Staying the Course
Denuclearization and Path Dependence in US's North Korea Policy

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Structured Abstract

Article Type: Research Paper

Purpose–The purpose of the article is to analyze the US's foreign policy framework towards North Korea in the post-Cold War era.

Design, Methodology, Approach–We employ process-tracing technique and comparative sequential method across successive administrations and find that the US's foreign policy towards North Korea is one of self-amplifying process.

Findings–We argue that the US's foreign policy towards North Korea has remained remarkably consistent over the course of three decades. Furthermore, the policy has both hardened and narrowed in its focus on denuclearization.

Practical Implications–As the US deepens its pursuit for denuclearization as an end, the misalignment of goals between Washington and Pyongyang persists and even grows.

Originality, Value–Through our analysis, we contribute to existing work that identifies North Korea's liability for the engagement failures and add texture to the understanding of the current deadlock in negotiations.

Keywords: North Korea; denuclearization; CVID; U.S. foreign policy

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I. Introduction

In light of the two unprecedented US-DPRK (Democratic People's Republic of Korea) summits in Singapore and Hanoi, and the more recent return to threats and name-calling between the leaders of the two countries,[1] the debate on whether engagement policies can lead to the denuclearization of North Korea has garnered renewed scholarly and policy attention.[2] Cynics argue that engagement holds little promise given that the US has already tried a variety of approaches, including diplomatic inducements, economic and food aid, and confidence-building measures, yet Pyongyang "still found ways to violate the deals." Consequently, critics point out that "[t]he main reason we are where we are today is because North Korea has walked away from every denuclearization agreement ever reached."[3] Others add that engagement may work only if it is accompanied by other forms of pressure considering North Korea's cycle of provocations and its malign intentions.[4] Hence, skeptics of engagement advocate for some form of containment that constitutes both carrots and sticks, often with a greater emphasis on the latter. As Leon Sigal succinctly notes, "[t]he mule may be struck repeatedly, but is fed the carrot only when it reaches the mule-driver's destination, if at all."[5]

Such wariness or hesitance to negotiate with Pyongyang is understandable given the regime's reputation as a rogue state, a "master of 'deceptive statecraft'," a security threat and an "egregious violator of human rights," among others.[6] Indeed, North Korea's behavior offers skeptics little to no confidence that engagement would succeed even if the US were determined to break new grounds on US-DPRK relations. Such concerns notwithstanding, an oft-overlooked and under-analyzed reason for engagement failure inheres in the US's strategic errors when dealing with North Korea. Hence, against the backdrop of the pessimism surrounding the present state of US-North Korea relations,[7] it is crucial to analyze why negotiations between Washington and Pyongyang have failed repeatedly to achieve

denuclearization using evidence from the US's foreign policy towards North Korea. In this way, our article complements the considerable amount of research that has identified North Korea's culpability in contributing to the breakdown of previous agreements.

We argue that a reason why engagement has fallen short is due to the US's consistent reversion to the "crime-and-punishment approach" once tensions de-escalate. This approach maintains pressure by casting North Korea as an outlaw (or pariah) state while offering rewards only when it complies (i.e. denuclearizes).[8] Contrary to some who observe inconsistencies in the US's foreign policy towards North Korea,[9] we show that the US has stayed remarkably consistent within this approach and has further crystallized it into the now familiar denuclearization-before-concessions approach (or the denuclearization-first strategy). Accordingly, engagement policies have failed to effect further tangible outcomes for two reasons. First, since rewards – including negotiations – are habitually rebuffed, hardline approaches, rather than continued engagement, are commonly contemplated during impasses and setbacks. The instinct to fall back on the hardline stance erodes grounds for improved interactions. Second, given the denuclearization-first approach, promises are seldom supported among US policymakers, and hence delivered. Over time, the prospect of successful engagement diminished further across successive administrations as decision-makers in Washington hardened their predilection for the approach and narrowed their focus on the goal of denuclearization.

The policy relevance of our argument is twofold. First, we suggest that skepticism around engagement policies may be misguided. The failure of engagement may not be due to its inherent inability to induce denuclearization.[10] Rather, owing to policymakers' impatience with engagement, insufficient time may have been accorded for the policy to fully play out. The process of engagement takes time particularly given the "extraordinary level of mistrust between the Kim regime and the U.S.,"[11] and the likelihood that North Korea would continue

with the hedging behavior even amid negotiations.[12] Subsequently, Washington's tendency to revert to or fall back on hardline policies, such as containment and sanctions,[13] can prematurely derail talks and impede progress. Before dismissing engagement policies as ineffective, policymakers might thus benefit from giving engagement more time to see if it may establish the climate for more difficult conversations on denuclearization.[14] Second, and relatedly, the argument highlights that one way to increase the probability of engagement success is to devote greater effort towards resolving disputes at the negotiation table. This recommendation holds even as pessimism around Pyongyang's intention and the prospect of denuclearizing North Korea grows.[15] North Korea has at times exercised nuclear restraint both during the negotiation and the implementation phases (e.g. in the lead-up to the 1994 Agreed Framework and the February 2007 Agreement); hence, if the US were willing to hold back on punishing Pyongyang while being more willing to negotiate, North Korea's restraining behavior may sustain longer and perhaps also more determinatively.

The next section unpacks the debate surrounding the engagement policy in greater detail and makes the case for a path-dependent denuclearization position of the US's North Korea policy. We argue that the sequence of negotiations that has developed over the years has both hardened and constricted the US's position on the denuclearization of North Korea. The following section traces the developments from the George H. W. Bush administration to the current Donald Trump administration. Specifically, we highlight the continuity in the US's North Korea policy in the post-Cold War era. We conclude with broad policy conclusions, especially on the latest iteration of US-North Korea relations.

II. Failure of Engagement? Reframing the Debate

Efforts undertaken by the US and the international community in the post-Cold War era to put North Korea on a denuclearization path have all fallen short.[16] Despite the international

community's efforts, Pyongyang's nuclear program has continued, and North Korea, despite the odds, has succeeded in joining the exclusive nuclear club.[17] More recently, Pyongyang has conducted six nuclear and countless missile tests until the new round of negotiations with the Trump administration.[18]

Given these developments, much of the scholarly and policy debates have been framed around whether US engagement with North Korea could open up possibilities for Pyongyang's eventual denuclearization.[19] By engagement, we mean the "strategic process of persistently seeking common ground between antagonists to reduce tension."[20] Advocates of engagement policy and its variants have largely argued for the necessity of bringing North Korea into the international community and sowing the seeds of stability that, hopefully, would lead to shifts in Pyongyang's nuclear policy in East Asia.[21] Critics, on the other hand, have largely pinned the blame on North Korea for the continuous failure in negotiations over the years. Pyongyang, it has been argued, utilized the nuclear negotiations to extract concessions and has not approached negotiations in good faith.[22] Others point to the immense, yet futile, efforts put in by Washington to bring the North Korean nuclear issue to a successful conclusion.[23] Given the lackluster diplomatic track record of US-DPRK relations, doubts thus remain on the utility of engagement.

We argue that while engagement remains an important strategy, what is limiting its effectiveness is the US's North Korea policy in the post-Cold War era, specifically, its remarkably consistent emphasis on the punishment of North Korea and the frontloading of the achievement of US strategic goals. Despite fluctuations in negotiations and constant setbacks between the two sides, the overall framework guiding US foreign policy has largely remained intact, perhaps misunderstanding North Korea's nuclear hedging behavior. That is, the US has remained steadfast on a denuclearization-before-concessions approach despite evidence of Pyongyang displaying a willingness to negotiate and a capacity for nuclear

restraint whenever the US gave due consideration to North Korea's demands and moved away from its default policy in the past.[24]

Within the consistent framework of denuclearization before concessions, we further argue that two interrelated developments pertaining to the US foreign policy approach regarding North Korea's denuclearization. First, the policy has hardened. That is, the US has imposed higher standards on denuclearization and increased pressures on North Korea, which include the intensification of sanctions under successive US administration, and the designation of North Korea as a rogue regime and a state sponsor of terrorism.[25] With the continued advancement of Pyongyang's nuclear weapons program and after the Agreed Framework setbacks, Washington's position on denuclearization has also crystallized into "complete, verifiable, and irreversible dismantlement (CVID)," which has served as the main starting point of subsequent US-DPRK negotiations since George W. Bush's administration. Second and interrelated, the negotiating (bargaining) range around the hardened denuclearization stance also constricted over the course of three decades. With each iteration of negotiations with North Korea, the US decisionmakers developed an unwillingness to accept any outcome that falls short of complete denuclearization and have insisted on achieving it prior to any form of concessions (i.e. the denuclearization-before-concessions stance). Such fixation on denuclearization is evident in the US's demand for negotiation with preconditions.

We process-trace the evolution of US policy towards North Korea in the post-Cold War era and demonstrate that it has been a self-amplifying process, where "the initial events move[d] the sequence in a particular direction."[26] The consistency that is accompanied by the hardening of the US's policy stance and its constriction of negotiating range is path-dependent process where the sequence of events in the 1990s and 2000s continually reinforced the US's policy of denuclearization across successive administrations. To do this, we examine the policy stances of successive administrations from George H. W. Bush to

Donald Trump. Evidence suggests that the self-amplifying process eventually led to the current impasse in dealing with a nuclear North Korea. In the following section, we show the origins and the development of this enduring stance of denuclearization in the US's North Korea policy in the post-Cold War era.

III. Denuclearization Before Engagement

3.1 Crime-and-punishment: Setting the Foundation

Towards the end of the Cold War, the North Korean nuclear issue began to emerge as one of the key US foreign policy concerns. However, given that Pyongyang's nuclear program was at its infancy, the Bush administration had mostly regarded it as an inter-Korean issue, and not a direct national security concern. As such, members of the Bush administration viewed any proposal for a multilateral approach towards reconciliation with North Korea, such as the six-party talks proposed by President Roh Tae Woo, with skepticism.[27] When the president announced the unilateral withdrawal of American nuclear arsenal from the Korean peninsula on 27 September 1991, South Korea's concerns were but a "side chapter;" in fact, "Bush did not even mention the South Korean-based weapons in his speech."[28] Nonetheless, this move and the subsequent step to cancel *Team Spirit*, a joint US-South Korea military exercise which has long been perceived by Pyongyang as a threat, opened the path to the first meeting between "ranking U.S. and North Korean diplomats" in January 1992, followed by a series of discussions between Seoul and Pyongyang that appeared to pave the way for a nuclear weapons-free peninsula.[29]

Understanding the Bush administration's approach, goals and strategy is crucial as they would serve as a reference for future administrations. In 1989, the president stated in an address to the South Korean National Assembly that "[p]eace through strength is a policy that has served the security interests of our two nations… we must complement deterrence with

an active diplomacy in search of dialogue with our adversaries, including North Korea."[30] In practice, this meant that engagement with North Korea was framed explicitly and only as talks – not "negotiations." Pyongyang would have to make "progress on any of the requests and concerns" put forth by Washington *before* the US would "take reciprocal steps favorable to North Korean interests."[31]

In 1992, the International Atomic Energy Agency (IAEA), which was responsible for verifying Pyongyang's declaration of its nuclear inventories, found discrepancies between the amount of plutonium reprocessed and that which is declared.[32] In response, Washington added that a normalized US-DPRK relationship could be possible if, among other things, Pyongyang ended "its nuclear weapons development program and [allowed] IAEA inspections of its nuclear facilities."[33] However, after Pyongyang signed the nuclear safeguards accord and undertook other acts of nuclear restraint, such as halting the process of reprocessing its spent fuel, the Bush administration launched a counter-proliferation campaign when CIA intelligence concluded that North Korea could soon produce a crude nuclear weapon.[34] This tailored coercion, which penalizes North Korea for continuing with its nuclear program, and the "holding out [of rewards for its] compliance" manifest, in essence, the crime-and-punishment approach.[35] Throughout subsequent administrations, this overarching approach would continue more broadly through the strategy of negotiating with preconditions and the application of economic and military pressure on Pyongyang.[36] That said, under the Bush administration, the crime-and-punishment approach was at its inception, and, hence, its features rather signaled the continuation of coercive diplomacy.[37]

Members of the Bush administration were divided on the issue of holding bilateral talks with North Korea. Ultimately, under the pressure of hardliners, the Bush administration avoided direct talks. As Sigal points out, "[w]hen they did negotiate, they shied away from tabling specific offers. When they did make proposals, they cloaked concessions in threats.

When they made promises, they did not always keep them."[38] This aversion towards negotiations led to a compromised foreign policy stance that was unnecessarily tough and vague to the North Koreans.[39] Moreover, what promised to be a carrots-and-sticks approach soon turned into a '"policy of pure stick" and the Bush administration "held out high-level talks as a reward for good behavior."[40] When North Korea was open to inspections from the IAEA and further nuclear diplomacy, it was the US and IAEA that rejected such overtures from Pyongyang as the US tried to stay firm within its crime-and-punishment approach.[41]

3.2 From Military Option to Limited Negotiations

The Clinton administration closely followed in the footsteps of its predecessor's foreign policy line.[42] Similarly, it used the IAEA to monitor and seek out illegal advancements proscribed by the nonproliferation regime and the safeguards agreement so that it may "constrain [Pyongyang's] nuclear program without offering anything in return."[43] It also set the denuclearization of North Korea as its ultimate goal and treated high-level bilateral talks similarly as a reward rather than a process that facilitates the solving of the North Korean nuclear issue.[44] The administration's public declarations of the denuclearization of North Korea moreover narrowed its policy options domestically and forced it to adopt a tougher "posture" in the process.[45] Furthermore, it contemplated the launch of a preventive war when the 1994 nuclear crisis erupted, but finally set it aside due to the heavy casualties that would be involved.[46]

The 1994 crisis began with Pyongyang announcing that it would withdraw from the Nuclear Nonproliferation Treaty (NPT), which explicitly inhibits non-nuclear weapons states from acquiring or transferring nuclear weapons and commits them to IAEA safeguards. From the US's perspective, Pyongyang's withdrawal was, thus, intolerable since a nuclear North Korea would weaken the strength of US deterrence in the region and potentially encourage a

cascade of nuclearization amongst its allies, facilitate nuclear terrorism, or lead to unimaginable outcomes if and when a nuclear North Korea collapsed. According to William Perry, then Secretary of Defense, "[t]hat crisis was the only time in my tenure… that we came close to a major war. We were willing to risk war because we believed that a nuclear weapon production program in North Korea posed unacceptable security risk."[47]

Even as the US chose to negotiate with North Korea, the decision remained politically contentious and it lacked a firm framework as the Clinton administration "seemed unable to make a clear-cut decision to offer negotiations."[48] In the lead-up to and during the 1994 Agreed Framework talks, Clinton continued to insist on verifications before any progress could be made. For instance, at a 22 June press conference, Clinton pointed out that the US was willing to resume talks with North Korea only when it had received formal confirmation that Pyongyang "will freeze the major elements of its nuclear program while a new round of talks between our nations proceed."[49] After the signing of the Agreed Framework, Clinton maintained that concessions would be conditioned upon the progress of further talks.[50] The administration also insisted that the agreement on verification was key to progress on nuclear issues between Pyongyang and Washington.[51] High-level bilateral talks with Pyongyang was often regarded as something of a reward for good behavior by the US State Department that is "not to be permitted until North Korea earned it with agreements and performance."[52]

Diplomatic and economic pressures were applied to 'compel' North Korea to defuel the reactors while the administration banked on the North Korean regime to collapse in the not too distant future.[53] As such, the US approach was largely reserved and minimalist in orientation. Robert Gallucci, then chief negotiator of the US with North Korea, described his initial negotiating posture as follows: "[i]f they do everything we want, we send them a box of oranges."[54] That said, US negotiators faced substantial difficulties in gathering financial and political support from Congress. As Joel Wit, Daniel Poneman and Gallucci recalled:

> "the Senate unanimously approved a Republican-sponsored amendment to the Foreign Assistance Act. *The amendment barred aid to North Korea unless the president certified that it did not possess nuclear arms, had halted its nuclear program, had come into full compliance with both the Non-Proliferation Treaty and its IAEA safeguards agreement, and did not export plutonium or missiles … the message was clear.* Congress was in no mood to provide any financial support, let alone funding for a multibillion-dollar project."[55]

Ultimately, because of Congress's insistence on the denuclearization-first approach and its more stringent demands, more legwork and time were needed before the US could provide Pyongyang with a persuasive proposition and a sufficiently believable, albeit "beefed-up," guarantee which indicated US credibility.[56]

Shortly after the 1994 Agreed Framework was signed, KEDO (the Korean Energy Development Organization) for the most part was discarded and senior US officials who led the negotiations moved on, "depriving the administration of policy continuity" for sustained denuclearization dialogue with Pyongyang.[57] Clinton attempted to intensify diplomatic efforts once US intelligence detected North Korea's uranium-enrichment program and the effort ultimately resulted in high-level talks between Madeleine Albright and Kim Jong-il. However, Clinton ran out of time with the election of George W. Bush.[58] This political transition once again returned US-DPRK relations from the relatively brief period of preventive diplomacy to coercive diplomacy as the Bush administration's hardline stance along with the context of 9/11 led the potentiality of nuclear proliferation to the Middle East to be considered a larger threat than war on the Korean peninsula itself.[59]

3.3 Sanctions, Pressures and CVID

The Bush administration wanted to chart its own course on the nuclear weapons issue; thus, the 1994 Agreed Framework under the previous administration was viewed with skepticism and was quickly cast aside.[60] As then vice president, Dick Cheney, declared, "We don't

negotiate with evil, we defeat it."[61] Particularly after September 11, 2001, this "All But Clinton" approach confirmed a return to coercive diplomacy, which had not only hardened but also narrowed in the early years with the perceived failure of the Agreed Framework.[62] Branding North Korea as a part of the "axis-of-evil," Bush threatened Pyongyang with military action and the Agreed Framework was, as Robert Carlin recollected, "purposefully destroyed."[63] Subsequently, North Korea began expelling IAEA inspectors and restarted its nuclear facilities in Yongbyon.[64]

By October 2002, such a constricted diplomatic stance vis-à-vis Pyongyang was slowly emerging as the main obstacle during early exchanges between the two sides. When James Kelly, then US Assistant Secretary of State for East Asian and Pacific Affairs, went to Pyongyang to meet with Kang Sok Ju, a North Korean diplomat, the US insisted that no talks would take place until North Korea's enrichment program was dealt with: "In Pyongyang's view, the United States wanted the North to disarm first, before talks, whereas the North thought it had signaled… that US security concerns could be addressed during, but not before resuming, dialogue."[65] Differences in both sides' negotiating stances were clear and, consequent to the strict instructions to Kelly, Pyongyang's offer to negotiate was dismissed. Furthermore, instead of leveraging the chance to renegotiate,[66] the administration concluded prematurely that Pyongyang was "secretly making uranium-based nuclear weapons."[67] The conclusion was then used to justify the administration's isolation of North Korea.[68] When former ambassador Donald Gregg and diplomatic correspondent Don Oberdorfer attempted to relay a message from the North Korean leadership that stated its desire for continued dialogue with the US in November 2002, Deputy National Security Council Adviser Steve Hadley gave a "quick, negative, and definitive" answer: "We don't reward bad behavior."[69]

The deteriorating relationship between Washington and Pyongyang finally culminated in the second nuclear crisis when North Korea admitted to developing a nuclear program

designed for uranium enrichment. The administration's immediate reaction was to ignore North Korea, believing that Pyongyang was intent on blackmailing the US to reward bad behavior yet again.[70] Condoleeza Rice, then Assistant to the President for National Security Affairs, proposed a multilateral approach in a 2003 White House memo on North Korea Policy, that rests on the condition that North Korea "dismantle in a *verifiable and irreversible manner* its nuclear weapons program, and… fulfill all of its international obligations."[71] Even as Pyongyang persisted with pressing for bilateral negotiations with Washington,[72] it was rebuffed by the Bush administration, which publicly outlined that "all options" were being considered, including the use of military force.[73] The toppling of Saddam Hussein in Iraq and the prospects for regime change only made clear Washington's willingness to pursue denuclearization by force.[74] More importantly, among the reasons that eventually convinced the president of engagement was "that the strategy was 'just regime change by other means.' Bush argued that the regime would 'never survive if the place was opened up.'"[75]

Once again, the US was putting more emphasis on the sticks than the carrots while its "reluctance to use incentives reflects a deep-seated ideological and bureaucratic resistance to negotiating with North Korea."[76] Indeed, it was during this administration that the goal of CVID, which promises benefits and assurances only after Pyongyang has proceeded to dismantle its nuclear program, was formally introduced.[77]

Even as the Six-Party Talks were underway, Washington regarded the platform as an avenue to apply "new and effective" multilateral pressure on North Korea and a means to avoid bilateral talks.[78] After rounds of negotiations, the September 19 Joint Statement (2005) suggested that the issue of an "appropriate time" to discuss the delivery of light-water reactors would only come after North Korea had "eliminated all nuclear weapons and all nuclear programs, and this had been verified to the satisfaction of all parties by credible international means, including the IAEA; and when the DPRK has come into full compliance

with the NPT and IAEA safeguards, and has demonstrated a sustained commitment and transparency and has ceased proliferating nuclear technology."[79] Moreover, despite statements in the accord guaranteeing North Korea's security and respecting its sovereignty, the US quickly moved to terminate KEDO and undercut Christopher Hill's testimony in Congress by stating that "all options remain on the table." This policy continued with further financial sanctions under the Illicit Activities Initiative, which froze around USD $25 million of North Korea's funds.[80]

Reflecting on the Joint Statement, Steve Hadley, on November 11, 2005, once again outlined the complete denuclearization-for-benefits position:

> "we've laid out [a framework] of things that could follow if [Pyongyang proceeds with] a willingness and [carries] the undertaking that the North Koreans made in that document – which was to get rid of their nuclear weapons and their nuclear programs. And it makes clear that that will open up an opportunity for economic assistance and increased economic cooperation and gradually, diplomatic process, as well."[81]

When Pyongyang rejected the international community's demands for the abandonment of its nuclear weapons program, the US "urged Japan and South Korea, as well as China, to help it apply "maximum pressure" to force North Korea to halt the program."[82]

As the Bush administration continued to demand concessions before negotiations and ignored North Korea's pleas for further dialogue, Pyongyang "expelled all international inspectors … increased its plutonium stockpile and tested its first nuclear weapon on 2006."[83] Even after the nuclear test and the subsequent conclusion of the 2007 agreement, the US shifted the goal post by conditioning its lifting of sanction provisions and the de-listing of North Korea as a state sponsor of terrorism on Pyongyang's "cooperation in helping to verify the accuracy and completeness of its declaration."[84] Simply put, it was the reward for good behavior mentality that continued to guide Bush's North Korea policy.[85]

Overall, the Bush administration "essentially adopted the same goals and strategy first forged during the former Bush administration and acted upon during the Clinton administration."[86] More importantly, the foreign policy stance had hardened with the crystallization of CVID alongside the maintenance of sanctions. Furthermore, with the perceived failure of the Agreed Framework, the US foreign policy had also further narrowed through a stronger insistence on holding out rewards and on denuclearization before negotiations.

3.4 Obama and Strategic Patience

The Barack Obama administration pursued a policy of strategic patience, which "essentially means waiting for North Korea to come back to the negotiating table with changed behavior while maintaining pressure through economic sanctions for its bad behavior."[87] Two factors underpinned the policy. First, it assumed that the existing regime in Pyongyang would eventually collapse, an assumption that has become a "bipartisan principle of successive administrations" since the Clinton years, if not earlier.[88] Second, it followed the idea that given the right conditions, the US "would pursue a comprehensive package deal for North Korea's complete denuclearization in return for normalization of relations and economic aid, *but it will not move first*."[89]

With the implementation of strategic patience, the Obama administration thus displayed the same resolute position by further hardening the US's policy stance and narrowing its bargaining position in dealing with North Korea. During his Prague speech in 2009, Obama criticized Pyongyang for breaking "the rules once again" and cited its rocket test as a reason "for a strong international response … to pressure the North Koreans to change course."[90] At the same time, he declared the denuclearization of North Korea as a key priority of his administration, of which international sanctions would play a vital role.[91] In addition, rather

than opening up to the possibility of bilateral talks, as North Korea had hoped for, the Obama administration stuck with the multilateral framework advanced by Bush and "cautioned Pyongyang … of more severe consequences of a second nuclear detonation." Obama's North Korea policy thus echoed a similarly hardline position to his predecessor as "Washington quickly sought to deny the DPRK any political or strategic advantage it claimed from the nuclear test and pressed for additional sanctions at the UN Security Council."[92]

Under strategic patience, more importantly, the US refused direct talks with North Korea while keeping up the pressures through continued sanctions and the strengthening of its alliance structure in East Asia. As then Secretary of State Hillary Clinton stated, the US was ready to meet with North Korea "within the framework of the Six Party Talks … [However, current] sanctions will not be relaxed until Pyongyang takes verifiable, irreversible steps toward complete denuclearization. Its leaders should be under no illusion that the United States will ever have normal, sanctions-free relations with a nuclear armed North Korea."[93] During his June 16, 2009, joint press conference with South Korean president Lee Myung-bak, Obama furthermore clarified that "[t]here's been a pattern in the past where North Korea behaves in a belligerent fashion and, if it waits long enough, is then rewarded … And I think that's the pattern that they've come to expect. The message we're sending — and when I say 'we,' not simply the United States and the Republic of Korea, but I think the international community — is, we are going to break that pattern."[94] Evidently, Pyongyang's commitment to complete denuclearization was to be the starting point and the stance of not rewarding bad behavior remained firmly entrenched as a part of the strategic patience approach.

During Obama's tenure, the New York backdoor channel of communication that had existed since the 1990s was shut down by the North Koreans and relations fell on hard times.[95] Moreover, Obama left out North Korea (along with Iran) from the limitation of the conditions for the use of nuclear weapons in 2010, continued with Executive Order 13466,

and agreed to delay the handing off of wartime operational control of Korean forces.[96] In the 2010 National Security Strategy, the promises of bilateral and international engagement as a reward for North Korea's denuclearization and punishment for its failure are reinforced once again:

> "The United States will pursue the denuclearization of the Korean peninsula… If North Korea eliminates its nuclear weapons program… they will be able to proceed on a path to greater political and economic integration with the international community. If they ignore their international obligations, we will pursue multiple means to increase their isolation and bring them into compliance with international nonproliferation norms."[97]

Overall, other than his call for China to take on a greater responsibility, Obama's "halfhearted" approach, which was said to lack "a sense of urgency or priority" and that sought containment "while paying lip service to the objective of rollback," mirrored his predecessor's preference for punishment; that is, to ignore Pyongyang until it complies while employing sanctions to limit its proliferation capabilities.[98] The preference for instituting still more sanctions, affirming support for South Korea, and conditioning talks on additional changes in Pyongyang's behavior was reinforced by consistent and severe North Korean provocations, which include a fatal shelling of the island of Yeongpyeong.[99]

By Obama's second term, the US continued to place the onus on North Korea. As Glyn Davies, special representative for North Korea policy, stated, the US refused to "engage in talks for the sake of talks."[100] Similarly, Stephen W. Bosworth, Special Representative for North Korea Policy, testified to the Senate Foreign Relations Committee on March 1, 2011 that the Obama administration was committed to "meaningful engagement" should North Korea "meet its international obligations and commitments to achieve the goal of the 2005 Joint Statement: *the verifiable denuclearization* of the Korean Peninsula in a peaceful manner."[101] Coupled with a continuing belief that the Kim regime would eventually collapse and that negotiations with North Korea is "an exercise of flimflammery," the main problem

as Robert Carlin testified, is "*then as now many people didn't see the point in even talking to North Koreans*."[102] Guided by this perspective of North Korea as "a risk-prone, illiberal outlier, with whom negotiating was futile,"[103] the Leap Day Deal became the shortest-lived agreement concluded between the two countries: "As one key Obama administration official later recalled, the deal was… intended to test whether the North was sincere or not in its negotiations with the United States. The rest of what happened is history; the North Korean stuck to their position, launched a space launch vehicle in April and the Leap Day Deal collapsed."[104] -

3.5 Trump and Maximum Pressure

With the election of Trump (and President Moon Jae-In in South Korea), North Korea signaled its willingness to "wipe the slate clean and revive the New York channel." Importantly, Pyongyang desired initial discussions to be "held without preconditions."[105] Yet, much of the administration's North Korea policy remained the same as "the United States reaffirms that North Korea's illicit nuclear program must be completely, verifiably, and irreversibly eliminated, resulting in a Korean Peninsula free of nuclear weapons."[106] Rather than exploring bilateral talks, the Trump administration, similar to his predecessors, approached the North Korean nuclear issue with the same "all options on the table" approach emphasizing denuclearization as the ultimate goal.[107] Moreover, in the midst of a fiery rhetorical exchange between Trump and Kim, the administration had re-listed North Korea as a state sponsor of terrorism in 2017 and "essentially escalated what [sanctions] his predecessor started," and strengthened his pressure campaign by "pushing other countries to end or shrink their diplomatic relations."[108] As Thomas Countryman, former assistant secretary of state for international security and nonproliferation, noted: "The Trump administration is very much on the same path as the Obama administration, putting greater

emphasis on sanctions, putting greater emphasis on the need to provide defensive and deterrence capabilities to protect Japan and South Korea."[109] Other aspects of this pressure campaign included urging Beijing to play a more active role, tightening sanctions, asserting the importance of denuclearization as a precondition for negotiations, and building up the US's military readiness and capabilities, such as its missile-defense capabilities.[110]

The two face-to-face meetings between Trump and Kim Jong-Un appeared to herald a break from previous administrations and a change in the overall direction of the US foreign policy towards North Korea. Yet, the hardening and narrowing of the US's North Korea policy remains evident in the administration's replacement of the word, 'dismantlement,' with 'denuclearization' in CVID. This change represents a further shift in the goalpost toward a standard which, according to Robert Gallucci, "is physically, not actually plausible."[111] Moreover, as the eventual failure of the Hanoi summit shows, the overall policy framework largely remained intact. Donald Trump's policy of maximum pressure (or strategic accountability) aimed to pressure North Korea from all angles economically and diplomatically to make it "*politically painful and financially untenable, in order to compel it to revise its strategic calculus*."[112] It was characterized by three actions: strong multilateral sanctions through the UN, the galvanization of international action, and the maximization of American domestic authorities to apply pressure on Pyongyang. Three don'ts dominated the Trump administration's diplomatic approach to North Korea in 2018: "don't reward talks, don't let up on sanctions, don't make the mistakes of past administrations."[113] Consequently, any diplomatic engagement with North Korea was still "backed by military options" and the onus for negotiations, once again, was placed on North Korea to "signal its desire to negotiate in good faith."[114]

While the administration maintained that its strategy differs vastly from the past, comparisons between Trump's maximum pressure and Obama's strategic patience,[115] and the

turn of events in the February 2019 Hanoi Summit suggest otherwise. While no conclusion had been reached on the cause of the summit's failure, one point is clear. The lack of preparation on the part of the US; the last-minute demand for "huge concessions from the North Koreans upfront, in exchange for vague future counter-concessions;" the continued insistence on North Korea's "unilateral disarmament" prior to the receipt of inducements; and the US's inability to clarify what exactly it is willing to concede signified "how unserious the U.S. debate is on North Korea."[116]

IV. Conclusion

Continuity, rather than change, has fundamentally characterized US foreign policy in the post-Cold War era, particularly in East Asia.[117] Specifically in the case of North Korea, we have argued that the crime-and-punishment approach of the first Bush administration has provided the foundations for US-DPRK relations for successive administrations. Over time, perceived failures of the Agreed Framework and the Six-Party Talks, Washington's domestic politics, and the "collapsism" assumption have all led the US's North Korea policy to become path-dependent as it developed into the now familiar denuclearization-before-concessions stance. This approach has blocked the US from engaging Pyongyang in a meaningful way while hardening US predilection for the hardline options and narrowing the focus on the goal of denuclearization.

We conclude with three broad theoretical and policy implications. First, as the US's North Korea policy become more entrenched over the years, it has evidently become more difficult to alter courses in the US-DPRK negotiations. Goodwill gestures and attempts to reinitiate talks have been attempted by both sides, and at times through Chinese and South Korean initiatives. Despite such attempts, the overall US foreign policy framework towards North Korea has largely remained intact, as we have argued in this paper. As such, the only way the

current iteration of US-DPRK negotiations can move towards a compromised agreement is through fundamental shifts away from the crime-and-punishment approach. Without such changes, past experiences suggest that the unstable balance between Washington and Pyongyang is bound to continue in the Joseph Biden administration. The collapse of the Hanoi summit is a case in point. Even while recognizing Pyongyang's responsibility, the event evidences the pushback in Washington against going soft on North Korea, if not the strength of the hardliners within the administration. Hence, unless Washington derails from the usual approach, the die seems cast for negotiations to remain tough, or for the potential delivery process to be frustrated.[118] Second and related, given that engagement policies towards North Korea have often been afforded insufficient time, skepticisms around engagement policies may be misguided. Specifically, rather than dismiss engagement as being ineffective, it might be more beneficial to US-DPRK relations if negotiations were afforded more time rather than hastily reverting to hardline policies immediately after setbacks and shortcomings. Lastly, our analysis reinforces the significance of understanding the conditions under which North Korea could be put on a path of denuclearization.[119] Pyongyang has at times exercised nuclear restraint both during the negotiation and the implementation phases of the Agreed Framework and Six-Party Talks when the US concedes first and agrees to Pyongyang's central demands. Consequently, if the US were willing to hold back on punishing Pyongyang while being more willing to negotiate, North Korea's restraining behavior may sustain longer and perhaps also more determinatively as Pyongyang seeks to defend the gains – US concessions – in the long run.

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