughout the world in 1989.

### **Anxiety and Uncertainty: 1989 and the Collapse of Communism and Dictators**

For North Korea, 1989 offered an alarming montage of anxiety-producing, back-to-back catastrophes. Communism was collapsing around the world and the outlook for North Korea, soon to face a devastating famine, was grim. South Korea had just hosted the Summer Olympics the year before and was in the midst of opening a trade office in Moscow. The Soviet Union was pulling the last of its troops from Afghanistan and the Kremlin's influence was ending around the world. Country by country, communism crumbled; first in Poland, then Hungary and Czechoslovakia, and then East Germany. In China, pro-democracy demonstrations rocked Tiananmen Square. On multiple continents of the globe, autocrats, once powerful, were now being forced out and rounded up to face judgment. The U.S. invaded Panama and quickly captured its dictator, General Manuel Noriega, before delivering him back to the U.S. to face criminal charges. At the end of the tumultuous year, Romanian President Nicolae Ceausescu and his wife were seized by police on Christmas Day, tried and executed by a firing squad at a military base in Bucharest. As if these developments were not sufficiently shocking for the Kim regime, things would continue to get worse for North Korea.

By 1990, a year before its full and final dissolution, the Soviet Union established formal relations with South Korea; relations between Beijing and Seoul had also warmed. In 1992, soon after agreeing to exchange trade offices, China and South Korea established diplomatic relations. Of the Koreas, the South was emerging as Russia and China's new and preferred partner. Caught in the midst of this rapidly changing international order and feeling increasingly isolated, North Korea's distress was further compounded by the U.S. performance in the 1991 Gulf War. Twenty-four-hour news coverage of precision-guided munitions laying waste to Iraqi

troops, tanks and artillery pieces, along with the debut of the Patriot missile defense system highlighted the ineffectiveness of old-style Soviet military doctrine and conventional weapons in a demonstration of advanced and frightfully effective high-tech U.S. weaponry and airpower.

### **Getting to the Negotiating Table with the U.S.**

With Cold War tensions rapidly subsiding, in September 1991 President George H. W. Bush announced the worldwide elimination of U.S. ground- and sea-based tactical nuclear weapons. Not long after making this announcement, President Bush also ordered the removal of all remaining air-delivered nuclear weapons from South Korea. The complete elimination of U.S. nuclear weapons from South Korea during an otherwise historically disquieting period for Pyongyang helped to ease North Korean anxieties and paved a pathway to diplomatic engagement.<sup>20</sup> What followed was a short burst of diplomatic progress between the North and South.

In December 1991, Seoul and Pyongyang concluded two accords. The first agreement featured inter-Korean reconciliation in the form of a nonaggression pact between the two Koreas, whereby each pledged not to interfere in the other's internal affairs. The second centered on nuclear diplomacy and resulted in a North-South Denuclearization Declaration.<sup>21</sup> In the short, six-paragraph agreement, the North and South agreed not only to *not pursue* development or possession of nuclear weapons, but also to verify "denuclearization of the Korean Peninsula"—a vague phrase that would appear again in future negotiations—through mutual inspections. Reminiscent of the NNSC apparatus established under the Armistice agreement in 1953 to verify each side's compliance with not re-arming during the Armistice, the North-South denuclearization agreement established a "Joint Nuclear Control Commission" that would mutually agree on what each side could inspect and how inspection procedures would be carried out. To further incentivize North Korea's denuclearization cooperation, South Korea announced the cancelation of the annual, large-scale U.S.-South Korea military exercise set for 1992, *Team Spirit*.<sup>22</sup> Meanwhile, separate from the North-South discussions on denuclearization, a back channel had opened up between the U.S. and North Korea whereby the U.S. was offering North Korea a high-level meeting with a U.S. official if Pyongyang promised to finally sign the IAEA safeguards agreement.<sup>23</sup>



On January 21, 1992, Arnold Kanter, the Under Secretary of State for Political Affairs, met at a “first-ever” high-level meeting between a U.S. and North Korean government official. At the meeting, held at the U.S. Mission to the UN in New York, Kanter urged North Korea to open up to IAEA inspections and cease nuclear weapons development. In return, Kanter offered the North vague assurances of a “bright future” where Pyeongyang could count on greater exchanges with the U.S. and the broader international community.<sup>24</sup> On January 30, North Korea signed the “safeguards” agreement with the IAEA, clearing the way for IAEA inspections of North Korea’s nuclear facilities.<sup>25</sup> While the U.S. achieved its objective of getting North Korea to sign the safeguards agreement, North Korea achieved its objective of establishing a precedent for bilateral discussions with the U.S., which would later evolve into bilateral negotiations. Once the channel to deal directly with the U.S. was open, North Korea quickly lost interest in maintaining North-South denuclearization talks.

In May 1992, IAEA inspections of North Korea began by a team led by Swedish diplomat Hans Blix, for whom the CIA had provided advanced intelligence on the North’s nuclear facilities. Not long after inspections began, Blix’s team discovered discrepancies over North Korean claims that it had produced only “trace amounts” of plutonium for research purposes. As the increasingly suspicious IAEA team pressed for answers, North Korea resisted. To increase pressure, the U.S. and South Korea responded by announcing a resumption of *Team Spirit* for 1993, to which North Korea reacted by canceling all North-South contacts, essentially ending any possibilities for mutual North-South denuclearization inspections. As tensions mounted, Blix increased pressure on North Korea over two undeclared buildings suspected of being nuclear waste storage facilities. When North Korea refused access, Blix asked the U.S. to display satellite imagery of the two waste sites at the IAEA general board meeting held on February 22, 1993. The imagery convinced the board that North Korea was deceiving Blix’s team, and North Korea was given one month to comply with inspections or the matter would go straight to the UNSC. On March 12, 1993, just as the Clinton administration was getting under way, North Korea pushed back by announcing it intended to pull out of the NPT, blaming the restart of *Team Spirit* and “strong-arm” tactics by the IAEA. A clause in the NPT requiring a 90-day waiting period before a country’s withdrawal takes effect meant North Korea had until June 12,

1993 to become the first country to ever withdraw from the treaty.<sup>26</sup> In effect, North Korea had set a deadline.

As the NPT withdrawal deadline drew near, a North Korean diplomat activated a back channel and contacted a State Department official, asking if the U.S. would be interested in meeting. The offer was accepted, re-opening an avenue for the Clinton administration to negotiate with Pyongyang. President Clinton tapped Assistant Secretary of State for Political-Military Affairs Robert Gallucci to negotiate with North Korea. On the night before North Korea's withdrawal from the NPT was to come into effect, Gallucci and his North Korean counterpart came to an agreement that resulted in North Korea "suspending" its withdrawal from the NPT. This defused the crisis atmosphere, but did not resolve the issue over inspections—North Korea argued that its "suspended" status meant it did not have to submit to IAEA inspections while negotiations continued. After a year with no resolution, the matter was turned over to the UNSC and U.S. defense planners; by June 1994, the Pentagon was standing by for President Clinton's order to execute military plans. Jimmy Carter's last-minute visit to Pyongyang to meet with North Korea's leader, Kim Il Sung, alleviated the crisis and paved the way for Robert Gallucci to successfully negotiate the "Agreed Framework."<sup>27</sup>

### **The "Agreed Framework"**

The Agreed Framework was fully negotiated and signed on October 21, 1994, in Geneva. The agreement stipulated North Korea's commitment to rejoin the NPT and "freeze" nuclear-program activities at its *existing plutonium production facilities* and allow the IAEA to monitor the freeze of those facilities. In return, the U.S. agreed to provide North Korea with 500,000 tons of heavy fuel oil on an annual basis and lead an international consortium that would build light-water reactors for North Korea by 2003. North Korea also agreed to allow full inspections of all of its other nuclear facilities—those not subject to the plutonium production facility freeze in the agreement—*after* substantial completion of the light-water reactor project, and to ultimately dismantle its existing plutonium production reactors *once the light-water reactors were completed*.<sup>28</sup>

The Agreed Framework limped along for the remainder of the 1990s but ultimately unraveled due to numerous setbacks. The Clinton administration had trouble keeping the oil shipments and plans for the light water reactors on track. Congressional skepticism of the Framework created funding challenges which interfered with consistent and timely

fuel oil shipments. The light-water reactor project also suffered delays due to haggling among the members of the Korean Peninsula Energy Development Organization—the international consortium made up of the U.S., South Korea, Japan and the European Union responsible for financing and delivering the light water reactors—over cost, procedures for procurement and project financing. The scale and complexity of the multibillion-dollar project in a country lacking access and infrastructure, such as North Korea's, made matters worse.<sup>29</sup> For its part, North Korea did much to contribute to the unraveling.

North Korean provocations during the period seemed to validate the skeptics in Washington and Seoul. In September 1996, a North Korean submarine on a reconnaissance mission ran aground off the east coast of South Korea. Commandos aboard the vessel attempted to escape back to North Korea, prompting a seven-week manhunt during which 16 South Koreans were killed.<sup>30</sup> Following this, economic fallout in 1997 from the East Asian Financial Crisis disrupted Japan and South Korea's plans to finance the light-water reactors. Finally, in August 1998, North Korea test-launched a ballistic missile over Japan, creating a crisis for the international community over North Korea's nuclear program and prompting South Korea to withhold funds for the reactors.<sup>31</sup>

### **From Nuclear Bud to Nuclear Bloom**

By the late 1990s, North Korea was suspected of working on uranium enrichment separate from its plutonium-related activities at Yongbyon. Intelligence suggested that North Korea had been supplying missiles to Pakistan in exchange for uranium enrichment technology.<sup>32</sup> Having already branded North Korea as part of the "Axis of Evil" in his 2002 State of the Union address, President George W. Bush dispatched Assistant Secretary of State for East Asian and Pacific Affairs James A. Kelly to Pyongyang in October of that year to confront North Korea over the suspected uranium enrichment program. Faced with evidence, North Korea responded defiantly that it had a sovereign right to pursue nuclear weapons. This admission prompted the Bush administration to cut off previously agreed-to oil shipments. North Korea responded by withdrawing from the NPT, restarting the Yongbyon reactor and expelling IAEA inspectors.<sup>33</sup>

With the Agreed Framework effectively nullified, U.S. attention had shifted toward focusing mostly on plans to invade Iraq, ostensibly to uncover weapons of mass destruction. On January 10, 2003, North Korea

announced its official withdrawal from the NPT. Shortly after the U.S. invasion of Iraq in March 2003, North Korean leader Kim Jong Il disappeared for 49 days. Upon his reappearance, North Korea announced that it had nuclear weapons and was instituting a policy of nuclear deterrence.<sup>34</sup>

Perhaps flummoxed by North Korea's defiance and earnest in its search for a solution, the Bush administration turned to diplomacy. In August 2003, the multilateral "Six-Party Talks" began, which included China, Russia, South Korea and Japan. After two years, in September 2005, the six parties released a joint statement signaling an impending agreement that approximated the wording of the previously negotiated Agreed Framework. But momentum towards finalizing the agreement was disrupted when the Treasury Department took independent action against a Macau bank suspected of North Korean money laundering, freezing \$25 million in North Korean cash. When North Korea's demands to unfreeze the \$25 million went unheeded, North Korea proceeded full bore with its nuclear program.<sup>35</sup>

After an eight-year hiatus, North Korea launched seven ballistic missiles on July 4, 2006, and in October, conducted its first nuclear test. This prompted UNSC sanctions and the establishment of the UNSC Resolution 1718 Sanctions Committee, created to oversee measures related to North Korea's illicit programs. Looking for a last-ditch diplomatic win, the Bush administration attempted to entice Pyongyang back to the negotiating table by unfreezing the \$25 million and removing North Korea from the State Department's state sponsors of terrorism list. This worked to get North Korea back to the Six Party Talks, but ultimately, Pyongyang refused to agree to a system of verification of its nuclear program, and the clock on the Bush administration ran out without an agreement.<sup>36</sup>

### **Strategic Patience**

As the Obama administration got under way, an attempt was made to continue where the Six-Party Talks left off. Former Ambassador to South Korea and experienced diplomat Stephen Bosworth was tapped to pursue talks, but before any traction could be made, North Korea launched a ballistic missile in April 2009, prompting condemnation by the UNSC. North Korea responded to the UN's censure by leaving the Six-Party Talks and conducting its second nuclear test in May, triggering another UNSC resolution under the 1718 sanctions regime. With the Six Party Talks

discontinued and North Korea consistently violating UNSC resolutions, the Obama administration adopted a policy of “strategic patience” beginning in 2010, meaning it would cease active pursuit of diplomacy and leave it up to Pyongyang to make a move to get back to the negotiating table. Perhaps feeling ignored and seeking attention, in 2010 North Korea sank a South Korean naval vessel, killing 46 sailors, and shelled Yeonpyeong Island, killing two ROK Marines and two South Korean civilians. That year, North Korea also revealed it had completed construction of a uranium-enrichment facility.<sup>37</sup>

Confronted with a North Korean nuclear problem that was getting increasingly out of hand, the Obama administration initiated secret talks with North Korea throughout 2011. With newly installed leader Kim Jong Un in power, a deal was momentarily reached on February 29, 2012—leap day. In the “Leap Day” agreement, the U.S. pledged to provide North Korea with “240,000 metric tons of nutritional assistance” and in return, North Korea agreed to freeze its “long-range missile launches, nuclear tests and nuclear activities at Yongbyon, including uranium enrichment activities.” North Korea also agreed to allow IAEA verification of its freeze on uranium enrichment.<sup>38</sup> Within three weeks of the “Leap Day” agreement, North Korea lost interest in diplomacy and launched a “satellite.” This prompted immediate condemnation by the UNSC, and the “Leap Day” deal fizzled out before it could materialize. “Strategic patience” resumed and in 2012 North Korea declared it was officially a “nuclear-weapons state.”<sup>39</sup>

### **Fire and Fury**

In 2016, North Korea launched 24 ballistic missiles and conducted two more nuclear tests, credibly demonstrating converging nuclear- and ballistic-missile capabilities. In November, the outgoing Obama administration warned the incoming Trump team that North Korea was a “grave, near-term threat to America” and should be treated as the “top national security priority.”<sup>40</sup> Once in office, President Trump’s National Security Council (NSC) team developed the “Maximum Pressure and Engagement” policy; throughout 2017, members of the NSC were instrumental in ramping up diplomatic, military and financial pressure on Pyongyang while President Trump traded threats and insults directly with Kim Jong Un via Twitter. Despite the increasing pressure, North Korea ramped up missile launches and nuclear testing. In September 2017, North Korea successfully tested a hydrogen bomb and then in November,

successfully tested an ICBM capable of targeting the U.S. mainland. In response to North Korea's growing threat that year, the UN unanimously passed three of the harshest Security Council resolutions to date, targeting strategic North Korean imports and exports, including coal, iron and oil.

### **Tensions Ease, but for How Long?**

After a tumultuous 2017, tensions eased. South Korean President Moon Jae-in used the 2018 Winter Olympics being held in Pyeongchang, South Korea, as a vehicle to restart inter-Korean dialogue and deescalate tensions between Washington and Pyongyang. Moon's efforts at middleman resulted in an inter-Korea summit held on April 27, 2018, in Panmunjom, and a summit between President Trump and Kim Jong Un on June 12, 2018, in Singapore—the first-ever meeting between a sitting U.S. president and North Korean head of state. What was unclear at this point was whether Trump's "maximum pressure" campaign had combined with the face-saving cover of the Winter Olympics to force Kim to consider denuclearizing, or whether Kim's nuclear program testing was sufficiently complete, allowing the North Korean leader to head to the negotiating table and begin bargaining from a position of strength. A brief examination of Kim's statements in early 2018 suggests that the North Korean leader wanted to project his belief in the latter.

On April 21, 2018, less than a week before Kim Jong Un and South Korean president Moon Jae-in were set to meet at their first inter-Korean summit on the South Korean side of the Joint Security Area in Panmunjom, Kim Jong Un declared at a plenary meeting of the North Korean Workers' Party that his state nuclear forces were "complete." Kim explained to his central committee that the technical issues of miniaturizing warheads, mounting warheads to missiles and delivering missiles to targets had all been realized, and thus, *further nuclear and long range ballistic missile tests were not needed*. According to Kim, North Korea had finally acquired "a powerful treasured sword for defending peace."<sup>41</sup> Less than two months later, Kim met President Trump in Singapore, where the two leaders signed a re-hashed, vague agreement to work towards "denuclearization of the Korean Peninsula." In return, the U.S. offered North Korea security guarantees.<sup>42</sup> Immediately following the summit, President Trump announced the cancelation of "provocative" U.S.-South Korean combined exercises.

Eight months later, at the second Trump-Kim summit held in Hanoi from February 27-28, 2019, talks ended without an agreement. At the

Hanoi meeting, Kim offered to dismantle the Yongbyon nuclear complex, which today represents just a portion of North Korea's nuclear program. In return for this repackaged offer from the 1990s, Kim wanted a lifting of the past five UNSC sanctions. The Trump team declined. Following this, on April 12, in a speech in front of the First Session of the 14<sup>th</sup> Supreme People's Assembly, Kim Jong Un warned that the U.S. needed a "new way of calculation" and gave President Trump "till the end of this year to see whether the United States makes a courageous decision or not."<sup>43</sup>

Perhaps as a way to prove Kim's veracity and remind President Trump that Pyongyang meant business, North Korea conducted two separate short range missile tests in May 2019. Despite both tests being violations of UNSC resolutions, the Trump administration downplayed them as being non-threatening. The following month, at the conclusion of the G20 summit in Osaka, Japan, President Trump and South Korean President Moon Jae-in made an impromptu visit to Panmunjom and met Kim Jong Un on the North-South border of the DMZ. At the 30 June meeting at the border, Kim invited President Trump to step into North Korea, making Trump the first U.S. president to ever enter North Korea. Following the historic DMZ meeting, working-level meetings between the two sides were expected to begin, but none immediately materialized. From July through September, North Korea continued conducting short-range missile tests without fulmination from Washington.

When the first formal working-level meeting between the sides was held in Stockholm on October 5, talks broke down after only eight hours of discussion. North Korea's nuclear envoy attributed the breakdown to the U.S. position, stating, "the US would not give up their old viewpoint and attitude." Two days before the Stockholm meeting, perhaps to underscore the seriousness of its position, the North test-launched a medium-range, submarine-launched ballistic missile (SLBM).<sup>44</sup> On October 27, North Korea announced, this time through its state news agency, that hostilities with Washington might resume if Washington ignored the Kim Jong-Un-mandated, end-of-year deadline imposed on the Trump administration to come up with a better denuclearization deal for North Korea.<sup>45</sup>

## **Conclusion**

The evidence presented in this paper suggests that North Korea embarked long ago on a determined path to develop nuclear weapons. Pyongyang had been tinkering with its plutonium project for 30 years before the U.S. became certain in the late 1980s that North Korea was

developing an ambitious nuclear weapons program. Recognizing the emerging proliferation threat, the U.S. began earnest efforts to curb Pyongyang's nuclear ambitions. As Washington continued to pin its hopes on diplomacy, clues that revealed North Korea's determined focus to develop nuclear weapons mounted.

The first alarm should have sounded when North Korea resisted signing the IAEA safeguards agreement in the late 1980s and early 1990s. If the true aim of its program had been nuclear power, signing the safeguards agreement would have made North Korea eligible for technical training and funding by the IAEA to help develop a peaceful nuclear energy program. By refusing to sign the agreement for as long as it did, North Korea gave the international community good reason to suspect the true nature of its nuclear program. Second, North Korea's demand under the 1994 Agreed Framework to wait until after completion of the light-water reactors, expected to occur by 2003, to dismantle its existing plutonium production reactors and make its nuclear facilities subject to IAEA inspections should have been a clear clue as to the program's true intent. This stipulation gave North Korea nine years after signing the agreement to safely advance the clandestine portions of its nuclear program. By the time North Korea withdrew from the NPT in 2003, its nuclear program was firmly established. The paper will next address the puzzle of how North Korea shrewdly used the negotiating process with the U.S. to ultimately achieve its objectives.

By analyzing U.S.-North Korean negotiations since the Korean War, a framework emerges that informs U.S.-North Korean nuclear negotiations that have followed a repeating cycle, with North Korea: (1) getting to the negotiating table; (2) agreeing to a freeze under a framework using a system of verification; (3) obstructing the verification process intended to monitor the freeze and (4) blaming the U.S. for the ultimate collapse of the agreement while continuing to advance its weapons program.

As the Korean War wound down, the U.S. and North Korea agreed to establishing the NNSC as a system of verification to ensure that no introduction of reinforcing troops or weapons would occur on either side during the Armistice. However, North Korea systematically weakened the NNSC, built up its air forces and then blamed the UNC for the ultimate demise of the NNSC framework. This pattern played out again during South-North denuclearization discussions after President George H. W. Bush's announced withdrawal of nuclear weapons from South Korea. The



North-South Denuclearization Declaration resulted in establishing a “Joint Nuclear Control Commission” that would mutually agree on inspection procedures to be carried out on each side of the DMZ. But when the IAEA pushed to resolve inspection discrepancies over North Korea’s plutonium production, North Korea resisted, causing a resumption of the *Team Spirit* exercise and North Korea’s decision to end all contacts with the South in 1992. By this time, North Korea had already opened up a channel of dialogue with the U.S. and had no interest in maintaining talks with South Korea.

The ‘repeating cycle’ was evident again in the lead-up to, and aftermath of, the Agreed Framework. Pyongyang got to the negotiating table by creating a crisis when it threatened to withdraw from the NPT in March 1993. This led to Washington’s willingness to negotiate in order to get North Korea back to IAEA inspections. North Korea’s continued obstruction of IAEA inspections caused an additional crisis, which, once defused by the Carter visit to Pyongyang, led to negotiations that resulted in the Agreed Framework. Under the Framework, Pyongyang agreed to freezing nuclear-program activities at its *existing plutonium* production facilities at Yongbyon and allow IAEA to monitor the freeze of those facilities. Later, when the Bush administration confronted Pyongyang over its suspected uranium enrichment program, which had continued in facilities not covered by the Framework, the North blamed the aggressive policies of the U.S., asserted its sovereign right to develop nuclear weapons, withdrew from the NPT, and restarted the Yongbyon reactor. The Six-Party Talks that followed never yielded a workable agreement; North Korea continued to advance its nuclear program while never agreeing to a system of verification.

The ‘repeating cycle’ negotiating framework was only partially activated during the Obama administration. This was due in part to the policy of “strategic patience,” which largely ignored North Korea’s advancing nuclear program, until North Korea’s violent attacks on South Korea caught Washington’s attention in 2010. Washington’s attempts to engage North Korea resulted in the “Leap Day” deal, but that quickly fizzled, perhaps because North Korea was too busy advancing its program to feel compelled or interested in negotiating with the U.S., even if concessions were involved. North Korea’s focused nuclear determination accelerated throughout the first year of the Trump administration. In the remaining paragraphs, the paper will use the ‘repeating cycle’ framework

to assess events that have occurred during the Trump administration in order to predict probable future outcomes.

The Trump administration has disrupted the conventional course of U.S.-North Korean negotiations through the use of “top-down” versus “bottom-up” engagement. The approach has resulted in a few “first-ever” occurrences between heads of state, a tacit commitment so far by North Korea to avoid nuclear tests and long range missile launches, along with a vague agreement to “denuclearize the Korean Peninsula” signed in June 2018. However, the mechanics of negotiating implementation of the agreement have yet to materialize and a mutually agreed upon definition of “denuclearizing the Peninsula” does not yet exist. The advanced state of North Korea’s nuclear program helps explain why this is so.

The mature state of Kim Jong Un’s nuclear weapons creates negotiating complications. In prior negotiations, when the nuclear program was in a more developmental state, there were more aspects of the program that could be frozen in return for a concession. Now that the program is “complete,” according to Kim, there is not much left to freeze except excess production of operational warheads and perhaps some redundant nuclear tests and more long range missile launches. Thus, North Korea has much more to lose now through negotiations than at previous points in the program’s development. Considering the 60-plus years of material investment built into North Korea’s nuclear program and the deterrence value that it now holds for ensuring survival of the regime, it is difficult, if not impossible, to imagine Kim Jong Un seriously contemplating relinquishing it. Moving forward, the negotiating burden falls on the creativity and generosity of the Trump administration.

Should the Trump administration fail to come up with a “new way of calculation” to appease Kim Jong Un and continue to ignore the North Korean leader’s deadlines, Pyeongyang could conduct a provocation that rises to the level of crisis—long-range missile launches, nuclear tests or a conventional military attack targeting South Korea—in an attempt to force the reactivation of the repeating negotiating cycle with Washington. Alternatively, Kim could try and wait out the Trump administration to see what the November 2020 elections may portend for the future of U.S.-North Korean negotiations. Not knowing how the elections will turn out creates time management risks for Kim Jong Un; Kim does not know how much longer he has to use his existing capacity to get Washington back to the negotiating table.

Should Pyongyang opt to use crisis-provoking tactics to get the Trump administration back to the negotiating table, one of two scenarios would unfold. The familiar cycle could resume with the U.S. seeking to ease tensions and score a “win for diplomacy” by offering concessions up front, i.e., sanctions relief, in return for vague and unverifiable North Korean commitments that fall well short of full denuclearization. Alternatively, the Trump administration could opt to respond to a provocation by maintaining or increasing pressure, keeping intact its position favoring complete and verifiable denuclearization before sanctions relief. A zero-sum stalemate, with the U.S. side demanding verifiable denuclearization before sanctions relief and North Korea demanding sanctions relief before committing to denuclearization would produce tensions with attending risks that could rise to extreme levels. Thus, the Kim regime must decide whether it has the time and capacity to be willing to raise the stakes to attempt reactivating the repeating cycle of bargaining with the U.S., or if it must bide its time, indefinitely.

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