

BACKGROUND

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The U.S. Should Implement Maximum Pressure After Failed Hanoi Summit

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Abstract

To date, President Trump's top-down approach of summit diplomacy has not curtailed Pyongyang's nuclear ambitions. Since meeting with Kim Jong-un, President Trump has impeded U.S. sanctions policy, risked alliance deterrent and defense capabilities by cancelling military exercises, and lavishly praised Kim despite the North Korean leader's crimes against humanity. These were mistakes and should be reversed. Both Washington and Pyongyang are now holding a third summit hostage to the other side softening its demands. A return to the tensions of 2017 and advocacy for a U.S. preventive attack is not imminent—absent a North Korean nuclear or long-range missile test. But Kim has demanded that the U.S. soften its position lest the regime undertake firmer measures.

Introduction

Denuclearization negotiations with North Korea are at an impasse. Kim Jong-un has been no more willing to abandon his country's arsenal than his father and grandfather were. North Korea continues to depict “the root cause” of the nuclear impasse as the U.S. “hostile policy,” including the U.S.–South Korea alliance, U.S. forces stationed on the peninsula, joint military exercises, and America's extended nuclear deterrence guarantee to its allies.

Pyongyang continues its campaign to sideline senior U.S. officials who press the regime to take demonstrable steps towards compliance with U.N. resolutions requiring it to abandon its nuclear, missile, and biological and chemical weapons (BCW) programs. In doing so, North Korea hopes to isolate and deal directly with President Donald Trump, who it sees as more likely to offer concessions—as he did during the Singapore summit.

KEY POINTS

- Denuclearization negotiations with North Korea are at an impasse. Kim Jong-un has been no more willing to abandon his country's arsenal than his father and grandfather were.
- Pyongyang continues its campaign to sideline senior U.S. officials who press the regime to take demonstrable steps towards compliance with U.N. resolutions requiring it to abandon its nuclear, missile, and chemical weapons programs.
- To date, President Trump's top-down approach of summit diplomacy has been no more effective than previous efforts to curtail Pyongyang's nuclear ambitions.
- President Trump has impeded U.S. sanctions policy, risked alliance deterrent and defense capabilities by cancelling military exercises, and lavishly praised Kim despite the North Korean leader's crimes against humanity. These were mistakes and should be reversed.

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In Hanoi, President Trump walked away from the opportunity to reach a flashy but poorly crafted deal. For that he is to be commended. Trump correctly emphasized principles and longtime allies over a premature peace declaration and his newfound relationship with Kim Jong-un. But, while a correct tactical decision, it leaves the Trump Administration no closer to achieving its strategic objective of denuclearizing North Korea.

The Trump Administration initially sanctioned more North Korean entities in its first eighteen months in office than the Obama Administration did in eight years. But like his predecessors, Trump has not fully enforced U.S. laws, including those protecting the U.S. financial system. For all its tough talk, the Trump Administration's "maximum pressure" policy was *never* maximum.

To date, President Trump's top-down approach of summit diplomacy has been no more effective than previous efforts to curtail Pyongyang's nuclear ambitions. Since meeting with Kim Jong-un, President Trump has impeded U.S. sanctions policy, risked alliance deterrent and defense capabilities by cancelling military exercises, and lavishly praised Kim despite the North Korean leader's crimes against humanity. These were mistakes and should be reversed.

Both Washington and Pyongyang are now holding a third summit hostage to the other side softening its demands. A return to the tensions of 2017 and advocacy for a U.S. preventive attack is not imminent—absent a North Korean nuclear or missile test. But Kim Jong-un demanded that the U.S. soften its position by the end of the year lest the regime undertake firmer measures.

The Road to Hanoi

The second U.S.–North Korean summit was intended to add substance to the minimalist Singapore summit agreement of the previous year. In the weeks prior to the Hanoi summit, the Trump Administration seemed to be signaling that it would lower the bar for North Korean actions and accept an agree-

ment short of complete denuclearization.¹ Special Envoy Stephen Biegun's January 2019 speech,² the most authoritative and comprehensive explanation of the Administration's North Korea policy, suggested greater receptivity to a peace declaration, accepting incremental steps toward denuclearization, stronger acceptance of the North Korean paradigm of parallel and simultaneous actions, and reduction of sanctions.

On the eve of the Hanoi summit, media reports described the parameters of a "small deal" in which North Korea would promise to cease fissile production only at the Yongbyon nuclear facility and provide additional sets of remains of U.S. service members from the Korean War. In return, Washington would sign a peace declaration, establish liaison offices in each other's capitals, and provide sanctions exemptions for some inter-Korean economic projects.

However, North Korean leader Kim Jong-un only re-tabled the same vague deal that Biegun had previously told his North Korean counterpart was not a viable proposal. National Security Advisor John Bolton described the North Korean position as "a very limited concession...involving the Yongbyon complex[,] which includes an aging reactor and some percentage of their uranium enrichment plutonium reprocessing capabilities."³

This was essentially the same deal that Kim's father and grandfather had offered for decades and would have been the fifth time that the regime had offered Yongbyon in an agreement.⁴ Although Yongbyon is a significant portion of North Korea's production of fissile material, there are other covert facilities involved in uranium enrichment for nuclear weapons. Nor did Kim's offer include dismantling missile production facilities nor abandoning North Korea's nuclear, missile, and BCW arsenals—as it is required to do under U.N. resolutions.

In return, Pyongyang wanted removal of all economic sanctions imposed by the U.N. since 2016. A senior U.S. official stated that North Korea's requested sanctions relief was worth "many, many billions of dollars," yet the regime was "unwilling to impose

1. Bruce Klingner, "Second U.S.–North Korea Summit Must Focus on Substance, Not Style," Heritage Foundation *Backgrounder* No. 3387, February 21, 2019, <https://www.heritage.org/defense/report/second-us-north-korea-summit-must-focus-substance-not-style>.

2. U.S. Department of State, "Remarks by Stephen Biegun Special Representative for North Korea," January 31, 2019, <https://state.gov/p/eap/rls/rm/2019/01/288702.htm> (accessed April 20, 2019).

3. CBS News, "Transcript: National Security Adviser John Bolton on 'Face the Nation,'" CBS News, March 3, 2019, <https://www.cbsnews.com/news/transcript-national-security-adviser-john-bolton-on-face-the-nation-march-3-2019/> (accessed April 20, 2019).

4. The previous ones are the 1994 Agreed Framework, the 2005 and 2007 Six-Party Talks agreements, and the 2012 Leap Day Agreement.

a complete freeze on their weapons of mass destruction programs.”⁵

In response to the disappointing North Korean proposal, President Trump “challenged the North Koreans to go bigger. The president encouraged Chairman Kim to go all in.”⁶ When Kim was unwilling to do so, President Trump and Kim Jong-un departed Hanoi with neither an accord nor even a joint summit statement.

Tougher Post-Summit U.S. Stance, Denial of Policy Shift

Statements by U.S. officials before and after the Hanoi summit reflect distinctly different approaches toward North Korea. During the two summits with North Korea, the U.S. first embraced, then rejected, the regime’s paradigm that denuclearization was just one of many equally important issues to be resolved simultaneously.

In Singapore, Trump agreed to “mutual confidence building [to] promote the denuclearization of the Korean Peninsula” with four commitments⁷ to be implemented “fully and expeditiously.” The joint statement did not stipulate that North Korean denuclearization take place before the other clauses.

Prior to the Hanoi summit, Biegum explained, “[W]e are prepared to pursue *simultaneously and in parallel* all of the commitments our two leaders made in their joint statement in Singapore.”⁸ Beyond emphasizing “parallel” implementation several times, Biegum dismissed the idea that North Korea wouldn’t gain any benefits prior to completing denuclearization. He commented, “We didn’t say we won’t do anything until you do everything... [T]hat is not our policy and has not been our policy.”⁹

However, after the Hanoi summit, a senior State Department official commented, “[N]obody in the administration advocates a step-by-step approach. In all cases, the expectation is a complete denuclearization of North Korea as a condition for all the other steps being taken.” In a public post-summit event, Biegum stated, “We are not going to do denuclearization incrementally, [and] we will not lift these sanctions until North Korea completes the denuclearization process.”¹⁰

Biegum denied any change in policy, “This Trump administration position has not hardened. From the very beginning, the U.S. view has been to achieve the final, fully-verified denuclearization of North Korea... [T]here has absolutely been no difference in—or distinction in the U.S. policy on denuclearization.”¹¹

Growing U.S. Frustration with North Korea.

While the U.S. refusal to sign a “small deal” at Hanoi came as a surprise to many, discussions with U.S. and foreign officials suggest the Trump Administration was hardening its position due to growing aggravation with North Korean foot-dragging in pre-summit working level meetings.

Andrew Kim, who had been involved in Trump Administration meetings with North Korea while with the CIA, commented that whenever U.S. officials raised the topic of denuclearization, North Korean counterparts “postponed the discussion asking to wait for Kim Jung-un to come.” He added that the North Korean negotiators were not even allowed to use the word “denuclearization” since only Kim Jung-un could.¹²

Special Envoy Biegum’s February meetings in Pyongyang and Hanoi were not productive and North Korea rejected U.S. requests to have Secre-

5. U.S. Department of State, “Senior State Department Official Remarks to Traveling Press,” February 28, 2019, <https://www.state.gov/r/pa/prs/ps/2019/02/289798.htm> (accessed April 20, 2019).

6. Ibid.

7. In Singapore, Trump and Kim agreed to: (1) establish new U.S.-DPRK relations; (2) build a lasting and stable peace regime on the Korean Peninsula; (3) work toward complete denuclearization of the Korean Peninsula; and (4) recover POW/MIA remains.

8. U.S. Department of State, “Remarks of Stephen Biegum” (emphasis added).

9. Ibid.

10. William Gallo, “U.S.: No Phased Approach to North Korea Denuclearization,” VOA News, March 11, 2019, <https://www.voanews.com/a/us-no-phased-approach-to-north-korea-denuclearization/4824006.html> (accessed April 20, 2019).

11. “Keynote with Special Representative Stephen Biegum,” Carnegie Endowment for International Peace, March 11, 2019, <https://carnegieendowment.org/2019/03/11/keynote-with-special-representative-stephen-biegum-pub-78882> (accessed April 20, 2019).

12. Lee Ji-hoon and Han Ki-Jae, “North Korea Demands Withdrawal of Strategic Weapons from Guam and Hawaii,” *Donga Ilbo*, March 22, 2019, <http://news.donga.com/Main/3/all/20190322/94678753/1> (accessed April 20, 2019).

tary of State Mike Pompeo meet his North Korean counterpart, Yim Yong-chol, immediately before the Hanoi summit.¹³

Lessons Learned from the Hanoi Summit

Sanctions Are Working. North Korea has said that it will abandon its nuclear arsenal if the U.S. undertakes significant measures to allay its Korean security concerns and improve bilateral relations. Pyongyang has pushed for Washington to sign a peace declaration ending the Korean War,¹⁴ reduce its security presence in Asia, eliminate U.N. sanctions, and provide sanctions exemptions to enable massive inter-Korean infrastructure projects.

However, during the Hanoi summit, Kim Jong-un was only interested in discussing sanctions relief with President Trump. Kim's lack of interest in promoting bilateral relations and tension-reduction measures indicate these are peripheral issues to induce U.S. concessions.

Kim's fixation on reducing sanctions made clear that the cumulative effects of eleven U.N. resolutions and enhanced U.S. laws are having an impact on regime finances—and was the primary catalyst for prompting North Korea back to the negotiating table. North Korean official media complained that the country is suffering the “most severe hardship in its inglorious history” amid international sanctions over its nuclear and missile programs. The country has endured post-war ashes and the “arduous march,” but the challenges that North Korea has been facing “in the recent 10 years of the century are in effect the most severe hardship in our republic's history.”¹⁵

South Korea's intelligence agency reported that North Korea officials are taking increasingly drastic measures after the regime did not achieve a reduction in sanctions during the Hanoi summit. Kim reportedly told officials that North Korea is suffering a severe food

shortage.¹⁶ Sources within North Korea reported that most of Pyongyang's state-run enterprises ceased operations after the Hanoi summit amongst increasing signs that North Korea's economic troubles are worsening.¹⁷

North Korea Does Not Want to Denuclearize. The international community engaged in decades of diplomatic efforts to prevent, then reverse, Pyongyang's quest to develop nuclear weapons. All of the agreements collapsed due to North Korean cheating or not fulfilling its pledged obligations. Engagement advocates often blamed the nuclear impasse on the U.S. and South Korea not offering sufficient economic benefits, reducing their defenses so that Pyongyang felt less threatened, or pursuing diplomacy at the presidential level.

While there is much to criticize in the Singapore and Hanoi summits, President Trump's willingness to meet with Kim tested the hypothesis that a face-to-face meeting of the U.S. and North Korean leaders would resolve the nuclear impasse. But Kim was just as resistant to go beyond capping future North Korean nuclear production as regime diplomats had been. Despite two summits, the U.S. and North Korea still do not even agree on the definition of “denuclearization.” Nor has Pyongyang given any indication that it is willing to abandon its nuclear, missile, or BCW arsenals as required by U.N. resolutions.

Canceling Military Exercises Was Not Part of Diplomacy. After the Singapore summit, President Trump announced the cancellation of large allied defensive military exercises without conferring with or notifying Secretary of Defense James Mattis, the Defense Department, U.S. Forces Korea, or allies South Korea and Japan. Trump's abrupt decision to reverse decades of allied defense planning was done unilaterally without any effort to link it with reciprocal North Korean actions, nor even discussing it with Kim Jong-un during either summit.¹⁸

13. Hwang Joon-bum, “U.S. Hinted at Reversal in Position One Week Before Hanoi Summit,” *Hankroyeh*, March 13, 2019, http://english.hani.co.kr/arti/english_edition/e_northkorea/885803.html (accessed April 20, 2019).

14. Bruce Klingner, “U.S. Should Not Sign a Peace Declaration with North Korea,” Heritage Foundation *Issue Brief* No. 4902, September 18, 2018, <http://report.heritage.org/ib4902>.

15. Yoon Hyung-jun, “N. Korea Complains of ‘Severe Hardship,’” *Chosun Ilbo*, March 22, 2019, http://english.chosun.com/site/data/html_dir/2019/03/22/2019032201137.html (accessed April 20, 2019).

16. Kim Myong-song, “N. Korea ‘Has Less Than a Year's Worth of Food, Oil Left,’” *Chosun Ilbo*, April 1, 2019, http://english.chosun.com/site/data/html_dir/2019/04/01/2019040101412.html (accessed April 20, 2019).

17. Mun Dong Hui, “Majority of Pyongyang State-Run Factories Close After U.S.-DPRK Summit Fails to Bear Fruit,” *Daily NK*, April 2, 2019, <https://www.dailynk.com/english/majority-of-pyongyang-state-run-factories-close-after-us-dprk-summit-fails-to-bear-fruit/> (accessed April 20, 2019).

18. “Trump Says He Did Not Discuss Military Drills with N. K. Leader,” *Yonhap*, March 5, 2019, <https://en.yna.co.kr/view/AEN20190305000200315> (accessed April 20, 2019).

Trump's decision was based on his perception that the military exercises were of minimal utility and excessive costs, which, he stated, "was my position long before I became president."¹⁹ Trump described them, as North Korea does, as "provocative war games" that "I hated from the day I came in."²⁰

Trump commented that, "Exercising is fun and it's nice and they play the war games. And I'm not saying it isn't necessary, because at some levels it is, but at other levels it's not. But it's a very, very expensive thing. But when they spend *hundreds of millions of dollars* on those exercises, we don't get reimbursed."²¹ U.S. military officials commented last year that the exercises cost \$14 million.

Since Singapore, Trump's unilateral decision has been the gift that keeps on giving to North Korea. The U.S. and South Korea have subsequently cancelled at least *eleven* allied exercises and imposed constraints on additional military training.

Nor did his unilateral concession lead to any reduction in the North Korean threat. General Robert Abrams, Commander of U.S. Forces Korea, testified that he has reduced the "size, scope, volume, and timing" of allied military exercises in Korea. Despite this, he added, "We have observed no significant changes to size, scope, or timing of [North Korea's] ongoing exercises." He added that Pyongyang's annual Winter Training Cycle involved one million troops.²²

Despite the diminution of allied force readiness, Pyongyang continues to protest that *any* military training is a violation of the 2018 summit agreements.²³ The regime even complains about bilateral coast guard train-

ing to enforce U.N. sanctions against illegal ship-to-ship oil transfers.²⁴

Lt. Gen. (Ret.) Thomas Spoehr, now a defense analyst at The Heritage Foundation, assessed that cancellation of allied exercises was "the wrong decision for the wrong reasons," noting that it "could weaken U.S. and South Korean readiness in a conflict with North Korea."

The exercises are designed to increase readiness to defend South Korea, to protect the region, and to maintain stability on the Korean Peninsula. The best military is of little value unless it is properly trained. And by cancelling—not just suspending—these exercises, the U.S. is unilaterally lowering its readiness.

Canceling the spring exercises based on cost is a false economy. Doing so in the face of an unchanged North Korean training cycle and undiminished nuclear capabilities is misguided. Spoehr concluded, "Why the most powerful nation in the world would cancel the very exercises that guarantee its readiness with a key ally, in order to please a dictator like Kim, is a mystery."²⁵

U.S. and South Korean Claims of Denuclearization Fall Short. The Hanoi summit sought to codify on paper what U.S. and South Korean policymakers claimed Kim had already agreed to in previous private meetings. After the Singapore summit, Secretary Pompeo testified that North Korea had agreed to denuclearize fully and "our objective remains the final, fully-verified denuclearization of North Korea, *as agreed to by Chairman Kim.*"²⁶

19. Brett Samuels, "Trump Defends Decision to Scrap Large-Scale Military Exercises With South Korea," *The Hill*, March 3, 2019, <https://thehill.com/policy/defense/432395-trump-defends-decision-to-scrap-large-scale-military-exercises-with-south> (accessed May 6, 2019).
20. "Pentagon Hasn't Issued Instructions for Suspending Military Exercises With South Korea," CBS News, June 15, 2018, <https://www.cbsnews.com/news/pentagon-hasnt-yet-issued-instructions-for-suspending-military-exercises-with-south-korea/> (accessed May 6, 2019).
21. "Remarks by President Trump in Press Conference, Hanoi, Vietnam," The White House, February 28, 2019, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-press-conference-hanoi-vietnam/> (accessed May 6, 2019) (emphasis added).
22. General Robert B. Abrams, testimony before the Armed Services Committee, U.S. Senate, February 12, 2019, https://www.armed-services.senate.gov/imo/media/doc/Abrams_02-12-19.pdf (accessed April 20, 2019).
23. "N. Korea Blasts S. Korea, U.S. for Conducting Joint Military Exercise," March 7, 2019, Yonhap, <https://en.yna.co.kr/view/AEN20190307009300325> (accessed April 20, 2019).
24. "N.K. Newspaper Denounces Allies' Exercise Against Illegal Ship-to-Ship Transfers," April 5, 2019, Yonhap, <https://en.yna.co.kr/view/AEN20190405001800325?section=nk/nk> (accessed April 20, 2019).
25. Thomas Spoehr, "Why Ending U.S.-South Korea Joint Exercises Was the Wrong Move," Heritage Foundation *Commentary*, March 3, 2019, <https://www.heritage.org/defense/commentary/why-ending-us-south-korea-joint-exercises-was-the-wrong-move>.
26. Secretary of State Michael Pompeo, "An Update on American Diplomacy to Advance Our National Security: Testimony Before the Senate Foreign Relations Committee," U.S. Department of State, July 25, 2018, <https://www.state.gov/secretary/remarks/2018/07/284487.htm> (accessed May 6, 2019) (emphasis added).

South Korean President Moon Jae-in claimed Kim privately said “he would give up nukes for economic development [starting with] stopping additional nuclear and missile tests, halting the production of nuclear weapons, scrapping facilities that develop missiles[,] and getting rid of the currently existing nuclear weapons and nuclear material. It includes everything.”²⁷

Prior to the Hanoi summit, Special Envoy Stephen Biegun announced that

Chairman Kim also committed, in both the [Pyongyang summit] joint statement as well as during the Secretary of State’s October meetings in Pyongyang, to the dismantlement and destruction of North Korea’s plutonium and uranium enrichment facilities. This complex of sites that extends beyond Yongbyon represents the totality of North Korea’s plutonium reprocessing and uranium enrichment programs.²⁸

Moreover, when describing their “commitment to dismantle and destroy their plutonium and uranium enrichment facilities, the North Koreans have also added the critical words ‘and more.’”²⁹

Yet, Kim’s refusal to accept the U.S.-proffered definition of denuclearization and “big deal” at the Hanoi summit showed the extent to which these U.S. and South Korean claims were inflated. In July 2018, Pyongyang publicly rejected Pompeo’s advocacy for complete, verifiable, and irreversible dismantlement, a data declaration, and verification as “counter to the spirit of the Singapore summit.”³⁰ In December 2018, the regime directly rebuked Pompeo for claiming that North Korea committed itself to complete, verifiable, and irreversible denuclearization of North Korea.³¹

Post-Hanoi Pressure-Raising Tactics

While North Korea and the U.S. took care after the Hanoi summit to leave the door open for resuming negotiations, both sought to incrementally increase pressure on the other. North Korean Vice Foreign Minister Choe Son-hui told reporters after Hanoi that “[w]e have no intention to yield to the U.S. demands in any form, nor are we willing to engage in negotiations of this kind.” Choe added ominously that North Korean leader Kim Jong-un would soon announce whether he intended to continue diplomatic talks and his moratorium on nuclear and missile tests.³²

Targeting Pompeo and Bolton. North Korean Vice Minister Choe blamed National Security Advisor John Bolton and U.S. Secretary of State Mike Pompeo for creating an “atmosphere of hostility and mistrust” that “obstructed” negotiations by the two leaders. In April, the North Korean foreign ministry criticized Secretary Pompeo and urged President Trump to remove him as the top nuclear negotiator. Responding to Pompeo’s description of Kim as a “tyrant,” Pyongyang accused the secretary of “reckless remarks hurting the dignity of our supreme leadership.” Kwon Jong-gun, Director General for American Affairs in the Ministry of Foreign Affairs rebuked Pompeo for misreading Kim Jong-un’s statements and creating “a very dangerous situation.”

Also in April, Vice Foreign Minister Choe derided as “nonsense” National Security Advisor John Bolton’s call for North Korea to accept President Trump’s “big deal” proposal to abandon its nuclear weapons. Choe warned that such “dim-sighted” remarks could lead to unspecified consequences.³³

North Korea is trying to divide the President, who it perceives is more likely to offer concessions, from officials demanding the regime take significant denu-

27. Lee Jihye, “South Korean Leader Says Kim Willing to Give Up Nuclear Arsenal,” Bloomberg, October 12, 2018, <https://www.bloomberg.com/news/articles/2018-10-12/south-korean-leader-says-kim-willing-to-give-up-nuclear-arsenal> (accessed April 20, 2019).

28. U.S. Department of State, “Remarks of Stephen Biegun.”

29. U.S. Department of State, “Remarks by Stephen Biegun.”

30. Nick Wadhams and Anthony Capaccio, “North Korea Slams U.S. ‘Gangster-Like’ Demands at Nuclear Talks,” Bloomberg, July 7, 2018, <https://www.bloomberg.com/news/articles/2018-07-07/pompeo-says-u-s-north-korea-weighed-denuclearization-timeline> (accessed April 20, 2019).

31. “Pompeo: U.S. Still Committed to North Korea Denuclearization,” *The Korea Times*, December 21, 2018, <http://m.koreatimes.co.kr/pages/article.asp?newsIdx=260750> (accessed April 20, 2019).

32. Eric Talmadge, “N. Korean Official: Kim Rethinking U.S. Talks, Launch Moratorium,” Associated Press, March 15, 2019, <https://apnews.com/5e747986f9204bd88ed0b38ab314c22a> (accessed April 20, 2019).

33. Joori Roh and Josh Smith, “North Korea Slams Bolton’s ‘Dim-Sighted’ Call for Sign of Denuclearization,” Reuters, April 20, 2019, <https://www.metro.us/news/the-big-stories/north-korea-slams-boltons-dim-sighted-call-sign-denuclearization> (accessed April 20, 2019).

clearization steps. Pyongyang is appealing to Trump to work directly with Kim to prevent the collapse of the President's claimed North Korea success.

North Korean Missile Activity. Satellite imagery revealed North Korea has reconstructed the Sohae rocket launch facility that Kim Jong-un promised Presidents Trump and Moon that he would dismantle under international inspection. North Korea rebuilt key components of the launch pad and the vertical engine test stand, returning it to normal operating status. The facility had been dormant since August 2018.³⁴ In addition, satellite imagery of the Sanum-dong missile assembly facility showed trucks and rail cars carrying rocket components potentially for transport to Sohae.³⁵

In May 2019, North Korea tested a new short-range tactical ballistic missile that flew 125 miles and would be able to reach Seoul from the launching site. Five days later, Pyongyang launched two additional short-range missiles that flew 250 miles. While the missile launches were a violation of U.N. resolutions, the international community has not responded strongly to previous short-range missile activity.

North Korea may have sent a calibrated signal for the U.S. to show greater flexibility in the stalled denuclearization negotiations. The regime could also be trying to influence Seoul to further reduce allied military activity. Pyongyang has criticized even the reduced-scope U.S.–South Korean military exercise as well as terminal high-altitude area defense (THAAD) missile training.

Kim Raises the Stakes. In an authoritative speech to the Supreme People's Assembly in April, Kim Jong-un blamed the failure of the Hanoi summit on the U.S. "hostile policy" of sanctions and unilateral demands for denuclearization; again rejected President Trump's "big deal" proposal; offered hope for denuclearization—but conditioned it on further allied concessions; raised pressure by setting a dead-

line; and issued vague threats of a return to the era of heightened tensions.³⁶

Kim tempted South Korean President Moon Jae-in with visions of continuing the "peaceful atmosphere on the Korean peninsula and the steady improvement of the north–south ties" while blaming the United States and conservative forces in South Korea for impeding progress and preventing Korean reunification. Kim called on Seoul to reject its reliance on Washington and instead fully implement inter-Korean agreements promising economic and diplomatic benefits to Pyongyang.

The North Korean leader chastised South Korea for acting like an "officious mediator" that vacillated between pleasing Washington and Pyongyang. Kim tied bolstering inter-Korean ties to Seoul cancelling all joint military exercises with the U.S., regardless of recent allied efforts to downgrade the scope and frequency of the defensive maneuvers.

Kim called on President Trump to make a "bold decision" to alter the U.S. negotiating position and warned that Pyongyang would only wait until the end of the year, at which point "the prospect of settling the issues will be gloomy and very dangerous."

He warned that a continuation of the U.S. policy "will naturally bring our corresponding acts." Kim had previously warned in his New Year's Day speech that continued sanctions pressure would compel the regime "to find a new way for defending the sovereignty of the country and the supreme interests of the state and for achieving peace and stability of the Korean peninsula."³⁷

U.S. Imposed Sanctions...Until It Didn't. After the Hanoi summit, John Bolton vowed, "[W]e will keep the maximum pressure campaign in place.... [W]e are looking at ways to tighten it up. To stop, for example, the ship to ship transfers that the North Koreans are using to evade sanctions."³⁸

34. Joseph Bermudez and Victor Cha, "Sohae Launch Facility Update: North Korean 'Snapback' After Hanoi," Center for Strategic and International Studies, March 7, 2019, <https://beyondparallel.csis.org/sohae-launch-facility-update-north-korean-snapback-hanoi/> (accessed April 20, 2019).

35. Yang Seung-sik, "N. Korea Preparing for Missile Launch," *Chosun Ilbo*, March 11, 2019, http://english.chosun.com/site/data/html_dir/2019/03/11/2019031100631.html (accessed April 20, 2019).

36. "Supreme Leader Kim Jong Un Makes Policy Speech at First Session of 14th SPA," KCNAWatch.org, April 13, 2019, <https://manage.thediplomat.com/wp-content/uploads/2019/04/thediplomat-supreme-leader-kim-jong-un-makes-policy-speech-at-first-session-of-14th-spa.pdf> (accessed April 20, 2019).

37. "Kim Jong-un's 2019 New Year Address," The National Committee on North Korea, January 1, 2019, https://www.ncnk.org/resources/publications/kimjongun_2019_newyearaddress.pdf/file_view (accessed April 20, 2019).

38. Sarah Kim, "Bolton Details Deal U.S. Offered," *JoongAng Ilbo*, March 5, 2019, <http://koreajoongangdaily.joins.com/news/article/Article.aspx?aid=3060109> (accessed April 20, 2019).

On March 22, the Treasury Department took a minimalist step of targeting two Chinese shipping firms helping Pyongyang circumvent U.N.-imposed restrictions on North Korean trade. Treasury Secretary Steven Mnuchin stated, “The United States and our like-minded partners remain committed to achieving the final, fully verified denuclearization of North Korea and believe that the full implementation of North Korea-related U.N. Security Council resolutions is crucial to a successful outcome.”

In highlighting the necessity of U.S. enforcement to upholding U.N. resolutions, Mnuchin vowed that “Treasury will continue to enforce our sanctions.”³⁹ A senior U.S. Administration official commented, “This is not really about intensification of pressure. This is about maintaining pressure as defined by the international community.”⁴⁰

National Security Advisor John Bolton hailed the “important actions” against North Korea, underscoring that “everyone should take notice and review their own activities to ensure they are not involved in North Korea’s sanctions evasion.”⁴¹

Trump Undercuts Maximum Pressure Strategy. However, less than a day later, President Trump overturned the Treasury Department’s plans to impose sanctions. Trump declared, “It was announced today by the U.S. Treasury that additional large-scale Sanctions would be added to those already existing Sanctions on North Korea. I have today ordered the withdrawal of those additional Sanctions!”⁴² White House Spokesperson Sarah Huckabee Sanders explained, “President Trump likes Chairman Kim[,] and he doesn’t think these sanctions will be necessary.”⁴³

Trump’s blocking action will hinder U.S. law enforcement actions and undermine international

efforts to pressure the North Korean regime to denuclearize. The decision to reverse plans to enhance sanctions enforcement reflects disarray in U.S. policy and raises doubts that the U.S. will impose additional sanctions as long as negotiations with Kim continue.

Trump previously curtailed U.S. sanctions. On the eve of last year’s Singapore summit, President Trump explained he wouldn’t impose sanctions on 300 North Korean violators because “it would be disrespectful ahead of meeting with Kim” and “we’re talking so nicely” with Pyongyang.⁴⁴ He added, “I don’t even want to use the term ‘maximum pressure.’”

Since meeting Kim in Singapore, Trump has refrained from criticizing North Korea’s brutal treatment of its citizens as he previously did in several major policy speeches. After the Hanoi summit, Trump declared, “I will take him at his word” that Kim was unaware of the brutal treatment that led to imprisoned U.S. citizen Otto Warmbier’s death, and “I don’t believe he would have allowed that to happen.” Otto Warmbier’s parents replied, “Kim and his evil regime are responsible for the death of our son Otto [and] unimaginable cruelty and inhumanity. No excuse or lavish praise can change that.”

Trump’s personal relationship with Kim was likely the reason for cancelling Vice President Mike Pence’s planned December 2018 speech, which would have criticized North Korean human rights violations, and for trimming the list of North Korean entities that were to be sanctioned for human rights violations.⁴⁵

Uncertain Diplomatic Path Ahead

The wide divergence in positions revealed in Hanoi demonstrates that a diplomatic resolution to the North Korean nuclear problem remains as elusive

39. Jonathan Allen and Josh Lederman, “Trump Tweet on North Korea Sanctions Sparks Hours of Confusion,” NBC News, March 22, 2019, <https://www.nbcnews.com/politics/white-house/trump-abruptly-reverses-treasury-s-north-korea-related-sanctions-chinese-n986376> (accessed May 6, 2019) (emphasis added).

40. Steve Herman, “U.S. Imposes First N. Korea-Linked Sanctions Since Failed Summit,” VOA News, March 21, 2019, <https://www.voanews.com/a/us-imposes-first-n-korea-linked-sanctions-since-failed-summit-/4842383.html> (accessed April 20, 2019).

41. John Bolton, Tweet, March 21, 2019, <https://twitter.com/AmbJohnBolton/status/1108798329964675073> (accessed May 4, 2019).

42. Donald J. Trump, Tweet, March 22, 2019, <https://twitter.com/realDonaldTrump/status/1109143448634966020> (accessed April 20, 2019).

43. Jacob Pramuk, “Trump Will Remove New North Korea-Related Sanctions Because He ‘Likes’ Kim Jong Un,” CNBC, March 22, 2019, <https://www.cnbc.com/2019/03/22/trump-says-he-will-remove-north-korea-related-sanctions.html> (accessed April 20, 2019).

44. Ben Riley-Smith, “Trump-Kim Summit: Donald Trump Vows to ‘End War Games’ in ‘New History’ with North Korea,” *The Telegraph*, March 21, 2018, <https://www.telegraph.co.uk/news/2018/06/11/donald-trump-kim-jong-un-summit-live-latest-news-updates-us/> (accessed April 22, 2019).

45. Conor Finnegan, “Pence Canceled North Korean Human Rights Speech, with Trump Administration Concerned About State of Nuclear Talks,” ABC News, December 2, 2018, <https://abcnews.go.com/Politics/pence-canceled-north-korea-human-rights-speech-trump/story?id=59961255> (accessed April 20, 2019).

as ever. Greater diplomatic engagement, including at the leader level, may simply have affirmed irreconcilable differences.

For now, the U.S. has articulated a firmer, maximalist stance than in the run-up to the Hanoi summit. But it is uncertain how close the U.S. was to accepting the widely reported “small deal.” Had Kim offered more of his nuclear production facilities or accepted in theory the U.N. definition of denuclearization as an endpoint objective, Trump might have acceded to a peace declaration and other confidence-building measures or he may be willing to do so in the future.

Secretary Pompeo commented that he hopes a third summit occurs soon. The Singapore summit showed Trump’s eagerness to reach a deal. Hanoi showed a different Trump, one willing to walk away from a bad deal. Which Trump would show up to the next summit?

President Trump has defined his metric for success as a continuation of North Korea’s moratorium on nuclear and missile testing. Prior to the summit, Trump declared, “I just don’t want testing. As long as there’s no testing, we’re happy.” Trump stated after Hanoi that Kim Jong-un promised not to resume nuclear or missile testing.

But a lack of testing does *not* mean the North Korean threat has been diminished. Pyongyang continues to produce an estimated seven nuclear weapons per year. In January 2018, then-CIA Director Michael Pompeo declared North Korea was only a “handful of months” away from being able to target the U.S. homeland with nuclear weapons.

Some cling to the idea that, since Pyongyang has not yet conducted an intercontinental ballistic missile flight demonstrating a re-entry vehicle, then such capabilities must not exist. But there has been a decades-long history of U.S. experts and policymakers underestimating North Korean nuclear and missile capabilities. Several U.S. four-star commanders have stated they believe Pyongyang already has the ability to hit the entire continental United States with a nuclear warhead.

For now, both sides seem content with the illusion of progress created by sporadic diplomatic meetings and by the reduction of tensions. North Korea would know that any missile launch, even a “civilian” space-launch vehicle, would signal an end to diplomacy since it would be a violation of U.N. resolutions

and drive the U.S. to seek tougher measures from the U.N. Security Council. Tensions would escalate on the Korean Peninsula with an accompanying risk of renewed U.S. talk of preventive attack or miscalculation by either side.

But, as Kim has signaled, North Korea’s patience is limited.

What the U.S. Should Do

North Korea has yet to show any tangible indication that it is willing to abandon all of its nuclear and missile production facilities and existing weapons arsenals. All previous diplomatic attempts to resolve the North Korean nuclear issue have failed. The U.S. and its allies should continue negotiation efforts—but must learn from the mistakes of the past.

- **Push for comprehensive roadmap to denuclearization.** With U.S.–North Korean negotiations in abeyance, the Trump Administration should resist entreaties to lower the bar to achieve progress. Any agreement must include a clearly defined endpoint of North Korean abandonment of its nuclear and missile production facilities and arsenal, a complete data declaration of its programs, and rigorous verification protocols.
- **Enhance implementation of sanctions.** North Korean words and actions convey the impact that sanctions have had on regime finances. It was pressure that brought Pyongyang back to the negotiating table—and it must be maintained until an acceptable agreement is reached.
 - Sanctions are a critical component of U.S. foreign policy, upholding America’s laws and defending its financial system—but only if they are implemented effectively. In 2005, in response to the U.S. taking action against North Korean accounts in Macau-based Banco Delta Asia, Vice Foreign Minister Kim Kye-gwan said, “[F]inance is like blood in [the] human body,” arguing that the U.S. sanction was causing great pain to his country.⁴⁶ A North Korean deputy negotiator at the time quietly admitted to a senior White House official, “You finally found a way to hurt us.”

46. Cho Tae-yong, “The Hanoi Summit: A Blessing in Disguise But What Now? A View from Seoul,” 38North.org, March 20, 2019, <https://www.38north.org/2019/03/tcho032019/> (accessed April 20, 2019).

- The U.S. should sanction the 300 North Korean entities referenced by President Trump in June 2018, penalize Chinese banks engaged in money laundering and other crimes by identifying them as primary money-laundering concerns or imposing significant fines, target Chinese shipping companies flouting U.N. restrictions on North Korean oil imports and seize ships, and impose secondary sanctions against ports aiding North Korean smuggling.
- **End unilateral U.S. disarmament by resuming military exercises.** Cancelling U.S.–South Korean military exercises was not part of the negotiating process, nor was it linked to reciprocal North Korean actions. It has not provided any diplomatic or security benefits. Washington and Seoul should announce a return to the previous level of exercises.
- **Uphold human rights principles.** Downplaying North Korean human rights violations to gain diplomatic progress runs counter to U.S. values and sets a poor precedent for negotiations. The North Korea Sanctions and Policy Enhancement Act § 104(a)(5) mandates sanctions against any person who knowingly facilitates severe human rights abuses.⁴⁷

- **Refrain from harsh rhetoric or escalatory threats.** U.S. allies do not want a return to “fire and fury” threats or advocacy for a U.S. preventive attack. Prudent application of pressure with diplomatic outreach while maintaining a strong deterrence and defense posture is a more effective strategy to achieve U.S. objectives.

Conclusion

It is not surprising that there has been no progress in denuclearization talks. North Korea has been pursuing nuclear weapons since the 1960s and has been obfuscating about promises to abandon them for decades. It is not helpful, however, for the Trump Administration to continue to claim that Kim Jong-un agreed to provisions that he clearly has not.

Successive U.S. administrations have refrained from fully imposing sanctions against entities violating U.N. resolutions and U.S. laws. As such, the Trump Administration’s policy is no different. The “maximum pressure” policy has *never* been maximum. Yet, it must become so if there is to be any prospect for achieving the complete, verifiable, irreversible denuclearization of North Korea.

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47. North Korea Sanctions and Policy Enhancement Act of 2016, Public Law 114-122.