Congressional Research Service
Informing the legislative debate since 1914

Nuclear Negotiations with North Korea

Updated December 11, 2023

Congressional Research Service
https://crsreports.congress.gov
R45033

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

Since the late 1980s, when U.S. officials became aware that North Korea was actively pursuing nuclear weapons capabilities, U.S. administrations have used a combination of pressure, deterrence, and diplomacy to try to reduce the threat posed by a nuclear-armed North Korea. The need for an effective North Korea strategy has become more pressing over the past decade, as Pyongyang has made advances in its nuclear weapons and missile programs. Shortly after assuming office, the Biden Administration conducted a review of U.S. policy toward North Korea, deciding that it will engage in a "calibrated, practical approach that is open to and will explore diplomacy" with North Korea with a goal of achieving its eventual "complete denuclearization." The Administration hopes to accomplish this end by seeking "practical measures that can help ... make progress along the way towards that goal." The approach appears to envision offering partial sanctions relief in exchange for partial steps toward denuclearization. Biden Administration officials say they have reached out to North Korea, offering to meet "without preconditions," and say Pyongyang largely has ignored U.S. outreach, including offers of humanitarian assistance and attempts to communicate. Meanwhile, since the last round of U.S.-DPRK talks broke down in 2019, North Korea appears to have advanced key aspects of its military capabilities, particularly in the reliability and precision of its missile forces. This report summarizes past nuclear and missile negotiations between the United States and North Korea, also known by its formal name, the Democratic People's Republic of Korea (DPRK), and highlights some of the lessons and implications from these efforts.

The United States has engaged in five major sets of formal nuclear and missile negotiations with North Korea: the bilateral Agreed Framework (1994-2002), bilateral missile negotiations (1996-2000), the multilateral Six-Party Talks (2003-2009), the bilateral Leap Day Deal (2012), and top-level summit meetings and letter exchanges between President Donald Trump and North Korean leader Kim Jong Un (2018-2019). In general, the formula for these negotiations has been for North Korea to halt, and in some cases disable, its nuclear or missile programs in return for economic and diplomatic incentives, including the promise of better U.S.-DPRK relations and of a formal end to the Korean War. All five diplomatic efforts resulted in an agreement; two—the Agreed Framework and the Six-Party Talks—produced tangible reductions in North Korea's existing capabilities. Even those achievements proved fleeting when the two agreements eventually collapsed.

Congress possesses a number of tools to influence how the Administration pursues negotiations with North Korea, including oversight hearings, resolutions expressing congressional sentiment, restrictions and conditions on the use of funds for negotiations and diplomacy through the appropriations process, and legislation that attaches or relaxes conditions and requirements for implementation of agreements. Past Congresses have influenced U.S.-DPRK talks and in several cases affected the implementation of the negotiated agreements. Congress's role, by way of appropriating funds, has been particularly significant in negotiations over the United States providing energy and humanitarian assistance to North Korea.

For other CRS products on North Korea, see CRS Report R45056, *CRS Products and Experts on North Korea*, by Mark E. Manyin.

Contents

Introduction 1
Nuclear and Missile Negotiations from 1994 to 2020 2
The Agreed Framework (1994-2002) 2
Background: Negotiations to Defuse the First Nuclear Crisis 2
The Agreed Framework 4
U.S.-DPRK Missile Negotiations 5
The Six-Party Talks (2003-2009) 5
Background: The George W. Bush Administration and the Agreed Framework 5
The Six-Party Process and Agreements 7
The Six-Party Talks Collapse 9
The 2012 Leap Day Deal 10
2018-2019 Top-Down U.S.-DPRK Talks 11
Background: 2016-2017 Tensions 11
Rapprochement in 2018 and 2019 12
Future Considerations and Issues for Congress 18
Utility or Futility of Negotiations? 20
Preconditions 22
The U.S.-South Korea Alliance 23
Format of Negotiations 24
Linkage to Other Issues 25

Contacts

Author Information 26

Introduction

Over the past decade, North Korea has made significant advances in its nuclear weapons and missile programs, dramatically raising the threat Pyongyang poses to the United States homeland, U.S. allies in East Asia, and U.S. interests. One of the options the Biden Administration may choose to pursue, and Members of Congress may choose to promote, is an aggressive negotiation strategy to address the North Korean challenge. Shortly after President Joe Biden's inauguration, his Administration launched a North Korean policy review. In late April 2021, the Administration announced that it had completed its review, and that it will be a "calibrated, practical approach that is open to and will explore diplomacy with North Korea" to achieve eventually the "complete denuclearization of the Korean Peninsula" even as U.S. and international sanctions remain in place.[1] The approach appears to envision offering partial sanctions relief in exchange for partial steps toward denuclearization. President Biden has appointed Ambassador and former Deputy Assistant Secretary of State for Japan and the Koreas Sung Kim as a part-time Special Representative for North Korea Policy (he concurrently serves as U.S. Ambassador to Indonesia). Biden Administration officials say they have reached out to North Korea, offering to meet "without preconditions," and that North Korea largely has ignored these offers, as well as offers of humanitarian aid from the United States and South Korea.[2]

This report summarizes past formal nuclear and missile negotiations between the United States and North Korea, also known by its official name, the Democratic People's Republic of Korea (DPRK), and highlights some of the lessons and implications that can be drawn from these efforts, particularly on the questions of utility, timing, scope, and goals of negotiating with the DPRK.[3]

During his presidency, Donald Trump adopted a previously untried approach to negotiating with North Korea. Eschewing the traditional practice of prioritizing working-level talks, Trump opted for a top-down style that led to three leader-to-leader meetings with North Korea's Kim Jong Un between June 2018 and June 2019. Although tensions surrounding the Korean Peninsula ebbed during the leader-level rapprochement, President Trump's approach did not produce reductions in North Korea's nuclear or missile programs, which continued to advance, and led to criticism that he weakened U.S. alliance commitments to South Korea and Japan.[4] In contrast, during the 2020 presidential campaign, President Biden said he would emphasize alliance coordination in his

[1] The White House, "Press Gaggle by Press Secretary Jen Psaki Aboard Air Force One En Route to Philadelphia, PA," April 30, 2021.

[2] See, for example, State Department, "Secretary Antony J. Blinken on ABC's This Week with George Stephanopoulos," May 23, 2021; State Department, "Briefing with Special Representative for the Democratic People's Republic of Korea Sung Kim on Recent Developments in the DPRK and U.S. Efforts to Advance Denuclearization on the Korean Peninsula," April 6, 2022; State Department, "State Department Press Briefing" January 24, 2023; U.S. Congress, Senate Committee on Foreign Relations, Nominations, The Honorable Kurt Campbell to be Deputy Secretary of State, 118th Cong., 1st sess., December 7, 2023.

[3] Over the past three decades, U.S. and DPRK officials have engaged in numerous informal contacts, as have U.S. scholars and think-tank representatives in supporting roles to track-II diplomacy. This report does not attempt to provide a history of these contacts.

[4] For example, see Hitoshi Tanaka, "The Crisis of US Credibility in East Asia," *East Asia Insights*, Japan Center for International Exchange (JCIE), October 2019, especially p. 3; Kent Harrington and John Walcott, "Trump's North Korean Road to Nowhere," *The Strategist*, Australian Strategic Policy Institute (ASPI), February 1, 2019; Peter Baker and Zolan Kanno-Youngs, "Looming Over a New Security Pact: China, North Korea and Donald Trump," *New York Times*, August 18, 2023.

North Korea approach. He also criticized Trump's decisions to meet with Kim without first obtaining more concrete commitments to denuclearize, if not actual reductions.[5]

Congress has tools to influence whether and how the Biden Administration pursues negotiations with North Korea, including oversight hearings, resolutions expressing congressional sentiment, restrictions on appropriations that fund negotiations and diplomacy, and legislation that attaches or relaxes conditions and requirements for implementation of agreements. Congress has influenced past U.S.-DPRK talks and in several cases affected the implementation of the negotiated agreements. Congress's role has been particularly significant in shaping U.S. policy related to the provision of energy and humanitarian assistance to North Korea. Congressional measures expanding and tightening U.S. sanctions against North Korea directly affect U.S. presidents' flexibility in negotiating with North Korea. In particular, since 2016 Congress has passed sanctions legislation establishing requirements that must be met before the president can suspend or terminate DPRK sanctions, as well as explicitly making some sanctions ineligible for temporary waivers.[6]

Nuclear and Missile Negotiations from 1994 to 2020

Since the early 1990s, successive U.S. Presidents have faced the question of whether and how to negotiate with the North Korean government to halt Pyongyang's nuclear program and ambitions.[7] In general, the formula for these negotiations involved North Korea halting or dismantling its nuclear or missile programs in return for economic and diplomatic incentives. The United States and North Korea have engaged in five major sets of formal negotiations: talks that resulted in the bilateral Agreed Framework (in place from 1994 until 2002), bilateral missile negotiations (1996-2000), multilateral Six-Party Talks (2003-2009), the bilateral Leap Day Deal (2012), and top-level summit meetings and letter exchanges between President Donald Trump and North Korean leader Kim Jong Un (2018-2019).

The Agreed Framework (1994-2002)

Background: Negotiations to Defuse the First Nuclear Crisis

Pyongyang joined the Nuclear Nonproliferation Treaty (NPT) as a nonnuclear weapon state in 1985, in response to Soviet pressure, and agreed to allow inspections of its nuclear facilities by the International Atomic Energy Agency (IAEA). Evidence had surfaced in the 1980s that North

[5] "Donald Trump and Joe Biden Final Presidential Debate Transcript 2020," *Rev.com*, October 22, 2020; Joe Biden, "Hope for Our Better Future," *Yonhap News Agency*, October 29, 2020. Upon assuming the presidency, Biden devoted considerable effort to "revitaliz[ing]" the United States' network of alliances and partnerships, following the difficulties those relationships experienced during the Trump Presidency. The White House, *Renewing America's Advantages. Interim National Security Strategic Guidance*, March 2021, pp. 3, 10.

[6] These legal requirements include North Korea demonstrating progress in not just weapons development but also in its human rights conditions, counterfeiting and money laundering, illicit weapons trade, and accounting for the abductions of Japanese in the 1970s and 1980s.

The statutes include the North Korea Sanctions and Policy Enhancement Act of 2016 (P.L. 114-122), the Korean Interdiction and Modernization of Sanctions Act (Title III of the Countering America's Adversaries Through Sanctions Act (P.L. 115-44)), and the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (P.L. 116-92, Division F, Title LXXI, Sections 7101-7155, National Defense Authorization Act for FY2020). For more, see CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack.

[7] Julie Hirschfield Davis, "With North Korea, Past Presidents Preferred Words over 'Fire,'" *New York Times*, August 9, 2017.

Korea was engaged in a clandestine nuclear weapons development effort.[8] In 1992, the DPRK submitted its declaration of nuclear facilities and materials to the IAEA, which was to verify the statement's accuracy and completeness.

The first nuclear crisis was triggered in February 1993, when the IAEA demanded inspections of two undeclared sites that it suspected were nuclear waste storage depots. North Korea refused inspections and declared that it would withdraw from the NPT, leading to over a year of negotiations between North Korea, on one side, and the United States and the IAEA on the other. These talks produced multiple joint statements and agreements, none of which held for more than several months, centering around North Korea allowing IAEA inspectors access to the disputed facilities in exchange for U.S. guarantees not to attack (referred to as "security assurances"), and possible civil-use energy assistance. U.S. estimates say North Korea had separated enough plutonium for one or two bombs.[9] Then-U.S. Secretary of Defense William J. Perry described the Clinton Administration policy as "coercive diplomacy" under which offers for talks were "backed with a very credible threat of military force."[10] The Clinton Administration considered conducting a military strike against the DPRK's Yongbyon nuclear facility, where the plutonium-based nuclear facilities were located.[11]

The crisis was defused in June 1993, when former President Jimmy Carter traveled to Pyongyang and brokered the outlines of a deal—backed by the Clinton Administration—with North Korean leader Kim Il-sung. North Korea agreed to freeze its plutonium production program in exchange for a light-water nuclear power reactor, to be provided by the United States, and a move toward normalized diplomatic and economic relations between the two nations. Kim Il-sung died in July 1994, but bilateral negotiations continued under his successor and son, Kim Jong-il.

The nuclear talks during the early 1990s took place against a backdrop of a worsened geopolitical and economic situation for Pyongyang. The easing of Cold War hostilities and subsequent collapse of the Soviet bloc provided an opening for South Korea, under President Roh Tae-woo's "Nordpolitik" (northern policy), to establish relations in 1990 and 1992 with Moscow and Beijing, respectively. Over the same period, a collapse in economic support from the Soviet Union and China, which for decades had provided the DPRK with significant assistance and concessional trade, produced economic hardship inside North Korea that ultimately contributed to a massive famine later in the decade. Additionally, the end of the Cold War led the United States to announce in 1991 that it would withdraw all of its land-based tactical nuclear weapons from overseas bases, including those in South Korea. These were among the factors that appear to have both pressured and encouraged Kim Il-sung and Kim Jong-il to seek a new and improved relationship with the West, including on nuclear issues. In 1992, the two Koreas negotiated the Joint Declaration of the Denuclearization of the Korean Peninsula in which the two sides said they "shall not test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons" and would create the conditions for "peaceful reunification."[12]

[8] North Korea built several facilities for plutonium production in the 1980s, including a plutonium separation plant and graphite-moderated reactor.

[9] David Albright and Paul Brannan, "The North Korean Plutonium Stock February 2007," Institute for Science and International Security (ISIS), February 20, 2007, pp. 2-3; Defense Intelligence Agency, *North Korea Military Power*, 2021, p. 21.

[10] "Kim's Nuclear Gamble," Interview with William Perry, *PBS Frontline*, February 2003.

[11] See, for example, PBS' *Frontline* interview with William Perry, U.S. Secretary of Defense, 1994-1997. "Interview: William Perry," *Kim's Nuclear Gamble*, April 10, 2003, https://www.pbs.org/wgbh/pages/frontline/shows/kim/interviews/perry.html.

[12] U.S. Department of State, "Joint Declaration of the Denuclearization of the Korean Peninsula," January 20, 1992, https://2001-2009.state.gov/t/ac/rls/or/2004/31011.htm.

The Agreed Framework

Three months after Kim Il-sung's death, U.S.-DPRK nuclear talks culminated in the October 1994 Agreed Framework, which committed North Korea to remain a party to the NPT, freeze its plutonium production programs, and eventually dismantle them under international inspection in return for energy assistance from the United States and other countries.[13] Under the agreement, the DPRK would receive two nuclear-powered light-water reactors (LWRs). North Korea complied with the plutonium freeze terms of the Agreed Framework, allowing IAEA verification tools to be installed—including the "canning" of spent fuel rods at the Yongbyon reactor—and consented to permanent remote monitoring and inspectors at its nuclear facilities. The Agreed Framework also stated that the United States "will provide formal assurances to the DPRK against the threat or use of nuclear weapons by the U.S."[14] Both North Korea and the United States committed to political and economic normalization. The Agreed Framework also laid the groundwork for U.S. energy assistance and improved economic relations—including the easing of U.S. sanctions.

The Agreed Framework called for 500,000 metric tons of heavy fuel oil (HFO) to be provided to North Korea annually while the two LWRs were constructed, through the Korean Peninsula Energy Development Organization (KEDO), a consortium formed by the United States, Japan, and South Korea.[15] From 1995 to 2002, Congress appropriated funds for over $400 million in energy assistance to North Korea through KEDO.[16] U.S. contributions covered heavy fuel oil shipments and KEDO administrative costs. South Korea and Japan funded the bulk of the LWR construction costs.[17] Supplying North Korea with a nuclear power plant was controversial in Congress, particularly after Republicans took control of the House of Representatives in 1995. Starting in 1998, Congress required the President to certify progress in nuclear and missile negotiations before allocating money to KEDO operations. The Clinton Administration viewed this conditionality as fatal to the Agreed Framework, and disagreements between the Administration and Congress almost prevented the KEDO funding from being appropriated in multiple years.[18]

In August 1998, when North Korea tested its first long-range ballistic missile over Japan, there were calls in Congress to end the Agreed Framework. The Clinton Administration conducted a policy review, coordinated by former Secretary of Defense William Perry, which concluded that although the Agreed Framework had stopped plutonium production, North Korea had likely

[13] See CRS Report RL33590, North Korea's Nuclear Weapons Development and Diplomacy, by Larry A. Niksch (out of print; available from the authors), and CRS Report R40095, *Foreign Assistance to North Korea*, by Mark E. Manyin and Mary Beth D. Nikitin.

[14] U.S. Department of State, "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea," October 21, 1994, https://2001-2009.state.gov/t/ac/rls/or/2004/31009.htm.

[15] Full text of the KEDO-DPRK supply agreement at http://www.kedo.org/pdfs/SupplyAgreement.pdf. Membership in KEDO expanded to include Argentina, Australia, Canada, Chile, the Czech Republic, the European Union (as an executive board member), Indonesia, New Zealand, Poland, and Uzbekistan. KEDO also received material and financial support from nineteen other nonmember states.

[16] CRS Report R40095, *Foreign Assistance to North Korea*, by Mark E. Manyin and Mary Beth D. Nikitin.

[17] Over the ten years of KEDO's operations, until it was shut down in December 2005, South Korea provided around 60% ($1.5 billion) of the financial support for KEDO, followed by Japan (around 20%/$500 million), the United States (around 15%/$400 million), and the EAEC (around 5%/$120 million). KEDO, *2005 Annual Report*, Annex B, p. 10.

[18] From 1998 until the United States halted funding for KEDO in FY2003, Congress included in each Foreign Operations Appropriation requirements that the President certify progress in nuclear and missile negotiations with North Korea before allocating money to KEDO operations. See CRS Report 97-356, *The U.S.-North Korea Nuclear Accord of October 1994: Background, Status, and Requirements of U.S. Nonproliferation Law*, by Richard P. Cronin and Zachary S. Davis (out of print; available to congressional offices from the authors).

continued its nuclear weapons-related work and had developed and exported ballistic missiles of increasing range. The review determined that the Agreed Framework should be kept in place but supplemented by additional negotiations to end all North Korean nuclear weapons activities and long-range ballistic missile testing, production, deployment, and export in exchange for the United States lifting sanctions, normalizing relations, and providing a security guarantee.[19]

U.S.-DPRK Missile Negotiations

Beginning in 1996, the Clinton Administration pursued a series of negotiations with North Korea focused on curbing the DPRK's missile program and ending its missile exports, particularly to countries in the Middle East.[20] The policy review's conclusions gave added emphasis to these efforts. In September 1999, North Korea agreed to a moratorium on testing long-range missiles in exchange for the partial lifting of U.S. sanctions and a continuation of bilateral talks. (North Korea maintained its moratorium until July 2006.) In December 1999, KEDO signed a contract to begin construction of two LWRs.

Separately, in a sign of an improved overall negotiating climate with Pyongyang, North and South Korea held their first-ever summit in June 2000 and began implementing initiatives aimed at improving relations.[21] North Korea was suffering from a widespread famine at the time, which may have motivated Pyongyang to engage internationally. Then-Secretary of State Madeleine Albright visited Pyongyang in October 2000 to finalize the terms of a new agreement, under which North Korea would end ballistic missile development and all missile exports in exchange for international assistance in launching North Korean satellites. Reportedly, if final details had been reached, a framework agreement would have been signed in Pyongyang between President Bill Clinton and Kim Jong-il. However, the Clinton Administration decided the President would not make the trip due, in part, to the disputed 2000 U.S. presidential election results, and talks were not held before Clinton left office.[22]

The Six-Party Talks (2003-2009)

Background: The George W. Bush Administration and the Agreed Framework

Shortly after President George W. Bush took office in January 2001, the new Administration began a full review of U.S. policy toward North Korea, distancing itself from Clinton policies. The next two years would be marked by a mix of high-level diplomatic outreach and difficulties in implementing the agreements already in place. Key members of the Administration and some Members of Congress were opposed to continuing the Agreed Framework in its existing form. The Agreed Framework required Pyongyang to disclose fully its nuclear program, but North Korea did not cooperate and the IAEA could not verify the completeness of North Korea's report. In June 2001, the Administration announced that it would pursue "comprehensive" negotiations

[19] William J. Perry, "Review of United States Policy Toward North Korea: Findings and Recommendations," Office of the North Korea Policy Coordinator, United States Department of State, October 12, 1999.

[20] North Korea reportedly exported missiles to a range of countries in the 1990s, including Egypt, Iran, Libya, Pakistan, Syria, and the United Arab Emirates. Joseph S. Bermudez Jr., *A History of Ballistic Missile Development in the DPRK*, Occasional Paper No. 2, Center for Nonproliferation Studies, 1999.

[21] See CRS Report RL30811, *North-South Korean Relations: A Chronology of Events in 2000 and 2001*, by Mark E. Manyin. The summit was an initiative of the "sunshine policy" of largely unconditional engagement pursued by South Korea under President Kim Dae Jung (1998-2003) and Roh Moo-hyun (2003-2008). It later was revealed that South Korea arranged for the transfer of hundreds of millions of dollars to North Korea before the summit.

[22] Michael Gordon, "How Politics Sank Accord on Missiles With North Korea," *New York Times*, March 6, 2001.

that would include further lifting U.S. sanctions, providing humanitarian assistance, and "other political steps" if the North agreed to verifiable steps to reduce its conventional military posture toward South Korea, "improved implementation" of the Agreed Framework, and accepted "verifiable constraints" on its missile program and a ban on its missile exports.[23]

In his January 2002 State of the Union address, the first since the September 11, 2001, terrorist attacks, President Bush grouped North Korea into an "axis of evil," along with Iraq and Iran.[24] The speech emphasized that the United States "must not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons." In contrast to statements about use of force in Iraq, however, in a February 2002 speech in Seoul, President Bush said that the United States had no intention of invading North Korea and was supportive of the South Korean President's "sunshine policy" that emphasized engagement.[25] The United States and North Korea scheduled talks for summer 2002, but they were postponed after a June 29, 2002, naval skirmish between North and South Korea in which 19 South Korean troops were killed.

Meanwhile, the parties continued to implement the Agreed Framework; the concrete foundation for the first LWR to be provided under the KEDO agreement was poured in August 2002, with United States representative to KEDO (and special envoy for negotiations with North Korea) Jack Pritchard present. The United States then urged North Korea to cooperate with the IAEA on verification, but North Korea said it would not do so for another three years and threatened to pull out of the Agreed Framework altogether if faster progress was not made on reactor construction. While construction of the promised LWRs had begun in February 2000, no nuclear components could be delivered under the terms of the Agreed Framework until the IAEA verified the completeness of North Korea's declaration.[26] In addition, delays in raising funds, setting up the organization, and concluding contracts prevented KEDO from meeting the original goal of constructing the first LWR by 2003.[27]

A Japan-North Korea Summit in September 2002, between Prime Minister Junichiro Koizumi and Kim Jong-il, raised hopes for resolution to this and other issues. In a document signed with Koizumi, Kim renewed North Korea's commitment to a missile-testing moratorium in September 2002, in advance of a high-level visit to Pyongyang by U.S. diplomats.[28]

A new crisis began in October 2002. During a visit to Pyongyang, then-Assistant Secretary of State for East Asian and Pacific Affairs James A. Kelly reportedly presented the North Koreans with evidence of a clandestine highly enriched uranium (HEU) production program in North Korea. Plutonium or HEU can be used as fissile material for a nuclear weapon. According to the Bush Administration, North Korea confirmed the allegations and said the Agreed Framework was nullified. The United States, Japan, and South Korea issued a trilateral statement saying that the

[23] "Statement on the Completion of the North Korea Policy Review," June 6, 2001, University of California, Santa Barbara, The American Presidency Project.

[24] "Text of President Bush's 2002 State of the Union Address," *Washington Post*, January 29, 2002.

[25] The American Presidency Project, University of California, Santa Barbara, "George W. Bush: Remarks at the Dorasan Train Station in Dorasan, South Korea," February 20, 2002, and The White House, "President Bush and President Kim Dae-Jung Meet in Seoul," press release, February 20, 2002.

[26] Section IV.3 of the Agreed Framework says, "When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the D.P.R.K. will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the D.P.R.K.'s initial report on all nuclear material in the D.P.R.K." Also see CRS Report RL34256, *North Korea's Nuclear Weapons: Technical Issues*, by Mary Beth D. Nikitin.

[27] "What Did We Learn from KEDO?" *The Stanley Foundation Policy Dialogue Brief*, November 2006.

[28] Japan Ministry of Foreign Affairs, "Japan-DPRK Pyongyang Declaration," September 17, 2002.

undeclared uranium enrichment program constituted a violation of the Agreed Framework, the NPT, North Korea's safeguards agreement with the IAEA, and the 1992 Joint North-South Declaration on the Denuclearization of the Korean Peninsula.[29]

On October 25, 2002, North Korea issued a statement saying that it was entitled to possess nuclear weapons. North Korea also rejected repeated attempts by the IAEA to discuss the uranium enrichment issue. The IAEA Board of Governors passed a resolution on November 29, 2002, calling on North Korea to clarify reports of a uranium enrichment program and come into compliance with its safeguards agreement. The resolution said that "any other covert nuclear activities would constitute a violation of the DPRK's international commitments, including the DPRK's safeguards agreement with the Agency pursuant to the NPT."[30]

On November 14, 2002, KEDO board members also determined that the hidden program was a violation of these agreements and decided to halt fuel oil shipments to North Korea beginning in December. KEDO said that, "Future shipments will depend on North Korea's concrete and credible actions to dismantle completely its highly-enriched uranium program." North Korea then told the IAEA in mid-December 2002 that, since the United States had failed to live up to its obligations by suspending heavy fuel oil deliveries, it was expelling inspectors from its Yongbyon nuclear site and removing all monitoring cameras and breaking seals. North Korea announced its withdrawal from the NPT effective January 11, 2003, and resumed plutonium production after an apparent eight-year freeze.[31] With this confrontation, the already uneasy U.S.-DPRK relationship shifted to a more hostile one.

The Six-Party Process and Agreements

In an effort to resolve the crisis, the Bush Administration focused on convening multilateral talks, rather than the bilateral negotiations with the United States that Pyongyang preferred. After months of effort, in 2003 the People's Republic of China (PRC, or China) convened the first round of the Six-Party Talks, involving China, Japan, North Korea, Russia, South Korea, and the United States. In 2005, after the fourth round of talks, the six parties issued a joint statement outlining principles for achieving verifiable denuclearization of the Korean Peninsula, which formed the basis for future agreements.[32] Specific steps to address the nuclear program were known as "CVID," standing for complete, verifiable, irreversible dismantlement. In the statement, the DPRK agreed to abandon "all nuclear weapons and existing nuclear programs." The statement outlined compromises on the provision of LWRs and other energy assistance to the DPRK, U.S. security guarantees, normalization of diplomatic relations between the DPRK and the United States and Japan, and the negotiation of a peace treaty.

Follow-up negotiations stalled almost immediately, particularly after the U.S. Department of the Treasury's September 2005 designation of Banco Delta Asia (BDA), a bank based in the PRC territory of Macao, as a financial institution of primary money laundering concern, due to

[29] Richard Boucher, Department of State Spokesman, Press Statement, "North Korean Nuclear Program," October 16, 2002; Joint US-Japan-ROK Trilateral Statement, October 27, 2002; "KEDO Executive Board Meeting Concludes," November 14, 2002, KEDO website. Article 3 of the Joint Declaration of the Denuclearization of the Korean Peninsula, which the two Koreas issued in 1992, states "The South and the North shall not possess nuclear reprocessing and uranium enrichment facilities."

[30] IAEA GOV/2002/60, November 29, 2002.

[31] "KCNA 'Detailed Report' Explains NPT Withdrawal," *KCNA*, January 22, 2003, accessed at http://www.fas.org; Director of Central Intelligence's Worldwide Threat Briefing, "The Worldwide Threat in 2003: Evolving Dangers in a Complex World," February 11, 2003.

[32] U.S. Department of State, "Joint Statement of the Fourth Round of the Six-Party Talks, Beijing," September 19, 2005, https://www.state.gov/p/eap/regional/c15455.htm.

suspected counterfeiting.[33] The action was taken the same week the Joint Statement was released, leading some observers to conclude that anti-negotiation policymakers within the Administration were trying to sabotage the agreement.[34] The designation led the Macao Monetary Authorities to take over BDA and freeze dozens of North Korean accounts with about $25 million in deposits. It also prompted financial institutions in other countries to pull out of BDA and close many of the accounts they held for North Korean entities, even those engaged in legitimate business. The BDA action had a chilling effect on the Six-Party Talks, with North Korea demanding a resolution before it would make significant concessions on the nuclear issue.[35]

On October 9, 2006, North Korea tested a nuclear device for the first time. The test led the other members of the talks to toughen their stance toward North Korea and seek stronger multilateral sanctions. Within a week, the United Nations Security Council (UNSC) passed its first DPRK sanctions resolution, 1718, which called on North Korea to abandon its nuclear weapons in a "complete, verifiable, and irreversible manner" and required its member states to impose international sanctions.[36]

Following months of diplomacy, the Six-Party Talks resumed and, in February 2007, reached an agreement to begin the initial 60-day phase to implement the 2005 Joint Statement.[37] North Korea agreed to disable all nuclear facilities and provide a "complete and correct" declaration of all its nuclear programs, in exchange for the delivery of heavy fuel oil and removal of the United States' Trading with the Enemy Act and State Sponsors of Terrorism designations.[38] Separately, the United States assured North Korea that it would return frozen North Korean funds to North

[33] U.S. Department of the Treasury, "Treasury Designates Banco Delta Asia as Primary Money Laundering Concern under USA PATRIOT Act," September 15, 2005, https://www.treasury.gov/press-center/press-releases/Pages/js2720.aspx. Under 31 U.S.C. 5818A, the Department of the Treasury's Financial Crimes Enforcement Network can impose a range of special measures—from diligent recordkeeping and reporting of suspicious financial activities to prohibiting the opening or maintaining of correspondent or payable-through accounts for the designated financial institution. These special measures are often referred to as "311 Special Measures," referring to Section 311 of the USA PATRIOT Act (P.L. 107-56) that amended 31 United States Code to establish the authority. Banco Delta Asia was subject to the most stringent (5th) special measure.

[34] Stephen Haggard, "Christopher Hill's Outpost: The BDA Problem (Part I)," *Witness to Transformation* blog, Peterson Institute for International Economics, March 23, 2015.

[35] For more, see CRS Report RL33324, *North Korean Counterfeiting of U.S. Currency*, by Dick K. Nanto (out of print; available from the authors), and Jay Solomon and Neil King Jr., "How U.S. Used a Bank To Punish North Korea," *Wall Street Journal*, April 12, 2007.

[36] United Nations Security Council Resolution 1718, October 14, 2006.

[37] The February 2007 agreement, called the Denuclearization Action Plan, did not address uranium enrichment-related activities or the dismantlement of warheads and instead focused on shutting down and disabling the key plutonium production facilities at Yongbyon. A third phase was expected to deal with all aspects of North Korea's nuclear program.

[38] "Denuclearization Action Plan," February 13, 2007. For details of these negotiations, see CRS Report RL34256, *North Korea's Nuclear Weapons: Technical Issues*, by Mary Beth D. Nikitin.

On December 16, 1950, President Harry S. Truman declared a national emergency, citing the Trading with the Enemy Act (TWEA), to impose economic sanctions on North Korea and China. (Proclamation 2914; 15 *Federal Register* 9029.) Trading with the Enemy Act, P.L. 65-91 (October 6, 1917) §2, 40 Stat. 411, codified as amended at 50 U.S.C. §4305 (2018) (TWEA). For more on TWEA, see CRS Report R45618, *The International Emergency Economic Powers Act: Origins, Evolution, and Use*, coordinated by Christopher A. Casey.

Although President Bush delisted the government of North Korea as a state sponsor of international terrorism, and removed restrictions based on authorities derived from the terrorism designation or those stated in the Trading With the Enemy Act, he replaced them with more circumscribed economic restrictions related to proliferation concerns. Executive Order 13466, "Continuing Certain Restrictions with Respect to North Korea and North Korean Nationals," 73 *Federal Register* 36787, June 26, 2008. 31 C.F.R. Part 510, November 4, 2010. For more, see CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack.

Korea, which it did later that year.[39] China, Japan, Russia, South Korea, and the United States agreed to divide their obligation to provide energy assistance to North Korea evenly among them.[40] IAEA inspectors returned to North Korea in July 2007 to monitor and verify the shut-down, install seals, and monitor facilities at Yongbyon, and had a continuous presence there until mid-April 2009.[41]

During this nearly two-year period, agreement on verification measures was elusive—North Korea refused to allow IAEA inspectors access to its facilities, which was followed by a slowing of benefits from the other countries. This led to growing tensions.[42] The six parties held their last round of talks, which ended in a stalemate over verification procedures, in December 2008.

The Six-Party Talks Collapse

In 2009, North Korea shifted its policy away from the Six-Party Talks and toward a more concerted effort to develop its nuclear weapons capability. This shift coincided with a decline in Kim Jong-il's health, which reportedly began in summer 2008. At the same time, President Barack Obama's inaugural address on January 21, 2009, sought to distinguish his Administration from his predecessor's "axis of evil" approach, saying that the United States would "extend a hand" if dictatorships of the world were willing to "unclench" their fists.[43]

The new Administration changed gears when North Korea launched a long-range rocket in April 2009. The following week, the UNSC issued a statement condemning the launch as a violation of the UNSC's 2006 DPRK resolution and calling for additional punitive measures. In response, North Korea announced its withdrawal from the Six-Party Talks, expelled international monitors, and restarted its reprocessing facility. The following month, it conducted a second nuclear test. North Korea subsequently restored its disabled plutonium production facilities and reactor, and built a uranium enrichment plant at Yongbyon. In November 2009, North Korea invited a group of former high-level U.S. officials to tour a pilot uranium enrichment plant at Yongbyon in a likely attempt to demonstrate its growing capabilities.[44]

Two North Korean attacks on South Korea in 2010 made the atmosphere for talks even more difficult. In March, an explosion sank a South Korean navy corvette, the *Cheonan*, killing 46 sailors. A multinational investigation team led by South Korea determined that the ship was sunk by a North Korean submarine. In November 2010, North Korea launched an artillery attack against South Korea's Yeonpyeong Island, killing two South Korean marines and two civilians,

[39] In June 2007, the United States arranged for the $25 million in frozen North Korea assets in BDA accounts to be transferred through the New York Federal Reserve Bank to a bank in Russia, which transferred the funds on to North Korea. North Korea confirmed receipt of the money on June 25, 2007. Pyongyang promised that it would punish the counterfeiters and destroy their equipment.

[40] Japan did not provide its share of energy assistance to Pyongyang because North Korea had not resolved the issue of Japanese citizens abducted by North Korea during the 1970s and 1980s.

[41] "IAEA Team Confirms Shut Down of DPRK Nuclear Facilities," IAEA press release, July 18, 2007.

[42] See CRS Report RL32743, *North Korea: A Chronology of Events, October 2002-December 2004*, by Mark E. Manyin, Emma Chanlett-Avery, and Helene Machart; CRS Report RL34256, *North Korea's Nuclear Weapons: Technical Issues*, by Mary Beth D. Nikitin; and CRS Report R43865, *North Korea: Back on the State Sponsors of Terrorism List?*, by Mark E. Manyin et al.

[43] President Barack Obama's Inaugural Address, January 21, 2009.

[44] Siegfried S. Hecker, "Where is North Korea's Nuclear Program Heading?" *Physics & Society*, Vol. 40, No. 2, American Physical Society, April 2011. North Korea reportedly told New Mexico governor and former U.S. Ambassador to the United Nations Bill Richardson during a December 2010 Pyongyang visit that it would allow IAEA inspectors into the country to verify the peaceful nature of the uranium enrichment plant at Yongbyon. Chris Buckley, "North Korea to allow in IAEA inspectors—Richardson," *Reuters*, December 21, 2010.

and wounding dozens. Thereafter, the Obama Administration adopted what has been dubbed a strategy of "strategic patience," with a focus on coordinating its efforts with allies and insisting that North Korea first change its aggressive behavior toward the South before international talks could commence.

U.S. Food Aid Policy and Nuclear Talks

From 1996 to 2009, the United States was one of the largest providers of food assistance to North Korea. North Korea suffers from chronic food shortages and experienced a massive famine in the 1990s that killed an estimated 5%-10% of North Korea's population. Under the George W. Bush Administration, the aid continued but at lower levels and less consistently than under the Clinton Administration. Under the Clinton and Bush Administrations, U.S. officially stated policy was to delink food and humanitarian aid from strategic interests. Many observers contended, however, that from 1996 to 2001, the Clinton Administration used food aid to secure North Korea's participation and increased cooperation in a variety of security-related negotiations.[45] In contrast, the George W. Bush Administration arguably weakened the linkage between security issues and food aid by making improved monitoring and access of food aid one of three explicit conditions for providing food aid to North Korea. (The other two were the need in North Korea and competing needs for U.S. food assistance.)[46] The Obama Administration's February 2012 understanding with North Korea on the resumption of food assistance appeared to reverse this shift by directly linking the aid to concessions that North Korea was expected to make on the nuclear issue. The United States has not provided food aid to North Korea since early 2009.

The 2012 Leap Day Deal

Throughout 2011, the Obama Administration held secret bilateral discussions with North Korea in an attempt to return to denuclearization negotiations, while also publicly pursuing steps to increase sanctions on Pyongyang. After Kim Jong-il died in December 2011, U.S. officials were uncertain whether Kim's son and successor, Kim Jong Un, would agree to terms that had been discussed under his father. An apparent breakthrough in talks came on February 29, 2012, when the United States and North Korea separately announced agreement—referred to as the "Leap Day Deal"—on a number of steps that the Obama Administration hoped would pave the way for a return to denuclearization talks under the Six-Party Talks process. North Korea committed to a long-range missile testing moratorium; a nuclear testing moratorium; a moratorium on nuclear activities, including uranium enrichment at Yongbyon; and a return of IAEA inspectors to the Yongbyon nuclear facilities. Separately, the United States announced that the two countries would hold further talks to finalize details of a "targeted U.S. program consisting of an initial 240,000 metric tons of nutritional assistance with the prospect of additional assistance based on continued need." The U.S. statement also emphasized a range of issues, including the United States' continued commitment to the 1953 armistice agreement that halted fighting during the Korean War, as well as a desire to increase people-to-people contacts with the DPRK.[47]

Movement toward a restart of U.S.-North Korean diplomacy was short-lived, however. In March 2012, North Korea announced it would launch an "earth observation satellite." The United States responded by suspending its portion of the "Leap Day" arrangement, saying that the launch would go against the terms of the agreement and violate UNSC sanctions against the DPRK's use

[45] Andrew Natsios, *The Great North Korean Famine. Famine, Politics, and Foreign Policy* (Washington, DC: United States Institute of Peace Press, 2001), Chapter 7; Marcus Noland, *Avoiding the Apocalypse. The Future of the Two Koreas* (Washington, DC: Institute for International Economics, 2000), pp. 182-191.

[46] For more, see CRS Report R40095, *Foreign Assistance to North Korea*, by Mark E. Manyin and Mary Beth D. Nikitin.

[47] "U.S.-DPRK Bilateral Discussions," State Department Press Statement, February 29, 2012. See CRS Report R40095, *Foreign Assistance to North Korea*, by Mark E. Manyin and Mary Beth D. Nikitin.

of ballistic missile technology.[48] The launch—which failed when the rocket exploded shortly after takeoff—took place the following month; it was condemned by the UNSC as a "serious violation" of resolutions against the use of ballistic missile technology.[49] In May 2012, North Korea changed its constitution to say that the country was a "nuclear-armed state."

2018-2019 Top-Down U.S.-DPRK Talks

Background: 2016-2017 Tensions

In 2016 and 2017, North Korea conducted scores of missile tests and three nuclear weapons tests, demonstrating major strides in its ability to strike the continental United States with a nuclear-armed ballistic missile. The Obama Administration responded by expanding international and unilateral sanctions against North Korea, including two new UNSC resolutions that began to expand international sanctions to cover entire sectors of the North Korean economy, such as North Korea's coal exports. Earlier UNSC resolutions primarily were tied to activities directly related to North Korea's weapons of mass destruction (WMD) activities.

In its first year in office, the Trump Administration adopted a "maximum pressure" North Korea policy that sought to coerce Pyongyang into changing its behavior through economic and diplomatic measures. Many of the elements of the officially stated policy were similar to those employed by the Obama Administration: ratcheting up economic pressure against North Korea, attempting to persuade China and others to apply more pressure against Pyongyang, and expanding the capabilities of the U.S.-South Korea and U.S.-Japan alliances to counter new North Korean threats. The Administration led the UNSC to pass four new sanctions resolutions that significantly expanded the requirements for U.N. member states to curtail or halt their military, diplomatic, and economic interaction with the DPRK. Cumulatively, the six resolutions adopted in 2016 and 2017 banned over 75% of North Korea's exports, as well as many of its imports for other than basic livelihood needs. Both the Obama and Trump Administrations pushed countries around the globe to significantly reduce or eliminate their ties to North Korea.

In a departure from previous administrations, the Trump Administration emphasized the option of launching a preventive military strike against North Korea and began making preparations for a military conflict, significantly increasing tensions on the Korean Peninsula.[50] President Trump and North Korean leader Kim Jong Un exchanged bellicose public insults, with Trump in August 2017 saying "North Korea best not make any more threats to the United States. They will be met with fire and fury like the world has never seen."[51]

In addition to its nuclear and missile tests in the 2016-2017 period, North Korea escalated tension in other ways. In February 2017, North Korean agents were implicated in the use of the toxic chemical nerve agent VX to assassinate Kim Jong Un's half-brother in the Kuala Lumpur

[48] Victoria Nuland, "Daily Press Briefing," U.S. Department of State, March 16, 2012.

[49] UNSC S/PRST/2012/13, at https://undocs.org/Home/Mobile?FinalSymbol=S%2FPRST%2F2012%2F13&Language=E&DeviceType=Desktop&LangRequested=False.

[50] For more, see CRS Report R44994, *The North Korean Nuclear Challenge: Military Options and Issues for Congress*, coordinated by Kathleen J. McInnis. The possibility of military conflict, possibly escalating into war involving the U.S. use of nuclear weapons, became sufficiently high during 2017 that then-Secretary of Defense James Mattis reportedly visited the War Memorial Chapel in the National Cathedral multiple times to search for the inner peace to lead the United States in such a conflict despite its possible human costs. Bob Woodward, *Rage* (New York: Simon and Schuster, 2020), pp. 71-81.

[51] The White House, "Remarks by President Trump Before a Briefing on the Opioid Crisis," August 8, 2017.

International Airport.[52] In the months after South Korea's election of longtime engagement proponent Moon Jae-in to the Presidency in May 2017, North Korea essentially ignored Moon's proposals for dialogue and engagement such as restoring a military hotline, providing small-scale humanitarian assistance, and resuming programs to temporarily reunite families separated since the Korean War. Meanwhile, in July that same year, U.S. and global attention was focused on the Kim regime's human rights abuses when North Korea allowed the Trump Administration to repatriate Otto Warmbier, a U.S. college student who had lapsed into a coma during a year-and-a-half of imprisonment. Warmbier, whom North Korean authorities had detained after he reportedly stole a poster from a restricted area of a tourist hotel, died a week after his return to the United States.

Rapprochement in 2018 and 2019[53]

On January 1, 2018, following months of outreach by South Korean officials hoping to lower tensions, Kim Jong Un used his annual New Year's speech to accept an invitation from ROK President Moon Jae-in to participate in the February 2018 Winter Olympics in PyeongChang, South Korea. The United States and South Korea agreed to delay annual joint military drills—originally scheduled to begin in February—until after the Olympics and appeared to work together to ensure that North Korea's participation did not violate UNSC, U.S., or ROK sanctions. Pyongyang sent to the Olympics a high-level delegation, including Kim Jong Un's sister and high-ranking Communist Party official, Kim Yo Jong, who conveyed a message that her brother welcomed the restoration of positive inter-Korean relations.

Shortly afterwards, South Korean National Security Advisor Chung Eui-young led a delegation to Pyongyang, where it met with Kim Jong Un. The South Korean delegates reported that the North Korean leader said that the DPRK "would have no reason to possess nuclear [weapons] if military threats against North Korea were dissolved and North Korea's regime security was guaranteed." They said that Kim also indicated a willingness to have "open-ended dialogue" with the United States to discuss denuclearization of the Korean Peninsula and the normalization of U.S.-DPRK relations. Chung's delegation also reported that Pyongyang would freeze nuclear and missile tests if dialogue resumed, and that Kim "understands" that routine U.S.-ROK joint military exercises would continue.[54] North Korea typically treats these exercises as threats and often responds with provocative activities. The two Koreas agreed to hold a leaders' summit in April 2018 in Panmunjom, located in the joint security area of the Demilitarized Zone (DMZ) that separates the two countries. Three days later, President Trump unexpectedly accepted an invitation, delivered by Chung, to meet with Kim.[55]

Why did Kim Embark on a Charm Offensive in 2018?

[52] State Department of State, "Bureau of International Security and Nonproliferation; Determinations Regarding Use of Chemical Weapons by North Korea Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991," Public Notice: 10340, March 5, 2018, 83 *Federal Register* 9363.

[53] For more details on the course of events during this period, see CRS Report R46349, *North Korea: A Chronology of Events from 2016 to 2020*, by Mark E. Manyin, Kirt Smith, and Mary Beth D. Nikitin.

[54] "South Korean TV Carries Full Text of South Korean Special Envoy's Briefing on Result of North Visit," Open Source Enterprise, March 6, 2018, KPW2018030647866849 Seoul YTN in Korean; The White House, "Remarks by Republic of Korea National Security Advisor Chung Eui-Yong," March 8, 2018.

[55] "South Korean TV Carries Full Text of South Korean Special Envoy's Briefing on Result of North Visit," Open Source Enterprise, March 6, 2018, KPW2018030647866849 Seoul YTN in Korean; The White House, "Remarks by Republic of Korea National Security Advisor Chung Eui-Yong," March 8, 2018.

Opinions vary on why Kim adjusted course to launch a "charm offensive" in early 2018, after carrying out a series of provocations in previous years. Several possible factors drove Kim to pursue diplomacy, including

(1) Kim's confidence that he had secured a limited nuclear deterrent against the United States, providing him with additional leverage;

(2) fears of a U.S. military strike and the possibility of military conflict;

(3) the increasingly punishing sanctions that limited the North's ability to expand its economy; and/or

(4) Moon Jae-in's persistent outreach to North Korea, including during the 2018 Winter Olympics.

A flurry of diplomatic activity followed, most notably the first inter-Korean summit in over a decade, from which Moon and Kim issued the "Panmunjom Declaration," in which the two leaders pledged to realize "through complete denuclearization, a nuclear-free Korean Peninsula," to issue a declaration ending the Korean War by the end of 2018, and to open a range of inter-Korean dialogues and cooperation projects.[56]

Other events in April and May included two North Korea-China summits (the first since Kim's ascension to power in 2011), U.S. summits with South Korea and Japan, and two meetings in Pyongyang between then-Secretary of State Mike Pompeo and Kim Jong Un.[57] Moon and Kim held a second summit in Panmunjom on short notice, to repair a short-lived breakdown in U.S.-DPRK coordination over the Trump-Kim summit, which was scheduled for June. In addition, during a North Korean Workers' Party meeting, Kim Jong Un declared "victory" in developing nuclear weapons, intercontinental ballistic missiles (ICBMs), and the ability to mount nuclear warheads on ballistic missiles. Accordingly, Kim continued, "… no nuclear test and intermediate-range and inter-continental ballistic rocket test-fire are necessary for the DPRK now…." and announced the country would dismantle its Pyunggye-ri nuclear testing site. Because North Korea had successfully advanced its nuclear force, Kim said, its new "strategic line" will "concentrate all efforts of the whole party and country on the socialist economic construction."[58]

The June 2018 Singapore Summit

The June 12, 2018 summit between Trump and Kim was the first-ever meeting between a sitting U.S. President and a leader of North Korea. At their one-day meeting, Trump and Kim issued a brief joint statement in which Trump "committed to provide security guarantees to the DPRK," and Kim "reaffirmed his firm and unwavering commitment to complete denuclearization of the Korean Peninsula."[59] The Singapore document was shorter on details than previous nuclear

[56] The Blue House, "Panmunjeom Declaration for Peace, Prosperity and Unification of the Korean Peninsula," April 27, 2018.

[57] At the time of his first meeting with Kim, Pompeo was the Central Intelligence Agency Director, awaiting Senate confirmation of his nomination to be Secretary of State.

[58] Korea Central News Agency, "3rd Plenary Meeting of 7th C.C., WPK Held in Presence of Kim Jong Un," April 21, 2018. Absent verification, it remains difficult to determine the extent of and irreversibility of North Korea's subsequent steps to close the Pyunggye-ri test site. According to U.S. and South Korean government sources in 2018 and 2019, North Korea retains the ability to reverse its disablement steps. Frank V. Pabian, Joseph S. Bermudez Jr. and Jack Liu, "The Punggye-ri Nuclear Test Site Destroyed: A Good Start but New Questions Raised About Irreversibility," *www.38north.org*, May 31, 2018; Joseph Bermudez and Victor Cha, "Punggye-ri Nuclear Test Site: Imagery Supports ROK and U.S. Government Reservations About Permanent Disablement," *Beyond Parallel*, October 17, 2019. North Korea reportedly continues to maintain the site. See, for instance, Frank Pabian and Jack Liu, "North Korea's Punggye-ri Nuclear Test Site: Bridge and Roadway Repairs Noted Along Recently Flood-Damaged Roads," *38 North*, November 25, 2020.

[59] The White House, "Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit," June 12, 2018.

agreements with North Korea and served as a statement of principles in four areas, listed in order of appearance:

- **Normalization:** The two sides "commit to establish" new bilateral relations.
- **Peace:** The two sides agreed to work to build "a lasting and stable peace regime."
- **Denuclearization:** North Korea "commits to work toward complete denuclearization of the Korean Peninsula," as was also promised in an April 2018 summit between Kim and Moon.
- **POW/MIA remains:** The two sides agreed to cooperate to recover the remains of thousands of U.S. troops unaccounted for during the Korean War.[60]

The two sides agreed to conduct follow-on negotiations. In a solo press conference after his meeting with Kim, Trump announced that the United States would suspend annual U.S.-South Korea military exercises, which Trump called "war games," "unless and until we see the future negotiation is not going along like it should."[61] Then-National Security Advisor John Bolton later revealed that Kim asked Trump to scale back or eliminate the exercises, to which Trump reportedly replied that the exercises were "provocative and a waste of time and money." According to Bolton, Trump did not consult with any of his advisors, or with the Department of Defense, before making the decision.[62] The Singapore Declaration made no mention of the DPRK's ballistic missile program. It also did not contain a timeframe for implementation or any reference to verification mechanisms for the denuclearization process. The definition of denuclearization, as well as the sequencing of the process of denuclearizing, establishing a peace regime, removing economic restrictions, and normalizing diplomatic ties were left unstated.[63]

This vagueness may have contributed to the subsequent lack of progress in implementing most aspects of the agreement. In the weeks following the summit, it appeared that North Korea was looking for the United States to take tangible steps to establish a new relationship and a peace regime. Meanwhile, the United States was looking for North Korea to take concrete denuclearization steps before moving ahead with other actions. For months, U.S.-DPRK diplomacy largely appeared to stall. The only tangible public step toward implementing the Singapore Declaration was the July 2018 North Korean delivery of 55 cases of remains of possible U.S. armed services members missing in the Korean War. Despite continued professions of personal respect and goodwill between Trump and Kim, including the exchange of effusive

[60] According to the U.S. Defense POW/MIA Accounting Agency (DPAA), nearly 7,700 U.S. personnel who fought during the Korean War are "unaccounted-for," approximately 5,300 of whom are believed to have been "lost in Korea."

[61] The White House, "Press Conference by President Trump," June 12, 2018. Trump added that the move, which was not accompanied by any apparent commensurate move by Pyongyang and reportedly surprised South Korea and U.S. military commanders, would save "a tremendous amount of money." The week after the summit, the Defense Department announced that the annual U.S.-South Korea "Ulchi Freedom Guardian" exercises scheduled for August would be cancelled.

[62] John Bolton, *The Room Where It Happened: A White House Memoir* (New York: Simon and Schuster, 2020), Chapter 4.

[63] For example, Trump Administration officials had asserted that North Korean "denuclearization" would include the dismantling of Pyongyang's chemical and biological weapons programs. Testimony of Secretary of State Michael Pompeo, in U.S. Congress, Senate Foreign Relations Committee, *An Update on American Diplomacy to Advance Our National Security Strategy*, hearings, 115th Cong., 2nd sess., July 25, 2018 (Washington, DC: GPO, 2018). It is unclear whether North Korea agreed with this inclusion. Rick Gladstone, "Trump and Kim May Define 'Korea Denuclearization' Quite Differently," *New York Times*, June 10, 2018.

personal letters between the leaders, the two sides did not publicly hold official working-level talks regarding denuclearization until January 2019.[64]

Meanwhile, Moon and Kim held another summit, their third, in Pyongyang in September 2018. The two leaders signed the Pyongyang Declaration, pledging denuclearization of the Korean Peninsula, improvements in inter-Korean relations, and confidence-building measures to ease military tension. Kim promised to visit Seoul "at an early date," which would be the first-ever trip to Seoul by a North Korean leader. The two sides also signed a Comprehensive Military Agreement in which they agreed to reestablish communications links to prevent accidental military clashes, create a no-fly zone along the demilitarized zone (DMZ) between the two Koreas, withdraw many of their guard posts within the DMZ, and create in effect a "no military drills zone" and a joint fishing zone in the Yellow Sea. Moon's pre- and post-summit attempts to accelerate various inter-Korean projects appeared to cause tensions with many U.S. officials, who expressed concerns that they would violate the spirit and even the letter of U.N. and U.S. sanctions.[65]

February 2019 Hanoi Summit

After months with scant progress in U.S.-DPRK negotiations, momentum built toward a second Trump-Kim summit. The two leaders met over two days in February 2019 in Vietnam's capital, Hanoi. However, the summit ended without an agreement due to disagreements about the timing and sequencing of concessions, specifically DPRK denuclearization measures in exchange for sanctions relief.[66] North Korean officials said they had offered to shut down fissile material production facilities at the Yongbyon nuclear complex and proposed that U.S. technical inspectors come to monitor the shuttering.[67] U.S. intelligence community reports have said there are additional uranium enrichment plants outside of Yongbyon.[68] Before the summit, then-U.S.

---

[64] Trump and Kim reportedly exchanged 27 letters in 2018 and 2019. Bob Woodward, *Rage* (New York: Simon and Schuster, 2020), p. 106. At a September 28, 2018 political rally in West Virginia, President Trump said that he and North Korean leader Kim Jong Un "fell in love," and that Kim writes him "beautiful letters." For a video of Trump's remarks, see "Trump on Kim Jong Un: 'We Fell in Love,'" *BBC*, September 30, 2018, http://www.bbc.com/news/av/world-us-canada-45696420/trump-on-kim-jong-un-we-fell-in-love.

[65] In September 2018, for example, the Department of the Treasury's Office of Terrorism and Financial Intelligence reportedly called executives in charge of compliance at seven South Korean banks expressing "concern" about rumored financial cooperation between the two Koreas, and to issue reminders about U.N. and U.S. sanctions. Joyce Lee, "U.S. Treasury Calls Reveal 'Deep Concern' over South Korea Banks' North Korea Plans: Document," *Reuters*, October 22, 2018.

In November 2023, the Comprehensive Military Agreement appeared to collapse. Following North Korea's launch of a spy satellite that month, South Korea announced it was suspending its adherence to the agreement's prohibition on conducting aerial surveillance of the DMZ. North Korea responded by announcing it would no longer abide by the agreement in its totality. Hyung-Jin Kim, "North Korea Restores Border Guard Posts as Tensions Rise over Its Satellite Launch, Seoul Says," *Associated Press*, November 27, 2023.

The military agreement's collapse represented the crumbling of another foundation of the 2018-2019 inter-Korean rapprochement. In June 2020, for instance, North Korea detonated the building hosting an inter-Korean liaison office following a private South Korean group launching balloons containing anti-Kim propaganda leaflets across the DMZ. The liaison office, the establishment of which was an outcome of the April 2018 Moon-Kim summit, had been the first-ever channel for full-time, person-to-person contact between the two Koreas.

[66] It is unclear to what extent the Trump Administration factored into its approach the restrictions that U.S. law imposes on the President's ability to suspend or terminate—and in some cases waive—sanctions against North Korea. For more on these restrictions, see footnote 82 as well as CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack, especially Appendix A.

[67] Leo Byrne, "North Korean FM Says Pyongyang Asked for 'Partial' Sanctions Relief," *NKNews*, February 28, 2019.

[68] Joby Warrick and Souad Mehennet, "Summit Collapse Foils Chance to Press North Korea on Suspicious Sites," (continued...)

Special Representative for North Korea Stephen Biegun said that disclosure of enrichment sites other than Yongbyon was to be a key part of negotiations.[69] President Trump in his post-summit remarks referred to a lack of agreement on North Korean disclosure of a second uranium enrichment plant.[70]

The two sides appeared to be particularly far apart on the issue of sanctions relief. North Korea asked for relief from the UNSC sanctions imposed since 2016 that target its export of coal, iron, textiles, seafood, and other minerals; imports of petroleum; and other restrictions on economic interactions with North Korean industries. The United States rejected this proposal, which would have left in place only sanctions that restrict imports of arms, dual-use items, and luxury goods. Bolton reports that Kim rejected Trump's suggestion that North Korea receive a percentage reduction in the sanctions, rather than their near-complete removal.[71]

There are also questions about the unity of and coordination among top Trump Administration officials participating in the negotiations. In his memoir, Bolton describes his opposition to the summit process as well as the ways he attempted to derail what he called the "unhealthy negotiation path" that the State Department was pursuing, including by persuading Trump in pre-summit briefings of the attractiveness of walking away from the talks without a deal.[72]

Following the breakdown of the summit, Pompeo and other U.S. officials said that the two sides made progress at Hanoi on other issues.[73] These appear to include proposals relating to the establishment of liaison offices, issuance of a peace declaration, recovery of the remains of U.S. soldiers missing from the Korean War, and opening channels for dialogue between Korean-Americans and their families inside North Korea. None of these apparent points of agreement, however, was finalized, in part due to a U.S. decision that progress in these areas must move "in parallel" with progress in denuclearization talks.[74] According to Trump and Pompeo, Kim promised to maintain the unilateral moratorium on nuclear and missile tests that North Korea had maintained since late November 2017. In turn, Trump promised to continue suspending U.S.-South Korean military exercises.[75]

Washington Post, May 25, 2018; David Albright, "On the Question of Another North Korean Centrifuge Plant and the Suspect Kangsong Plant," Institute for Science and International Security, May 25, 2018; Ankit Panda, "Exclusive: Revealing Kangson, North Korea's First Covert Uranium Enrichment Site," *thediplomat.com*, July 13, 2018; James R. Clapper, Director of National Intelligence, Statement for the Record on the Worldwide Threat Assessment of the U.S. Intelligence Community for the House Permanent Select Committee on Intelligence, February 10, 2011.

[69] Stephen Biegun, Special Representative for North Korea, "Remarks on DPRK at Stanford University," Palo Alto, CA, January 31, 2019.

[70] State Department, "Press Conference With President Trump in Hanoi, Vietnam," February 28, 2019.

[71] John Bolton, *The Room Where It Happened: A White House Memoir* (New York: Simon and Schuster, 2020), Chapter 11.

[72] John Bolton, *The Room Where It Happened: A White House Memoir* (New York: Simon and Schuster, 2020), Chapter 11.

[73] State Department, "Secretary of State Michael R. Pompeo with Traveling Press," February 28, 2019, *en route* to Manila.

[74] State Department, "Senior State Department Official Remarks to Traveling Press," February 28, 2019; The Blue House, "Opening Remarks by President Moon Jae-in at 1st National Security Council Meeting of 2019," March 4, 2019.

[75] The White House, "Remarks by President Trump in Press Conference," February 28, 2019; State Department, "Secretary of State Michael R. Pompeo with Traveling Press," February 28, 2019, *en route* to Manila. A few days later, the Administration announced it would permanently halt large-scale U.S.-South Korean military exercises, due to their expense, and instead hold smaller, lower-profile exercises. Prior to Trump's original suspension of the exercises, U.S. defense officials said that the annual large-scale exercises were critical to maintaining military readiness. Nancy A. (continued...)

The Hanoi summit marked a turning point in U.S.-DPRK negotiations. Thereafter, North Korea's stance hardened significantly, perhaps due to a belief that Pyongyang had achieved little in the way of establishing either a new relationship with the United States or a declaration of the end of the Korean War. Perhaps most important, North Korea did not receive promises of sanctions relief.[76] In May 2019, North Korea resumed testing short-range ballistic missiles (SRBM), conducting over a dozen such tests in 2019, 2020, and 2021, in violation of U.N. prohibitions. The tests likely have advanced the reliability and precision of North Korea's missile forces and improved its capabilities to defeat regional missile defense systems. In late December 2019, Kim announced that, due to U.S. policies "to completely strangle and stifle the DPRK … there is no ground" for North Korea to continue to maintain its nuclear and missile testing moratorium. Kim criticized the United States' continuation of sanctions, smaller military exercises with South Korea, and shipments of advanced military equipment to South Korea and warned that "the world will witness a new strategic weapon to be possessed by the DPRK in the near future."[77]

Aside from a one-hour, quickly arranged June 2019 meeting between Trump and Kim in Panmunjom, the United States and North Korea have held one round of official talks since the Hanoi summit, in October 2019. Trump Administration officials say their North Korean counterparts refused to engage in additional negotiations. North Korea also halted virtually all forms of cooperation with South Korea. The Trump Administration continued to issue sanctions designations and, to some extent, pushed back on PRC, Russian, and South Korean proposals to ease sanctions. Throughout the remainder of its term, however, the Administration refrained from aggressively using available sanctions authorities particularly against entities in third countries, continued its halt of large-scale joint military exercises with South Korea, and did not issue high-profile criticism of DPRK human rights violations.[78] North Korea's reported refusal to engage with the United States and South Korea continued through the remainder of the Trump Administration.

In late March 2021, the Biden Administration disclosed that U.S. officials had reached out to North Korea through several channels starting in mid-February but had not received a response, a dynamic Administration officials say has continued throughout its Administration.[79] Kim Jong Un

---

Youssef, "U.S. to Halt Large-Scale Military Exercises with South Korea," *Wall Street Journal*, March 1, 2019. According to then-commander of U.S. forces in South Korea, in the months following the Singapore summit, North Korea continued to hold its own military exercises "on a scale consistent with recent years." Testimony of Robert B. Abrams, Commander, United Nations Command/Combined Forces Command/United States Forces Korea, U.S. Congress, Senate Committee on Armed Services, *United States Indo-Pacific Command and United States Forces Korea*, 116th Cong., 1st sess., February 12, 2019.

[76] Kelly Kasulis, "US, North Korea Allude to War Ahead of Pyongyang's Deadline," *VOA*, December 5, 2019.

[77] "Report on 5th Plenary Meeting of 7th C.C., WPK," *Korean Central News Agency*, January 1, 2019.

[78] See, for instance, Bruce Klingner, *The U.S. Should Implement Maximum Pressure After Failed Hanoi Summit*, Heritage Foundation Report, May 22, 2019, especially p. 8.

Several countries, particularly China and Russia, are less robustly enforcing U.N.-required sanctions than before the rapprochement. In May 2022, China and Russia vetoed U.S.-led efforts at the UNSC to adopt stricter sanctions on Pyongyang after the DPRK's intercontinental ballistic missile tests. Dag Hammarskjöld Library, "UN Security Council Meetings and Outcomes Tables," available at https://research.un.org/en/docs/sc/quick. The U.N. has documented North Korea's growing successes in evading sanctions. See, for instance, Panel of Experts Report, March 4, 2021, S/2021/211, and September 23, 2023, S/2023/656.

[79] Phil Stewart, "Exclusive: North Korea Unresponsive to Behind-the-Scenes Biden Administration Outreach—U.S. Official," *Reuters*, March 13, 2021; the White House, "Press Briefing by Press Secretary Jen Psaki," March 15, 2021; State Department, "Briefing with Special Representative for the Democratic People's Republic of Korea Sung Kim," April 6, 2022; "State Department Press Briefing" September 13, 2023.

It is not clear whether U.S. government officials directly interacted with their North Korean counterparts in the summer (continued...)

has characterized U.S. offers of diplomacy as "no more than a petty trick for deceiving the international community and hiding its hostile acts," specifically the continuation of U.S.-ROK military exercises, the maintenance of sanctions against North Korea, and South Korean acquisition of and advances in indigenous sophisticated military equipment.[80] North Korea also generally has ignored South Korean offers of aid, cooperation, and diplomatic engagement.

Future Considerations and Issues for Congress

If the Biden Administration and the Kim regime enter into diplomatic talks, it is unclear whether they will choose to build on the Trump-Kim Singapore Declaration, resurrect elements of previous agreements, and/or chart new ground.[81] Paths forward could include elements such as

- a formal international agreement on halting nuclear and missile tests;
- a DPRK freeze on production of nuclear material, and/or the dismantlement of nuclear facilities;
- a DPRK declaration of weapons stocks, international monitoring and verification;
- DPRK pledges not to sell missile components or nuclear materials to other countries; and
- a wide range of diplomatic agreements such as a declaration of an end to the Korean War and/or the opening of U.S. and DPRK liaison offices, among other items.

Additionally, the possibility of the United States offering sanctions relief is complicated by, among other factors, legal requirements Congress passed and Presidents Obama and Trump signed in 2016, 2017, and 2019 (P.L. 114-122, P.L. 115-44, and P.L. 116-92) to address a range of security, regional stability, human rights, and governance issues before sanctions can be suspended or altogether terminated. U.S. sanctions on North Korea target not just weapons development but also human rights abuses, money laundering, illicit weapons trade, international terrorism, and illicit cyber operations.[82]

---

and fall of 2023 to secure the release of U.S. private Travis King. In July 2023, King fled to North Korea. North Korea released him in September. Following King's release, U.S. officials stated they had "been reaching out" to North Korea "through multiple channels," including "at the United Nations and through our United Nations Command." It appears that much of the communication between the two governments to handle the King incident occurred via the Swedish government, which acts as the United States' protecting power in North Korea. The White House, "Background Press Call by Senior Administration and Military Officials on the Return of Private King from the Democratic People's Republic of Korea," September 27, 2023. As of early December 2023, King's release does not appear to have opened the door to U.S.-DPRK engagement.

[80] Timothy Martin, "North Korea Sees U.S. as Ongoing Threat, Kim Jong Un Says in Speech," *Wall Street Journal*, September 30, 2021.

[81] The Biden Administration has indicated that the United States could build on the 2018 agreements the United States and South Korea, along with prior agreements negotiated with Pyongyang. State Department, "Briefing with Special Representative for the Democratic People's Republic of Korea Sung Kim on Recent Developments in the DPRK and U.S. Efforts to Advance Denuclearization on the Korean Peninsula," April 6, 2022.

[82] Pursuant to the North Korea Sanctions and Policy Enhancement Act of 2016 (P.L. 114-122), later amended by the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (P.L. 116-92, division F, title LXXI, Sections 7101-7155, National Defense Authorization Act for FY2020), the President is authorized to suspend or terminate many sanctions against North Korea if he or she certifies that North Korea has made progress in a number of areas, including in human rights and in the abandonment of its nuclear and missile programs. P.L. 114-122, Section 401 and Section 402 (22 U.S.C. §9251 and §9252).

The President may waive the application of many sanctions if he or she certifies either that a waiver is "vital" to U.S. (continued...)

If talks resume under the Biden Administration, they would be resumed in the context of Pyongyang having further advanced its nuclear and missile programs since the first Trump-era summit, and in a regional environment in which North Korea's relationships with neighboring China, Russia, and to a lesser extent, South Korea, have substantially changed. Improved North Korea-China and North Korea-Russia relations since 2018 arguably have made it easier for all actors to evade sanctions and made it more difficult for the United States to find international support needed to impose new sanctions.[83]

Additionally, Russia's 2022 full-scale invasion of Ukraine and the increased strains in U.S.-China relations since the late 2010s could be providing Kim more room to maneuver, greater ability to evade sanctions, and possibly more opportunities for economic, financial, and military resources in the form of future assistance from, as well as trade and cooperation with Moscow and/or Beijing. PRC and Russian vetoes of U.S.-led efforts at the UNSC in May 2022 to adopt stricter sanctions on Pyongyang after the DPRK's intercontinental ballistic missile (ICBM) tests are one indication that North Korea may be benefiting from the contemporary geopolitical environment.

North Korea-Russia relations appear to have taken a significant step forward in 2023. In September of that year, Kim visited the Russian Far East for his first trip outside of North Korea since 2019, during which he met with Russian President Vladimir Putin. The Biden Administration has accused North Korea of providing Russia with North Korean rockets and artillery shells for use in Ukraine.[84]

Future talks undoubtedly would have to take into consideration North Korean military advances since 2019. In the ensuing years, North Korea appears to have advanced key aspects of its military capabilities, particularly in the reliability and precision of its missile forces. North Korea has conducted more than 100 ballistic missile tests in that time, in violation of UNSC requirements. North Korea also is believed to have made advances in its nuclear weapons development and has issued statements that it will not relinquish such weapons.[85] Some analysts have expressed concern that North Korea's growing missile capabilities will give it greater confidence to conduct aggressive diplomatic, military, or other actions to achieve its objectives.[86] U.S. officials also have voiced concerns about Pyongyang's improving cyber capabilities, which the regime could use for retaliation, coercion, espionage, or sabotage, in addition to the estimated hundreds of millions of dollars it reportedly has stolen by way of cybertheft.[87]

The apparently severe economic difficulties that North Korea experienced from 2020 to 2023 due to its COVID-19-related shutdowns of its border did not create openings for U.S. diplomacy

national security interests or that a) North Korea has committed to suspend its proliferation and testing of WMD and b) has agreed to engage in multilateral talks to limit its WMD programs. P.L. 114-122, Section 7143 (22 U.S.C. §9269b). Many types of humanitarian activities also are waivable. P.L. 114-122, Section 208(b) (22 U.S.C. §9228b). However, some U.S. sanctions against financial transactions with North Korean entities are explicitly not eligible for waivers. P.L. 114-122, Section 7143 (22 U.S.C. §9269b). For more, see CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack, especially Appendix A.

[83] Chad O'Carroll, "Despite Complaints, UN Can't Agree on New North Korea Sanctions Designations," *NK PRO*, December 19, 2020.

[84] The White House, "Press Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby," January 17, 2023; State Department, "Secretary Antony J. Blinken At the 8th Annual CSIS Republic of Korea-United States Strategic Forum—United States Department of State," September 25, 2023.

[85] See CRS In Focus IF10472, *North Korea's Nuclear Weapons and Missile Programs*, by Mary Beth D. Nikitin.

[86] National Intelligence Council, *North Korea: Scenarios for Leveraging Nuclear Weapons Through 2030*, January 2023, NIE 2023-00262-B.

[87] Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community*, February 6, 2023, p. 21.

and/or economic pressure. North Korea's end to its self-imposed isolation in 2023 removes a logistical obstacle to dialogue, should Kim Jong Un decide to engage. In the past, North Korea has pivoted to diplomatic outreach following periods of tension.[88] As discussed below, many observers see little value in further negotiations, as they doubt that North Korea will be willing to accept any limits on its nuclear and missile programs.

Utility or Futility of Negotiations?

The utility of negotiating with North Korea is heavily debated. Some analysts argue that it is a "delusion" to believe that direct negotiations with Pyongyang will lead the Kim regime to voluntarily denuclearize.[89] Others contend not only that negotiations are necessary to reduce the chances of conflict, but also that they are feasible, because Kim Jong Un's "real goal is economic development."[90] Others posit that North Korea's WMD programs are motivated in large measure by the threat Pyongyang perceives from the United States' "hostile policy," and therefore U.S. measures to reduce the threat—such as declaring an end to the Korean War and signing a peace treaty—and build bilateral trust and confidence are necessary.[91] Implied in this is the concept of a basic bargain of economic benefits, sanctions easing, and security assurances in exchange for nuclear weapons and missile limitations or dismantlement. However, statutory conditions placed upon the President's ability to suspend or terminate—and in some cases waive—sanctions impose constraints on the U.S. scope for action in this regard.

The prevailing view among U.S. North Korea watchers is that the North Korean regime, regardless of inducements, will not voluntarily give up its nuclear weapons capability. Since the breakdown of the Trump-Kim diplomacy in 2019, Kim has issued statements that he will not relinquish such weapons.[92] The U.S. intelligence community concurs with this assessment, stating in 2023 that "Kim almost certainly views nuclear weapons and ICBMs as the ultimate guarantor of his autocratic rule and has no intention of abandoning those programs, believing that over time he will gain international acceptance as a nuclear power."[93] The U.S. intelligence community also has expressed concern that North Korea's growing missile capabilities will give it greater confidence to conduct aggressive diplomatic, military, or other actions to achieve its objectives.[94] Some North Korea analysts believe that the DPRK may calculate that acquiring the ability to strike U.S. territory with nuclear-tipped ICBMs will increase Pyongyang's chances of achieving its ultimate goal of reunifying the Korean Peninsula.[95] Kim Jong Un also likely has domestic

[88] CRS Insight IN12272, *North Korea Reopens (Selectively)*, by Mark E. Manyin and Keigh E. Hammond; Sang-hun Choe, "For North Korea, Blowing Hot and Cold Is Part of the Strategy," *New York Times*, July 28, 2020.

[89] Nicholas Eberstadt, "How Biden Can Reduce the North Korean Threat," *National Review*, April 29, 2021.

[90] John Delury, "Instead of Threatening North Korea, Trump Should Try This," *Washington Post*, April 23, 2017. Similar views about the use of economic incentives can be found in Chung-in Moon, "Hopes and Fears About Biden's North Korean Policy," *Hankyoreh*, February 22, 2021.

[91] "A Principled US Diplomatic Strategy Toward North Korea," *38 North*, February 22, 2021; Michael D. Swaine, Jessica L. Lee, and Rachel Esplin Odell, *Toward an Inclusive and Balanced Regional Order*. *A New U.S. Strategy in East Asia*, Quincy Paper No. 5, January 2021.

[92] See CRS In Focus IF10472, *North Korea's Nuclear Weapons and Missile Programs*, by Mary Beth D. Nikitin.

[93] Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community*, February 6, 2023, p. 20.

[94] National Intelligence Council, *North Korea: Scenarios for Leveraging Nuclear Weapons Through 2030*, January 2023, NIE 2023-00262-B.

[95] Steps in this process could include making efforts to undermine or weaken the credibility of the U.S. commitment to defend South Korea, persuade the United States to remove sanctions, and/or withdraw its troops from the Korean Peninsula. Jonathan Kaiman, "Here's What's Driving North Korea's Nuclear Program—And It Might Be More Than (continued...)

political motivations for aggressively pushing the development of the DPRK's nuclear and missile programs.

To many critics, North Korea's record of pulling out of or not abiding by past agreements proves that Pyongyang was never committed to full denuclearization, and reaped benefits and bought time while secretly advancing its nuclear weapons and missile programs.[96] This has led to a debate in North Korea policy circles about how to avoid scenarios in which North Korea pulls out of or is not fully committed to an agreement.[97] Additionally, some argue that as North Korea has achieved certain technical milestones, a freeze may no longer be a relevant solution, and there is a risk of the Kim regime continuing to build up its arsenal, perhaps secretly, while negotiations are ongoing.[98]

Another camp, while generally not optimistic about the prospects of negotiations achieving full denuclearization, argues that talks can still produce tangible security benefits to the United States, and warn that if North Korea's WMD programs are left unchecked, they will become an even greater threat to the United States and its allies.[99] Those in this group argue that previous agreements with North Korea have resulted in significant, if temporary, benefits. The Agreed Framework slowed North Korea's nuclear weapons development by shutting down plutonium nuclear facilities at its Yongbyon nuclear complex from 1994 to 2002 and subjecting the complex to continuous international monitoring. Between 1999 and 2006, North Korea abided by a moratorium on long-range missile tests. As part of the Six-Party process, Pyongyang disabled some of its plutonium facilities. These partial successes are sometimes cited by those arguing that convincing North Korea to halt its nuclear and/or missile testing should be the focus of U.S. diplomatic efforts.

This approach amounts to an arms control approach, rather than a full denuclearization strategy. It would require the United States to effectively abandon—either implicitly or explicitly—its longstanding official goal of achieving complete denuclearization of North Korea, at least in the short and medium terms.[100] Some critics of adopting an arms control approach argue that it would divert the U.S. focus away from denuclearization, prematurely provide economic benefits to

Self-Defense," *LA Times*, May 1, 2017; Nicholas Eberstadt, "From 'Engagement' to Threat Reduction: Moving Toward a North Korea Strategy That Works," testimony before Senate Committee on Foreign Relations hearing, *Confronting the North Korea Threat: Reassessing Policy Options*, 115th Cong., 1st sess., January 31, 2017.

[96] Nicholas Eberstadt, "How Biden Can Reduce the North Korean Threat," *National Review*, April 29, 2021. For example, North Korea developed an undeclared uranium enrichment capability during the Agreed Framework era; balked at more comprehensive verification measures toward the end of the Six Party Talks agreements; and agreed to a ballistic missile test moratorium in the 2012 Leap Day deal but then launched a satellite using similar technology in contravention of U.N. Security Council resolutions. Speaking on Air Force One during President Trump's November 2017 trip to Asia, a senior Administration official said that past negotiations with North Korea had "just bought them time to continue building these kind of capabilities," referring to nuclear and missile weapons. White House, "Press Gaggle by a Senior Administration Official Aboard Air Force One En Route to Beijing, China," November 8, 2017.

[97] "A Horse Worth the Price," *The Economist*, March 3, 2012; "The U.S. Is Bribed by North Korea—Again," *Washington Post*, March 12, 2012.

[98] David Albright, "A Freeze of North Korea's Nuclear Program: Finding a Definition More Fitting of Today's Reality," June 13, 2017.

[99] See, for example, Adam Mount et al., *Report of the International Study Group on North Korea Policy*, Federation of American Scientists, 2019.

[100] "A Principled US Diplomatic Strategy Toward North Korea," *38 North*, February 22, 2021; Eric Brewer and Sue Mi Terry, "It Is Time for a Realistic Bargain with North Korea," *Foreign Affairs*, March 25, 2021; Kelsey Davenport, Daryl G. Kimball, and Kingston Reif, *Nuclear Challenges for the New U.S. Presidential Administration*, Arms Control Association, January 2021, pp. 14-16; Doug Bandow, "Why a Nuclear-Free North Korea Is a Dream That Needs to Die," *The National Interest*, August 3, 2020; Edward White, "Trump Exit Prompts Calls for Arms Control Offer to Kim Jong Un," *Financial Times*, November 30, 2020.

North Korea, send the wrong message to other would-be nuclear proliferators, and potentially destabilize international relations in East Asia by providing incentives for South Korea and/or Japan to develop their own nuclear weapons.[101]

Many supporters of an aggressive engagement strategy also argue that the potential for catastrophic loss of life if a conflict escalates is unacceptable, and diplomacy makes a conflict less likely.[102] Similarly, others argue that the absence of an active diplomatic process can entail risks, such as North Korea engaging in nuclear weapons testing or testing long or medium-range missiles.[103] A 2017 Center for Strategic and International Studies study found a correlation between U.S.-DPRK diplomacy and the decreased frequency of North Korean provocations between 1990 and 2017, though it also noted that the absence of a provocation did not necessarily mean that North Korea had halted its weapons development programs.[104] Others argue for putting aside discussions over nuclear and missile programs and instead focusing first on confidence-building measures that could reduce the chance of military conflict. This could include hotlines or other transparency measures, such as were established between the United States and the Soviet Union during the Cold War and between India and Pakistan in the past two decades. Supporters of this approach emphasize that resuming channels of contact could at the very least reduce the risks of miscalculation and inadvertent escalation of a conflict.[105]

Preconditions

A key question is whether the United States should insist on any preconditions before negotiations begin, and if so, what they should be. During the 2020 presidential election campaign, then-candidate Biden said that he would establish preconditions before meeting personally with Kim Jong Un, including that Kim "agree that he would be drawing down his nuclear capacity."[106] As mentioned earlier, Biden Administration officials repeatedly have stated they will not insist on any preconditions for lower-level diplomatic engagement.

North Korea generally has rejected dialogue on denuclearization unless other countries drop their preconditions and take certain steps, such as the United States withdrawing its protection of South Korea.[107] In July 2017, China and Russia proposed a "double freezing" approach (often called a

[101] See, for instance, Evans Revere, "North Korea's New Nuclear Gambit and the Fate of Denuclearization," *Order from Chaos* blog, the Brookings Institution, March 26, 2021.

[102] Jessica Lee, "Breaking the Deadlock: Jumpstarting Talks Between the United States and North Korea," *Responsible Statecraft*, December 17, 2019.

[103] Michael Green, "How to Get Biden Moving," *JoongAng Ilbo*, March 14, 2021.

[104] *U.S.-DPRK Negotiations and North Korean Provocations*, Center for Strategic and International Studies Beyond Parallel Program, October 2, 2017.

[105] Joshua Pollack, "U.S. Should Start Talking with North Korea to Prevent Nuclear War," *New York Daily News*, August 8, 2017.

[106] "Donald Trump and Joe Biden Final Presidential Debate Transcript 2020," *Rev.com*, October 22, 2020.

[107] For example, in late November 2023, Kim Yo Jong, Kim Jong Un's sister and high-ranking Communist Party official, said North Korea would "never" return to dialogue with the United States so long as the United States and its allies continued to "violat[e]" North Korea's sovereignty through such measures as seeking to obtain a UNSC censure of North Korea's November 21, 2023, launch of a military spy satellite. The launch violated UNSC sanctions prohibiting North Korea from conducting launches using ballistic missile technology. Kim Yo Jong also cited the United States' "provocative military activities" such as its 2023 temporary deployments of nuclear-armed submarines to South Korea. "Statement by Kim Yo Jong, Vice Department Director of C.C., WPK," *Korea Central News Agency*, November 30, 2023, posted on *NKNews'* KCNA Watch.

The U.S. deployments of nuclear-capable platforms to South Korea have been part of the U.S. attempt to respond to South Korean President Yoon Suk-yeol's push to shore up the United States' extended deterrence commitments to (continued...)

"freeze for freeze" or "dual suspension" approach) with preconditions for North Korea (a moratorium on missile and nuclear tests) and for the United States and South Korea (a halt in large-scale military exercises).[108] The United States and South Korea initially rejected those conditions, though ultimately they essentially became the basis for the Trump-Kim diplomacy.[109]

The U.S.-South Korea Alliance

Another issue for U.S. policymakers is whether to link aspects of the U.S.-ROK alliance to progress in denuclearization talks. Past U.S. Administrations have altered U.S.-South Korea military exercises, which North Korea has criticized for decades, to facilitate diplomacy. The George H.W. Bush and Clinton Administrations suspended and later cancelled the annual Team Spirit exercises in South Korea to facilitate the Agreed Framework negotiations and implementation. In response to requests from Kim Jong Un, President Trump suspended major U.S.-ROK exercises, without obtaining any discernable concrete benefits from Kim in return. Some criticized these suspensions, arguing that they reduced the readiness of U.S. and South Korean forces to deal with a DPRK military provocation. Kim Jong Un also has criticized U.S. sales of major weapons systems to South Korea.[110]

Another possible inducement to North Korea conceivably could be the reduction or withdrawal of the roughly 28,500 U.S. forces stationed in South Korea. According to multiple accounts, President Trump repeatedly expressed his desire to reduce or withdraw these forces during his time in office.[111] If the topic was raised during the Trump-Kim meetings or other interactions, it is not mentioned in accounts of those discussions. In recent national defense authorizations, the FY2019 John S. McCain National Defense Authorization Act, the FY2020 National Defense Authorization Act, and the FY2021 William M. (Mac) Thornberry National Defense Authorization Act (P.L. 115-232, P.L. 116-92, and P.L. 116-283), Congress placed conditions on the President's ability to reduce the U.S. troop presence in South Korea.[112] According to some accounts, at a June 2000 summit, Kim Jong Un's father and predecessor, Kim Jong-il, reportedly told then-South Korean President Kim Dae Jung that he was not opposed to the continued presence of U.S. forces in South Korea. Others, however, say that Kim Jong-il's comments were more ambiguous.[113] They also are juxtaposed against decades of North Korean official pronouncements calling for the withdrawal of U.S. threats, including the presence of U.S. troops on the Korean Peninsula.

South Korea amidst North Korea's expanded military capabilities. In the April 2023 Biden-Yoon "Washington Declaration," the United States agreed to expand consultations with South Korea on the use of U.S. nuclear weapons on the Korean Peninsula and to "enhance the regular visibility of strategic assets to the Korean Peninsula." South Korea also restated its commitment not to develop nuclear weapons. The White House, "Leaders' Joint Statement in Commemoration of the 70th Anniversary of the Alliance between the United States of America and the Republic of Korea," April 26, 2023; The White House, "Washington Declaration," April 26, 2023; The White House, "FACT SHEET: Republic of Korea State Visit to the United States," April 26, 2023.

[108] Russian Ministry of Foreign Affairs, "Joint Statement by the Russian and Chinese Foreign Ministries on the Korean Peninsula's Problems," July 4, 2017.

[109] William Ide, "State Department Says N. Korea Has No Interest in Talks," *Voice of America*, September 30, 2017.

[110] See, for instance, "2019 New Year Address," *Pyongyang Times*, January 2, 2019, available on *KCNA Watch*.

[111] Bob Woodward, *Rage* (New York: Simon and Schuster, 2020), pp. 36, 69; John Bolton, *The Room Where It Happened. A White House Memoir* (New York: Simon and Schuster, 2020), Chapter 4, Chapter 11.

[112] P.L. 115-232, the John S. McCain National Defense Authorization Act for Fiscal Year 2019, §1264; P.L. 116-92, The National Defense Authorization Act of 1990, §1254; P.L. 116-283, the National Defense Authorization Act for Fiscal Year 2021, §1258. President Trump vetoed P.L. 116-283, in part because of §1258. Congress overrode the veto. The White House, "Presidential Veto Message to the House of Representatives for H.R. 6395," December 23, 2020.

[113] Don Kirk, "A North Korean Shift on Opposing U.S. Troops?" *International Herald Tribune*, August 20, 2000.

Format of Negotiations

The format of U.S.-DPRK negotiations has varied. The Agreed Framework was reached after months of bilateral negotiations. South Korea and Japan, later followed by the European Union and other countries, helped to fund and implement the agreement. Several rounds of so-called "four-party talks" among China, North Korea, South Korea, and the United States were held in the late 1990s to discuss negotiating a peace treaty to replace the 1953 armistice that ended the Korean War. The Six-Party Talks also adopted a multilateral format, but bilateral negotiations, including between the United States and North Korea, were embedded into the Six-Party structure. The 2011/2012 Leap Day Deal negotiations were bilateral, as were the 2018-2019 Trump-Kim talks, though South Korean President Moon at times played an active role as go-between and conducted his own parallel diplomacy with North Korea.

North Korea has tended to prefer dealing with the United States in a bilateral setting.[114] A line of communication through the North Korean mission to the United Nations—known as "the New York channel"—has sometimes been used to explore the possibility of various proposals. Unofficial "Track 2" discussions (among nongovernment officials) and "Track 1.5" discussions (among nongovernment officials and government representatives) also have been used to convey messages and explore possibilities for official negotiations and could be used in the future. These unofficial discussions generally are held in third countries, though occasionally U.S. Administrations have given permission for North Koreans to enter the United States to participate.[115] Prior to the Trump Administration, high-profile U.S. figures such as former Presidents Bill Clinton and Jimmy Carter, as well as a handful of U.S. Members of Congress and cabinet members, had visited North Korea and sought to either release detainees or further other U.S. goals.

Distinguishing Between Diplomatic Contacts and Formal Negotiations

At times, opponents of negotiating with North Korea, if taken literally, can appear to oppose *all* contact with North Korea. When discussing diplomatic options, it may be useful to distinguish between U.S. officials holding discussions with North Korean officials and entering into formal negotiations. Many commentators have expressed concern that a lack of any contact with the regime in Pyongyang heightens the risk of inadvertent escalation. This is particularly true because of how little U.S. analysts and officials know about Kim Jong Un and his sensitivity to rhetoric from Washington. By the same token, North Koreans likely struggle to interpret signals from Washington in light of changing U.S. preferences and intentions concerning diplomacy or military options articulated by different U.S. administrations.[116]

After President Trump first agreed in March 2018 to meet with Kim, his Administration emphasized the importance of developing a strong leader-to-leader relationship. The strategy presumed better results than the working-group negotiations employed by previous administrations. In practice, the Administration's approach was characterized by, among other items, a lack of emphasis on obtaining concrete agreements during working-level negotiations; summit meetings often were announced before the working-level talks had commenced. President Trump often spoke and acted without regard to his working-level team and the positions they pushed. His penchant for sudden policy changes, as well as his widely-believed desire to hold a summit before substantive issues had been resolved, further reduced U.S. diplomats' bargaining

[114] Rosemary O'Hara, "What America's Key Diplomat on North Korea Says About 'Rocket Man,'" *Sun Sentinel*, October 14, 2017.

[115] "Trump Administration Cancels Back-Channel Talks with North Korea," *New York Times*, February 25, 2017.

[116] Evan Osnos, "The Risk of Nuclear War with North Korea," *The New Yorker*, September 18, 2017; Bruce Klingner, *The Trump Administration Must Recognize the Dangers of Premature Negotiations with North Korea*, Heritage Backgrounder No. 3211, May 11, 2017.

leverage. For their part, North Korea's negotiators often appeared to be waiting for Kim Jong Un to deal directly with President Trump. DPRK diplomats in general rarely have flexibility to make decisions on their own, requiring frequent consultations with higher level officials—including the supreme leader—before making commitments. This dynamic was accentuated during the Trump-Kim rapprochement, where the two leaders had announced they would meet before substantive working-level talks had begun.[117]

Linkage to Other Issues

In the past, the United States has generally focused negotiations on halting progress on North Korea's nuclear weapons and missile programs. Several other contentious issues could be included in a prospective negotiation, including:

- North Korea's chemical and biological weapons programs;
- North Korean cyber theft operations and cyberattacks, the latter of which the U.S. intelligence community assesses have the potential to cause temporary disruptions to infrastructure networks and business networks in the United States and compromise software supply chains;[118]
- North Korea's conventional forces;
- other confidence-building measures, such as making DPRK and U.S./ROK forces more transparent through initiatives like exchanging observers;[119]
- North Korea's human rights conditions, which by U.S. statute are among the factors that must be incorporated into steps to suspend or terminate U.S. sanctions against North Korea;[120]
- steps to normalize U.S.-DPRK relations, such as the opening of interests sections in each other's capitals;[121]
- the signing of a peace treaty to formally end the Korean War;
- North Korea's designation as a state sponsor of terrorism;
- North Korea's money-laundering and counterfeiting of U.S. dollars;
- U.S. citizens detained in North Korea;
- international humanitarian and/or development assistance;
- reunification meetings between Korean Americans and their North Korean relatives;

---

[117] For brief discussions of Trump's leader-level approach to negotiations with North Korea, see Victor Cha, "Denuclearizing North Korea: Six Options for Biden," *War on the Rocks*, December 22, 2020.

[118] Office of the Directory of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community*, April 9, 2021, pp. 15-16.

[119] For a list of examples, see Bruce Klingner, *The Trump Administration Must Recognize the Dangers of Premature Negotiations with North Korea*, Appendix 2, Heritage Backgrounder No. 3211, May 11, 2017.

[120] The statutes include the North Korea Sanctions and Policy Enhancement Act of 2016 (P.L. 114-122), the Korean Interdiction and Modernization of Sanctions Act (Title III of the Countering America's Adversaries Through Sanctions Act (P.L. 115-44)), and the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (P.L. 116-92, Division F, Title LXXI, Sections 7101-7155, National Defense Authorization Act for FY2020). For more, see CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack.

[121] A U.S. interest section is an office responsible for protecting U.S. interests in a second country with which the United States does not have formal diplomatic relations. The interest section is housed in a third country's embassy. State Department National Museum of American Diplomacy, "Interest Section," https://diplomacy.state.gov/encyclopedia/interest-section/.

- the search for the remains of U.S. servicemen who remain missing in action (MIA) from the Korean War; and
- cultural, educational, and sports exchanges.

Author Information

Mark E. Manyin
Specialist in Asian Affairs

Mary Beth D. Nikitin
Acting Section Research Manager

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.