For decades, both North Korea and the United States have in their own way thwarted efforts to resolve the threat of a nuclearized North Korea. Both have cheated on, or failed to fulfill, past agreements to bring a halt to Pyongyang’s nuclear program.

Under Kim Jong Un, North Korea has achieved a level of nuclear and missile development that has finally caught the eye of Washington and the American public. Is peace still possible?

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Why Not Negotiate With North Korea?
By Robert Gallucci

It is understandable that proponents of negotiation with North Korea find themselves on the back foot. Kim Jong Un’s feverish efforts to speed up development of the country’s nuclear and missile programs have exposed those who argue for engagement with Pyongyang to charges of appeasement.

But Robert Gallucci, who was the chief US negotiator during the nuclear crisis with North Korea in 1994, argues that given the real threat of war on the Korean Peninsula, it is pertinent to ask, why not, even now, negotiate?

The news from North Korea is not good. Pyongyang’s rhetoric, which is almost always threatening, is now supported by capabilities that are improving faster than analysts had predicted was likely. Ballistic missiles with a range that would allow an attack on the United States may now be mated with nuclear weapons five times more destructive than those detonated on Japanese cities to end the Second World War.

There are still uncertainties about North Korean capabilities, but there is no doubt that US vulnerability will be real soon enough. And no one should have much confidence in the ability of the US to shoot down North Korean missiles before they reach American cities: a leak-proof ballistic-missile defense is not within our grasp. If something is not done to freeze and roll back North Korean capabilities, we and our allies, South Korea and Japan, will have to depend for our security on the threat of retaliation to deter a North Korean attack.

But living with that kind of vulnerability, counting on the rationality of the North Korean leadership, the same way we have depended on the rationality of the Soviet Union, Russia and China, may be unappealing or even unacceptable. If so, then we will have to do something different.

We cannot simply continue to follow a policy of containment, reminding the Chinese of their obligations, conducting military exercises with our allies and pressing the international community to adopt ever more draconian sanctions. These are all reasonable measures, but we should not expect them to save us from America’s vulnerability to North Korean capabilities.

An alternative would have the US launch a campaign of preventive strikes at North Korea’s nuclear weapons and ballistic missile assets. These would be designed to destroy fissile-material production facilities, weapons manufacturing and storage sites, missile development, manufacturing, storage and deployment sites, and almost certainly other conventional military capabilities that would put our allies at risk in retaliatory strikes.

But it is unlikely that we will know where all the desired targets are located, nor should we expect to be completely successful at destroying them with our strikes. We should anticipate North Korean retaliation against our allies in the region, American citizens living in those countries and US military and naval assets within range of North Korean artillery and missiles. We would have to prepare for the start of a Second Korean War. We
would try to dissuade the Chinese from becoming involved, but they may well not wish to stand by while the US executes a preventive campaign of strikes on their ally.

The military option would be expensive in terms of loss of life and other costs. And it could go badly wrong if North Korea saw it as the beginning of a US attempt at regime change. We do not know exactly how many nuclear weapons North Korea has, plausibly tens, but we do know they work.

The Risk of Negotiation
The decision to pursue negotiations with North Korea, rather than to launch military strikes, would not be cost-free. Critics of this way of dealing with the threat have termed it appeasement, submitting to blackmail by the North Koreans. They argue that to seek negotiations after Pyongyang has brazenly ignored international censure and sanctions would only encourage North Korea to continue its threats and legitimize the capability we wish to eliminate. It would be a reward for bad behavior. Moreover, these same critics point out that it cheated on the last deal that was made to stop the nuclear weapons program in 1994, and that there is no reason to expect anything different in the future.

For those who lack enthusiasm for relying on deterrence to counter the threat from North Korea, and are even more concerned about the consequences of preventive military strikes against the North, negotiations appear worth exploring, notwithstanding this criticism. Some of the criticism can be countered with reasoned argument, some cannot. If talking with the North Koreans is regarded as a reward in and of itself, engaging in negotiations following North Korea’s missile and nuclear weapons tests is, by definition, a reward for bad behavior. There is not much room here for argument.

However, the claims about negotiations legitimizing North Korean weapons capabilities, or producing more threatening behavior, or even being able to cheat on a deal, all turn on the substance of the negotiations and any deal produced: Are North Korea’s capabilities constrained, rolled back or even eliminated? Is the political atmosphere improved, the level of hostility reduced and the plausibility of normalization of relations increased? Do the terms of any deal, and the capabilities of our intelligence community, allow sufficient transparency to adequately monitor compliance by North Korea?

Many of us who were part of the negotiations 23 years ago do not regard them as evidence that negotiation does not work with North Korea. We have our own narrative about what happened after the deal that eliminated North Korea’s capability to produce plutonium, and it is not unfair to say that we regard it as having cheated on the deal. Even as the North Koreans ended plutonium production, they secretly went to the Pakistanis to acquire gas-centrifuge technology and equipment for uranium enrichment as an alternative route to produce the fissile material for nuclear weapons. And we caught them at it.

That said, the North Koreans have their narrative too. They say that the US failed to abide by the essence of the deal as they saw it, never normalizing relations with Pyongyang and then characterizing North Korea as part of an axis of evil with which the US had to deal. Until the US walked away from the deal in 2002, it had held for eight years — that is, no plutonium was produced in North Korea, none was separated, and the facilities that had been operating or were under construction for production and separation were all shut down. In the early 1990s, the US intelligence community had estimated that by 2000 North Korea could be producing 150 kilograms of plutonium per year, enough for roughly 30 nuclear weapons, and could have manufactured 100 nuclear weapons by that time. Instead, because of the deal, North Korea had no nuclear weapons when the administration of George W. Bush came into office. All this is not to say that

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negotiations now would succeed, but only that the historical record supports an argument that they can be of value.

What Might Be Gained?
It is becoming conventional wisdom that North Korea will never give up its nuclear weapons. A corollary is that the most we can hope for from negotiations is a cap on its nuclear weapons and ballistic missiles, perhaps associated with a freeze on the testing of both. This would be valuable, but it would not remove the threat we now face, and it might serve to legitimize North Korea’s capabilities, simultaneously undercutting the non-nuclear-weapons status of US allies Japan and South Korea.

Instead, we might look at a cap and freeze on those programs as a stage in the implementation of a deal, which would stretch out over a period of time. The end game, though, from the US perspective, would have to be a Korean Peninsula free of nuclear weapons. Yes, North Korea has been emphatic about never giving up its nuclear weapons. And while we should not be surprised that they say this, neither should we take their words at face value. The nuclear-weapons and ballistic-missile programs offer North Korea the possibility of deterring the US from any action it opposes, from an attempt to change the regime à la Iraq or Libya to fulfilling its alliance obligations by defending South Korea from any attempt by North Korea to overrun it.

The only real way to find out if North Korea’s defensive deterrent objectives can be met by means other than nuclear weapons is to enter into discussions on finding an obvious alternative: the normalization of relations between North Korea and the US. This was, in fact, the implicit deal in the Agreed Framework of 1994.

At that time, North Korea allowed its plutonium program to be shut down in return for modern nuclear power reactors, some energy assistance and the gradual improvement of diplomatic and political relations with the US. But the Clinton administration moved slowly in providing those benefits, and North Korea hedged on its commitments by its arrangement with Pakistan. Then, after normalization was abandoned by the Bush administration, North Korea expanded its secret arrangement with Pakistan in what was clearly a material breach of the Agreed Framework by the acquisition of significant quantities of gas-centrifuge equipment.

So the question that arises is: can we do better now? The answer would require a serious effort to find out by engaging North Korea in discussions in which we and they were invested politically. And to find out is probably the best argument for attempting to negotiate with North Korea.

Robert Gallucci is Distinguished Professor in the Practice of Diplomacy, Walsh School of Foreign Service, Georgetown University, and Chair of the US-Korea Institute at Johns Hopkins SAIS.