



Soldiers drive 68-ton M1A2 Abrams main battle tanks and 27-ton M2A3 Bradley infantry fighting vehicles across a floating bridge over the Imjin River 8 April 2016 near Seoul, South Korea. The Imjin River is the seventh-largest river in Korea and flows from North Korea into South Korea across the Demilitarized Zone. Soldiers from the 2nd Battalion, 8th Cavalry Regiment, 1st Armored Brigade Combat Team, 1st Cavalry Division, crossed the bridge assembled by the Republic of Korea Army 6th Engineer Brigade as part of a four-day, combined arms river crossing exercise. (Photo by Sgt. Christopher Dennis, U.S. Army)

North Korea Policy Changed Regime

Col. James M. Minnich, U.S. Army

The denuclearization of North Korea has been a failed policy objective of the United States and South Korea for twenty-five years. Missteps, hubris, and sophistry clutter past approaches to forestall a nuclear-armed North Korea, but they need not portend today's policy path. Lost opportunities abound, but it is not too late to peacefully eliminate Pyongyang's

burgeoning nuclear arsenal. North Korea's denuclearization will be a byproduct of a successful engagement policy, not its singular objective. The North Korea solution that is needed is a policy of *changed regime*, not regime change. A changed-regime policy will transform North Korea from within by resolute engagements from without and will require an all-weather security

guarantee of the entire Korean peninsula, both North and South Korea. An effective changed-regime policy will embrace parallel pursuits that include security, relations normalization, cooperative prosperity, and alternative energy substitutions, while delimiting ardent ambitions to heal all ills at once.

Changed-Regime Policy

Washington, Pyongyang, and Seoul are the only three relevant parties to a future agreement. Beijing, Tokyo, Moscow, and other aspirants will be beneficiaries, and may be benefactors, of a future agreement, but they will detract and dilute prospective processes with parochial positions. The objective of a changed-regime policy is the establishment of conditions that successfully encourage Seoul and Pyongyang to pursue an agreement that permits both to coexist peaceably. Pyongyang's pursuit of national security is not unique. Security is the leading priority of all countries, and every other interest ranks a distant second in importance. Dr. Joseph Nye evoked perhaps the quintessential analogy when he wrote, "Security is like oxygen—you tend not to notice it until you begin to lose it, but once that occurs there is nothing else that you will think about."¹

Security. National security fears stoke enmity between Washington, Seoul, and Pyongyang, and spoil prospects for productive negotiations. To begin a sustainable, far-reaching negotiation process, Pyongyang must agree to a provisional suspension of its programs for nuclear weapons and long-range missiles; Washington and Seoul must concurrently agree to a provisional suspension or scope (size, duration, purpose) of their semi-annual combined military exercises—Key Resolve and Foal Eagle in the spring, and Ulchi Freedom Guardian in the fall. These initial steps should persuade relevant parties to return to the negotiation table. North Korea has three times reliably frozen its nuclear activities and missile launches. With genuine security inducements, a commitment to do so again is probable. Pyongyang equates a proven nuclear weapons arsenal with its national security and regime survival. Therefore, it is fanciful to believe that North Korea could be compelled to eliminate and irrevocably abandon its strategic armaments, absent a consistently stable security environment where it amicably coexists with the United States and South Korea. This endeavor is not only possible, it has been Pyongyang's pursuit and the basis of all four

denuclearization agreements that have been penned. Like Seoul before it, Pyongyang can be persuaded to abandon its nuclear weapons program, but not while it perceives an existential threat.

Relations normalization. Normalizing political and economic relations has been centric, as it has been elusive, to previous agreements with North Korea. North Korea has long been rebuffed in attempts to normalize relations with South Korea, Japan, and the United States. Normalization begins with an immediate exchange of capital liaison offices to implement agreement protocols and cascades with a thickening of relations by lifting sanctions, extending trade, reuniting families, repatriating remains, opening tourism, and exchanging culture, education, and sports. If, however, Pyongyang is continually curbed from relations with the broader community of nations, extraordinary will be the task to affect North Korea's positive transformation.

Cooperative prosperity. Developing cooperative prosperity with North Korea gives meaning to an establishment of economic relations. Furthermore, it accentuates principled commerce and prosperity by enlarging trade opportunities beyond China while providing Pyongyang with substantive alternatives to its exports of weapons, counterfeit merchandise, illicit activities, and nuclear and missile technology and expertise. Seoul and Pyongyang could

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cooperatively reopen the Kaesong Industrial Complex, an inter-Korean economic zone that hosted 125 South Korean companies that employed fifty-three thousand North Korean workers. They could then expand the complex to its earlier envisioned size of 1,500 companies and 350,000 North Korean employees.² North Korea's economic zones offer broader opportunities to expand international commerce, as does its abundant mining industry. As North Korea guarantees the

terrorism, illicit activities, abductions, etc. Most of these will self-correct over time through a policy of changed regime. Endeavoring to hold Pyongyang accountable for its former wrongdoings is a path that forfeits an opportunity to effectuate a changed future.

Washington and Seoul will need to disassociate Pyongyang's satellite program from its long-range missile program and explicitly address Pyongyang's sovereign and legitimate pursuit of a satellite space program in a

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security of visitors, Seoul and Washington could lift restrictions on its citizens visiting the popular Mount Kumgang resort area, with the probability of also opening other areas for tourism.

Alternative energy substitutions. Pyongyang's proven ability to manufacture fissile material from nuclear reactors and uranium enrichment facilities will drive an agreement that seeks to proscribe Pyongyang's peaceful use of nuclear energy. North Korea, however, is unlikely to permanently forswear nuclear energy, and attempts to mandate a permanent energy substitution will be strongly rebuked on the principle of sovereignty. Washington does not need Pyongyang's permanent disavowal, but it will require a resolute suspension of nuclear energy until trust is generated to a degree that allows Pyongyang to possess nuclear reactors and uranium enrichment and fuel fabrication facilities without concerns of diversion to a nuclear weapons program. Pyongyang will have to be weaned from nuclear energy with generous offers to repair its electrical grids and improve its production of coal and hydropower electricity. Partnering in alternative energy sources will offer significant collaborative opportunities with North Korea, opportunities that should be embraced.

Delimiting competing interests. North Korea is replete with ills, and every earlier denuclearization agreement failed from attempts to right all wrongs. Future agreements must delimit competing interests that prioritize policies addressing human right abuses, asymmetric military capabilities, conventional force structures,

future agreement. No other country is sanctioned for launching satellites into orbit to include India, Iran, and Israel; Pyongyang will not accept that it is the global exception. Pyongyang has repeatedly agreed to forego launching its own satellites in favor of a proxy undertaking this task. This offer, or some other acceptable measure, should be seriously pursued.

Nuclear Weapons and Missiles

In September 2016, North Korea conducted its fifth successful underground nuclear weapons test. Today, Pyongyang has upwards of thirty nuclear warheads, but its capacity to manufacture uranium-235 increases its warhead stocks at a rate of two per annum. This rate of growth increases, as does its robust ballistic missile arsenal. The North Korean People's Army (KPA) has approximately six hundred short-range ballistic missiles that are road-mobile and can range throughout South Korea. It has three liquid fuel variants: Hwasong (HS)-5/SCUD-B, HS-6/SCUD-C, and HS-7/SCUD-D and SCUD-ER; and one solid fuel variant: Toksa/KN-02. Its arsenal includes about two hundred medium-range ballistic missiles of two road-mobile variants that can target Japan: Nodong is liquid fueled, and Pukksong-2/KN-15 is solid fueled. The KPA has approximately fifty road-mobile variants of intermediate-range ballistic missiles (IRBM) that can range Guam: Musudan is liquid fueled, and HS-12/KN-17 is solid fueled. It has road-mobile, liquid fueled

intercontinental ballistic missiles (ICBMs) that can range Chicago (HS-14/KN-20 and HS-13/KN-08), but neither variant has been operationally deployed.

In 2016, the KPA successfully tested the Pukuksong-1/KN-11, a submarine-launched ballistic missile (SLBM) with an estimated range of two thousand kilometers; however, this system has yet to be operationalized. Eighteen months ago, the KPA's ballistic missile program had only proven its short-range ballistic missiles and Nodongs. It has since successfully tested SLBMs, IRBMs, and ICBMs. The KPA's SLBM test on 24 August 2016 and its medium-range ballistic

Prevention and preemption are not synonymous. The rationale of a preventive war is grounded on a premise of striking first in anticipation of an adversary initiating a future conflict. However, there is no legal or moral legitimacy in a preventive war. This is evidenced post-World War II by the U.S.-led effort that tried and condemned Nazi Germany and Imperial Japan for their preventive attacks upon their neighbors. American writer Philip K. Dick broached the principal of pre-crime in his 1956 story "The Minority Report," where law enforcement agents eliminated persons who would commit crimes in the future.⁵

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missile/KN-15 tests on 12 February and 21 May 2017 successfully demonstrated the KPA's solid fuel engines and a burgeoning second-strike nuclear arsenal of sea-based and mobile land-based platforms. Successful launches of two Musudan IRBMs on 22 June 2016 for the first time placed Guam in reach, and the successful launches of ICBMs on 4 July and 28 July 2017 placed much of the U.S. mainland within striking range. These advancements in ballistic missile technology are by far more worrisome than North Korea's anticipated sixth test of a nuclear weapon.³

Risks Abound

Disquietingly, much is at stake because of Pyongyang's pursuit of nuclear weapons. At the forefront of risks are nuclear strikes, preventive wars, conflict escalation, worsened relations, unabated humanitarian crisis, proliferation of nuclear weapons and technology, and a weakened Treaty on the Non-Proliferation of Nuclear Weapons (NPT).⁴ While North Korea is not seeking a first-strike capability, it is difficult to imagine that Pyongyang would refrain from employing nuclear weapons in the face of externally provoked instability that presents an existential threat to its national security or regime survival. Disturbingly, existential threats could be concluded by Pyongyang from ill-informed perceptions of pending attacks, which raises caution regarding hyperbolic wars of words.

The invasion of Iraq in March 2003 is a modern example of a preventive war. Advocates wrongly conflated United Nations Security Council Resolution (UNSCR) 1441, which warned Iraq of "serious consequences," with a United Nations (UN) Charter, chapter VII authorization to "use force."⁶ In a BBC World Services interview on 14 September 2004, then-UN Secretary General Kofi Annan decried the U.S.-led invasion of Iraq as illegal and in contravention of the UN Charter.⁷ Aspirants of prevention advocate that preventive strikes can curb an adversary from taking military action. The opposite is also true.

Preventive strikes can provoke an adversary's use of military force, and in the case of North Korea, there is no upside to inciting a North Korean attack upon the region. This type of conflict escalation is preventable and should be avoided. At the July 2017 Aspen Security Forum, U.S. Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford remarked that a military option with North Korea would be horrific on a scale not seen since World War II.⁸ That gives reason for pause, considering the devastation of the 1950s Korean War with as many as four million casualties.⁹

Relations in the region are worsening under the weight of the North Korean nuclear crisis. U.S. relations with China steadily deteriorate from the prospect of war with North Korea, the forward deployment of the antiballistic missile defense system known as Terminal



High Altitude Area Defense (THAAD), secondary sanctions against China, and pressure on China to curb Pyongyang's actions. This weight is similarly deleterious on relations between the United States and South Korea, and between South Korea and China. Trust was an early casualty of the failed agreements between Pyongyang, Seoul, and Washington. As inconsequential as that may seem, trust is essential in international dealings and will be central to a future agreement with Pyongyang. So, care must be taken not to unnecessarily complicate future relations with Pyongyang.

Human suffering in North Korea extends beyond injustices, extrajudicial executions, and prison camps. Pernicious and pervasive are food insecurity for three-quarters of the population, malnutrition among one-third of children, and clean water scarcity in one-quarter of all homes. Infectious diseases like tuberculosis, malaria, and hepatitis B are endemic. The human condition in North Korea is a casualty of Pyongyang's excision within northeast Asia.

Siegfried Hecker, a Stanford University physicist, examines metal lathes that were used for machining uranium metal fuel rods in the fuel fabrication facility 13 February 2008 at the Yongbyon Nuclear Scientific Research Center in Yongbyon, North Korea. (Photo by W. Keith Luse)

Absent meaningful trade options, Pyongyang may resort to expanding its export of military arms as it proliferates its mounting nuclear and ballistic missiles programs, stockpiles, and know-how. This is a serious and increasing risk, following the 5 August 2017 enactment of UN Security Council (UNSC) Resolution 2371, which bans Pyongyang's legitimate exports of coal, iron/iron ore, lead/lead ore, and seafood; prohibits all new joint ventures or cooperative commercial entities; and proscribes countries from hiring North Korean laborers.¹⁰ Criminal proliferation of nuclear weapons and related technologies is not the only concern, as evinced by South Korea's national debate on developing its own nuclear weapons

and broader international discussions that portend a nuclear-armed Japan and South Korea. For Tokyo and Seoul to legally pursue a nuclear weapons path, both would have to follow Pyongyang's lead by first withdrawing from the NPT; according to former U.S. Defense Secretary William Perry, the 1993 announcement to withdraw from the treaty by Kim Il Sung was so upsetting that the United States considered a preventive military strike against North Korea's Yongbyon nuclear research facilities.¹¹ Entered into force in 1970, the NPT is an international treaty to prevent the pro-

Inter-Korean Joint Denuclearization Declaration, January 1992. With the disintegration of the Eastern Bloc and the Kremlin's struggle to retain positive control of its nuclear weapons, President George H. W. Bush ended the foreign deployment of U.S. nuclear weapons by signing the Presidential Nuclear Initiatives on 27 September 1991.¹² With an aspirational aspect, this unilateral initiative successfully induced the Kremlin to do likewise. Seizing the international moment, South Korean President Roh Tae-woo, in a nationwide televised broadcast on 8 November 1991, established national poli-

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liferation of nuclear weapons and weapons technology as it promotes the cooperative and peaceful use of nuclear energy. Only five NPT signatories, the permanent members of the UNSC, are permitted to possess nuclear weapons: the United States, Russia, the United Kingdom, France, and China. All other 191 NPT signatories are prohibited. Four non-NPT signatories also possess nuclear weapons: Israel, India, Pakistan, and North Korea. The NPT has flaws, but proliferation's path is deleterious to global security.

Twenty-Five Years of Failed Denuclearization Policy Efforts

Policy approaches to denuclearize North Korea began in earnest in 1991, but success has proven elusive. Despite four separate denuclearization agreements by the fifteen heads of state who have led or now lead the United States, South Korea, and North Korea, Pyongyang has developed nuclear weapons that can now target the U.S. mainland. It is the threat of a nuclear strike upon the United States and its forward-deployed forces that drives that country to eliminate North Korea's nuclear weapons capability. It is North Korea's fear of a U.S. strike upon it that drives Pyongyang to possess a credible nuclear arsenal. Today's policy path toward the next negotiation to denuclearize North Korea is found by first understanding and then not repeating previous failures.

cy by declaring South Korea a nuclear-weapons-free state and offered to validate its status through international inspection protocols. Roh then called upon North Korea to undertake corresponding measures. Seventeen days later, the North Korean foreign ministry affirmatively responded with a willingness to accept International Atomic Energy Agency (IAEA) Safeguard Agreements upon its 5-megawatt electrical (5 MWe), gas-cooled nuclear reactor, which had been operational since December 1985.

This agreement, however, was conditional on the concurrent removal of U.S. nuclear weapons from the peninsula, and a U.S. security guarantee against targeting North Korea with nuclear weapons. On 11 December 1991, Seoul swept away a second of Pyongyang's deep-seated security anxieties by announcing its willingness to suspend Team Spirit 1992 in exchange for the North's assent to nuclear inspections at Yongbyon. Team Spirit, initiated sixteen years earlier, was an annual theater-level military exercise that flowed tens of thousands of U.S. forces to Korea for a ten-day, force-on-force major military exercise of two hundred thousand combatants. On 13 December 1991, inter-Korean prime-minister-level talks, which had convened several times since September 1990, achieved the first ever South-North agreement.

The Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North, also known as the Basic Agreement, was an

equal agreement that pursued reconciliation, nonaggression, exchanges, and cooperation.¹³ Its companion agreement, the Joint Declaration on the Denuclearization of the Korean Peninsula (JDD), was accepted by both prime ministers on the last day of December 1991 and then signed on 20 January 1992.¹⁴ Unlike other aspirational agreements, the JDD was a comprehensive declaration that prescribed nuclear energy solely for peaceful purposes, and proscribed all forms of nuclear weapons and nuclear weapons programs, stating that the parties shall neither test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, nor possess nuclear reprocessing and uranium enrichment facilities. On 30 January 1992, Pyongyang signed the IAEA Safeguard Agreement; three months later, it submitted a detailed inventory of its nuclear facilities to the IAEA and then immediately received the agency's director on a site visit followed by ad hoc inspections.

As an implementing mechanism to negotiate and employ a reciprocal inspection regime, the two Koreas agreed in late February to form the Joint Nuclear Control Commission (JNCC). The first meeting of the JNCC was held four weeks later, and it eventually convened thirteen times in ten months before mutual suspicions stymied progress. On 25 January 1993, frustrated at the perpetual grind and slog of the JNCC, South Korea announced before the 13th JNCC its planned resumption of Team Spirit 1993 on 9 March. Pyongyang immediately reeled. The day before Team Spirit commenced, Kim Jong-il, then-supreme commander of the KPA (and future president), ordered the nation to a state of semi-war readiness, the first instance since 1983. As pressure mounted, Pyongyang invoked Article X of the NPT and submitted a qualified ninety-day notice of treaty withdrawal on 12 March 1993.

The ensuing three months were tense. By mid-May, the United States and North Korea had convened mid-level talks, which were upgraded to high-level talks in early June. Finally, on 11 June 1993, only one day before the effectuation of North Korea's NPT withdrawal, Washington and Pyongyang signed their first ever Joint Statement, wherein the two parties offered the other security assurances against the threat and use of force, and agreed to advance peace and security on a nuclear-free Korean peninsula, respect each other's sovereignty, non-interfere in each other's internal

affairs, and support peaceful reunification of Korea.¹⁵ Concurrent with the signing of this Joint Statement, Pyongyang suspended its NPT withdrawal, just one day before effectuating treaty abdication.

Eight months later, IAEA inspectors regained access to the Yongbyon nuclear facilities for its first inspections since early 1993. The IAEA was soon at loggerheads with North Korean officials for denying a request to analyze spent fuel rods. Relations further digressed as the IAEA refused to observe refueling operations without authorization to analyze fuel samples, and then Yongbyon technicians refueled the 5 MWe reactor without IAEA oversight. On 10 June 1994, the IAEA suspended its oversight mission at Yongbyon, the UNSC pressed for sanctions against North Korea, and the United States planned a missile strike against North Korea's Yongbyon nuclear reactor and related facilities.

In final action to avert conflict, President Bill Clinton dispatched former President Jimmy Carter to Pyongyang on 16 June to meet with President Kim Il-sung in what quickly became a successful attempt to gain Pyongyang's consent to freeze its nuclear program and resume high-level dialogue with the United States. Had either side delayed the meeting, the de-escalation of this crisis may have ended quite differently, as the eighty-two-year-old Kim died only days later on 21 July. As expected, his son, Kim Jong-il ascended to power and assented to the previously arranged denuclearization negotiations with Washington. Over the intervening months, senior-level negotiators from the United States and North Korea met in Geneva to hammer out the Geneva Agreed Framework, or more commonly referred, the Agreed Framework, which was signed on 21 October 1994.¹⁶

U.S.-North Korea Agreed Framework, October 1994 to October 2002. The Agreed Framework was straightforward with only four articles. First, Pyongyang would freeze and later dismantle its 5 MWe, gas-cooled nuclear reactor and its plutonium reprocessing facility in exchange for two one-gigawatt light water reactors (LWR) by 2003, and an interim provision of five hundred thousand tons of heavy fuel oil (HFO) annually until completion of the LWRs. Second, Washington and Pyongyang would normalize political and economic relations. Third, both parties would work together for peace and security on the Korean peninsula. And, fourth, they would strengthen the NPT. Implementation began well,



as Pyongyang froze its reactor and reprocessing facility, which was verified by an on-site IAEA inspection team within the first five weeks of the agreement, but challenges and suspicions quickly followed. U.S. deliveries of HFO to North Korea were irregular, unpredictable, and late; the multinational consortium Korean Peninsula Energy Development Organization took years to contract the LWR construction; and the U.S. legislature excoriated the agreement. As these and other detractors persisted, pundits and politicians routinely portended Pyongyang's eminent implosion as they recommended slow-rolling the deal in the prospect of not having to make good on the agreement. Consequently, capital city liaison offices were not exchanged, relations were not normalized, and trade and investment never materialized.

In April 1996, Washington engaged Pyongyang in dialogue to end its sales of ballistic missile systems, components, and technology, a security concern that was outside the scope of the Agreed Framework. Pyongyang sought economic remuneration for compliance, but Washington balked and instead offered to ease economic sanctions, a condition that already applied to the Agreed Framework, but which had

U.S. Army Col. James M. Minnich (*second from right*), secretary of United Nations Command Military Armistice Commission, speaks to North Korean People's Army Senior Col. Pak Ki-yong (*left*) during Secretary Talks of the Military Armistice Commission 11 September 2013 at the Korean Demilitarized Zone. (Photo courtesy of author)

been withheld. Washington quickly acted, sanctioning Pyongyang in May 1996 for missile-technology-related transfers to Iran, in August 1997 for unspecified missile proliferation activities, and in April 1998 for the transfer of missile technology to Pakistan. In June 1998, Pyongyang again offered to end its missile sales if financially compensated; Washington responded by labeling North Korea a rogue state.¹⁷

Four years on with little to show but halting HFO deliveries and cajoling to end its ballistic missile sales, North Korea conducted its first launch of a three-stage Paektusan-1 (Taepodong-1) rocket in a failed attempt to place the Kwangmyongsong (KMS or Brightstar)-1 satellite into orbit, on 31 August 1998.¹⁸ This launch raised tensions in the region out of concerns of ICBM advancements and growing vulnerabilities to a North

Korean nuclear strike. On 12 September 1999, North Korea responded to the U.S. request by self-imposing a moratorium on long-range missile tests for the duration of talks with the United States, and Washington agreed to a partial lifting of economic sanctions.

Three days later, Washington advanced a “new, comprehensive and integrated approach” to its North Korea policy.¹⁹ This comprehensive approach unilaterally attached several new conditions upon North Korea, including verifiable elimination of Pyongyang’s nuclear weapons program before normalization of political and economic relations, cessation of the North’s missile sales program, and termination of its medium-range and long-range missile production programs. Pyongyang detected Washington’s alteration of the Agreed Framework. Finally, on 15 December 1999, five years after signing the Agreed Framework, a construction firm was contracted to build the LWRs (it was August 2002 before site preparations were completed and concrete poured, and then two months later the Agreed Framework was dead).

Suddenly, in the last months of Clinton’s presidency, U.S.-North Korean relations dramatically shifted, owing to an unanticipated inter-Korean summit in Pyongyang in mid-June 2000. In late June, the U.S. eased sanctions on North Korea; in early July the U.S. offered to move toward economic normalization; in mid-July North Korea offered to end its missile development program in exchange for an agreement that would launch its satellites; in mid-July Secretary of State Madeline Albright met with Foreign Minister Paek Nam-sun; in mid-October Kim Jong-il’s special envoy, Vice Marshal Jo Myong-rok, met with Clinton in the White House; and then, in late October, Albright met with Kim Jong-il in Pyongyang to assess the possibility of a U.S.-North Korean summit before Clinton left office in January. Within two weeks of Albright’s return from Pyongyang, rapprochement faced its end in the wake of the 7 November U.S. presidential election. President George W. Bush assumed office certain that the United States had negotiated a bad nuclear deal with a rogue regime that was cheating on the agreement.

On 7 March 2001, following a summit with South Korean President Kim Dae-jung, Bush voiced harsh criticism of North Korean leader Kim Jong-il, expressed distrust in the North as a partner in denuclearization, and presaged the end of the Agreed

Framework. Immediately, the Bush administration undertook a North Korea policy review that unilaterally altered the Agreed Framework to include “improved implementation [measures]; verifiable constraints on North Korea’s missile programs and a ban on its missile exports; and a less threatening conventional military posture.”²⁰ Pyongyang was again subject to Washington’s alteration of the agreement. In 2002, Washington sounded the death knell of the Agreed Framework, bookmarked in January by the U.S. president’s categorization of North Korea, Iran, and Iraq as “an axis of evil, arming to threaten the peace of the world,” and in October by an embellished U.S. accusation that allegedly induced a North Korean admission of its undisclosed highly-enriched uranium program.²¹ The effects of this accusation/admission ended Clinton’s Agreed Framework, including shuttering the Korean Peninsula Energy Development Organization’s shipment of HFO in November 2002 and its construction of LWRs in December 2003, and squashing the effects of two historic summits—one between North Korea and South Korea in June 2000 and the other between North Korea and Japan in September 2002.

North Korea reeled. In December 2002, Pyongyang (a) alerted the IAEA of its intent to restart its nuclear reactor and reopen its facilities frozen by the Agreed Framework, (b) removed all IAEA seals and observation devices from its nuclear facilities and materials, and (c) ejected the IAEA inspection team from its nuclear facilities in Yongbyon. Then, on 10 January 2003, Pyongyang lifted its NPT withdrawal suspension, becoming the only nation to withdraw from this treaty. In the wake of the U.S. invasion of Iraq on 20 March 2003, North Korea announced its intent to harvest weapons-grade plutonium from eight thousand spent fuel rods that had been in storage and under IAEA observation since 1994. In an April 2003 meeting between U.S. and North Korean diplomats at the UN, the Americans were reportedly told that North Korea had decided to manufacture nuclear weapons by reprocessing the spent fuel rods as a deterrent against the United States executing an Iraq-like invasion of North Korea.²²

Framed by a doctrine of preemptive strike and democratic regime change in the 2002 *National Security Strategy* and victorious from its preventive war with Iraq in early 2003, U.S. representative James Kelly announced

Washington's policy position in a trilateral meeting with China and North Korea on 23 April 2003: Pyongyang must accede to a "complete, verifiable, irreversible, dismantlement" (CVID) of all nuclear activities—peaceful use and weapons. Pyongyang agreed, but on condition that the U.S. would provide the North with a security guarantee, normalization of relations, and economic aid. The U.S. position was clear: a nuclear CVID before any discuss of U.S. concessions.²³ Just three days preceding this meeting, the *New York Times* broke a story on a leaked memo that was purportedly approved by Defense Secretary Donald Rumsfeld and circulated to key members of the administration urging the United States to work with China to topple North Korean leader Kim Jong-il.²⁴ Three weeks later, the newly elected South Korean President Roh Moo-hyun met in summit with President Bush and stressed his objections to military conflict with North Korea, as he accentuated in his newly crafted *Peace and Prosperity Policy*, Roh's version of his predecessor's *Sunshine Policy*.²⁵

Six Party Talks, August 2003 to December 2008.

The United States refused Pyongyang's repeated requests for bilateral dialogue, but agreed to meet in Six Party Talks with China, Japan, Russia, South Korea, and North Korea. These talks began in late August 2003 and convened over a five-year period in seven protracted rounds. No progress was made throughout the first two years of talks, as Pyongyang sought from Washington normalization of relations and a nonaggression pact, and Washington demanded denuclearization without conditions. In early 2005, Condoleezza Rice, in her confirmation hearing, labeled North Korea an "outpost of tyranny" that must be dealt with, as the South Korean government made public its opposition to a U.S. contingency plan for its forces to advance into North Korea in the event of internal instability.²⁶ On 10 February 2005, Pyongyang's state news agency, the Korean Central News Agency, carried a North Korean foreign minister statement that announced Pyongyang's possession of nuclear weapons for self-defense.

Progress in the Six Party Talks remained elusive for the first two years of these multilateral negotiations, but during the fourth round of talks, the United States reversed its prohibition from directly negotiating with Pyongyang and relented from its demand that North Korea renounce peaceful-use nuclear technology. The Joint Statement of 19 September 2005 was not

significantly different from the 1994 Agreed Framework. North Korea agreed to eliminate its nuclear weapons program, recommit to the NPT, and submit to IAEA inspections. In exchange, Washington (and other parties) agreed to normalize diplomatic and economic relations with Pyongyang, promote economic cooperation, provide energy assistance (to include LWR), and negotiate a permanent peace regime in Korea.²⁷

Exiting the negotiation room, Christopher Hill addressed the press with a statement of qualification on the U.S. position of the Joint Statement, declaring that North Korea also needed to resolve its "human rights [abuses], biological and chemical weapons programs, ballistic missile programs and proliferation, terrorism, and illicit activities."²⁸ He further stated that the United States would take concrete actions to protect itself from any of North Korea's illicit and proliferation activities. This statement directly referred to a U.S. Treasury Department action that had just been undertaken to designate Banco Delta Asia, a small bank in Macau, as a money-laundering concern for conducting financial services with North Korea.²⁹ The U.S. action to freeze \$25 million of North Korean funds stalled the Six Party Talks until Washington released the funds twenty-one months later. During this interregnum, Pyongyang ended the missile test moratorium with its first (failed) launch of an ICBM on 5 July 2006, and its first nuclear weapons test on 9 October 2006.

Washington's hardline approach toward Pyongyang not only ended the Agreed Framework, it precipitated Pyongyang's eviction of IAEA inspectors, abrogation of the NPT, reoperation of its nuclear reactor, weaponization of spent fuel, termination of an eight-year self-imposed missile moratorium, launch of an ICBM, and test of a nuclear weapon. Incensed by North Korea's first nuclear test, the UNSC unanimously passed Resolution 1718 on 14 October 2006 as the United States sought greater resolve from Seoul and Tokyo.³⁰ Washington progressively realized that a solution to end North Korea's nuclear pursuit would eventually require honest negotiations with Pyongyang.

On 13 February 2007, the six nations agreed to phase one of a plan to implement the September 2005 Joint Statement.³¹ Per the implementation plan, Pyongyang would disable the Yongbyon nuclear facilities and receive IAEA inspectors. In exchange, the

United States would release the \$25 million, engage in talks to normalize relations, excise North Korea from its list of State Sponsors of Terrorism (SST), remove sanctions imposed under the Trading with the Enemy Act (TWEA); and work to provide HFO. While it took Washington four more months to release the funds, it took Pyongyang only one day from receipt of the funds on 25 June 2007 to welcome a small team of IAEA inspectors back to Pyongyang. Those inspectors witnessed and verified the shutdown of the Yongbyon nuclear reactor on 18 July 2007.³²

Less than three months later, the six parties signed phase two of a plan to implement the September 2005 Joint Statement, which committed Pyongyang to submit a written declaration of its nuclear weapons program; it did so on 26 June 2008.³³ In exchange, Washington agreed to relax economic sanctions under TWEA, remove Pyongyang from its SST list, and (with the other parties) provide one million tons of HFO. While Washington did immediately relax TWEA sanctions, it withheld delisting North Korea as a SST until completion of accelerated verifications.³⁴ North Korea balked at this unilateral condition and threatened to restart its nuclear reactor, and it barred IAEA inspectors from its nuclear facilities on 9 October 2008.³⁵ Two days later, Washington delisted Pyongyang as a SST, and then the same day Pyongyang readmitted IAEA inspectors to Yongbyon.

The seventh round of Six Party Talks were held 8–11 December 2008. Between the sixth and seventh rounds of talks, South Korea, Japan, and the United States each elected new heads of state. Japanese Prime Minister Aso Taro and South Korean President Lee Myong-bak were hardliners who had assumed office earlier in 2008, and U.S. President Barack Obama was within six weeks of inauguration. In the seventh round, under a threat to discontinue energy aid to North Korea, the United States, South Korea, and Japan pressed Pyongyang to accept a written verification protocol that would allow inspectors to take and test nuclear material from Yongbyon. Pyongyang refused to yield, prompting Washington, Seoul, and Tokyo to immediately end all HFO deliveries. Pyongyang recoiled. Three months into Obama's presidency, North Korea launched a three-stage Unha-2/Taepodong-2 rocket in a failed attempt to place in orbit the KMS-2 telecommunication satellite.

On 13 April 2009, the UNSC issued a presidential statement of condemnation against the launch, which

provoked Pyongyang's withdrawal from the Six Party Talks on 14 April in a statement that charged the UN for infringing on its sovereignty in contravention to the Outer Space Treaty of 1967.³⁶ With the end of meaningful dialogue, Pyongyang evicted IAEA inspectors, harvested weapons-grade plutonium from all eight thousand spent fuel rods, began construction of a 25–30 MWe LWR, developed its uranium-enrichment program, and conducted a second nuclear test on 26 May 2009. In response, Seoul immediately joined the U.S.-led Proliferation Security Initiative, and the international community passed UNSCR 1874 on 12 June 2009.³⁷ Coercion again failed, the chasm of mistrust widened, and Pyongyang advanced its nuclear weapons and ballistic missile capabilities.

U.S.-North Korea Bilateral Talks (Leap Day Deal), February 2012. During a thirty-one-month hiatus from talks, North Korea continued developing its nuclear weapons program, with a public display of Musudan road-mobile IRBMs in October 2010, and a two-thousand-centrifuge uranium-enrichment facility in November 2010. As inter-Korean relations worsened and Pyongyang refused to even meet with South Korea's President Lee Myong-bak, the Obama administration reached out to Pyongyang in July 2011 with an offer of humanitarian nutritional subsistence. As the two sides prepared for a third round of talks on this issue, North Korean leader Kim Jong-il died from heart failure on 17 December 2011 and was succeeded in office by his third son, Kim Jong-un, on 31 December.

On 29 February 2012, the United States and North Korea met and reached an agreement that included Pyongyang's pledge to again accept IAEA inspectors, and to implement a moratorium on long-range missile launches, nuclear tests, and nuclear activities at Yongbyon to include uranium-enrichment activities. In exchange, Washington reaffirmed its commitment to the 19 September 2005 Joint Statement, its absence of hostile intent toward North Korea, and agreed to provide Pyongyang with 240,000 tons of nutritional assistance. The Leap Day Deal (as it has been coined) was tragically silent on satellite launches, an issue that Pyongyang views as inherently sovereign and consistent with its 2009 accession to the Outer Space Treaty of 1967.

Consequently, the deal died after Pyongyang's third attempt to place a weather satellite into orbit on



A North Korean Unha-3 rocket ready to launch 8 April 2012 at Tangachai-ri Space Center, North Korea. (Photo courtesy of Wikimedia Commons)

Myong-bak. During Presidents Obama and Park's remaining years in office, both pursued policies of pressure without negotiation against North Korea.

In his 2015 New Year's address, Kim Jong-un sought talks with South Korea. On 10 January, Kim further proposed a return to six-party talks by offering a temporary moratorium on nuclear weapons testing in exchange for a temporary suspension of U.S.-South Korea combined military exercises.³⁹ Pyongyang then reached further by offering to suspend launches of its missiles and satellites, and production of its fissile material; in exchange, it sought only a temporary reduction in the scale of combined military exercises. Pyongyang pressed more with a request to focus first on establishing a peace regime to improve security on the peninsula, which in its estimate would negate a need for nuclear weapons and missiles.⁴⁰ U.S. State Department spokesman John Kirby responded that "denuclearization had to

be part of any such discussion."⁴¹ 13 April 2012 with its launch of an Unha-3 rocket. Pyongyang persisted and finally succeeded in placing a functioning satellite into orbit with the launch of an Unha-3 rocket on 12 December 2012. Six weeks later, the UNSC strengthened international sanctions with the passage of Resolution 2087 on 22 January 2013.³⁸ In the face of toughening sanctions, North Korea conducted its third underground nuclear test on 12 February 2013, just two weeks before South Korea's first female president, Park Geun-hye, assumed office from Lee

be part of any such discussion."⁴¹

The UNSC tightened sanctions with Resolution 2094 in response to Pyongyang's third nuclear test; Resolution 2270 in response to its fourth nuclear test on 6 January 2016; UNSC Presidential Statement in response to its second successful satellite launch on 7 February 2016; and Resolution 2321 in response to its fifth nuclear test on 9 September 2016.⁴² Seoul walked away from all inter-Korean contact after the fourth nuclear test and second successful satellite launch

with the closure of the Kaesong Industrial Complex. Washington enacted the North Korea Sanctions and Policy Enhancement Act of 2016, mandating sanctions against entities contributing to North Korea's weapons programs, arms trade, human rights abuses, and illegal activities.⁴³ Absent a constructive dialogue

of which there are many. Strategic patience is a policy of pressure without negotiations. The imposition of sanctions is a policy of public privation that actually buttresses the despot. Regime change topples a dictator in a hope that someone better will emerge. Preemption and prevention policies suffer from dubious legality



Pyongyang views denuclearization as capitulation, not normalization.



mechanism or reciprocal agreement, Pyongyang advanced its strategic weapons program with successful testing of Pukuksong-1/KN-11 SLBMs on 23 April and 24 August 2016; Musudan IRBMs on 22 June; Pukuksong-2/KN-15 IRBMs on 12 February, 5 April, and 12 May 2017; HS-12 IRBM on 14 May; and HS-14 ICBMs on 4 July and 28 July 2017. The second ICBM launch had an estimated range of 10,400 km, which could target Chicago.

In early 2017, the United States and South Korea both inaugurated new presidents. U.S. President Donald Trump entered office on 20 January, declaring that all options were on the table concerning North Korea, and President Moon Jae-in entered office on 10 May with a mandate to peacefully resolve the North Korea crisis through inter-Korean engagements.

Going Forward

Shakespeare's locution of "what is past is prologue" articulates the difficult position of Washington and Seoul to now advance the denuclearization of North Korea after twenty-five years of mutual disingenuousness, which has created a milieu wherein Pyongyang possesses nuclear weapons and ICBM capabilities.⁴⁴ What is certain is that Pyongyang will not voluntarily disarm with doubts of national security and regime survival. Consequently, North Korea cannot be induced to denuclearize by offers of aid, trade, and engagement.

Pyongyang views denuclearization as capitulation, not normalization. Pyongyang does, however, long to be accepted as a normal state that enjoys good relations and trade with its neighbors. Such a prospect has been shunned over the years in favor of policies of coercion,

with elusive effects. Containment is a policy that acquiesces on acquired ability, prohibits proliferation, and seeks stasis. Outsourced diplomacy is another policy option, but this suggests a paucity of policy and a shifting of responsibility to a proxy with differing motives. There is another policy option.

A policy of changed regime advances the shared aspiration of peace on the Korean peninsula. Such a policy will transform North Korea through consistent engagement, which may take decades to realize. At only thirty-three, Kim Jong-un's young age advantages stability in pursuing a changed-regime policy. Moreover, Kim has offered the hand of negotiation several times. South Korean President Moon Jae-in will govern until 2022, and he is receptive to broad engagements with North Korea to peaceably end enmity on the peninsula. Washington can view this crisis through the mistakes of earlier agreements and interlocutors, and choose a policy path that leads Pyongyang along a course that obviates the need for nuclear weapons as a guarantor of security and survival.

Albright's October 2000 visit with Kim Jong-il elucidated possibilities when Kim stated that Pyongyang would refocus resources from the military to "economic development, with the right security assurances," and that he had come to view U.S. forces in Korea as stabilizing to the region.⁴⁵ In August 2009, former President Clinton visited Pyongyang, where Kim Jong-il opined of a time where the United States might find in North Korea a "new friend in Northeast Asia in a complex world."⁴⁶ That time is now, as the intensity of today's crisis pulls policy makers to define a policy that will achieve the denuclearization of North Korea. That solution is a policy of changed regime. ■

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