The Heritage Foundation

BACKGROUNDER

No. 3387 | FEBRUARY 21, 2019

Second U.S.–North Korea Summit Must Focus on Substance, Not Style

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Abstract

To abolish the long-standing North Korean nuclear threat, President Trump met Kim Jong-un in the first U.S.–North Korean summit to establish a personal relationship and jump-start negotiations. However, President Trump has been no more successful than his predecessors. U.S. claims of success at the 2018 Singapore Summit were excessive and premature. There has been no tangible progress on North Korean denuclearization. Pyongyang continues its nuclear and missile programs unabated, and there has been no degradation of the multifaceted North Korean threat to the United States and its allies. The U.S. is now risking a second summit with North Korea without first insisting on fleshing out the bare bones of the Singapore Summit statement. There are concerns in Washington, Seoul, and Tokyo that President Trump may agree to several North Korean proposals that appear beneficial but contain hidden perils. Much is riding on the outcome of the next Trump–Kim summit. The second summit must not repeat the mistakes of the first. It must have substance rather than simply the pomp and circumstance of the first.

To finally abolish the long-standing North Korean nuclear threat, President Donald Trump eschewed the usual "bottom up" diplomatic approach in which negotiators arduously hammer out a complicated and detailed agreement before opposing leaders meet at a flashy summit. Instead, President Trump adopted a "top down" approach in which he and Kim Jong-un met in their first summit to establish a personal relationship and jump-start negotiations. However, to date, President Trump has been no more successful than his predecessors.

Key Points

- The 2018 U.S.–North Korean summit led to grandiose U.S. claims of breakthroughs and regime acquiescence to long-standing international demands. There has been no tangible progress on North Korean denuclearization.
- For years, Pyongyang has issued a lengthy list of security, diplomatic, and economic demands, including withdrawing U.S. troops from South Korea, abrogating the U.S.–South Korea defense treaty, ending the U.S. extended deterrence guaranty, and removing all U.S. and U.N. sanctions.
- A second Trump–Kim summit is planned. There are concerns in Washington, Seoul, and Tokyo that President Trump may agree to several North Korean proposals that appear beneficial but contain hidden perils.
- President Trump should insist on a detailed, comprehensive roadmap to denuclearization that includes robust and intrusive verification measures.

This paper, in its entirety, can be found at **http://report.heritage.org/bg3387**

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U.S. claims of success at the June 2018 Singapore Summit were excessive and premature. There has been no tangible progress on North Korean denuclearization. Pyongyang continues its nuclear and missile programs unabated, and there has been no degradation of the multi-faceted North Korean threat to the United States and its allies. Frequently cited "successes" by the Trump Administration had also been achieved by previous Administrations.

The U.S. is now risking a second summit meeting with North Korea without first insisting on fleshing out the bare bones of the Singapore Summit statement. There are concerns in Washington, Seoul, and Tokyo that President Trump may agree to several North Korean proposals that appear beneficial but contain hidden perils.

Much is riding on the outcome of the next Trump–Kim summit. The second summit must not repeat the mistakes of the first. It must have substance rather than simply the pomp and circumstance of the first.

Kim Jong-un's Strategy on the Road to Singapore

In 2018, Kim Jong-un reversed six years of provocative behavior and self-imposed diplomatic isolation by opening multiple channels of diplomacy and initiating a flurry of summit meetings with China, South Korea, and the U.S. His decision was based on confidence from having achieved success in his nuclear weapons and missile programs, concern of a potential U.S. military attack, and increasing economic pressure.[1]

For North Korea, provocations often lay the groundwork for negotiations. Kim calculated that he could best forestall a potential attack and reduce economic strangulation by switching to a diplomatic charm offensive to garner concessions and rewards. North Korea seeks to shift blame to Washington for its own transgressions, belligerence, and intransigence.

Pyongyang's definition of U.S. "hostile policy" has led to a lengthy list of security, diplomatic, and economic demands, including withdrawing U.S. troops from South Korea, abrogating the U.S.–South Korea defense treaty, ending the U.S. extended deterrence guaranty, and removing all U.S. and U.N. sanctions. Kim's tactics, like those of his predecessors, were successful in preventing U.S. military action and undermining international resolve to maintain pressure against the North Korean regime.

Kim's deft diplomacy encouraged Beijing, Moscow, and even Seoul to press Washington to reduce its negotiating demands as well as resist U.S. entreaties for resolute enforcement of required U.N. sanctions. The U.S. now sees its South Korean ally as overeagerly pursuing inter-Korean relations without requisite progress on denuclearization.[2]

Summit Success Less Than U.S. Claimed

The Singapore Summit led to grandiose U.S. claims of breakthroughs and regime acquiescence to longstanding international demands. President Trump claimed that "there is no longer a nuclear threat from North Korea"[3] and that "total denuclearization [is] already starting to take place."[4]

Trump made three major mistakes in the Singapore summit: (1) accepting a vague, poorly crafted summit statement that was even weaker than previous agreements; (2) unilaterally canceling allied military exercises without reciprocal North Korean action; and (3) exuberantly praising Kim Jong-un despite Kim being personally named on the U.S. sanctions list for human rights violations.[5]

Each of the four components of the Trump–Kim communiqué existed in previous accords, and in stronger and more encompassing terms. Most notably, the North Korean pledge "to work toward com-

1. For a more comprehensive description of North Korean strategy, see Bruce Klingner, "U.S. Should Counter North Korean's Strategic Objectives During Summit Meeting," Heritage Foundation *Backgrounder* No. 3308, May 3, 2018, https://www.heritage.org/asia/report/us-should-counter-north-koreas-strategic-objectives-during-summit-meeting.
2. Bruce Klingner, "Seoul Must Not Reduce Its Security Before Pyongyang Reduces Its Threat," Heritage Foundation *Backgrounder* No. 3381, February 1, 2019, http://report.heritage.org/bg3381.
3. Eileen Sullivan, "Trump Says 'There Is No Longer a Nuclear Threat' After Kim Jong-un Meeting," *The New York Times*, June 13, 2018, https://www.nytimes.com/2018/06/13/us/politics/trump-north-korea-nuclear-threat-.html (accessed February 6, 2019).
4. David Brunnstrom and James Oliphant, "Trump: North Korea 'Total Denuclearization' Started; Officials See No New Moves," Reuters, June 21, 2018, https://www.reuters.com/article/us-northkorea-usa-sites/trump-north-korea-total-denuclearization-started-officials-see-no-new-moves-idUSKBN1JH2QX (accessed February 6, 2019).
5. For a detailed assessment of the first Trump–Kim summit, see Bruce Klingner, "U.S.–North Korea Summit Deal on Denuclearization Faltering," Heritage Foundation *Backgrounder* No. 3342, September 4, 2018, http://report.heritage.org/bg3342.

North Korea's Provocation-and-Negotiation Cycle

1. North Korea employs military provocation or demonstration of nuclear, missile, and conventional military prowess in order to:
   a. Show that the regime is not weak and will not be cowed.
   b. Ensure regime survival by deterring a U.S. military attack.
   c. Divert attention from other North Korean abhorrent activity, such as its human rights abuses.
   d. Re-establish relevance on the international stage. "We will not be ignored."
   e. Provide domestic propaganda windfall and produce a rally-round-the-flag effect to affirm regime control of the populace.
2. The U.S. threatens a response (sanctions, military action); North Korea threatens war and escalates tensions; and China, Russia, and South Korea call for restraint.
3. North Korea announces it is willing to return to the status quo or resume negotiations to undermine international support for punitive measures.
4. Pyongyang re-enters negotiations to resolve the crisis of its own making but with enhanced bargaining leverage to define negotiating parameters and extract maximum economic, diplomatic, and security benefits for minimal concessions:
   a. Pyongyang demands that negotiations first address and resolve its security and economic concerns by reducing alleged allied military threats and reducing international sanctions;
   b. Gaining economic benefits reduces dependence on China and offsets the need to implement destabilizing reforms that expose the country to foreign contagions; and
   c. North Korea exploits differences amongst negotiating participants to gain concessions, divide U.S. allies, and incite political differences within the U.S. and South Korea.
5. North Korea blames U.S. "hostile policy" as justification for its actions, putting the onus on Washington to:
   a. Cancel military exercises, reduce or remove U.S. troops in Asia, eliminate Washington's extended deterrence guarantee, and abrogate the bilateral U.S.–South Korea defense treaty;
   b. Sign a peace declaration or treaty to reduce tensions;
   c. Establish formal diplomatic relations;
   d. Cease confronting the regime on its human rights abuses; and
   e. Remove U.N. sanctions and U.S. targeted financial measures.
6. The U.S. hails an initiation of negotiations as a successful reduction of tensions.
7. North Korea continues its nuclear and missile development and production.
8. Pyongyang issues demands that put the onus on others to respond or appear to be the cause for stalemate.
9. North Korea declares that the U.S. or South Korea is violating Pyongyang's interpretation of an agreement and breaks off negotiations.
10. North Korea, China, and engagement advocates blame the collapse of negotiations on the U.S. or South Korea for "lack of sufficient flexibility."

plete denuclearization of the Korean Peninsula" in the Singapore communiqué was weaker than his father Kim Jong-il's pledge in the September 2005 Six-Party Talks Joint Statement. In 2005, North Korea agreed to the "verifiable denuclearization of the Korean Peninsula [and] to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Nonproliferation of Nuclear Weapons and to IAEA [International Atomic Energy Agency] safeguards."[6]

President Trump's decision to cancel allied military exercises has been the gift that keeps on giving for North Korea. Washington and Seoul have cancelled at least nine military exercises, including Freedom Guardian, *Ulchi*, *Taeguk*, two allied Marine Exercise Program exercises, an artillery exercise in the West Sea, land and sea drills in the East Sea, Vigilant Ace, and Foal Eagle.[7] Washington and Seoul have downsized and placed constraints on additional exercises. Doing so risks degrading allied deterrence and defense capabilities.

Instead of denuclearizing, Pyongyang continues to nuclearize with new capabilities—at an accelerated rate.

President Trump's unilateral concession gained nothing in return. Pyongyang neither codified its missile and nuclear-test moratorium in the Singapore communiqué nor announced reciprocal constraints on its own military exercises.

Summit Euphoria Undermined by North Korean Intransigence

Trump Administration claims of North Korean denuclearization have not materialized. Since the Singapore summit, there has been no progress on North Korean denuclearization or any reduction in the North Korean nuclear, missile, and biological and chemical weapons threat to the United States and its allies. It is not so much that the process has been derailed, it is that the train simply never left the station.

Instead of denuclearizing, the regime continues to nuclearize with new capabilities—at an accelerated rate. The U.S. Intelligence Community assessed that Pyongyang had increased production of fissile material for nuclear weapons[8] and continued production of intercontinental ballistic missiles (ICBMs) that can reach the United States.[9]

Leaked intelligence reports and unclassified satellite imagery showed that the regime has upgraded its missile, re-entry vehicle, missile launcher, and nuclear weapons production facilities; the imagery also identified a covert nuclear-weapons-related highly enriched uranium production facility.[10]

President Trump and Administration officials have emphatically claimed unprecedented successes with North Korea. However, while welcome, most of these were gains achieved in greater numbers by previous Administrations with less hype, such as

- **Return of 55 sets of remains of deceased U.S. service members.** Under previous Administrations, 629 sets of remains were returned until Washington ended the recovery program in 2005.

6. "Full Text of Trump-Kim Signed Statement," CNN, June 12, 2018, https://www.cnn.com/2018/06/12/politics/read-full-text-of-trump-kim-signed-statement/index.html (accessed February 8, 2019).
7. In 2017, the Freedom Guardian exercise involved 17,000 U.S. troops. The Vigilant Ace exercise involved 230 fighter and support aircraft.
8. Courtney Kube, Ken Dilanian, and Carol E. Lee, "North Korea Has Increased Nuclear Production at Secret Sites, Say U.S. Officials," NBC News, June 30, 2018, https://www.nbcnews.com/news/north-korea/north-korea-has-increased-nuclear-production-secret-sites-say-u-n887926 (accessed February 6, 2019).
9. Ellen Nakashima and Joby Warrick, "U.S. Spy Agencies: North Korea Is Working on New Missiles," *The Washington Post*, July 30, 2018, https://www.washingtonpost.com/gdpr-consent/?destination=%2fworld%2fnational-security%2fus-spy-agencies-north-korea-is-working-on-new-missiles%2f2018%2f07%2f30%2fb3542696-940d-11e8-a679-b09212fb69c2_story.html%3f&utm_term=.b70bf4bfb8d9 (accessed February 6, 2019).
10. Jonathan Cheng, "North Korea Expands Key Missile-Manufacturing Plant," *The Wall Street Journal*, July 1, 2018, https://www.wsj.com/articles/north-korea-expands-key-missile-manufacturing-plant-1530486907 (accessed February 6, 2019); Frank V. Pabian, Joseph S. Bermudez Jr., and Jack Liu, "Infrastructure Improvements at North Korea's Yongbyon Nuclear Research Facility," 38 North, June 26, 2018, https://www.38north.org/2018/06/yongbyon062618/ (accessed February 6, 2019); Ankit Panda, "Exclusive: North Korea Has Continued Ballistic Missile Launcher Production in 2018, Per U.S. Intelligence," *The Diplomat*, June 30, 2018, https://thediplomat.com/2018/07/exclusive-north-korea-has-continued-ballistic-missile-launcher-production-per-us-intelligence/ (accessed February 6, 2019); and Ankit Panda, "Exclusive: Revealing Kangson, North Korea's First Covert Uranium Enrichment Site," *The Diplomat*, July 13, 2018, https://thediplomat.com/2018/07/exclusive-revealing-kangson-north-koreas-first-covert-uranium-enrichment-site/ (accessed February 6, 2019).

- **American detainees returned.** Four Americans arrested by North Korea were released, including the comatose Otto Warmbier, who died shortly after his return to the U.S. Two had been arrested during the Trump Administration. Eleven Americans were released during the Obama Administration.

- **No North Korean nuclear or missiles tests for over a year.** There have been numerous instances of year-long-plus intervals. There were no nuclear tests between 2006 and 2009, between 2009 and 2013, and between 2013 and 2016. There were no long-range missile tests from 1993 to 1998, from 1998 to 2006, from 2006 to 2009, from 2009 to 2012, and from 2012 to 2016.

- **North Korea did not parade any missiles during its 70th anniversary parade.**[11] Pyongyang generally does not parade missiles during its September 9 parade celebrating the founding of North Korea, though it does on other anniversaries. It did not parade missiles during the 50th, 55th, 60th, or 65th founding anniversary parades.[12]

- **The world stepped back from war with North Korea.** For decades, there have been periodic instances of heightened tensions on the Korean peninsula, including concerns of major conflict. However, in recent years there was a perception of imminent war only due to the Trump Administration's provocative rhetoric of preventative attack in 2017.

North Korea's claimed destruction of a nuclear and a missile test site is the one unique development during the Trump Administration. However, Kim Jong-un declared in April 2018 that "no nuclear test and intermediate-range and ICBM test-fire are necessary [since] the work for mounting nuclear warheads on ballistic rockets [is] finished."[13] Pyongyang was declaring that it would not test because it no longer needed to.

Neither a testing moratorium nor disablement of test facilities equates to actual denuclearization. The nuclear test site may no longer be viable after the massive 150-kiloton nuclear test in September 2017.[14] Post-test seismic activity suggests there were cave-ins at the site. North Korea has moved its missile force to more threatening mobile missiles, none of which was tested or fired from the test site.

U.S. and North Korea Differ on Basic Definitions

President Trump and South Korean President Moon Jae-in, as well as Secretary of State Mike Pompeo, have repeatedly claimed that North Korea agreed to fully denuclearize as well as accept the concept of complete verifiable irreversible denuclearization (CVID) that is required under 11 U.N. resolutions.[15] However, there was no evidence of that in the Singapore Summit communiqué. Nor did the Trump–Kim joint statement include any reference to missiles, a nuclear-test or missile-test moratorium, biological and chemical weapons, verification, or human rights—all topics that the Trump Administration promised would be addressed during the summit.

> As a self-professed member of the nuclear club, Pyongyang has stated it will abandon its nuclear arsenal only when the other members, including the United States, abandon theirs.

For long-time Korea watchers, it was apparent that the U.S. and North Korea have widely divergent

11. Conor Finnegan, "Trump Admin Preparing for Second Summit with Kim Jong Un: White House," ABC News, September 10, 2018, https://abcnews.go.com/Politics/trump-admin-preparing-summit-kim-jong-white-house/story?id=57732179 (accessed February 6, 2019).
12. Joseph Dempsey, "'Missing' Missiles at North Korea Parade Are No Surprise," IISS, September 13, 2018, https://www.iiss.org/blogs/military-balance/2018/09/north-korea-missing-missiles-no-surprise (accessed February 6, 2019).
13. Jonathan Cheng and Michael C. Bender, "North Korea's Kim Strikes Milder Tone on Nuclear Tests, Detainees," *The Wall Street Journal*, April 20, 2018, https://www.wsj.com/articles/north-korea-suspends-nuclear-long-range-missile-tests-and-plans-to-close-nuclear-test-site-1524264301 (accessed February 6, 2019).
14. The 1945 Hiroshima and Nagasaki explosions were 16 kilotons and 20 kilotons, respectively.
15. Michael R. Pompeo, "Remarks on the Appointment of Special Representative for North Korea Stephen Biegun," U.S. Department of State, August 23, 2018, https://www.state.gov/secretary/remarks/2018/08/285370.htm (accessed February 6, 2019).

views on what constitutes "denuclearization" and "the Korean peninsula." Pyongyang has long rejected calls for its unilateral disarmament, instead embedding denuclearization within a broader context of global arms control. As a self-professed member of the nuclear club, Pyongyang has stated it will abandon its nuclear arsenal only when the other members, including the United States, abandon theirs.

North Korea defines the Korean peninsula not as the landmass encompassing North and South Korea (as the U.S. does), but adds in the "surrounding areas from where the Korean peninsula is targeted." Therefore, Pyongyang requires "completely removing the nuclear threats of the U.S. to the DPRK [Democratic People's Republic of Korea] before it means the elimination of nuclear deterrence." The nuclear threats would include deployment of U.S. "nuclear strategic assets and nuclear war exercises" and the U.S. extended deterrence guarantee ("nuclear umbrella") to its allies.[16]

In January 2019, Special Envoy Stephen Biegun admitted that "coming out of the Singapore summit… there was no detailed definition or shared agreement of what denuclearization entails." Even in the month prior to the second U.S.–North Korea summit, Biegun stated, "We do not have a specific and agreed definition [with North Korea] of what final, fully verified denuclearization or comprehensive, verifiable, irreversible denuclearization is."[17]

Pyongyang Rejects U.S. Proposals. Washington and Pyongyang also remain far apart on required actions, linkages, sequencing, and timelines. North Korea's insistence on addressing its security concerns prior to implementing denuclearization runs counter to positions taken by the Trump Administration. The regime demands that the U.S. first improve bilateral relations and provide security assurances, including declaring an official end to the Korean War.

In mid-July, North Korea harshly criticized Secretary of State Pompeo for his "gangster-like demand for denuclearization" and resoundingly rejected his advocacy for CVID, a data declaration, and verification as "counter to the spirit of the Singapore summit."[18]

In an authoritative December 2018 statement, Pyongyang rejected U.S. assertions that denuclearization of the Korean peninsula equates to denuclearization of North Korea as an attempted "optical illusion."[19] The missive ratcheted up regime criticism blaming the U.S. for the stalemate in negotiations. The diatribe categorically rejected the Trump Administration's proposals and directly rebuked Secretary Pompeo's repeated assertions that North Korea committed itself to "complete, verifiable, and irreversible denuclearization" of North Korea, with the statement, "This is something aghast."[20]

However, Pyongyang did not fully close the door on negotiations. By not blaming President Trump personally, the regime signaled that it wants to deal directly with the President, whom it sees as more likely to offer unilateral concessions, like he did in Singapore.

In his 2019 New Year's Day speech, Kim did not offer any new denuclearization gestures, such as a data declaration of its nuclear and missile programs as the U.S. had requested. Kim signaled that Pyongyang was unwilling to take any steps toward denuclearization before Washington responds to regime demands for an end to all allied military exercises; a prohibition on any deployment of U.S. strategic weapons platforms to the peninsula, as well as South Korean purchases of U.S. weapons; a reduction of international sanctions; and a peace treaty to replace the Korean War armistice.[21]

More ominously, Kim signaled that Pyongyang was losing its patience waiting for benefits and issued

16. "North Korea 'Not to Denuclearize Unless US Nuclear Threat Removed,'" PressTV, December 20, 2018, https://www.presstv.com/Detail/2018/12/20/583471/North-Korea-US-denuclearization-US-nuclear-threat (accessed February 6, 2019).
17. Stephen Biegun, "Remarks on DPRK at Stanford University," U.S. Department of State, January 31, 2019, https://www.state.gov/p/eap/rls/rm/2019/01/288702.htm (accessed February 6, 2019).
18. Nick Wadhams and Anthony Capaccio, "North Korea Slams U.S. 'Gangster-Like' Demands at Nuclear Talks," Bloomberg, July 7, 2018, (accessed February 6, 2019).
19. Colin Zwirko, "Goal of Next U.S.–DPRK Summit to 'Reduce Threat' from N. Korean Nukes: Pompeo," NKNews.org, December 21, 2018, https://www.nknews.org/2018/12/goal-of-next-u-s-dprk-summit-to-reduce-threat-from-n-korean-nukes-pompeo/ (accessed February 21, 2019).
20. "Pompeo: US Still Committed to North Korea Denuclearization," The Korea Times, December 21, 2018, http://m.koreatimes.co.kr/pages/article.asp?newsIdx=260750 (accessed February 21, 2019).
21. "Kim Jong Un's 2019 New Year Address," National Committee on North Korea, January 1, 2019, https://www.ncnk.org/resources/publications/kimjongun_2019_newyearaddress.pdf/file_view (accessed February 6, 2019).

a veiled threat of unspecified repercussions if Washington failed to comply with regime demands for "reciprocal gestures."

Looking Ahead to the Second Summit

Yet, despite, or counter-intuitively *because of*, North Korea not living up to its Singapore Summit commitments, President Trump believes that another summit "is likely to be productive" and agreed to another meeting with Kim Jong-un.[22]

As before the Singapore Summit, there are a range of possible outcomes. There is some optimism that recent exchanges of letters between President Trump and Kim, as well as the belated meeting of Special Envoy Biegun with his North Korean counterpart, could presage actual progress. Washington and Pyongyang could either have a major surprise breakthrough or perhaps North Korean commitment to some denuclearization steps.

However, such depictions run counter to decades of North Korean policies and failed negotiations as well as recent regime statements categorically rejecting the U.S. approach. Skepticism is the most prevalent mood amongst U.S. experts inside and outside government.

There are more reasons for concern than for optimism about the next summit. Most notable are concerns that President Trump will provide additional concessions to North Korea, such as signing a peace declaration, accepting a deal that only addresses threats to the American homeland, or reducing U.S. forces in Asia.

Trump Administration officials have recently been watering down their previous policy positions. Gone are the insistence on a data declaration as prerequisite for a second summit, denuclearization within one year of North Korean agreement or by the end of President Trump's first term, and inviolability of maximum pressure. Special Envoy Biegun's January 2019 speech, the most authoritative and comprehensive explanation of the Administration's North Korea policy to date, suggested greater receptivity to a peace declaration, stronger acceptance of the North Korean paradigm of parallel and simultaneous actions, and reduction of sanctions.

Considerations for the Second U.S.–North Korea Summit. During the second U.S.–North Korea summit, the U.S. should:

- **Be willing to walk away.** The U.S. should emphasize the necessity of successful *pre-summit* special envoy meetings to create the basis for a comprehensive, detailed agreement delineating specific denuclearization requirements for North Korea. Washington should postpone the second summit if negotiators fail to achieve a wide-ranging framework for an agreement.

- **Remain wary of North Korea's true intentions.** When negotiating with North Korea, words matter. U.S. negotiators have repeatedly accepted flawed agreements due to a failure to appreciate the vastly different interpretations of key phrases by Washington and Pyongyang. U.S. leaders have touted diplomatic successes only to find them evaporate due to inadequately defined requirements. North Korea's current position is precisely what the regime has agreed to numerous times during decades of negotiations.

- **Keep the focus on denuclearization.** The primary U.S. objective for the summit must be North Korean CVID as required by U.N. resolutions. Pyongyang scored a major victory in the Singapore Summit by gaining U.S. acquiescence to sweeping the regime's repeated violations and belligerent behavior under the rug.

> Washington should not offer economic concessions to Pyongyang to prove lack of hostility. It is not the U.S. or South Korea that repeatedly violated U.N. resolutions, conducted deadly military attacks, and threatened other nations.

The regime was able to downplay the importance of denuclearization by raising its own demands for U.S. action to improve relations and reduce tensions to equal status in the summit statement. Such a value-neutral approach put Washington on an equal basis with Pyongyang for proving it was living up to the summit agreement.

22. Donna Borak and Zachary Cohen, "John Bolton Says North Korea Failure to Meet Commitments Requires Second Trump-Kim Summit," CNN, December 4, 2018, https://www.cnn.com/2018/12/04/politics/bolton-north-korea-summit-commitments/index.html (accessed February 6, 2019).

Washington should not go down the rabbit hole of offering economic concessions to prove lack of U.S. hostility. After all, it is not the U.S. and South Korea that have repeatedly violated U.N. resolutions, conducted deadly military attacks, and habitually threatened the governments and populations of rival nations. Such behavior has been the provenance of Pyongyang.

In the past, North Korean diplomats emphasized that no amount of economic assistance could allay their security concerns about a potential U.S. attack. The regime has repeatedly declared that it will never abandon its nuclear weapons since they are the only way to prevent being attacked by the United States as were Yugoslavia, Iraq, and Libya. Similarly, since North Korean nuclear weapons are supposedly a response to the U.S. "nuclear threat," no South Korean offers of security measures and economic assistance can dissuade Pyongyang from its nuclear programs.

To Freeze or Not to Freeze. There has been much debate amongst experts on the utility of a "freeze" on North Korea's nuclear production as an interim—or final—step of denuclearization. Some proponents of a freeze argue that the U.S. should abandon unrealistic expectations of total denuclearization and accept a capping of North Korea's arsenal through a freeze on future production. Other freeze advocates argue that a production freeze—requiring some reciprocal U.S. action—would be an interim step toward eventual denuclearization.

While the latter position is reasonable, there is the risk that what Washington depicts as an interim step becomes U.S. acceptance of a North Korean endpoint after future negotiations break down. There are other downsides to a freeze, as well:

- A production freeze could be de facto recognition and acceptance of North Korea as a nuclear weapons state. It would undermine the Non-Proliferation Treaty and send the wrong signal to other nuclear aspirants that the path is open to nuclear weapons. It would be a case of sacrificing one arms control agreement to get another.

- A freeze would increase allied concerns about the viability of the U.S. extended deterrence guarantee to South Korea and Japan. Allied anxiety over U.S. reliability, in turn, could increase advocacy within South Korea for an independent indigenous nuclear weapons program and greater reliance on pre-emption strategies—which would be destabilizing.

- A production freeze is less than North Korea is already required to do under 11 U.N. resolutions—which is to abandon its nuclear and missile programs in their entirety.

- North Korea would be allowed to retain its existing nuclear threat to South Korea and Japan, as well as U.S. forces, bases, and civilians throughout Asia.

- Previous freezes in earlier agreements with North Korea all failed. Repeating the mistakes of the past does not inspire confidence.

- You cannot freeze what you cannot see. Nuclear and missile tests can be verified remotely, but such a minimalist agreement would have little utility. A freeze on plutonium and highly enriched uranium, however, would require in-country inspectors as well as "challenge inspections" of non-declared facilities.

Stopping the Hype. The Trump Administration has gained nothing from its engagement with North Korea except to reduce the tensions that it had itself raised to dangerous levels. Nor has President Trump's much-vaunted personal relationship with Kim Jong-un and Xi Jinping provided traction in negotiations. Having claimed unprecedented success after the first summit, President Trump may be tempted to do so again.

President Trump strongly criticized all previous agreements with Pyongyang as well as the Joint Comprehensive Plan of Action with Iran. It would be fair to judge a second U.S.–North Korea summit agreement by how it compares to provisions in eight previous accords with Pyongyang, as well as the 11 U.N. resolutions and the Iran nuclear agreement.

The U.S. Should Not Do Its End-Zone Dance Too Early. If the U.S. and North Korea reach a comprehensive agreement in which Pyongyang commits to the U.N. definition of denuclearization, provides a complete data declaration of its nuclear and missile programs, and agrees to extensive verification and destruction protocols, it would be a significant accomplishment. But every previous agreement with Pyongyang was hailed in its time as having solved the

North Korea nuclear problem only to see that success subsequently dissipate.

Even a "final" agreement with North Korea has never been final. Accepting agreements with ambiguous text allowed North Korea to cheat while still claiming compliance. Like a good defense lawyer, Pyongyang used ambiguity to obfuscate and avoid punishment. To prevent a crisis and collapse of negotiations, U.S. policymakers became willing to negotiate away previous resolutions, treaties, and even their laws, or simply to not enforce them.

Every deal with North Korea has sounded good at its inception, and every deal has collapsed and failed.

A carefully crafted accord would still be but the first step of a long and arduous journey of implementation—the bane of all previous international agreements with North Korea. Every deal with North Korea has sounded good at its inception, and every deal has collapsed and failed.

What Washington Should Do in a Second North Korean Summit

During a second Trump–Kim summit, the U.S. should:

- **Insist on a detailed, comprehensive roadmap to denuclearization.** All previous agreements with North Korea—including the Singapore Summit—were poorly crafted compromises that papered over differences and kicked the nuclear can down the road. Deferring rather than resolving issues provided a false sense of advancement and allowed Pyongyang to exploit loopholes and avoid its denuclearization commitments.

  The next agreement with North Korea should include:

  - An unambiguous and public North Korean commitment to the U.N. requirement to abandon its nuclear and missile production capabilities and existing arsenals in a "complete, verifiable, and irreversible manner."[23] The Trump Administration should cease its use of the alternative term "final, fully verified denuclearization."

  - Clearly delineated definitions of such terms as "denuclearization" and "the Korean peninsula" as well as required actions by all parties, linkages to benefits to be provided, sequencing, and timelines for completion.

  - Immediate cessation of all fissile material production at Yongbyon and other nuclear facilities, and an immediate invitation to inspectors from the IAEA.

- **Refuse to sign an agreement without verification measures.** Detailed but necessary esoterica of verification measures has been absent from every previous North Korean agreement. U.S. negotiators must emulate the robust and intrusive verification regime of the Strategic Arms Reduction, Intermediate-Range Nuclear Forces, and Conventional Armed Forces in Europe Treaties. Pyongyang should pledge compliance with U.N. resolutions, the Non-Proliferation Treaty, and IAEA safeguards.

  Verification provisions must include a data declaration of all production, fabrication, test, and storage facilities; the stockpile of fissile material, nuclear weapons, and missiles; on-site inspections of declared facilities; and short-notice challenge inspections of non-declared facilities. Any new agreement with North Korea that lacks such critically important protocols is a bad deal.

- **Refuse to sign a premature peace declaration.** While a peace declaration appears to be a positive no-cost impetus to North Korean denuclearization, it would be a meaningless feel-good gesture. Going down the "peace" path without being fully aware of its consequences can be dangerous.

  Even a limited declaration can create a domino-effect advocacy for prematurely signing peace

23. U.N. Security Council, Resolution 2371, S/RES/2371, August 5, 2017, paragraph 2, http://unscr.com/en/resolutions/doc/2371 (accessed February 6, 2019).

treaties, reducing U.S. deterrence and defense capabilities, and abrogating the mutual defense treaty before reducing the North Korean threat that necessitated American involvement in the first place.[24] Signing a peace agreement prematurely could dangerously degrade allied deterrence and defense capabilities and create societal and legislative momentum in both South Korea and the U.S. for reduction or removal of U.S. forces.

A peace treaty should be the *endpoint* of arms control negotiations, not an opening gambit to improve relations with North Korea.

The U.S., China, and both Koreas could work toward a peace treaty—which had been a component of the Six-Party Talks—to formally end the Korean War once North Korea's nuclear and missile threats are eliminated. An inviolable precondition for such negotiations would be the inclusion of conventional force reductions and confidence-building measures. A peace treaty should be the *endpoint* of arms control negotiations, not an opening gambit to improve relations with North Korea.

- **Refuse a premature reduction of U.S. forces in South Korea.** President Trump should not cut U.S. military forces in northeast Asia before a substantial decrease of the North Korean conventional forces threat. One does not lower the shield before reducing the military threat. The U.S. and its allies should:
  - Continue development and deployment of missile defense systems as well as conventional force upgrades. The Moon administration's Defense Reform Plan 2.0 is premised on the North Korean conventional threat remaining at existing levels.
  - Inform Pyongyang that the moratorium on allied exercises has an expiration date. The cancellation of at least nine military exercises and constraints on additional operations risks degrading allied deterrence and defense capabilities.
  - Recommend discussions on confidence and security-building measures to reduce tensions and the potential for miscalculation and conflict by augmenting transparency and notification procedures for military exercises and deployments.
- **Reject an "ICBM only" deal.** There are concerns in Seoul and Tokyo that statements by Secretary of State Pompeo that the final objective of negotiations is to "protect American citizens" reflect a U.S. willingness to accept an agreement that curtails only the nuclear ICBM threat to the American homeland. Such an agreement would leave in place the missile threat to South Korea and Japan, as well as U.S. forces, civilians, and bases in the region. Such a deal would affirm growing nervousness of a U.S. decoupling from protecting South Korea and Japan.

  Pompeo made similar comments in his 2018 confirmation hearing that the first summit objective was to convince Pyongyang to "step away from its efforts to hold America at risk with nuclear weapons.... The purpose of the meeting is to address this nuclear threat to the United States."[25] At the time, Japanese Prime Minister Shinzo Abe told a legislative committee, "I'm worried that medium-range missiles and short-range missiles, the kind of missiles that are threats to Japan, may not be taken up during the talks, where the focus may be limited to ICBMs. I'm also afraid that Trump may achieve a nuclear test ban, but end up accepting North Korea's possession of nuclear weapons."[26]

24. Bruce Klingner, "U.S. Should Not Sign a Peace Declaration with North Korea," Heritage Foundation *Issue Brief* No. 4902, September 18, 2018, https://www.heritage.org/asia/report/us-should-not-sign-peace-declaration-north-korea (accessed February 6, 2019).
25. CNN, Transcripts: Inside Politics, Michael Pompeo, Confirmation hearing for Michael Pompeo, April 12, 2018, http://transcripts.cnn.com/TRANSCRIPTS/1804/12/ip.01.html (accessed February 6, 2019).
26. Mari Yamaguchi, "Abe Fears U.S.–N.Korea Talks Will Omit Japan Security Concerns," Associated Press, March 28, 2018, https://apnews.com/a5ae93a971f1450b89d9fee1a2584ac8 (accessed February 6, 2019).

- **Return to a multilateral approach to the North Korean nuclear threat.** The Six-Party Talks multilateral nuclear negotiations enabled each participating nation to bring its own issues to the table. This approach was a response to previous allied complaints that Washington was negotiating their security without their presence.

  North Korea is in defiance of international U.N. resolutions. By pursuing a policy of bilateral summits, Kim Jong-un sowed seeds of discord amongst the U.S. and its allies and gained tacit acceptance that the regime built nuclear weapons as a response to U.S. actions. Doing so reduces international resolve on maintaining sanctions while simultaneously increasing pressure on Washington to provide concessions to maintain negotiating momentum.

- **Maintain sanctions until the triggering actions are eliminated.** U.N. sanctions that constrain or prohibit North Korean trade could eventually be reduced in return for progress on denuclearization. For example, constraints on North Korea's import of foreign oil or export of coal could be linked to specific denuclearization steps.

  However, unilateral U.S. targeted financial measures, such as those defending the U.S. financial system, are law enforcement rather than diplomatic measures and should not be abandoned. If North Korea ceases the illegal behavior that triggers the measures, then the regime will no longer feel their effects.

  The Trump Administration is correct in not removing existing sanctions—but has erred in not fully enforcing U.S. laws. Washington must take action against new entities as evidence arises that they have violated U.N. sanctions or U.S. legislation and regulations. U.S. sanctions are responses to North Korean actions. As long as the sanctioned behavior continues, then Washington should maintain its targeted financial measures.

  Reducing U.S. sanctions is subject to legal constraints such as the North Korea Sanctions and Policy Enhancement Act, Sections 401 and 402 which allow the U.S. to suspend sanctions for up to one year or remove sanctions *only if* North Korea has made progress on several stipulated issues, including human rights.[27]

- **Predicate economic assistance on CVID progress.** Provision of aid and assistance should be implemented in a manner to encourage economic reform, marketization, and the opening of North Korea to the outside world rather than providing direct financial benefits to the regime.

  Aid should be consistent with U.S. laws, such as Executive Order No. 13722, which bans "new investment in North Korea [and] any approval, financing, facilitation, or guarantee by a U.S. person...where the transaction...would be prohibited... if performed by a United States person or within the United States."[28]

- **Refuse to ignore North Korea's human rights violations.** The Trump Administration has moved away from its earlier advocacy for improvements in North Korean human rights.[29] President Trump eloquently and forcefully criticized Pyongyang's abysmal human rights record during his 2018 State of the Union address and 2017 speech before the South Korean National Assembly.

  Since the Singapore Summit, however, President Trump praised Kim as an "honorable" leader who "loves his people" while downplaying questions about human rights. Seemingly forgotten was Presi-

27. North Korea Sanctions and Policy Enhancement Act of 2016, H.R. 757, 114th Cong., 2nd Sess., 2016, https://www.congress.gov/bill/114th-congress/house-bill/757 (accessed February 6, 2019).
28. Trump Administration, "Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea," Executive Order No. 13722, *Federal Register*, Vol. 81, No. 53 (March 18, 2016), https://www.treasury.gov/resource-center/sanctions/Programs/Documents/nk_eo_20160316.pdf (accessed February 6, 2019).
29. For a fuller discussion of why human rights should be included in the summit, see Olivia Enos, "Why Human Rights Must Be Raised at a Second Summit With North Korea," *Forbes*, February 7, 2019, https://www.forbes.com/sites/oliviaenos/2019/02/07/why-human-rights-must-be-raised-at-a-second-summit-with-north-korea/#bc30e6d1edd4 (accessed February 8, 2018).

dent's Trump's earlier declaration that "No regime has oppressed its own citizens more totally or brutally than the cruel dictatorship in North Korea."[30]

In December 2018, Vice President Mike Pence cancelled a speech that would have criticized North Korea's human rights violations on International Human Rights Day.[31] The U.S. did sanction three North Korean entities that day for human rights and censorship actions, but the list was originally intended to have more North Korean targets. In his extensive January 2019 speech, Special Envoy Biegun merely referenced Washington and Pyongyang having "dramatically different views on individual rights and on human rights."

Conclusion

President Trump should proceed carefully during his second meeting with Kim Jong-un, review any North Korean offer with pragmatic skepticism, and not offer any additional unilateral concessions. The Administration has already sacrificed much-needed leverage on the nuclear and human rights issues.

Pragmatic diplomacy, coupled with maximum pressure and sustained deterrent capabilities, provide the best opportunity for resolving long-standing North Korean threats. Spurring Pyongyang to faster denuclearization while counseling Seoul to adopt a slower pace will be a challenge for Washington.

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30. The White House, "President Donald J. Trump's State of the Union Address," January 30, 2018, https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-state-union-address/ (accessed February 6, 2019).
31. Conor Finnegan, "Pence Canceled North Korea Human Rights Speech, with Trump Administration Concerned About State of Nuclear Talks," Bloomberg, December 2, 2018, https://abcnews.go.com/Politics/pence-canceled-north-korea-human-rights-speech-trump/story?id=59961255 (accessed February 6, 2019).