



# Prospects for Diplomacy With North Korea

By Tobias Harris, Abigail Bard, and Haneul Lee | November 3, 2021

At the end of July 2021, South Korea announced that the two Koreas restored four communication lines that North Korea had cut off in June 2020 when North Korea severed all inter-Korean governmental communication.<sup>1</sup> Days later, North Korea stopped answering routine South Korean calls in apparent protest of the joint U.S.-South Korea military exercises scheduled for August.<sup>2</sup> In October, North Korea began answering military and liaison office communication lines again.<sup>3</sup>

This resumption and halting of inter-Korean engagement and subsequent missile tests have raised questions about the possibility of further engagement, both between the Koreas as well as between North Korea and the United States. Looking ahead, sustained diplomacy is unlikely because the United States and North Korea have incompatible stances on the prerequisites for engagement, and major policy shifts in both countries are unlikely. While there are efforts to restore inter-Korean dialogue, its sustainability depends on the upcoming South Korean presidential election.

This issue brief explores North Korean, U.S., and South Korean perspectives on engagement and diplomacy and examines barriers in the United States that inhibit the executive branch from taking a more proactive approach to North Korea. It also outlines policy alternatives to the current approach, as discussed in the progressive community. This brief acknowledges that the term “progressive” is contested and does not necessarily represent the same views in both the United States and South Korea, nor are all self-proclaimed progressives in agreement about who can describe themselves with that term. For the purposes of this issue brief, the term refers to those who see the policies they advocate for as promoting a more just and equitable society and world.

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## What is motivating North Korea?

The resumption of inter-Korean calls marks a shift in relations since a sharp deterioration in mid-2020, and it came after a year of signals that North Korea was not interested in improving inter-Korean relations. In June 2020, after South Korea refused to restart inter-Korean projects that would have economically benefited

the North, North Korea said it would cut off all communication with South Korea and treat the country as an “enemy.”<sup>4</sup> Later that month, it blew up a shared joint liaison office near its border with South Korea.<sup>5</sup> The recent resumption—and then halting—of communication lines, as well as the recent exchange of letters between South Korean President Moon Jae-in and North Korean leader Kim Jong Un that led up to the decision to resume the communication channels, has generated speculation about North Korea’s motivations.<sup>6</sup>

It is possible that the North Korean regime is using rapprochement to extract economic concessions and aid due to its significant domestic challenges. Natural disasters have threatened the country’s food and economic security; North Korea was hit by three typhoons in three weeks in the summer of 2020, causing severe flooding and widespread damage to crops.<sup>7</sup> Trade with China, which comprised 95.4 percent of North Korea’s international trade in 2019, dropped by more than 80 percent due to North Korea’s closing its borders as a COVID-19 prevention measure.<sup>8</sup> Kim announced at the Workers’ Party eighth congress in January 2021 that his country’s Five-Year Economic Plan had failed.<sup>9</sup> Natural disasters have continued in 2021, and Kim noted that the country’s food situation is “tense.”<sup>10</sup> South Korean aid could, therefore, be a means of relief from these economic pressures.

Yet the willingness of South Korea to respond favorably is uncertain. Its upcoming presidential election in March complicates any North Korean outreach as President Moon completes the final year of his single five-year term, and the race to succeed him has picked up steam. While the Moon administration has been forward-leaning on engagement with North Korea, there are no promises that the next administration will be. Kim may be hoping that Moon makes a last-ditch attempt to improve ties.

North Korea’s overtures may have another aim: to help South Korea’s Democratic Party of Korea (DPK). Historically, liberal parties such as the DPK have been more willing to advocate for engagement with North Korea, arguing that cooperation will lead to changes in the North Korean system over time and create the conditions for unification in the long term.<sup>11</sup> To an extent, these parties have sought to de-securitize North Korea policy.<sup>12</sup> Conservative parties, however, primarily view North Korea as a security threat. By creating a veneer of engagement with its southern neighbor, North Korea reduces the political vulnerabilities of a pro-engagement policy for the DPK: If North Korea is actively hostile, the DPK’s engagement policy can be criticized as a failure, whereas it is less of a liability if North Korea appears receptive.

Despite the possible advantages of projecting progress in the relationship, subsequent tension-raising activities suggest that creating space for the DPK may not be North Korea’s highest priority. North Korea has laid out its own expectations for engagement. Kim’s sister, Kim Yo Jong, called on the United States and South Korea

to stop their annual summer joint exercise; these exercises had been reduced in scale since 2018 in response to the Singapore Summit agreement and today are largely computer-based.<sup>13</sup> North Korea also asked for sanctions relief related to metal exports and fuel to restart talks with the United States—a smaller sanctions relief package than it had requested at the failed Hanoi Summit in February 2019.<sup>14</sup> When the United States and South Korea conducted the exercises as planned, North Korea immediately signaled its displeasure: It stopped answering the inter-Korean hotlines and then began testing new missiles and systems, including a long-range cruise missile and a train-launched missile system. At the U.N. General Assembly, the North Korean permanent representative called for the end of the United States’ “hostile policy” toward the country.<sup>15</sup> North Korea has appeared to soften slightly since then. In the beginning of October, the two Koreas once again restored communications and spoke of improving their relations.<sup>16</sup>

While North Korea appears to be open to some engagement, the form that engagement takes will depend on whether South Korea or the United States is willing to pursue diplomacy on the terms the Kim regime has presented.

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## U.S. policy options and likely response to North Korea

The Biden administration describes its North Korea policy as a “calibrated, practical approach” with a goal of denuclearization.<sup>17</sup> It has reached out to Pyongyang, saying that it is open to talks without preconditions, supports inter-Korean engagement, and is discussing diplomatic options for North Korea with partners such as South Korea and Japan.<sup>18</sup> The Biden administration is also open to using humanitarian aid to incentivize North Korea’s return to talks.<sup>19</sup> However, the administration does not appear willing to make some of the bigger concessions that North Korea has demanded—such as sanctions relief—or take greater political and diplomatic risks in an attempt to jump-start a diplomatic process.

Fundamentally, the Biden administration is in wait-and-see mode on North Korea: It is willing to engage in discussions about how to get North Korea to the table, but it is unlikely to make major policy shifts to induce North Korean cooperation, absent a major North Korean provocation. Its policy toward North Korea will also be affected by its purview on issues such as China and nuclear proliferation. The steps the Biden administration seems willing to take, when taken together, amount to a modest, phased approach. Sanctions relief, which would require expending political capital and a fundamental shift in approach to managing North Korea, appears to be off the table. Given that North Korea sees sanctions relief as a precondition to restarting talks, it is unlikely that sustainable engagement will resume unless at least one of the parties changes its policy.

During the past 30 years, the U.S. political space on North Korea policy has become more constricted as North Korea has become increasingly perceived as an unreliable partner through its abrogation of past agreements, all while refining its nuclear weapons capabilities. President Joe Biden’s approach to North Korea—supporting diplomacy to achieve denuclearization with limited willingness to make upfront concessions—reflects what his administration sees as sound policy, and it also manifests these increasingly restrictive structural constraints that have created a narrow Overton window on politically acceptable North Korea policy.<sup>20</sup> Recent administrations’ policies demonstrate a dynamic in which North Korea must provide concessions to demonstrate its trustworthiness before the United States makes similar—or less significant—gestures. In its second term, the Obama administration demanded progress toward denuclearization as a prerequisite for talks. While President Donald Trump initially took an unconventional tack toward North Korea, the “grand bargain” he offered at the failed 2019 Hanoi Summit reflects a dynamic in which North Korea must make significant concessions before the United States will reciprocate.<sup>21</sup> North Korea has so far been unwilling to do so, and, therefore, policy toward it has been in a decadeslong stalemate.

Any president who deviates from this precedent on North Korea policy faces significant political headwinds. Any engagement opens an administration up to criticism as observers argue over what preconditions the United States should have for talks with North Korea—and once talks begin, what constitutes an appropriate exchange and pace of concessions.<sup>22</sup> For example, critics of the Agreed Framework—through which the United States and partners promised to provide oil and two nuclear power reactors in exchange for North Korea halting the construction and use of nuclear reactors that could produce fissile materials—called the deal a form of “appeasement”: It was rewarding bad behavior, and the United States must not be perceived as doing that.<sup>23</sup> Whether rightly or wrongly in the case of the Agreed Framework, concerns of being seen as soft on North Korea limit the space within which policymakers can operate. While President Trump upended tradition in his meeting with Kim Jong Un, he, too, was criticized for legitimizing the regime through leader-level dialogue. This ties to a routine hitch in U.S.-North Korea engagement: Even if the United States is open to engagement, it does not want to be seen as giving North Korea gifts just for talking. The Biden administration appears to be at this point—it wants to talk, but it does not want to be seen as paying North Korea for its time.

However, North Korea has little incentive to respond to this approach. Why would the regime sacrifice its nuclear capabilities—which it sees as critical to regime survival—for the promise of more modest concessions in the future from a negotiating partner that has not demonstrated its own trustworthiness?<sup>24</sup> In demanding significant upfront steps toward denuclearization without offering proportional concessions, the United States is treating North Korea as an untrustworthy “bad guy” that must be punished until it behaves, not a fellow nation-state. This is in part borne out of an assumption that the Kim regime is near collapse or could be

brought to the verge—if further sanctions are enacted and the regime’s security becomes too precarious, the regime will finally end its illicit activities or return to the negotiating table.<sup>25</sup> Therefore, it would be premature to offer concessions when pressure would better serve the United States’ bargaining position. While this line of policy thinking is politically tenable, it has not achieved its objectives: North Korea continues to expand and improve its nuclear weapons program as it doubles down on malign activities to finance the regime. The assumption underpinning U.S. policy therefore appears faulty.

The United States is treating North Korea differently than other authoritarian dictatorships and unacknowledged nuclear weapons states. This is not to say that the Kim regime has not engaged in egregious, reprehensible behavior or failed to abide by its commitments, but rather that the United States has taken a more hard-line approach toward engaging with North Korea than it has with other unsavory states. This narrative in which North Korea is the only party that lacks credibility also ignores the instances when the United States has mishandled diplomatic opportunities.<sup>26</sup> For example, in the 1990s, the United States was delayed in delivering oil promised to North Korea by Congress.<sup>27</sup> Letters exchanged between Kim Jong Un and Donald Trump encapsulate this dynamic: Kim repeatedly called for the United States to take its promised actions while Trump ignores these pleas.<sup>28</sup> The memory of Libya also generates concerns in Pyongyang about nuclear negotiations: Would the Kim regime similarly find itself vulnerable to foreign military intervention should it give up its nuclear capabilities?<sup>29</sup> Taken together, the Kim regime is far from a model state, but it also maintains understandable concerns about U.S. intentions. The United States is not wrong to have boundaries in how it engages with North Korea but must also reflect on how its own behavior has influenced North Korea’s bargaining stance.

The U.S. legislative branch is an additional hurdle in changes in policy toward North Korea. In addition to run-of-the-mill congressional pushback when members disagree with the executive branch’s decisions about North Korea, U.S. sanctions policy toward North Korea has a substantial legislative component. In 2016, Congress passed the North Korea Sanctions and Policy Enhancement Act, which enacted unilateral sanctions and upheld U.N. sanctions on North Korea for a multitude of malign activities, including human rights abuses, proliferation, and cybercrimes.<sup>30</sup> Congress revised and strengthened these sanctions the following year in the Countering America’s Adversaries Through Sanctions Act.<sup>31</sup> While the president has some latitude to suspend sanctions on national security grounds, North Korea’s actions would have to progress across many areas of concern to justify formal suspension or termination of these sanctions.

Therefore, any effort to engage seriously with North Korea, which would require openness to sanctions relief or other concessions, would require substantial political capital to gain congressional support. So far, President Biden does not appear

willing to make these efforts a priority in his first term. Given the Democrats' narrow majorities in the House of Representatives and the Senate and the midterm elections in 2022, it would be risky for the Biden administration to court potentially costly political backlash on a lower-priority issue. This is especially true given the level of political capital that Biden has already spent on his top priorities, such as infrastructure and domestic economic recovery. In the current political climate, North Korea effectively needs to be a high-priority issue—as it was for Trump—for an executive branch to make a major policy change.

Biden's decision to stay the course is understandable and reflects how North Korea policy is the "land of lousy options."<sup>32</sup> There is no foolproof policy that would address all U.S. concerns and guarantee denuclearization; make improvements in the social, political, economic, and human rights of North Korean citizens; and mark the end of North Korean criminal activities. By accepting a phased approach to denuclearization, Biden has shown to move the needle in a more realistic direction—but now, it is unlikely to be enough to actually change the current state of U.S.-North Korea relations.

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## Alternatives to Biden's policy

While political considerations inhibit the Biden administration from taking a more forward-leaning approach to North Korea, there is discussion in the progressive community about alternative policy options. This section is not a comprehensive discussion of these conversations, but rather a short introduction to a handful of alternative perspectives.

Some analysts advocate for the United States to make unilateral, upfront concessions to build trust and induce cooperation. Frank Aum, senior expert on North Korea at the U.S. Institute of Peace, and George Lopez, a professor of peace studies at the Kroc Institute for International Peace Studies at the University of Notre Dame, advocate for a graduated reciprocation in tension reduction (GRIT) approach: The United States should take a conciliatory approach to North Korea involving unilateral concessions to generate diplomatic momentum while maintaining a long-term goal of denuclearization.<sup>33</sup> Van Jackson, a professor of international relations at Victoria University of Wellington, goes a step further, arguing that the United States should take unilateral actions, including declaring the end of the Korean War—which has never formally ended—and reducing denuclearization-related rhetoric to create space for an arms control paradigm with North Korea.<sup>34</sup> Jessica Lee, senior research fellow at the Quincy Institute for Responsible Statecraft, also argues that an end-of-war declaration could be the first step in creating a new, proactive U.S. agenda for the Korean Peninsula.<sup>35</sup> These arguments echo what progressives in South Korea are asking of the United States: President Moon's foreign minister requested that the United States outline specific incentives it would offer North Korea to break the stalemate, although the United States claims it has done so already.<sup>36</sup>



These arguments are based on a different theory of change regarding North Korea and suggest that there is some political space in the progressive community for a new tack toward North Korea. Recent U.S. policy is predicated on a belief that pressure and an emphasis on upfront denuclearization as a precondition for improved relations can change North Korean behavior. Progressive advocates instead argue that by making bolder concessions, the United States can help shift how North Korea perceives its own security situation. If the United States emphasizing pressure and denuclearization makes the Kim regime fearful for its survival, the regime is less likely to seriously engage in talks about denuclearization. But if the United States is open to more comprehensive discussions about its relationship with North Korea, perhaps it can engage in arms control discussions with North Korea in the short term while creating conditions that might allow for peace and denuclearization in the long term.

There have also been moves in the progressive advocacy community that have reverberated in the halls of Congress supporting diplomacy with North Korea. In February 2021, more than 40 organizations signed a letter calling for members of Congress to support a reciprocal process toward denuclearization.<sup>37</sup> Korea Peace Now!—a global coalition of women’s peace movements—calls for the United States, North Korea, and South Korea to reach a peace agreement as soon as possible.<sup>38</sup> Calls for an end of the Korean War have not gone unnoticed. In 2019, Rep. Ro Khanna (D-CA), with 51 co-sponsors, introduced a resolution in the House calling for “the President and Secretary of State, or their designees, to detail for Congress and the American people a clear roadmap for achieving a permanent peace regime and the peaceful denuclearization of the Korean peninsula.”<sup>39</sup> Rep. Brad Sherman (D-CA), with 22 co-sponsors, then introduced an act in 2021 that would require the secretary of state to produce a road map for a peace agreement on the Korean Peninsula.<sup>40</sup>

While these currents in progressive discourse suggest some political will in certain constituencies to consider new ways of managing North Korea, there are no indications that the Biden administration is ready to embrace them. The U.S. Department of Defense is “open to a discussion about an end of war declaration,”<sup>41</sup> but it is unlikely that the Biden administration will move proactively to end the Korean War. The administration is also reportedly in talks about what the content of a declaration might look like.<sup>42</sup> Because the United States tends to view anything North Korea-related through the lens of denuclearization, providing an end-of-war agreement that North Korea does not seem interested in can raise concerns of sacrificing leverage in future talks. While it might be used down the line in negotiations or in the presentation of ideas to North Korea, it will likely not be made without some promise of North Korean cooperation on denuclearization.

For the Biden administration, it is likely too risky politically to adopt a new theory of change toward North Korea policy. While there might be willingness to support creative concessions at the margins—such as in discussions surrounding inter-

Korean engagement—it is unlikely to center U.S. policy under the assumption that if the United States makes bolder concessions toward North Korea, North Korea would change. The costs of being wrong are seen as too high: What if North Korea just keeps building more nuclear weapons? And there are fears of being accused of bolstering the Kim regime’s survivability. These costs are also more immediate than the gains one would get from being “right”: It would take many years—or even decades—to see this theory of change out.

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## How might South Korea respond?

In the near term, South Korea is likely to support engaging with North Korea—with some limits. Despite the diplomatic stalemate between the United States and North Korea, President Moon is still eager to reengage with North Korea. He reportedly shares credit with Kim Jong Un for the reconnecting of phone lines,<sup>43</sup> and Moon pushed for a resumption of both inter-Korean and U.S.-North Korea dialogue.<sup>44</sup> Improved relations with North Korea is a legacy issue for Moon. While he supported the international economic pressure campaign on North Korea during the early days of his tenure, he also wanted to be “the president who built a peaceful relationship between the North and the South.”<sup>45</sup> During the period of engagement between President Trump and Kim, Moon attempted to play the role of mediator.<sup>46</sup> When U.S.-North Korea talks fell apart, his administration tried to keep inter-Korean engagement alive and to pacify the Kim regime on issues such as the distribution of leaflets across the Demilitarized Zone by activist groups.<sup>47</sup>

However, while President Moon might be supportive of both inter-Korean and U.S.-North Korea diplomacy, he was not willing to go as far as totally canceling joint U.S.-South Korea military exercises to appease the North.<sup>48</sup> In fact, South Korea’s defense budget has increased annually by an average of 7.4 percent during the Moon administration,<sup>49</sup> and it recently tested its first submarine-launched ballistic missile.<sup>50</sup> Moon appears committed to maintaining a credible deterrent against North Korea rather than appeasing North Korean demands in the security realm.

In the long term, the outcome of the leadership race in South Korea could dramatically affect the country’s approach to North Korea. A win by the conservative opposition People Power Party (PPP) would drastically shift South Korea’s policy. Recent articles from party spokespeople have attacked Moon’s policy as the “total opposite” of what is necessary for South Korean security and accused Moon of seeing North Korea through rose-colored glasses.<sup>51</sup> Leading candidate in the PPP race Yoon Seok-youl questioned how meaningful the restoration of communications was and sees negotiations on nuclear weapons as the foundation of inter-Korean relations.<sup>52</sup> Other leading PPP candidate Hong Joon-pyo said that his North Korea policy will be based on “mutual noninterference” and that his administration would work with the United States to create a NATO-like nuclear sharing agreement to deal with North Korea’s



nuclear weapons.<sup>53</sup> The head of the PPP has even called for the dissolution of the South Korean Ministry of Unification, which is responsible for inter-Korean relations.<sup>54</sup>

Even in supporting engagement, the potential progressive successor to President Moon is attempting to somewhat distance himself from Moon's policy. The DPK candidate in the upcoming presidential election, Lee Jae-myung, announced his "pragmatic" reunification policy based on five principles: a pragmatic approach to the North Korea nuclear issue, building a peace economy on the peninsula, pragmatic North Korea policy, pragmatic diplomacy based on national interests, and pragmatic diplomacy that contributes to citizens' lives.<sup>55</sup> He drew an explicit contrast between his policy and President Moon's by stating that he will call North Korea out when it behaves badly.<sup>56</sup> He also supported the Moon administration's decision not to delay joint exercises.<sup>57</sup>

Accordingly, a win by Lee Jae-myung could portend a South Korea that continues to attempt to improve inter-Korean relations. A win by a PPP candidate would instead move the focus of inter-Korean relations largely to deterrence and managing nuclear concerns. However, even if a South Korean president is in favor of dialogue and engagement, it does not mean that the Biden administration is ready to support those desires to the extent that a liberal South Korean president might want.

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## Conclusion

Because the Biden administration is hesitant to provide North Korea with sanctions relief and is unlikely to drop its "hostile policy"—and North Korea is similarly unlikely to change its demand for sanctions relief—it is not likely that U.S.-North Korea engagement will resume in the near future without further and more dramatic North Korean provocations or a dramatic change in policy on one or both sides. While a new DPK administration may attempt to improve inter-Korean relations, its ability to do so will be limited by the sanctions regime against North Korea. A change of power in South Korea would likely mark the end of proactive engagement with the North for the foreseeable future.

*Tobias Harris is a senior fellow for Asia policy at the Center for American Progress. Abigail Bard is the policy analyst for Asia policy at the Center. Haneul Lee is the research assistant for Asia policy at the Center.*

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