



# Risk Realism

The Arms Control Endgame for North Korea Policy

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### Cover Art

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## Executive Summary

While the reasons for seeking North Korean denuclearization are sensible, continuing to pursue that goal makes the United States and its allies less secure. In word and deed, North Korea has shown it has no interest in nuclear disarmament.

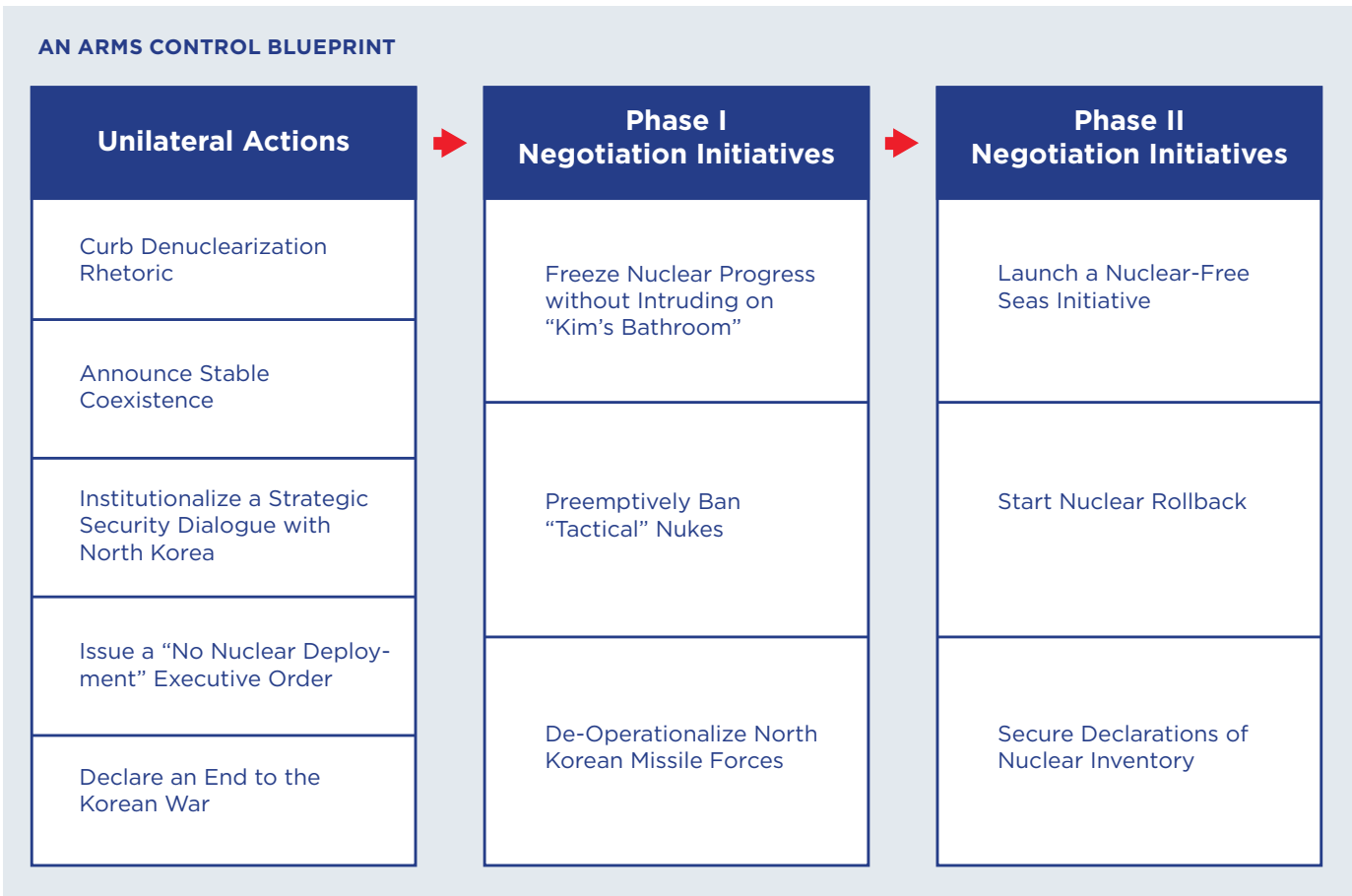
Because denuclearization is antithetical to Kim Jong Un’s bottom line, U.S. attempts at diplomacy to that end are self-sabotaging. As long as disarmament of North Korea remains America’s professed goal, Kim Jong Un has every incentive either to avoid the negotiating process or favorably manipulate it at America’s expense—by stalling for time, making unfulfilled promises, and securing concessions without reciprocity. Worse, as the 2017 nuclear confrontation showed, making denuclearization an actionable goal of U.S. policy creates real risks of crisis instability—justifying extreme measures and extreme rhetoric in the name of what has become an extreme aim.

But policymakers can avoid the pitfalls of the past by attempting something more realistic than denuclearization—an arms control approach to North Korea.

The United States has significant unexploited margin to take diplomatic and political risks aimed at probing and potentially shifting North Korea’s approach to its nuclear arsenal. An arms control approach would seek to reorient U.S. North Korea policy to prioritize what matters most: reducing the risk of nuclear or conventional war without forsaking other U.S. interests at stake in Korea.

Using diplomacy to enhance regional stability and foreclose the possibility of an avoidable nuclear war requires pursuing a negotiated outcome that both sides can accept, and that tests North Korea’s willingness to uphold commitments short of disarmament. U.S. policy often seeks to test North Korean intentions, but without offering the accommodations and concessions that would serve as a meaningful test.

Remedying this problem through an arms control approach requires taking considerable unilateral actions consistent with U.S. interests before proceeding to a phased negotiating process.



## Introduction

For a generation, policymakers have judged that a nuclear North Korea was a threat the United States could not accept. To decide otherwise, it was thought, would imperil U.S. allies, increase the likelihood that nuclear weapons would spread even further, damage the sanctity of the nuclear taboo, and eventually threaten U.S. territory. But America's denuclearization quest has thus far failed. While a non-nuclear North Korea remains in the national interest and a nuclear-free Korean Peninsula is a worthy long-term aspiration, it is no longer realistic, and continuing to pursue it is neither cost- nor risk-free.

The recent history of U.S.–North Korea relations shows that any policy designed to achieve denuclearization not only will fall short but can also engender avoidable risks of crisis instability in the process. As the 2017 nuclear crisis demonstrated, denuclearization justifies the use of pressure policies that only escalate North Korean defiance and weaken the credibility of diplomacy aimed at reducing the nuclear threat.<sup>1</sup> The closest thing to an analytical consensus among Korea watchers is that North Korea will not willingly give up its nuclear arsenal under any foreseeable circumstance.<sup>2</sup> As if to underscore the point, North Korea has clarified that it is uninterested in what it sees as “unilateral nuclear abandonment” and that denuclearization requires “the removal of all sources of nuclear threat, not only from the South and North but also from areas neighboring the Korean Peninsula . . . completely eliminating the American nuclear threat to North Korea before eliminating our nuclear capability.”<sup>3</sup> Absent a change in U.S. policy, North Korea will continue normalizing its relations with the outside world and making the existing sanctions regime more porous while expanding its nuclear arsenal.

Proceeding with the assumption that North Korea will not disarm short of military force, this report proposes that America's top priority on the Korean Peninsula should be to create conditions for regional stability in Northeast Asia by minimizing the risks of nuclear conflict with North Korea while attempting to preserve the varied interests the United States has intertwined with Korean security. To do that, it argues for introducing an arms control paradigm into North Korea policy. While not abandoning denuclearization as an aspiration, this report urges policymakers to no longer treat it as a realistic planning factor or concrete goal of strategy. Paradoxically, measuring the success of North Korea policy against denuclearization undermines the primary purposes denuclearization is meant to serve.

## AN ARMS CONTROL BLUEPRINT

### Unilateral Actions

- *Curb Denuclearization Rhetoric:* The White House should state that denuclearization will no longer be a concrete goal of U.S. North Korea policy.
- *Announce Stable Coexistence:* In tandem with a pivot away from denuclearization, the United States should declare that it is willing to peacefully coexist with North Korea under the Kim regime as long as it does not actively threaten South Korea or Japan.
- *Institutionalize a Strategic Security Dialogue with North Korea:* To manage the risks of inadvertent conflict and tailor its own deterrence posture more effectively, the United States needs to understand as accurately as possible how North Korea thinks about coercion, nuclear doctrine, and conditions of nuclear use.
- *Issue a “No Nuclear Deployment” Executive Order:* The White House should issue an executive order (EO) suspending deployments of nuclear-capable bombers to the Korean Peninsula, including the B-1B, which is no longer nuclear-capable but poses a discrimination problem for North Korea by introducing the same risks as if it were. The EO should have a provision requiring the president to approve any redeployment decision.
- *Declare an End to the Korean War:* Declare an intention to end the Korean War as a political matter. If the United States sees value in maintaining a long-term presence on the Peninsula, it would be on firmer footing if its presence is based not on a war fought more than two generations ago, but rather predicated on whatever the logical merits are for keeping troops in Korea now and in the future.

### Phase I Negotiation Initiatives

- *Freeze Nuclear Progress without Intruding on “Kim’s Bathroom”:* The State Department should negotiate a moratorium on all North Korean nuclear activities and allow international monitors to establish an initially limited presence in North Korea. The United States should triangulate verification—relying heavily on intelligence collection and passive open-source analysis—rather than hold negotiations hostage to an unrealistically intrusive inspections regime at the outset.
- *Preemptively Ban “Tactical” Nukes:* U.S. negotiators not only should seek a North Korean commitment to cap its existing arsenal at present numbers, but also to gain a North Korean agreement not to diversify its nuclear capabilities into operational low-yield nuclear weapons.
- *De-Operationalize North Korean Missile Forces:* The State Department should seek a North Korean commitment for the Missile Guidance Bureau to de-operationalize its missile forces. This could be done, for example, by mutually agreeing to keep

military alert levels low, restricting the use of solid fuel propellant, and/or allowing inspectors of missile facilities to monitor their non-operational status.

### Phase II Negotiation Initiatives

- *Launch a Nuclear-Free Seas Initiative:* The Office of the Secretary of Defense and State Department should jointly negotiate a mutual ban on nuclear weapons within the exclusive economic zones (200 nautical miles) on either side of North Korea's coasts.
- *Start Nuclear Rollback:* Once the arms control process has matured to the point that rollback becomes feasible, U.S. negotiators should prioritize reducing parts production for, and inventory of, the Pukkuksong series of solid-fuel missiles, followed by Musudan, Nodong, and SCUD missiles.
- *Secure Declarations of Nuclear Inventory:* Once the United States and North Korea have established a degree of confidence and predictability by implementing Phase I Negotiation Initiatives, the State Department should seek a declaration focusing on fissile-material production facilities—revealing this information does not pose any risk to North Korea's nuclear deterrent. If North Korea complies without any deception, the Strategic Security Dialogue proposed above should be used to elicit insights about the disposition, quantity, and posture of North Korean nuclear weapons.

In parallel with this arms control process, additional measures will help mitigate the risk that North Korea reneges on commitments or fails to reciprocate U.S. attempts to transform U.S.-Korean Peninsula security dynamics.

### Risk Mitigation Measures

- *Establish Rapid-Reaction Deterrence in South Korea:* If negotiation and efforts to transform the U.S.-North Korea relationship fail, the nuclear threat can only be managed through deterrence. U.S. force posture in South Korea therefore should adapt to the requirements of deterrence against a second-tier nuclear-armed adversary with a track record of small-scale violence.
- *Repurpose Extended Deterrence Dialogues with Allies:* The Office of the Secretary of Defense and State Department should repurpose existing extended deterrence dialogues with Japan and South Korea as mechanisms for shoring up the credibility of U.S. commitments.
- *Preserve Sanctions that Combat Proliferation:* As the United States undertakes various forms of sanctions relief—a necessary concession in any nuclear bargaining process—it should avoid removing those deemed necessary as legal architecture for combating North Korean trafficking in nuclear and missile materials.



On June 30, 2019, President Donald Trump and North Korean leader Kim Jong Un met at the Korean Demilitarized Zone to revive stalled nuclear talks. (Handout/Dong-A Ilbo via Getty Images)

The remainder of this report makes the case for an arms control approach to North Korea and details how it would need to be structured to make the process viable. The first section makes the case against denuclearization on the basis that it undermines credible nuclear diplomacy and exacerbates avoidable risks of crisis instability. The second section presents the rationale for arms control by refuting the historical objections to freezing, capping, and rolling back North Korea's nuclear capabilities short of total disarmament. The third section presents details for a phased arms control strategy, starting with unilateral gestures and risk mitigation initiatives before proceeding to negotiated, reciprocal outcomes that culminate in a stable and reduced North Korean nuclear arsenal. The fourth section describes a series of realistic bargaining inducements the United States can use to lubricate the process of negotiating arms control.

## Section One: The Case against Denuclearization

The reasons for pursuing North Korean denuclearization are uncontroversial. North Korean nuclear weapons present a proliferation risk, alter the balance of military power between North and South Korea, threaten U.S. and allied territory beyond the Peninsula, and presumably dilute the global nuclear taboo. But North Korea itself has clarified on numerous occasions that it is uninterested in “unilateral nuclear abandonment,” and that denuclearization, in its view, requires “the removal of all sources of nuclear threat, not only from the South and North but also from areas neighboring the Korean Peninsula . . . completely eliminating the American nuclear threat to North Korea before eliminating [its own] nuclear capability.”<sup>4</sup> This makes denuclearization a utopian goal that, if cost- and risk-free, would amount to a laudable struggle. But it is neither cost- nor risk-free.

There are two problems with denuclearization today that make it insensible. First, achieving big goals requires a willingness to pay a big price. Denuclearization—a goal that has grown more audacious with time—has encouraged the United States to adopt an escalating pressure-based approach to North Korea that wrongly assumed it would respond favorably to pressure. But rather than capitulation, U.S. pressure has simply accelerated the nuclear threat, culminating in an avoidable crisis in 2017. Moreover, sustaining pressure on North Korea over time has become increasingly difficult given divergent interests among the United States, Japan, South Korea, China, and Russia. Second, denuclearization as a professed goal undermines the already strained credibility of nuclear diplomacy with North Korea. Goals for diplomacy that antagonize—and run diametrically opposed to—the goals of your counterpart reduce the likelihood that diplomacy will succeed.

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### Crisis Instability Risks

During the Clinton administration and the first term of the George W. Bush administration, denuclearization was a reasonable and necessary goal because North Korea was not yet a nuclear threat. Prior to its first nuclear test in 2006, it was not evident that North Korea even had a functional nuclear device. And amid dire domestic circumstances after the Cold War, including chronic famine and reports of an attempted coup, North Korea’s immediate priority in the Clinton and Bush years appeared to be defensive: regime survival.

By the end of President Barack Obama’s first term, however, it became clear that North Korea’s nuclear weapons were here to stay.<sup>5</sup> The problem facing the United States was not preventing the emergence of a nuclear threat, but rather that an existing nuclear threat was actively improving its capabilities—through an increase in the overall missile inventory and amount of fissile material, the use of solid fuel (which reduced advance warning times before a launch), mobile launcher platforms that made targeting launches harder, and night tests that simulated operationally realistic conditions for missile use.

Despite the shift in circumstances though, the Obama administration’s goal had not changed. The prospect of denuclearization diminished with every missile and nuclear test, leading the United States to ratchet up pressure in pursuit of the goal.

But the gradual escalation of U.S. pressure simply accelerated the urgency with which Kim Jong Un pursued nuclear acquisition and development. And in the first two years of the Trump administration, the



On September 9, 2016, North Korea carried out its fifth nuclear test at its Punggye-ri test site. (Woohae Cho/Getty Images)

goal of denuclearization helped propel a major nuclear crisis with North Korea. The ambitious U.S. policy of maximum pressure was a precipitating cause of the 2017 to mid-2018 nuclear crisis, and it was only ever justified—or justifiable—in relation to the equally ambitious goal of denuclearization. Had the United States not insisted on denuclearization in 2017, it would have had several opportunities to enter into a diplomatic process with North Korea that would have preempted America’s posture of maximum pressure. Diplomacy, in turn, would have made the political environment less favorable to the incendiary “fire and fury” threat-making that came to define the crisis.

### Diplomacy’s Poison Pill

Sustaining the goal of denuclearization, even just rhetorically, also hinders America’s ability to address the North Korean nuclear threat through negotiations. Since the United States will always have the technical ability to depose Kim Jong Un, North Korea’s claim that it will not relinquish its nuclear weapons before the United States has eliminated its ability to threaten regime change<sup>6</sup> effectively means North Korea intends to never surrender its nuclear capability.

North Korean nuclear strength has become a condition for Kim Jong Un to embark on diplomacy, not a condition to be removed through diplomacy. During the 2017 crisis, the North Korean Foreign Ministry frequently mentioned its intent to only undertake serious negotiations with the United States when it had achieved what it described as an “equilibrium of force” (that is, a nuclear balance of power).<sup>7</sup> In the 2018 New Year’s speech that Kim Jong Un used to extend a diplomatic olive branch to South Korea, he also made clear that his goodwill rhetoric was contingent on having “at last come to possess a powerful and reliable war deterrent . . . In no way would the United States dare to ignite a war against me and our country.”<sup>8</sup>

Given North Korea’s perspective, seeking talks with the professed aim of denuclearization amounts to a cynical form of engagement—it eliminates incentives for North Korea to seek a positive-sum outcome through negotiation and makes it understandably wary of any U.S. negotiating position. In Kim’s view, there is little point in making even small concessions to a U.S. negotiating team that says at every opportunity it seeks to eliminate the weapons that North Korea uses to ensure regime survival. This is why, during the high-profile summit diplomacy of 2018 and early 2019, North Korea refused to hold a single round of nuclear negotiations below the presidential level and has only been willing to



*In February 2019, U.S. President Donald Trump and North Korean leader Kim Jong Un abruptly cut short their two-day summit Hanoi as talks broke down and both leaders failed to reach an agreement on nuclear disarmament. Trump later said that the United States was unwilling to lift all sanctions and that no plans had been made for a third summit. (Chung Sung-Jun/Getty Images)*

meet Special Representative Steve Biegun when the two sides needed to make administrative arrangements for the Trump-Kim summits. As North Korea’s diplomats conveyed then, they are not authorized to negotiate away their nuclear weapons.<sup>9</sup>

Even if Kim made grudging concessions in a future negotiation, he has reduced incentives to follow through on his end of any bargain if the culminating point is to be his disarmament. America’s historical and current negotiating posture—tied directly to an end that Kim Jong Un cannot accept—incentivizes Kim to outmaneuver the United States, pocket any gains he secures at the negotiating table, and minimize follow-through on any commitments he makes that would weaken his nuclear deterrent. A leaked North Korean planning document discussing the Trump-Kim summit indicates that was precisely Kim’s purpose in meeting with Trump: consolidating North Korea’s status as a “global nuclear strategic state”—the opposite of denuclearization.<sup>10</sup>

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## The Case for Arms Control

Denuclearization aspirations are not inherently antagonistic toward arms control practices and vice versa. Because arms control is a means of inhibiting the acquisition or deployment of a class of weapons in an agreed-upon way, whether tacit or explicit,<sup>11</sup> it logically follows that North Korean nuclear disarmament necessarily requires that the United States first be able to freeze, monitor, and roll back North Korean nuclear weapons in a limited way. Although perhaps counter-intuitive, it is only by pursuing arms control *in lieu of* denuclearization that the United States stands a realistic chance of moving closer to denuclearization.

U.S. policymakers historically have had three major reservations about arms control with North Korea that have been rendered moot by circumstance. One was that arms control negotiations would elevate North Korea's international status, rewarding it for bad behavior and sending a permissive signal to other aspiring nuclear-weapons states.<sup>12</sup> But any concern about ceding North Korea international status has been eclipsed by the granting of status that Trump offered Kim through their multiple presidential summits. According to Trump himself, this was deliberate: "I gave him [Kim] credibility . . . I think it's great to give him credibility."<sup>13</sup> Whatever moral hazard might be generated by negotiating with North Korea in a way that implicitly acknowledges it is already a *de facto* nuclear state would be decidedly more modest and have less fanfare than the presidential summits that saw mainstream media outlets express that "Kim Jong Un has been now legitimated and legitimized on the international stage."<sup>14</sup>

What is more, these summits unintentionally have proven that permitting North Korea to achieve some level of normal diplomatic status, while imprudent if unreciprocated, is not necessarily disastrous. It is entirely possible that other dictators with nuclear aspirations see the fanfare afforded Kim Jong Un by Trump, or by future negotiations, as an incentive to cross the nuclear threshold on the belief that it pays to have nuclear weapons. But that incentive already exists much more potently in the highly differential way that U.S. policy has treated North Korea versus Libya, Iran, Iraq, and other states that failed to achieve a nuclear deterrent.

A second concern with a shift to arms control was that, assuming North Korea could uphold the terms of a deal, it would treat arms control not as a milestone toward disarmament but instead as a way of forcing the United States to accept a *de facto* compromise of its denuclearization goal.<sup>15</sup> In effect, the process of arms control would become such a complex, time- and resource-consuming

focal point that it would indefinitely foreclose the possibility of denuclearization.<sup>16</sup> But this protest betrays the basic premise that denuclearization is possible. If a North Korean agreement to cap and roll back its nuclear capabilities will not progress to denuclearization, then what will? How plausible is a denuclearization scenario that is not preceded by a period of *de facto* cap-and-rollback arms control? One of the virtues of this arms control proposal is that it helps the United States chip away at North Korea's intransigent position on its nuclear weapons.

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The third type of protest against arms control concerned alliance management. If North Korea entered into an arrangement that allowed it to retain nuclear warheads or missiles, those weapons could fundamentally change the military balance between North Korean and U.S. allies. Policymakers worried that accepting any level of North Korean nuclear capability would threaten South Korea and Japan in a way that would heighten fears of alliance abandonment and strategic decoupling.<sup>17</sup> But any alliance fears that U.S. arms control might engender have to be weighed against the default (and most likely) alternative, which is Pyongyang gradually improving the size and lethality of its nuclear and missile arsenal. The material threat of North Korean nuclear weapons grows without an arms control process in place because talks aimed at denuclearization are a non-starter for Kim. Worse, as North Korea's arsenal grows, it may be emboldened to undertake destabilizing actions, "thinking that its nuclear capabilities would allow it to favorably manage an escalating conventional conflict."<sup>18</sup>

## Section Two: A Blueprint for Arms Control

The primary goals of an arms control regime with North Korea should be to decrease the marginal risk of nuclear weapons use and conventional war. The complication is that these reasonable and achievable goals ought to be pursued without sacrificing other U.S. interests to the extent possible, including preventing the spread of nuclear weapons and illicit arms sales and minimizing the threat North Korea can pose to regional allies.<sup>19</sup> The blueprint detailed below proposes four categories of action to reduce the risk of nuclear and conventional war while accounting for other U.S. interests.

The first is a series of unilateral measures that would improve nuclear stability with North Korea regardless of prevailing circumstances. These actions are in America's interest, are low-cost and low-effort, but—if done in isolation—are also somewhat low-impact. Although partly rhetorical and symbolic, these initial steps could favorably shape the policy environment for future negotiations while reducing immediate sources of crisis renewal.

### The primary goals of an arms control regime with North Korea should be to decrease the marginal risk of nuclear weapons use and conventional war.

Phase I Negotiation Initiatives incur greater cost for the United States and are contingent on North Korean negotiation. There is no guarantee that the United States can implement these actions, but they are higher-impact than the initial unilateral actions.

Phase II Negotiation Initiatives are measures that would substantially improve long-term stability on the Korean Peninsula but likely would stifle negotiations if pursued without first establishing a track record of reciprocal restraint and deal-keeping involving Phase I actions. Phase II should constitute the upper bound of U.S. policy planning ambitions for North Korea—unlike denuclearization they are achievable and go some way toward favorably transforming the status quo on the Korean Peninsula.

The final category of actions involves arms control risk mitigation measures. A successful arms control process will generate secondary risks to other U.S. interests that

U.S. negotiators must realistically account for. Actions in this final category not only address secondary risks, but also the possibility that Phase I or II negotiations fail.

### Unilateral Actions

*Curb Denuclearization Rhetoric.* As a first step, the United States should de-emphasize the goal of denuclearization in all statements of policy. Moving away from denuclearization could be de facto, simply downplaying or eliminating its rhetorical usage. But to have an impact on interactions with North Korea, the White House—and the president himself—would need to publicly clarify that while a nuclear-free Korean Peninsula remains a worthy vision of the future, U.S. policy toward North Korea no longer will be premised on expectations of total North Korean disarmament in the near term.

*Announce Stable Coexistence.* In tandem with a pivot away from denuclearization, the United States should declare that it is willing to peacefully coexist with North Korea under the Kim regime as long as Pyongyang does not actively threaten South Korea or Japan. On dozens of occasions in decades past, the United States has conveyed statements of non-hostile intent, or offered

Unilateral Actions
Curb Denuclearization Rhetoric
Announce Stable Coexistence
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Issue a "No Nuclear Deployment" Executive Order
Declare an End to the Korean War

assurances that it does not seek regime change.<sup>20</sup> The United States should reiterate its non-hostile intent, but go a rhetorical step further by acknowledging that stable coexistence is possible. By 1956, Soviet Premier Nikita Khrushchev decided coexistence with the capitalist West was possible.<sup>21</sup> His peaceful coexistence declaration had little effect on some U.S. policymakers who saw it as cheap talk,<sup>22</sup> but it helped dampen the revolutionary imperative in Soviet foreign policy and empowered those in the West who believed it possible to credibly negotiate with the Soviets. A similar U.S. declaration relative to North Korea would create rhetorical space for less confrontational policy options subsequently.

*Institutionalize a Strategic Security Dialogue.* To manage the risks of inadvertent conflict and tailor its own deterrence posture more effectively the United States needs to understand as accurately as possible how North Korea thinks about coercion, nuclear doctrine, and conditions of nuclear use. As John Warden and Ankit Panda have noted, “Pyongyang has not released an authoritative document—nor has its leadership made any statement—outlining force structure plans or doctrine.”<sup>23</sup> To remedy this knowledge gap and to engage a different set of North Korean national security stakeholders outside narrow Foreign Ministry channels, the Office of the Secretary of Defense (OSD) should propose an ongoing dialogue involving military and strategic experts in North Korea. It could be modeled on the Track 1.5 Strategic Stability Dialogue the United States holds annually with China in which a mix of senior former officials and security

## **The United States needs to understand as accurately as possible how North Korea thinks about coercion, nuclear doctrine, and conditions of nuclear use.**

experts share perceptions, explain signaling and intentions, and probe the sub-textual thinking of each side that might affect the nuclear balance. That dialogue has proven to be a low-cost way of promoting stability in the nuclear dimension of U.S.-China relations<sup>24</sup> and could be even more valuable in the U.S.–North Korea context given the opacity of North Korean nuclear thinking.

*Issue a “No Nuclear Deployment” Executive Order.* Since the first Trump-Kim summit in 2018, the United States has maintained a voluntary moratorium on the

deployment of nuclear-capable bomber aircraft to the Korean Peninsula. The deployment of dual-capable aircraft has served primarily as a crude messaging tool—one that focused more on reassuring South Korea than intimidating North Korea—yet risked triggering North Korean miscalculation, especially during a crisis.<sup>25</sup> When Trump announced the moratorium, it was primarily as a confidence-building measure with Pyongyang and secondarily a cost-saving measure. But the greater benefit of the suspension was to promote stability by reining in a needless risk. The White House should issue an executive order (EO) suspending deployments of nuclear-capable bombers to the Korean Peninsula, including the B-1B, which is no longer nuclear-capable, but which poses a discrimination problem for North Korea by introducing the same risks as if it were. The EO should have a provision requiring the president to approve any redeployment decision. In addition to helping prevent miscalculation risks, codifying America’s de facto posture since 2018 has the added potential benefit of communicating a signal of conditionally benign intent toward North Korea. An EO would prevent the cavalier use of nuclear-capable platforms as messaging tools toward North Korea, reserving their redeployment as a strategic decision requiring presidential action.

*Declare an End to the Korean War.* The Trump administration publicly signaled its intention to bring an end to the Korean War during the preparations for the second Trump-Kim summit,<sup>26</sup> but failed to actually do so because the summit collapsed. To instantiate a peace regime process that ultimately transforms the nature of security on the Korean Peninsula, the United States must first establish that the Korean War is history. Declaring an intention to end the Korean War as a political matter would catalyze a peace process that would bring about the formal end of that painful chapter in Korean and U.S. history. North Korea has long sought this step from the United States because ending the Korean War indirectly weakens the rationale for a U.S. military presence in Korea. But if the United States sees value in maintaining a long-term presence on the Peninsula, it would be on firmer footing if its presence is based not on a war fought more than two generations ago, but rather predicated on whatever the logical merits are for keeping troops in Korea now and in the future. For instance, the United States might see enduring value in a military presence as a regional counterweight to Chinese influence, as a geopolitical buffer between China and Japan, or as a way to forestall allies

acquiring nuclear weapons themselves. The United States also still may need a local presence in order to sustain an active deterrence posture against a nuclear North Korea even with closure to the Korean War. Regardless, the U.S. presence will be more sustainable if its motives are transparent and de-linked from a traumatic historical event.

### Phase I Negotiation Initiatives

*Freeze Nuclear Progress without intruding on “Kim’s Bathroom.”* The State Department should negotiate a moratorium on all North Korean nuclear activities—including reprocessing and testing—and allow international monitors to establish a presence in North Korea. Freezing North Korea’s nuclear development is the one proposal on which all advocates of diplomacy with North Korea agree.<sup>27</sup> Historically, the greatest impediment to agreements aiming for a freeze was verification of North Korean compliance. In 2007, disagreement about terms and procedures for verification precipitated the collapse of the Six-Party Talks negotiating process.<sup>28</sup> But failure then does not imply failure for all time. North Korea has a track record of allowing limited International Atomic Energy Agency inspectors and monitoring equipment in the country, and some presence would be preferable to the current total absence of internal monitoring.<sup>29</sup>

The intrusiveness of inspections affects the likelihood of North Korean agreement. In negotiating with Iran, the United States had to accommodate the “Ayatollah’s bathroom” problem—the need for inspections in Iran had to be reconciled with Iran’s need for some degree of state secrecy.<sup>30</sup> In order to avoid making self-defeating demands, the State Department should be prepared to negotiate how “Kim Jong Un’s bathroom” might reasonably delimit international inspectors. A meaningful freeze does require the United States to secure a foothold of some kind for nuclear inspectors. But the United States should triangulate verification—relying heavily on intelligence collection and passive open-source analysis—rather than hold negotiations hostage to an unrealistically intrusive regime at the outset. Negotiators can adjudicate what reasonably falls within the purview of Kim Jong Un’s bathroom and what access international inspectors need to be more than just symbols of North Korean compliance. But there can be no progress if the United States does not acknowledge the principle of Kim’s bathroom.



*Preemptively Ban “Tactical” Nukes.* North Korea’s existing missile arsenal threatens both U.S. and allied territory, but it is mostly a continental force that realistically could only be used in a scenario where war appears imminent or is ongoing. The United States not only should seek a North Korean commitment to cap its existing arsenal at present numbers, but also to gain a North Korean agreement not to diversify its nuclear capabilities into operational low-yield (also known as “tactical”) nuclear weapons. Tactical nuclear weapons—which can take the form of anything from nuclear artillery and nuclear landmines to nuclear backpack suicide bombers—risk lowering the plausible threshold for North Korean nuclear use by making them employable locally in a broader range of first-use scenarios short of unrestricted war that North Korean leadership might misjudge as acceptable. Securing a North Korean commitment not to develop its forces in this direction would cost North Korea nothing while allowing it to avoid the cost in time and resources that developing tactical nuclear weapons would require.

*De-Operationalize North Korean Missile Forces.* The North Korean People’s Army’s Missile Guidance Bureau (MGB) is charged with maintaining the readiness of the

regime’s surface-to-surface missiles, including nuclear weapons. The operational ability of the MGB to launch missiles on short or no notice does not just pose a threat; it undermines any goodwill rhetoric or gestures that might come from North Korea in the early stages of an arms control process.

At the appropriate time, therefore, the State Department should seek a North Korean commitment for the MGB to de-operationalize its missile forces. This could be done, for example, by mutually agreeing to keep military alert levels low, restricting the use of solid fuel propellant, and/or allowing inspectors of missile facilities to monitor their non-operational status. North Korea’s missiles need not be disabled entirely to stabilize the situation on the Peninsula, nor would the MGB need to be disbanded. But the United States needs to see some action from North Korea that would help the Peninsula climb down from the perpetual precipice of conflict in the event a crisis resumed. Taking the MGB’s missile forces off of a hair trigger does that. It also would serve as a positive signal about North Korea’s willingness to take an arms control regime seriously.

### Phase II Negotiation Initiatives

*Launch a Nuclear-Free Seas Initiative.* North Korea is in the process of developing the ability to deliver nuclear warheads via submarine-launched ballistic missiles. If this capability becomes operational, it will increase the survivability of North Korea’s nuclear forces and increase the potential cost of any U.S. military action, whether preemptive, preventive, or retaliatory. Building on previous efforts to construct a nuclear weapon-free zone in Northeast Asia,<sup>31</sup> OSD and the State Department should jointly negotiate a mutual ban on nuclear weapons within the Exclusive Economic Zones (200 nautical miles) on either side of North Korea’s coasts.

*Start Nuclear Rollback.* The highest standard against which to ultimately measure arms control progress is reductions in the quantity or quality of North Korean nuclear warheads, fissile material, and delivery vehicles.

**Using negotiations to materially reduce the North Korean nuclear threat requires first priming the relationship to make credible negotiations possible.**



This is why most nuclear negotiation proposals invest so much analytical effort describing the details of what reductions are necessary to inhibit the North Korean nuclear threat.<sup>32</sup> But quantitative reductions in particular are highly ambitious, and nuclear rollback proposals often show no appreciation for the difficulty of the tasks they recommend. Using negotiations to materially reduce the North Korean nuclear threat requires first priming the relationship to make credible negotiations possible. As such, the demand to verifiably eliminate or transfer stockpiles of nuclear material and missiles only should come after establishing a track record with North Korea of positive rhetoric matched with reciprocal confidence-building measures—that is, *after* the unilateral actions and Phase I Negotiation Initiatives proposed above. Once the arms control process has matured to the point that rollback becomes feasible, U.S. negotiators should prioritize reducing parts production for, and inventory of, the Pukkuksong series of solid-fuel missiles, followed by Musudan, Nodong, and SCUD missiles.

U.S. policymakers will be tempted to prioritize rollback of North Korea’s long-range Hwasong missiles (Hwasong-12 through -15) because of their technical range to strike U.S. territory, but they have symbolic-strategic value to North Korea for that same reason.



In July 2017, North Korea fired an unidentified ballistic missile from a location near the North's border with China into waters at Japan's exclusive economic zone, east of the Korean Peninsula. (Chung Sung-Jun/Getty Images)

Moreover, Hwasong missiles have undergone few successful tests—especially compared to the shorter-range missile classes. And unlike the shorter-range missiles, the Hwasong series is not a warfighting tool used to achieve operational objectives in a conflict. Most importantly, North Korea's shorter-range missiles directly threaten Japan and South Korea. Prioritizing reductions in missiles that hold U.S. allies at risk could help mitigate ally abandonment fears as arms control progresses. In parallel with missile reductions, the United States also should seek reductions in the amount of uranium, plutonium, and tritium North Korea possesses for the production of nuclear warheads, but the priority should be seeking reductions in existing inventories of nuclear warheads and delivery vehicles since those are what directly threaten U.S. and allied territory.

*Secure Declarations of Nuclear Inventory.* North Korean transparency about what it has and what it can do will aid nuclear stability and reinforce confidence that both sides are capable of upholding more ambitious negotiated outcomes. Policymakers always have sought a North Korean declaration of the quantity, quality, and location of its nuclear weapons and related material. Recent denuclearization proposals identify such a declaration as a crucial early step that doubles as a litmus test of North Korean intentions.<sup>33</sup> But if the U.S. priority shifts away from denuclearization and toward an arms control regime, a declaration can wait until both sides have built a better track record of reciprocity with one another. Demanding a declaration too soon either would sabotage the diplomatic

process or encourage North Korea to give a deceptively incomplete declaration. Initially, therefore, once both sides have established a degree of confidence and predictability by implementing Phase I Negotiation Initiatives, the State Department should seek a declaration focusing on fissile-material production facilities—revealing this information does not pose any risk to North Korea's nuclear deterrent. If North Korea complies without any deception, the Strategic Security Dialogue proposed above should be used to elicit insights about the disposition, quantity, and posture of North Korean nuclear weapons.

### Risk Mitigation Actions

Any strategy incurs risks and shifting from one approach to another necessarily means a trade-off in the character of risks faced. The arms control blueprint proposed here constitutes a more logical and achievable approach to facing down the most important risk in North Korea policy: the risk of nuclear or conventional war. In doing so, however, the phased process described above risks falling apart, either at the negotiating table or upon implementation. The United States needs a sustainable fallback posture if that occurs. Even if the various proposals outlined here are successful, they risk heightening allies' fears either of being abandoned by the United States or of strategic decoupling from the United States.

Some of the proposed actions themselves help manage these risks. Preceding negotiation initiatives with unilateral ones strengthens confidence-building before North Korea is asked to compromise anything strategically significant, thereby creating an environment more amenable to mutually acceptable negotiated outcomes. Similarly, prioritizing a cap and rollback of North Korean short-range, medium-range, and solid-fuel missiles demonstrates to allies that the United States is using negotiations to address the operational threat from North Korea *they* face most acutely.

Beyond these built-in considerations, the United States should pursue three additional initiatives at the outset of an arms control process to manage the risk of diplomacy collapsing, North Korea cheating, or allies decoupling.

*Establish Rapid-Reaction Deterrence in South Korea.* If negotiation and efforts to transform the U.S.–North Korea relationship fail, the nuclear threat can only be managed through deterrence. U.S. force posture in South Korea therefore should adapt to the requirements of deterrence against a second-tier nuclear-armed adversary with a track record of small-scale violence. U.S. forces in Korea cannot reliably function as a tripwire when the adversary possesses nuclear weapons, because the execution

of a large-scale military deployment during a crisis or conflict creates an unacceptably high risk of North Korean nuclear first-use.<sup>34</sup> Avoiding that while still maintaining deterrence requires tailoring U.S. force posture to retaliate and prevail in localized conflicts that break out suddenly, without expectation of follow-on forces. Modernizing the U.S. military presence in South Korea to serve that purpose will mean de-emphasizing conventional ground forces and prioritizing a rapid-reaction force capable of managing limited conflict operations on their own—amphibious forces, special operations forces, cruise missiles, and supporting intelligence capabilities.<sup>35</sup> Deterrence modernization takes advantage of South Korea’s ongoing “Defense Reform 2.0” process—which already aims to modernize South Korea’s part of the alliance’s deterrence formula—and eases the “conditions-based” requirements for the United States to transition operational control of South Korean forces back to the South.<sup>36</sup>

*Repurpose Extended Deterrence Dialogues with Japan and South Korea.* After the 2010 Nuclear Posture Review, OSD launched extended deterrence dialogues with Japan and South Korea. These dialogues became institutionalized vehicles for reassuring Japan and South Korea of the U.S. commitment to their deterrence and defense by, among other things, jointly determining measures to bolster deterrence against North Korea.<sup>37</sup> If the White House issues an EO against nuclear bomber deployments to South Korea and goes down the path of normalizing relations with a nuclear North Korea, these extended deterrence dialogues will be a crucial mechanism for managing ally perceptions—specifically for explaining how the U.S. military will continue to deter North Korea without triggering a nuclear war, and determining what measures the United States and its allies can take to preserve the credibility of U.S. commitments. In addition to the existing formal Track 1 meetings, OSD should sponsor a Track 1.5 community of experts to meet, conduct joint research, and exchange views at least as frequently as U.S. experts meet with North Korea as part of the proposed Strategic Security Dialogue.

*Preserve Sanctions that Combat Proliferation.* The U.S.-led sanctions regime against North Korea has become a vast patchwork of authorities, restrictions, and expressions of condemnation addressing a wide range of issues beyond the nuclear threat. As the United States undertakes various forms of sanctions relief—a necessary concession in any nuclear bargaining process—it should avoid removing those deemed necessary as legal



*U.S. Secretary of State Mike Pompeo spoke at a news conference while U.S. President Donald Trump looked on following his second summit meeting with North Korean leader Kim Jong Un on February 28, 2019, in Hanoi, Vietnam. (Tuan Mark/Getty Images)*

architecture for combating North Korean trafficking in nuclear and missile materials. Determining what sanctions to preserve necessarily involves prior consultation with allies such as Japan and Australia, which actively enforce the nonproliferation sanctions regime. The United States would need to undertake similar prior coordination with China and Russia given their disproportionate roles as waypoints for North Korean trafficking. The political exigencies of negotiation should not hamper the ability of the United States or the international community to prevent North Korea from spreading nuclear weapons.

## Section Three: U.S. Bargaining Inducements

Convincing North Korea to verifiably freeze, cap, and eventually roll back its nuclear and missile capabilities through negotiation will require calibrating incentives. The United States should offer positive inducements commensurate with the compromise it seeks from North Korea. Because the value of negotiating concessions is inherently contingent on context, it makes more sense to propose a series of potential inducements that negotiators can mix and match to their demands rather than present a rigid one-for-one scheme. The unilateral actions proposed at the start of the arms control process are, collectively, a bargaining inducement that just happens also to be in the U.S. interest. The initiatives listed below are intended to make the arms control blueprint proposed here more likely to succeed.

### Peace Regime Process

A peace regime process would be a crucial mechanism—one that North Korea has long sought—for transforming the relationship between the United States and North Korea. In addition to legally concluding an end to the Korean War and determining whether to disestablish, preserve, or adapt the United Nations Command in South Korea, a peace regime process would be the mechanism for initiating U.S.–North Korea liaison offices and eventually reciprocal embassies. It also could revive long-stalled discussions about a “Northeast Asia Peace and Security Mechanism,” a regional institutional construct inclusive of North Korea that aimed at engendering long-term regional security.

### Phased Troop Reduction in South Korea

North Korea has wanted the removal of U.S. troops from South Korea for decades.<sup>38</sup> Whether the United States could fully withdraw its military presence depends as much on the state of alliance politics with the South as it does on threat perceptions of the North. But troop reductions need not be all or nothing—the United States has the ability to scale back the overall size and composition of its military footprint in Korea without necessarily compromising the security of the South. Specifically, the rapid-reaction deterrence proposal would itself require a reduction in the number of U.S. personnel stationed in South Korea. Done adroitly, the United States could signal a reduction in the local threat to North Korea while simultaneously sustaining a credible deterrence posture.

### Cooperative Threat Reduction (CTR) Funds

After the Cold War, Senators Sam Nunn and Richard Lugar appropriated funds for what became the CTR program, originally aimed at nuclear safety cooperation with the former Soviet Union. CTR funded nuclear site inspections, upgraded security measures to prevent “loose nukes,” and diverted some Soviet nuclear scientists into vocations unrelated to weapon development, among other achievements.<sup>39</sup> In 2008, Congress lifted geographic restrictions on CTR to go beyond the former Soviet states, but to date North Korea has fallen outside the scope of its funds and activities.<sup>40</sup> By working with Congress to reinterpret the legislation and accommodate work with North Korea, CTR can increase nuclear safety in North Korea, potentially reduce the threat of offensive strategic weapons, and provide a valuable source of

#### U.S. ARMS CONTROL BARGAINING INDUCEMENTS WITH NORTH KOREA

Inducement	Why It Could Help Negotiations	Value to North Korea	Cost to U.S.
Peace Regime Process	Builds confidence and satisfies North Korea’s symbolic security concerns	Low	Low
Phased Troop Reduction in South Korea	Reduces local offensive threat North Korea perceives	High	Moderate
Cooperative Threat Reduction Funds	Reduces risk of nuclear accidents, builds confidence, and provides foreign currency	Moderate	Moderate
Snapback Sanctions Relief	Helps Kim Jong Un fulfill promise of economic development	High	Low
Sanctions Removal Working Group	Signals a pathway for North Korea’s international normalization	Moderate	Low



foreign currency that incentivizes the regime to compromise in ways that it otherwise might not.

### **Snapback Sanctions Relief**

During the second Trump-Kim summit in February 2019, North Korea requested the removal of five sets of U.N. Security Council sanctions (out of 11 total) imposed between 2016 and 2017. The United States balked at the time, because what North Korea was offering—the closure of the Yongbyon nuclear complex—was largely symbolic and would not have inhibited North Korea’s ability to hold U.S. territory at risk of nuclear strike. But the bulk of sanctions the Obama administration pursued in 2016 were not intended to be preserved—they were explicitly imposed with the intention to provide Obama’s successor with temporary negotiating leverage.<sup>41</sup> Yet, not only were the 2016 sanctions retained—the Trump administration used them to build its maximum pressure campaign in 2017. Recalling their original purpose, the United States should lobby other Security Council members to alter the five sanctions from which North Korea requested relief at the second Trump-Kim summit so that they are conditionally removed, promising a snap-back mechanism in the event North Korea returns to a mode of nuclear belligerence, modeled on the snap-back mechanism as part of the Joint Comprehensive Plan of Action deal with Iran.

### **Sanctions Removal Working Group**

Individual governments sometimes impose their own sanctions on North Korea, but all make their own interpretation of the restrictions identified in U.N. Security Council resolutions—even international sanctions are implemented at the national level, creating significant unevenness in the legal mechanisms and procedures used to enforce or relieve them. The United States could agree to an ongoing working group to help North Korea realize its goal of permanent sanctions relief. The working group should be composed of experts from the countries most consequential to the sanctions regime—especially China, North Korea, South Korea, and the United States—and could jointly determine how (but not whether) long-term sanctions relief would occur.

## **Conclusion**

A policy of arms control with North Korea is a more realistic, and less destabilizing, alternative to a policy of denuclearization. The United States has significant unexploited margin to take diplomatic and political risks aimed at probing and potentially shifting North Korea’s approach to its nuclear arsenal. It enjoys a strongly favorable balance of military power, exercises de facto veto power over North Korean economic development given its centrality to the sanctions regime, and is the key to whether North Korea remains an international pariah.

For all these reasons, the United States is well positioned to make significant unilateral gestures and reciprocal concessions without increasing the marginal threat currently faced by America and its allies. And by pursuing a more modest goal that might be acceptable to North Korea while also offering more at the bargaining table, the United States stands a chance of using diplomacy to enhance regional stability and foreclose the possibility of an avoidable nuclear war.

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