



North Korea Negotiations are not about Denuclearization, but the Future of Asia

A Working Paper
on US Policy Toward North Korea

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North Korea Negotiations are not about Denuclearization, but the Future of Asia

By Joshua Nezam

Whatever results from the February Trump-Kim summit – a path towards denuclearization or a faux peace – the litmus test of a successful policy is whether it increases US and allied security while preserving steadfast American influence and credibility in Asia.

United States policy towards North Korea has for decades been guided by the priority of denuclearization despite dramatic changes in political and material circumstances on the Korean Peninsula and in Northeast Asia. Pre-summit reports of the possibility of the United States opening liaison offices in North Korea and President Trump's willingness to declare an end to the Korean War in Hanoi represented positive steps towards improving the US relationship with *both actors* on the peninsula. But the political step of transforming relations can only be sustained by pursuing a credible objective of arms reduction short of denuclearization and presenting a credible deal by encouraging political buy-in from Congress. Finally, the North Korean nuclear issue should be framed as a geopolitical problem so that policy objectives are embedded in a broader regional strategy. Denuclearization driven by US withdrawal or imprudent accommodation that erodes US credibility would be a strategic failure of US policy.

Denuclearization is impractical – pursue arms control

Experts have derided measures falling short of full denuclearization as unacceptable but acknowledge that complete denuclearization is infeasible. An alternative benchmark to measure success pursues technical targets guided by strategic imperatives of maintaining credible deterrence.

Policymakers must allow assessments from the intelligence community to guide their objectives. The unique strategic culture, government structure, and history of North Korea are essential to determining the efficacy of any North Korea policy. In a recent testimony to the Senate Armed Services Committee, Admiral Philip Davidson, head of the Indo-Pacific Command, assessed that North Korea will only negotiate *partial* denuclearization in return for US and international concessions. Director of National Intelligence Dan Coats in a January 2019 testimony before the Senate Intelligence Committee supported this evaluation. In a confidential report submitted to the UNSC in February, U.N. sanctions monitors found the DPRK's growing violations of United Nations Security Council Resolutions (UNSCRs) "render the latest UN sanctions ineffective."

These assessments affirm two things. First, the maximum pressure campaign has not mobilized the requisite threshold of pressure to negotiate anything near full denuclearization. Both Pyongyang's sanctions evasion ingenuity and Beijing's discreet alleviation of economic pressure frustrate this goal. Unless the administration is willing to risk implementing secondary sanctions on Chinese companies that facilitate North Korean violations of UNSC resolutions and US law, the goal of the maximum pressure policy will remain out of reach. While patiently elongating the pressure campaign could strengthen the US negotiating position, it would also allow Kim

Jong Un to advance the quantity and sophistication of his arsenal and could compromise a narrow window for rapprochement.

Second, the above assessments undermine the credibility of any US policy of “final, fully, verified denuclearization” (FFVD). Reaffirming FFVD as the objective while engaging in empty-handed leader-level summits only rhetorically denies legitimacy to North Korean nukes but could also evolve into a roadblock in negotiations. At this point, it would be politically injudicious for the Trump administration to officially step back from the denuclearization goal – just as it may be for Kim to accept it. But Washington should not on principle dismiss a negotiated roadmap to something short of that goal if it meaningfully reduces the threat.

A policy objective of FFVD also lacks credibility because Kim has never agreed to FFVD, and the only indicators we have of his strategic intentions – high-level statements, speeches, and legislation under Kim Jong Un’s tenure – all directly oppose it. Kim Jong Un came to power in 2011. In 2012, North Korea revised its Constitution to enshrine its nuclear status. One year later in 2013, North Korea decreed a law “consolidating possession of nuclear weapons state for self-defense” which outlines the first formal declaration of a nuclear policy, including the purely defensive purpose of acquiring nukes and the impossibility of relinquishing them.

Arms control is consistent with Kim’s objective of being recognized as a nuclear power with a minimal capability. In Kim’s 2018 New Year’s Address that prompted the current thaw in relations, Kim highlighted the theretofore *irreversible* development of North Korean weapons but also stated that “the United States needs to be clearly aware that this is not merely a threat but a reality.” Kim is seeking acceptance as a responsible nuclear power by suggesting that *capability* need not imply *threat*. It is also in Kim’s interest to demonstrate this responsibility in order to garner legitimacy as a nuclear power and eventually dissolve international pressure. Kim has echoed the pledges of established *nuclear state parties* to the Nuclear Non-Proliferation Regime (NPT) – to refrain from using, testing, and transferring nuclear weapons, as well as seek the eventual elimination of them. Mirroring these commitments, the Singapore Summit Joint Statement affirms the goal of the “complete denuclearization of the Korean Peninsula” that suggests nothing resembling unilateral disarmament.

If unilateral disarmament is unlikely but the status quo is unsustainable and volatile, the US should entertain concessions that stabilize the security situation but preserve influence on the peninsula. Any deal will need to reassure North Korea of its ability to deter existential threats, which means it must retain a minimal capability. An insistence on FFVD pursues the opposite: It tolerates deadlock that allows Kim time to perfect his capabilities, will be harder to roll back later, and will likely lead to renewed hostility. An approach outlined by Ankit Panda and John Warden accommodates both US and North Korean security interests by limiting North Korea’s advance from a mere defensive deterrent to one that can expand its coercive leverage, allowing it to pursue nuclear blackmail.

A pivot towards arms control should also be closely coordinated with Seoul to manage public perception in both countries and reduce political fallout. This will require a nuanced and coordinated approach to public engagement and diplomacy, as well as adjustments in deterrence and reassurance strategies to manage the alliance. Overall, it is pragmatic to accept a limited retention of capabilities while managing the threat and retaining a strong alliance coordination.

Reduce the threat by improving the political relationship

In many ways, North Korea only represents a grave threat if it remains an adversary. The singular focus on the quantity and character of North Korean capabilities overlooks the political dimension of the threat and draws attention away from practical arms control measures to manage it. Analysts still debate the role of nuclear weapons in North Korea's defense strategy. If Kim views their utility as defensive – as North Korea's 2013 law outlines – the threat is acceptable in circumstances short of preventive war. While North Korea has hinted at the intention to launch pre-emptive strikes to deter an invasion, a rehabilitated political relationship would significantly reduce misperceptions and therefore risk of use or miscalculation. One expert highlighted the real dangers of miscalculation when Trump's 2017 maximum pressure approach rubbed up against North Korea's strategic-cultural response to pressure. A renewed relationship would end explicit threats and reduce risks of inadvertent escalation as well as the risks posed by North Korea's non-transparent command and control system.

Former National Security Advisor Gen. H.R. McMaster operated under a hardline assumption that North Korea views nuclear weapons as providing offensive utility – namely to launch an invasion of South Korea and deter US involvement by credibly threatening the homeland with nuclear-capped ICBMs. Under Kim Jong Un's tenure, North Korea's behavior and public statements offer little evidence of such intent. Further, North Korea has yet to demonstrate re-entry and miniaturization technology, nor reliable control of targeting and detonation. It is also unlikely that North Korea's rudimentary capabilities would embolden it to credibly threaten countries under the umbrella of a superior US arsenal. But this could all change if a deadlock ensues.

Opening liaison offices and declaring an end to the Korean War are steps toward peaceful relations that could transform North Korean society's perceptions of the US and create a new economic pillar for Kim's regime legitimacy. In September 2018, the North Korean Foreign Ministry stated that a declaration was an urgent step towards a peace regime on the peninsula. Kim's 2019 New Year's speech reiterated support for the Worker Party's new *strategic line* and the directive to focus national efforts towards economic construction. A declaration could help Kim cultivate the political will to re-allocate resources away from the nuclear enterprise and towards this second component of the byungjin policy. Critics argue that North Korea does not want a declaration because state propaganda relies on the omnipresent threat of US aggression to validate its socialist policies. However, if Kim seeks to pivot towards a new pillar of legitimacy to contend with the growing influx of information and an era of unprecedented marketization in North Korea, a declaration could catalyze a fundamental transformation.

A declaration to end the Korean War improves the relationship with *both actors* on the Korean Peninsula

Holding the US-North Korea relationship hostage to denuclearization will continue to strain the US-ROK alliance. A declaration is equally – if not more – important for South Korea. It was the South Korean administration that originally proposed an end-of-war declaration – and for obvious reasons: it is insurance against a return to provocations and entrapment in what it perceives as Washington's war. President Moon Jae-in in his 2018 Liberation Day Speech stated that “taking responsibility for our fate ourselves” is the way to peace and prosperity on the peninsula. The US-ROK alliance relationship has navigated polarized politics in Seoul with

opposing visions for how to best achieve both security and autonomy. Moon's policies support national sovereignty, and he has undertaken defense reforms undergirded by the progressive ideological legacy of *jaju gukbang*, or self-reliant defense. Through an unprecedented investment in indigenous defensive capabilities along with reconciliation with Pyongyang, Seoul is seeking to expand its sovereignty while maintaining security.

Moon also campaigned on a promise to transfer wartime operational control (OPCON) to the South Korean military. Seen as an antiquated structure infringing on the sovereignty of a country that views itself as a *middle power*, the issue of OPCON transfer has become a symbol of a deeper historical legacy of foreign control and stifled South Korean autonomy. Many young South Koreans – both on the left and the right – are now eager to be treated as a peer partner of the United States. In light of these sentiments, withholding a peace declaration only fuels the sense in Seoul that Washington's hardline non-proliferation priorities serve as a veto on Korean sovereignty and an opportunity for peace.

Experts in Washington worry of the unintended consequences of a declaration, but robust institutionalized channels of US-ROK alliance coordination are in place to meet such challenges. An end-of-war declaration is a non-binding political gesture that would create a pathway to an eventual legally-binding peace treaty. What North Korea views as intermediary steps between a symbolic declaration and a formal peace regime need to be fleshed out. While they may very well contradict US and South Korean views, the fear that a declaration is a tactic that will entrap the alliance in an unraveling process highly underestimates its numerous coordination mechanisms. Despite the longer-term risks that a declaration could catalyze a divide in Washington and Seoul's approaches to regional security, the recently formed US-ROK Working Group and Extended Deterrence Strategy and Consultation Group (EDSCG), along with the established Security Consultative Meeting (SCM), are in place to ensure close consultation on progress towards denuclearization and peace on the peninsula. To allay US fears of a hollowing out of USFK force posture on the peninsula, Moon has also insisted that a peace treaty is not linked to troop presence.

A peace declaration also reduces the risk of nuclear proliferation in South Korea and the wider region. 2017 polls showed that 60 percent of the South Korean population supported the pursuit of indigenous nuclear capabilities and nearly 70 percent favored redeployment of US tactical nukes. The Moon administration has heretofore opposed calls from conservatives to redeploy nuclear weapons to the peninsula. However, whether South Koreans ultimately pressure their government to obtain nuclear weapons is contingent upon their perceptions of security. A revitalized US-ROK alliance and a hostility-free relationship with the North – even with minimal nuclear capability – is possible. Without a new relationship prompted by an end-of-war declaration, mounting perceptions of insecurity coupled with undercurrent desires for nuclear sovereignty and self-reliant defense could spur a nuclear security dilemma in East Asia.

Seek political buy-in from both parties in Seoul and Washington

Any sustainable agreement with North Korea must be codified and institutionalized in legislation that garners political buy-in from both major parties – in Seoul as well as Washington. The Washington foreign policy establishment's disapproval of Trump's North Korea policy and the fact that Congress possesses the sole power to ratify international agreements imply that Trump alone is not a credible negotiator to reset the relationship and implement an agreement

in a sustainable manner. Though politically unpalatable, Congress will have to increase support for an agreement that will likely entail a freeze and slow reduction of North Korean nuclear assets. This is pragmatism; Washington simply lacks the leverage to obtain anything close to Bolton's preferred *Libya model* of rapid denuclearization. Further, the efficacy of holding steadfast to the Cold War-era principle of non-proliferation should be more widely debated. Washington has formed political relationships with nuclear states (see Pakistan and India) upon realizing the limits of non-proliferation policy and the security benefits of non-hostile relations with nuclear states. The public's threat perception of nuclear states like Pakistan and Israel are mediated by politics. Plenty of critics argue that North Korean nuclear weapons make the world less safe – but where are the voices in Congress arguing that positive relations and arms control make Americans safer?

The character of the North Korean regime and its grotesque human rights practices are issues separate from nuclear security, and consequently each issue is addressed by distinctive sanctions legislation. If a deal is reached that requires a slow easing of sanctions, close coordination between the administration and Congress will be necessary to ensure that implementation of a deal is not hampered by US law. It will also allow Congress the opportunity to justify the retention of certain sanctions that address non-nuclear issues to preserve a line of criticism of practices out of step with democratic values and international norms, but won't threaten to derail the relationship. As such, Congressional oversight through regular updates every 90 days, as required by the newly ratified Asia Reassurance Initiative Act (ARIA), should be viewed as an opportunity to bridge political divisions and demonstrate to Kim's regime that presidents are credible negotiating partners, despite their relatively brief role in the longer process.

The current discord between the administration and Congress fetters Trump's credibility to negotiate an agreement that can be implemented over time. During the Clinton administration, a Republican-majority Congress withheld political support for the Agreed Framework. Washington delayed shipments of heavy fuel, minimally eased sanctions, and failed to gain Congressional support to fund light water reactors for Pyongyang. A 1998 Congressional hearing on the Agreed Framework suggested that politics prevented the implementation of a deal that was clearly in the United States' national security interests. Today, the Trump administration views Congress as an impediment that must be bypassed instead of collaborated with, and Chairman Engel of the House Foreign Affairs Committee recently criticized the administration for failing to fully engage Congress in the negotiations. The Trump administration should view Congress as a powerful tool that can be utilized to demonstrate its credibility to negotiate a deal that can be implemented.

Significant hurdles to bipartisan support for North Korea policy remain in Seoul as well. President Moon has taken significant steps towards inter-Korean détente while alienating the conservative opposition. Much to the dismay of those on the right, Moon has bypassed the National Assembly and ratified the Panmunjom Declaration with the mere approval of his own cabinet. Alienating conservatives to sustain inertia and streamline policy may appear to Moon a political necessity in the present window of opportunity. But Moon, too, must eventually yield to the opposition to avoid the historical trappings of partisan agreements with North Korea.

President Moon's strategic engagement with North Korea is also ominously linked to domestic politics in the south. Although Moon has employed most of his political capital on outreach to Pyongyang, his base is growing dissatisfied with his economic reforms. He has argued that such

engagement will “give new growth opportunities” to the south – which just happens to be priority of South Korean voters. In a September 2018 visit to Washington, Moon attempted to mobilize support for international arteries such as the World Bank, Asian Development Bank, and IMF to multilateralize engagement and draw North Korea into the world trading system. But while Moon argued for institutional engagement in the event of North Korea denuclearization, he also appeared to sidestep Washington in October by urging European countries to ease sanctions as a precursor to denuclearization.

Moon has promoted the idea that economic cooperation with North Korea is tied to the economic future of South Koreans. Recent efforts to establish rail and road networks are a precursor to Moon’s vision of creating an open energy, logistics, and transportation belt that reimagines South Korea’s geostrategic identity from an isolated appendage to a driver of growth on the Eurasian landmass. The danger of Moon pursuing such grand strategic endeavors, especially if pursued in a partisan manner, is an all-in shackling of his political fate to engagement in a way that can slide from principled towards unconditional.

Denuclearization is not the strategic priority

The preoccupation with denuclearization is myopic and no longer the correct starting point for policy towards North Korea. When understood as a geopolitical problem, it is paramount to recognize limitations of US power and manage competition with North Korea and China while preserving alliances, influence, and leadership.

The Singapore Joint Statement – as have other past joint statements – affirmed the denuclearization of the Korean Peninsula as a joint goal. But North Korea’s Central News Agency in December clarified that it won’t denuclearize until the US removes the military threat near the peninsula. Negotiations require concessions from both sides, but if this is the price of denuclearization, the costs may be too high for Washington. Congress has keenly guarded US military presence on the peninsula by inserting a clause in the 2019 National Defense Authorization Act (NDAA) conditioning the drawdown of USFK. Anxious that Trump may concede core pillars of the alliance in Hanoi, Senators Cory Gardner and Edward Markey, Chairman and Ranking Member of the Senate Foreign Relations Subcommittee on Asia, stated that Congress will “fight like hell” to prevent such an outcome. In a positive demonstration of support for the US-ROK alliance, the House Foreign Affairs Committee in November passed House Resolution 1149, articulating the view that the alliance is strategically significant not just in meeting the North Korean threat, but an exemplar of values and principles – in short – a joint vision for the future of Asia.

In strategic terms, the United States Forces Korea (USFK) troop presence in South Korea represents a visible and a powerful commitment to South Korean security. Functionally, USFK has operated under a “tripwire” logic to assure adversaries that the United States would aid South Korea in the event of a conflict. It would set a dangerous precedent if the 28,500 troops were reduced based on insistence from Pyongyang rather than the jointly agreed upon defense and deterrence requirements of Seoul and Washington. Troops stationed in Korea also serve to preserve US influence in Northeast Asia and deter Chinese expansionism beyond the second island chain. South Korea is the only foothold with a US troop presence in the Pacific rim of the Eurasian landmass. The peninsula is also a geo-strategically advantageous position from

which to deploy assets to Taiwan in the event of a conflict. Osan Air Base in Korea is 800 miles from Taiwan, while Misawa Air Base in Japan and Guam are nearly twice as far.

Korea experts around Washington have reached all the way back to text from the 1953 US-ROK security treaty to make the case that the alliance is about more than just North Korea. The treaty indicates that the alliance exists to deter “an armed attack in the Pacific area.” But in reality, the text was inked nearly seven decades ago in vastly different circumstances. South Korea has never consented to the full strategic flexibility of USFK or the unrestrained deployment of assets off of the peninsula to aid US forces. The recent controversy over deployment of the Terminal High Altitude Area Defense (THAAD) ballistic missile defense system in Korea and resulting “Three No’s” agreement with Seoul is Beijing’s challenge to South Korean security under the alliance. This agreement limits South Korea’s participation in a US-led regional missile defense system and an institutionalized structure of trilateral military cooperation with Tokyo and Washington. This episode presages the difficulties that a growing US-China strategic rivalry will pose to Seoul’s national security strategy. However, if Washington plays a key role in enabling a new *modus vivendi* with North Korea, it could consolidate the alliance bond that China has been eager to enervate and open up new strategic priorities for the US-ROK alliance.

Conclusion

While the world *recognizes* North Korea’s demonstrated capability, *acknowledgment* is the political component that requires some measure of accommodation necessary for improved relations. Foregoing maximalist policies and pursuing practical, principled engagement with North Korea could manage the security situation on the peninsula while reinforcing alliances, expanding US influence, and freeing up resources to address greater strategic priorities. Engaging in arms control discussions, improving the political relationship by declaring an end to the Korean War, and seeking political buy-in from Congress are key steps towards this goal.

ABOUT THE AUTHOR

Joshua Nezam is a consultant and independent researcher in Washington, DC. He is a former Boren National Security Fellow in Seoul and received MA degrees in international affairs from Korea University in Seoul and American University in Washington, DC. His experience spans multiple policy domains, including US Embassy Seoul, the House Foreign Affairs Subcommittee on Asia and the Pacific, and the Asian Studies program at the American Enterprise Institute. His writing has been published in *The Korea Herald*, *The Diplomat*, *PacNet*, and *The National Interest*.