



NORTH KOREA POLICY: RECOMMENDATIONS FOR THE TRUMP ADMINISTRATION

By David Straub

Abstract

Among the most important issues that will confront the new Trump administration is how to deal with North Korea. Before Mr. Trump leaves office, North Korea may achieve the capability of attacking the United States with nuclear weapons, a situation previous U.S. leaders have deemed unacceptable. President Trump's policy needs to be based on a solid understanding of the complex and dangerous nature of the North Korea problem and the history of American involvement on the Korean Peninsula. To that end, the paper provides an unvarnished and unbiased assessment of American interests on the peninsula, past U.S. policy toward North Korea, and the current situation. It takes a fresh look at the critically important question of why North Korea's leaders seek to be able to credibly threaten the United States with a nuclear attack. The paper also critically analyzes many of most debated aspects of North Korea policy—the military option, regime collapse, unification, sanctions, negotiations, nuclear freeze, military exercises, peace treaty, and human rights and humanitarian aid—and explains in specific terms why none is a panacea. Finally, the paper offers and explains realistic strategic and diplomatic policy recommendations for the new U.S. administration. It concludes that, despite the challenges, the United States can defend its interests on the Korean Peninsula with a clear-eyed policy, increased resources, and political will.

Key Words: *North Korea, United States, Trump administration, policy recommendations, leadership intentions*

Introduction

Among the top problems facing the new Trump administration will be how to deal with North Korea, as the president-elect himself has indicated.¹ Since 1989, four successive presidents proved unable to stop Pyongyang from developing nuclear weapons and the means to deliver them. Under Kim Jong-un since 2011, North Korea has accelerated those programs. Experts fear it may achieve the capability to attack the United States with nuclear weapons during Mr. Trump's term in office, a situation many U.S. leaders have declared "unacceptable."²

As a candidate, Mr. Trump's statements about North Korea were few and inconsistent.³ His positions were at odds with those of his predecessors from both parties, although he has since modified or retracted some. As president, Mr. Trump will need to make decisions about many urgent issues, but he should give priority to North Korea. At best, it will take President Trump months to put his North Korea team in place and flesh out his policy. In the meantime, Pyongyang may engage in dangerous provocations. Political turmoil in South Korea adds to the urgency.

Wise men groups, institutions, and individuals in the United States and throughout the world have recently published many North Korea policy studies and recommendations in anticipation of a new U.S. administration. Collective private-sector efforts tend to paper over differences among members, resulting in recommendations that are vague or internally inconsistent.⁴ Those by institutions and individuals may reflect idiosyncratic understandings of the problem, and the way they valorize U.S. interests may differ from most Americans.⁵

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This paper seeks to provide an unbiased and unvarnished assessment of the North Korea problem and realistic recommendations for a U.S. policy response, especially its diplomatic approach. The essential message is that the United States has the means to defend its interests, including those of its allies, if it adopts a policy based on a clear-eyed understanding of North Korean aims and summons the political will to implement it.

This study begins with a review of U.S. interests on the Korean Peninsula and the basic policy Washington has pursued since the Korean War. It then briefly assesses the current situation before focusing in detail on the critically important question of Pyongyang's strategic aims. It concludes with a discussion of policy elements and tools and some recommendations for the Trump administration.

U.S. Interests and Policy Toward North Korea

Since the Korean War, all American presidents have pursued the same basic policy toward the Korean Peninsula. The first priority for American presidents has been protecting, nurturing, and promoting South Korea. During the Cold War, U.S. leaders regarded it as essential to check communist expansion, and the deaths of nearly 34,000 Americans in the Korean War made it politically unacceptable at home to again risk the loss of South Korea. This led to the signing of a security treaty with the ROK in 1953, the stationing of American military forces in South Korea to this day, and large-scale support for South Korea in earlier decades. Thanks to South Korea's later economic success and democratization, Americans came to regard it as a model of the benefits of U.S. security policy for both the United States and its foreign partners.

The second U.S. priority has been avoiding another Korean War. It resulted in an enormous number of South Korean casualties, the destruction of Seoul, and outright conflict with the PRC. It also risked nuclear war with the Soviet Union. Yet strategically little more was achieved than a return to the *status quo ante*. Thus, President Nixon told Chou Enlai in 1972 that the Korean Peninsula "must never ... again" be "the scene of a conflict" between the United States and the PRC.⁶

For the past three decades, the United States has had a third priority: preventing North Korea from developing nuclear weapons. North Korea's possession of nuclear weapons, much less international acceptance of it, involves risks that threaten

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vital American interests. These include (1) undermining the global nuclear nonproliferation regime, a core element of U.S. security policy since the Truman administration; (2) North Korea's nuclear proliferation to other regimes or terrorists; (3) emboldening Pyongyang to the extent that it believes it can use conventional means to attack South Korea with impunity; (4) causing South Korea and Japan to question U.S. credibility, risking their development of nuclear weapons and the unraveling of the U.S. position in East Asia; and (5) becoming subject to North Korean blackmail or even nuclear attack on South Korea, Japan, and the United States itself.

After North Korea's nuclear activities became a concern, all U.S. leaders from President George H.W. Bush through President Obama used a combination of sticks and carrots to induce Pyongyang to stop and, now, roll back its nuclear weapons and long-range missile capabilities. The carrots are the establishment of diplomatic relations; sanctions easing; economic, energy, and humanitarian aid; and the signing of a peace treaty. The sticks are the threat of ever-increasing diplomatic, economic, and financial sanctions, and—for the worst case—keeping open the option of militarily destroying its nuclear and missile capabilities.

Tensions Among U.S. Strategic Priorities

Tension between the top two U.S. priorities of protecting South Korea while avoiding war resulted in the United States consistently dissuading South Korea from retaliating militarily against North Korean attacks. This created a moral hazard that continued until 2010, when North Korea sank a ROK naval vessel and later engaged in an artillery attack on South Korean territory. Pressed by the ROK, United States agreed that South Korea could retaliate proportionately against future North Korea military attacks, but U.S. officials remain anxious this could lead to a retaliatory cycle and possibly another war.⁷



Tension also exists between the United States' top two priorities of protecting South Korea and avoiding another war on the Korean Peninsula, on the one hand, and, on the other, of ending North Korea's nuclear program. Although American presidents have sometimes referred to a military option against North Korea's nuclear program, they never seriously contemplated it due to the risk of another war.

North Korea Policy Under the Obama Administration

In 2009, newly inaugurated President Obama told North Korea he wished to negotiate an end to the nuclear program and resolve other issues of concern to both countries.⁸ Just four months later, North Korea detonated a nuclear device that, unlike its first test in 2006, was fully successful. Nevertheless, the Obama administration soon began talks with Pyongyang that resulted in the "Leap Day deal" of 2012—U.S. food aid in exchange for a freeze on North Korean nuclear and long-range missile tests. North Korea launched a rocket into space six weeks later, sinking the deal and destroying what little hope for negotiations had remained in Washington. Especially since the imposition of UN sanctions after Pyongyang's nuclear and missile tests in 2009, the regime has repeatedly made it clear it has no intention of negotiating away its nuclear and missile capabilities.

After the Leap Day deal failure, the Obama administration held firm that it would negotiate but only if Pyongyang genuinely put its nuclear program on the table. As North Korea instead accelerated its testing of nuclear devices and missiles, the Obama administration led the international community in greatly increasing sanctions on Pyongyang. Prodded by Congress, the administration moved in 2016 to apply secondary sanctions on Chinese and other companies trading with North Korea. It also sharpened the focus on North Korea's human rights situation and designated leader Kim Jong-un personally responsible for it. Increasingly, U.S. and South Korean leaders publicly questioned the legitimacy of the North Korean regime, and U.S. and ROK statements and military exercises signaled to North Korea's top leaders that they could be destroyed if they threatened the other side.

At its outset, the Obama administration calculated that increasing pressure on Pyongyang while continuing to hold out the possibility of a negotiated denuclearization would slow down, if not soon stop, North Korea's nuclear and missile programs. Like the George W. Bush administration, the Obama administration sought to persuade the PRC to put much more

pressure on Pyongyang to denuclearize. Far from slowing down the nuclear and missile programs, however, the new Kim Jong-un regime accelerated them. The two North Korean nuclear tests in 2016 alone have underlined that the longstanding U.S. approach will likely not work before Pyongyang achieves the capability of credibly threatening the United States with a nuclear strike. The Obama administration spent its final year trying to make its policy catch up with this new realization.

Nevertheless, it is not correct to argue, as many critics do, that the Obama administration pursued a policy of "strategic patience" that, in practice, meant "doing nothing." Notably, the North Koreans strongly disagree with such critics. On November 21, 2016, their foreign ministry issued a long list of Obama administration measures during the past five years intended to force Kim Jong-un to give up nuclear weapons. It called them "...indeed unprecedented in its pace and intensity."⁹ That the Obama administration was not successful does not mean it was not fully seized of the problem or that it did not work hard to resolve it; it means that the North Korea problem is much harder than most critics appreciate.¹⁰

The North Korea Problem Today

The North Korea problem has never been more serious. Pyongyang aims to credibly threaten not only South Korea and Japan but also the United States itself with a nuclear attack. North Korea claims it already has such a capability; experts doubt this but believe it will eventually be achieved, possibly during the Trump administration. Meanwhile, Pyongyang has not shied away from public threats to use nuclear weapons against the United States. North Korea may eventually have a nuclear arsenal on the scale of those of India and Pakistan, and its deployment of mobile missiles, tactical nuclear weapons, and nuclear-capable submarines could significantly increase the risk of war, including through accidental misuse.¹¹

There is little reason for optimism that Kim Jong-un will, on his own, choose a better course. Initial international hopes that he might be a reformer evaporated years ago. While debate continues about the extent to which Kim has consolidated his position,¹² he has already been in power for five years. Efforts to put him under greater pressure to give up nuclear weapons have been weakened by the PRC's reluctance to support sanctions it fears might threaten his regime and risk instability along the two countries' 880-mile border. In recent years, North Korea's economy has grown slightly despite increased sanctions, and North Korean leaders appear increasingly confident they can manage the international consequences of their nuclear policy.



The U.S. position in Northeast Asia has been weakened over the past two decades by the widespread perception that the United States is declining while China is rising. The increasing strategic competitiveness of China and Russia with the United States has limited their cooperation with Washington on North Korea policy. China has come to share with North Korea the objective of ending the U.S.-ROK and U.S.-Japan alliances (although the goal is far more important and urgent for Pyongyang).¹³ Only Japan remains strongly supportive of the U.S.-ROK alliance and U.S. policy toward North Korea, but its conservative administration is on poor terms not only with the PRC but also with South Korea.

Perhaps most important, South Koreans have long been severely polarized over North Korea, and the country is currently in political turmoil over a domestic scandal involving President Park Geun-hye, a conservative and North Korea policy “hawk.” Even if she is not forced to step down before her term ends in February 2018, her authority has already been greatly diminished. If a progressive replaces her, South Korea will likely adopt an updated version of the sunshine policy of appeasing North Korea, including deemphasizing the use of sanctions.

North Korea’s Strategic Aims

North Korea’s nuclear threat is a product of its capabilities and intentions. Unfortunately, reliable intelligence about North Korean leadership intentions appears to remain unavailable, even to the U.S. government. Past U.S. leaders had hoped that Pyongyang’s nuclear goals were limited to defensive purposes, such as military deterrence, as Pyongyang itself claims, and that it might be willing to negotiate away its nuclear programs for security assurances and aid. The failure of negotiations based on these assumptions has left unanswered whether Pyongyang was ever willing to end its nuclear programs or whether it engaged in a prolonged and elaborate deception. In any event, its behavior over the past decade has resulted in an international consensus that it does not intend to give up nuclear weapons in the foreseeable future.

It is essential to understand North Korea’s strategic goals and how nuclear weapons fit into these so that a suitable policy response can be formulated.¹⁴ Like other countries possessing or pursuing a nuclear weapons capability, North Korea presumably has many reasons for doing so. These include defensive goals such as deterring military threats and other pressures—not only from the United States and South Korea but also from the PRC, Russia, and Japan—and bolstering domestic, especially military, support for the regime.

Although it is unlikely that North Korea’s leaders, who have not acted suicidally, intend to attack the United States or its allies with nuclear weapons, their strategic aims have always included an offensive element: the unification of the Korean Peninsula on their terms. This is evidenced by North Korea’s invasion of the South in 1950 and its contemplating doing so again in 1975 as South Vietnam fell; its continued military attacks and terrorism against South Korea; its rejection of ROK legitimacy; and its efforts to subvert South Korea through propaganda, threats, espionage, sabotage, and cyber-attacks.

North Korea’s leaders have sought reunification on their terms because they regard the status quo as unsustainable and a negotiated reunification as unacceptable. They fear that South Korea will continue to outpace them and that their own people will rise up once they understand how successful South Korea is. Pyongyang’s leaders cannot negotiate reunification because they know that would entail democratization of the North as well. In such a case, they could not rely on any guarantee of their personal immunity from prosecution, because they fear that demands for their punishment by their own former citizens would prove to be irresistible. North Korea’s leaders therefore regard South Korea as the top long-term threat to their security, a threat that must be countered and, as soon as possible, eliminated.

To North Korea’s leaders, the U.S. alliance is the South’s mainstay. The United States has deterred North Korea militarily and provided South Korea vital diplomatic, economic, and technological support, while inducing the international community to deny the same to Pyongyang. To North Korea’s leaders, who both identify with their regime and fear what would happen to themselves if it fails, the impulse to attribute most of South Korea’s security and success to U.S. support is powerful.

North Korea’s leaders have thus consistently sought to end the U.S.-ROK alliance, but to their consternation it has only grown stronger. Now they hope that the credible threat of being able to attack the United States with nuclear weapons will finally force Washington into negotiations aimed at undermining the alliance. Pyongyang’s stated demands include acceptance of North Korea as a legitimate nuclear weapons state, removal of the U.S. nuclear umbrella over the ROK and Japan, an end to U.S.-ROK military exercises, the withdrawal of U.S. forces from the South, and a (bilateral) peace treaty with the United States (on North Korea’s terms).¹⁵ If *any* of these demands were accepted under the current circumstances, it would eviscerate the alliance.



To succeed, North Korean leaders feel they must make U.S. leaders believe they have the capability of attacking the United States with nuclear weapons. Thus, for some time now, they have been claiming they already have such a capability, even though most experts are doubtful. They must also convince American policymakers that even increased sanctions cannot dissuade the North but will only make it more determined.

In the meantime, however, members of the North Korean elite must suffer from profound psychological stress, because they cannot be certain their strategy will work in time and because the various risks require contradictory responses. For example, the need to intimidate the United States entails accelerating the nuclear and missile programs. But doing so results in increased international sanctions and greater efforts by the international community to propagandize the North Korea populace. In the worst case, they fear the United States might use military force to destroy North Korea's nuclear and missile programs. With North Korean leaders in such a difficult situation, it is not possible to predict with confidence what their near-term steps will likely be, for example, whether they will accelerate the nuclear and missile programs, engage in more attacks on South Korea, or revert to one of their occasional "charm offensives," perhaps directed this time at the new U.S. administration or a new South Korean government.

This theory of North Korean leadership intentions cannot be proven but it economically explains Pyongyang's behavior and has a great deal of historical evidence to support it. To those who would argue that North Korean leaders would have to be delusional to believe they might someday end the U.S.-ROK alliance, much less subvert the ROK, the author agrees they are very unlikely to achieve these aims. But North Korea's leaders see no better option, and as they have long pointed out to Americans, the United States has accustomed itself to India and Pakistan having nuclear weapons. North Koreans also rely on China's strategic mistrust of the United States to limit U.S.-PRC cooperation against them.

North Korea Policy Elements and Tools

The complexity of the North Korea problem requires that U.S. policy makers have a clear understanding of the advantages and risks of various possible policy elements and the tools with which to achieve them. This section discusses some of the more important of these as the basis for the policy recommendations for the Trump administration that will be laid out in the concluding section.

Military Option

As noted above, American leaders never seriously planned to attack North Korea's nuclear and missile facilities for fear that Pyongyang would destroy Seoul. American planners also could never be certain they knew where all North Korea's facilities were located. Even if they did, Pyongyang would likely rebuild destroyed facilities, perhaps quicker than before. Much of the international community, including many South Koreans, would condemn the United States for reckless behavior, and China's reaction would be highly negative, entailing all but certain costs for the United States in its pursuit of a broad "positive" agenda with Beijing.

As North Korea has accelerated its nuclear and missile development, there has been a surge in speculation, especially in South Korea, that the United States might yet resort to military force. The argument is that North Korea's nuclear and missile programs have been too limited and primitive to constitute a serious threat to U.S. allies, much less the United States itself. But as North Korea approaches having the capability of threatening U.S. territory with nuclear attack, the top U.S. priority regarding the Korean Peninsula may change from protecting South Korea to protecting the United States itself. The lack of real-time insight into Pyongyang's intentions means that if North Korea develops the capability of attacking the United States with nuclear weapons, American leaders must assume they might actually do so.

The alternative argument in South Korea is that the United States will not be prepared to sacrifice San Francisco for Seoul, and so may enter into negotiations with Pyongyang that put the ROK in strategic peril. This has led some South Koreans to call for their country to develop its own nuclear weapons, or at least press Washington to reintroduce U.S. tactical nuclear weapons into South Korea.¹⁶

Regime Collapse

North Korea's regime stability has long been an issue of debate. Some accuse the United States of having foolishly waited for a collapse of the North Korean regime rather than negotiate with Pyongyang. Others argue that the regime has long been on its last legs and that the United States should work for its collapse, as the only way to resolve the problems it presents.

The situation is more complex and fraught with risk than the advocates of either position appreciate. A regime such as Pyongyang is strong but brittle; someday it will suffer a dramatic



disjuncture. Unfortunately, there is no way to estimate when that might occur, what form it might take, whether the situation would soon stabilize or result in even more instability, and whether the result would be better or worse. U.S. policy makers cannot count on change occurring before Pyongyang gains a nuclear capability against the United States homeland. Intensified U.S. pressures would somewhat increase the likelihood of change within North Korea occurring sooner, but other risks and uncertainties would remain.

Unification

Soon after President Obama's inauguration, he and ROK President Lee Myung-bak proclaimed Korea's peaceful reunification to be a major goal of the alliance.¹⁷ The United States has always supported Korea's reunification as a free and democratic state, but there has never been an occasion after President Truman's dismissal of General MacArthur in 1951 when U.S. leaders believed it might be achieved without incurring an unacceptable degree of risk to their higher priority of protecting South Korea.

Even in the best case—a peaceful collapse of the North Korean regime and initial cooperation by most North Koreans with a unification *process*—there is no guarantee that the *end state* of unification can be maintained. Moreover, the likelihood of a best-case scenario is low. Strong support from the South Korean establishment and people would be a necessary but not sufficient condition to make a success of a reunified Korea, but most South Koreans today are wary of reunification and unwilling to make sacrifices for it. If, in a reunified Korea, North Koreans came to feel that South Koreans did not respect them and were not prepared to help them, the result could be disastrous.

Sanctions

All U.S. administrations since 1950 have made sanctions a major part of their response to North Korean misbehavior. The Obama administration significantly increased sanctions as North Korea accelerated its nuclear and missile programs, and it successfully encouraged the United Nations and many states to adopt similar measures. Under conservative leadership for the past nine years, South Korea too has greatly increased sanctions against Pyongyang.

Sanctions critics maintain that North Korea's totalitarian rule, primitive economy, lack of trade, and ability to rely on the PRC for vital imports vitiate sanctions.¹⁸ Some argue that, as North Korea asserts itself, pressure against it has never worked and has only

made it more determined. They add that no country has ever been more sanctioned and little else remains to be sanctioned.¹⁹

Others argue, convincingly, that several other countries, including Iran, have been subject to more stringent and effective sanctions than North Korea.²⁰ These observers note that some of the most wide-ranging and potentially punishing international sanctions were only imposed in 2016 and have not had time to take full effect. Advocates of this view are, however, not as persuasive in arguing that the United States can overcome or override the PRC's reluctance to increase sanctions on North Korea. It remains to be seen how Beijing will react to U.S. "secondary" economic and financial sanctions on Chinese entities. Beijing may reluctantly acquiesce but it could respond by countering U.S. policy toward North Korea, a risk that contributed to the Obama administration's hesitation to adopt such measures.

Although sanctions have so far not prevented North Korea from pursuing nuclear weapons and missiles, it is not correct to argue that they have had no effect. They have complicated, delayed, and raised the cost of North Korea's nuclear and missile programs. They have contributed significantly to North Korea's inability to grow its economy. Even with a slight uptick in the North and a slowdown in the South in recent years, the South's annual *margin* of economic growth is probably larger than the *entire* North Korean economy. The imposition of sanctions also reinforces the global nuclear nonproliferation regime.

North Korean leaders must regard their economic situation as strategically disastrous. It weakens popular support at home and results in the South becoming ever stronger relative to the North. Evidence for this is contained in the regime's statement on Kim Jong-un's execution of his uncle Jang Song-taek. Jang allegedly told his interrogators: "I attempted to trigger off discontent among service personnel and people when *the present regime does not take any measure despite the fact that the economy of the country and people's living are driven into catastrophe* (italics added)."²¹ The statement, starkly at odds with Pyongyang's propaganda, also suggests a high degree of psychological stress and factionalism within the regime due to external pressures.

Negotiations

The main argument of some critics is that U.S. administrations have erred in being unwilling to negotiate with North Korea. Since the failure of the Leap Day deal, the Obama administration has insisted it will not negotiate with North Korea unless it



demonstrates that it would engage in genuine talks about ending its nuclear weapons program. Critics, however, say the only way that the North Korea problem can be resolved peacefully is if Washington and Pyongyang engage in intensive negotiations to understand each other's interests and find a way to bridge their differences. At a minimum, they say, negotiations would serve to reduce tensions and the risk of North Korean provocations. What harm could it do, they ask rhetorically.

But it is the critics who err, in both their understanding of the situation and their policy recommendation. Since 1992, the United States has not opposed negotiation in principle with North Korea. The issue has been, not only for the United States but for North Korea as well, not *whether* to negotiate but on *what* terms. The United States is not willing to negotiate on the basis of North Korea being a legitimate nuclear weapons state, and North Korea is not currently willing to negotiate on any other basis.

If the United States negotiated unconditionally under the current circumstances, the international community would rightly regard it as evidence that the United States was moving toward acceptance of North Korea as a legitimate nuclear weapons state. The United States would lose credibility in the eyes of its allies and partners, and North Korean leaders would interpret the American move as proof their strategy was working. Even if the United States soon abandoned the negotiations, as it would likely do when confronted by North Korean intransigence, considerable damage to American interests would already have been done.

The critics are correct that it is important to understand Pyongyang as well as possible, but negotiations are not the only way of doing this. The United States government can engage in diplomatic dialogue with North Korea at the United Nations (the "New York channel") and elsewhere. American private citizens, including former senior officials, meet with North Korean diplomats. The United States engages in public messaging to North Korea and closely follows North Korea's public statements. The United States also has access to a great deal of information about North Korea from foreign sources, including those in direct contact with Pyongyang. The current problem is not that Washington and Pyongyang do not know and understand their respective policies and aims; it is that they know them *all too well*.

The Freeze Mirage

Some argue that North Korea will never give up nuclear weapons and thus the United States should accept indefinitely what they regard as the second-best outcome, an agreement to limit the proliferation, scope, and technical development of its nuclear and missile capabilities.²² Even outgoing National Intelligence Director James Clapper recently suggested publicly that he agreed with this view. (The State Department promptly repudiated his remarks.)²³

While a freeze on North Korea's nuclear and missile development would be highly desirable, the closer one examines the concept, the less plausible it becomes. The most recent U.S. effort at a negotiated freeze was the 2012 Leap Day deal. Almost immediately, North Korea spectacularly violated it. Fundamental issues with a freeze remain unanswered by its advocates. For example, even if North Korea entered into another freeze, would it be willing to apply it to *all* its facilities? Do we even know where all of them are? Would it allow verification? How long would Pyongyang maintain a freeze?

Moreover, freeze advocates are vague about what the United States should be willing to provide North Korea in exchange for a freeze. What would Pyongyang demand from the United States to enter into a freeze? What else might it demand to continue it? What carrots and sticks could the United States wield if Pyongyang violated the freeze? In the Leap Day deal—five years, three nuclear tests, and scores of missile launches ago—the Obama administration was willing (or able politically) to provide only food aid in exchange for a North Korean pledge of a moratorium on nuclear tests and missile launches. Now, North Korea would almost certainly demand far more for a freeze, including, as it recently did, an end to U.S. military exercises with South Korea and a peace treaty on Pyongyang's terms.²⁴

Most importantly, the international community would regard a negotiated freeze as tantamount to U.S. acceptance of North Korea as at least a limited nuclear weapons state for the indefinite future, because currently almost no one believes North Korea is willing to give up the nuclear weapons it already has. Counterarguments that the freeze would serve, or could be argued to serve, only as a stepping-stone to complete denuclearization would be thoroughly unconvincing. The consequences for mutual trust and confidence within longstanding U.S. allies, especially the ROK and Japan, could be devastating. The damage to the global nuclear nonproliferation regime would also be severe. It would



increase the likelihood that Iran would break its own nuclear deal in the future and continue nuclear weapons development. Finally, North Korean leaders would interpret a freeze deal as strong evidence of a lack of American political will. They would either increase their demands for maintaining it or withdraw from it, in the expectation of an even better deal at another stage as they continued nuclear and missile development.

U.S.-ROK Military Exercises and a Peace Treaty

Two of North Korea's most-repeated and longstanding demands are for an end to U.S.-South Korean military exercises and the conclusion of a peace treaty. If the United States and the ROK are to be able to deter and defend against a North Korean attack, however, they must engage in regular military exercises of their plans, personnel, and communications. Because most U.S. military personnel are assigned to South Korea for only one year, exercises must be held annually to familiarize them with the terrain, their ROK allies, and U.S.-ROK military plans. North Korea conducts its own regular large-scale military exercises but gives no indication it would be willing to reduce, much less end them. A suspension or reduction of U.S. exercises would also be interpreted by Koreans north and south as an indication of American naiveté and lack of fortitude. It would weaken the alliance and only reinforce the North Koreans in their current course.

Pyongyang's call for a peace treaty is not intended to achieve an effective and sustainable peace mechanism to replace the Armistice Agreement but to facilitate a negotiations process aimed at ending the alliance. If Pyongyang were interested in a genuine peace treaty, it had an ideal opportunity to achieve one during the Four Party Talks from 1996 to 1998. Initiated by the ROK's Kim Young Sam and the Bill Clinton administrations, along with the PRC, precisely to establish a peace regime, these intensive negotiations achieved absolutely nothing. The consistent North Korean position was that all that was needed was for the United States to sign an otherwise blank sheet of paper entitled "Peace Treaty between the Democratic People's Republic of Korea and the United States of America." All entreaties to the North Korean diplomats to discuss tension-reduction and confidence-building measures to give substance to a peace treaty were ignored.

Human Rights and Humanitarian Aid

Since the end of the Cold War and even more so since the advent of the World Wide Web, the international community's focus on North Korea's abhorrent treatment of its own people has

increased dramatically. No longer regarded as simply a subset of the free world's confrontation with the communist "bloc," North Korea stood out like a sore thumb in a democratizing world in the 1990s. The Internet and, later, smartphones, made it possible not only to develop a great deal of information about North Korea, but also to store, share, analyze, and act upon it. Under conservative governments for the past nine years, South Korea has played a leading role in this effort, but nongovernmental organizations focused on the problem have emerged all over the world and are cooperating closely.

The U.S. government was reluctant to press the human rights issue forcefully because it believed that would undermine its efforts to achieve a negotiated end to the nuclear problem. U.S. leaders also doubted they could do much to improve the human rights situation. But increasing pressure from U.S., South Korean, and international human rights organizations and the Obama administration's apparent loss of all hope that the North Korean regime might seriously negotiate even limited denuclearization steps led to the turnabout.

In recent years, the United States has helped lead efforts to condemn North Korea's human rights practices in the United Nations and elsewhere in the international community. It has also supported programs to document North Korean practices. In response to new U.S. legislation in 2016, the United States took the unprecedented step of designating Kim Jong-un as personally responsible for the North Korean human rights situation. Most observers do not fully appreciate how fundamental this is. It is a threat to put Kim Jong-un and his top officials on trial. It will be very difficult to roll back this measure even if it later becomes desirable for strategic reasons to do so. Also, recent statements by Washington and Seoul challenging the legitimacy of the regime are based not only on its defiance of UNSC resolutions against its nuclear and missile programs but also on its failure to protect its own people.

The U.S. and ROK governments have given almost no humanitarian aid to the people of North Korea for many years now, although they have allowed private organizations to do so. It makes little sense to provide official humanitarian aid to North Korea as long as the regime prioritizes the development of weapons of mass destruction over feeding its own people. This is especially so because global supplies of aid are insufficient to care for equally needy people elsewhere, as the World Health Organization's world "hunger map" illustrates.²⁵



Recommendations for the Trump Administration

It will take a great deal of attention, resources, and determination to defend U.S. interests on the Korean Peninsula in the coming years. The following recommendations are not intended to be comprehensive but to contribute to the Trump administration's policy review by outlining a realistic general strategy and highlighting some opportunities and pitfalls.

The United States must maintain its position of never accepting North Korea as a legitimate nuclear weapons state, not even as a limited one. This means that the United States must increasingly impose sanctions and other pressures on Pyongyang as the regime engages in provocations. The United States must not negotiate a freeze until it has a reasonable expectation that Pyongyang is prepared to engage in genuine denuclearization negotiations. If the United States adheres to this approach, its position with its allies and partners should be sustainable for the foreseeable future.

To end North Korea's nuclear threat peacefully, the United States must go further and lead North Korea's leaders to conclude that their strategy will not work. They must come to believe that the United States will ensure that North Korea will lose far more than it will gain by pursuing weapons of mass destruction. This will require a careful analysis of the domestic and international imperatives as seen by Kim Jong-un and other leaders of the regime, and the shaping of American pressures and inducements accordingly. The United States should not *gratuitously* seek to frighten or anger North Korea's leaders. The question the administration should always ask about U.S. policy measures is: will they serve to move the North Korean leadership in the direction we desire?

The optimal balance of pressures and inducements will increase the likelihood of a strategic recalculation by Pyongyang's current leaders or the emergence of a new leadership configuration more favorable to American interests. It will also maximize international support for the U.S. position. The United States should thus underline its desire for genuine negotiations that will not only denuclearize North Korea but will also address the regime's *legitimate* concerns and needs. The United States should consider being more specific about incentives for denuclearization, but only where possible to do so without encouraging Pyongyang to think that it can get even more, and need to give even less in return, by waiting longer or engaging in

more provocations. A peace treaty should be negotiated only in the context of denuclearization talks, not before.

Washington should remain in periodic working-level communication with Pyongyang but not engage in formal negotiations under the current circumstances. Washington should inform Pyongyang that, as far as it is concerned, the New York channel always remains available to exchange information and views. The United States should also be receptive to holding official meetings occasionally in third countries to maintain communications and ascertain if there has been any change in Pyongyang's positions. American delegates must enjoy the full confidence of the president and always be authorized to engage in limited informal exploratory discussions if it seems to them that there might be movement on Pyongyang's part.

The human rights situation must continue to be pursued but care should be taken not to burn all bridges to the regime. To the extent consistent with the overall policy outlined here, the United States should do its best to avoid inflicting additional suffering on ordinary North Koreans. In any case, it should not resume humanitarian aid to North Korea under the current circumstances.

The policy outlined here will contribute to greater appreciation of U.S. policy on China's part. Beijing will nevertheless likely continue to resist imposing pressures on Pyongyang that it fears might cause instability. The United States should underline that its aim is not instability but North Korea's strategic recalculation and that it is far from eager for another crisis on the Korean Peninsula. In any event, the United States may yet achieve its aims with something less than the PRC's complete cooperation.

The United States should redouble its efforts to explain and justify its policy at home and abroad, especially in South Korea. Perhaps the greatest challenge to U.S. policy toward North Korea will come if South Korea elects a progressive president next year. If so, the ROK will likely pursue an updated sunshine policy. The United States cannot embrace such a policy but would need to seek a compromise approach with the new government. Inability to display a united public front with South Korea would risk the complete failure of the United States' North Korea policy and even its position in Northeast Asia. The United States should also undertake efforts to prevent a recurrence of the vicious cycle of history-related and territorial disputes that undermined ROK-Japan cooperation until recently.



Finally, the United States should ask Congress to approve major increases in personnel and budgets for all aspects of North Korea policy. These include defense, intelligence, diplomacy, sanctions implementation, human rights, and public relations, including getting more outside information to the North Korean people.

Conclusion

The approach outlined above appears to be generally consistent with the policy views that Mr. Trump expressed as a candidate and since his election.

- Above all, this approach accords with Mr. Trump's emphasis on acting from a position of strength. The only hope of peacefully ending North Korea's nuclear and missile programs is to induce its leaders to realize that not giving them up will endanger their position more than keeping them. That will require a display of strength and determination, and a mix of carrots and sticks, that Pyongyang has not seen from Washington.
- President-elect Trump's expressed willingness to engage in dialogue and make fair deals could provide the basis for continuing to offer Pyongyang a negotiated "way out" while perhaps offering more specific inducements for complete denuclearization.
- Mr. Trump's criticism of the Iran nuclear deal strongly suggests he will agree that pursuing a North Korean nuclear freeze agreement is not in American interests.
- To obtain greater cooperation from Beijing on the North Korea problem, however, President Trump should reconsider some of his statements about PRC policy, including his call for high tariffs on PRC imports.
- Mr. Trump's strong support of human rights in places such as Cuba suggests he may give priority to the situation in North Korea as well. In doing so, he should keep in mind the possible trade-offs between targeting top leaders in Pyongyang on the human rights issue and their potential cooperation on the nuclear issue.
- With the Republican Party in control of both houses of Congress, President Trump can and should obtain the budget and manpower allocation to give top priority to the North Korea problem.

For North Korea's leaders, dealing with the United States is potentially a life-and-death matter and thus a top priority. They take it very seriously and are a much more formidable adversary than many imagine. The time has come for the United States to be equally as serious about Pyongyang. With a well-founded strategy and the political will to implement it, the United States can defend its interests and achieve its goals on the Korean Peninsula.



Endnotes

- ¹ President-elect Trump said of his November 10 meeting with President Obama: "...what I wanted to focus on [in the meeting] was—the Middle East, North Korea..." "President-elect Trump speaks to a divided country on 60 Minutes," November 13, 2016 (date of airing), <http://www.cbsnews.com/news/60-minutes-donald-trump-family-melania-ivanka-lesley-stahl/>.
- ² In a recent example, former chairman of the joint chiefs of staff Mike Mullen said that "...if Beijing doesn't lead this [denuclearization effort], we're going to get to a point where he's [Kim Jong-un] going to be able to put a nuclear weapon on top of a [sic] intercontinental ballistic missile that could hit the United States, and that's *unacceptable* [italics added]." ABC TV, "This Week with George Stephanopoulos," broadcast November 27, 2016, <http://abcnews.go.com/Politics/joint-chiefs-leader-encouraged-trumps-cabinet-picks/story?id=43804170>.
- ³ Thomas Lee, "U.S. Presidential Candidates Comments on the Korean Peninsula," Korea Economic Institute, <http://keia.org/us-presidential-candidates-comments-korean-peninsula>.
- ⁴ One of the most prominent among recent wise men reports on North Korea policy is Mike Mullen and Sam Nunn, "A Sharper Choice on North Korea: Engaging China for a Stable Northeast Asia," Council on Foreign Relations, Independent Task Force Report No. 74, New York, September 2016, <http://www.cfr.org/north-korea/sharper-choice-north-korea/p38259>. Seven of the seventeen members wrote dissents.
- ⁵ Among recent individually-authored North Korea policy recommendations, perhaps the best is Evans J.R. Revere's "Dealing with a nuclear-armed North Korea: Rising danger, narrowing, options, hard choices," October 4, 2016, <https://www.brookings.edu/research/dealing-with-a-nuclear-armed-north-korea/>.
- ⁶ "Memorandum of Conversation, Wednesday, February 23, 1972 - 2:00 p.m.-6:00 p.m.," http://nsarchive.gwu.edu/nsa/publications/DOC_readers/kissinger/nixzhou/13-17.htm.
- ⁷ See especially Jeffrey A. Bader, *Obama and China's Rise: An Insider's Account of America's Asia Strategy* (Washington, D.C.: Brookings Institution Press, 2012), pp. 83-93. Bader published this account soon after stepping down as the first senior director for Asian affairs in President Obama's National Security Council.
- ⁸ The Six Party Talks in Beijing, initiated by the George W. Bush administration in 2003, had failed in late 2007 over Pyongyang's refusal to allow verification of its nuclear pledges.
- ⁹ "Memorandum of DPRK Foreign Ministry," Korean Central News Agency (KCNA), November 21, 2106, <https://kcnawatch.co/newstream/1479729751-569782885/memorandum-of-dprk-foreign-ministry/>.
- ¹⁰ Parts of this study elaborate on the author's arguments in the lecture, "North Korea Policy: Why the Obama Administration is Right and the Critics are Wrong," Stanford University, May 13, 2016, <http://apar.cfsi.stanford.edu/events/north-korea-policy-why-obama-administration-right-and-critics-are-wrong>.
- ¹¹ Siegfried S. Hecker, "The real threat from North Korea is the nuclear arsenal built over the last decade," *Bulletin of the Atomic Scientists*, January 7, 2015, <http://thebulletin.org/real-threat-north-korea-nuclear-arsenal-built-over-last-decade7883>.
- ¹² Ken E. Gause, *North Korean House of Cards: Leadership Dynamics Under Kim Jong-un* (Washington, D.C.: Committee for Human Rights in North Korea, 2015), https://www.hrnk.org/uploads/pdfs/Gause_NKHOC_FINAL_WEB.pdf. Gause provides a detailed examination of Kim's role in the North Korean regime's power structure and the challenges he faces.
- ¹³ For example, in calling for an alternative security structure for Asia in May 2014, President Xi Jinping said, "To beef up and entrench a military alliance targeted at a third party is not conducive to maintaining common security," http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1159951.shtml. Cited in Zhou Fangyin, "The U.S. Alliance System in Asia: A Chinese Perspective," *Asian Politics & Policy*, Vol. 8, Issue 1 (2016): 207-218.
- ¹⁴ Recently a few journalists have at least addressed the issue. See, for example, Max Fisher, "Maybe North Korea's Nuclear Goals Are More Serious Than Once Thought," *The New York Times*, July 13, 2016, http://www.nytimes.com/2016/07/14/world/asia/maybe-north-koreas-nuclear-goals-arent-a-farce-after-all.html?_r=0.
- ¹⁵ In a recent restatement of some of North Korea's demands, its ambassador to the United Nations in Geneva declared: "If he (Trump) really gives up the hostile policy towards DPRK, withdrawing all the military equipment from South Korea, including the U.S. troops and coming to conclude the peace treaty, then I think it might be an opportunity to discuss the relations as we did in the 1990s." Stephanie Nebehay, "North Korea says could renew ties with U.S. under Trump if troops go," Reuters, November 17, 2016, <http://www.reuters.com/article/us-korea-north-nuclear-envoy-idUSKBN13C2GK>.
- ¹⁶ "Calls growing in South Korea for nuclear armament," Yonhap News Agency, September 11, 2016, <http://english.yonhapnews.co.kr/news/2016/09/11/0200000000AEN20160911001200315.html>.
- ¹⁷ The White House, Office of the Press Secretary, "Joint vision for the alliance of the United States of America and the Republic of Korea," June 16, 2009, <https://www.whitehouse.gov/the-press-office/joint-vision-alliance-united-states-america-and-republic-korea>.
- ¹⁸ See, for example, the views expressed by Thomas Fingar in Steve Fyffe, "Stanford experts analyze North Korea's nuclear test and diplomatic solutions for curbing future nuclear experiments," Stanford News, January 8, 2016, <http://news.stanford.edu/2016/01/08/north-korea-experts-010816/>.
- ¹⁹ John Park and Jim Walsh offer a detailed recent analysis of the effects of sanctions on North Korea in their report, "Stopping North Korea, Inc.: Sanctions Effectiveness and Unintended Consequences," MIT Security Studies Program, Cambridge, MA, August 2016, <http://belfercenter.ksg.harvard.edu/files/Stopping%20North%20Korea%20Inc%20Park%20and%20Walsh%20.pdf>.
- ²⁰ See especially the in-depth analyses of Joshua Stanton, including in his blog *One Free Korea*, <http://freekorea.us/sanctions/#sthash.FBVYhZkQ.dpbs>.
- ²¹ "Full text of KCNA announcement on execution of Jang," *North Korea Tech* (blog), December 13, 2013, <http://www.northkoreatech.org/2013/12/13/full-text-of-kcna-announcement-on-execution-of-jang/>. See also Gi-Wook Shin and David Straub, "North Korea's Strange, Bloody Mistake," *Bulletin of the Atomic Scientists*, December 20, 2013, <http://thebulletin.org/north-korea-s-strange-bloody-mistake>.



²² Dr. Siegfried S. Hecker, a Stanford University professor and former director of the Los Alamos National Laboratory, is perhaps the most prolific freeze advocate. See, for example, Siegfried S. Hecker, “Lessons learned from the North Korean nuclear crises,” *Dædalus*, Winter 2010, pp. 44-56, <https://cisac.fsi.stanford.edu/sites/default/files/Hecker.pdf>. See also Steve Fyffe, “Hecker assesses North Korean hydrogen bomb claims,” *Bulletin of the Atomic Scientists*, January 7, 2016, <http://thebulletin.org/hecker-assesses-north-korean-hydrogen-bomb-claims9046>.

²³ David Brunnstrom, “Getting North Korea to give up nuclear bomb probably ‘lost cause’: U.S. spy chief,” *Reuters*, October 26, 2016, <http://www.reuters.com/article/us-northkorea-nuclear-clapper-idUSKCN12P2L7>.

²⁴ “‘Still valid are all proposals for preserving peace and stability on the peninsula and in Northeast Asia including the ones for ceasing our nuclear test and the conclusion of a peace treaty in return for U.S. halt to joint military exercises,’ North Korea’s official KCNA news agency cited a spokesman for the country’s foreign ministry as saying early on Saturday.” Tony Munroe et al, “North Korea says peace treaty, halt to exercises, would end nuclear tests,” *Reuters*, January 16, 2016, <http://www.reuters.com/article/us-northkorea-nuclear-usa-idUSKCN0UT201>.

²⁵ The World Food Program’s world “hunger map” may be found at <http://www.wfp.org/content/hunger-map-2015>.

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