



# How to Prepare for the Resumption of US-North Korea Nuclear Negotiations

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## I. Introduction

This paper reviews the issues that are expected to emerge when the Biden administration prepares for or engages in nuclear negotiations with North Korea and suggests possible ways to address them. As a matter of fact, North Korean nuclear issue was not included in the priorities list of the new Biden administration which will focus its immediate attention on urgent domestic issues, such as public health and the economic and political crisis. Moreover, the North Korean nuclear issue is likely to be pushed down in the list of diplomatic tasks including restoring the US global leadership, rebuilding alliances, US-China competition, controlling infectious diseases, climate change, nuclear disarmament and non-proliferation.

Nevertheless, North Korea has a history of nuclear and/or missile provocations coinciding with the inauguration of new US administration, thus deterring provocations is an urgent task. Moreover, one cannot ignore North Korea's already formidable nuclear and missile capabilities and extraordinary nuclear and missile development programs that North Korea unveiled at the 8th Congress of the Workers' Party (WPK) in January 2021. North Korea's upgraded nuclear and missile capabilities are direct threats not only to South Korea and Japan, both US allies, but also to the US military forces stationed in the Asia-Pacific region and US mainland. Against this backdrop, this report will analyze the prospects for the US and North Korea's policies towards each other, and examine various issues that will emerge when Biden's administration prepares for nuclear negotiations with North Korea.

## II. A New Environment for North Korea Policy

### A. North Korea's Time-limited "Strategic Patience" Policy toward the US

Many North Korean experts expect that North Korea will conduct nuclear and missile tests again to provoke the new US administration under President Biden. Indeed, the possibility is there. First, because North Korea has habitually resorted to a "brinkmanship diplomatic tactic" to draw the attention of new US administrations and press them to come to the

negotiating table. Second, North Korea has military scientific and technological needs to conduct additional nuclear and missile tests. North Korea has suspended nuclear tests and test firing of medium and long-range missiles since 2018. During this time, it has since developed various strategic and tactical nuclear warheads, ICBMs, SLBMs, and short-range missiles which have not been tested yet. Third, North Korea fired various short-range missiles and super-large multiple rocket launchers dozens of times since the US-North Korea talks broke down in 2019 and is likely to conduct such tests again. Such acts were in violation of the UN Security Council resolutions prohibiting “any launches using ballistic missile technology” by North Korea, but President Trump opposed their referral to the Security Council at the time. North Korea may want to see if the Biden administration will do the same. Fourth, as North Korea recently announced at the 8th Workers’ Party Congress, there is a possibility that it will conduct full-scale nuclear and missile tests to “consolidate the status of a nuclear-weapon state” and “enhance preemptive and retaliatory nuclear strike capabilities.” Fifth, if the Covid-19 pandemic and economic situation worsen and escalate into a serious systemic crisis, North Korea could possibly resume nuclear tests and missile launches in order to protect its regime by increasing military tensions.

However, it is my view that North Korea will refrain from serious provocations for the time being and pursue a policy of “strategic patience,” waiting and watching what the US does. The reasons are as follows. First, North Korea conducted numerous nuclear and missile tests in 2017, and displayed a wide range of new strategic weapons at the party's commemorating event in 2020, thereby fully demonstrating its nuclear retaliatory deterrence capabilities to the US and South Korea. Second, Chairman Kim Jong-un will probably refrain from outward provocations in order to focus inward on the COVID-19 crisis and economic development for a while. This is because he does not want additional pressure from sanctions when the country already faces multiple crises in economic, food, and health areas. Third, there is the Chinese factor. China will probably oppose North Korean provocations, as it needs to manage US-China relations and prevent the US from deploying more strategic weapons in South Korea. Since North Korea needs China's economic and political support to survive, it will respect China's position on this matter. Fourth, North Korea will avoid “hard provocations,” such as nuclear tests and/or missile launches, which will invoke harsh responses from both the US and China. It will, rather, opt for a less provocative and indirect “soft provocations” for the time being. These “soft provocations” include the declaration of the “Byungjin Policy” (parallel development of the economy and nuclear armament) at the 8th Workers’ Party Congress, declaring the status of a nuclear-weapon state, and announcing plans to develop more destructive strategic weapons. Finally, the goal of North Korea's often provocative “brinkmanship diplomacy” is to bring the US to the bargaining table and force concessions. However, an actual US-North Korea dialogue is unrealistic in the midst of the COVID-19 pandemic. Therefore, if North Korea wants to bring the US to the bargaining table and extract concessions, it will have to wait at least until after the first half of 2021 is over. Therefore, even if North Korea has plans for nuclear or missile provocations, it will wait for an opportune timing in order to maximize the impact.

## B. Biden Administration's "Strategic Engagement" with North Korea

The Moon Jae-in government's North Korea policy is well known for the pursuit of peace settlement on the Korean peninsula. During the annual Foreign Affairs and Security Planning Meeting in January, the Moon Jae-in government stated its goal of achieving "tangible outcome of the peace process on the Korean peninsula." The Moon government also reaffirmed its commitment to actively pursue three policy tasks, including preventing North Korea from engaging in nuclear or missile provocations, strengthening ROK-US cooperation, and holding talks with the US at an early date. After a telephone conversation (February 4, 2021) with President Biden, President Moon announced that both sides confirmed their positions on establishing a common North Korean strategy through close consultations to advance the peace process on the Korean Peninsula, and to resume North-South as well as US-DPRK talks that were suspended after the so-called "No-Deal" Hanoi summit.

But will the Biden administration respond positively to the Korean government's demands and actively pursue dialogue with North Korea? Some experts expect the Biden administration to return to the "strategic patience" policy of the Obama administration. However, for the following reasons, I believe the Biden administration will pursue a policy of "strategic engagement" with North Korea.

First, the US can no longer overlook the North Korean nuclear issue, because North Korea substantially enhanced its nuclear capability in 2017 and now poses direct military threats to US mainland and US military forces in the Asia-Pacific region. Second, North Korea's augmented nuclear capabilities and its claimed status as a nuclear-weapon state have greatly undermined the NPT system that the Biden administration promised to strengthen. Third, the "strategic patience" of the past was not a willing initiative taken by President Obama, but rather the outcome of accepting Lee Myung-bak and Park Geun-hye governments' sanctions-centered North Korea policy. President Obama, in fact, sought to normalize relations with long-standing antagonistic countries such as Iran, Cuba, North Korea, and Myanmar. And with the exception of North Korea, he was successful. At that time, North Korea also was undergoing a regime and system crisis due to Kim Jong-il's stroke and had stopped all external interaction in order to focus on managing the domestic situation. Fourth, the Democratic Party's administration has a long history of engagement policy with North Korea. During the Clinton administration the first-ever US-DPRK nuclear negotiations were launched in June 1993, the Agreed Framework was concluded in Geneva in 1994, Vice Marshall Jo Myong Rok was invited to the White House where the US-DPRK Joint Communiqué was adopted in 2000. As such, the Biden administration is expected to pursue a policy of "strategic engagement" in place of "strategic patience."

The immediate tasks facing Biden's diplomatic team include preventing North Korea from conducting potential nuclear or missile tests, preventing the buildup of North Korean nuclear and missile capabilities, putting the denuclearization process back in motion, and reconfirming North Korea's commitment to denuclearization. The Biden administration is expected to address these issues by coordinating policies with South Korea, Japan, and China at a nearly date and then resuming nuclear negotiations with North Korea sooner than later.

### III. Issues to Anticipate when the Biden Administration Prepares for Negotiations

#### A. How to Deal with the Aftermath of the Hanoi “No-Deal” Summit

In order not to repeat the “No-Deal” Hanoi Summit, it is necessary to first address the issues that caused the No-Deal outcome in the first place. If the next nuclear negotiation is to succeed, the US and North Korea both need to adopt a new calculation formula for denuclearization and invest sufficient time in working-level negotiations. Then what are the potential issues of future US-DPRK nuclear negotiations, when resumed, and how should they be addressed?

First, at the Hanoi summit, the US demanded three things from North Korea: to take initial steps for denuclearization (“Yongbyon Plus Alpha”), to define the denuclearization of North Korea (the end state), and to present a denuclearization roadmap. I believe these were legitimate demands. However, the US also needs to do some homework to do if it wants North Korea to accept these three demands. The US also needs to provide to North Korea: a first-step package of ‘corresponding measures,’ the end state of corresponding measures, and a roadmap of corresponding measures.

If the US clearly presents incentives and visions that are compelling enough, North Korea will not easily walk away from the negotiating table. Simultaneously, in order to keep North Korea at the negotiating table, the US also needs to make clear the consequences that North Korea will face when it refuses to cooperate. Initially, the roadmaps exchanged between the US and North Korea do not need to be specific and perfect. Such a roadmap is actually impossible given the profound distrust between the two countries. A “conceptual roadmap” that lays out the goals and a few key middle-stage milestones should suffice.

Second, the most noteworthy outcome of the next nuclear negotiations will be North Korea's “initial steps for denuclearization.” This means that the “initial steps for denuclearization” will be a key agenda and issue in future working-level negotiations. The starting point for negotiations will be somewhere in the middle between “abandonment of Yongbyon nuclear facilities” proposed by North Korea at Hanoi and “abandonment of Yongbyon Plus other nuclear facilities” as proposed by the US. Actually, it is also imaginable that North Korea withdraws its earlier proposal for “abandonment of the Yongbyon nuclear facility” and offers instead lesser measures. This possibility should not be ruled out and requires attention.

I believe the key objective of the next North Korean nuclear negotiations should be “a freeze of fissile material production.” In addition, it would be desirable to include the following: ending nuclear weapons production; disabling and dismantling some ICBMs - the main concerns of the US - for demonstrative purposes; and disabling mobile launchers for mid-to-long range missiles.

Third, there is the verification issue. Which verification method should we apply to North Korea? When we mention verification on North Korean nuclear facilities, we tend to think of IAEA's safeguards inspections on Non-Proliferation Treaty (NPT) member states. Although IAEA's comprehensive and intrusive inspections would be ideal, we have to recall that North Korea has consistently rejected them, and the international community has not found a way to enforce it.

Thus, in view of North Korea's strong aversion to nuclear verification and the deep-seated distrust against the US, a reasonable approach would be to incrementally level up the verification measures in step with the progress in denuclearization and US-DPRK relations. In the initial phase of denuclearization, it is realistic to apply indirect, less-intrusive verification methods such as observation, sealing, blocking, remote surveillance, etc. The various verification methods used for nuclear disarmament between the US and Soviet Union, where there was also a high level of distrust, should serve as a reference. When North Korea joins the NPT at some point in the future, a full-scope safeguards inspections can take place.

Fourth, another difficult issue is compensation for North Korea's denuclearization. At the Hanoi summit, North Korea made a strong demand to lift the UNSC resolution provisions which sanctioned the civil economic sector in exchange for partial denuclearization measures. It was rejected by the US. The US's position was that North Korea's demand for sanctions relief was unreasonable, and that sanctions should remain in place until complete denuclearization, with a view that economic sanctions were the most effective leverage against North Korea. When North Korea's demand for lifting sanctions was rejected, its foreign minister Ri Yong-ho held an emergency midnight press conference and asserted that North Korea will no longer bother to ask the US for sanctions relief, but instead make demands for security assurance as a corresponding measure.

In my view, however, compensating North Korean with an appropriate level of security assurance and sanctions relief is necessary. This is because, first, the specific North Korea's demands for security assurance were: normalization of relations with the US; withdrawal of US forces from Korea and suspension of all US-ROK combined military exercises; and a halt to the increases in South Korea's military preparedness. Under current circumstances, however, such demands are unacceptable to both South Korea and the US. Second, North Korea will probably continue to demand sanctions relief and economic cooperation, because Kim Jong-un is focused on economic development, and because it already has a certain degree of security guarantee thanks to its nuclear weapons and the security assurance from China. Third, although North Korea asks for the US security assurance, it actually tends to disbelieve any US commitment of security assurance. In the end, a combination of security assurance and economic support has to be provided in return for the denuclearization. In particular, considering that North Korea eagerly demands to "normalize relations" with the US, I suggest that the US take an "initial diplomatic normalization step" in return for North Korea's "freeze on nuclear activities."

## B. Should Biden Succeed Trump's North Korea Policy?

Even if the US decides to resume nuclear negotiations with North Korea after reviewing its North Korea policy, it is uncertain whether North Korea will respond. After the failed Hanoi summit, North Korea has consistently refused to talk with South Korea and the US. This means that North Korea will probably reject proposals from the Biden administration for resumption of talks. If the US wants to re-engage with North Korea, there are a few measures it has to take before hand to create an atmosphere for dialogue. This does not refer to immediate sanctions relief or improved US-North Korea relations. Such measures will be decided at future US-North Korea negotiations. Instead, to prevent North Korea's provocation that the Biden administration had faced, and resume denuclearization talks, I suggest that the new administration succeed parts of Trump's North Korea policy as follows.

First, the Biden administration declares that it will succeed the 2018 Singapore Joint Statement. The Singapore Joint Statement, Trump's major diplomatic achievement, is not without problems. In particular, in the preamble of the Joint Statement, there is a phrase that reads "convinced that the establishment of new US-DPRK relations will contribute to the peace and prosperity of the Korean Peninsula and of the world, and recognizing that mutual confidence building can promote the denuclearization of the Korean Peninsula." Here, normalization of US-DPRK relations and establishment of mutual trust were put before denuclearization, which reflected the usual arguments of North Korea. Some critics of the Joint Statement also argue that it provided North Korea the basis for demanding that the US "first abandon its antagonistic policies" prior to North Korea's denuclearization. However, the Joint Statement is positive in that it contains three North Korea policy objectives of both South Korea and the US governments: (Article 1) establishment of new US-DPRK relations, (Article 2) establishment of a peace regime on the Korean Peninsula, and (Article 3) complete denuclearization of the Korean Peninsula.

Second, there has to be a reaffirmation of the "4-No" in US's North Korea policy, as proclaimed by Secretary of State Rex Tillerson and Defense Secretary James Mattis in a joint article published in the Wall Street Journal in August 2017. The "4-No" principle includes no regime change, no system collapse, no accelerated reunification, and no US military advancement into North Korea. These principles are in line with the declarative policy that the US government had maintained toward North Korea. Moreover, since the 4-No principle is a response to North Korea's demand for the "abandonment of the hostile US policies against North Korea," the Biden administration also needs to succeed and reaffirm it. In addition, this principle is similar to the "3-No" policy which President Moon Jae-in stated in his August 15th address in 2017: no pursuit for the North's collapse, no pursuit of unification by absorption, and no pursuit of artificial unification.

Third, the communication channel between the leaders of the US and North Korea should remain open. There is no need to hold a summit meeting right away. However, considering North Korea's one-man rule system or looking at the case of the Iranian nuclear agreement, communication between the leaders is essential for the progress of nuclear negotiations and agreements. Even in the case of the Iran Nuclear Agreement (JCPOA), President Obama broke the longstanding taboo and initiated communications with Iran's

leader, which greatly contributed to the mutually beneficial resolution of the nuclear negotiations.

Among the above measures, the succession of the "Singapore Joint Statement" is of particular importance for the following reason.

First, the Singapore Joint Statement is an outcome of the summit, signed in person by Chairman Kim Jong-un. Thus, if the Biden administration succeeds it, North Korea will probably support the Statement as well. If the US confirms that it will succeed the Joint Statement, it will be a gesture of good faith to Kim Jong-un and will contribute to creating a conducive atmosphere for working-level negotiations.

Second, the three goals agreed in this joint statement - complete denuclearization of the Korean Peninsula, new US-North Korea relations, and establishment of a peace regime on the Korean Peninsula - are the policy goals of both Korean and US governments. The US and North Korea need to reaffirm these goals.

Third, the Biden administration is gravely concerned over North Korea attempting to provoke the US with nuclear tests and missile launches, increasing and upgrading its stockpile of hydrogen bombs and mid- to long-range missiles as declared at the 8th Workers' Party Congress, or reneging on its commitment to denuclearize completely. If the US and North Korea jointly reaffirm the "Singapore Joint Statement," such concerns can be allayed all at once.

Fourth, if the US discards this Joint Statement, it will not be easy to reach an agreement at this level with North Korea in the future. In view of North Korea's strong commitment to nuclear armament and self-rehabilitation as demonstrated during the 8th Workers' Party Congress, it will not only refuse to sit at the table across the US, but become even more uncooperative when it comes to agreements at the summit-level.

Finally, succession of the Singapore Joint Statement is even more necessary if the Biden administration wants to follow the model of the Iranian nuclear deal and seek an "interim agreement" that starts with an initial freeze of North Korea's nuclear activities. Considering the nature of the North Korean regime, it is hard to imagine that North Korean diplomats would sit across the US, as if nothing had happened, when the US has discarded a statement that was signed in person by their leader.

### **C. How to Apply the Iran Nuclear Agreement (JCPOA) Model on North Korea?**

Most of the senior diplomats of the Biden administration had been directly involved in the Iran nuclear negotiations. They view the Iran Nuclear Agreement as a significant accomplishment and have maintained that the Iranian model could also be applied to North Korea. Secretary of State Anthony Blinken published two columns in the New York Times during the 2018 North Korea-US summit in Singapore (May 2, 2018, "To Win a Nobel, Trump Should Look to the Iran Deal"; June 1, 2018, "The Best Model for a Nuclear Deal with North Korea? Iran"). In these articles, he advised President Trump to

apply the Iranian nuclear deal model to North Korea if he wanted to win the Nobel Peace Prize.

Of the negotiation modalities of JCPOA, Blinken recommended the “interim agreement” which will first require North Korea to freeze its nuclear activities - and then take the time to negotiate a comprehensive and final nuclear agreement for a complete denuclearization and peace treaty. This “phased agreement, phased implementation” model is different from the “package deal, package implementation” model of the Libyan nuclear agreement which was supported by National Security Advisor John Bolton. It is also somewhat different from the “package agreement, phased implementation” pursued by Special Representative for North Korea Stephen Biegun. There is a possibility that North Korea will also show interests in an interim agreement and the two-step denuclearization process of the Iran nuclear agreement.

However, the circumstances of North Korea and Iran are too different to apply the Iran nuclear agreement model in its entirety. First of all, it is known that “sanctions and pressure” were particularly effective in the Iranian model. The Iranian political and economic environment were such that applying pressure through sanctions had a great impact, but this is not necessarily the case for North Korea.

For instance, before the Iranian nuclear agreement, the hardline, anti-American Mahmoud Ahmadinejad (2005-2013) ended his term as president and the moderate, reformist Hassan Rouhani replaced him. Second, Iran is vulnerable to sanctions due to its open, export-oriented economy and the existence of a middle class. Third, in the case of Iran, three European countries, UK, France, and Germany, had built trust as negotiating partners with earnest negotiations with Iran. Fourth, President Obama broke the norm and initiated communication with the Iranian president and political leaders. At the time, Republicans and traditional diplomatic experts harshly criticized President Obama's communication as “un-American” and yielding to the rogue state. Fifth, Iran had a less strong motive for nuclear armament compared to North Korea, for, unlike North Korea, Iran was facing neither existential security threats nor regime crisis.

Considering these differences in political, diplomatic and economic circumstances between North Korea and Iran, Biden's diplomatic team should not have overly high expectations when and if it applies the Iranian nuclear model on North Korea. In particular, the US's negotiating team for the Iran nuclear accord once claimed that their major achievement was securing Iran's nuclear transparency through comprehensive nuclear declaration and verifications. But North Korea is very unlikely to comply with these demands. First of all, unlike Iran, North Korea is not a member of the NPT. One must also take into account that North Korea, due to its closed economy and one-man ruling regime, tends to consider nuclear verification as a violation of its sovereignty. In fact, all major nuclear agreements with North Korea in the past (1991 Joint Declaration of Denuclearization on the Korean Peninsula, 1994 Geneva Agreed Framework, 2005 Joint Statement of the Six-Party Talks, etc.) collapsed since the North refused nuclear verification.

If the phased approach of the Iran nuclear agreement is to serve as reference, a two-step approach could be effective. First, the US will conclude an “Interim Agreement” with North

Korea. The Agreement would consist of a freeze on all nuclear activities and shutting down nuclear facilities, a freeze on ICBM-SLBM activities, initial verification, initiating talks for normalizing US-DPRK relations, and partial easing of economic sanctions. Then, a comprehensive nuclear agreement will be negotiated and concluded. This agreement will include complete nuclear dismantlement, normalization of US-DPRK relations, and signing a peace treaty.

## IV. Conclusion

As Secretary Blinken acknowledged, the North Korean nuclear issue has continued to worsen, and the results of diplomatic efforts over the past 30 years is very disappointing. North Korea's nuclear capabilities have already advanced beyond the development stage to reach the mass production and deployment stage. We can no longer afford to repeat trials and errors in our nuclear diplomacy.

The Korean and US governments need to conduct a more effective nuclear diplomacy with North Korea. It's time to stop repeating the nuclear diplomacy of the past, which repeated failed to denuclearize North Korea. South Korea and the US must first deter North Korea from committing another nuclear or missile test provocations. In addition, negotiations must be resumed as soon as possible to freeze and roll back North Korea's nuclear activities. All available means and methods must be mobilized to this end. In particular, given North Korea's resolve to arm itself with nuclear weapons, I believe South Korea and the US should use powerful sanctions and pressure as the basis while simultaneously preparing incentives that North Korea cannot refuse. The incentives that serve as leverage to the North will include diplomatic normalization of US-North Korea relations, which is what Kim Jong-un wants most, COVID-19 related assistance and supplies, humanitarian and economic development assistance, sanctions relief, etc. For example, the beginning of diplomatic normalization process with the North can be used as an effective leverage for nuclear negotiations. It is a concrete measure "to establish new US-DPRK relations" as stated in Article 1 of the Singapore Joint Statement, and also a tangible measure of "US removing hostile policies" which North Korea strongly demands.

As a principle of the new denuclearization strategy, I propose interests-based and exchange of same values approaches. The US and North Korea need to work on exchange formulas for "security-for-security," "interests-for-interests," and "threat reduction-for-threat reduction" rather than the historic approaches based on international law and norms. Until now, we have tried to solve the North Korean nuclear issue through dialogue, persuasion, economic assistance combined with pressure and sanctions for its illegal actions of nuclear development. But they did not work at all. The usual denuclearization solutions were ineffective, because North Korea has an unusually strong motivation for nuclear armament. In such successful denuclearized cases as Ukraine, Kazakhstan, South Africa, Argentina, and Brazil, regime changes, political openness and economic reform in the post-Cold War period helped them give up nuclear weapons and programs. However, these favorable environments for denuclearization were not there in the case of North Korea.

For the past 30 years, we have hoped that demanded North Korea to make “decisive concessions” of abandoning its nuclear program. We believed this was attainable through persuasion and sanctions. However, looking back, North Korea never once succumbed to our demands nor did it make any decisive concessions. Even moments when it did appear to be doing so, it turned out to be an act of deception to “buy time.” Perhaps our past nuclear diplomacy failed not because the sanctions and pressure were not strong enough, but because we did not to address sufficiently the reason behind North Korea's nuclear armament, i.e., their security and political motivations. This time, I hope that the US and South Korean governments devise more effective, sustainable, and creative solutions for denuclearization and achieve results in their nuclear diplomacy.

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