NCNK | The National Committee On North Korea

ISSUE BRIEF

A History of U.S.-DPRK Relations

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November 2015

There are few bilateral relationships in the world which have been more consistently difficult than the relationship between the U.S. and North Korea. For decades after the Korean War, there was nearly no direct diplomatic contact between the two countries. Since the end of the Cold War, the United States and North Korea have engaged in on-and-off nuclear negotiations, which have ultimately failed to stop Pyongyang from building a small nuclear arsenal. The two countries have not established diplomatic relations, and a peace treaty ending the Korean War has not been signed.[1]

In conjunction with its alliance with South Korea, U.S. policy towards North Korea has emphasized deterring conflict on the Peninsula, preventing Pyongyang from developing nuclear weapons and delivery systems, and more recently, seeking improvements in Pyongyang's human rights record. For its part, Pyongyang has sought the removal of U.S. forces from South Korea, recognition as a nuclear state, food and energy assistance, sanctions relief, and the conclusion of a peace treaty. Despite periodic back channel communication through the DPRK Mission to the UN in New York, there has been almost no formal diplomatic contact between the U.S. and North Korea since April 2012, with the collapse of the "Leap Day Agreement" on North Korea's nuclear and missile programs.

From Division to the Cold War

Korea was divided along the 38th Parallel in 1945 after the end of World War II. The Soviet Union occupied the northern half of the peninsula, while the United States occupied the southern half. Following unsuccessful attempts to reconcile adversarial provisional governments that emerged under U.S. and Soviet influence, the government in the South founded the Republic of Korea (ROK) in August 1948. The following month, the government in the North declared the establishment of the Democratic People's Republic of Korea (DPRK). Both states rejected the legitimacy of the other and proclaimed their desire to unify the peninsula under their respective constitutions.

After several years of cross-border skirmishes, the DPRK invaded the South, sparking a full-scale conflict on June 25, 1950. Under U.S. leadership, UN forces intervened on behalf of the ROK and drove the DPRK's forces north of the 38th Parallel. However, a counterattack led by Chinese People's Volunteer Army troops reversed the UN force's advance, pushing them southward with the front line eventually settling near the 38th Parallel. In 1953, the UN Command, Korean People's Army, and Chinese People's Volunteers agreed to an Armistice Agreement halting the conflict.

Shortly after the Armistice was signed, the U.S. and ROK concluded a Mutual Defense Treaty stipulating that the U.S. would maintain a sizeable troop presence in South Korea in order to deter a North Korean attack. Beginning in 1958, the U.S. began to secretly deploy tactical nuclear weapons to South Korea, which were eventually withdrawn in 1991. In 1976, the U.S. and ROK militaries began conducting two annual large-scale military exercises, "Team Spirit" and "Ulchi Focus Lens," which became regular targets of denunciation by the DPRK.[2]

During the Cold War, the U.S. maintained minimal contact with North Korea, although limited military-to-military communication took place at the Joint Security Area (JSA) in Panmunjom. The U.S. imposed a comprehensive embargo on exports to North Korea following the outbreak of the Korean War and heavily restricted any economic activity involving North Korea until sanctions were slightly relaxed in the 1990s. In 1988, following the bombing of Korean Airlines flight 858 by North Korean agents, the U.S. added North Korea to its list of State Sponsors of Terror. (North Korea was removed from this list in 2008.)[3]

North Korean provocations during this period elevated tensions on several occasions. In the mid-1960s, Pyongyang initiated a series of border skirmishes in what has been called the "Second Korean War."[4] In 1968, North Korea captured the USS Pueblo, an intelligence-gathering ship, off the east coast of the DPRK. The crew was held captive for one year and was released only after President Lyndon Johnson submitted a written apology, which was immediately retracted upon their safe return.[5] Several months later, North Korean MiG-17s shot down a U.S. Navy EC-121 surveillance aircraft over international waters off of their east coast.[6] In 1976, a group of North Korean soldiers attacked South Korean and American soldiers trimming a tree in the JSA, resulting in the deaths of two American officers. North Korean President Kim Il Sung sent a written apology after this incident, while the United States and ROK forces responded with a show of military force as they symbolically removed the tree.[7]

The First Nuclear Crisis and the Agreed Framework

U.S. spy satellites began detecting construction related to a possible North Korean nuclear weapons program in the 1980s. In December 1985, North Korea gave into pressure from the Soviet Union to join the Nuclear Non-Proliferation Treaty (NPT), but did not complete a safeguards agreement with the International Atomic Energy Agency (IAEA). In 1992, the two Koreas signed a Joint Declaration on the Denuclearization of the Korean Peninsula; as part of this agreement, North Korea agreed to accept IAEA inspections. In February 1993, IAEA inspectors detected discrepancies in North Korea's reported nuclear activities; some information suggested that North Korea had reprocessed enough plutonium to produce one or two nuclear weapons. In response to a request for a "special inspection" of suspect facilities, North Korea announced its withdrawal from the NPT, but "suspended" this decision as bilateral nuclear talks with the U.S. began. The talks quickly stalled, prompting U.S. policymakers to consider seeking international sanctions or a military response.[8]

However, bilateral negotiations resumed following after former President Jimmy Carter visited Pyongyang in April 1994, negotiating a return to dialogue during a meeting with Kim Il Sung. Talks continued despite Kim Il Sung's death in July, with the two sides signing the Agreed Framework in October 1994. Under the agreement, North Korea agreed to freeze operations at its nuclear facilities in Yongbyon and halt construction of new planned reactors. In return the U.S. agreed to create a consortium (the Korean Peninsula Energy Development Organization, or KEDO), to provide heavy fuel oil shipments and construct two proliferation-resistant light-water nuclear reactors (LWRs) in North Korea. Prior to the completion of the reactors, North

Korea would come into full compliance with its IAEA obligations and ship its plutonium-laden spent fuel rods out of the country. Title II of the Agreed Framework also laid out steps to achieve "full normalization of political and economic relations" between the U.S. and DPRK.[9]

Implementation of the Agreed Framework did not occur smoothly.[10] While North Korea maintained the freeze on its nuclear facilities at Yongbyon, it covertly began efforts to procure technology for uranium enrichment – a second path to nuclear weapons. Military tensions on the Korean Peninsula also continued despite the Agreed Framework's signing: in December 1994, North Korea shot down a U.S. helicopter that had strayed into North Korean airspace, and in 1996, a North Korean surveillance submarine ran aground in South Korean territory. Although the U.S. ultimately delivered $400 million in energy assistance to North Korea from 1995 to 2002, the reluctance of the U.S. Congress to fund heavy fuel oil shipments, as promised by the Agreed Framework, led to delays in delivery.[11] KEDO's construction of the LWRs in North Korea also proceeded slowly. Additionally, the two sides did not establish interests sections in each other's capitals as outlined by the Agreed Framework and made little progress toward normalizing diplomatic relations.

After the Agreed Framework was signed, North Korea's missile development program and overseas missile sales remained robust. During bilateral talks in April 1996 and June 1997, the United States pressed the North to stop selling its missile components and related technology; in return, North Korea demanded compensation for the potential revenue it would lose, which stalled the talks. In August 1998, North Korea attempted to launch a satellite into orbit using a Taepodong-1 rocket, marking Pyongyang's first use of long-range missile technology.

Amid fears of a growing North Korean missile threat, public revelations of a suspected covert North Korean nuclear facility at the Kumchang-ri site northwest of Yongbyon, and stalled implementation of the Agreed Framework, the Clinton administration appointed former Secretary of Defense William Perry to conduct a comprehensive review of U.S. policy toward North Korea.[12] The resulting "Perry Report" called for "a comprehensive and integrated approach to the DPRK's nuclear weapons and ballistic missile-related programs" and negotiations with the DPRK, coordinated with Japan and the ROK. Should talks fail, the report advised a second track "to contain the threat we have been unable to eliminate through negotiation."[13]

In May 1999, a State Department team was allowed to visit the Kumchang-ri facility and concluded that operations there did not violate the Agreed Framework.[14] Several months later, as new talks on North Korea's missile program commenced, Pyongyang agreed to a missile test moratorium in exchange for Washington partially lifting economic sanctions. However, the moratorium did not prohibit North Korean missile sales overseas, which remained robust during this period. In an October 2000 visit to the United States, a high-ranking DPRK official, Vice Marshal Jo Myong Rok, reaffirmed the missile moratorium and agreed to issue a Joint Communiqué in an effort to improve relations.[15] Shortly thereafter, Secretary of State Madeline

Albright visited Pyongyang to meet with North Korean leader Kim Jong Il. However, missile talks remained inconclusive by the end of the Clinton administration.

Six Party Talks

Skeptical of the Agreed Framework, the incoming Bush administration delayed resumption of missile talks with North Korea while it undertook an internal policy review. Although President Bush labeled North Korea as part of an "axis of evil" during his 2002 State of the Union address, his administration ultimately decided on pursuing a "bold approach" which would address a comprehensive set of security, economic, and political issues dividing the U.S. and North Korea.[16] However, plans for this new initiative were quickly overtaken by a renewed North Korean nuclear crisis.

Amid mounting evidence of North Korea's covert efforts to acquire technology for a uranium enrichment program, Bush administration officials confronted North Korea during an October 2002 meeting in Pyongyang.[17] During the meeting, DPRK Vice Foreign Minister Kang Sok Ju reportedly admitted to and defended the existence of a North Korean enrichment program. (North Korea subsequently denied having such a program or making such an admission.) Following the encounter in Pyongyang, the United States declared that North Korea had violated the Agreed Framework and halted heavy fuel oil shipments. In response, North Korea declared the 1994 agreement nullified, withdrew from the NPT in January 2003, and began reprocessing plutonium.[18]

The U.S. response employed a two-track approach. On the diplomatic track, the U.S., China, and North Korea began trilateral talks on the North's nuclear program in April 2003, which later evolved into Six Party Talks incorporating Japan, South Korea, and Russia.[19] The stated U.S. goal for these negotiations was "complete, verifiable, irreversible dismantlement" of North Korea's nuclear programs. On a separate pressure track, the U.S. formed an "Illicit Activities Initiative" designed to cut off Pyongyang's access to hard currency obtained through drug smuggling, counterfeiting, and money laundering.[20]

After two years of little diplomatic progress, on September 19, 2005 the Six Parties announced a "Joint Statement," in which the DPRK committed to abandoning its nuclear programs and returning to the NPT in exchange for food and energy assistance from the other Six Party members. The agreement also outlined the parameters of future negotiations, including the normalization of relations with the United States, Japan and South Korea.[21] Shortly before the talks concluded, the U.S. Treasury Department designated a Macau-based bank, Banco Delta Asia (BDA), as a "primary money laundering concern" due to its financial facilitation of North Korean illicit activities, leading the Macau government to freeze approximately $24 million in North Korean assets in the bank.

The momentum forged by the 2005 Joint Statement disappeared almost immediately due to disputes over the timing of the provision of a civilian nuclear program[22] (The Joint Statement

declared vaguely that the provision of LWRs to the DPRK would be discussed at "an appropriate time"). Negotiations deteriorated further as North Korea's ability to access the international financial system was restricted in the wake of the BDA designation and a related campaign by Treasury Department officials to pressure overseas financial institutions to avoid doing business with North Korea.[23]

In July 2006, North Korea test-fired an array of ballistic missiles, including a long-range Taepodong-2 missile. The UN Security Council responded by adopting Resolution 1695, which condemned the action and called for the DPRK to immediately return to the Six Party Talks. In October 2006, North Korea conducted its first nuclear test, which produced a yield of less than one kiloton. The Security Council subsequently adopted UN Resolution 1718 under Chapter VII of the UN Charter, applying a range of international sanctions. However, diplomacy on the North Korean nuclear program resumed quickly following this round of confrontation: the Six Parties met in mid-December 2006, followed by two rounds of U.S.-DPRK bilateral talks in January and a third round of Six Party Talks in February 2007.

The February meeting produced the "Initial Actions for the Implementation of the Joint Statement,"[24] which called for North Korea to close its Yongbyon facility and issue a declaration of all nuclear programs. In response, the United States would initiate the process to remove North Korea from the list of state sponsors of terrorism and terminate sanctions applied under the Trading with the Enemy Act. Members of the Six Party Talks would also provide North Korea with heavy fuel oil. Additionally, North Korea would initiate bilateral talks with the United States and Japan, and the Six Party states would form working groups discuss the specifics of implementing the agreement.[25]

The Six Parties reconvened in March 2007, but talks stalled after the North Koreans refused to negotiate until they received the frozen BDA funds. The BDA funds were transferred to North Korea in June and IAEA inspectors were allowed into North Korea to monitor, inspect, and verify the shutdown of the Yongbyon nuclear facility. The IAEA confirmed the shutdown in July 2007 and North Korea began to disable its nuclear facilities at Yongbyon in November.[26]

Negotiations continued through April 2008, when the details of the Second Phase Actions were finalized. President Bush suspended sanctions on North Korea implemented under the U.S. Trading with the Enemy Act in late June, reinstating many of the restrictions in an executive order signed concurrently.[27] North Korea submitted a declaration detailing the extent of its nuclear program in June 2008, which was considered incomplete because it only provided details on plutonium production and nothing about the country's uranium enrichment program. (In addition to previous evidence of North Korea's enrichment program, tests of documents from Yongbyon submitted as part of the declaration indicated the presence of highly enriched uranium.)[28]

In spite of this omission, U.S. negotiators decided to move ahead with the Six Party Talks process, electing to focus their initial efforts on North Korea's plutonium production and to

eventually account for North Korea's enrichment program through the establishment of a reliable verification regime. In a highly visible event attended by U.S. observers, North Korea demolished the cooling tower at its Yongbyon reactor.[29] Following a verbal agreement on a verification protocol, North Korea was removed from the list of state sponsors of terrorism on October 11, 2008.[30] However, North Korea ultimately rejected any comprehensive verification measures, expelling international monitors from its Yongbyon facilities. As a result, the Six Party Talks process collapsed.

Obama Administration Policy Toward North Korea's Nuclear Program

As a Presidential candidate, Barack Obama declared his willingness to engage in bilateral dialogue with North Korea.[31] However, facing the collapse of the Six Party Talks and repeated crises involving North Korea, the Obama administration has mostly held to a policy of "strategic patience" toward North Korea. This policy is centered on the continued application of economic and diplomatic pressure on North Korea while articulating a conditional willingness to return to dialogue. During an address in November 2013, for example, National Security Advisor Susan Rice stated that the United States was prepared to undertake negotiations with North Korea "provided that they are authentic and credible, get at the entirety of the North's nuclear program, and result in concrete and irreversible steps toward denuclearization."[32]

Not long after the Obama administration took office, the DPRK attempted to launch a satellite with a multi-stage Unha-2 rocket, which the international community declared as a violation of UNSCR 1718. In May 2009, North Korea conducted its second nuclear test, which had a relatively small yield but was generally not considered to be a fizzle like the previous test. The UN Security Council responded by unanimously adopting Resolution 1874, condemning the test and strengthening the sanctions regime targeting North Korea.[33]

Concerns about North Korea's nuclear program were further heightened later that year after Pyongyang declared that it possessed a uranium enrichment program, something that it had previously denied.[34] The scale of this enrichment program was confirmed in November 2010, when a nongovernmental delegation led by Dr. Siegfried Hecker was shown a uranium enrichment facility at Yongbyon with over a thousand gas centrifuges. The North Korean government maintained that the facility was operational and producing low-enriched uranium for use as fuel in an experimental light-water reactor. However, as Dr. Hecker noted, "The uranium enrichment facilities could be readily converted to produce highly-enriched uranium bomb fuel."[35]

Two inter-Korean clashes in 2010 contributed further to a breakdown in U.S.-DPRK relations. On March 26, 2010, the ROK corvette *Cheonan* sank near Baekryong Island, just south of the disputed maritime Northern Limit Line (NLL), killing forty-six South Korean marines. An investigative group convened by the ROK Ministry of National Defense concluded two months later that the *Cheonan* had been sunk by a torpedo launched by a North Korean midget submarine.[36] North Korea strongly denied involvement in the sinking. In response to the

incident, President Obama signed Executive Order 13551, expanding U.S. economic sanctions to curtail North Korea's "court economy," including money laundering and counterfeiting operations.[37] The United States and South Korea also conducted a series of military exercises that, as a joint statement from the Pentagon and ROK Ministry of National Defense stated, was "designed to send a clear message to North Korea that its aggressive behavior must stop."[38]

On November 23, 2010, North Korea fired artillery at South Korea's Yeonpyeong Island as ROK military drills were taking place near the Northern Limit Line. The resultant clash led to the deaths of two South Korean soldiers and two South Korean civilians. The number of Northern casualties from the exchange is unknown.[39] Although the South Korean government was inclined to forcefully retaliate in the immediate wake of the attack, the United States successfully convinced Seoul to exercise restraint. However, in the days following the attack, the United States and South Korea engaged in a 4-day joint naval exercise in the Yellow Sea.[40] The U.S. and ROK subsequently agreed to revise their approach to responding against North Korean provocations.[41]

In July 2011, following an informal meeting between South and North Korean diplomats on the sidelines of an ASEAN Regional Forum conference in Bali, the Obama Administration resumed bilateral talks with North Korea in an effort to restart denuclearization negotiations.[42] A second round of talks followed that October. Negotiations were temporarily halted due to the death of Kim Jong Il on December 17, 2011, but resumed in February 2012. On February 29, the U.S. and DPRK separately issued statements describing an agreement they had reached. Under this "Leap Day" deal, the U.S. would provide North Korea with 240,000 metric tons of nutritional assistance, while the North agreed to implement a moratorium on long-range missile launches, nuclear tests, and nuclear activities at Yongbyon including uranium enrichment, as well as to allow IAEA inspections of nuclear sites.[43]

In spite of this agreement, on March 16, North Korea announced its intention to launch a satellite into orbit. This declaration was met with a warning by the U.S. Department of State that such actions would violate the Leap Day Agreement's moratorium on long-range missile launches, as well as relevant UN resolutions.[44] Pyongyang claimed "the launch of the working satellite is an issue fundamentally different from that of a long-range missile" and did not violate the agreement, but Washington disagreed.[45] Despite this, North Korea carried out its space launch with a three-stage Unha-3 rocket on April 12, which was met with swift condemnation by the U.S. and additional UN sanctions.[46] The launch ultimately failed to put a satellite into orbit.

North Korea launched a subsequent version of the Unha-3 eight months later, this time successfully placing a satellite into orbit.[47] The UN Security Council adopted Resolution 2087 condemning the launch, to which North Korea responded with a third nuclear test. The UN Security Council subsequently adopted Resolution 2094, which tightened financial sanctions against North Korea, and warned against bulk cash smuggling and illicit activities conducted

by North Korean diplomats. The U.S. also unilaterally sanctioned North Korea's Foreign Trade Bank, which serves as the country's primary conduit for foreign exchange.

Shortly after the new UN sanctions were adopted, the U.S. and South Korea began previously-scheduled joint military exercises, which included flights by nuclear-capable U.S. bombers. North Korea responded to the new sanctions and military exercises with a fierce escalation of rhetoric and provocative actions, which included declaring the Armistice Agreement "completely nullified"; announcing the intended restart of its previously-disabled reactor at Yongbyon; and temporarily closing the inter-Korean Kaesong Industrial Complex.[48]

Although the frequency of threats and provocations subsided after a few months, tensions between the U.S. and North Korea remained high through 2013 and into the following year. By the summer of 2013, satellite imagery indicated that North Korea had doubled the size of its centrifuge facility at Yongbyon and restarted its shuttered plutonium-producing reactor. (Subsequent satellite imagery analysis has revealed apparent operational difficulties with the restarted reactor, however.)[49] Throughout 2014, North Korea conducted a series of short and medium range missile tests, and also threatened in March and November to carry out a fourth nuclear test.[50]

The Sony Hack

In July 2014, North Korea denounced a forthcoming Hollywood comedy, *The Interview*, in which the protagonists are sent on a mission to assassinate Kim Jong Un. A month before the film's planned release, a group calling itself the Guardians of Peace hacked Sony Pictures Entertainment, the studio producing the movie. The hack shut down Sony Pictures for days before the hackers proceeded to release stolen files to the media and the public. The hackers claimed to be acting in response to the film; North Korea denied involvement, but expressed support for the cyber-attack. Shortly before the film's release, the hackers left a message threatening members of the public who would attempt to watch the film, which led several major cinema chains to decide not to show it.

Within a few weeks of the attack, the FBI determined that North Korea was responsible, citing similarities to previous North Korean cyber-attacks and technical oversights tying the hackers to an IP address used exclusively by North Korea.[51] The White House indicated that it would seek a "proportional response" to the cyber-attack, and soon issued a new executive order expanding the scope of sanctions on North Korea.[52] This executive order gave the Treasury Department the power to sanction any entity controlled by the North Korean government, as well as to apply secondary sanctions to third-country entities undertaking business relations with North Korea.[53]

U.S. Policy toward North Korean Human Rights

The U.S. government has long expressed its concern for the human rights situation in North Korea, including the issues of political prison camps, repression of freedom of speech, and the mistreatment of North Korean refugees. In 2005, President Bush met with North Korean defector and author Kang Chol Hwan, discussing his personal sympathy for North Koreans' suffering.[54] During the Senate confirmation hearing on his nomination as Secretary of State, John Kerry said that U.S. foreign policy should be "defined by leadership" on issues including "speaking out for the prisoners of gulags in North Korea."[55] In addition to U.S. government policy on the issue, several American NGOs have been active in raising awareness about North Korea's human rights record, providing assistance to North Korean refugees, and promoting change within North Korea.[56]

However, past U.S. diplomatic engagement with North Korea has largely focused on WMD-related issues, and generally has not dealt directly with human rights. The U.S. diplomats who negotiated the Agreed Framework in 1994 prioritized stopping North Korea's future plutonium production and did not want to "overload the negotiations" by tying progress on the nuclear issue to progress on other fronts.[57] Chris Hill, the top U.S. Six Party Talks negotiator during the Bush administration's second term, indicated that North Korean human rights would become a "second track" in U.S.-DPRK negotiations if there were enough progress on the nuclear issue to begin talks on political normalization.[58]

With the White House mostly focused on the nuclear issue, Congress has at times taken the lead on shaping U.S. policy toward North Korean human rights.[59] In 2004, Congress passed the North Korea Human Rights Act, which authorized financial support for human rights and democracy programs, radio broadcasting into North Korea, and assistance to North Korean refugees; the legislation also mandated the appointment of a Special Envoy for North Korean Human Rights, and asserted that North Koreans were eligible for refugee status in the United States.[60] Congress reauthorized the North Korea Human Rights Act in 2008 and 2012, and in 2013 passed the North Korea Child Welfare Act, which advocated for malnourished North Korean children and stateless children of North Korean parents.

The Obama administration has repeatedly expressed support for the UN Commission of Inquiry on Human Rights in the DPRK, which in 2014 released a report finding "systematic, widespread and gross human rights violations" in North Korea and recommending that the UN Security Council refer North Korea to the International Criminal Court (ICC).[61] In December 2014, U.S. Ambassador to the UN Samantha Power called on the UN Security Council to "demand the DPRK change its atrocious practices" and consider a referral to the ICC.[62]

North Korea has often responded to U.S. criticism by defending its human rights record and criticizing that of the United States. A report by the DPRK "Association for Human Rights Studies" stated that "The United States and its followers are pursuing persistent anti-DPRK human rights campaigns aimed at interfering in its internal affairs and eventually overthrowing

the social system by fabricating 'human rights issue' of the DPRK to mislead international opinions and raise it to the United Nations."[63] When denouncing a conference on North Korean human rights held at the Center for Strategic and International Studies, a think tank in Washington D.C., the Korean Central News Agency said, "The U.S., riddled with all sorts of social evils, is the kingpin of human rights abuses in the world… This empire of evil has now come under the world public criticism for its poor human rights records, with Ferguson case, maltreatment against the inmates and other cases as an occasion."[64]

U.S. Humanitarian Activities in North Korea

The U.S. government began providing large-scale food assistance to North Korea in response to the 1990s famine, providing as much as 695,000 tons of grain in 1999. This aid has mostly been channeled through the UN agencies resident in North Korea, with some also going through U.S. nongovernment organizations active in the country. The U.S. government has not provided any significant amount of humanitarian assistance to North Korea since 2009, when a planned food aid program was cut short amidst new restrictions imposed on UN agencies and the expulsion of U.S. NGO workers.[65] (In conjunction with the short-lived Leap Day agreement in 2012, the U.S. agreed to provide 240,000 metric tons of nutritional assistance to North Korea, none of which was delivered.) However, a small number of privately-funded American NGOs continue to conduct humanitarian work in North Korea today, typically on a modest scale. U.S. NGOs have also hosted a modest number of North Korean delegations in the U.S. for exchanges on topics such as medicine or agricultural development.

The provision of food aid to North Korea has been a divisive topic within the United States. In 2012, an amendment to prohibit any U.S. food aid to North Korea for a period of five years attracted 43 votes in the Senate.[66] Critics have argued that foreign aid workers have not been able to effectively monitor the distribution of food aid, that they have lacked access to the neediest segments of the North Korean population (such as those in prison camps), and that the distribution of food through North Korea's Public Distribution System has strengthened the regime. Critics have also pointed to evidence that a significant portion of international food aid to North Korea is diverted from its intended targets.[67]

Advocates of humanitarian assistance have argued that food aid should be provided in accordance with Ronald Reagan's maxim that "a hungry child knows no politics" – that people who are suffering should be given assistance, no matter how odious the regime they live under.[68] Aid workers have argued that the monitoring protocols established for the 2008/09 disbursement of food aid to North Korea were effective in ensuring that food aid went to its intended recipients, and that similar arrangements could be implemented for new programs.[69] Supporters of past humanitarian assistance efforts, as well as some skeptics, have also argued that the U.S. government has politicized aid by linking it to security agreements, making the provision of aid contingent upon progress on unrelated issues and undermining the leverage of aid providers to demand strong monitoring terms.[70]

While UN agencies and NGOs continue to provide various forms of humanitarian assistance to North Korea, the food situation in the country has remained relatively stable for the past several years. North Korea has not requested humanitarian aid from the United States since 2011. If the humanitarian outlook in North Korea deteriorates in the future, the U.S. government has indicated that any aid would be conditioned upon the ability to assess humanitarian need in the country, the existence of sufficient monitoring conditions, and the level of need in North Korea relative to humanitarian emergencies elsewhere in the world.[71]

American POW/MIA/Remains Issues from the Korean War

According to the Defense POW/MIA Accounting Agency, more than 7,800 Americans remain "unaccounted for" from the Korean War – either killed in action with their remains unrecovered, taken prisoner with their person or remains not repatriated, or otherwise missing in action with fate unknown. Declassified Pentagon reports indicated that as many as 388 Americans may have been held as undeclared prisoners of war in North Korea at the close of hostilities, despite provisions in the Armistice Agreement that all prisoners be repatriated or otherwise accounted for.[72] In subsequent decades, successive U.S. Administrations largely did not publicly pursue this issue in talks with North Korea, although defectors from North Korea have been routinely screened for any information concerning live prisoners.[73]

In tandem with nuclear negotiations in the early 1990s, the U.S. and DPRK began discussions on the recovery of remains of American military personnel from the Korean War; Washington had indicated that progress on this issue would be a precondition to normalized relations. Between 1990 and 1994, North Korea turned over to the U.S. 208 boxes of commingled remains of U.S. service members, which it had recovered unilaterally. In 1993, the two sides signed an agreement allowing U.S. military personnel into North Korea to conduct additional remains recovery operations. These operations began in 1996, and continued until their suspension in 2005.[74]

In 2007 North Korea repatriated the remains of six U.S. military personnel in conjunction with the Pyongyang visit of an unofficial U.S. delegation headed by New Mexico Governor Bill Richardson. In October 2011, the U.S. and DPRK began discussions on the resumption of remains recovery activities in North Korea. However, following the collapse of the "Leap Day Agreement" on North Korea's nuclear and missile programs, the U.S. announced that the missions would not resume.[75]

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[1] In the absence of a U.S. diplomatic presence in Pyongyang, Sweden has acted as the U.S. protecting power since 1995, offering limited consular services to U.S. citizens.

[2] See Robert Collins, "A Brief History of the US-ROK Combined Military Exercises," *38 North*, February 26, 2014. http://38north.org/2014/02/rcollins022714/. These exercises have continued annually, in modified

forms, although the Team Spirit exercise was cancelled in 1992 during U.S. negotiations with North Korea. The exercises are currently known as "Key Resolve/Foal Eagle" and "Ulchi Freedom Guardian."
[3] Dianne Rennack, "North Korea: Economic Sanctions," Congressional Research Service, October 17, 2006. https://www.fas.org/sgp/crs/row/RL31696.pdf; and Helene Cooper, "U.S. Declares North Korea Off Terror List," *New York Times*, October 12, 2008, www.nytimes.com/2008/10/13/world/asia/13terror.html
[4] See Mitchell Lerner, "'Mostly Propaganda in Nature': Kim Il Sung, the Juche Ideology, and the Second Korean War," North Korea International Documentation Project, Working Paper #3, December 2010, https://www.wilsoncenter.org/sites/default/files/NKIDP_Working_Paper_3_Kim_Il_Sung_Juche_Ideology_Second_Korean_War_web.pdf
[5] See Charles K. Armstrong, *Tyranny of the Weak: North Korea and the World, 1950-1992*, June 25, 2013, pp. 151-153. Deemed the "Leonard Proposal," this apology was intended to satiate the North's need for propaganda, but by immediately rescinding the apology, maintain the international status quo.
[6] National Security Agency, "The National Security Agency and the EC-121 Shootdown," 1989. https://www.nsa.gov/public_info/_files/cryptologic_histories/EC-121.pdf
[7] Charles K. Armstrong, *op. cit.*, pp. 170-172.
[8] For overviews of these events, see Don Oberdorfer and Robert Carlin, *The Two Koreas: A Contemporary History*, Third Ed. (Basic Books, 2014), pp. 194-238; Joel S. Wit, Daniel B. Poneman, and Robert L. Gallucci, *Going Critical: The First North Korean Nuclear Crisis* (Brookings Institution Press, 2005); and Leon V. Sigal, *Disarming Stranger: Nuclear Diplomacy with North Korea* (Princeton University Press, 1998).
[9] "Agreed Framework between the United States of America and the Democratic People's Republic of Korea," October 21, 1994, https://www.armscontrol.org/documents/af
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