

From Nonproliferation to Regional Talks, then to Collective Security and Deterrence

The Third North Korean Nuclear Crisis from a Historical Perspective

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During the past quarter century, Democratic People's Republic of Korea (DPRK, North Korea) nuclear problem has posed an intermittent threat to the international community. The crisis in the early 1990s and that in the early to mid-2000s are respectively labeled the first and the second nuclear crisis, followed by the ongoing third nuclear crisis, but the structure and dynamics of these crises are not uniform. The third nuclear crisis has come with issues that could not be resolved in the two earlier crises.

I. Regional Nonproliferation Treaty Arrangements: Adopting NPT Regime Norms

North Korea's attempt to conclude a bilateral peace agreement to replace the 1953 Military Armistice Agreement with the United States – excluding Republic of Korea (ROK, South Korea) and China – has been fairly consistent since the middle of the Cold War. The United States has refused to accept the offer, regarding it as a means to render the US-South Korea alliance impotent through the disbanding of the United Nations Command in Korea, a legacy of the Korean War, and as a means to provoke the withdrawal of US forces from South Korea. Breaking this precedent of no US-DPRK bilateral talks was what followed the declaration by North Korea in 1993 to withdraw from the Nuclear Nonproliferation Treaty (NPT). The declaration was made in defiance of the request by the International Atomic Energy Agency (IAEA) for special inspections to the sites where North Korea was suspected to be extracting plutonium for develop nuclear weapons. With a looming fear of North Korea's withdrawal from the NPT, the Clinton administration, after some hesitation, decided to hold US-North Korea talks that were limited exclusively to nuclear proliferation issues, attempting to prevent the declaration from coming into effect. These were not initially seen as a venue for talking about regional security issues on the Korean Peninsula, and the proposed US-North Korea bilateral peace agreement was off the agenda.

One more indication of this focus can be seen. In response to North Korea's declaration, US State Department analyst C. Kenneth Quinones met with Li Yong Ho, the Deputy Director of the International Organization Bureau at the North Korean Ministry of Foreign Affairs, for informal talks in New York. A central aspect of these talks was Negative Security Assurances (NSA), the norm provided to Non-Nuclear Weapon States (NNWS) under the NPT that Nuclear Weapon States (NWS) will not use or threaten to use nuclear weapons against those states. The Clinton administration attempted to keep North Korea in the NPT by providing it with an individual NSA. After the informal meeting, it was Robert L. Gallucci, Assistant Secretary of State for Political-Military Affairs, who represented the United States in the formal talks with North Korea. Gallucci's title indicates that the United States viewed the North Korea nuclear problem mainly as a nuclear nonproliferation issue, and not as a regional security issue.

North Korea, however, did not share this US position. While Li Yong Ho, who attended the

informal discussions with the United States, was affiliated with the International Organization Bureau, the head of the DPRK delegation at the formal talks was Kang Sok-ju, First Vice Minister of Foreign Affairs, who was responsible for US affairs. Now that the bilateral talks North Korea had been seeking since the Cold War were finally realized, North Korea attempted to raise diplomatic and military issues inherent to US-DPRK relations.

The joint statement by the United States and North Korea was adopted on June 11, 1993, the day before the North Korea's NPT withdrawal declaration was to come into effect. The United States, in the statement, granted assurances against the threat and use of force, *including nuclear weapons* (emphasis added). Of note is that the US added the word "including" in the statement on the threat and use of force. This can be interpreted as meaning the United States and the DPRK had agreed on the principle of no use of any kind of force, not just nuclear weapons. Assuming the United States did not possess biological and chemical weapons, the United States confirmed that it would not threaten to use or actually use not only nuclear weapons but conventional weapons as well, providing a comprehensive security guarantee that transcended the NSA. While this was largely due to North Korean demands, it should be underlined that what North Korea promised was a unilateral moratorium of the withdrawal declaration, not a retraction of the declaration. North Korea perceived that the assurances by the United States were not sufficient for retracting the declaration. For North Korea, the US-DPRK joint statement was no more than a provisional agreement.

What North Korea demanded more than anything from the United States was an exclusive US-DPRK peace agreement that would replace the Military Armistice Agreement. A clear indication of this, even before the issuing of the joint statement, was North Korea's expulsion of Czech representatives from the Neutral Nations Supervisory Commission (NNSC) at Panmunjom in an attempt to disband the military armistice mechanism. However, as chronicled in detail by Quinones, who was deeply involved in the US-North Korea informal talks, while North Korea proposed a US-DPRK peace agreement, the United States refused to raise the issue. What the United States gave North Korea instead was a more robust security assurance. A precedent for this was the trilateral NSA provided along with Russia to Ukraine in January 1994, when nuclear weapons left behind in Ukraine after the collapse of the Soviet Union were transported to Russia.

As North Korea was escalating the crisis by removing nuclear fuel rods without IAEA supervision, the United States attempted to keep North Korea in the NPT by substituting a bilateral security assurance for the assurances given in the trilateral agreement on Ukraine. In October 1994, the Agreed Framework was signed between the United States and North Korea. Under the Agreed Framework, North Korea consented to a freeze on nuclear activities, eventual dismantling of nuclear facilities, and acceptance of IAEA special inspections. North Korea was in the unprecedented position of declaring its withdrawal from the NPT while simultaneously putting on hold its withdrawal. In this regard, under the inherent concept of "continuity of safeguard," measures were taken whereby IAEA personnel would have the role of "monitoring" nuclear facilities to ensure the freeze was in effect.

In the security assurance, the United States provided North Korea with an independent NSA, adding the adjective "formal" for the first time ever. The United States may have intended to make the NSA more binding, thinking that this would allow it to undo the assurance regarding conventional weapons indicated in the earlier US-North Korea joint statement.

Furthermore, the Agreed Framework was compatible with the US-South Korea alliance and the US-Japan alliance, and left the Armistice Agreement unchanged. The Agreed Framework did not prevent either US forces or UN forces from retaliating against North Korea with conventional weapons if North Korea were to conduct a non-nuclear armed attack against South Korea or Japan. The Agreed Framework in conjunction with the Korean Peninsula Energy Development Organization (KEDO) responsible for putting it into practice were in effect regional arrangements

for the NPT. The only regional features in the agreement were promises that US-North Korea relations would be improved in phases as North Korea halted its nuclear activities, eventually leading to normal diplomatic relations between the two countries as well as support for inter-Korean dialogues.

North Korea, however, did not have the same understanding of the Agreed Framework as did the United States. Rather than being just a regional NPT arrangement, North Korea regarded this document as a regional arrangement that would lead to the dismantling of the US-South Korea alliance through improved relations with the United States. North Korea attempted to lure the US into renewed talks in areas that were not stipulated in the Agreed Framework.

One such area was the establishment of a peace regime. Even after the Agreed Framework, North Korea continued to threaten South Korea while deliberately dismantling the military armistice mechanism. North Korea intended to exclude South Korea in the process of establishing a peace regime, and to legitimize an exclusive bilateral peace agreement between the United States and North Korea. The Four-party Talks that President Bill Clinton and President Kim Young-sam jointly proposed in response at their summit meeting on Jeju Island on April 16, 1996 envisioned a peace agreement with North and South Korea as the primary signatories, with the involvement of the United States and China. This constituted a counter-proposal to the US-DPRK peace agreement proposed by North Korea. If a peace regime were to be established, one of the remaining Cold War structures on the Korean Peninsula would be dismantled. The United Nations Command in Seoul, the operational command during the Korean War, would be disbanded and, in accordance with the 1954 Status of Forces Agreement for UN forces, some of the US bases in Japan would no longer be designated as UN bases, including UN Rear Headquarter. As this would sever the nexus linking Japan, the United States, and South Korea since the Korean War, it became all the more important to strengthen the deterrence capabilities of the US-South Korea alliance and the US-Japan alliance. Even if the Four-party Talks had failed to establish a peace regime in line with US and South Korean expectations, it would still necessitate maintaining the links among Japan, the United States, and South Korea.

The “US-Japan Joint Declaration on Security,” issued by President Clinton and Prime Minister Ryutaro Hashimoto in Tokyo on the day after the US-South Korea summit where Clinton and Kim had proposed the Four-party Talks, manifested these imperatives. It also paved the way to an “updating” of the US-Japan alliance through the revision of the Guidelines on US-Japan Defense Cooperation, shifting the weight of the US-Japan Security Treaty from Article V, regarding an armed attack on Japanese territory, to Article VI, maintaining “international peace and security in the Far East.” It also led Japan to amend its own legal framework by enacting a law called the Act on Measures to Ensure the Peace and Security of Japan in Perilous Situations in Areas Surrounding Japan. The attempts to establish a peace regime, regardless of their success or failure, could not be allowed to damage the US-South Korea and US-Japan alliances.

The ballistic missile issue was another area not stipulated in the Agreed Framework by which North Korea attempted to lure the United States into a new arrangement. North Korea had already started deployment of the *Nodong* medium-range ballistic missile, which was capable of reaching Japan. In June 1998, North Korea acknowledged that it was exporting missiles, which it had previously disavowed, and flaunted its ballistic missile development. North Korea also offered the idea of conducting asymmetrical trades—ceasing missile exports in exchange for lifting economic sanctions, and suspending development in exchange for establishing a peace regime. In August 1998, North Korea fired the *Taepodong-1* missile over Japanese air space as part of what was viewed as the start of a renewed policy to the United States.

The United States was not about to nullify the Agreed Framework on account of this problem, thereby ending the nuclear freeze and freeing North Korea to pursue nuclear weapons development. In September 1999, the United States and North Korea issued the Berlin

Agreement, whereby North Korea would refrain from further launches of “long-range missiles” while talks with the United States were underway. The missile issue encompasses subjects that include the export, development, deployment, and launching of missiles but, in all of the negotiations with the United States, the only time an agreement was reached with North Korea was on the subject of launching missiles. North Korea seems to have thought that by retaining “long-range” missile launches, it would lead the United States into bilateral talks and the eventual conclusion of a bilateral peace agreement with the United States.

During this period, three channels for dialogue were at work between the two countries: the US-North Korea Agreed Framework on freezing nuclear activities, multilateral Four-party Talks on a peace regime, and the US-North Korea Berlin Agreement on missiles. By the end of the Clinton administration, only the US-DPRK Agreed Framework and the US-DPRK Berlin Agreement remained in effect. The Four-party Talks were stalled due to North Korea’s insistence on a bilateral peace agreement with the United States. Following the inter-Korean summit in June 2000, a US-North Korea Joint Communiqué was released when North Korean Vice Marshal Jo Myong Rok visited Washington. This document stated that the two sides “agreed that there were a variety of available means, including Four-party Talks,” toward establishment of a peace regime. Whereas the United States, in keeping with the concept of the Four-party Talks proposal, insisted on a North-South peace regime with the involvement of the US and China, North Korea adhered to its demand for a bilateral peace agreement with the United States. The statement failed to hammer out a single method of establishing a peace regime, and rather exposed the division between the two sides.

II. Regional Alternative to the UN Security Council: Six-Party Talks Joint Statement and Alliance

The Bush administration’s call for “preemption” was the antithesis of the approach taken by the Clinton administration. The difference was all the more evident when North Korea, having been labeled part of the “Axis of Evil” by President Bush following the 9/11 terror attacks, proposed a US-North Korea non-aggression pact. The proposal showed that North Korea’s distrust of the NSA in the Agreed Framework in conjunction with the US’ call for preemption had prompted North Korea’s decision to later leave the Agreed Framework. Although North Korea did not then possess the ballistic missiles that would allow it to ask for a “mutual” non-aggression pact with the United States, the United States would be legally restricted, if it were to accede to this proposal, to retaliating against North Korea only in the event that South Korea and/or Japan were under attack.

Diplomacy regarding the Bush administration’s preemption policy initially went through Japan. In September 2002, the first steps toward having North Korea acknowledge that it had abducted Japanese citizens and normalizing Japan-DPRK diplomatic relations were taken at the Japan-North Korea summit meeting with Prime Minister Junichiro Koizumi. Prime Minister Koizumi succeeded in convincing Kim Jong-il to promote the normalized relations between Japan and North Korea on the same conditions that were given when South Korea established diplomatic ties with Japan in 1965. North Korea also effectively abandoned its demand for “post-war reparations” in the Three-party Joint Declaration made when Japanese lawmaker Shin Kanemaru visited North Korea in the early 1990s. The Japan-DPRK Pyongyang Declaration signed on Koizumi’s visit urged North Korea to comply with international agreements on the nuclear issue while also urging the United States to comply with the Agreed Framework. Koizumi intended to utilize North Korea’s desire for normalizing Japan-DPRK diplomatic relations to resolve the nuclear and abduction issues, and advancing relations with the US and Japan concurrently. Kim Jong-il, in the Pyongyang Declaration, agreed to extend the moratorium on “missile launches” in the Berlin Agreement, which implicitly included medium-range ballistic

missiles such as the *Nodong*.

North Korea's highly enriched uranium (HEU) program, revealed by the United States in October 2002, completely changed the dynamics of the situation. Already at the time of the Japan-North Korea summit meeting, the United States was convinced that North Korea had an HEU program. If the United States had revealed the program after confirming that North Korea had fulfilled its obligations in the Agreed Framework to dismantle its nuclear facilities and accepted IAEA special inspections, the United States might have been able to at least restrain North Korean attempts at plutonium-based nuclear development. However, the Bush administration revealed the HEU program before full compliance by North Korea with the Agreed Framework. North Korea reacted not only by resuming plutonium-based nuclear development but also by secretly continuing with the HEU program.

When North Korea announced its withdrawal from the NPT in January 2003, leaving North Korea alone as it sought to withdraw from the Agreed Framework was not an option for the United States. It became clear that drawing North Korea back to the NPT just by taking the original approach leading to the Agreed Framework — that of adopting NPT norms — would have limited success. As noted earlier, North Korea had proposed to the Bush administration a bilateral non-aggression pact. The proposal gave the United States much food for thought on making a commitment not to use forces in addition to the NSA in convincing North Korea to abandon its nuclear programs and return to the NPT.

Moreover, the Bush administration was about to wage a war in Iraq and was keen to avoid escalating tensions in Northeast Asia. Had the Security Council deliberated when the IAEA reported to the UN Security Council that North Korea's nuclear development could no longer be regarded as being for peaceful use, it would have had to impose economic sanctions in accordance with the provisions of Chapter VII, Article 41 of the UN Charter. North Korea would have most likely countered these sanctions by proceeding with nuclear development. The United States, through informal talks with China, decided to avoid imposing economic sanctions by not deliberating on the matter in the Security Council. The United States instead chose regional talks as a way of inducing North Korea to abandon its nuclear development program. The United States intended to take regional measures that the Security Council was unable to take, including normalizing diplomatic relations and providing economic aid. The Six-party Talks that emerged as a result were multilateral talks in which the United States and China cooperated to enable a regional alternative to the Security Council and to "internalize" North Korea.

Moreover, the regional approach included an issue inherent to the Korean Peninsula—the establishment of a peace regime. China also favored this approach. Even as North Korea continued its demand for a US-DPRK peace agreement, the Four-party Talks with the involvement of China as a *de-facto* signatory to the Military Armistice Agreement were an effective framework, even though they had temporarily stalemated. The Four-party Talks were the original concept proposed in US-South Korea summit talks, which made it easy for South Korea to consent to them. Recalling that the Four-party Talks were compatible with both the US-South Korea and US-Japan alliances, it was natural to include both South Korea and Japan in the multilateral talks. The Bush administration preferred the regional approach to handling the second nuclear crisis. The US representative in the second crisis was James A. Kelly, Assistant Secretary of State for East Asian and Pacific Affairs, whereas in the first nuclear crisis it was Robert L. Gallucci, Assistant Secretary of State for Political-Military Affairs. This difference in the officials' titles is further suggestive of the Bush administration's regional approach.

In light of the regional approach, the form of the security assurance in the Six-party Talks joint statement (September 19, 2005) is worth noting. With all the parties referring to "peace and stability on the Korean Peninsula and all of Northeast Asia" and to "mutual respect," North Korea committed itself to "abandoning all nuclear weapons and existing nuclear programs." In response,

the United States affirmed that it had “no intention to attack or invade the DPRK with nuclear or conventional weapons,” providing not only NSA but also security assurances with regard to conventional weapons. As seen in North Korea’s proposal for a bilateral non-aggression pact with the United States, the security assurances addressed North Korean security concerns. However, the statement was consistent with the US’ security commitments in its alliance with South Korea and Japan. If North Korea proceeded with its nuclear development program or conducted an armed attack against South Korea or Japan, harming the “peace and stability of all of Northeast Asia,” the US would deem the joint statement to be violated and would be able to retaliate against North Korea. As far as the joint statement was adopted in the multilateral talks including Japan and South Korea, a violation of the joint statement by North Korea could be seen as invalidating a security assurance.

The features of the regional approach in the joint statement are most clearly evident in the peace regime issue. The document states that “the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate forum.” Whereas the other items in the joint statement begin with “the six parties” as the subject, this is the only item with “the directly related parties” as the subject. Assuming that “an appropriate forum” indicates replacing the Military Armistice Agreement with a peace agreement, “the directly related parties” would refer to North Korea, South Korea, the United States, and China, which were all related to the Military Armistice Agreement. The phrase “negotiate a permanent peace regime” suggests Four-party Talks. So long as both the United States and South Korea were involved, the peace agreement would be concluded between North and South Korea as the primary signatories, with the United States and China also involved. It could not be a bilateral US-North Korea agreement that excluded South Korea and China.

The biggest problem with the document is that, unlike the Agreed Framework, it failed to freeze North Korea’s nuclear programs using either plutonium or HEU. Three years had passed since North Korea restarted its nuclear facilities, and its nuclear activities were not suspended even with the adoption of this joint statement. The price of adopting the statement without imposing a nuclear freeze became clear as soon as the deal was reached. In response to the imposition of financial sanctions, North Korea again began launching ballistic missiles. In July 2006, North Korea test-fired several ballistic missiles, and declared that the US-DPRK Berlin Agreement was no longer valid. Included in the series of launches were *Nodong* and *Taepodong-2* missiles that, even if the latter was unsuccessful, were capable of striking Japan. With these launches, North Korea was in violation of the moratorium on launching ballistic missiles that was part of the Japan-DPRK Pyongyang Declaration. North Korea also ended its self-imposed halt on launching medium-range missiles that it had been observing since the Pyongyang Declaration.

Just three months later, in October, North Korea conducted its first nuclear test. This would not have been possible unless North Korea had been extracting plutonium while participating in the Six-party Talks. These talks ended up granting North Korea additional time to extract plutonium. The only freeze on both nuclear activities and ballistic missile launches was in effect for a mere three years, from September 1999 to the fall of 2002.

Assuming that the Six-party Talks were regional alternatives to the UN Security Council on denuclearization of the Korean Peninsula, when North Korea proceeded not only with ballistic missile test-fires but a nuclear test as well, there was no alternative but to have the Security Council deliberate the issues. The Six-party Talks included as participants the United States, China and Russia, which were all permanent members of the Security Council. Conducting a nuclear test despite its commitment in the joint statement on “abandoning all nuclear weapons and existing nuclear programs,” North Korea was breaking its promises to China and Russia, and could not expect those countries to stand up for it. North Korea was also aware of this. In response to North Korea’s nuclear test, the Security Council voted unanimously, including China

and Russia, to impose economic sanctions as provided for in Chapter VII: Article 41 of the UN Charter (non-military measures). As long as North Korea ran counter to its pledge in the joint statement to abandon all nuclear weapons and existing nuclear programs, the security assurances to North Korea in the document lost their effect. While the US-North Korea talks took place after the nuclear test, the US did not grant either NSA or security assurances with respect to conventional weapons. Now that North Korea had violated the document, the United States believed it would be justified in using nuclear or conventional weapons to retaliate against any use of force by North Korea directed at South Korea or Japan.

III. Divergence and Convergence over Coercive Approaches: UN Charter Chapter VII

Even as North Korea repeatedly conducted nuclear tests and ballistic missile test-launches, the UN Security Council did not necessarily strengthen its sanctions aimed at “externalizing” North Korea. Article 41 of the UN Charter stipulates that members are allowed to sever economic or diplomatic relations. The UN resolutions adopted by the Security Council thereafter, even while citing this article, were limited to prohibiting exports of luxury items and materials needed for WMD and military development. This is due to China’s blocking of attempts by the United States and other countries to expand the sanctions to North Korea’s civilian sector. As a permanent member of the Security Council, China was in a position to prevent North Korea from developing nuclear weapons. However, China was concerned about the threat to the lives of North Koreans from sanctions imposed on the civilian sector, and about political disruption in North Korea. Such regional considerations by China were reflected in the UN Security Council resolutions.

Against this backdrop, US President Barack Obama took office in 2009 and North Korean leader Kim Jong-il died in 2011. Kim Jong-un, who had been groomed to succeed his father during the last years of Kim Jong-il’s life, became the new North Korean leader. At a time when it would have been normal to be in mourning— as Kim Jong-il was after the death of his father Kim Il-sung— Kim Jong-un consolidated his power base and undertook a diplomatic offensive. What later became known as the 2012 Leap Day Agreement was widely expected to mark the first diplomatic achievement of the Kim Jong-un regime with the United States. In this agreement, the United States was to provide 240,000 metric tons of food aid with the prospect of additional assistance. In exchange, North Korea would agree to accept IAEA personnel to monitor nuclear activities (including uranium enrichment activities) at Yongbyon, as well as a moratorium on nuclear tests and long-range missile launches. In addition, North Korea promised compliance with the Military Armistice Agreement. This promise to observe the Military Armistice Agreement had great significance for South Korea, which had seen its corvette *Cheonan* sunk and Yeonpyong Island shelled by North Korea’s armed forces in 2010. Not long after, North Korea, citing its “right to the peaceful use of space,” attempted to launch a satellite with its *Unha-3* rocket. North Korea must have expected the United States would protest that it was a violation of the agreement, but it also believed the United States could not readily abandon the agreement so long as nuclear tests and the Military Armistice Agreement were being held “hostage.” The United States, however, regarded the *Unha-3* launch as a violation of the Leap Day Agreement, which ended after a brief lifespan of one-and-a-half months.

“Strategic patience,” the approach adopted by the Obama administration, meant that the United States would not engage in talks with North Korea until economic sanctions persuaded North Korea to change its course to denuclearization. The failure of the Leap Day Agreement had the effect of hardening the Obama administration’s stance. As a result, the Leap Day Agreement was the only US-DPRK agreement during the eight years of the Obama administration.

After the collapse of the Leap Day Agreement, the Kim Jong-un regime set out to develop a new policy with the United States. The North Korean Ministry of Foreign Affairs indicated

in July 2012 that it would be undertaking a “full review of the nuclear issue,” which resulted in the North demanding a peace agreement with the United States while continuing to refuse denuclearization. During the rule of Kim Jong-il, as seen in the Six-party Talks, it had been argued that denuclearization was a condition for the establishment of a peace regime. The Kim Jong-un regime broke this conditional relationship by asking for a peace agreement with the US while continuing to possess nuclear weapons. Since then, North Korea has asserted that the Six-party Talks were “dead.”

The success of the Obama administration relative to North Korea was not in US-DPRK relations but in Japan-South Korea relations. Under the government of Prime Minister Shinzo Abe, Japan adopted a new interpretation of its right to collective self-defense, and the Guidelines for Japan-US Defense Cooperation were revised, and South Korea's Park Gyeun-hye administration was brought into the updating of the US-Japan alliance. This paved the way for the drafting of Japan's Legislation for Peace and Security that broadened the scope of actions that Japan's Self-Defense Forces could take in joint response to an emergency on the Korean Peninsula.

Meanwhile, the Obama administration did not come up with a workable policy toward North Korea. While “strategic patience” meant the United States would not resort to using force, the stance also meant dependence on China, which had the biggest influence on how economic sanctions would be applied to North Korea. In other words, “strategic patience” was close to being a form of “strategic outsourcing” to China. However, while criticizing North Korea each time it conducted a nuclear test, China attempted to limit economic sanctions to the military realm, as noted above. A change to this stance only came in 2016.

In response to North Korea's fifth nuclear test on September 9, 2016, the UN Security Council adopted Resolution 2321, which it had been hesitant to pass. Whereas an earlier resolution on the export of coal, iron, and iron ore exempted transactions for “livelihood purposes” that were unrelated to the funding of nuclear and ballistic missile programs, this new resolution added a condition on the import of coal by member states. The Chinese Commerce Ministry thereafter announced measures to suspend imports of coal from North Korea, saying the imports had hit the limit mandated by Resolution 2321.

The Trump administration came into office against this background. US President Donald Trump, while distancing himself from “strategic patience”, began by working with China to apply the principles of Article 41 of the UN Charter. President Trump sat down for talks with Chinese leader Xi Jinping both in Florida and Beijing in 2017. More than just regional talks on the North Korean problem, these were talks on collective security about extending the scope of the sanctions under Article 41 to the civilian sector. The US-China talks were the equivalent of moving summit-level talks from the UN Headquarters in New York to Florida and Beijing.

The Trump administration was also applying military pressure by sending multiple aircraft carrier strike groups near the Korean Peninsula. While such pressure may have been necessary, it would be naive to think that alone would persuade North Korea to abandon its nuclear program. There are no known examples of a NNWS that gave into economic sanctions and abandoned its nuclear weapons after having reached the breakout stage for possessing such weapons. Admittedly South Africa abandoned the nuclear weapons it once held and joined the NPT as a NNWS, but it would be hard to conclude this shift resulted from economic sanctions. South Africa was persuaded to abandon its nuclear weapons following regime change, in which white minority rule was replaced by a black majority administration. Other contributing factors to South Africa's decision was the end of the Cold War and the winding down of the Angolan civil war, which eliminated a threat from a northern neighbor. Another possible example is Ukraine, where nuclear weapons were left over following the collapse of the Soviet Union, but it should be recalled that the weapons belonged to the Soviet Union, not Ukraine. It is difficult

to think North Korea would be the first to break this empirical rule. All of the examples where economic sanctions were successful in controlling nuclear development, including the recent US-Iran agreement, were countries that had yet to reach the breakout stage for possessing nuclear weapons. Moreover, the successes were not brought about by economic sanctions alone, but required US commitment.

In the past, North Korea adhered to its nuclear development despite pressure from China to abandon its program, and demanded talks with the United States. If North Korea had yielded to Chinese pressure and abandoned its nuclear weapons, North Korea's policy toward the United States would have collapsed. Without a doubt, China's expansion of economic sanctions to the civilian sector had an effect on North Korea. In 2017, North Korea's official organs the *Rodong Sinmun* and the Korean Central News Agency began criticizing China for the first time since the Cultural Revolution in the 1960s. Despite Chinese pressure, North Korea is likely to stick to a policy of creating a *fait accompli* by possessing nuclear weapons and to keep its policy toward the United States unchanged. Only the United States will be able to change North Korea's foreign policies, and the dynamics of collective security are a necessary, but not sufficient, condition to bring about the change. The relationship between the United States and North Korea is the sole hope left for bringing about change in North Korea's foreign policies.

North Korea will no doubt make the same requests as those on the agenda in previous nuclear crises, including requests for granting an NSA or some other type of security assurance and concluding a peace agreement with the United States. As noted above, the Kim Jong-un regime has abandoned attempts at trading its nuclear weapons for security assurances. Moreover, North Korea has amassed nuclear weapons and is no longer the same country that began testing nuclear weapons in 2006. When North Korea in 2002 asked the United States to sign a non-aggression pact, it was basically asking for a special exemption from the Bush doctrine of preemption, in the form of a promise by the United States not to use force against North Korea. In contrast, when the North Korean National Defense Commission called for a non-aggression pact with the United States in June 2013, it referred to securing the "safety of the US mainland." While still asymmetrical in nature, North Korea's request for a non-aggression pact with the United States was moving closer to a request for a mutual non-aggression agreement.

Moreover, North Korea may come to demand not only security assurances but the dismantling of the Cold War structures on the Korean Peninsula. On July 6, 2016, North Korea through a governmental statement made five proposals for the actions that the United States and South Korea should take for the denuclearization of the Korean Peninsula. Along with the demand that the United States "commit itself to neither intimidating the DPRK with nukes or through an act of nuclear war nor using nukes against the DPRK in any case," it added the demand that "the withdrawal of the US troops holding the right to use nukes from South Korea should be declared." As a possessor of nuclear weapons, North Korea still continues today to demand security assurances from the United States and the dismantling of Cold War structures at the same time.

The Trump administration is unlikely to share the preference of the Bush administration for multilateral talks. The Trump administration may see multilateral talks as a framework that restricts its own ability to act. Moreover, the time frame the Trump administration has for solving international issues, not just the North Korea issue, is shorter than for past US administrations.

With US-DPRK relations marked by a lack of common ground, it is no surprise that the United States attempted to get North Korea to halt its repeated launches of ballistic missiles so as to prevent the development of an intercontinental ballistic missile (ICBM) capable of hitting the US mainland. It is also no surprise that, in exchange for a freeze on ballistic missile launches, North Korea would ask for a halt to US-South Korea joint military exercises, since North Korea has been demanding their suspension each time they are held, on the grounds that they are a

manifestation of hostility toward the North.

This pair of demands is in fact close to the “double suspension” concept proposed by Chinese Foreign Minister Wang Yi in March 2017. Under this “double suspension” proposal, the United States would suspend “large scale military drills” in exchange for a freeze on “nuclear activities” by North Korea. Such a proposal was also made by North Korea’s National Defense Commission in January 2015. According to this proposal, while North Korea was suspending its “nuclear activities,” the United States and South Korea would suspend their drills. The longer this “double suspension” lasted, the greater the damage to the US-South Korea alliance. Seen in this light, it would be hard to imagine the Wang concept gaining currency in the long term. Moreover, halting ballistic missiles launches did not lead to a halt in missile development. One example would be the 1999 Berlin Agreement. Although the Agreement was maintained for seven years, it ended up being scuttled by missile test-firings, including the failed launch of the newly developed *Taepodong-2* missile.

According to Wang Yi, this “double suspension” was the first step toward a “dual track” approach, by which the establishment of a peace regime and the denuclearization of the Korean Peninsula would proceed in parallel. This is exactly what was attempted in the Four-party Talks in the latter half of the 1990s. Here China did not call the peace regime a US-North Korea bilateral peace agreement. As in the Four-party Talks, China has called for a multilateral peace framework in which China is also involved. The failure of the Four-party Talks, however, has demonstrated North Korea’s insistence on a US-North Korea bilateral peace agreement.

The freezing of North Korean ballistic missile launches, even if through a “small package” agreement bringing about only temporary benefits, would have a negative impact on the ability of the United States to manage alliances in the Asia-Pacific. The only occasions when the United States had agreements with North Korea that halted its ballistic missile launches were the Berlin Agreement toward the end of the Clinton administration and the Leap Day Agreement during the Obama administration. In both cases, the class of ballistic missiles restricted by the agreements was “long-range” missiles but not medium-range missiles. With North Korea being close to completing the development of ICBMs, if an agreement on the suspension of North Korean ballistic missile launches was reached that was limited to long-range missiles as in past agreements, leaving medium-range ballistic missiles unquestioned, North Korea would have succeeded in its attempt to rupture the US-Japan alliance.

Unlike during the administration of Prime Minister Koizumi, when North Korea attempted a breakthrough in the relations with Japan, North Korea no longer has any incentive to halt its launches of medium-range missiles. The United States must not sacrifice its security arrangements with Japan and South Korea as it attempts to provide North Korea with security assurances.

With the prospects for a solution on the diplomatic front being elusive, it is not surprising that the Trump administration would shift to a military solution, which had been ruled out in previous nuclear crises. The Trump administration’s refusal to rule out the use of force shows more clearly than anything else the break with the “strategic patience” of the Obama administration. Military pressure, however, is not the same as a military solution. Although military pressure is necessary, it is, as with collective security, a necessary but insufficient condition for a diplomatic solution. What military pressure leads to is a diplomatic solution, not a military solution. A military solution, no matter how limited, will inevitably invite retaliation by North Korea. While the option that was briefly considered of giving North Korea a “bloody nose” might be deemed by the United States to be a “limited” use of force, North Korea would not see it that way. North Korea would perceive such action as the start of an all-out war and would at the very least retaliate against South Korea. The notion heard among some in the United States that North Korea would refrain from full-fledged retaliation in an attempt to avoid an all-out war that would mean the end

of its regime is based on wishful thinking.

An alliance is generally a means for maintaining the status quo by deterring the use of military force by a hostile nation. If the United States were to attempt to disrupt the status quo by use of force, and if the country that was attacked were to retaliate, perhaps with the use of nuclear weapons, US allies would be subject to intolerable damage. The US-South Korea alliance was supposed to be an agreement to maintain the present Military Demarcation Line (MDL) by deterring the use of force by North Korea. The alliance also allowed the United States to prevent South Korea's independent use of force by taking wartime operational control of the South Korean armed forces. For the United States to invite a counterattack by North Korea through its own use of force would not only entrap South Korea and drag it into this use of force but also leave South Korea devastated and abandoned. If a North Korea counterattack using nuclear weapons were to harm Japan, the US alliance with Japan, which was supposed to have provided Japan with a protective "nuclear umbrella," would have instead invited a nuclear attack on Japan. After Japan had undergone a nuclear attack, would the US-Japan alliance continue to be maintained? Would the United States still be able to maintain its bases in Japan, where its biggest network of military bases in the Asia-Pacific are located?

The Asia-Pacific is not the only region where the United States has alliances. The use of force by the United States in this region would cause alliance partners in other areas to fear that they might be entrapped or abandoned. American alliance partners might fear that they would be entrapped in the use of force by the United States, and abandoned after being devastated by a hostile nation. Such outcomes would make it extremely difficult for the United States to maintain its global alliance commitments.

Just as the US security assurances to North Korea must not expose Japan and South Korea to danger, the use of force must not entrap either Japan or South Korea in a military conflict.

Conclusion

In the US-DPRK Agreed Framework, the United States, by employing NPT norms, gave North Korea its own independent NSA. North Korea in exchange suspended its nuclear activities for eight years, at least with respect to plutonium, with "continuity of safeguard" monitoring to be conducted by the IAEA. The joint statement of the Six-party Talks provided North Korea a comprehensive security assurance and incorporated a number of regional measures that included the establishment of a peace regime. Although North Korea was to abandon "all its nuclear weapons and existing nuclear plans," the agreement proved unable to freeze North Korea's nuclear activities – either using plutonium or uranium – and allowed North Korea to later conduct nuclear tests. While these agreements were framed so as to be compatible with both the US-Japan and US-South Korea alliances, the situation deteriorated to the extent that North Korea was able to improve its nuclear arsenal and the United States became less able to restrain North Korea's nuclear activities. The Leap Day Agreement during the Obama administration did encompass a nuclear testing moratorium, a halt of long-range missile launches, and observance of the Military Armistice Agreement, but it came to an end in only a month and a half.

The launching of ballistic missiles scuttled all of these deals. While North Korea had refrained from test-firing missiles for nearly seven years after the 1999 Berlin Agreement, disputes about financial sanctions led to a succession of missile launches, including of *Taepodong-2*, which eventually paved the way to nuclear weapon testing. The test-launches were also in violation of the terms of the Japan-DPRK Pyongyang Declaration, in which North Korea had tacitly agreed to refrain from testing medium-range missiles. The Leap Day Agreement allowed North Korea to launch *Unha-3* by calling it a satellite-launching rocket, since that "agreement" was vague in its definition of "long-range missiles." There is currently no agreement in effect that prevents North

Korea from launching missiles.

In the midst of what may be called the third nuclear crisis, the Trump administration confronts North Korea while burdened with the liabilities accumulated since the Clinton administration. What is different from past nuclear crises is that North Korea is now in the position of being able to develop nuclear weapons and ballistic missiles without being restrained by any agreements on such activities, whether bilateral or multilateral in nature.

With North Korea having a nuclear weapons capability and refusing denuclearization, it would be hard to believe that diplomacy can take away the North's capabilities in a single stroke. Even if we were to assume that the Trump administration were to apply a short time frame for dealing with North Korea, so long as it aims for a diplomatic solution, it will have to "coexist" with the threat of North Korea's nuclear weapons and ballistic missiles. Both economic sanctions and military pressure would be needed, but these are only necessary conditions for a diplomatic solution and are not ends in and of themselves.

For now, North Korea is refraining from taking military action. The United States cannot conduct a first strike on North Korea because such an attack could provoke a second strike by North Korea against a US alliance partner or the US mainland. This reality, while extremely asymmetrical in nature between the United States and North Korea, shows that mutual deterrence is at work. Even if North Korea were to deploy ICBMs, for example, it would not disrupt this situation of mutual deterrence. While North Korea is attempting to use the threat of ICBMs to decouple the US-South Korea alliance from the US-Japan alliance, North Korea will not launch nuclear attacks on South Korea and Japan or mount an all-out attack on Seoul. Losing Seoul would be equivalent to losing the Republic of Korea. North Korea is aware that US-South Korea Combined Forces would mount retaliatory strikes on Pyongyang, no doubt devastating North Korea. The choice for the United States would be a coupling effort to counter North Korea's decoupling attempt.

Admittedly, if North Korea judged that ICBMs would allow it to prevent military intervention, the threshold for the use of force by North Korea against the South would be lowered. To prevent this kind of subjective and asymmetrical stability-instability paradox, the US-South Korean alliance must demonstrate its superiority on all rungs of the escalation ladder, from conventional weapons to nuclear weapons, in response to a use of force by North Korea against the South. The dismantling of the Cold War structures that North Korea seems to be pushing for can be seen also as an attempt to neutralize this escalation ladder. If the US-South Korea alliance were to lose rungs on this ladder, or take measures climbing up to the top of the ladder to use nuclear weapons, the deterrence structure would be destabilized, opening the way to an all-out war that nobody wants.

Strengthening alliances and providing security assurances are parts of solving a difficult equation. In the past, agreements with North Korea allowed the United States to skillfully balance both its security assurances and alliance commitments. The attempt by the Trump administration to work out a "deal" with North Korea that touches only on its ICBMs is being watched with concern by Japan. South Korea, whose security is assured by Cold War structures, is concerned about how the United States will react to North Korean demands for the dismantling of these structures.

"Long-term, patient but firm and vigilant containment" are the words George F. Kennan used in his proposal at the start of the Cold War for containing the Soviet Union. A new type of deterrence similar to Kennan's containment is being attempted in Northeast Asia. Unlike the US-Soviet relationship in the Cold War, this deterrence is asymmetrical, lacks a means for communication or for controlling arms, and above all seeks to deter a nation that illegally possesses nuclear weapons. On the front lines of this unprecedented deterrence structure are Japan and South Korea.

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