



Will North Korea denuclearize after the Singapore Summit? Lessons from the past

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Executive Summary

Policy-makers, scholars, and analysts disagree about whether North Korea will take any meaningful denuclearization steps after its leader Kim Jong Un met with U.S. President Donald Trump in Singapore in June 2018. Many believe that the breakdowns of the 1994 Agreed Framework and the Six Party Talks process in the 2000s show that North Korea's nuclear weapons program cannot be constrained through cooperation. According to this view, Pyongyang violated its previous commitments once it received economic and political benefits, and it will do so again. The underlying assumption is that Washington was fully implementing its own commitments until Pyongyang broke the deal. But is this true?

This paper discusses three key findings drawn from an analysis of U.S. implementation of past denuclearization agreements with North Korea. The first is that the United States did not always follow through with its cooperative commitments because of domestic political constraints, even when North Korea was fulfilling its commitments. This makes it difficult to determine whether North Korea ultimately did not honor its obligations because it never intended to or because it was responding to U.S. actions. The second is that some parts of past deals were more susceptible than others to being undercut by domestic opposition because they received insufficient political attention. The third is that such domestic interference could be minimized by obtaining the widest possible coalition of domestic support from the negotiation stage.

The roadmap for North Korea's denuclearization is unclear, as the Singapore summit did not determine concrete steps toward that goal. Secretary of State Mike Pompeo's visit to Pyongyang in early July also did not yield specifics such as the scope and timeline of denuclearization. But based on the findings from past agreements, this paper argues that the only way for the United States to find out if engagement will work this time is to test North Korea's intentions by carrying out Washington's own cooperative commitments more consistently than in the past.

Introduction

Policy-makers, scholars, and analysts are divided over whether North Korea will take meaningful steps toward denuclearization as promised in a June 2018 summit meeting between its leader Kim Jong Un and U.S. President Donald Trump. The breakdown of two previous agreements with North Korea—the 1994 Agreed Framework and the Six Party Talks in the 2000s—has led some to conclude that North Korea’s nuclear weapons program cannot be constrained through cooperation. According to this view, Pyongyang violated its previous commitments once it received economic and political benefits, and it will do so again. The underlying assumption is that Washington was fully implementing its own commitments until Pyongyang broke the deal. Is this true, or did U.S. domestic politics complicate the implementation of the agreements?

This paper explores this question through an analysis of the U.S. implementation of its past two denuclearization agreements with North Korea. It shows that the United States reduced its level of cooperation with North Korea not only in response to non-compliance by Pyongyang, but also due to domestic political considerations. That makes it difficult to determine whether North Korea never intended to denuclearize, or if it ultimately failed to honor its commitments because it was responding to the United States’ failure to live up to its side of the deal. That suggests that the only way for the United States to find out if North Korea will denuclearize through the current engagement approach is to test its intentions by implementing Washington’s own cooperative commitments more consistently than it has in the past.

Domestic political constraints on cooperation

Both the Agreed Framework and the Six Party Talks were controversial in the United States. There were sharp differences within the U.S. government about whether North Korea could be denuclearized through diplomacy. Opposition to the Clinton administration’s Agreed Framework came mainly from the Republican-controlled Congress, while major divisions were present within the George W. Bush administration during the Six Party Talks process.¹

Opponents were reluctant to give funds

For congressional opponents to the Agreed Framework, the most direct way to show their displeasure was by refusing funding. Congressional reluctance to finance heavy fuel oil promised to North Korea under the framework, for instance, posed a constant headache for the Clinton administration officials who had negotiated the deal.² As a result, deliveries were irregular and experienced frequent delays. The promised quantity eventually reached North Korea, but not without considerable delays and hassles. The United States ultimately stopped the deliveries in

¹ For the history of the Agreed Framework, see for example, Joel S. Wit, Daniel B. Poneman and Robert L. Gallucci, *Going Critical: The First North Korean Nuclear Crisis* (Washington, DC: Brookings Institution Press, 2004), Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Washington, DC: Brookings Institution Press, 2007) and Victor Cha, *The Impossible State: North Korea, Past and Future* (New York: Harper Collins Publishers, 2012), 281-305. For accounts of the Six Party Talks, see for example, Mike Chinoy, *Meltdown: The Inside Story of the North Korean Nuclear Crisis* (New York: St. Martin’s Press, 2008) and Yoichi Funabashi, *The Peninsula Question: A Chronicle of The Second North Korean Nuclear Crisis* (Washington, DC: Brookings Institution Press, 2007).

² Wit, Poneman and Gallucci, *Going Critical*, 373.

2002 over a dispute with North Korea regarding its procurement of materials for uranium enrichment activities. (See Appendix 1 for details of the pace of oil deliveries to North Korea).

Administration voluntarily minimized cooperation due to congressional hostility

Domestic opposition also impacted the process in more subtle ways. The Clinton administration faced congressional hostility about providing benefits to North Korea under the Agreed Framework, so it only fulfilled the minimum requirements of the agreement and in a manner that was acceptable domestically.³ In January 1995, Washington took modest steps to lift its sanctions against North Korea, but it left most of the consequential sanctions intact, even though North Korea was in full compliance with the accord at the time. While the precise impact of this decision is difficult to gauge, North Korea complained that the steps taken were symbolic and made its objections clear both privately to U.S. officials and more publicly through its official media.⁴

Domestic opposition narrowed options

Opposition from key U.S. national security officials also narrowed U.S. options when questions about compliance arose, closing pathways for cooperative solutions. For example, in 2002, the U.S. intelligence community assessed that North Korea had been procuring equipment and material for a production-scale uranium enrichment program. This finding ultimately led to the end of the Agreed Framework, although there may have been other ways to deal with the problem.

The Agreed Framework stopped North Korea's plutonium production by freezing the country's graphite-moderated reactor and related facilities in the Yongbyon nuclear complex and stopping the construction of two bigger reactors. But there was another pathway to a nuclear bomb, and that was by producing highly enriched uranium. Whether the Agreed Framework also prohibited North Korea from uranium enrichment is a point of some contention, as the 1994 document does not specifically mention the activity.

Four factors, however, support the argument that the agreement nonetheless applied to uranium enrichment. First, the Agreed Framework committed the two countries to "work together for peace and security on a nuclear-free Korean peninsula,"⁵ which meant that any pathway to building a bomb was prohibited. Secondly, the agreement said that North Korea "will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula,"⁶ which committed the two Koreas to refrain from possessing uranium

³ Department of State, "Lifting Sanctions, 1995" (Released in part), Department of State, "Lifting Sanctions Against North Korea: Talking Points, January 17, 1995" (Released in full) and Department of State, "U.S. Policy Toward North Korea: Next Steps, January 1996" (Released in part) from the National Digital Security Archive, The United States and the Two Koreas (1969-2000) collection.

⁴ Department of State, "U.S. Delegation's Discussions in Pyongyang, September 25-29: Non-Liaison Office Issues" (Released in part), 1995, from the National Digital Security Archive, The United States and the Two Koreas (1969-2000) collection, and Korean Central News Agency, "Spokesman for Foreign Ministry of Lifting of Economic Sanctions," June 22, 1998.

⁵ Department of State, "Agreed Framework between the United States and the Democratic People's Republic of Korea," October 21, 1994, <https://2001-2009.state.gov/t/ac/rls/or/2004/31009.htm>. The Agreed Framework does not mention the word plutonium either, but the freezing and eventual dismantling of the existing facilities in Yongbyon and Taechon covered the program.

⁶ Agreed Framework.

enrichment facilities. Thirdly, covertly developing a uranium enrichment facility would violate North Korea's safeguards agreement with the International Atomic Energy Agency (IAEA). As North Korea promised to remain in the Nuclear Non-Proliferation Treaty (NPT) and comply with IAEA safeguards as part of the Agreed Framework, it was naturally bound by the deal to refrain from developing a highly enriched uranium program. In addition, U.S. negotiator Robert Gallucci told Congress in December 1994 that the United States would consider the development of a uranium enrichment capability by North Korea a breach of the agreement.⁷

The ambiguity regarding the treatment of North Korea's uranium enrichment capability was not accidental. The agreement did not mention uranium enrichment by name for two reasons. The first was that the U.S. negotiating team wanted the agreement's focus to be on North Korea's plutonium program. The threat that the program posed for the United States was both visible and immediate, whereas that of a highly enriched uranium program was what one former government official called "barely the wispiest cloud on the horizon"⁸ when the Agreed Framework was negotiated. The second was that the United States wanted to avoid including in the agreement any commitments that could not be verified.⁹ The thinking behind this was that as verification was bound to become a crucial component of the agreement, it was wise not to complicate the issue by including items that could not be sufficiently verified.

The matter came to a head in the summer of 2002, when the CIA produced a new assessment that concluded that the country was working toward a production-scale uranium enrichment program.¹⁰ There were unanswered questions, however, such as whether North Korea had been able to put together the components they had procured and if so, where the facility was.¹¹

Nevertheless, the United States chose to confront North Korea with the new assessment in October 2002. When a North Korean official made comments interpreted by the Americans as admission of the existence a uranium enrichment program, the United States decided to stop heavy fuel oil deliveries to the country, an act that predictably prompted North Korea to restart its plutonium program.

The U.S. action to suspend the energy shipments made sense if the U.S. intention was to punish North Korea. But it did not necessarily make sense if Washington's goal was to prevent Pyongyang from making more materials for nuclear weapons. The U.S. action was likely to end the Agreed Framework, and without a replacement deal, North Korea could pursue the

⁷ Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Implications of the U.S.-North Korea Nuclear Agreement: Hearing before the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, United States Senate, 103rd Congress, 2nd Session, December 1, 1994*. S. Hrg.: 103-891, 35-36.

⁸ E-mail exchange between author and former government official involved in the process, January 22, 2018.

⁹ Robert Carlin and John W. Lewis, *Negotiating with North Korea 1992-2007*, Center for International Security and Cooperation, Stanford University, January 2008, https://cisac.fsi.stanford.edu/news/negotiating_with_north_korea_19922007_20080226, 10.

¹⁰ Chinoy, *Meltdown*, 101.

¹¹ *Ibid*, 102.

production of materials unchecked through both the plutonium and uranium enrichment programs.

Was there another way to proceed? After all, the ambiguity of the language in the Agreed Framework and unanswered questions as to how far along North Korea was in the program left room for the United States to interpret North Korean actions as not being a clear violation of the accord if it wanted to. But there were strong opponents against the Agreed Framework in the George W. Bush administration, and they successfully made the case that North Korea's uranium enrichment efforts destroyed the basis for the deal.¹² Administration officials who were supportive of the agreement had varying degrees of doubt about the likelihood of the deal's success, even though some still wanted to preserve it. The U.S. government chose to take the most stringent interpretation of Pyongyang's actions. Once the United States confronted North Korea and interpreted comments from the North Korean official as an admission of the program's existence, a halt to heavy fuel oil shipments became policy, with no key officials willing to defend the agreement.

Pressure on negotiators to obtain results had impact, too

Domestic opposition can also create pressure for U.S. officials to show results from engagement quickly, prompting them to employ coercive tactics. An episode in the Six Party Talks process shows how such pressure had an impact.

In June 2008, North Korea submitted a declaration of its nuclear activities as promised under an October 2007 document outlining steps for the second implementation phase of the Six Party Talks process.¹³ While this was six months later than initially envisaged, the United States prioritized the content of the declaration rather than its tardiness. More specifically, the United States wanted North Korea to address its uranium enrichment program as well as proliferation activities in the declaration, which North Korea did not want to do.

Around this time, the United States decided to advance the timing of a key North Korean obligation, despite it not being part of an earlier agreement. The United States said that North Korea needed to agree on a protocol for verifying the nuclear declaration in the second stage of implementation, rather than the next stage as was the understanding at the time. The United States denied North Korea an important incentive—taking Pyongyang off Washington's state sponsors of terrorism list—until that agreement could be reached.¹⁴ The United States also expanded the scope of the verification protocol to include facilities that were outside those listed

¹² For example, John Bolton, Undersecretary of State at the time of the episode, says in his memoir that the uranium enrichment program "was the hammer I had been looking for to shatter the Agreed Framework." John Bolton, *Surrender is not an Option: Defending America at the United Nations and Abroad* (New York: Threshold Editions, 2008), 105-106.

¹³ Xinhua News Agency, "Full Text of Joint Document of the Second Session of the Sixth Round Six-Party Talks," Oct. 3, 2007, on National Committee on North Korea website, https://www.ncnk.org/resources/publications/Second_Phase_Actions_Oct_07.doc.

¹⁴ Then Secretary of State Condoleezza Rice admits to moving up the requirement in a speech at a Washington think tank. Condoleezza Rice, "U.S. Policy Toward Asia," State Department Archive website, June 18, 2008, <https://2001-2009.state.gov/secretary/rm/2008/06/106034.htm>.

in the declaration.¹⁵ The United States took this action because it found the North Korean declaration inadequate and was hoping to find out more about its uranium enrichment program through verification.¹⁶ North Korea, however, retaliated by suspending “disablement”¹⁷ activities at the Yongbyon nuclear reactor and threatened to restore the facilities at the nuclear complex to their original states.¹⁸

Pressure from domestic opponents to diplomacy with North Korea appears to have been a major reason why U.S. officials introduced the coercive tactic against Pyongyang. A key opponent at the time was Vice President Dick Cheney, who was against the path that Secretary of State Condoleezza Rice was leading. Cheney says in his memoir that he pressed Rice in a meeting with President Bush in January 2008 to maintain North Korea on the state sponsors of terrorism list until the United States obtained a satisfactory declaration from North Korea.¹⁹

This example should not be understood as a repudiation of coercive tactics in general. Rather it illustrates why their use should be the result of careful consideration about whether they help the United States achieve its goal. A coercive approach can backfire, just as it did in 2008, by inviting a negative reaction from North Korea that undermines overall progress.

Some parts of the deals were more susceptible to domestic politics than others

The terms of the agreements that tended to be affected more easily by domestic politics were those that did not involve tangible cooperation or were written in a vague manner. For example, U.S. officials were able to minimize the number of sanctions to be eased under the Agreed Framework to fit domestic political needs, while providing enough justification to prevent putting the entire agreement in danger. It would have been harder to change the schedule for shipments of heavy fuel oil or the timing of preparatory work for the construction of light water reactors, which were also promised to North Korea, without inviting harsh retaliation from Pyongyang.

The intangible portions of the agreement were also susceptible to domestic political influence because policy-makers tended to focus on tangible areas like energy shipments. While this was understandable given the many political and logistical issues that needed to be worked out, that meant that the portions affecting the improvement of relations did not receive as much political attention.

¹⁵ Glenn Kessler, “Far-Reaching U.S. Plan Impaired U.S. Deal,” *Washington Post*, September 26, 2008, <http://www.washingtonpost.com/wp-dyn/content/story/2008/09/26/ST2008092600020.html>.

¹⁶ Condoleezza Rice, *No Higher Honor* (New York: Broadway Paperbacks, 2011), 708.

¹⁷ The word “disablement” was used to mean activities that rendered the facilities difficult to restart.

¹⁸ Korean Central News Agency, “Foreign Ministry’s Spokesman on DPRK’s Decision to Suspending Activities to Disable Nuclear Facilities,” August 27, 2008.

¹⁹ Dick Cheney, *In My Time: A Personal and Political Memoir* (New York: Threshold Editions, 2011), 481-482.

Widest possible coalition of domestic actors is needed to minimize implementation problems

U.S. administration officials working on these agreements tended to sideline those against the engagement approach, but this approach proved problematic. For instance, U.S. negotiators for the Agreed Framework anticipated congressional opposition and tried to avoid the legislative branch as much as possible. They did not seek to make the Agreed Framework a treaty, which would have required two-thirds approval from the Senate. The administration also used emergency funds from the executive branch to implement some of the first steps of the agreement, obviating the need to seek a specific congressional appropriation.²⁰ But one of the reasons why congressional members held up funding for U.S. commitments was because they resented being bypassed in the process.²¹

Similarly, during the Six Party Talks process, U.S. officials in favor of engagement with North Korea excluded their opponents from the internal decision-making process.²² Yet in the end, they adopted some of the coercive approaches advocated by the opponents, possibly to broaden the coalition for support at home. Both examples demonstrate the need for negotiators to make efforts starting during the negotiation stage to obtain the broadest possible coalition of support for an agreement in the domestic system in order to ensure the successful implementation.

Would cooperation have worked?

We do not know whether North Korea would have responded more positively to cooperative arrangements had the United States fully carried out the terms of the Agreed Framework and the Six Party Talks. The fact that North Korea kept the 5-megawatt graphite-moderated reactor at the Yongbyon nuclear complex frozen from 1994 to 2002 while the Agreed Framework was in place, and never resumed construction of the two larger reactors, suggests they might have. Pyongyang also largely complied with its commitment to disable the nuclear complex under the Six Party Talks.

But it is possible that North Korea never intended to give up its nuclear weapons or decided not to for international security considerations or its own domestic politics. The most benign interpretation of North Korea's covert uranium enrichment procurement effort is that Pyongyang was hedging its bets so that it would have another path to a nuclear bomb should the Agreed Framework fail to produce the outcome it desired, namely increased economic development and improved relations with the United States. A harsher interpretation would be that North Korea was willing to give up its plutonium program while making sure it retained its uranium enrichment capabilities.

²⁰ Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Implications of the U.S.-North Korea Nuclear Agreement*, 5.

²¹ William Perry, interview with author, June 13, 2017 and Robert Gallucci, interview with author, August 22, 2017.

²² For example, Chinoy, *Meltdown*, 317-318 325.

Differences today

The challenge of denuclearizing North Korea is bigger today, as the country has larger stockpiles of nuclear weapons, fissile materials, and delivery systems than it did when the last major denuclearization agreement was struck in 2005. Any plan to dismantle and remove them will be more complicated than the U.S. experience in the previous deals.

Another difficulty stems from the top-down approach taken this time. While the Agreed Framework and the Six Party Talks agreements were reached after long negotiations by lower-level officials, the leaders of the two countries met first this time, adopting a short joint statement that stated their goals of denuclearization and better relations. While North Korea agreed on the “complete denuclearization of the Korean Peninsula,”²³ there is little indication that the United States and North Korea have a common understanding about what that means. The United States envisions a sweeping denuclearization of North Korea before it receives economic benefits, but North Korea is insisting on a step-by-step approach in which both sides take actions simultaneously. The two countries have yet to agree on a roadmap for denuclearization, and North Korea’s nuclear programs currently continues unconstrained apart from a halt in the testing of nuclear weapons and long-range missiles.

However, the domestic U.S. political environment could be more favorable today for the engagement approach than it was in the past because the domestic political actors who have been most hostile toward past agreements with North Korea—Republicans in Congress and proponents of the “Libya model” for denuclearization—are very supportive of President Trump. His party controls both houses of Congress, although 2018 midterm elections could change this. If Congress remains in Republican hands, then it might be easier for Secretary of State Mike Pompeo to succeed in getting congressional approval for an agreement, as he has said he would like to.²⁴ Though congressional approval would be high bar for negotiations to satisfy, Pompeo’s approach could make the implementation of any agreement easier in the long term.

Conclusion

North Korea’s denuclearization intentions are unclear to the outside world. It may be willing to fully denuclearize and join the world economy, or it could be only willing to partially give up its nuclear capability for some economic and political benefits. In other words, it may not take any irreversible denuclearization steps. It is also possible that North Korea is undecided on its course of action, and plans to gauge U.S. intentions to see how far Washington will go in providing Pyongyang with security assurances and other benefits.

²³White 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, <https://www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-united-states-america-chairman-kim-jong-un-democratic-peoples-republic-korea-singapore-summit/>

²⁴Department of State, “Press Briefing at the White House,” June 7, 2018, <https://www.state.gov/secretary/remarks/2018/06/283059.htm>.

Secretary Pompeo's visit to Pyongyang this month showed that the two countries face a long road ahead. The two countries must agree on the scope of denuclearization process, what steps should be taken in what order, what North Korea would get in return, and how to verify North Korean actions.

In this process, it would be useful to remember that the only way to find out whether North Korea will take significant denuclearization steps is to test it carefully. This means deciding on what inducements the United States can extend in exchange for North Korea's denuclearization steps without undermining U.S. security, and following through with them as long as North Korea keeps its end of the bargain. As this brief demonstrates, in implementing both the Agreed Framework and the Six Party Talks, the United States stepped away from its own commitments for reasons other than clear-cut North Korean violations of its obligations. To truly test North Korean intentions, the United States needs to be more consistent in its approach this time.

About the Author

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Appendix 1

U.S. Heavy Fuel Oil Shipments Under the Agreed Framework

Note: The HFO year differed from the calendar year. The United States and North Korea agreed that 150,000 metric tons would be provided in the year ending on October 21, 1995, or one year after the signing of the Agreed Framework. A total of 500,000 metric tons were to be delivered in each of the twelve-month period after that. Because of the delays, however, the twelve-month period shifted from year to year. The months shown in red and italics were the delayed deliveries

Source: KEDO Annual Reports for 2001 and 2002 on its website http://www.kedo.org/annual_reports.asp, United States General Accounting Office report “Nuclear Nonproliferation: Status of Heavy Fuel Oil Delivered to North Korea Under the Agreed Framework” published on September 1999, as well as additional annual KEDO reports and data provided by a KEDO official in November 2017.

1995

Months of delivery	Amount delivered in metric tons
January to October	150,393
TOTAL	150,393

1996

Month of delivery	Amount delivered in metric tons
November	0
December	0
January	42,000
February	0
March	85,000
April	0
May	44,000
June	38,000
July	59,000
August	66,000
September	62,500
October	103,500
TOTAL	500,000

1997

Month of delivery	Amount delivered in metric tons
November 1996	0
December	0
January 1997	0
February	43,477
March	0
April	42,311
May	42,104
June	60,034
July	59,999
August	46,613
September	94,146
October	23,192
<i>November</i>	<i>0</i>
<i>December</i>	<i>44,031</i>
<i>January 1998</i>	<i>44,420</i>
TOTAL	500,327

1998

Month of delivery	Amount delivered in metric tons
February	0
March	86,151
April	21,995
May	21,889
June	21,842
July	64,148
August	0
September	0
October	77,396
November	44,000
December	53,758
January 1999	86,327
<i>February</i>	<i>22,404</i>
TOTAL	499,910

1999

Month of delivery	Amount delivered in metric tons
March	22,065
April	45,379
May	69,406
June	54,531
July	55,369
August	87,312
September	86,011
October	79,591
TOTAL	499,664

2000

Month of delivery	Amount delivered in metric tons
January 2000	21,998
February	0
March	44,072
April	22,049
May	0
June	44,765
July	53,968
August	21,981
September	85,707
October	76,993
November	23,189
December	0
<i>January 2001</i>	<i>54,319</i>
<i>February</i>	<i>50,959</i>
TOTAL	500,000

2001

Month of delivery	Amount delivered in metric tons
February	4,828
March	54,319
April	54,782
May	53,827
June	53,998
July	44,877
August	42,002
September	45,173
October	46,109
November	0
December	54,271
January2002	0
<i>February</i>	<i>46,003</i>
TOTAL	500,189

2002

Month of delivery	Amount delivered in metric tons
March	50,303
April	56,396
May	42,686
June	43,417
July	44,232
August	43,255
September	44,199
October	43,516
November	42,886
TOTAL	410,890