

# BACKGROUND

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## The U.S.–North Korean Summit: Opportunities and Dangers When Sailing in Uncharted Waters

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### Abstract

*By criticizing the weaknesses of all preceding nuclear agreements with Iran and North Korea, President Trump may have painted himself into a diplomatic corner by limiting diplomatic flexibility. Any agreement that the Trump Administration reaches with Pyongyang must be better than the Iran nuclear agreement, previous international denuclearization accords with North Korea, and U.N. resolutions imposing punitive measures on North Korea. It must also achieve a verification regime that is equal to or greater than those in arms control treaties with the Soviet Union and Warsaw Pact, e.g., include such measures as full declaration of all overt and covert sites (production, testing, and storage), the nuclear weapons arsenal, and stockpile of fissile materials and short-notice inspections of non-declared facilities.*

The April summit meeting between South Korean President Moon Jae-in and North Korean leader Kim Jong-un was historic, impressive, and inspiring. The pageantry and pledges contained in the Panmunjom Declaration were an uplifting show of Korean reconciliation. Coming amidst the rapid-fire pace of Kim Jong-un’s 2018 charm offensive, hopes are rising for the upcoming U.S.–North Korea summit. Kim seems willing to propose a grand bargain that President Trump may perceive as providing the historic opportunity to resolve decades-long disputes on the Korean Peninsula.

There may be the opportunity to finally cut the Gordian Knot of enmeshed issues of eliminating the North Korean nuclear threat, ending the Korean War with a permanent peace treaty, and establishing diplomatic relations with Pyongyang. “Past (poor) performance is not a guarantee of future results” could now apply to the

### KEY POINTS

- The April summit meeting between South Korean President Moon Jae-in and North Korean leader Kim Jong-un was historic, impressive, and inspiring. The pageantry and pledges contained in the Panmunjom Declaration were uplifting but contained little of substance.
- Grandiose-but-vague North Korean proposals during the U.S. summit may be tempting to those not versed in the intricacies of Korean issues—but can have serious consequences if implemented.
- President Trump should proceed carefully when meeting Kim Jong-un and review any North Korean offers with pragmatic skepticism.
- Having North Korea abandon its nuclear arsenal in the U.N.-required comprehensive, verifiable, and irreversible manner must be the priority objective of the summit meeting.
- Trump and Kim should work toward detailed text to clearly delineate requirements, linkages, and sequencing of responsibilities, expeditious implementation, and a rigorous verification regime.

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Korean Peninsula—and perhaps this time is different. But there is a long track record of previous failed diplomatic efforts with Pyongyang which were all greeted in their time as breakthroughs.

Today, Washington and Pyongyang even have widely divergent views on what constitutes “denuclearization” and whether “Korean Peninsula” only applies to the landmass or includes U.S. nuclear weapons that could be brought to bear on North Korea. President Trump has abandoned the usual diplomatic approach of having diplomats carefully craft an agreement prior to opposing leaders meeting each other. Trump’s top-down approach carries opportunities, but also great risks. Grandiose-but-vague North Korean proposals may be tempting to those not versed in the intricacies of Korean issues, but can have serious consequences when implemented.

President Trump should proceed carefully when meeting Kim Jong-un and review any North Korean offers with pragmatic skepticism. Having North Korea abandon its nuclear arsenal in the U.N.-required comprehensive, verifiable, and irreversible manner must be the priority objective of the summit meeting. The two leaders should work toward detailed text to clearly delineate requirements, linkages and sequencing of responsibilities, expeditious implementation, and a rigorous verification regime. But North Korea will not do so without gaining something in return. Many difficult choices are ahead for the U.S. and its allies on whether or what economic, diplomatic, or security benefits to offer to Pyongyang.

### **2018: Kim’s Fast-Paced Diplomacy on Steroids**

The late North Korean leader Kim Jong-il alternated provocations with charm offensives in order to gain economic benefits and undermine international resolve on enforcing sanctions. Instead, Kim *filis* eschewed diplomatic outreach and focused on crossing the goal line of completing nuclear and missile programs, including successful H-bomb and intercontinental ballistic missile (ICBM) tests in 2017.

But since January 2018, Kim had his diplomatic coming-out party. Within just a few short months, the North Korean leader’s outreach caused a dramatic reduction in tensions and the start of multiple diplomatic initiatives. There was the first-ever visit to South Korea by a member of the ruling Kim fam-

ily; Kim Jong-un’s first meeting with a South Korean delegation; his first trip outside North Korea since assuming power; his first meeting with a foreign leader (Chinese President Xi Jinping); Kim’s commitment to his first summit meeting with South Korea; and the first ever U.S.–North Korea summit.

Why did Kim Jong-un abandon his previous reticence to meet with foreign leaders and embrace robust summit diplomacy? “Hawks” claim it was the Trump Administration’s threats of preventive military attack that drove a fearful regime to the table. But the perception of a potential military clash may have had a bigger impact on South Korea’s (rather than North Korea’s) leader. South Korean President Moon Jae-in was eager to grab at the proffered North Korean olive branch, not only to reduce the potential for a regime provocation during the Olympics but to also step back from the brink of war. “Doves” perceive the rest of the world has finally embraced their long-ignored advocacy for using diplomacy to achieve denuclearization. “Pythons”—those advocating sanctions pressure to squeeze the regime’s finances—point to greater enforcement of U.N. resolutions and U.S. laws as the catalytic factor.

But such a U.S.-centric viewpoint ignores a perfect storm of other, more international contributing factors. Former conservative South Korean President Park Geun-hye was impeached and replaced with progressive Moon Jae-in. Moon is far more eager to engage Pyongyang with fewer preconditions and is more receptive to North Korean outreach. Knowing the propensity of progressive South Korean presidents to offer large-scale economic largesse, Pyongyang would be more likely to reach out to Moon.

North Korea claims it has completed its ICBM and nuclear programs, enabling Kim Jong-un to enter the negotiating room as an equal rather than negotiating from an inferior position. Just as Kim Jong-un conducted nuclear and missile tests more vigorously than his father, he has expanded and accelerated his predecessor’s diplomatic approach. Kim is more self-confident than Kim Jong-il, which could lead him to be bolder and more decisive in negotiations.

South Korea’s hosting of this year’s Winter Olympics provided a unique opportunity for these factors to come together. Kim Jong-un’s suggestion of sending a North Korean delegation to the Olympics may have been the triggering event for the subsequent diplomatic dominos to fall into place.

## Has the Nuclear Leopard Changed Its Spots?

How likely is it that Pyongyang had a change of heart after devoting over 50 years, vast amounts of treasure, and suffering international isolation in its quest to develop nuclear weapons? Why would Pyongyang abandon its nuclear weapons after years of vowing never to do so—and only months after the leader claimed to have completed the program?

In 2013, North Korea revised its constitution to enshrine itself as a nuclear weapons state. Kim Jong-un declared, “We should never forget the lesson taught by the Balkan Peninsula and the Middle East region [Iraq and Libya], which did not acquire powerful national defense capabilities for self-defense... abandoned their existing war deterrent [and] ended up as a victim of aggression.”<sup>1</sup> The U.S. military attacks on Syria likely affirmed the North Korean perception of the need for nuclear weapons to deter such U.S. military attacks.

After North Korea’s successful July 2017 ICBM test, Kim emphasized that North Korea “would neither put its nukes or ballistic missiles on the table of negotiations in any case nor flinch even an inch from the road of bolstering the nuke force chosen by itself unless the U.S. hostile policy and nuclear threat to the DPRK [Democratic People’s Republic of Korea, or North Korea] are definitely terminated.” During his January 2018 New Year’s Day speech, Kim Jong-un bragged of having “perfected the national nuclear forces [and] at last come to possess a powerful and reliable war deterrent, which no force and nothing can reverse.”

Even more than his predecessors, Kim Jong-un has more clearly linked his image, and indeed his legitimacy as leader, on the country’s nuclear program. Kim’s trademark *byungjin* (“parallel development”) policy is based on dual priorities of economic improvement and maintaining a nuclear arsenal.

North Korea’s reported willingness to denuclearize remains vaguely defined and highly conditional. According to the South Korean delegation that met with Kim Jong-un, Pyongyang had “clearly expressed its commitment to the denuclearization

of the Korean Peninsula...*should the safety of its regime be guaranteed and if military threats against the North were removed*”<sup>2</sup> (emphasis added). Such qualifications are consistent with perennial North Korean positions. But what security assurance could President Trump provide that would reassure North Korea more than possession of nuclear weapons to guarantee regime security and survivability? The U.S. has repeatedly provided such assurances in the past—to no avail. For example, in the 2005 Six-Party Talks Joint Statement, the participants agreed “not to attack North Korea with nuclear or conventional weapons.”

Pyongyang’s definition of U.S. “hostile policy” typically includes a lengthy list of security, diplomatic, and economic demands, including withdrawal of all U.S. troops from South Korea; abrogation of the U.S.–South Korea defense treaty; ending the U.S. extended deterrence guaranty; and removal of all U.S. and U.N. sanctions. The Trump Administration’s strong criticism of and withdrawal from the Joint Comprehensive Plan of Action (JCPOA, the Iran Nuclear Agreement) would raise doubts in North Korean minds that any nuclear deal with the U.S. would have permanence. North Korean officials have commented on the fickleness of U.S. policy, given that it can change after every U.S. election. They have also indicated privately that no economic or diplomatic benefits could substitute for their security concerns about a potential unilateral U.S. attack.

**Interpreting North Korea’s Test Moratorium.** Shortly before the late April inter-Korean summit, Kim Jong-un announced he would stop nuclear tests and ICBM launches and close his nuclear test site. By announcing the test moratorium prior to the summit meetings, Kim sought to induce reciprocal gestures by Moon and Trump, such as sanctions relief; ensure that the initiative was not seen as a concession wrested by Trump; seize the moral high ground; lay the groundwork for blaming others for failed summits; and signal that he was coming to the summits from a position of strength rather than weakness.

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1. Report and speech made by Kim Jong-un at the March 31, 2013, plenary meeting of the Korea Workers’ Party Central Committee, as disseminated by DPRK state media, <http://www.nkeconwatch.com/2013/04/01/2013-plenary-meeting-of-wpk-central-committee-and-supreme-peoples-assembly/> (accessed May 11, 2018).

2. “South, North Korea Agree to Hold 3rd Summit in April,” Cheong Wa Dae, March 6, 2018, <https://english1.president.go.kr/President/News/275> (accessed May 11, 2018).

Contrary to White House assertions, North Korea's statement did not include any indication of committing to denuclearization. Kim emphasized that "no nuclear test and intermediate-range and ICBM test-fire are necessary [since] the work for mounting nuclear warheads on ballistic rockets was finished."<sup>3</sup> Pyongyang was declaring that it will not test because it no longer needs to. Rather than a signal of acquiescence, the North Korean statement could be interpreted as a gesture of defiance. Kim was also signaling his opening position for the summit meetings. Pyongyang declared that "suspension of nuclear testing is an important process for *global* nuclear disarmament" (emphasis added).<sup>4</sup>

By adopting a stance of mutual arms control rather than unilateral denuclearization, North Korea seeks to gain formal recognition as a nuclear weapons state. North Korean officials have often privately commented they seek to be perceived and treated in the same way as Pakistan, i.e., initial punitive measures after Islamabad's nuclear tests, only to eventually tacitly be accepted into the nuclear weapons club.

### Trump Changes the Messengers...and the Message

President Trump's replacement of Secretary of State Rex Tillerson and National Security Advisor H. R. McMaster with Mike Pompeo and John Bolton, respectively, is seen as toughening U.S. policy toward North Korea. Tillerson, in particular, was the main proponent for diplomatic engagement with North Korea and was a strong opponent of a U.S. preventive attack. Trump indicated that he replaced Tillerson because the two were "not thinking the same [and had] a different mindset" on the Iran nuclear agree-

ment and U.S. policy toward North Korea.<sup>5</sup> In October 2017, Trump told Tillerson, that "he is wasting his time trying to negotiate" with North Korea,<sup>6</sup> and Tillerson's push for diplomacy in December 2017 was quickly walked back by the White House.

By contrast, Pompeo and Bolton have been highly critical of the JCPOA and previous agreements with North Korea. Pompeo is seen as being more in favor of a military-strike option than Tillerson. Prior to becoming National Security Advisor, Bolton declared: "More talks and sanctions will fail as they have for 25 years."<sup>7</sup> Instead, he has been a strong proponent of a U.S. preventive attack on North Korea.

**Setting a High Bar for Success.** The U.S. and Pyongyang have differing interpretations of the requirements for North Korean denuclearization. Washington supports the U.N. resolutions-required "comprehensive, verifiable, irreversible dismantlement" (CVID) to be implemented in an expeditious manner. During his confirmation hearing, Secretary of State Michael Pompeo emphasized that the U.S. would not provide any benefits to North Korea prior to the regime completing CVID.

By strongly criticizing the weaknesses of all preceding nuclear agreements with Iran and North Korea, President Trump may have painted himself into a diplomatic corner by limiting diplomatic flexibility. Any agreement that the Trump Administration reaches with Pyongyang must be better than:

- The JCPOA;
- Eight previous international denuclearization accords with North Korea;<sup>8</sup>

3. Jonathen Cheng and Michael C. Bender, "North Korea's Kim Strikes Milder Tone on Nuclear Tests, Detainees," *The Wall Street Journal*, April 20, 2018, <https://www.wsj.com/articles/north-korea-suspends-nuclear-long-range-missile-tests-and-plans-to-close-nuclear-test-site-1524264301> (accessed May 11, 2018).

4. Sophie Jeong, Will Ripley, and Euan McKirdy, "Kim Jong Un: North Korea No Longer Needs Nuclear Tests," CNN, April 22, 2018, <https://www.cnn.com/2018/04/20/asia/north-korea-closes-nuclear-site/index.html> (accessed May 11, 2018).

5. Nicole Gaouette, Kaitlan Collins, and Dan Merica, "Trump Fires Tillerson, Taps Pompeo as Next Secretary of State," CNN, March 13, 2018, <https://www.cnn.com/2018/03/13/politics/rex-tillerson-secretary-of-state/index.html> (accessed May 11, 2018), and "Trump Answers Questions on Rex Tillerson and Mike Pompeo: Full Transcript," *The New York Times*, March 13, 2018, <https://www.nytimes.com/2018/03/13/us/politics/trump-pompeo-tillerson.html> (accessed May 11, 2018).

6. Eli Watkins, "Trump: Tillerson 'Wasting His Time' Negotiating With North Korea," CNN, October 1, 2017, <https://www.cnn.com/2017/10/01/politics/donald-trump-rex-tillerson-north-korea/index.html> (accessed May 11, 2018).

7. John Bolton, "The Military Options for North Korea," *The Wall Street Journal*, August 2, 2017, <https://www.wsj.com/articles/the-military-options-for-north-korea-1501718189> (accessed May 11, 2018).

8. These are: the Non-Proliferation Treaty, the IAEA Safeguards Agreement, the 1992 North-South Korea Denuclearization Accord, the 1994 Agreed Framework, three separate Six-Party Talks joint statements, and the February 2012 Leap Day Agreement.

- Ten U.N. resolutions imposing punitive measures on North Korea;<sup>9</sup> and
- Must achieve a verification regime that is equal to or greater than those in arms control treaties with the Soviet Union and Warsaw Pact, e.g., include such measures as full declaration of all overt and covert sites (production, testing, and storage), the nuclear weapons arsenal, and stockpile of fissile materials and short-notice challenge inspections of non-declared facilities.

### Sailing into Uncharted Waters

Kim Jong-un's recent embrace of summit diplomacy and fast-paced announcements runs counter to his strategy of the first six years of his rule. There are indications that even the North Korean foreign policy bureaucracy, including senior officials, are unaware of Kim's sudden decisions and next steps. President Trump's abrupt decision to accept North Korea's summit invitation surprised both U.S. and South Korean officials—and likely North Korea as well. As Trump wrote in *The Art of the Deal*, “If you want to make a deal of any significance, you have to go to the top.”<sup>10</sup>

But in doing so, Trump threw out the usual diplomatic playbook in which the first meeting of adversarial leaders would normally not be the starting point for negotiations, but rather after the culmination of extensive meetings at lower echelons had hammered out an agreement. By contrast, in 2000, when North Korea invited then-President Bill Clin-

ton to Pyongyang for a summit with Kim Jong-il, U.S. diplomats first determined that North Korean counterparts were unwilling to discuss the parameters of a missile agreement. President Clinton then declined the invitation for a summit photo op.

As a result of both leaders' bold decision making, willingness to abruptly reverse long-standing policy, and keeping their cards close to the vest—even from their own advisors—it is far more difficult to predict unfolding events on the Korean Peninsula. We are sailing into uncharted waters, or, as the ancient navigators warned, “Here be dragons.”

### Potential Summit Scenarios

Given these factors, it is impossible to predict the outcome of the U.S. and North Korean summit meeting between President Trump and Kim Jong-un. The range of potential outcomes include:

**CVID or Bust.** Trump, Pompeo, and Bolton have repeatedly criticized the JCPOA and previous agreements with North Korea, suggesting the Administration will swing for the fences, adopting an “all or nothing” maximalist position. Trump has vowed that “[i]f [the deal] is no good, we're walking.”<sup>11</sup> The White House announced in April that it would maintain the maximum pressure policy and not lift sanctions until Pyongyang takes “concrete steps” to denuclearize.<sup>12</sup> During his Secretary of State confirmation hearings (which occurred after his secret trip to Pyongyang), Pompeo commented, “Before we provide rewards, we [should] get the outcome permanently, irreversibly that it is that we hope to achieve.”<sup>13</sup>

9. U.N. General Assembly, “Resolution 1695 (2006),” S/RES/1695, July 15, 2006, [https://undocs.org/S/RES/1695\(2006\)](https://undocs.org/S/RES/1695(2006)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 1718 (2006),” S/RES/1718, October 14, 2006, [https://undocs.org/S/RES/1718\(2006\)](https://undocs.org/S/RES/1718(2006)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 1874 (2009),” S/RES/1874, June 12, 2009, [https://undocs.org/S/RES/1874\(2009\)](https://undocs.org/S/RES/1874(2009)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 2087 (2013),” S/RES/2087, January 22, 2013, [https://undocs.org/S/RES/2087\(2013\)](https://undocs.org/S/RES/2087(2013)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 2094 (2016),” S/RES/2094, March 7, 2016, [https://undocs.org/S/RES/2094\(2016\)](https://undocs.org/S/RES/2094(2016)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 2270 (2016),” S/RES/2270, March 2, 2016, [https://undocs.org/S/RES/2270\(2016\)](https://undocs.org/S/RES/2270(2016)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 2321 (2016),” S/RES/2321, November 30, 2016, [http://undocs.org/S/RES/2321\(2016\)](http://undocs.org/S/RES/2321(2016)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 2371 (2017),” S/RES/2371, August 5, 2017, [https://undocs.org/S/RES/2371\(2017\)](https://undocs.org/S/RES/2371(2017)) (accessed May 11, 2018); U.N. General Assembly, “Resolution 2375 (2017),” S/RES/2375, September 11, 2017, [https://undocs.org/S/RES/2375\(2017\)](https://undocs.org/S/RES/2375(2017)) (accessed May 11, 2018); and U.N. General Assembly, “Resolution 2379 (2017),” S/RES/2379, September 21, 2017, [https://undocs.org/S/RES/2379\(2017\)](https://undocs.org/S/RES/2379(2017)) (accessed May 11, 2018).
10. Donald J. Trump and Tony Schwartz, *The Art of the Deal* (NY: Ballantine Books), 1987.
11. Rebecca Ballhaus, “Trump Says He Might Hold Up South Korea Trade Talks to Pressure the North,” *The Wall Street Journal*, March 29, 2018, <https://www.wsj.com/articles/trump-says-he-might-hold-up-south-korea-trade-talks-to-pressure-the-north-1522352623> (accessed May 11, 2018).
12. “U.S. Will Not Lift Sanctions Until N. Korea Takes Concrete Steps to Denuclearize: White House,” Yonhap News Agency, April 24, 2018, <http://english.yonhapnews.co.kr/news/2018/04/24/0200000000AEN20180424000300315.html> (accessed May 11, 2018).
13. “Pompeo Rules Out Giving Rewards to N. Korea Before Denuclearization,” Yonhap News Agency, April 13, 2018, [http://m.yna.co.kr/mob2/en/contents\\_en.jsp?domain=3&ctype=A&site=0200000000&cid=AEN20180413000451315](http://m.yna.co.kr/mob2/en/contents_en.jsp?domain=3&ctype=A&site=0200000000&cid=AEN20180413000451315) (accessed May 11, 2018).

National Security Advisor John Bolton remarked that North Korean denuclearization should occur before any U.S. concessions and should “be similar to discussions we had with Libya 13 or 14 years ago: how to pack up their nuclear weapons program and take it to Oak Ridge, Tennessee.”<sup>14</sup> If North Korea is not willing to expeditiously negotiate away its nuclear weapons, Bolton opined, “It could be a short and unproductive meeting.”<sup>15</sup>

U.S. Ambassador to Japan Bill Hagerty told reporters that, in addition to total denuclearization, Trump will also seek to eliminate North Korea’s chemical and biological weapons. Hagerty also commented that Trump is “more than happy” to leave the summit if the meeting is not productive.<sup>16</sup>

**Art of the Deal.** The President may publicly maintain a maximalist posture, but do so only as an opening negotiating position. Trump believes his business negotiating acumen will enable him to achieve what all previous presidents were unable to accomplish. He perceives that Kim Jong-un is negotiating from a position of weakness. As Trump wrote in *The Art of the Deal*, “Use your leverage.... The best thing you can do is deal from strength, and leverage is the biggest strength you can have. Leverage is having something the other guy wants or better yet, needs. Or best of all, simply can’t be without. You have to convince the other guy it’s in his interest to make that deal.”<sup>17</sup>

**Truthful Hyperbole.** Even if Trump does not achieve a major breakthrough, he may still claim he did. As he explained in *The Art of the Deal*, “A little hyperbole never hurts. People want to believe that something is the biggest and the greatest and the

most spectacular. I call it truthful hyperbole. It’s an innocent form of exaggeration.”<sup>18</sup>

There have already been indications of this in statements by Administration officials. Pompeo claimed, “We’ve gotten more than any previous administration—an agreement to not continue testing nuclear weapons and their missile program.... [Kim] has agreed to have a conversation about denuclearization.”<sup>19</sup> After the inter-Korean summit, President Trump bragged that, “It’s never gone this far.”<sup>20</sup>

In actuality, North Korea’s current position is precisely what the regime has agreed to numerous times during 26 years of negotiations. Pompeo also asserted that Kim “allowed [the U.S. and South Korea] to continue our exercises on the peninsula, something that’s been fought over for decades.”<sup>21</sup> Of course, allied military exercises were never subject to Pyongyang’s approval, and the regime has continued to criticize them.

**BFFs (Best Friends Forever).** Experts will measure success by the breadth and precision of any agreement reached during the summit. But President Trump might define success differently, e.g., establishing a relationship with the North Korean leader which could bear fruit in the future. Such an outcome would be similar to Trump’s March 2017 summit at Mar-a-Lago with Chinese President Xi Jinping. In that meeting, Trump went in like a lion and came out like a lamb, abandoning his initial strong criticism of China to instead tout the relationship he established with the Chinese leader. Trump held off on secondary sanctions against Chinese entities assisting North Korea and abandoned a campaign pledge to identify Beijing as a currency manipulator. In 2018, even as

14. “Trump Should Insist on Libya-Style Denuclearization for North Korea: Bolton,” Reuters, March 23, 2018, <https://www.reuters.com/article/us-usa-trump-bolton-northkorea/trump-should-insist-on-libya-style-denuclearization-for-north-korea-bolton-idUSKBN1GZ37A> (accessed May 11, 2018), and Robert King, “A ‘Libyan Model’ for North Korean Denuclearization?” Center for Strategic and International Studies Newsletter, April 3, 2018, <https://www.csis.org/analysis/libyan-model-north-korean-denuclearization> (accessed May 11, 2018).

15. Mark Landler and Choe Sang-hun, “What Does Kim Jong-un Want? U.S. Fears Answer Is ‘Give a Little, Gain a Lot,’” *The New York Times*, April 21, 2018, <https://mobile.nytimes.com/2018/04/21/us/politics/trump-north-korea.html#click=https://t.co/Y2W9EUK5cH> (accessed May 11, 2018).

16. “Trump Also Aiming to Eliminate N.K. Chemical, Biological Weapons: Official,” Yonhap News Agency, April 19, 2018, <http://english.yonhapnews.co.kr/news/2018/04/19/0200000000AEN20180419006400315.html> (accessed May 11, 2018).

17. Trump, *The Art of the Deal*, Kindle edition, p. 53 of 368.

18. *Ibid.*, p. 57 of 368.

19. Emily Tillett, “CIA’s Pompeo on North Korea Talks: ‘This Administration Has Its Eyes Wide Open,’” CBS News, March 11, 2018, <https://www.cbsnews.com/news/cias-pompeo-on-north-korea-talks-this-administration-has-its-eyes-wide-open/> (accessed May 11, 2018).

20. “Trump on Kim Jong Un: ‘I Don’t Think He’s Playing,’” Voice of America, April 27, 2018, <https://www.voanews.com/a/trump-on-kim-jong-un--i-dont-think-he-is-playing/4367858.html> (accessed May 14, 2018).

21. Trump, *The Art of the Deal*, Kindle edition, p. 57 of 368.

trade relations have deteriorated, Trump continues to praise his relationship with Xi.

**We Got Ours.** Trump could reach an agreement that curtails North Korea's ICBM threat to the American homeland but does not address the short-range and medium-range missile and conventional-force threats to South Korea and Japan. The Trump Administration has made several statements that North Korea achieving a nuclear ICBM would be "intolerable" and suggested it could be a *casus belli* for a preventive attack—but he has not made similar comments about shorter-range nuclear missiles.

During his confirmation hearing, Pompeo said the U.S.–North Korea summit objective is "to develop an agreement with the North Korean leadership such that [it] will step away from its efforts to hold America at risk with nuclear weapons, completely and verifiably.... [T]he purpose of the meeting is to address this nuclear threat to the United States."<sup>22</sup>

Japanese Prime Minister Shinzo Abe told a legislative committee, "I'm worried that medium-range missiles and short-range missiles, the kind of missiles that are threats to Japan, may not be taken up during the talks, where the focus may be limited to ICBMs. I'm also afraid that Trump may achieve a nuclear test ban, but end up accepting North Korea's possession of nuclear weapons."<sup>23</sup> Abe's motivation for meeting with Trump in April was largely to attain reassurance that the U.S. would address North Korea's shorter-range missile threat during the summit with Kim. During the summit with Abe, Trump committed to push Kim Jong-un on abandoning not only ICBMs but also missiles capable of hitting Japan and South Korea.

**Good Enough to Keep the Ball in Play.** President Trump is not expected to complete a lengthy and detailed agreement with Kim Jong-un—but

could achieve sufficient success to justify follow-on negotiations by diplomats.

During his confirmation hearing, Pompeo said, "No one is under any illusions that we will reach a comprehensive agreement through the [P]resident's meeting. But to enable, to set out conditions that would be acceptable to each side, for the two leaders who will ultimately make the decision about whether such an agreement can be achieved."<sup>24</sup> This course of action, however, would leave the Trump Administration open to criticism that it was merely adopting the same policy that it criticized previous Administrations for accepting.

**Major Breakthrough.** While there are plenty of reasons for skepticism, there are indicators that, perhaps, this time is different. The very unpredictability of both Kim and Trump, along with the perfect storm of other factors, may bring the planets into alignment for a historic achievement of epic proportions.

All the experts could be wrong and President Trump achieves a resounding success far beyond all previous diplomatic attempts to curtail North Korea's nuclear ambitions. Trump may be able to do so because North Korea may be more malleable than assessed due to international sanctions having a greater impact on regime finances than expected, and Pyongyang may be unsettled by U.S. threats of preventive military attack.

### What Are the Consequences of Failure?

In the past, North Korean charm offensives have often led to protracted, eventually fruitless negotiations. But the Trump Administration has indicated it has little patience for a repeat of such tactics. It warned that Pyongyang attaining a nuclear ICBM capability was "intolerable"<sup>25</sup> and only a "handful of months" away.<sup>26</sup> As such, the clock is ticking on

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22. Michael Pompeo, Confirmation hearing transcript, CNN, April 12, 2018, <http://transcripts.cnn.com/TRANSCRIPTS/1804/12/ip.01.html> (accessed May 11, 2018).
  23. Mari Yamaguchi, "Abe Fears U.S.–N.Korea Talks Will Omit Japan Security Concerns," Associated Press, March 28, 2018, <https://apnews.com/a5ae93a971f1450b89d9fee1a2584ac8> (accessed May 11, 2018).
  24. Jesse Johnson, "Mike Pompeo Optimistic on Kim–Trump Summit, But 'America First' Remarks Likely to Trigger Concern in Tokyo and Seoul," *The Japan Times*, April 13, 2018, <https://www.japantimes.co.jp/news/2018/04/13/world/politics-diplomacy-world/no-reward-north-korea-without-irreversible-denuclearization-pompeo-tells-confirmation-hearing/#.WvWwHph270> (accessed May 11, 2018).
  25. Miranda Green, "McMaster: 'We Have to Provide All Options' on North Korea," CNN, August 5, 2017, <https://www.cnn.com/2017/08/05/politics/mcmaster-military-options-north-korea/index.html> (accessed May 11, 2018).
  26. John Haltiwanger, "North Korea 'Handful of Months' From Being Able to Hit U.S. With Nuclear Weapon, CIA Director Warns," *Newsweek*, January 22, 2018, <http://www.newsweek.com/north-korea-handful-months-being-able-hit-us-nuclear-weapon-cia-director-warns-786706> (accessed May 11, 2018).
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the need for a rapid resolution of the North Korean nuclear issue.

What will the Trump Administration do if the U.S.–North Korea summit does not achieve a breakthrough—or even enough success to justify follow-on discussions or negotiations? When previous diplomatic initiatives with North Korea failed, the cost was continued tensions and augmentation of Pyongyang’s nuclear and missile arsenal.

But the consequences of a failed Trump–Kim meeting could be even more dire. Trump commented that if the summit does not work out, “[W]e’ll have to go to Phase Two [which] may be a very rough thing. Maybe very, very unfortunate for the world.”<sup>27</sup> There could be resumed advocacy for a U.S. preventive military attack on North Korea.<sup>28</sup>

Alternatively, the Trump Administration could ratchet up pressure on North Korea and foreign enablers of its prohibited nuclear and missile programs. Despite claiming a moniker of “maximum pressure,” there is more that the U.S. could do, and President Trump has not fully enforced U.S. laws. Most notably, Washington continues to pull its punches against Chinese financial entities assisting North Korea. The U.S. Congress passed to the White House a list of 12 Chinese banks believed to be violating U.S. laws, but the Trump Administration has yet to take action against any of them.

Rather than a recklessly provocative preventive attack, the U.S. should implement a longer-term comprehensive strategy of military deterrence, containment, pressure, law enforcement, and confrontation of North Korean human rights violations.

### What President Trump’s Summit Goals Should Be

During his meeting with Kim Jong-un, President Trump should press Kim Jong-un to make a strong, unambiguous commitment to completely abandoning North Korea’s nuclear weapons, affirming its recommitment to the Six-Party Talks principles,

complying with U.N. resolutions, and returning to the Non-Proliferation Treaty and IAEA Safeguards Agreement.

As the U.S. and its allies work toward such an agreement, President Trump should focus on several key tasks.

**Agreeing on Definitions.** Past negotiations with North Korea foundered when the allies, overeager to achieve an agreement, paid insufficient attention to the details. Unlike extensively detailed arms control treaties with the Soviet Union, negotiations with North Korea led to short, vaguely worded agreements that allowed both sides to claim differing interpretations as to what was agreed upon. Typically, a presidential summit of with an adversary would occur only after lengthy diplomatic meetings at lower echelons which hammered out a final agreement. President Trump’s switch to a top-down approach means it is less likely that there will be a long, carefully crafted and detailed agreement but rather a shorter, more vague joint statement. This is worrisome.

Pyongyang must accept the U.N. definition of denuclearization, i.e., complete, verifiable, irreversible dismantlement of the regime’s weapons arsenal, fissile material, and complete nuclear programs. It is important to resolve differences of interpretation of even seemingly simple terms such as “the Korean Peninsula.” Pyongyang has advocated an expansive definition to include any U.S. nuclear weapon that could impact the Korean Peninsula, regardless of where they are deployed in the world.

**Creating a Road Map.** Once both sides agree on *what* will be constrained and eliminated, there must be settlement on linkages and sequencing of responsibilities, as well as the timelines under which they will be carried out. There should be agreement on concise timelines for expedited rather than protracted implementation.

**Maintain Pressure Until Significant Progress Is Achieved.** President Trump should reject

27. David Choi, “Trump Warns of Very Rough Phase Two Against North Korea If Sanctions Don’t Work: Very, Very Unfortunate for the World,” *Business Insider*, February 23, 2018, <http://uk.businessinsider.com/trump-phase-2-north-korea-sanctions-2018-2?r=US&IR=T> (accessed May 11, 2018).

28. Bruce Klingner, “Save Preemption for Imminent North Korean Attack,” Heritage Foundation *Backgrounder* No. 3195, March 1, 2017, [https://www.heritage.org/missile-defense/report/save-preemption-imminent-north-korean-attack?\\_ga=2.140229050.827371890.1502117999-1634055011.1494969446](https://www.heritage.org/missile-defense/report/save-preemption-imminent-north-korean-attack?_ga=2.140229050.827371890.1502117999-1634055011.1494969446), and Bruce Klingner, Jung Pak, and Sue Mi Terry, “Bloody Nose Policy on North Korea Would Backfire: Ex-CIA Analysts,” *USA Today*, February 9, 2018, <https://www.usatoday.com/story/opinion/2018/02/09/korea-olympics-close-war-first-strike-disaster-jung-pak-sue-terry-bruce-klingsner-column/319072002/> (accessed May 11, 2018).



any calls for relaxing sanctions in return for only North Korean pledges or minimalist implementation. Trump should make clear the difference between negotiable trade sanctions, such as U.N. measures that limit North Korean import of oil and export of coal (which can be relaxed in return for progress on denuclearization), from non-negotiable U.S. targeted financial measures, which are law enforcement measures defending the U.S. financial system. For example, the North Korea Sanctions and Policy Enhancement Act, Sections 401 and 402 allow the U.S. to suspend sanctions for up to one year or remove sanctions *only* if North Korea has made progress on several stipulated issues.<sup>29</sup>

Additionally, if progress is not made on denuclearization, the Trump Administration should end its hesitancy to go after Chinese violators of U.S. law.

**Verification.** Distrust but verify, verify, verify. North Korean cheating on previous agreements makes it even more important to have a far more robust and intrusive verification regime than contained in previous agreements with Pyongyang. Parameters should be modeled on those contained in arms control treaties with the Soviet Union and Warsaw Pact. Provisions should include declaration of all production, fabrication, test, and storage facilities; the stockpile of fissile material and nuclear weapons; on-site inspections of declared facilities; and short-notice challenge inspections of non-declared facilities.

**Peace Treaty.** President Trump declared, “Korean War to End.”<sup>30</sup> Going down the peace treaty path without being fully aware of its consequences can be dangerous. Doing so would end the legal justification for the United Nations Command and could create momentum in both South Korea and the U.S. for “the war is finally over, bring the boys home.”

The U.S. and South Korea should not sign a peace treaty until the North Korean nuclear threat is eliminated and the conventional threat reduced. North Korea has extensive conventional, mechanized, armor, and artillery corps deployed near the demilitarized zone, posing a threat to the south. These forces should be capped and then weaned away from the forward area using measures similar to those in

the Conventional Armed Forces in Europe Treaty and the accompanying Vienna Document of Confidence and Security Building Measures.

Reducing the potential for either side to conduct a sudden-start invasion while increasing transparency on military forces can reduce tensions as well as the potential for miscalculation leading to a military clash.

**Maintain Multilateralism of the North Korean Nuclear Issue.** Do not allow Pyongyang to depict its nuclear forces as a bilateral issue with the United States. Doing so reduces international resolve on maintaining pressure while simultaneously increasing pressure on Washington to provide concessions to maintain negotiations momentum.

South Korean President Moon has already played into Pyongyang’s hands during the inter-Korean summit. Rather than laying a strong foundation of resolve against North Korean transgressions by focusing on denuclearization, Moon emphasized feel-good initiatives including resurrecting plans for South Korean economic largess to Pyongyang. Moon chose to play the good cop and punt the onerous duties of bad cop to the United States.

## Conclusion

For Korea watchers, 2018 has been a wild roller coaster ride of rapid-fire diplomatic developments, mostly at Kim Jong-un’s initiative. Kim has abandoned his previous strategy and now embraced engagement, walking the Korean Peninsula back from the seeming inevitability of a military clash.

As the world was absorbing the inter-Korean summit, Kim followed within days with several more unilateral announcements, each one significant. President Trump has surprised even his own advisors, and collectively they are signaling both resolve to walk away from a meeting and hinting at breakthroughs.

It is easy to be cynical and skeptical, since all of Kim’s initiatives have occurred before but have failed to resolve the nuclear crisis. But given the two leaders’ unique characteristics—and the swirling events on the peninsula—this time may be different. We can be hopeful, but must remain vigilant. When

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29. North Korea Sanctions and Policy Enhancement Act of 2016, H.R. 757, 114th Cong., 2nd Sess., 2016.

30. “Trump Declares in Tweet: ‘Korean War to End,’” CNBC, April 27, 2018, <https://www.cnbc.com/2018/04/27/trump-declares-in-tweet-korean-war-to-end.html> (accessed May 11, 2018).

the two leaders enter the summit room, the rest of the world will be waiting for black smoke or white smoke to emerge, signaling either failure or success.

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