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Diplomacy with North Korea: A Status Report

Overview

United States-North Korea diplomacy to curb North Korea's nuclear and missile programs has been stalled since February 2019, and observers see little chance for progress in the coming months. In June 2020, tension increased on the Korean Peninsula, when the Democratic People's Republic of Korea (DPRK, North Korea's official name) turned more belligerent, blowing up an inter-Korean liaison office inside North Korea and threatening to interfere in upcoming U.S. elections, among other moves.

Since President Donald Trump first agreed in March 2018 to hold a summit with North Korean leader Kim Jong-un to discuss North Korea's nuclear and missile programs, the Trump Administration has emphasized the importance of developing a strong leader-to-leader relationship. The strategy appears to presume better results than the working-group negotiations employed by previous administrations. Trump and Kim have held three meetings: in Singapore (June 2018); Hanoi (February 2019); and Panmunjom (June 2019). The personal diplomacy defused the U.S.-DPRK hostility that had developed in 2017, raising alarms that war could break out on the Korean Peninsula. The diplomacy also has helped preserve North Korea's self-imposed moratoria on nuclear tests and intercontinental ballistic missile tests. Despite Kim's 2018 pledge to denuclearize, President Trump's approach to North Korea has been called into question by the absence of progress in negotiations, the DPRK's renewed hostility, allegations of sanctions-busting trade, and Pyongyang's continued enhancements to its military capabilities.

Status of U.S.-DPRK Negotiations

The February 2019 Hanoi summit ended without an agreement due to differences over the scope and sequencing of DPRK denuclearization measures in exchange for sanctions relief. Since the June 2019 Panmunjom meeting, the U.S. and North Korea have held one round of official talks, in October 2019. U.S. officials say their North Korean counterparts have refused to engage in additional negotiations. The two countries have not agreed on denuclearization steps, whether an agreement will include DPRK missiles, or the mechanisms for verifying any agreement, including inspection and monitoring arrangements. Meanwhile, China, Russia, and, to a lesser extent, South Korea have called for a relaxation of sanctions on North Korea, including Beijing and Moscow's December 2019 proposal to lift several categories of U.N. sanctions. The Trump Administration rejected the proposals as "premature."

In late December 2019, Kim announced "there is no ground" for North Korea to continue to maintain its nuclear and long-range missile testing moratoria. Kim criticized the United States' continuation of sanctions, joint military exercises with South Korea, and shipments of advanced military equipment to South Korea. Kim warned "the world will witness a new strategic weapon to be possessed by the DPRK in the near future." In 2019, the Director of National Intelligence told Congress "North Korea is unlikely to give up all of its nuclear weapons and production capabilities, even as it seeks to negotiate partial denuclearization steps to obtain key US and international concessions."

If talks restart, U.S. negotiators—and Members of Congress conducting oversight—could face the question of whether to aim for incremental dismantlement of North Korea's nuclear program in step with gradual sanctions relief, or to try for a "big deal" and demand that complete denuclearization precede full sanctions relief. A related question is whether the United States would accept partial denuclearization as an outcome of talks. The possibility of full sanctions relief is complicated by, among other factors, U.S. sanctions on North Korea for human rights abuses, money laundering, illicit weapons trade, international terrorism, and illicit cyber operations.

Key Developments Since March 2018

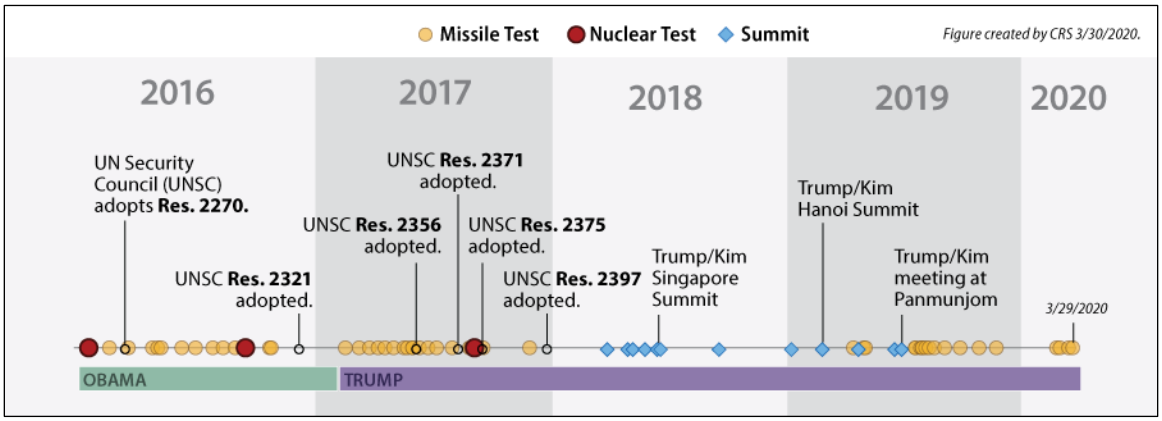
North Korea's Nuclear and Missile Programs

- Kim in 2018 publicly agreed to "work toward complete denuclearization of the Korean Peninsula," pledging "permanent dismantlement" of nuclear facilities in Yongbyon—an important nuclear site—"as the United States takes corresponding measures." He partially dismantled North Korea's Sohae missile and satellite launch site, and agreed to fully dismantle the site if a deal was reached. He also dynamited the entrances to two nuclear test tunnels at Punggye-ri in May 2018 and said inspectors would be allowed to confirm the test site's dismantlement. As U.S.-DPRK talks stalled, these promises have gone unfulfilled.
- North Korea has not tested a nuclear weapon or test-launched intercontinental ballistic missiles since November 2017, notwithstanding Kim's December 2019 warning that the moratoria no longer holds.
- Since May 2019, North Korea has conducted over a dozen multiple short-range ballistic missile (SRBM) tests, in violation of United Nations (U.N.) prohibitions, likely advancing the reliability and precision of its missile forces and improving its capabilities to defeat regional missile defense systems. Trump has said he has "no problem" with North Korea's multiple short-range ballistic missile tests.

Diplomatic and Economic Developments

- North Korea and China have restored close diplomatic relations. The relationship had been strained since Kim became leader in 2011.

Figure 1.Timeline of North Korean Ballistic Missile and Nuclear Tests, UNSC Sanctions, and Major Summits, 2016-2020



- Kim has met on five occasions with Chinese President Xi Jinping, three with South Korean President Moon Jae-in, and one with Russian President Vladimir Putin, none of whom he had met before 2018.
- Several countries are less robustly enforcing international sanctions than before the rapprochement. The United Nations has documented North Korea's efforts to evade sanctions, including ship-to-ship transfers of oil and coal off China's and Russia's coasts.
- In 2018, the two Koreas and the United States agreed to build a "peace regime," which could start with a declaration formally ending the Korean War. The United States and DPRK have discussed exchanging diplomatic liaison offices. There has been no progress in these areas since the February 2019 Hanoi summit.
- Inter-Korean relations improved markedly in 2018 before cooling in 2019 and plummeting in 2020. In 2018, the two Koreas held three summits, signed a military agreement and other pacts, and opened a permanent liaison office, their first-ever channel for full-time person-to-person contact. International and U.S. sanctions, however, prevent Seoul from pursuing many inter-Korean projects that President Moon favors.
- Following the Hanoi summit, Pyongyang largely ignored Seoul's offers of humanitarian assistance, small-scale initiatives, and diplomatic engagement. In June 2020, North Korea became more belligerent, declaring South Korea its "enemy," severing all overt inter-Korean communication channels, and blowing up the liaison office. Pyongyang said it was retaliating for South Korean civic groups' sending balloons with anti-Kim regime leaflets into North Korea, in contravention of a 2018 inter-Korean agreement.

Military Developments

- In 2018, the two Koreas signed a military confidence-building agreement that calls for reduced military activity around the border and removes guard posts along the demilitarized zone (DMZ). Unlike South Korea, North Korea has not implemented many of its commitments and in June 2020 it threatened to send back troops that it had previously withdrawn from areas near the South Korean border.
- Trump in June 2018 cancelled major annual U.S.-South Korea military exercises to facilitate diplomacy with North Korea. Congress later inserted provisions into defense authorization legislation (P.L. 115-232; P.L. 116-92) that set conditions on the President's authority to reduce U.S. troops in South Korea.
- The United States and South Korea were unable to renew their Special Measures Agreement (SMA) on dividing the costs of basing U.S. troops in South Korea before the previous SMA expired at the end of 2019. The Trump Administration has demanded steep increases in South Korea's contributions, and Trump has said it is debatable whether the U.S. troop presence in South Korea serves U.S. interests.

Other Developments

- In May 2018, North Korea released three American detainees. Previous U.S. Administrations also secured the release of U.S. citizens detained in the DPRK, including 11 individuals freed during the Obama Administration.
- In 2018, North Korea repatriated remains of possible U.S. Korea War-era troops, resulting in more than 40 positive identifications, and the two countries appeared poised to resume the repatriation program that had identified over 400 remains until the United States terminated the program in 2005. No progress was made on this issue during 2019 or 2020.
- In December 2019, Congress enacted the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (P.L. 116-92) to further restrict financial institutions from providing significant financial services to those subject to North Korea-related sanctions.
- In spring 2020, amidst rumors about Kim Jong-un's poor health, his sister and senior official, Kim Yo Jong, began assuming a more prominent role. There are signs she is being groomed as a possible successor.

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