

BACKGROUND

No. 3211 | MAY 11, 2017

The Trump Administration Must Recognize the Dangers of Premature Negotiations with North Korea

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Abstract

The Trump Administration included all options in its North Korea policy review. Indications are that the Administration will emphasize improving defense capabilities, particularly ballistic missile defense, augmenting pressure tactics on Pyongyang, and seeking ways to convince Beijing to fully enforce United Nations sanctions. Advocates for engagement insist that the only way to constrain Pyongyang's growing nuclear arsenal is to rush back to talks without insisting on preconditions. There is a growing cottage industry of experts proposing that President Trump negotiate a "deal"—a nuclear freeze—with North Korea. But a panicky "do something" is not a viable policy. Without first defining the parameters of negotiations that would achieve allied national interests, the United States and its South Korean ally would pay too high a price, and once more achieve nothing.

The Administration of President Donald Trump accelerated its North Korea policy review in order to complete it in time for the U.S.–China summit in April. Indications are that the Administration will emphasize improving defense capabilities, particularly ballistic missile defense, augmenting pressure tactics on Pyongyang, and seeking ways to convince Beijing to fully enforce United Nations sanctions.

Some options, such as a pre-emptive attack on North Korea, were initially discussed but rejected. However, recent assertive public statements by President Trump and senior officials suggest that the option remains under consideration in order to prevent Pyongyang from completing development of an intercontinental ballistic mis-

KEY POINTS

- For over 20 years, there have been official talks to resolve the threat of North Korea's nuclear-weapons program.
- The U.S. has no reason to attempt yet more nuclear negotiations as long as North Korea rejects their core premise—abandonment of its nuclear weapons and programs.
- A panicky "do something" is not a viable policy. The U.S. must first define the parameters of negotiations that would achieve allied national interests.

This paper, in its entirety, can be found at <http://report.heritage.org/bg3211>

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sile (ICBM) that could threaten the United States with nuclear weapons.¹

While the door will remain open for diplomatic engagement, it will likely only be a secondary objective, due to North Korea's recent provocative behavior and the international consensus to punish the regime for its refusal to abide by U.N. resolutions calling for the regime to denuclearize.

Advocates for engagement will insist that the only way to constrain Pyongyang's growing nuclear arsenal is to rush back to nuclear talks without insisting on preconditions. There is a growing cottage industry of experts proposing that President Trump negotiate a "deal"—a nuclear freeze—with North Korea.

But there is little utility to such negotiations as long as Pyongyang rejects their core premise, which is abandonment of its nuclear weapons and programs. The best way to engage in negotiations is after a comprehensive, rigorous, and sustained international pressure strategy, including enforcement of U.S. laws.

While reports by numerous media outlets, and descriptions by pundits, have mischaracterized sanctions and their utility against North Korea, less has been said about the shortcomings and repeated failures of numerous attempts at diplomacy, engagement, and negotiations with North Korea.

Ninth Time the Charm?

Advocating yet another attempt at negotiating a nuclear settlement with North Korea flies in the face of Pyongyang's previous broken pledges never to develop nuclear weapons and subsequent promises to abandon those weapons.

Pyongyang previously acceded to the 1992 North-South Denuclearization Agreement, the Non-Proliferation Treaty, the International Atomic Energy Agency (IAEA) safeguards, the Agreed Framework, three agreements under the Six-Party Talks, and the Leap Day Agreement—all of which ultimately failed. A record of zero for eight does not instill any sense of confidence in even more attempts.

For over 20 years, there have been official two-party talks, three-party talks, four-party talks, and six-party talks to resolve the North Korean nuclear

weapons issue. On numerous occasions, the U.S. dispatched government envoys for discussions with North Korean counterparts. The U.S. and its allies offered economic benefits, developmental assistance, humanitarian assistance, diplomatic recognition, declaration of non-hostility, turning a blind eye to violations, and non-implementation of U.S. laws.

Seoul signed 240 inter-Korean agreements on a wide range of issues and participated in large joint economic ventures with North Korea at Kaesong and Kumgangsan. Successive South Korean administrations, including those of conservative Presidents Lee Myung-bak and Park Geun-hye, offered extensive economic and diplomatic inducements in return for Pyongyang *beginning* to comply with its denuclearization pledges.

Seoul secretly paid Pyongyang \$500 million to participate in the 2000 inter-Korean summit, as well as secretly paying Pyongyang an unknown amount so that the two Koreas could march into the 2000 Sydney Olympics together. Seoul has engaged in extensive outreach efforts through visits by philharmonic orchestras, soccer teams, Olympic teams, cheerleading teams, and more. Yet, all of these official and unofficial initiatives failed to induce political and economic reform or to moderate North Korea's belligerence.

It is also difficult to have a dialogue with a country that shuns it. North Korea closed the "New York channel" with the U.S. in July 2016, severing the last official communication link. U.S. officials repeatedly requested to meet with North Korean counterparts without preconditions, to no avail. In the Joint Security Area on the Demilitarized Zone (DMZ), North Korea refuses to even answer the phone or check its mailbox for messages from the U.S. and South Korea.

In January 2015, North Korea's National Defense Commission declared, "It is only too apparent that no major change or transformation could be achieved in inter-Korean relations even if we were to sit down a thousand times with such government officials."² Pyongyang walked away from senior-level meetings with South Korean counterparts in December 2015, precipitating the collapse of inter-Korean dialogue.

1. Bruce Klingner, "Rising Tensions on Korean Peninsula Put Region at Risk," The Daily Signal, April 14, 2017, <http://dailysignal.com/2017/04/14/rising-tensions-on-korean-peninsula-put-region-at-risk/>.

2. Son Won-je, "Propaganda Balloon Launches Again Presenting Obstacle to Inter-Korean Dialogue," Hankyoreh, January 9, 2015.

Hope Springs Eternal

The Korean landscape is littered with the broken dreams of diplomatic attempts to denuclearize North Korea. But Pyongyang's growing nuclear and missile prowess, coupled with a new U.S. President who talked about the possibility of having a "hamburger summit" with Kim Jong-un, has led to renewed advocacy by some experts to negotiate a nuclear freeze whereby the previous goal of denuclearization is abandoned or indefinitely postponed in favor of capping the problem.

The advocacy is borne by a sense that "ending the North's nuclear program needs to be the goal, but realistically what's potentially attainable is a freeze on nuclear fuel production and on missile and nuclear testing."³ Variations include an agreement "to not export nuclear technology, to conduct no further nuclear testing, and to conduct no further ICBM testing,"⁴ and to "negotiate a freeze of all North Korean nuclear and long-range missile tests and a return of International Atomic Energy Agency inspectors."⁵

The freeze proposals share a common theme in calling for yet more concessions by the U.S. to encourage Pyongyang to come back to the negotiating table in return for a commitment by the regime to undertake a portion of what it is already obligated to do under numerous U.N. resolutions. U.N. Resolution 2321 of November 2016 reiterates previous U.N. Security Council (UNSC) requirements that North Korea

[s]hall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation; shall suspend all activities

related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on missile launches; shall abandon all nuclear weapons and existing nuclear program in a complete, verifiable and irreversible manner, and immediately cease all related activities; and shall abandon all other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner.⁶

In return for this minimalist request of North Korea, freeze proponents advocated that:

- "There will have to be incentives that include some calibrated sanctions relief."⁷
- "The North could be offered inducements like the lifting of sanctions, economic assistance and a permanent peace treaty to replace the Korean War armistice."⁸
- "Toning down allied security displays of resolve and deployments of strategic assets.... After a freeze, [to move] toward the eventual goal of complete, verifiable and irreversible dismantlement... [the U.S.] should consider suspension of future joint military exercises with South Korea and offer North Korea the nonaggression pact it has long sought."⁹
- "There will be a price to pay, of course. In the near-term, it may require lifting sanctions, eventually replacing the temporary armistice ending the Korean War with a permanent peace

3. "North Korea, the Ultimate Challenge for a Dealmaker," *The New York Times*, February 20, 2017, https://www.nytimes.com/2017/02/20/opinion/north-korea-the-ultimate-challenge-for-a-dealmaker.html?_r=0 (accessed April 17, 2017).

4. William Perry, "Confronting North Korea: Talk First, Get Tough Later," *The Washington Post*, January 6, 2017, https://www.washingtonpost.com/opinions/to-confront-north-korea-talk-first-and-get-tough-later/2017/01/06/9334aee4-d451-11e6-9cb0-54ab630851e8_story.html?utm_term=.3a19d10b1c91 (accessed April 17, 2017).

5. Jane Harman and James Person, "The U.S. Needs to Negotiate with North Korea," *The Washington Post*, September 30, 2016, September 30, 2016, https://www.washingtonpost.com/opinions/global-opinions/the-us-needs-to-negotiate-with-north-korea/2016/09/30/c1f0123e-85b2-11e6-92c2-14b64f3d453f_story.html?utm_term=.f390014ec80a (accessed April 17, 2017).

6. "Security Council Strengthens Sanctions on Democratic Republic of Korea, Unanimously Adopting Resolution 2321, 2016," U.N. Security Council, November 30, 2016, <https://www.un.org/press/en/2016/sc12603.doc.htm> (accessed April 17, 2017).

7. Barbara Slavin, "New Policy Toward North Korea Urgently Needed," VOA News, U.S. Opinion and Commentary blog, February 21, 2017, <http://blogs.voanews.com/us-opinion/2017/02/21/new-policy-toward-north-korea-urgently-needed/> (accessed April 17, 2017).

8. "North Korea, the Ultimate Challenge for a Dealmaker," *The New York Times*.

9. Harman and Person, "The U.S. Needs to Negotiate with North Korea."

treaty, signifying the end of enmity and of what the North Koreans call Washington's 'hostile policy.'"¹⁰

- The U.S. should focus on three “nos” for three “yeses”—no additional bombs, no better bombs (meaning no testing), and no export of bombs—in return for addressing the North’s security concerns, its energy shortage, and its economic woes.¹¹
- In order to “start finding ways to make North Korea feel more secure,” Washington should “negotiate a freeze of North Korea’s nuclear program in return for a U.S. security guarantee, since that is the only measure that could enable Kim to start concentrating on economic development.... Trump should offer Kim substantive concessions, well beyond the food aid that Obama proposed to send in the 2012 Leap Day Deal.”
- The recommended package of incentives would include scaling back or suspending U.S.–South Korean military exercises, delaying the deployment of new U.S. military assets to the Korean Peninsula, and signing a treaty formally ending the Korean War, economic benefits, and sanctions relief.¹²

Consequences of a Freeze: Cold Comfort

Some U.S. experts commented after their meeting with North Korean officials in autumn 2016 that Pyongyang would be patient with newly elected President Trump and “might be willing to continue restraint if the most objectionable activities—like the public messaging that the purpose of the [joint U.S.–South Korean military] exercise is to kill North Korean leadership.”¹³

The Trump Administration was still conducting its policy review, and the allies had not emphasized leadership attacks in the military exercises, when North Korea test-launched several missiles. The launches were downplayed as “the least provocative provocation that North Koreans could devise.”¹⁴ Of course, the missile launches were still violations of U.N. resolutions and the use of VX—a chemical weapon of mass destruction in a crowded civilian airport—went far beyond “least provocative.”

Been There, Done That. A nuclear freeze was already negotiated in the February 2012 Leap Day Agreement in which the U.S. offered 240,000 tons of nutritional assistance and a written declaration of no hostile intent. In return, North Korea pledged to freeze nuclear reprocessing and enrichment activity at the Yongbyon nuclear facility, not to conduct any nuclear or missile tests, and to allow the return of International Atomic Energy Association inspectors to Yongbyon.

That agreement crashed and burned within weeks. Indeed, all eight denuclearization agreements with North Korea were variants of a nuclear freeze. But that does not deter freeze proponents from advocating another try. Hope is a poor reason to ignore a consistent track record of failure. Rushing back into negotiations with North Korea is like testing the depth of the water by jumping in.

North Korea Not Interested in Denuclearization. Nuclear-freeze proponents have provided no rationale for why yet another attempt at negotiations would be any more successful than all previous failures. Nor have they provided any evidence indicating a North Korean policy shift from its declared rejection of denuclearization.

Indeed, the strongest case against diplomacy can be found in the regime’s own words, in which the highest officials of the regime, including Kim Jong-Un, have repeatedly and unambiguously made clear that Pyongyang will never abandon the “treasured sword” of its nuclear arsenal:

10. Joel S. Wit, “Trump and North Korea: A Looming Foreign Policy Crisis,” *The New York Times* On the Ground blog, February 15, 2017, <https://kristof.blogs.nytimes.com/2017/02/15/trump-and-north-korea-a-looming-foreign-policy-crisis/> (accessed April 17, 2017).

11. Siegfried Hecker, “Hecker Assesses North Korean Hydrogen Bomb Claims,” *The Bulletin*, January 7, 2016, <http://thebulletin.org/hecker-assesses-north-korean-hydrogen-bomb-claims9046> (accessed April 17, 2017).

12. John Delury, “Trump and North Korea: Reviving the Art of the Deal,” *Foreign Affairs*, February 13, 2017, <https://www.foreignaffairs.com/articles/2017-02-13/trump-and-north-korea> (accessed April 17, 2017).

13. Joel Wit, “Trump and North Korea: A Looming Foreign Policy Crisis,” February 15, 2017, <https://kristof.blogs.nytimes.com/2017/02/15/trump-and-north-korea-a-looming-foreign-policy-crisis/>.

14. Wit, “Trump and North Korea: A Looming Foreign Policy Crisis.”

- **Choe Son-hui, Deputy Director General at the North American Affairs Bureau of the Ministry of Foreign Affairs:** “We have no thoughts about taking part in talks to discuss the DPRK’s [Democratic People’s Republic of Korea] denuclearization.”¹⁵
- **Kim Jong-Un declared** North Korea’s “status as an independent power, a nuclear-armed state [and vowed increasing] the nuclear forces...in terms of both quality and quantity... The upbuilding of the nuclear forces...is not a temporary countermeasure but a strategic line to which we should hold fast permanently.”¹⁶
- **Kung Sok-ung, North Korea’s Vice Minister of Foreign Affairs:** Pyongyang will “no longer sit at the same table as the United States” and refuses to see the Six Party Talks as a solution.¹⁷
- **Minister of Foreign Affairs Ri S. Yong:** “The nuclear deterrent of the DPRK is not intended to threaten or attack others, neither is it a bargaining chip to be exchanged for something else.”¹⁸
- **The National Defense Commission:** “Nothing would be more foolish than trying to force the army and people of the DPRK to lay down the treasured sword [of] nuclear weapons.”¹⁹

- **North Korea also declared** that the Six-Party Talks, the armistice, the inter-Korean denuclearization accord, and all agreements on nonaggression with South Korea²⁰ were “null and void.”²¹

Pyongyang has indicated that no level of economic benefits could address the security concerns that the regime cites as justification for its nuclear programs. As such, there is no utility in offering such assistance to achieve denuclearization.

Similarly, since North Korean nuclear weapons are purported to be a response to the U.S. “hostile policy,” no South Korean offers of economic assistance or security measures could dissuade Pyongyang from its nuclear programs.

There is simply no set of inducements to ensure North Korean abandonment of its nuclear weapons. Pyongyang’s provocative antics and threats are not merely negotiating ploys, but instead are designed to achieve international acceptance of North Korea as a nuclear power. North Korean officials have repeatedly indicated that is precisely their intention.

One Can’t Freeze What One Can’t See. Verification is a critical aspect of any arms control agreement. Having a robust and credible verification regime enabled arms control agreements with the Soviet Union and Warsaw Pact despite the lack of trust between the two sides. There can be no viable agreement with North Korea without verification measures.

15. “North Korea Dismisses Restarting Stalled Six-Party Talks on its Nuclear Weapons Programme,” *South China Morning Post*, June 23, 2016, <http://www.scmp.com/news/china/diplomacy-defence/article/1980008/north-korea-dismisses-restarting-stalled-six-party> (accessed April 17, 2017).

16. “KJU Full Report to 7th Congress,” North Korea Leadership Watch, June, 21, 2016, <https://nkleadershipwatch.wordpress.com/2016/06/21/kju-full-report-to-7th-party-congress/> (accessed April 17, 2017).

17. Elizabeth Shim, “NKorea No Longer Seeks Talks with U.S. Citing ‘Threats,’ Says Report,” UPI, June 1, 2015, http://www.upi.com/Top_News/World-News/2015/06/01/NKorea-no-longer-seeks-talks-with-US-citing-threats-says-report/7621433212857/?spt=sec&or=tn (accessed April 17, 2017).

18. Laurence Norman, “North Korea Says Nuclear Program Isn’t ‘Bargaining Chip,’” *The Wall Street Journal*, September 27, 2014, <http://online.wsj.com/articles/north-korea-says-nuclear-program-isnt-bargaining-chip-1411858575> (accessed April 17, 2017).

19. “NDC Policy Department Blasts Park Geun Hye’s Anti-DPRK Invectives,” KCNA, September 27, 2014, <http://www.kcna.co.jp/item/2014/201409/news27/20140927-21ee.html> (accessed April 17, 2017).

20. The Inter-Korean Basic Agreement, Article 9 states: “South and North Korea shall not use force against each other and shall not undertake armed aggression against each other.” Jethro Mullen, “North Korea Vows End to Nonaggression Pacts After U.N. Vote,” CNN, March 8, 2013, <http://www.cnn.com/2013/03/08/world/asia/north-korea-sanctions/index.html> (accessed April 17, 2017).

21. Choe Sang-hun, “North Korea Threatens to Attack U.S. with ‘Lighter and Smaller Nukes,’” *The New York Times*, March 5, 2013, <http://www.nytimes.com/2013/03/06/world/asia/north-korea-threatens-to-attack-us-with-lighter-and-smaller-nukes.html> (accessed April 17, 2017); Lee Eun-jo, “North Warns South About Sanctions,” JoongAng Ilbo, January 26, 2013, <http://koreajoongangdaily.joinsmsn.com/news/article/article.aspx?aid=2966145&cloc=joongangdaily|home|newslist1> (accessed April 17, 2017); and “N. Korea Vows to End Denuclearization Talks,” Yonhap, January 23, 2013, <http://english.yonhapnews.co.kr/northkorea/2013/01/23/95/0401000000AEN20130123001500315F.HTML> (accessed April 17, 2017).

Freeze proponents should define what would be included in a freeze. If only nuclear and missile tests are precluded, those can be verified remotely, but such a minimalist agreement—activities from which North Korea is already precluded from—has little utility. But any more extensive parameters would require in-country inspectors.

A nuclear freeze agreement without verification would be worthless. North Korea's grudging admission of its prohibited highly enriched uranium program made verification even more important and difficult. The more easily hidden components of a uranium program would require a more intrusive verification regime than the one at which North Korea balked in 2008.

A viable verification system would require data declarations of facilities, production history, and arsenal levels. There would need to be inspections and long-term monitoring of declared facilities, as well as the right to conduct short-notice challenge inspections of non-declared facilities. Any measure to prevent improvement of the existing arsenal would require inspection and sampling of warheads.

Too High a Price. What would the U.S. and its allies have to offer to achieve a freeze? Those things that were previously offered to no effect? Or would Washington and others have to provide even greater concessions and benefits? The North Korean regime has an insatiable list of demands, which include:

- **Military demands:** the end of U.S.–South Korean military exercises, removal of U.S. troops from South Korea, abrogation of the bilateral defense alliance between the U.S. and South Korea, cancellation of the U.S. extended-deterrence guarantee, postponement or cancellation of the deployment of the Terminal High Altitude Area Defense (THAAD) anti-ballistic-missile system to South Korea, and worldwide dismantlement of all U.S. nuclear weapons;
 - **Political demands:** establishment of formal diplomatic relations with the U.S., signing of a peace treaty to end the Korean War, and no action on the U.N. Commission of Inquiry report on North Korean human rights abuses;
 - **Law enforcement demands:** removal of all U.N. sanctions, U.S. sanctions, EU sanctions, and targeted financial measures; and
 - **Social demands:** against South Korean constitutionally protected freedom of speech (pamphlets, “insulting” articles by South Korean media, and anti–North Korean public demonstrations on the streets of Seoul).
- Removing sanctions as a price to restart negotiations would abandon key leverage as well as be contrary to U.S. laws. The North Korea Sanctions and Policy Enhancement Act (NKSPEA) Section 401 allows the *suspension* (for up to one year) of U.S. sanctions if the President certifies to Congress that North Korea has *made progress* toward:
- Verifiably ceasing its counterfeiting of United States currency,
 - Taking verified steps toward financial transparency and preventing the laundering of monetary instruments,
 - Taking verified steps toward verification of compliance with applicable UNSC resolutions,
 - Taking verified steps toward accounting for and repatriating the citizens of other countries kidnapped or held after the end of the Korean War,
 - Beginning to abide by internationally recognized standards for the distribution and monitoring of humanitarian aid, and
 - Taking verified steps to improve living conditions in its political prison camps.
- Under NKSPEA Section 402, the U.S. can *terminate* sanctions when North Korea meets the previous requirements and makes *significant progress* toward:
- Completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, biological, and radiological weapons programs;
 - Releasing all political prisoners, including the citizens of North Korea detained in North Korea's political prison camps;
 - Ceasing its censorship of peaceful political activity;

- Establishing an open, transparent, and representative society; and
- Repatriating United States citizens abducted or unlawfully held captive.

In other words, if North Korea begins to abide by the norms of international behavior and complies with existing international laws, it can enjoy the benefits of cessation of sanctions.

Consequences of a Bad Agreement

A freeze would be a de facto recognition and acceptance of North Korea as a nuclear weapons state. Doing so would undermine the Non-Proliferation Treaty and send the wrong signal to other nuclear aspirants that the path is open to nuclear weapons. Doing so would sacrifice one arms control agreement on the altar of expediency to getting another.

A freeze would leave North Korea with its nuclear weapons, which already threaten South Korea and Japan. Such an agreement would trigger allied concerns about the U.S. extended deterrence guarantee, including the nuclear umbrella, to South Korea and Japan. Allied anxiety over U.S. reliability would increase advocacy within South Korea for an independent indigenous nuclear weapons program and greater reliance on preemption strategies.

What the Trump Administration Should Do

In order to have a chance at a peaceful resolution with North Korea, the Trump Administration should:

- **Distinguish between diplomatic contacts with North Korea and resuming formal denuclearization negotiations.** Although Pyongyang has closed the door on engaging Washington and Seoul, the Trump Administration should announce it is always willing to have working-level discussion with North Korean officials. Diplomatic meetings could be used to determine whether North Korea truly seeks to establish terms for real progress rather than negotiating through headlines. While envoy-level diplomatic talks are pragmatic, there should not be senior-level (Under Secretary of State and above) talks prior to tangible progress with Pyongyang. Nor should there be a formal resumption of Six-Party Talks without a North Korean public affirmation of its intent to abide by the its prior denuclearization commitments.
- **Propose discussions on confidence-building and security-building measures to increase transparency of North Korean and allied military forces and reduce tensions on the Korean Peninsula.** These would include both military and non-military components. A proposed list of measures is included in Appendix 2.
- **Affirm that the allied objective remains the complete and verifiable denuclearization of North Korea.** President Trump should state unequivocally that Washington will not accept North Korea as a nuclear weapons state. Any negotiations would require the complete, verifiable, and irreversible denuclearization of North Korea as well as a full accounting by Pyongyang of its uranium-based and plutonium-based nuclear weapons programs and proliferation activities.
- **Reject disingenuous offers of freezing North Korean nuclear and missile tests for allied military exercises in South Korea.** The former is already required under numerous U.N. resolutions, while the latter is the legitimate exercising of military forces for the defense of South Korea against North Korean aggression and deadly attacks. A more legitimate North Korean proposal would be to offer restrictions on its annual winter and summer training cycles of conventional forces in return for similar restrictions on U.S. and South Korean military exercises. This could be done in conjunction with confidence-building and security-building measures. (See above.) If North Korea were truly interested in negotiations, it could send realistic signals such as:
 - **Refraining** from threatening tactical attacks against South Korea and nuclear annihilation of Washington, Seoul, and Tokyo;
 - **Announcing** its return to the armistice, the 1992 inter-Korean denuclearization agreement, and Korean agreements of non-aggression;
 - **Affirming** its commitment to the goal of the Six-Party Talks, that is, the denuclearization of North Korea; and
 - **Pledging** to comply with UNSC resolutions.

- **Reject North Korean claims that the U.S. “hostile policy” is to blame for the Six-Party Talks impasse.** U.S. officials should emphasize that U.S. Forces in Korea are a direct response to North Korea’s 1950 invasion of and continued belligerent threats to South Korea. It is not the U.S. or South Korea that have repeatedly violated UNSC resolutions, conducted deadly military attacks on the other side’s territory, or repeatedly threatened the government and populace with nuclear attacks.
- **Insist that Pyongyang make significant progress toward completing its denuclearization commitments before entering into peace treaty negotiations to formally end the Korean War.** A peace treaty would require addressing North Korea’s extensive and forward-deployed conventional forces threat to South Korea through verifiable force reduction and confidence-building measures. Failure to do so would endanger America’s ally recklessly.
- **Pressure China to take additional measures against North Korea.** Washington should make clear to Beijing that Pyongyang is a national security threat to the U.S. and its allies and that Chinese inaction or obstructionism on North Korea will impact the bilateral U.S.–China relationship.
- **Inform Beijing that if it is unwilling to shut down Chinese violators of U.N. resolutions and U.S. law, the U.S. will do it alone** by imposing secondary sanctions against Chinese financial institutions and businesses that trade with those on the sanctions list or export prohibited items.
- **Affirm to Beijing that the U.S. will deploy THAAD to defend South Korea.** The Trump Administration should take all necessary measures to protect America’s ally and U.S. forces stationed on the Korean Peninsula from the North

Korean threat. Continued Chinese economic and diplomatic pressure against South Korea will also affect the U.S.–China relationship.

Conclusion

Everything that is being proposed today as the basis for future negotiations with North Korea has already been offered, tried, and failed. It is a fool’s errand to resume Six-Party Talks as long as North Korea rejects the basic objective of those negotiations. It is just as meaningless to pursue a freeze when Pyongyang shows no intention of giving up its nuclear arsenal.

Pyongyang may be willing to talk—but not about the topic of paramount U.S. concern: the denuclearization required by U.N. resolutions and to which Pyongyang repeatedly committed and did not fulfill.

Some experts assert that the U.S. should return to negotiations since North Korea will otherwise continue augmenting its nuclear arsenal. However, Pyongyang has repeatedly demonstrated that it continues to build weapons during negotiations, and even after signing agreements to abandon its nuclear programs.

A panicky “do something” is not a viable policy. Without first defining the parameters of negotiations that would achieve allied national interests, the United States and its South Korean ally would pay too high a price.

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Appendix 1: Partial List of Heritage Foundation Research on North Korea

Bruce Klingner, “North Korea Should Be Put Back on the Terrorist List,” Heritage Foundation *Issue Brief* No. 4660, February 28, 2017, <http://www.heritage.org/terrorism/report/north-korea-should-be-put-back-the-terrorist-list>.

Bruce Klingner, “Save Preemption for Imminent North Korean Attack,” Heritage Foundation *Backgrounder* No. 4660, March 1, 2017, <http://www.heritage.org/missile-defense/report/save-preemption-imminent-north-korean-attack>.

Olivia Enos, “Improving Information Access in North Korea,” Heritage Foundation *Backgrounder* No. 3149, December 7, 2016, <http://www.heritage.org/asia/report/improving-information-access-north-korea>.

Bruce Klingner, “Chinese Foot-dragging on North Korea Thwarts U.S. Security Interests,” Heritage Foundation *Backgrounder* No. 3138, August 11, 2016, <http://www.heritage.org/research/reports/2016/08/chinese-foot-dragging-on-north-korea-thwarts-us-security-interests>.

Bruce Klingner, “Moving Beyond Timid Incrementalism: Time to Fully Implement U.S. Laws on North Korea,” testimony before the Subcommittee on Asia and the Pacific of the Foreign Affairs Committee, U.S. House of Representatives, January 13, 2016, <http://www2.heritage.org/research/testimony/moving-beyond-timid-incrementalism-time-to-fully-implement-us-laws-on-north-korea>.

Olivia Enos and Bruce Klingner, “Next Steps for Human Rights in North Korea,” Heritage Foundation *Backgrounder* No. 3071, January 12, 2016, <http://www.heritage.org/research/reports/2016/01/next-steps-for-human-rights-in-north-korea>.

Bruce Klingner, “South Korea Needs THAAD Missile Defense,” June 12, 2015, Heritage Foundation *Backgrounder* No. 3024, <http://www.heritage.org/research/reports/2015/06/south-korea-needs-thaad-missile-defense>.

Olivia Enos, “North Korea Should Be Held Accountable for Persecuting Christians,” April 10, 2015, Heritage Foundation *Issue Brief* No. 4379, <http://www.heritage.org/religious-liberty/report/north-korea-should-be-held-accountable-persecuting-christians>.

Bruce Klingner, “Time to Get North Korean Sanctions Right,” November 4, 2013, Heritage Foundation *Backgrounder* No. 2850, <http://www.heritage.org/asia/report/time-get-north-korean-sanctions-right>.

Appendix 2: Proposed Confidence and Security-Building Measures for the Korean Peninsula

I. Military

A. Pledges.

- Moratorium on nuclear weapons tests and launches of rockets, missiles, and space-launch vehicles with ranges of longer than 1,000 km;
 - Non-export of weapons of mass destruction (including components and technology) and missile-delivery systems; and
 - Non-aggression pledges (U.S.–North Korea; inter-Korean; North Korea–Japan).
- Convening of conference to resolve differences over the delineation of the maritime Northern Limit Line.
 - Increase in the number of strategic and tactical “hot lines.”
 - Deployment of sensors to monitor movement of heavy equipment near the DMZ or on invasion-corridor-approach routes.
 - Establishment and monitoring of military equipment storage areas.

B. Transparency.

- Prior notification of large-scale military exercises (such as 21-day notification for exercises involving 25,000 troops);
 - Prior notification of major military movements or deployments.
 - Exchange of observers during large-scale exercises.
 - Data declaration of conventional forces, missile units, and biological and chemical weapons. Information to include:
 - Structure of military forces;
 - Peacetime/wartime authorized strength;
 - Annual military budget;
 - Deployments specified to regiment/bri-gade level;
 - Listing of major weapons systems (tanks, armored personnel carriers/infantry fighting vehicles, artillery, missiles, combat aircraft, attack helicopters); and
 - Calendar of major training events.
- Cessation of large-scale exercises near the DMZ;
 - Thinning out of forces near the DMZ;
 - Limits by zone on number and type of forces in the forward area (such as forward basing of large-caliber artillery systems); and
 - Defensive weapons (anti-aircraft artillery; surface-to-air missiles; anti-tank weapons) would be exempt;
 - Zones would be delineated by distance from the Military Demarcation Line, though modified to be consistent with provincial or military sub-ordination boundaries (for instance, the North Korean forward zone would consist of II, V, and I Corps and 815th and 806th Mechanized Corps)
 - On-site inspections to verify troop/equipment levels in the forward zone; and
 - Notification of significant movements between zones.

C. Threat Reduction—Decreasing the Potential for Surprise Attack.

II. Non-Military

- Establishment of North/South Korean diplomatic missions in each other’s capital;

- Return of the *USS Pueblo*;
- Cessation of inflammatory propaganda;
- Resolution of missing persons issues: Korean War POW/MIA; 400+ post-war South Korean abductees; and 17 Japanese abductees;
- More frequent and less-constrained reunions of separated families;
- More stringent monitoring requirements for distribution of international and South Korean aid deliveries;
- Greater transparency of U.N. relief operations;
- Increased transparency on economic reform measures;
- Increased presence of international journalists in North Korea with reduced travel restrictions; and
- Creation of permanent international news bureaus in Pyongyang.