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Diplomacy with North Korea: A Status Report

Overview

Since 2006, when the Democratic People’s Republic of Korea (DPRK, North Korea’s official name) first tested a nuclear weapon, it has made significant advances in both its nuclear and missile programs, raising the threat it poses to the U.S. homeland and U.S. East Asian allies. In 2018, President Donald Trump and North Korean leader Kim Jong-un launched denuclearization talks that relied on summits and communication between the two leaders. Their effort departed from the bottom-up approaches undertaken by previous administrations. Trump and Kim exchanged more than 25 letters and held three meetings: in Singapore (June 2018); Hanoi (February 2019); and Panmunjom, on the inter-Korean border (June 2019).

The Trump-Kim personal diplomacy reduced U.S.-DPRK hostility, which had flared in 2017 and raised alarm that war could break out. The diplomacy also may have helped preserve North Korea’s self-imposed moratoria on nuclear tests and intercontinental ballistic missile (ICBM) tests. Nevertheless, negotiations have stalled, and Pyongyang has enhanced its military capabilities, resumed short-range missile tests, rejected agreements it had reached in 2018 with South Korea, and expanded its efforts to evade international sanctions. Meanwhile, many critics argue that Trump’s moves have weakened the U.S.-South Korea alliance. President-elect Joe Biden has indicated that he will seek a more traditional diplomatic approach toward North Korea, emphasizing working-level talks, should negotiations resume.

Status of U.S.-DPRK Negotiations

U.S.-DPRK diplomacy stalled after the February 2019 Hanoi summit, which broke down due to differences over the scope and sequencing of DPRK denuclearization measures required in exchange for sanctions relief. Since the June 2019 Panmunjom meeting, the United States and North Korea have held one round of official talks, in October 2019. U.S. officials say their North Korean counterparts refused to engage in additional negotiations. Under Trump and Kim, the two countries did not agree on denuclearization steps, whether an agreement will include DPRK missiles, or the mechanisms for verifying any agreement, including inspection and monitoring arrangements. China and Russia have called for lifting several categories of U.N. sanctions, a move the Trump Administration rejected as “premature.”

In late December 2019, Kim announced “there is no ground” for North Korea to maintain its nuclear and long-range missile testing moratoria. Kim criticized the United States’ continuation of sanctions, military exercises with South Korea, and sales of advanced military equipment to Seoul. Kim warned “the world will witness a new strategic

weapon to be possessed by the DPRK in the near future.” Also in 2019, the U.S. Director of National Intelligence told Congress “North Korea is unlikely to give up all of its nuclear weapons and production capabilities, even as it seeks to negotiate partial denuclearization steps to obtain key U.S. and international concessions.”

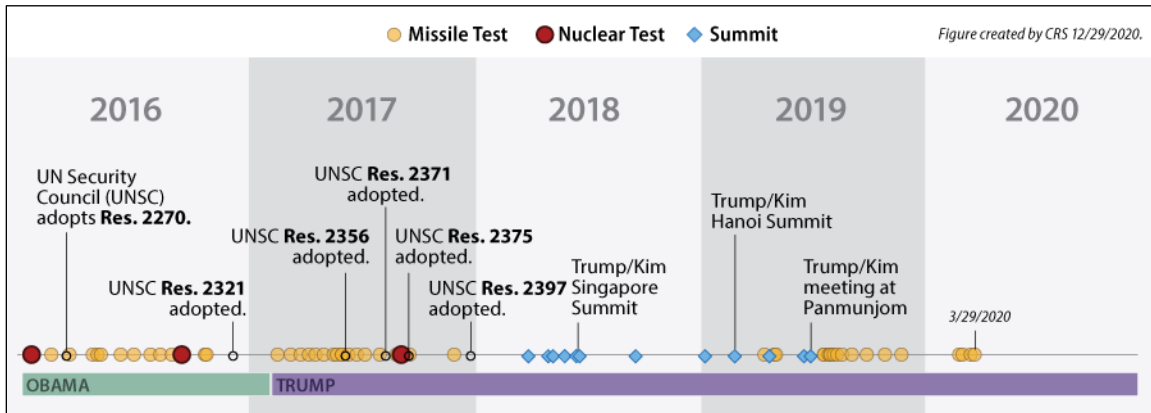
If talks restart under Biden, U.S. negotiators—and Members of Congress conducting oversight—could face the question of whether to aim for incremental dismantlement of North Korea’s nuclear program in step with gradual sanctions relief, or to try for a “big deal” and demand that complete denuclearization precede full sanctions relief. A related question is whether the United States would accept partial denuclearization as an outcome of talks. The possibility of sanctions relief is complicated by, among other factors, legal requirements to address a range of security, regional stability, human rights, and governance issues before sanctions can be suspended or altogether terminated. U.S. sanctions on North Korea target not just weapons development but also human rights abuses, money laundering, illicit weapons trade, international terrorism, and illicit cyber operations.

Key Developments

North Korea’s Nuclear and Missile Programs

- Kim in 2018 publicly agreed to “work toward complete denuclearization of the Korean Peninsula,” pledging “permanent dismantlement” of nuclear weapons production facilities in Yongbyon—an important nuclear site—“as the United States takes corresponding measures.” The DPRK has partially shut down some parts of its nuclear testing and missile launch sites. As U.S.-DPRK talks stalled, promises to allow inspections or completely dismantle them went unfulfilled.
- North Korea has not tested a nuclear weapon or test-launched ICBMs since November 2017, notwithstanding Kim’s 2019 statement that the moratoria no longer hold.
- Since May 2019, North Korea has conducted over a dozen short-range ballistic missile (SRBM) tests, in violation of U.N. Security Council prohibitions, likely advancing the reliability and precision of its missile forces and improving its ability to defeat regional missile defense systems. In October 2020, North Korea publicly paraded a new ICBM and other new advanced military hardware.
- In January 2021, Pyongyang announced it aims to develop tactical nuclear weapons, deploy multiple warheads on a single missile, improve its ICBMs’ accuracy, and launch a spy satellite. Achieving these goals may require testing.

Figure 1. Timeline of North Korean Ballistic Missile and Nuclear Tests, U.N. Security Council Sanctions, and Major Summits/Leader Meetings, 2016-2020



Other Military Developments

- The 2018 inter-Korean military confidence-building agreement called for reducing military activity around the border and removing guard posts along the demilitarized zone (DMZ). South Korea met its obligations under the agreement; North Korea has threatened to renege on the small steps it has taken.
- In June 2018, Trump cancelled major annual U.S.-South Korea military exercises to facilitate diplomacy with North Korea. Congress later included provisions in defense authorization legislation setting conditions on the President's authority to reduce U.S. troops in South Korea (P.L. 115-232; P.L. 116-92; and P.L. 116-283, overriding Trump's veto).
- The United States and South Korea attempted but were unable to renew their Special Measures Agreement (SMA), which determines cost-sharing for basing U.S. troops in South Korea, before the previous SMA expired at the end of 2019. The Trump Administration sought steep increases in South Korea's contributions, and Trump said it is debatable whether the U.S. troop presence in South Korea serves U.S. interests.

Diplomatic Developments

- North Korea and China have restored close diplomatic relations. The relationship had been strained since Kim became leader in 2011.
- Kim has met five times with Chinese President Xi Jinping, three times with South Korean President Moon Jae-in, and once with Russian President Vladimir Putin, none of whom he had met before 2018.
- In 2018, the two Koreas and the United States agreed to build a "peace regime," which could start with a declaration formally ending the Korean War. The United States and DPRK have discussed exchanging diplomatic liaison offices. There has been no progress in these areas since the February 2019 Hanoi summit.
- Inter-Korean relations improved markedly in 2018 before cooling in 2019 and plummeting in 2020. In 2018, the two Koreas held three summits, signed a military agreement and other pacts, and opened a permanent liaison office, their first-ever channel for full-time person-to-person contact. International and U.S. sanctions, however, prevent Seoul from pursuing many

- inter-Korean projects favored by Moon, who has pushed for more sanctions exceptions for inter-Korean projects.
- Following the Hanoi summit, Pyongyang largely ignored Seoul's offers of humanitarian assistance, small-scale initiatives, and diplomatic engagement. In June 2020, North Korea declared South Korea its "enemy," severed all overt inter-Korean communication channels, and blew up the liaison office near Kaesong, DPRK.
- In May 2018, North Korea released three American detainees. Previous administrations also secured the release of U.S. citizens detained in the DPRK, including 11 individuals freed during the Obama Administration.
- In 2018, North Korea repatriated remains of possible U.S. Korea War-era troops, resulting in more than 40 positive identifications, and the two countries appeared poised to resume the repatriation program that had identified over 400 remains prior to the United States terminating the program in 2005. No progress was made on this issue during 2019 or 2020.

Economic Developments

- Several countries are less robustly enforcing U.N.-required sanctions than before the rapprochement. China and Russia also have blocked new sanctions designations at the Security Council. The U.N. has documented North Korea's growing successes in evading sanctions. The Trump Administration said China was enabling much of the evasion.
- In 2020, North Korea's economy appears to have contracted significantly after closing its borders to fight COVID-19 and following severe weather that wreaked havoc on domestic agriculture.
- In December 2019, Congress enacted the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (title LXXI, P.L. 116-92) to further restrict financial institutions from providing significant financial services to those subject to North Korea-related sanctions.

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