Negotiating North Korea’s Nukes

BACKGROUNDER - latest update: 20 June 2019

Summary

• Nearly three decades of stop-start negotiations have failed to achieve North Korea’s denuclearization or the signing of a peace treaty to formally end the Korean War.

• The UN Security Council has adopted nine major resolutions imposing sanctions on North Korea for its nuclear and missile programs.

• North Korea accelerated its nuclear development under Kim Jong Un. The last nuclear test took place in September 2017, leading to a peaking of tensions and prompting fears of military conflict.

• Parties have since returned to the negotiation table, amidst a flurry of unprecedented bilateral summit diplomacy, committing to complete denuclearization and the building of a peace regime on the Korean Peninsula.

• However, exacerbated by a lack of trust, progress has been slow, with the United States and North Korea demanding more than the other is willing to give.

A Brief History

North Korea first established, with Soviet support, a nuclear research center in 1962, and had managed to produce a small amount of plutonium by 1975. Despite Kim Il Sung’s appeals to the Soviet Union and China for assistance in developing nuclear weapons, both countries refused. In 1985, North Korea joined the nuclear Nonproliferation Treaty (NPT), pledging not to develop nuclear weapons and allowing inspections of its nuclear facilities.¹

In spite of this, U.S. spy satellites in the late 1980s picked up images of activity at a nuclear reactor in Yongbyon, a town 60 miles north of Pyongyang, raising suspicions that North Korea was pursuing a covert nuclear weapons program. Suspicions were heightened when North Korea missed deadlines for international inspections and threatened to withdraw from the NPT in February 1990.²

The end of the Cold War saw the U.S. remove tactical nuclear weapons from South Korea and an agreement on denuclearization between the two Koreas in early 1992. However, failing to satisfy inspectors from the International Atomic Energy Association (IAEA) on verification of its denuclearization, North Korea announced its
The North-South Joint Declaration

Signed between North and South Korea on February 19, 1992, the North-South Joint Declaration specified that both parties would “not test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons.” A South-North Joint Nuclear Control Commission was established to this end. A key provision was a freezing of North Korea’s nuclear programs in return for cancellation of Team Spirit military exercises between the U.S. and DPRK.

intention to withdraw from the NPT in March 1993. The IAEA subsequently referred North Korea to the UN Security Council the following month, prompting the first nuclear crisis. Seeking a resolution to this crisis, the Agreed Framework was signed between the Clinton administration and North Korea in October 1994. While the success of the agreement is disputed, it largely served to freeze North Korea’s stockpile of plutonium for the next eight years. Negotiations ultimately broke down after the incoming Bush administration conducted a policy review that concluded North Korea was developing a uranium enrichment program for nuclear weapons. In April 2002, President Bush declared that North Korea was not complying with the Agreed Framework. This came after his State of Union address in January in which, along with Iran and Iraq, North Korea was branded as being part of an “axis of evil.”

North Korea expelled IAEA inspectors from the country at the end of 2002, and, in January 2003, announced its withdrawal from the NPT. This prompted what is termed the second nuclear crisis. North Korea went on to conduct its first nuclear test in October 2006. The UN Security Council subsequently passed what would be the first of nine significant sanctions resolutions against North Korea’s nuclear and missile programs to date.

Despite periods of crisis and stalemate, negotiations with North Korea were resumed. Chaired by China between 2003 and 2009, the Six-Party Talks were the most sustained multilateral effort towards a comprehensive settlement of the nuclear issue and addressing North Korea’s security concerns.

The Agreed Framework

Signed on October 21, 1994, the Agreed Framework between the U.S. and DPRK concluded month-long talks in Geneva. It stipulated the DRPK’s freezing of its nuclear reactors and related facilities, under IAEA monitoring, in return for the provision of light-weight reactor (LWR) power plants, as well as 500,000 tons of heavy fuel oil annually to offset the shortfall of energy. The LWR was stipulated to be completed by 2003 by which point the DPRK was to fully dismantle its graphite-moderated reactors. Other elements of the framework covered steps towards normalizing U.S.-DPRK political and economic relations, the U.S. providing formal assurances that it would not threaten or use nuclear weapons against the DPRK while the latter would take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula. The final dimension covered the DPRK’s abidance by the NPT and compliance to the safeguards agreement with the IAEA.

Reaffirming the principles in the Agreed Framework, the 2000 DPRK-U.S. Joint Communique stated: “the U.S. and the D.P.R.K. strongly affirmed its importance to achieving peace and security on a nuclear weapons free Korean Peninsula.” The DPRK agreed it would not launch long-range missiles of any kind while both sides agreed to respect each other’s sovereignty and non-interference.
North Korea Missile Launches

This data accounts for full flight tests only. It does not include partial tests of missile subsystems such as static engine firings or cold-launch ejection tests, tests of air defence systems, or short-range rockets and artillery firings.

Data taken from the CSIS Missile Defense Project - September 20, 2017
The September 19, 2005 Joint Statement

The September 19, 2005 Joint Statement was signed upon the fourth round of Six-Party Talks. All sides reaffirmed the goal of the de-nuclearization of the Korean Peninsula. This involved the DPRK “abandoning all nuclear weapons and existing nuclear programs” other than for peaceful purposes. The U.S. in turn affirmed it had no nuclear weapons on the Peninsula and had no intention to attack or invade the DPRK. All parties also stated willingness to provide energy assistance to the DPRK. Five working groups were also established to deal separately with different issues, including denuclearization of the Korean Peninsula, normalization of U.S.-DPRK relations, normalization of Japan-DPRK relations, economy and energy cooperation, and a peace and security mechanism for Northeast Asia.

Subsequent rounds of talks detailed actions regarding the implementation of the Joint Statement. These resulted in the February 13, 2007 agreement with a 7-point action plan, as well as the October 3, 2007 Joint Statement which further reaffirmed commitment to the Joint Statement and the February 13 agreement. Accordingly, the DPRK agreed to complete disablement of its Yongbyon reactor and associated facilities by December 31, 2007, as well as give a “complete and correct” account of its nuclear programs by the same date. Energy aid and steps towards the normalization of relations were again pledged by the other parties.

with the Bush administration taking steps to alleviate sanctions and removing North Korea from the State Sponsors of Terrorism list, negotiations broke down due to discrepancies over verification procedures, with North Korea ceasing cooperation with the IAEA in April 2009 and conducting its second nuclear test the following month.

Succeeding his father after his death in 2011, North Korea sped up its nuclear and missile programs under Kim Jong Un. Despite a short-lived agreement known as the “Leap Day deal” with the U.S. in February 2012, in May of the same year North Korea revised its constitution, crediting former leader Kim Jong Il with having developed the country into a “nuclear state and an unchallengeable military power.” In February 2013 it conducted its third nuclear test and, on March 31, 2013, it was announced at a session of the Party Central Committee that the country pursued a “Byungjin line” of simultaneously pursuing economic and nuclear development.

In 2016, North Korea conducted two more nuclear tests. It also significantly accelerated the frequency of its missile tests, from 2 in 2012, to 24 and 20 in 2016 and 2017, respectively.

With the failure of the 2012 deal, the Obama administration pursued a policy known as “strategic patience,” which essentially waited for North Korea to change while maintaining diplomatic and economic pressure.

Figure 2: North Korean Unha-3 rocket at launch pad
The Leap Day Deal

Known as the Leap Day deal, the February 29, 2012 Agreement was a result of high-level bilateral talks between the United States and DPRK. However, unlike the other agreements, there was no published mutually agreed-on document. The key element of the agreement was that the U.S. would provide 240,000 tons of nutritional assistance in return for the DPRK suspending nuclear and long-range missile activities.

Following the DPRK’s announcement that it would launch a satellite in April, the U.S. suspended food aid plans on March 28, arguing that the launch using ballistic missile technology was in breach of the agreement. Though the DPRK’s launch in April failed, another launch in December succeeded.

No high-level talks between the U.S. and North Korea would take place for the next five years. Relations between South Korea and North Korea also deteriorated as the conservative administrations of Lee Myung-bak and Park Geun-hye insisted on North Korea’s denuclearization as a precondition for engagement.

With the incoming Trump administration, 2017 was a dramatic year on the Korean Peninsula which prompted the third nuclear crisis and saw tensions escalate to their highest levels in decades. In August, the U.S. and South Korea staged large-scale joint military exercises. This was followed by North Korea’s sixth and most powerful nuclear test to date on September 3 of what it claimed to be a hydrogen bomb. While a proponent of engagement with North Korea, newly elected President Moon Jae-in of South Korea stated that dialogue was “impossible” under the current situation.

Adopted on September 11, 2017, the UNSC passed resolution 2375 condemning North Korea’s nuclear test and imposing the toughest sanctions yet, including capping oil exports to North Korea, issuing no new work permits for North Korean workers abroad, and banning its textile and seafood exports, among other measures. North Korea criticized the UNSC resolutions as “illegal” and “unjust,” with foreign minister Ri Yong Ho justifying North Korea’s withdrawal from the NPT on the grounds of the United States’ “hostile policy” towards it.

On September 19, President Trump in his speech to the UN General Assembly threatened to “totally destroy North Korea” if forced to do so. At a joint summit with Japan on November 6, Trump declared the era of “strategic patience” to be over and that it was time to apply “maximum pressure” on North Korea. Capping an eventful year, North Korea conducted an ICBM test of its Hwasong-15 missile on November 28, which it claimed could deliver a nuclear warhead to the mainland United States.

Tensions dramatically receded in 2018, however, leading to a flurry of bilateral summit diplomacy and new declarations pledging complete denuclearization of the Korean Peninsula and a new future for U.S.-North Korea and inter-Korean relations. It remains to be seen if this is genuinely a new era or not. Looking back over nearly three decades, there have been patterns of conflict escalation followed by de-escalation and resumption of negotiations. But while these have served to slow or delay North Korea’s nuclear development, they have not entirely stopped or reversed it.
Timeline of Events

- **1962** - North Korea establishes its first nuclear research center, with Soviet support
- **1985** – North Korea joins the NPT
- **1993** – North Korea announces its intention to withdraw from the NPT and the IAEA refers North Korea to the UNSC
- **1994** - the Agreed Framework is signed by the Clinton administration and North Korea
- **2002** - President Bush declares that North Korea is not complying with the Agreed Framework and brands the country as part of the "Axis of Evil"
- **2003** - North Korea announces its withdrawal from the NPT
- **2003** - The Six Party Talks begin constituting the most sustained multilateral effort to resolve the nuclear crisis
- **2006** - North Korea conducts its first nuclear test
- **2009** - the Six Party Talks break down due to discrepancies over verification procedures and North Korea conducts its second nuclear test shortly after
- **2011** - Kim Jong Un succeeds his father as the leader of North Korea
- **2012** - "The Leap Day deal" is signed – a short-lived agreement between the U.S. and North Korea
- **2013** - Following the failure of the Leap Day deal, the Obama administration pursues a policy of "strategic patience". North Korea launches its third nuclear test and announces the "Byungjin" line of simultaneously pursuing economic and nuclear development
- **2016** - North Korea completes two nuclear tests, in January and September respectively
- **2017** - the Trump administration enters the White House and tensions escalate to their highest levels in decades as North Korea conducts its sixth and most powerful nuclear test to date. Trump states that the era of "strategic patience" is over
- **2018** - tensions recede and Trump and Kim Jong Un meet in Singapore, which leads to declarations pledging complete denuclearization of the Korean Peninsula and a new future for U.S.-North Korea relations.
Why Did Previous Agreements Fail?

The reasons for the past failure of agreements is subject to dispute between the parties as well as differing opinions by experts. A North Korean view is that while “the Clinton Administration agreed to choose peaceful co-existence with the DPRK ... announcing the October 2000 Joint Communique,” the Bush administration’s designation of North Korea as part of the “axis of evil” and its listing as a target for a pre-emptive nuclear strike “forced the DPRK to develop nuclear weapons.” It is further charged that no serious talks were convened on a key provision of the September 19, 2005 Joint Statement, namely establishing a peace mechanism on the Korean Peninsula that would assuage North Korea’s security concerns. The U.S. is thus blamed for failing to conclude a peace treaty to replace the 1953 Armistice Agreement while consistently maintaining a “hostile policy,” including conducting annual joint U.S.-ROK military exercises. The fates of the regimes in Libya, Afghanistan, and Iraq have often been invoked by North Korean officials to justify its quest for nuclear weapons. Others contend that North Korea has acted in bad faith during negotiations and likely never intended to completely denuclearize, instead buying time to continue its nuclear program.
while extracting concessions. Cheong Seong Whun, formerly president of the Korea Institute for National Unification, attributes the failure of previous deals and policies to North Korea’s “chronic habit of noncompliance.” Former U.S. Assistant Secretary of State Susan Thornton on September 28, 2017, also cited the “DPRK’s track record of violating the spirit and the letter of negotiated agreements and commitments.”

Some analysts point the blame at both Pyongyang and Washington for failing to abide by commitments. In regard to the Agreed Framework and September 19 Joint Statement in particular, U.S. Korea scholar Leon Sigal writes: “Washington did little to implement its commitment to improve relations and Pyongyang reneged on denuclearization.” Among other factors, others have pointed to the lack of a detailed comprehensive peace and denuclearization roadmap and mutually agreed definitions of specified commitments. Changing governments in both the U.S. and South Korea have also contributed to policy discontinuity and revoking agreements made by previous administrations. Regardless of the specific reasons, the past history of failure to implement agreements – and the consequent lack of trust, especially between the U.S. and North Korea – looms large on the current negotiation process.

Back to the Negotiation Table

A new diplomatic rapprochement was initiated in early 2018 amidst the backdrop of the Pyeongchang Winter Olympics held in South Korea to which North Korea sent high-level delegations. While the Trump administration credited its policy of “maximum pressure” of sanctions as well as political and military leverage for forcing North Korea to return to the negotiation table, others point to the role of South Korean President Moon in seeking to improve inter-Korean relations and his efforts at mediation between Washington and Pyongyang. Another perspective is that North Korea’s declared completion of its nuclear program at the end of 2017, and willingness to improve relations, marked a juncture for it to return to negotiations in a stronger position as a nuclear power.

The two Korean leaders held an unprecedented three summits in 2018 in which many different areas of inter-Korean relations and cooperation were discussed. The first summit on April 27 led to the Panmunjom Declaration in which both sides confirmed the “common goal of realizing, through complete denuclearization, a nuclear-free Korean peninsula.”

This was followed on June 12 by a summit between Trump and Kim Jong Un – the first between serving leaders – in Singapore, at which they signed a four-point joint statement. Both sides pledged to establish new U.S.-DPRK relations, build a peace regime on the Korean Peninsula, and to recover remains of U.S soldiers from the Korean War. The third point committed North Korea to “work toward complete denuclearization of the Korean Peninsula.” While hailed as a historic and symbolic meeting, the document was largely a vague vision statement with details on its implementation left to subsequent working-level negotiations.

Nonetheless, North Korea has suspended nuclear and long-range missile tests and in May an-
Defining Denuclearization

While the U.S. has traditionally advocated the more robust definition Complete, Verifiable, Irreversible Denuclearization (CVID) that entails North Korea's thorough nuclear dismantlement, it has since favored the term Final, Fully Verified Denuclearization (FFVD). While some have speculated that this change constitutes a watering down of U.S. demands, it is unclear whether there is any difference between the two terms. In a speech on January 31, 2019, U.S. nuclear envoy Stephen Biegun clarified that FFVD "means the elimination of all weapons of mass destruction, their means of delivery, and the means to produce them." He admitted, however, that his relationship with Kim remains "very good" and has not ruled out a third summit. In his speech at the 14th Supreme Assembly in April, State Pompeo stated that, "We didn't get to something that ultimately made sense for the United States of America. We asked him [Kim] to do more [than the Yongbyon facility]. He was unprepared to do that." North Korea, in turn, blamed the U.S. for making unilateral demands. In early May, it conducted two short-range missile tests which some interpreted as signaling its displeasure at the failure of the summit as well as reacting to the staging of U.S.-ROK military exercises and a test of the U.S. THAAD anti-missile system.

Despite the uncertain stalemate, both sides seem to be calibrating their actions to prevent a more serious escalation of tensions. Trump has expressed that his relationship with Kim remains “very good” and has not ruled out a third summit.

For North Korea, denuclearization of the Korean Peninsula also likely includes dismantling the U.S. provision of extended deterrence (the so-called “nuclear umbrella”) to South Korea. Furthermore, a question mark is whether consensus can be found on the mandate and composition of any inspection regime to verify North Korea’s denuclearization. In short, the devil remains in the detail.
Kim Jong Un stated that he would consider attending a third summit if the U.S. came with the “right attitude.” However, analysts are also concerned about a shrinking window of opportunity to do a deal as both Trump and Moon approach the end of their terms and Kim has given a deadline to the end of the year. A notable feature of negotiations since 2018 has been a preference for bilateral summit-driven diplomacy at the level of leaders.

Yet much speculation and debate surrounds the sincerity of North Korea’s commitment to denuclearization (and from North Korea’s perspective the U.S. commitment to normalize relations). Seen as partially contradicting President Trump’s assertion that “tremendous progress” has been made and that “there was a decent chance of denuclearization,” a recent U.S. intelligence assessment stated that North Korea was unlikely to completely give up its nuclear stockpile as it sees it as key to its survival. Others have argued that it will be a long-term process and that North Korea would consider doing so only if its demands are met.

**Positions of Parties**

In his 2019 New Year Address, Kim Jong Un clarified that “we would neither make and test nuclear weapons any longer nor use and proliferate them.” Arguing that North Korea has already taken practical measures for denuclearization, he argued that it was incumbent on the U.S. to respond to these prior efforts with “corresponding practical actions.”

Accordingly, North Korea is pursuing a phased action-for-action approach in which it trades elements of its nuclear and missile programs in return for concessions from the U.S. Its core demands include the lifting of sanctions, the establishment of a peace mechanism to replace the Armistice Agreement, as well as the complete suspension of U.S.-ROK military exercises and introduction of strategic assets. Notably, North Korea sees the United States as its main interlocutor on the nuclear issue.

The basic position of the U.S. is that the onus is on North Korea to comply with UNSC resolutions and abandon its nuclear and ballistic missile program, including its chemical and biological weapons. In the lead up to the second Hanoi summit the U.S. position had appeared to slightly soften, with nuclear envoy Stephen Biegun arguing it was not the case that the U.S. “would not do anything” until North Korea “did everything.” However, in the aftermath of the summit, Biegun stated at the 2019 Carnegie International Nuclear Policy Conference in March that the U.S. was “not doing denuclearization incrementally.” Instead, the U.S. seems to have reverted to a “big deal” strategy pursued in the past that conditions the lifting of sanctions, normalization of diplomatic relations, and security assurances on North Korea’s actionable commitment to larger denuclearization steps. However, mixed messaging and a lack of coordination have also been a feature of U.S. policy under the Trump administration.

The South Korean government states its policy on the Korean Peninsula to be the “resolution of the North Korean nuclear issue and establishment of permanent peace” along with sustainable inter-Korean relations and realizing a new economic community. Seoul advocates a step-by-step approach that involves North Korea moving from first freezing its nuclear weapons program to dismantlement in exchange for a peace regime. It acknowledges complete denuclearization to be an end goal for negotiations and not a precondition.

While officially in favor of upholding sanctions as a pressure tool, Seoul would appear to advocate an easing of sanctions to facilitate inter-Korean economic cooperation and to incentivize Pyongyang to undertake denuclearization measures. This has created tensions with the U.S. and led to the establishment of a joint working group to try and better coordinate policy approaches.

China officially supports the denuclearization of the Korean Peninsula and is opposed to North Korea’s nuclear and missile programs. It proposes a “dual track approach” which refers to a par-
Technicalities of Denuclearization

The complete denuclearization of North Korea would require addressing its entire nuclear complex, including nuclear arsenal, scientific personnel, reactors and facilities, missile testing sites, and delivery systems. This would in turn require a complete and correct list of its nuclear and missile facilities and an intrusive and stringent verification process, something which North Korea has strongly resisted in the past.

Prominent nuclear scientist Siegfried Hecker has advocated a longer-term roadmap process of up to ten years that moves from freezing, disabling to dismantlement and North Korea’s return to international treaties, namely the NPT. Other experts such as Robert Kelley have argued for a quicker process to first “remove the teeth of the tiger” that would involve extracting fissile material from the weapons and disassembling them. While a technical process, the path to denuclearization will be determined by political considerations.

While North Korea’s largest trading partner, China, has also criticized assumptions that it bears primary responsibility for pressuring Pyongyang to give up nuclear weapons. It instead sees North Korea and the United States as the key parties to resolve the denuclearization issue. Underscoring Beijing’s role and improvement in China-DPRK relations is that President Xi Jinping has met Kim Jong Un on five occasions, including conducting a state visit to Pyongyang in June 2019 (the first by a Chinese president since 2005). In September 2018, China together with Russia asserted that the UNSC should reward North Korea for the “positive developments” and ease sanctions.

Russia condemned North Korea’s nuclear test on September 2 as disregarding UNSC resolutions and undermining peace and stability on the Korean Peninsula. While President Putin signed a decree to enact sanctions on October 16, he had previously stated that sanctions were “useless” and that diplomacy was the only option. Moscow has adopted a similar stance to Beijing and has been critical of U.S. attempts to tighten sanctions.

On April 25, 2019, Kim Jong Un traveled to Vladivostok to attend a single-day summit with Putin. The two leaders discussed future economic cooperation between North Korea and Russia as well as the ongoing Korean Peninsula peace process. Additionally, President Putin pledged Russian support for U.S.-DPRK dialogue in hopes of “breaking the current deadlock,” and stressed the need to provide North Korea with security guarantees moving forward.

Japan has largely not featured in negotiations so far. While Prime Minister Abe Shinzo has expressed a willingness to hold an unconditional summit with Kim Jong Un, his overtures have seemingly so far been rebuffed by North Korea. In addition to North Korea’s nuclear program, Japan is also concerned about North Korea’s short- and medium-range missiles and the unresolved abduction issue, referring to Japanese citizens abducted by North Korea in the 1970s and 80s.

While the European Union is not a major actor, it pursues a policy of critical engagement defined as “combin[ing] pressure with sanctions and other measures while keeping communication, and dialogue channels open.” It defines a key goal of its policy as being reducing tensions on the Korean Peninsula by ensuring that North Korea irreversibly relinquishes its nuclear, missile and WMD programs. Concerned with upholding the NPT regime, the EU is largely opposed to lifting sanctions until North Korea denuclearizes. Sweden in particular has played an important role in facilitating dialogue. In January 2019, it hosted trilateral talks between high-level representatives from North Korea, South Korea, and the U.S.
Endnotes


2 Ibid.


4 “IAEA and DPRK: Chronology of Key Events,” IAEA, https://www.iaea.org/newscenter/focus/dprk/chronology-of-key-events


9 See UN 1718 Sanctions Committee: https://www.un.org/securitycouncil/sanctions/1718


12 “US Secretary of State Christopher Hill Visit to North Korea, Press Briefing”, Acronyn Institute, December 5, 2007, http://www.acronym.org.uk/old/archive/docs/0712/doc06.htm


17 “North Korean Nuclear Negotiations Timeline”, Council on Foreign Relations, September 2018


25 “North Korea Timeline”, CFR


39 Shannon Kile and Hans Kristensen, “Trends in World Nuclear
