

ABSTRACT

Title of Document: TEN YEARS OF DEALING WITH KIM JONG IL:
CAN NEGOTIATIONS ENSURE CONFLICT
RESOLUTION?

Virginie Grzelczyk, Doctor of Philosophy, 2006

Dissertation directed By: Professor Miranda Schreurs,
Department of Government and Politics

This study investigates the tumultuous negotiation relationship between the Democratic People's Republic of Korea and the United States, from Kim Jong Il's accession to power in 1994 to the historic but short-lived September 19, 2005 agreement. The purpose of this work is to gain understanding regarding North Korea's negotiation strategies, in order to bring contributions to the literature on negotiation, rogue states, and Northeast Asia.

The literature lacks a clear understanding of how North Korea has been operating since 1994, at which time Kim Il Sung passed away and power was assumed by his son, Kim Jong Il. Gaining a clear understanding of what has happened under the Kim Jong Il Administration leads to the construction of a comprehensive analysis of all the different bilateral and multilateral negotiation episodes that have occurred between the United States and North Korea from 1994 to 2005. Those episodes range from such diverse

issues as two weeks of bilateral talks to free an American pilot who crashed by accident on North Korea territory in December 1994 to years of nuclear talks).

This research is qualitative in nature and based on archival and media resources, as well as interviews conducted with those who served under several different administrations in the United States and in Korea, Japan, and China, as well as scholars, politicians and negotiators.

The study concludes that there is a distinctive North Korean negotiation strategy, but that this strategy is increasing in complexity and is highly dependent on the United States' position in the world. North Korea is also revealed as a strategic, non-random player that will only rarely compromise on its red line.

TEN YEARS OF DEALING WITH KIM JONG IL:
CAN NEGOTIATIONS ENSURE CONFLICT RESOLUTION?

By

Virginie Grzelczyk

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Advisory Committee: Professor Miranda Schreurs (Chair)
Professor Jonathan Wilkenfeld
Professor George Quester
Professor Scott Kastner
Professor Seung-Kyung Kim

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List of Abbreviations

A.F.	Agreed Framework
A.P.E.C.	Asia-Pacific Economic Cooperation
B.A.T.N.A.	Best Alternative to a Negotiated Agreement
B.B.C.	British Broadcast Corporation
C.F.R.	Council on Foreign Relations
C.I.A.	Central Intelligence Agency
C.N.A.	Center for Naval Analysis
C.N.N.	Cable News Network
C.V.I.D.	Complete, Verifiable and Irreversible Dismantlement
D.C.	District of Columbia
D.M.Z.	Demilitarized Zone
D.P.R.K.	Democratic People's Republic of Korea
I.A.E.A.	International Atomic Energy Agency
I.F.A.N.S.	Institute of Foreign Affairs and National Security
I.I.E.	Institute for International Economics
K.A.L.	Korean Air
K.C.N.A.	Korean Central News Agency
K.E.D.O.	Korean Peninsula Energy Development Organization
K.I.N.U.	Korean Institute for National Unification
M.P.A.F.	Ministry of People's Armed Forces
N.C.A.	National Command Authority
N.D.C.	National Defense Commission
N.E.A.S.	Northeast Asian Studies
N.G.O.	Non-Governmental Organization
N.H.K.	Nippon Hoso Kyokai
N.P.T.	Non-Proliferation Treaty
N.Y.	New York
R.O.K.	Republic Of Korea
S.K.	South Korea
S.S.D.	State Security Department
S.P.A.	Supreme People's Assembly
U.N.	United Nations
U.S.	United States
U.S.S.R.	Union of Soviet Socialist Republics
W.T.O.	World Trade Organization

Chapter One. Introduction

a. Painting the Context and Stating the Problem

North Korea, and to a larger extent the question of the security of Northeast Asia in the post-Cold War era, has attracted the interest of many scholars. Key focal points in the literature on North Korea include the creation of the Democratic People's Republic of Korea at the end of World War II, the fragile peace that has followed the Armistice reached at the end of the Korean War, the security dilemma facing regional and international powers in light of North Korea's potential accumulation of weapons of mass destruction, inter-state relationships amongst the powers of East Asia, reunification possibilities for the two Koreas as well as potential prospects for a unified Korea. A single thread unites these different empirical paths: North Korea is generally portrayed as an unpredictable, mysterious, fascinating, and dangerous state.

It also seems impossible to separate North Korea from its neighbors and especially from the roots of its creation: World War II led to the division of the Korean peninsula and the two Koreas quickly became the embodiment of the Cold War with the United States fighting for South Korea's freedom from Communist Soviet Union People's Democratic Republic of Korea. Over the past fifty years, North Korea has become a dangerous, unpredictable and unreliable crazy state that harbors weapons of mass destruction and supports terrorism. Thus, North Korea is major concern for the international community as well as for the United States. President Bush's 2002 Axis of

Evil speech summarized once again Washington and Pyongyang's relationship: tension, militarism, distrust, unpredictability and weapons of mass destruction.

Considering the nature of the North Korean regime as well as its willing isolation from the world of international politics, is it possible for the United States to talk to North Korea? Are there avenues for these two states to solve difficult problems such as whether North Korea should have the right to develop peaceful nuclear energy despite the risk that it might convert it into nuclear weapons? Should the United States maintain a strong military presence along the border between the two Koreas?

During the Cold War, the United States was largely preoccupied with the containment of the Soviet Union. The United States' involvement in the Korean War, despite Washington's initial reluctance to include South Korea into its military security perimeter showed that the American government saw the Korean peninsula as a pivotal region that could, if it was lost to Communism, eventually lead to a change in the balance of power. After the Korean War and the signature of the 1953 Armistice, the United States did not recognize North Korea officially. Washington tried to help South Korea democratize using various means such as economic incentives as well as political backup such as supporting Princeton-educated Syngman Rhee as the first South Korean president. As the Soviet Union collapsed, the international community was forced to deal with a new kind of enemy that had arisen from the Third World and that had often been born out of former socialist states: rogue states or states of concern became particularly salient in February 1991, after Iraq invaded Kuwait.¹ The term "rogue states" was far from being new in the United States, but some contend that the 1991 Iraq war confirmed

¹ James D. Torr, ed., *U.S. Policy toward Rogue Nations* (Greehaven Press, 2004).

“the existence of a new species of rogue threats.”² Just a few years later, Kim Il-Sung, North Korea’s Great Leader, died and his son Kim Jong-Il, dubbed “Dear Leader,” took over. Even though it was implicitly assumed that North Korea would not survive such a regime succession, North Korea has indeed endured, and became one of the most isolated and dangerous states in the international system. It has an abysmal human rights record, it is a totalitarian system, it supports international terrorist networks and it has developed nuclear weapons and defied most international laws. Yet at the same time, North Korea is a weak state that suffered from poor economic planning and multiple floods and famine. The collapse of the Soviet system of assistance to former communist allies has left Pyongyang on the verge of economic collapse.

Paradoxically, a very weak North Korea is taking very dangerous actions: it is building weapons of mass destruction, even though other countries like Iraq which were suspected of building such weapons were stopped by the United States early on. A state as economically weak as North Korea would be expected to either implode due to civil war or revolutionary conflict, or accept international aid in order to enable its people to survive and thus eventually leading to economic development, even if its leaders’ privileged positions might be threatened. Nothing of this sort has happened in North Korea, nor is there any sign that it might happen in the near future.

Hence, North Korea’s and the United States’ negotiating behavior is to be studied in this dissertation, as it has important implications for the possibility of improving the strategic relationship between these two countries, and as a similar methodology could also be used to look at other “rogue” or dangerous states such as Cuba or Iran. It is also

² Michael T. Klare, *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy* (New York: Hill and Wang, 1995).

important to study North Korean strategic behavior in order to understand how North Korea has managed to survive over the years, and how it has kept on threatening Northeast Asia's security since the end of the Cold War. Because North Korea is such a hermetic state, there are only a few avenues through which Pyongyang has interacted with the world, and in particular with the United States. One of these avenues has been via negotiations. Understanding the negotiation patterns and settings involving North Korea and the United States, especially since negotiations over the past few years between North Korea and the United States have been extended in order to include regional actors such as China, Japan, South Korea and Russia, is crucial in light of the post 9/11 world. Such a study is also important in light of the United States' preventive war against states that could threaten Washington's security

b. Looking at the Literature

Much of the literature depicts North Korea as unchanging and with a set rogue character. It is pessimistic in tone and sees few possibilities for amelioration of strategic ties. Several scholars, however, stand out because of their alternate viewpoints on North Korea and their hope for prospects to improve strategic ties. Young-Whan Khil and Peter Hayes look beyond North Korea's nuclear threat to its economic needs and consider concessions that might provide the preconditions for effective confidence-building. They offer an encompassing view of the Korean problem, dealing with issues such as nuclear technologies, economic policies towards North Korea, and regional stability.³ They also support the 1994 Agreed Framework which included provisions for bringing North Korea

³ Young Whan Kihl, *Peace and Security in Northeast Asia: The Nuclear Issue and the Korean Peninsula* (Armonk, NY: M.E. Sharpe, 1997).

two light-water reactors in exchange for the freezing of its nuclear activities. As of today, the United States and its allies as well as North Korea, are in breach of this contract, and a new contentious standoff has arisen due to the non-respect of the terms of the framework. Others look at more specific problems with optimism, such as Robert Dujarric who provides a contemporary take on North Korea, reunification and its relationship with other East Asian powers and who predicts a soon-to-be-achieved reunification between the two Koreas. However, one might be skeptical about such optimism, especially considering the fact that the North Korean regime has kept its hold on power despite economic difficulties.

American and Korean scholars have studied the relationship between the United States and North Korea extensively, usually with a focus on accounting for dynamics in U.S. strategic behavior in its negotiations with North Korea. There is, however, considerable disagreement regarding how their strategic relationship should be understood and particularly, on the question of which approach the United States should take to prevent and resolve conflict with North Korea. The present debate about the relationship between North Korea and the United States is largely centered on the Bush administration's policies towards the peninsula. At the heart of the discussion is North Korea's possession of nuclear armaments and how the United States should craft its foreign policy to address this challenge. Some advocate a hawkish approach made of sticks (North Korea would have to comply to specific terms in order to avoid being sanctioned), while others call for an approach that engages North Korea instead of punishing it. As the war in Iraq is still raging, there is an increased opposition in the world to President Bush's usage of preemptive action to target states named in the

President's 2002 "Axis of Evil" speech. Hence, there are numerous vehement critics of the Bush administration's foreign policy choices, especially as such choices could lead to military intervention designed to depose specific regimes. Duffy, Gibbs and Calabresi critique the Bush doctrine of being "with or against" the United States in fighting evil states. They suggest that it is untenable to apply such a doctrine across all of the "Axis of Evil" states. They argue that this focus on polarization has occupied the American government and that such a focus is responsible for the slow decision by the government to make public North Korea's declaration that Pyongyang possesses nuclear weapons. Their volume also shows inconsistencies in Washington's preemptive doctrine since North Korea has not been militarily challenged by the United States even though it possesses weapons that Iraq never possessed itself.⁴ Similarly, many authors including Stan Crock insist on the need for the United States to hold talks with North Korea in order to sustain negotiations and especially in order to strengthen diplomatic ties with Pyongyang.⁵

The previous research, while offering competing vantage points and prescriptions to ameliorate the strategic relations between the U.S. and North Korea, too often holds North Korean strategic behaviors constant. It assumes continued unpredictability over time and does not account for variation in North Korean strategy even though the shifting North Korean behavior has important implications for U.S.-North Korean relations ties and possibilities for preventing or resolving conflict. The South Korean government's point of view, however, is that the United States military should be pulled out of the

⁴ Michael Duffy, Nancy Gill and Massimo Calabresi, "When Evil Is Everywhere (Has Bush Been Right All Along, or Is His World View Part of the Problem?)," *Time Atlantic* 180, no. 18 (2002).

⁵ Stan Crock, "Why Bush Must Talk to Pyongyang," *Business Week Online*, October 25 2002.

Korean peninsula eventually, and that Korean affairs should be left into Korean hands. The timeline for such a force withdrawal, however, remains an unknown variable.

c. History of negotiations

Lacking in the current literature is a clear understanding of how North Korea has been operating since 1994, when Kim Il-Sung passed away and power was assumed by his son, Kim Jong-Il. The specific question that should be addressed is whether there is a consistent North Korean negotiation strategy when Pyongyang interacts with the United States as well as with other actors. Thus, case studies of major negotiation episodes in the last decade are analyzed. This is done using content analysis of archival data and in particular news coverage of the negotiations as well as declassified documents. In addition, elite interviews of negotiators and experts knowledgeable about these episodes were conducted. This data is used to explore and account for variations in North Korean negotiation styles.

North Korea's relationships with other countries during the past 10 years have been rocky at best. Even in his last days, Kim Il-Sung had to consider whether to sign the Agreed Framework. By mid-1994, the United Nations Security Council had already asked North Korea several times to stop the refueling of one of its nuclear reactors and had requested permission for United Nations' monitoring teams to perform inspections.⁶ Despite the agreement between the United States, Japan, and South Korea to penalize North Korea for its illicit nuclear program, Jimmy Carter's invitation for a private visit to

⁶ Chicago Sun-Times, "U.N. Weighs Next Step on North Korea," June 2, 1994.

North Korea showed that Pyongyang's leaders were still willing to negotiate an agreement regarding nuclear weapons.⁷ However, on July 8, 1994, Kim Il-Sung passed away, his death thus ending a period of more than 50 years in power. His son, Kim Jong-Il, assumed the leadership of North Korea, but without obtaining the title of President. Kim Il-Sung's passing occurred just when North and South Korea had set late July as a date for a historic summit, and thus put these talks on hold.⁸

On October 21, 1994, and despite Kim Il-Sung's passing, the United States and North Korea signed the Agreed Framework which paved the way to a gradual elimination of conventional nuclear energy in North Korea in exchange for oil shipments and the building of light-water reactors by a United States-led consortium. North Korea also agreed to allow the International Atomic Energy Agency inspectors to verify its compliance to the program.⁹ Cooperation started out relatively well as the I.A.E.A. inspectors were effectively allowed to visit North Korea's main nuclear complex in November at which time they reported that North Korea had halted its nuclear operations.¹⁰ However, the December 17 shooting of a U.S. army helicopter that had wandered into North Korean air space led to a negotiation episode that lasted more than three weeks as American negotiators tried to secure the release of the surviving pilot.¹¹ Despite these events, the I.A.E.A. completed its assessment of North Korea's progress towards the suspension of its nuclear operations.¹² In early 1996, several attempts were

⁷ USA Today, "Carter's Stock Rises with Mission / North Korea Agrees to 3 Conditions," June 23, 1994.

⁸ The New York Times, "Death of a Leader; Kim Il-Sung, Enigmatic 'Great Leader' of North Korea for 5 Decades, Dies at 82," July 10, 1994.

⁹ The New York Times, "U.S and North Korea Sign Pact to End Nuclear Dispute," October 22, 1994.

¹⁰ The New York Times, "U.N. Says North Korea Halted Nuclear Program," November 29, 1994.

¹¹ The Washington Post, "North Korea Says 1 Pilot Was Killed; U.S. Demands Return of Body, Survivor in Helicopter Downing," December 19, 1994.

¹² Chicago Sun-Times, "North Korea Shuts Door on Nuclear Talks; International Agency to Continue Reactor Watch," April 22, 1995.

made to discuss North Korea's missile proliferation issues, with the United States and North Korea managing to open talks in Berlin in late April.¹³ After having agreed to pay North Korea \$2 million to recover the remains of U.S. soldiers killed during the Korean War, the United States imposed sanctions on Pyongyang during the same month in retaliation for North Korea's transfer of missile technology to Iran.¹⁴ Minor crises (the term crisis will be hereafter referred to as using Ury's definition of (1) a situation that has high stakes, (2) little time to deliberate, (3) is characterized by uncertainty and (4) that does not seem to have many options¹⁵) then ensued, such as when American Evan Carl Hunziker was arrested for spying in North Korea, although he was finally released three months later.¹⁶ A more serious crisis ensued in September when a North Korean submarine went aground off the coast of South Korea. Confrontation between the South and North Korean militaries followed and clashes claimed about twenty lives on both sides.¹⁷ In October, North Korean preparations of a missile test site progressed, but after several meetings in New York between Washington and Pyongyang, the U.S. Department of State confirmed that the tests had been cancelled.¹⁸ The U.S. kept on urging North Korea not to deploy its Nodong missiles and to end sales of scud missiles to foreign countries. However, no agreement was reached during the June negotiations, and in August, Washington imposed new sanctions on North Korea for subsequent missile proliferation-related activities.¹⁹

¹³ Pittsburgh Post-Gazette, "N. Korea Talks," April 21, 1996.

¹⁴ The New York Times, "North Korea is Paid for Help on War Dead," May 21, 1996.

¹⁵ Richard Smoke William Ury, "Anatomy of a Crisis," in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffery Z. Rubin (Cambridge: The Program on Negotiation at Harvard Law School, 1991).

¹⁶ Chicago Sun-Times, "American Detained by N. Korea Goes Home," November 28, 1996.

¹⁷ The New York Times, "North Korea Threatens the South Over Killing of Soldiers from Sub," September 28, 1996.

¹⁸ Times-Picayune, "N. Korea Cancels Test of Long-Range Missile," November 10, 1996.

¹⁹ The Daily Yomiuri, "U.S.-North Korea Missile Discussions Fizzle Out," June 15, 1997.

Just as South Korean President Kim Dae-Jung announced in his inaugural speech on February 25, 1998 the new Sunshine Policy outlook meant to seek reconciliation of the two Koreas, the U.S. imposed new sanctions on North Korea because of its transfer of missile technology to Pakistan.²⁰ The Rumsfeld Commission reported that the D.P.R.K. and Iran were rogue states that threatened U.S. interests, and North Korea tried to bargain with Washington, stating that it should be compensated for financial losses for stopping its missile technology exports.²¹ By August 1998, however, North Korea had successfully launched its Taepodong missile over Japan and into the Pacific Ocean.²² As the third round of U.S.-North Korean missile talks began in New York in October, expected negotiation outcomes were low, as the U.S. repeatedly requested Pyongyang to terminate its missile program in exchange for lifting economic sanctions. Pyongyang believed lifting the economic sanctions was a key aspect of the 1994 Agreed Framework. In December 1998, the U.S. accused North Korea of developing secret underground nuclear plants.²³ Talks were held that month in Pyongyang to discuss these allegations. North Korea agreed in principle to the idea of having inspectors check the validity of these claims, but no common ground could be found regarding appropriate financial compensation, and the United States balked at North Korea's demand of \$300 million to compensate for the inspection of the Kumchangri site.²⁴ By March 1999, however, a compromise had been found, and inspectors were allowed to examine the site in exchange for food. No trace of nuclear activity was found when the site was inspected in

²⁰ The Washington Post, "N. Korea Admits Selling Missiles; Move Seen as Test of U.S. Embargo," June 17, 1998.

²¹ The New York Times, "Panel Says U.S. Faces Risk of a Surprise Missile Attack," June 16, 1998.

²² The New York Times, "North Korea Fires Missile over Japanese Territory," September 1, 1998.

²³ Financial Times, "N. Korea Nuclear Suspicions," December 8, 1998.

²⁴ The Washington Post, "Admission Fee: \$300 Million," November 22, 1998.

May.²⁵ Subsequent food deals and food donations occurred in early 1999, and former U.S. Defense Secretary William Perry visited Pyongyang and delivered a U.S. disarmament proposal during four days of talks. However, the situation started to turn sour. The North Korean and South Korean navies clashed in the Yellow Sea. Talks were held between the two Koreas to come up with an agreement but broke down less than two hours after they had begun. North Korea met several times with the United States during the year to discuss military options. Some progress was achieved: Pyongyang agreed in September to freeze its testing of long-range missiles for the duration of the negotiations in order to prove its willingness to cooperate. William Perry's 1999 comprehensive report about North Korea called for a new integrated approach to negotiations that would involve engaging Pyongyang instead of alienating it. Following those prescriptions, Bill Clinton decided to ease economic sanctions against Pyongyang. At the same time, the United States admitted to having delayed the signature of contracts related to the building of the two light water reactors which were part of the Agreed Framework.²⁶

The year 2000 showed increased steps toward cooperation. Kim Jong-Il met with Kim Dae-Jung of South Korea, and agreed to try to satisfy the Korean people's joint desire for reconciliation. Encouraged by this meeting, the United States decided to lift trade sanctions imposed on North Korea. Subsequently, North Korea decided to extend its ban on missile flight-testing, and the U.S. responded by promising to renew talks on missile-related matters. In August 2000, a selected number of Korean families who had been separated since the division of the Koreas had the opportunity to spend time with one-another, and in September groundwork for a highway between the two Koreas was

²⁵ The New York Times, "Suspected North Korean Atom site is Empty, U.S. Finds," May 28, 1999.

²⁶ Journal of Commerce, "U.S.-Led Group to Sign Nuclear Reactor Deal," December 13, 1999.

initiated, as well as work for a railway system connecting the two Korean capital cities. In October, subsequent steps towards reconciliation were taken; a top military aide to Kim Jong-Il traveled to meet President Clinton in Washington, and Secretary of State Madeleine Albright visited Pyongyang.²⁷ However, a seventh round of missile talks held in Kuala Lumpur in November failed to deliver on the momentum of Albright's visit.²⁸

Colin Powell affirmed in March 2001 that the new administration of George W. Bush would pick up exactly where the Clinton administration had left off but President Bush declined to endorse Kim Dae Jung's Sunshine policy when Kim visited Washington in 2001 as President Bush seemed to differ on the topic of North Korea's credibility.²⁹ North Korea, reacting to the new tone emanating out of Washington, cancelled ministerial-level talks with Seoul. Washington announced in May that the United States would deploy a new ballistic missile defense program in Asia which could be used for preemptive strikes against North Korea. Aside from the United States' position, other agreements were signed between Russia and North Korea, and the two Koreas reached subsequent agreements to recommence meetings among separated families. But the tide changed once again. Despite its condemnation of the terrorist attacks of September 11, 2001, North Korea was singled out by the Bush administration in the infamous Axis of Evil speech of January 2002. Subsequent deadly clashes between Pyongyang and Seoul's navies as well as North Korea's admittance of having a secret nuclear weapons program ended all U.S. oil shipments to Pyongyang.³⁰ In December, North Korea began reactivating the Yongbyon nuclear reactor, and international inspectors were thrown out

²⁷ The Washington Post, "Albright, N. Korea's Kim Meet for Historic Talks," October 24, 2000.

²⁸ The San Francisco Chronicle, "North Korea, U.S. End Talks Without Deal," November 4, 2000.

²⁹ The Atlanta Journal-Constitution, "Bush Fumbles Policy on North Korea," March 19, 2001.

³⁰ Wall Street Journal Abstracts, "No More Carrots for North Korea," November 19, 2002.

of the country.³¹ In early January, North Korea decided to withdraw from the nuclear Non-Proliferation Treaty.³² During the spring of 2003, following the invasion of Iraq, North Korea declared several times that it would increase its military power in order to fight a potentially aggressive United States.

An already tense situation was aggravated during the April 2003 trilateral meeting among the U.S., China, and North Korea, when Pyongyang officially disclosed that it possessed nuclear weapons.³³ North Korea offered once again to freeze its nuclear program by the end of 2003 in exchange for concessions from the United States, but President Bush refused the North Korean offer, saying that North Korea had to close its program entirely. The talks ended, but with an agreement to meet again for subsequent dialogues. On August 27, 2003, the Six-Party Talks involving North Korea, South Korea, the United States, China, Japan and Russia took place, but ended without any agreement.³⁴ North Korea subsequently called for a bilateral non-aggression pact with Washington but the offer was flatly refused by President Bush. Finally but not surprisingly, in November 2003, the Korean Peninsula Energy Development Organization board announced that it would suspend the construction of the two light-water reactors that was part of the 1994 Agreed Framework deal, following several reports that left no doubt regarding the fact that North Korea had been working on potential nuclear matter at the site of the Yongbyon reactor.³⁵

³¹ The Gazette, "Pyongyang Confines Inspectors: Group Plans to Leave Country by Tuesday," December 29, 2002.

³² Financial Times, "N. Korea Quits Nuclear Non-Proliferation Treaty," April 11, 2003.

³³ Herald Sun, "North Admits it Has Nukes; Crisis Talks Cut Short," April 26, 2003.

³⁴ The Washington Post, "N. Korea Retreats from Further Talks on Weapons," August 31, 2003.

³⁵ The Daily Yomiuri, "KEDO Moves to Suspend N-Project," November 6, 2003.

Following an unofficial visit by U.S. representatives to the Yongbyon facility, Six-Party Talks were held again in February 2004. They ended with a promise by all sides to work more closely on the topic of denuclearization of the peninsula and a plan to meet again by June.³⁶ What looked promising, however, again turned sour. After the June round of talks, North Korea ruled out any subsequent talks until South Korea comes forthright about its own nuclear program. The progression of the Six-Party Talks was further complicated by Japanese efforts to raise the issue of the North Korean abductions of Japanese citizens that occurred from 1977 to 1983. Pyongyang admitted to the abductions, and North Korea and Japan proceeded to hold talks in late 2004 about this delicate issue, culminating in North Korea's return of the cremated remains to Japan. However, the remains were later analyzed and did not match the abductees' DNA.³⁷

In February 2005, North Korea officially acknowledged for the first time that it had developed nuclear weapons and announced it would no longer take part in any multi-party talks regarding its armaments.³⁸ Nonetheless, during the summer of 2005, rounds of negotiations started again within the Six-Party framework. The open-ended negotiation format led to North Korea's agreement on September 19, 2005 to give up its nuclear weapons. However, only a day after signing the statement, North Korea claimed that the United States had failed to fulfill its promise to build the light-water reactors, and thus demanded that this issue be solved before it would take any further moves regarding the dismantling of its own nuclear weapons program.³⁹

³⁶ Financial Times, "N. Korea Talks Go to Final Day as Six Fail to Find Deal," February 28, 2004.

³⁷ Kyodo News, "Japan, N. Korea discuss abductions on 2nd day of talks," February 5, 2005.

³⁸ Pittsburgh Post-Gazette, "Nuclear Admission: Talks, not Name-Calling, are the Path to North Korea," February 13, 2005.

³⁹ Financial Times, "North Korea Throws Doubt on Nuclear Deal," September 21, 2005.

This brief chronology of North Korea's involvement in negotiations with the United States and others in multilateral formats illustrates just how tense a situation had emerged: to the United States, North Korea was seen as a dangerous, inconsistent and secretive negotiating partner. To North Korea, the United States was seen as a hegemonic power trying to capitalize the world. In light of this history and these perceptions, many have questioned whether it is possible or advisable for the United States to deal with North Korea and if there is any realistic chance of creating a successful and mutually-beneficial agreement between the two parties. In order to answer these questions, it is necessary to look at North Korea's behavior within the international system.

d. Overview of the Dissertation.

In order to study North Korea's negotiation strategy in light of Pyongyang's interaction with the United States, it is first necessary to investigate how North Korea has been framed in the literature. Thus, the literature review in chapter two presents contending explanations of North Korea's behavior in the international system. A special focus is placed on the concept of rogue states. Questions that are explored include what this concept means for the international system and whether North Korea can and should be considered a rogue. The study also grapples with the question of whether North Korea is a rogue that is atypical in the way it has behaved over the years, or whether North Korea's behavior over the past decade only adds up to the villain status it has upheld since Pyongyang invaded the South in 1951, thus fully supporting the view that North Korea is a rogue. Contending viewpoints on the dynamics in North Korea's engagement in negotiations with other states, as well as competing arguments about the effectiveness

and successfulness of its strategic approaches will be addressed. Based on this review of the literature, a series of hypotheses about North Korean negotiation styles are developed which are tested using the data obtained on negotiation episodes between 1994 and 2005. The methodology used to conduct content analysis of archival research and elite interviews as well as the selection of cases of negotiation episodes and the selection of potential interview respondents are also described in chapter two. Chapter three sets the historical context which is essential for understanding North Korea today. Stereotypes about North Korea and conventional wisdom regarding the likelihood of North Korea's collapse are also investigated. Seven cases were selected in order to study North Korea's negotiation behavior, spanning from the early onset of Kim Jong-Il's rule until the September 19, 2005 agreement that ended the negotiation rounds of the Six-Party Talks process. The cases vary across time, issues, number of participants, as well as format. Bilateral cases are presented in chapter four and multilateral cases are presented in chapter five. The presentation of each negotiation episode involves a day-by day chronology of events as well as a case-specific discussion, evaluating competing hypotheses on negotiation derived from the literature. This analysis is based on in-depth content analysis of newspaper coverage and official declassified documents

In chapter six, a discussion of North Korea's negotiation strategy across all the cases is presented, and focuses in particular on the linkage between negotiation episodes. This discussion is bolstered by knowledge and information acquired during rounds of interviews with highly-ranked government officials and experts working closely on North Korean issues both in the United States and South Korea. These interviews provide many illustrative anecdotes and significant insights into the way North Korea and its elites

behave: a dinner with Kim Jong-Il during which a highly-ranked South Korean diplomat witnesses first-hand the power of the Dear Leader over the North Korean military; a conversation between British diplomats and North Korean farmers reveals the immense knowledge gap between North Koreans and the rest of the world; North Korean negotiators' behavior outside the negotiation room leads us to ponder over their allegiance to the North Korean regime.

North Korea's negotiation style is analyzed in chapter seven. The chapter shows that despite its isolationism, North Korea is far from operating in a fish bowl. It has been heavily influenced by its interactions with the international world and especially with the United States during the past decade or so of negotiations between Washington and Pyongyang as well as China, Japan, Russia and South Korea. Special attention is also given to the Koreas' relationship with their closest neighbors as well as the issue of weapons of mass destruction, the changing role of China in the region, and how North Korea's negotiation strategy has changed over time. Finally, chapter eight provides a brief conclusion highlighting the theoretical and empirical contributions of the dissertation, as well as its implications for further negotiations with North Korea and other rogue-like states.

Chapter Two. Theories and Facts: How to Conduct Research on North Korea

North Korea has been classified as a “rogue state”. Interestingly, however, the literature does not have a fixed definition of what a rogue state is. The term was created and used mainly by the United States. One can trace the appearance of the concept of “rogue states” to the Clinton years, when it was first used to talk about the clear danger that Iran and Libya presented to Europe. The first commonly accepted definition of the term can be attributed to Anthony Lake, Assistant Secretary for National Security Affairs under President Clinton, who defined rogue states as “nations that exhibit a chronic inability to engage constructively with the outside world”.⁴⁰ This definition was then modified to fit various other situations, such as when Secretary of Defense William Cohen used it to justify why the United States needed to create and deploy a limited missile defense system. Later on, Madeleine Albright also referred to rogue states in a somewhat milder fashion, labeling them “states of concern”.⁴¹ President Bush used the term “rogue” as he came to power.

a. Framing Rogue into an Contemporary American Context

Rogue states were initially seen as isolationist states. Lake understood rogue states to be states that were isolated from the international community. In the meantime, the definition has shifted to encompass many different aspects of a state’s behavior,

⁴⁰ Anthony Lake, “Confronting Backlash States,” *Foreign Affairs* March/April (1994).

⁴¹ Jasper Becker, *Rogue Regime: Kim Jong Il and the Looming Threat of North Korea* (New York: Oxford University Press, 2005).

mostly tied to weapons of mass destruction and terrorism. In his book *Rogue Regime*, Jasper Becker ties the notion of the rogue label to a pursuit of weapons such as nuclear bombs and to a “dangerous insanity in the diplomatic world” that would also mean the lack of understanding of the concept of deterrence.⁴² Lake’s definition of a rogue state only amounts to that of a marginalized state, or a state that does not function within the open limit of the international system. This definition is too simplistic to fit the case of North Korea, as Pyongyang has been a member of the United Nations since 1991 and as it has been interacting with other states on a fairly regular basis, especially with the former Soviet Union and China. Robert Litwak presents a similar definition as he states that contemporary concerns are now very different from when a Nazi Germany or a Soviet Union were threatening to upset the balance of power within the system.⁴³ Litwak contends that the focus is now on relatively marginalized states that could threaten the stability of their immediate region, but that do not pose a risk to the larger international system. This definition does not fit the case of North Korea, however. Instability within the region would most likely spill over and upset the international system, since North Korea’s neighbors are amongst some of the most powerful nations in the world, as well as major trading partners of the United States. Litwak’s definition can, however, be complemented by that of Alexander George. George suggests that rogue states fall into a specific political category that is used by great powers that have a stake in maintaining a specific organization and order within the international system.⁴⁴ George argues that the concept of rogue states did not arise from any international legal tradition, but rather that

⁴² Ibid.

⁴³ Robert S. Litwak, *Rogue States and U.S. Foreign Policy: Containment after the Cold War* (Washington D.C.: Woodrow Wilson Center Press, 2000).

⁴⁴ Alexander L. George, *Bridging the Gap: Theory and Practice in Foreign Policy* (Washington D.C.: United States Institute of Peace Press, 1993).

it was constructed by American politics. George's position is supported by the fact that the United States started as early as 1979 to develop a list of terrorist and outlaw states. Importantly, this list is not recognized by the United Nations or any body of international law.

Following George's logic, the United States is partly responsible for singling out North Korea and characterizing it as a rogue. It is interesting to note George's argument building-process. He mentions that during the 1970's, the United States had developed a list of diplomatically isolated states that had interest in developing nuclear weapons. South Korea was part of this list! This reflected the tense relationship between Seoul and Washington and Jimmy Carter's displeasure with South Korea president Park Chung-Hee's policies which raised human rights concerns. Michael Klare traces the rise of the modern "American rogue doctrine" to the late 1980's, the point in time when the United States started to link the notion of rogue states, terrorism, weapons of mass destruction, and problems of instability usually occurring in third world countries.⁴⁵ This kind of linkage is also found in Jasper Becker's definition of rogue states as being not only unstable and aggressive, but typically failed states.⁴⁶

North Korea is also on the United States State Department's list of nations having provided a safe haven for terrorists or having engaged in terrorist activities themselves. This is because North Korea was responsible for the 1983 Rangoon bombing (during which South Korean President Chun Doo Hwan narrowly escaped a death during a state visit in Burma) and the 1987 bombing of Korean Airline flight KAL 858.⁴⁷

⁴⁵ Klare, *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy*.

⁴⁶ Becker, *Rogue Regime: Kim Jong Il and the Looming Threat of North Korea*.

⁴⁷ Don Oberdorfer, *The Two Koreas* (Basic Books, 2002).

It is, however, problematic to label a state “rogue”, “terrorist” or “pariah” since, as Robert Litwak contends, such labeling will “push the United States’ administration toward a default strategy of containment and isolation”.⁴⁸ Whether to engage North Korea or to try to contain it without interacting much with Pyongyang has been a dilemma for the United States. This problem was very salient during the Clinton administration, as it was the first American administration that tried to engage North Korea at a different level. The Clinton Administration tried to use confidence-building measures (understood here as actions taken by various parties involved in a conflict, and which are geared toward reducing tension and providing a sense of security), such as the 1994 Agreed Framework to promote stability in the Korean peninsula. Litwak contends that although the Clinton administration adopted a one-size-fits-all approach to so-called “rogue states”, North Korea was excluded from this strategy. Washington kept on trying to engage North Korea despite the fact that many thought North Korea was not respecting the rules agreed to in Geneva in 1994. North Korea has also been treated differently than other “rogue states” by the Bush administration. The Bush administration has not tried to pursue regime change in North Korea the way it did in Iraq even though it has been clearly established that North Korea possesses weapons of mass destruction.

North Korea falls into the categories of an isolationist and unstable states desiring non-conventional weapons. However, Washington is now in a position similar to that of a Dr. Frankenstein: the United States has labeled North Korea a rogue state, but has not treating it as such. Instead, the United States has been engaged in negotiations with the North even though Washington does not recognize the Democratic People’s Republic of Korea’s official existence. The United States is therefore stuck in a conundrum: either it

⁴⁸ Litwak, *Rogue States and U.S. Foreign Policy: Containment after the Cold War*.

must talk to and negotiate with a regime that it would normally not talk to nor negotiate with, or it should try to isolate North Korea even more. However, isolating North Korea is no longer possible as we are now in the era of weapons of mass destruction that clearly cannot be ignored. Invading, on the other hand, does not seem possible. Michael O'Hanlon's fine analysis underlines the lack of any open or easy access to Pyongyang, thus pointing at a major geographical contrast between North Korea and the open desert that surrounds Baghdad.⁴⁹

Finally, an important refinement has been added to the concept of rogue states, especially in the post-9/11 world order. The United States has shifted its focus almost exclusively to terrorists, state-sponsored terrorism and states engaged in trading weapons of mass destruction to non-state actors, such as isolated insurgency groups. Henriksen argues this change started to happen at the end of the Cold War. He discusses the link rogue states such as Iraq, North Korea, Iran and Libya have with terrorism.⁵⁰ Advocating that the United States must take the lead in confronting rogue governments, he supports the use of sanctions and the pursuit of isolationist policies to contain rogue states. Moreover, he argues for the use of international courts and domestic prosecution, as well as for the use of armed interventions to bring rogues down.

To summarize, the literature tells us that the definition of rogue states has evolved over time. At first, rogues were defined as states that did not fit into a traditional pattern of regular interactions with other states. Rogues have also been associated with weapons of mass destruction and especially the pursuit of nuclear power. The concept of rogue has

⁴⁹ Michael O'Hanlon, *Defense Strategy for the Post-Saddam Era* (Washington D.C.: Brookings Institution Press, 2005).

⁵⁰ Thomas H. Henriksen, "Using Power and Diplomacy to Deal with Rogue States," (Washington D.C.: Hoover Institution, 1999).

also been extended in order to incorporate marginalized states, as well as those that can threaten the stability of a given region. However, the rogue definition also depends on who is doing the defining: great powers have had a stake in deciding which states fit the rogue definition, based on how such states would influence the balance of power.

We will thus consider that North Korea is a rogue if one considers aggregating various definitions of a rogue states. As such, North Korea is a rogue because it is a marginalized state, it could threaten the stability of the immediate region it is located in as well threaten the stability of the world, it has been engaged by powerful states that have a stake in reorganizing or maintaining the balance of power, and finally it has been associated with terrorism and weapons of mass destruction.

b. A Peculiar Player

1. To Engage, Or Not to Engage?

Directly negotiating or even communicating with North Korea is controversial for the United States as it does not consider North Korea a legitimate actor in the international system. What is the danger for the United States to talk to villains? Bertram Spector argues that the inherent risk in negotiating with terrorists and with rogue states is smaller than is pursuing a no-negotiation policy.⁵¹ He also focuses on the need to address terrorists and rogues' interests and intentions in order to find whether there might be reasonable grounds to enter into negotiations. His approach thus departs from a zero-sum approach and leans towards a more cooperative, enlarging-the-pie approach. This

⁵¹ Bertram I. Spector, "Deciding to Negotiate with Villains," *Negotiation Journal* 14, no. 1 (1998).

approach is also sponsored by Abba Eban, who argues that leaders have a duty to negotiate with villains, no matter how detestable they are, as leaders might be saving lives by doing so.⁵² Roger Fisher, William Ury and Bruce Patton also advocate talking and negotiating with villains not for ethical reasons, but because this is the only solution that is available to change a status quo.⁵³

What kind of actor has North Korea been when engaged by the international community? Some advocate that it is almost impossible to deal with North Korea as an isolated player, because of its relationship with the People's Republic of China. Triplett, for example, considers North Korea a subordinate of China that is, to some extent, a part of the Chinese Communist Empire.⁵⁴ Bordering along the lines of conspiracy theory, Triplett talks about China using a "borrowed knife", as it bolster the North Korean regime by giving it support and money, and thus benefits from North Korea's defiant actions toward the United States and the international community, while appearing as a broker and reliant actor in the international system. Others such as You Ji look closely at the relationship between China and North Korea over the past fifty years and conclude that Beijing and China have had less and less to agree upon overtime, and have had rather contentious points of view when it came to their historical ties as well as their economic and diplomatic relations.⁵⁵ Finally, some have argued that China has played a constructive role in the current stalemate, as it has behaved as a honest broker between the United States and North Korea and that Beijing is to be credited for Pyongyang's

⁵² Abba Eban, *Diplomacy for the Next Century* (New Haven: Yale University Press, 1998).

⁵³ Roger Fisher, William Ury and Bruce Patton, *Getting to Yes: Negotiating Agreement without Giving In* (New York: Penguin, 1991).

⁵⁴ William C. Triplett, *Rogue State: How a Nuclear North Korea Threatens America* (Washington D.C: Regnery Pub, 2004).

⁵⁵ You Ji, "China and North Korea: A Fragile Relationship of Strategic Convenience," *Journal of Contemporary China* 10, no. 28 (2001).

return to the negotiation table in 2003 even after the failure of the Agreed Framework.⁵⁶ At the same time, there is a divide in the literature regarding who deserves the blame for this failure and the current stalling of more recent rounds of talks. Some of the most influential and knowledgeable researchers on North Korea such as Leon Sigal, Selig Harrison, and Bruce Cummings blame Washington for the failure of the Agreed Framework, while others, such as Richard Perle, the former chairman of Defense Policy Board for the Bush Administration, thinks that North Korea blackmailed the United States before, during, and after the Agreed Framework negotiations.⁵⁷ Who is to blame, however, remains often tied to political affiliation, especially in the United States as many as still polarized by the different approaches taken by the Clinton and Bush administrations on the North Korean issue.

Thus, there is a division within the literature as to whether rogues such as North Korea should be engaged or not. Ignoring North Korea, however, is a risky solution that the United States has not been willing to experience anymore. From 2000 to 2003, the United States has refused to be involved in talks with North Korea mainly because Washington was preoccupied with the September 2001 terrorist attacks, the war in Afghanistan as well as the war in Iraq. China has acted as a middleman, effectively bringing back both Washington and Pyongyang to the negotiation table in April 2003. During those talks, North Korea stated it had developed nuclear weapons, and this acted as a wake-up call for the United States. Washington realized that it could not longer ignore North Korea for large period of times, as Pyongyang's actions would go unchecked, and could possibly upset the balance of power in Northeast Asia as well as

⁵⁶ Anne Wu, "What China Whispers to North Korea," *The Washington Quarterly* 28, no. 2 (2005).

⁵⁷ Richard Perle, David Frum, *An End to Evil: How to Win the War on Terror* (New York: Random House, 2003).

around the world. Engagement with North Korea is thus needed, as Michael Klare had prescribed back in 1995: containing and confronting rogue states only heighten their resolves, whereas engaging them could be more successful.⁵⁸

2. Effectiveness and solutions

North Korea was involved in negotiations long before it was labeled a rogue state. The first negotiations that took place between North Korea and the international community were in 1953, when an Armistice was being brokered between the parties to the Korean War. Admiral C. Turner Joy contends that North Korea attempted to disturb the negotiations by attracting attention to peripheral incidents outside of the negotiation setting in order to delay progress in the hope of offering as little as possible, and interpreted and reinterpreted agreements in a different light than first agreed upon.⁵⁹ Kim Do Tae also reaches similar conclusions regarding negotiations between North Korea and South Korea.⁶⁰ He notes that negotiations often do not happen at the said negotiation table, but rather outside of official settings, with North Korea trying to pursue an agenda that is often not reflected during the negotiations. Kim also notes that North Korea tries to prevent South Korea from achieving benefits from the negotiations, thus enforcing the idea that North Korea will vie for relative gains (being content only if receiving more gains than the negotiation counterpart) rather than absolute gain (being content by just gaining as much as possible), at least when negotiating with South Korea.

⁵⁸ Klare, *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy*.

⁵⁹ C. Turner Joy, *How Communists Negotiate* (New York: Macmillan, 1955).

⁶⁰ Do Tae Kim, Cha Jae Hoon, *Research on Characteristics of North Korea's Negotiating Strategy: Case Studies on North-South Dialogue* (Seoul: Minjok Tongil Yonguso, 1995).

Contemporary knowledge of negotiations with North Korea can be principally attributed to Scott Snyder and Chuck Downs. Both authors present an account of North Korean negotiation strategies. Scott Snyder's approach is based on interviews and he presents a chronology of negotiations between the U.S. and the D.P.R.K. from 1989 to 1997.⁶¹ Snyder compares North Korean negotiation style to that of South Korea and concludes that while it is possible to negotiate with North Korea, recurring or new crises internal or external to the negotiation situation are likely to disturb negotiations. Snyder also looks at the effects of North Korean brinkmanship, and contends that North Korean negotiation patterns such as making strong, hard-line, inflexible opening statements, frequently departing from the negotiating table or asking for concessions are now well understood. He states that this could be a downturn for North Korean negotiating teams as their counterparts and especially the U.S. can take advantage of such patterns. Snyder's findings are rather striking, as they highlight North Korea's inflexibility in negotiations which is also an element that was seen long time ago when North Korea negotiated the 1953 Armistice. This would suggest that North Korea's negotiation strategy has not evolved much, or at least not up until 1997 when Snyder's book was published. Thus, Snyder's work cannot help us understand how Kim Jong-Il has negotiated with two very different American administrations, the Clinton and the Bush Administrations.

Chuck Downs presents a more historical approach to the topic. He analyses events dating from the negotiations over the Korean Armistice in 1953 up to 1998 and the

⁶¹ Scott Snyder, *Negotiating on the Edge: North Korean Negotiating Behavior* (Washington D.C.: United States Institute of Peace Press, 1999).

beginning of the breakdown of the Agreed Framework.⁶² Downs identifies three common parts to the negotiations. First, North Korea negotiates with other parties until an agreement has been reached in principle. Then, North Korea considers the agreement and gives its own reading of it, which is often different from the initial agreement of principle. Finally, as parties reach a contentious state led by North Korea's reinterpretation of the initial agreement, North Korea blames its negotiating counterparts for the failure of the talk. Downs's findings are also similar to that of Snyder, and highlight the fact that North Korea often reinterprets agreements and puts the blame on its negotiating counterparts. This finding is also consistent with that of Tuner Joy and Snyder.

The shortcomings from this literature are obvious: they only address the first few years of the Kim Jong-Il regime, and are not able to provide a comparison of how North Korea's negotiation strategy has evolved under the Sunshine policy approach and the Clinton engagement efforts, and under the preemptive doctrine era launched by the Bush Administration.

More technical and case-based understandings of North Korea's negotiation strategy can be found in Romberg's 2003 analysis of the Beijing Six-Party Talks that provides an interesting view of how the negotiations are likely to impact the region.⁶³ Romberg is concerned with cooperative patterns and how all parties should gain from the negotiations: in this sense, North Korea's most important concerns should be addressed along with the five other powers' minimal objectives. Romberg warns against following dangerous paths such as the one in which the United States would place unrealistic

⁶² Chuck Downs, *Over the Line: North Korea's Negotiating Strategy* (Washington D.C: AEI Press, 1999).

⁶³ Alan D. Romberg, "The North Korea Nuclear Crisis: A Strategy for Negotiation," *Arms control today: a publication of the Arms Control Association* 33, no. 4 (2003).

demands on North Korea, asking for example for an immediate dismantlement of nuclear weapons facilities, or paths such as non-reciprocal situations where Pyongyang would have to make a first conceding move. Joel Wit, in his analysis of the negotiations behind the Agreed Framework, contends that the United States' policy should be geared toward U.S. objectives instead of North Korean objectives. Wit proposes that the United States sets strategic priorities and clearly sticks to them, thus creating a carrot system in which North Korea has to comply at different levels if it wants a reward.⁶⁴ This follows both the logic of a sequential-type of game where parties must each take a step one after another, and a simultaneous-type of game in which parties will initiate actions at the same time. Wit also reinforces the ideas that China must be included as a full negotiation partner because of its influence over North Korea. This contradicts Triplett's vision that China is the United States' real enemy. Finally, the debate regarding North Korea's negotiation strategy is put into a broader perspective by Gavan McCormack who summarizes the difficult relationship between North Korea and the United States by characterizing it as a relationship between a porcupine and a tiger.⁶⁵ McCormack argues that the United States' loathing of North Korea, and its calling North Korea a rogue state have actually provided legitimacy to the isolated Kim Jong-Il government at a time when it is pursuing weapons of mass destruction. At the same time, North Korea's development of nuclear weapons reinforces Japan's and South Korea's need for the United States to ensure their security. Thus, North Korea's actions have legitimized American presence in the region. This theory is interesting in light of North Korea's behavior as a peculiar rogue state that has

⁶⁴ Joel S. Wit, *Going Critical: The First North Korean Nuclear Crisis* (Washington, D.C.: Brookings Institution Press, 2004).

⁶⁵ Gavan McCormack, *Target North Korea: Pushing North Korea to the Brink of Nuclear Catastrophe* (New York: Nation Books, 2004).

managed to keep the United States as a negotiating partner even though the United States has no real desire to negotiate with it.

The literature thus tells us that North Korea has experience in international negotiations, but that its strategies have become known to its negotiation counterparts. Shortcoming in the literature are numerous: first, there are no studies that deal with more than short periods of Kim Jong-Il's reign or that show implications of the change from the Clinton administration to the hawkish Bush administration for the negotiations. Moreover, the majority of studies do not consider the post-9/11 time period. Second, many studies define North Korea as a rogue state without taking the time to analyze clearly what it means for the negotiations. Third, while negotiation techniques are discussed at the international systemic level, too few studies analyze negotiations using different levels of analysis: they do not look at the more personal characteristics of the negotiations or the dynamics of the negotiating teams. As a summary, it is difficult to come up with a unified strategy on how a country should be negotiating with a rogue, because as Tanter states, different nations perceive risk differently and thus there is no single consensus on how those outlaws should be treated.⁶⁶ Tanter suggests that the United States perceived threats from Iran, Iraq, Libya, Syria, Cuba and North Korea altogether and imposed sanctions on them, but has also engaged them at different levels, depending on whether the United States sees its counterpart as a nation-state, or as a personification of its leader: for example, Iran is being treated as a state while Iraq was above all about Saddam Hussein.⁶⁷ Thus, it seems essential to investigate negotiation

⁶⁶ Raymond Tanter, *Rogue Regimes: Terrorism and Proliferation* (New York: St. Martin's Press, 1998).

⁶⁷ Ibid.

strategies that pertain to the state, but to its leader as well, since we have seen earlier that leadership as well as ideology are pillars of North Korea's behavior in the international system. Richard Haas and Meghan O'Sullivan contend that there are various ways in which one can engage a rogue state: using ongoing political or economic activities, through economy as a more strategic way of dealing with a rogue in order to create interdependence, continuing the rivalry but maintaining a small range of agreements, as well as full negotiation on any topic possible. They state, however, that there has been little evidence over time that such engagement strategies have been successful when dealing with rogue states⁶⁸. Rollback strategies are also considered when dealing with rogue states, and especially with North Korea: a rollback strategy means a full-scale war against a rogue regime in the hope of deposing its current regime. Such a strategy was considered during the Korean War in an attempt to depose Kim Il-Sung⁶⁹, and has also been considered and enacted more recently in light of the war in Iraq.

The most important factor, however, is that there is no consensus in the literature in regards to how rogue states should be dealt with, and more specifically on how such rogues have been behaving. The focus is often put on how the United States has been defining those states of concerns, and whether it has tried to engaged them or not. Few studies look at the situation from the other side, and try to determine how rogues have been interacting through diplomatic channels. Thus, the present study can make a contribution in determining which factors matter when the United States negotiates with North Korea.

⁶⁸ Richard Haas, Meghan O'Sullivan, "Terms of Engagement: Alternatives to Punitive Policies," *Survival* (2000).

⁶⁹ Colin Dueck, "Strategies for Managing Rogue States," *Foreign policy Research Institute* (2006).

c. Methodology

1. Case Selection

There have been many opportunities for North Korea to talk to other states in formal settings since Kim Jong-Il's inception in 1994. Talks have occurred for various reasons: crises that took place on the Korean peninsula and that stemmed out of perception issues such as when the United States wanted access to the Kumchang-ri site after Washington had gathered suspicious aerial photographs of the location; negotiation episodes that occurred because of a perceived danger, such as North Korea's testing missiles over the Sea of Japan; demands of a concert of nations that wanted an international forum to discuss a possible alternative to the Korean Armistice; or out of concern for the unauthorized build-up of nuclear weapons by North Korea. What is also interesting is the type of format used during the negotiations: North Korea has been involved in single-shot talks (talks are composed of only one round that last for a continuous period of time and break only when an agreement has been reached) such as the 1994 pilot negotiations where the situation did not call for ongoing rounds of negotiations but ended after two weeks, and in repetitive negotiations dealing with nuclear weapons, missile testing and suspected nuclear facilities expansion. There have also been a variety of players: the United States has been involved in many cases, and so have various regional powers such as China, Japan, South Korea, Russia. The Four-Party Talks included the United States, North Korea, South Korea and China and the Six-Party Talks involved the United States, North Korea, South Korea, China, Japan and Russia. There has been considerable variation in the type of issues that have been negotiated as

well as the number of players and the frequency of negotiation rounds. There has also been considerable diversity in the level of relative success and failure of the negotiations for the parties engaged.

Cases were selected according to strict criteria. First, cases had to have occurred after the Kim Jong-Il reign started, that is to say from 1994 on. Second, at least both the United States and North Korea had to have been involved in case in a full negotiating capacity. Third, a negotiation case had to involve actual contacts between diplomats and negotiators in a given location, as opposed to cases that are composed of exchange of rhetoric from government through media outlets. Those criteria seemed to be the most important as they allowed for the study to be limited to comparable units of negotiations in a post-Cold War setting. Based on those three criteria, seven major cases were extracted from the chronology of major events that had happened between North Korea, the United States, and the Korean peninsula at large.

The first case will be referred to as the “Pilot Negotiations”, and took place in late 1994. An U.S. Army helicopter crossed the D.M.Z and entered into North Korea’s air space. The helicopter was shot by the North Korean Army. The United States government had to negotiate with North Korea in order to recover the remains of one pilot who died, and to obtain the release of the second pilot. The case is noteworthy since it was important that it did not intensify in order not to impede the implementation of the Agreed Framework.

The second case involved bilateral missile talks that took place over eight rounds from 1996 to 2000. The United States and North Korea held bilateral talks in Berlin in April 1996 in order to discuss Pyongyang’s missile proliferation. North Korea was asked

to agree to the Missile Technology Control Regime. It responded by asking for compensation from the United States for lost missile-related revenues. Subsequent talks took place in Berlin in June 1997 (Round 2), in New York in October 1998 (Round 3), in Pyongyang in March 1999 (Round 4), in Berlin in September 1999 (Round 5), in Rome in May 2000 (Round 6), and in Kuala Lumpur both in July and in November 2000 (Round 7 and 8).

The third case will be referred to as the “Nodong Launch” and took place in 1996 when the United States detected North Korean preparations for a test of its medium-range Nodong missile. Washington tried to assert its power by sending reconnaissance ships and aircrafts to Japan. Several meetings were held in New York between the United States and North Korea, in order to reach a compromise on the missile testing.

The fourth case labeled “Kumchang-ri Compromise” took place in 1998 and 1999, and involved a potentially hazardous construction on a North Korean site. American Ambassador to South Korea Charles Kartman visited the D.P.R.K. and exposed his concerns regarding underground construction in the Yongbyon area. If North Korea was indeed building a nuclear plant at Kumchang-ri, the 1994 Agreed Framework could be voided. Pyongyang had to decide, in order to receive food and aid, whether it would allow American inspectors to visit the site.

The fifth case signals the beginning of multilateral negotiations, and pertains to the Four-Party negotiations. The United States, China, South Korea and North Korea met in Geneva in December 1997 in an unprecedented move, in order to discuss security issues and a nuclear-free peninsula. Subsequent rounds took place in March 1998 (Round

2), October 1998 (Round 3), January 1999 (Round 4), April 1999 (Round 5) and August 1999 (Round 6).

The sixth case involves China, North Korea and the United States' negotiations in Beijing in April 2003. No significant negotiations had taken place between the United States and North Korea since the summer of 1999 when the last round of Four-Party Talks was held. Following the change of administration in the United States as well as the September 11 attacks, the Trilateral Talks were an effort to jumpstart a multilateral talk process that had died several years earlier..

Finally, the last case presents the most recent effort to negotiate a peaceful resolution of nuclear issues on the Korean peninsula. Following the Trilateral Talks, the United States, China, Japan, Russia, South Korea and North Korea met in August 2003, February 2004, June 2004 and during the summer of 2005 in order to sign a joint declaration paving the way to a nuclear-free peninsula.

2. Hypotheses

The negotiation history between the United States and North Korea is extremely varied. At times talks led to agreements, and at other times, talks proved unsuccessful. Parties also broke off agreements, imposed sanctions, decided to trust each other again, or positioned themselves very antagonistically towards each other. History shows that when it comes to North Korea, there are instances of cooperation, as well as instances of non-cooperation. A number of competing hypotheses can be formulated based on findings from the literature as to how cooperation can be fostered between the United States and

North Korea. The hypotheses are based on the three images framework drafted by Kenneth Waltz . Waltz's first image, human nature, seeks to explain the cause of war and conflict by drawing on the inherently sinful nature of men, or at least on their imperfections. This image means that leaders' greed and imperfect nature can lead to conflict. It also means that human nature should be taken into consideration when investigating whether war could be more likely than peace: optimists would say that human nature can be modified to make war less likely, while pessimists would say that human nature cannot be changed. In other words, human nature is as much a cause of conflict as an explanation for peace. This is extremely relevant when considering negotiators, diplomats, and other human actors that are involved in negotiations. Waltz' second image, the nation-state, speaks to the concepts of nationalism and the preservation of states, elements that are central to realist concepts. It posits that human behavior is as much a product of human nature as it is of the society people live in. According to Waltz, war can be caused by "bad states", namely governments that are engaged in external conflict in order to justify their internal hold on power. Finally, Waltz's third image, the international system, assumes quite logically that if humans are shaped by their domestic environment, they must also be influenced by the international world. Thus, hypotheses that fall in to Waltz' third image will have to do with factors that involved other actors besides North Korea, and that pertain to the balance of power.

The purpose of this study, however, is not to investigate reasons for war, but rather to look at potential explanatory factors that would lead to more cooperative outcomes when the United States and North Korea negotiate. As such, Waltz three images should not be understood here as factors leading to war, but as broad framework

that will lead to a discussion of different characteristics pertaining to both the United States and North Korea. Thus, our hypotheses will be divided into three categories: hypotheses pertaining to the human nature as a main variable during negotiations, hypotheses pertaining to the goals of the states in those negotiations, and finally hypotheses pertaining to the relationship between states within the international system, and its effect on negotiations.

i. The first image: human nature as a key explanation

Human nature is at the basis of the international system since states are made up of human beings and are created by them. Studying negotiations puts the emphasis on who are the negotiators. The Pilot Negotiations case shows an important disparity between the number of actors involved in the negotiations, as North Korea only had a few diplomats and officials involved, while the United States' apparatus for negotiations was composed of a much larger number of actors with an array of personnel working directly for the President or at the Pentagon, as well as congressmen and scholars. Over the past decade or so, North Korea has called for direct negotiations with the United States, and has put an emphasis on which American officials are sent to the negotiations. This has been true for the United States as well, with the difference that Washington was not interested in which Korean interlocutors it had to deal with, but was very careful about who it would send as intermediates. The United States first sent Senator Bill Richardson and then former Deputy Assistant Secretary of States Thomas Hubbard. This was done with the clear intention prove the seriousness of the United States in regards to the

negotiations, but with the carefully calculated risk of not sending somebody too highly ranked in order not to 'give in' too much to North Korea. We will also assume that negotiators who carry messages matter as much as the message itself and hypothesize that the face-value and name-value of who is in charge of the negotiations for the United States would change the relationship that North Korea has with American negotiators. A higher-ranking American actor would prove to North Korea that the United States is either respectful, or is worried enough about the situation that it does not want to make the error of snubbing North Korea. This can be called the "face hypothesis". It should not be confused with a face-saving hypothesis that would investigate the effect a certain action would have on the ego of politicians for example. Hypothesis 1A would therefore propose that North Korea's willingness to negotiate is tied to the level of the representatives on the American team, with appointment of higher ranking diplomats leading to more avenues for negotiations.

Because human beings are socialized by their environment and by the power of ideas and knowledge (concepts that relate directly to constructivism), it is also essential to consider the nature of the dispute, and the way actors assess its importance. Disputes that arise from deep-rooted values and ideologies are basically zero-sum (meaning that one party will give out something that will become a gain to the other party, but no additional value will be created out of the negotiations).⁷⁰ The reason for this is because one cannot easily compromise on deeply-rooted values or religious beliefs. In the case of North Korea and the United States, most of the conflicts pit the notions of communism and North Korean self-sufficiency (Chu'che) against capitalism and the free world. In

⁷⁰ Edward E Azar, John W. Burton, *International Conflict Resolution: Theory and Practice* (L. Rienner Publishers, 1986).

more interest-related disputes involving low politics (meaning tangibles things) rather than high-politics matters (meaning the way things are done), positive-sum resolutions (each party get something positive out of the negotiations) should be easier to reach and more amenable to conflict management. Daniel Druckman et al. also bring the idea of trying to redefine zero-sum games into more manageable and especially negotiable sub-units of negotiations in order to weight them against one-another in order to find more compromise.⁷¹ Negotiations involving short-notice topics as well as situations such as the 1994 Pilot Negotiations have a higher likelihood of being resolved, especially if more dramatic topics such as the issue of nuclear development are brought into the negotiations. Hypothesis 1B proposes that low politics issues and issues not linked with more encompassing and sensitive, on-going crises will have a higher likelihood of finding a positive-sum outcome.

ii. The second image: nation-state as a key explanation

It is important to understand the constituencies influencing the negotiating states' governments. North Korea functions largely as a monolithic block, although the Pilot negotiations showed that there can be disagreements among actors in the North as well. There was a power struggle between the government, and the military chief office U-Jin O regarding the release of information concerning the fate of the two American pilots.⁷² This leads to hypothesis 2A Negotiations are more likely to lead to compromise outcomes when there is a unity of views behind the position taken by the negotiating

⁷¹ Daniel Druckman, Benjamin. Broome and Susan H. Korper, "Value Differences and Conflict Resolution: Facilitation or Delinking," *Journal of Conflict Resolution* 32, no. 489-510 (1988).

⁷² The St. Petersburg Times, "N. Korea has billions of reasons to be nice," December 22, 1994.

team (the unity of view will normally come from a decision-making body at the governmental level). At the same time, a power struggle when there is disagreement among government agents could weaken the image of the negotiating team. This hypothesis will also be extremely salient when looking at potential divisions and cleavages within the Bush administration, especially between hard-liners and those who believe in a softer approach toward North Korea.

The issue of what is being negotiated is also crucial for the interest of the states involved. Jacob Bercovitch et al. show that disputes that involved more material issues, as well as issues related to the security of one country are far more amenable to a successful negotiated agreement than an issue involving ideology or independence. This is tightly linked to what we have discussed earlier when dealing with the first image, with the exception that Bercovitch et al. focus on the notion of security of the state instead of only human or cultural values. Security and especially the fight against perpetrators of terrorist actions are of prime importance to the United States, especially since 2001. However, the realist notion of survival of the state and the idea that the system we evolve in is anarchical and of a self-help nature is extremely important for our cases. We can thus hypothesize, as hypothesis 2B does that both the United States and North Korea are highly sensitive to the notion of security, and that negotiations related to their security and the security of their citizens and constituencies will be more important than other collective security endeavors, such as collective security in Northeast Asia. This hypothesis will be highly relevant for negotiation episodes such as the Four-Party Talks and the Six-Party Talks that usually focus on broader definitions of security that encompass all or most of Northeast Asia. We thus can expect that negotiations involving

security matters will be difficult for North Korea, and that compromise is unlikely to be achieved given that both mistrust each other and place higher priority than on collective security models. This hypothesis seems also very relevant for North Korea as several researchers including Kim Do-Tae from the Korean Research Institute of National Unification argues that North Korea's negotiating objectives are to safeguard its political system as well as to attempt to achieve unification with the South on Communist terms. While mentioned more in the rhetoric of the nineties, it seems that unification under Communist terms is no longer as important to Pyongyang's agenda as is the plain survival of its regime.

Turner Joy used his own experience of negotiating with North Korea during the Armistice and studied how negotiations stalled. He put the spotlight on how North Korea often sought political agreements that had validity only in name and later disavowed them, as well as on how North Korea rather consistently refused to offer concessions.⁷³ Is this still true nowadays, or are those issues hard-to-break stereotypes about North Korea? Conventional wisdom would say that there is no reason why North Korea would have changed its tactics as the way the regime has been operating since the creation of North Korea has changed very little over time. However, Kim Do Tae found that North Korea successfully applied the use of alternatives, commitments and controls over negotiation processes to increase its negotiating power in relation to the United States. Hence, one can hypothesize, as hypothesis 2C, that during the negotiation phase, North Korea has a strategy, and is a sophisticated, prepared player, using various techniques and often leading negotiations instead of suffering through them. This idea feeds directly into those

⁷³ C. Turner Joy, Allen E. Goodman, *Negotiating While Fighting, the Diary of Admiral C. Turner Joy at the Korean Armistice Conference* (Hoover Institution Press, 1978).

of Mark Habeeb and his work on the reasons why seemingly powerful states are having a difficult time to impose their will on “weaker” states.⁷⁴ Habeeb states that the power balance between states largely determines the outcome of a negotiation, and he defines power as being a function of resources, as well as how those resources are used, thus implying that a party having more resource will not necessarily reap larger benefits during a negotiation. This idea is parallel to that of the paradox of unrealized power. Small states such as North Korea achieve objectives out of proportion to their size and aggregate power. North Korea, as a weaker state, might increase its leverage on specific issues because of having a strong Best Alternatives To a Negotiated Agreement (B.A.T.N.A.), which basically means that a negotiated agreement might not always be the best option for Pyongyang as it might have another option that is more beneficial in some ways than signing an agreement.⁷⁵ North Korea also uses crisis diplomacy in order to manipulate the negotiation’s agenda and format and can be seen in the work of In Young Chun. Addressing the 1968 Pueblo incident during which a U.S. Navy ship entered into North Korean waters and was seized by Pyongyang, Chun argues that North Korea routinely used crisis diplomacy and brinkmanship in order to maximize its political benefits. In some cases, Pyongyang demanded that counterparts admit to wrong doing and apologize.⁷⁶ Such characteristics were also present in the 1994 pilot negotiation case when Pyongyang accused Washington of having sent its pilots on a spying mission, or when it required the United States to apologize for that fact. In the end, the United States did apologize for the incident, which shows that North Korea does have power when it

⁷⁴ William Mark Habeeb, *Power and Tactics in International Negotiation: How Weak Nations Bargain with Strong Nations* (Baltimore: Johns Hopkins, 1988).

⁷⁵ Fisher, *Getting to Yes: Negotiating Agreement without Giving In*.

⁷⁶ In-Young Chun, "North Korea's Negotiating Behavior toward the United States," *Social Science and Policy Research* 17, no. 3 (1995).

comes to negotiation. This leads us to Hypothesis 2D: North Korea is more likely than the United States to achieve its goals through negotiations, even though this appears counter-intuitive given the power relationships in the world and the assumption that the hegemonic U.S. should be able to impose its will on the weak.

iii. The third image: international system as a key explanation

Jung-Hoon Lee and Chung-In Moon provide a very clear assessment of the two primary contending views of the West regarding how to deal with North Korea.⁷⁷ Their study presents two main opposing approaches, namely the kind of hard-line rejection that was practiced by the United States before the death of Kim Il-Sung and the nineties soft-line accommodation perspective bolstered by the Kim Dae-Jung Administration and its ‘Sunshine Policy’. The Bush administration has opted for a negotiated settlement through the use of incentives and disincentives. During the Pilot negotiations, the United States said right away that it did not want to damage the relationship that was established between the United States and North Korea through the Agreed Framework, but at the same time, the United States mentioned that the Agreed Framework could be in jeopardy if North Korea did not “behave”. Hypothesis 3A is that linkage between crises matters, and that larger strategic crisis could have a potential effect on a smaller crisis if, for example, a negotiating teams try to get concessions in a given negotiation episode by threatening to cancel a deal that had been made or was in the making in another negotiation episode.

⁷⁷ Jung-Hoon Lee, Chung-In Moon, "The North Korean Nuclear Crisis Revisited: The Case for a Negotiated Settlement," *Security Dialogue* 34, no. 2 (2003).

According to several researchers, however, a sense of emergency can also increase disputants' motivation to moderate their intransigence and revise their expectations.⁷⁸ Hence a rival hypothesis to 3A is that a sudden crisis, an isolated incident or even an independent incident will have a higher likelihood of being resolved or leading to identification of a common ground than different rounds of negotiation on a single topic. This will be labeled Hypothesis 3B.

Table 1: Hypotheses

The first image: Human nature as a key explanation	<u>Hypothesis 1A:</u> North Korea's willingness to negotiate is tied to the level of the representatives appointed by its counterpart's teams, with appointment of higher ranking diplomats leading to more avenues for negotiation than with lower ranking diplomats (especially when a request along this line emanates from North Korea).
	<u>Hypothesis 1B:</u> Low politics issues and issues not linked with more encompassing and sensitive, on-going issues have a higher likelihood of finding a positive-sum compromise.
The second image: Nation-state as a key explanation	<u>Hypothesis 2A:</u> negotiations are more likely to lead to positive-sum outcomes when there is a unity of view in the position of a negotiating team.
	<u>Hypothesis 2B:</u> Negotiations related to North Korea's national security will be more important for Pyongyang than any other collective security endeavors that would ensure its own security as well as the security of other countries in East Asia or around the world.
	<u>Hypothesis 2C:</u> North Korea is a versed, sophisticated player that is using various techniques and often leading negotiations instead of not having a strategy and just suffering through the negotiations.
	<u>Hypothesis 2D:</u> North Korea is more likely to achieve its goals through negotiations than other negotiation parties will, because it manages to derive power from other avenues than from its resources.

⁷⁸ Frederick S. Northedge, Michael D. Doneland, *International Disputes: The Political Aspects* (New York: St. Martin's Press, 1971).; Daniel Frei, "Conditions Affecting the Effectiveness of Mediations," *Peace Science Society (International) Papers* 26 (1976).; Barry Rubin, *The Arab States and the Palestine Conflict*. (Syracuse: Syracuse University Press, 1981).

The third image: International system as a key explanation	<u>Hypothesis 3A:</u> A larger strategic negotiation episode can influence the result of smaller-scale negotiations. <u>Hypothesis 3B:</u> A sudden crisis, an isolated incident or even an independent incident will have a higher likelihood of being resolved or at least of identifying a common ground than different rounds of negotiation on a single topic.
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The various hypotheses to be tested will help determining North Korea's negotiation strategy which is the dependent variable. It seems that there is a lot of variation on the dependent variable: North Korea is known as having backed out of negotiations, signed agreements, prolonged negotiations by requesting additional time in order to ask for input from its leadership, but has also refused to come to the negotiation table, In this sense, we will follow Turner Joy, Scott Snyder and Chuck Brown's choice of dependent variable and pinpoint units in North Korean sets of actions. Those units can then be aggregated in order to derive North Korea's negotiation strategy over time, and in different settings such as bilateral negotiations, multilateral negotiations, crises negotiations as well a single-round and multi-round negotiations.

3. Operationalization

First, raw data are analyzed using an inductive framework. Raw data refers to information that has been drawn from newspaper articles retrieved from the Lexis-Nexis Academic database. To the extent possible, bare facts were used; any subjective analysis was discarded. Newspapers used were major national publications both in the United States as well as in South Korea, Japan and China. A list of those newspapers can be

found in Appendix I. This raw data was used to provide in-depth chronologies of the seven negotiation cases listed earlier. Once such chronologies were built, the initial set of hypotheses was tested for each of the cases, and preliminary conclusions regarding potential negotiation strategies, as well as elements that help explain variation in North Korea's negotiation strategies were outlined.

Second, in-depth interviews were used inductively as well. Rounds of interviews were conducted with people who were involved in or were highly knowledgeable with the topic negotiations with North Korea from 1994 to 2004. Interviewees ranged from former American ambassadors to the Republic of Korea to American experts working for think-tanks related to foreign policy, as well as from former high-ranking South Korean officials to academic professors working on issues related to the Korean peninsula.

i. Archival Research

The data-set gathered for the research was constructed using the database news Lexis-Nexis, and was supplemented by other sources such as the K.C.N.A (Korean Central News Agency), two South Korean newspapers (Korea Times and Korea Herald), as well as archival research of the minutes of meetings, when available. Keywords were used systematically, going from a more general approach to a more specific inquiry. Generic key terms were used to define the broader context of the negotiations, as well as to categorize the different negotiation episodes that occurred during specific years. Generic key terms usually involved a combination of two to three terms (For example, "North Korea" + "negotiations", "North Korea" + "talks", "D.P.R.K." + "negotiations",

“D.P.R.K.” + “talks”, “North Korea” + “United States” + “talks”, “North Korea” + “United States” + “negotiation”, “D.P.R.K.” + “United States” + “talks”, “D.P.R.K.” + “United States” + “negotiations”). For each case, a time-period was entered in the search field. The time-period was divided into subsequent smaller units in the case of multi-round negotiations.

Specific key terms were used once the main negotiation cases had been isolated, and searched focused on the name of the negotiations as referred to by the press, as well as its actors. A combination of both name of the negotiations as well as date of the negotiation round was used (for example “Kumchang-ri”, “Missile negotiations”, “Trilateral talk”, “4-way talks” / “4-party talks”, “6-way talks” / “6-party talks”). In order to identify articles in Lexis-Nexis, the following sections were searched: “General News” + “Major Papers”, “World News” + “Asia/Pacific news”, “General News” + “Policy Papers”, “General News” + “Magazines and Journals”.

The issues coded for each instance of negotiations were the date when the negotiations took place, its venue, the official stances of participants, the function of negotiators (whether they were ambassadors, envoys, presidents, citizens, or officials from the military for example), the duration of the talks, whether or not an agreement was reached, what issues were discussed during the talks, what types of grievances were reportedly enunciated by the negotiating parties, what was the climate like during the talks, and what type of strategies and bargains were used when negotiating.

After a preliminary analysis of the newspaper articles collected, the number of relevant articles for each of the negotiation episodes was distributed as follows:

Table 2: Articles Processed

Cases	Articles Processed
Case 1: Pilot Negotiations	107
Case 2: Bilateral Talks - Missile Prolif.	126
Case 3: Nodong Launch	38
Case 4: Kumchang-ri compromise	56
Case 5: Four-Party Talks	152
Case 6: Trilateral Talks	31
Case 7: Six-Party Talks	191
Total:	701

The volume of single stances and actions that belonged to each country was distributed as follows:

Table 3: Case Distribution

Cases	U.S.	D.P.R.K.	R.O.K	China	Japan	Russia
Case 1	498	125	23			
Case 2	316	126	10			
Case 3	81	16	7			
Case 4	162	48	12			
Case 5	246	248	172	71		
Case 6	87	18	9	9		
Case 7	236	138	115	217	75	53
Total:	1626	719	348	297	75	53

ii. Interviews

Interviews were conducted after the deep content analysis work was completed. The purpose of the interviews was to gather more specific information on factors that might influence on North Korea's behavior during negotiations. Interviewees belong to different categories, and provide a more subjective type of information that should be handled with care.

Interviewees ranged from former American and South Korea diplomats who have been involved in a specific negotiation episode with North Korea, current U.S. State Department officials who are in relatively direct contact with North Korean officials to experts who are involved in negotiations with North Korea outside of official state channels, experts who have visited North Korea and have witnessed North Korea's negotiation style outside of the seven specific negotiation cases presented here, and experts who have been working on the issue of North Korea. Attempts were also made to contact North Korean diplomats through the North Korea desk at the United Nations, but ended in a refusal from the mission to set up an interview. The demand to interview North Korean, though unsuccessful, did not hamper the validity of this study as triangulation made it possible to gather an important amount of data directly pertaining to how North Korean officials behaved when negotiating. Interviewees were contacted by email, and interviews were conducted in person, through phone, as well as through, in certain cases, a voice-over-computer software. Anonymity was respected when participants requested it. All interviews were stored in digital format and labeled with a number known only to the author in order to ensure anonymity.

Questions were asked according to the degree of involvement that the interviewees had with North Korea. Interviews with former American ambassadors to the Republic of Korea were focused on their understanding of the concept of rationality within North Korea. Questions also targeted their own experience meeting with North Korean officials. The interview questions were divided into several categories. First, a general category of questions inquired about the most important events during the

relationship between the United States and North Korea. A second category of questions directly address our hypotheses, with questions regarding the linkage between negotiation episodes and questions that asked the interviewee to describe negotiation behaviors and techniques used by North Korea during talks.

A copy of the approved Internal Review Board Consent Form is available in Appendix III. A copy of the Interview Request sent to participants is available in Appendix IV. A list of general interview questions is available in Appendix V.

Table 4: List of Interviews

Date	Interviewees	Function	Location	Means
11/30/2005	Kim Choon-Nam	East West Center	U.S. - Hawaii	By phone
12/2/2005	Thomas Hubbard	Former U.S. Amb. To S.K.	U.S. – Washington D.C.	In person
1/18/2006	Huh Moon-Young	Dir. N.K. Div. K.I.N.U.	R.O.K. - Seoul	In person
1/18/2006	Kim Kook-Shin	Dir. N.E.A.S. K.I.N.U.	R.O.K. - Seoul	In person
1/18/2006	Choi Kang	I.F.A.N.S.	R.O.K. - Seoul	In person
2/17/2006	Donald Gregg	Former U.S. Amb. To S.K.	U.S. - New York	By phone
2/22/2006	Robert Dujarric	Expert located in Japan	Japan - Tokyo	Through Skype
2/22/2006	Gordon Flake	Mans Ctr Pac Aff / Atl Coucil	U.S. – Washington D.C.	In person
3/14/2006	Don Oberdorfer	Historian	U.S. – Washington D.C.	In person
3/24/2006	Ken Gause	N.C.A. N.K. Expert	U.S. – Washington D.C.	In person
3/15/2006	Robert Carlin	K.E.D.O.	U.S. - New York	By phone
3/9/2006	Joo Seung-Hoo	U. Minn N.K.-Russia Expert	U.S. - Minneapolis	By phone
3/1/2006	Marcus Noland	I.I.E. Econ Expert	U.S. – Washington D.C.	In person
3/15/2006	Michael Green	C.F.R.	U.S. – Washington D.C.	In person

3/3/2006	Kim Hyung-Ki	Former R.O.K. Vice-Minister of Unification	U.S. – Washington D.C.	In person
3/18/2006	Bruce Cumings	Expert/Historian U. Chicago	U.S. - Ann Arbor	By phone
3/8/2006	KhilYoung-Whan	Expert	U.S. - Phoenix	By phone

Interviews were then processed by grouping participants' comments into different categories. First, participant's first-hand negotiating experiences with North Korea were categorized as "anecdotes". Interviewees' personal opinions as well as interpretations of facts were categorized as "Opinions". Various other categories were created in order to process information given by interviewees on various subjects such as their own role within a negotiation process, Kim Jong-Il's personality and power, North Korea's general and specific characteristics, President Bush and President Clinton's administrations, the topic of nuclear weapons, as well as information pertaining to other countries' role on the Korean peninsula.

The combination of archival research as well as interviews gathered a wealth of data, as well as some surprising findings and sometimes contradictory information regarding North Korea's negotiation behavior as well as the United States' relationship with Pyongyang. The subsequent chapter will present a historical overview of Washington and Pyongyang's relationship, and will open the way to a presentation of how the literature has characterized North Korea as a negotiation player. Such a presentation will lead to a detailed analysis of the negotiations cases, based on the archival research. A final chapter will introduce findings uncovered during the interviews.

Chapter Three. History of the Peninsula and North Korea's Estrangement

In order to understand the contemporary relationship that exists between the United States and North Korea, and to a larger extent the geopolitical context of their interactions, it is necessary to review the United States' involvement with North Korea since the creation of the two separate Koreas. The relationship that ensued during the Cold War has created a specific image of North Korea that is still common today when analyzing North Korea. However, the Cold War mentality is not longer an adequate paradigm to study North Korea. Is North Korea a threat to the United States, and if so, what kind? Is North Korea responsible for the intractable situation that has plagued Washington and Pyongyang for several decades? Or was the United States in need of an enemy once the U.S.S.R. collapsed, as Colin Powell seemed to have believed when he, as the chairman of the Joint Chief of Staff, said "I'm running out of demons. I'm running out of villains...I'm down to Castro and Kim Il-Sung"?⁷⁹ This chapter will therefore provide background information on the type of relationship that has governed the United States and North Korea from the beginnings of Kim Il-Sung's reign to the most recent developments of Kim Jong-Il's dictatorship.

At the beginning of the 21st century, North Korea is a very peculiar state plagued by economic difficulties, governed by an ironclad leadership, and flirting with dangerous technologies such as nuclear weapons. The country has managed to retain many of the characteristics that already singled out North Korea during the Kim Il-Sung regime. North Korea under Kim Jong-Il is not a collapsing state, but a state that manages to defy

⁷⁹ Defense News, April 8, 1991.

international norms of engagement, as well as liberal visions of cooperation and economic growth.

a. How Korea Became Two Koreas

The region formerly called the Far East is now referred to as Northeast Asia, and has witnessed many changes over the centuries. At the end of the 1940s, the Union of Soviet Socialist Republics, the People's Republic of China, and the United States of America were the major powers facing a destroyed Japan. As stated by Sung-Han Kim, the United States' two main objectives during World War II were to defeat Japan, and to create a powerful democratic China.⁸⁰ In the years following the end of the war and Japan's defeat, China's loss to the Communists created an uneasy situation for the United States: it had to counterbalance two Communist powers, namely the Soviet Union and China, instead of only the U.S.S.R. Also, the United States was victorious after World War II, but had to change its strategy as its invasion and military occupation of Japan had been successful, but the country still needed to be disarmed in order to prevent any other outburst of violence from the Japanese power over the Asian region.⁸¹

Korea was under Japanese occupation from 1910 until the United States terminated this domination by dropping nuclear bombs on Nagasaki and Hiroshima in 1945. There was a real technical question on how to reestablish order on the peninsula and disarm Japan. The topic had been discussed during the Yalta conference of February

⁸⁰ Sung-Han Kim, "Five Decades After: The Far East in 1950 Vs. Northeast Asia" (paper presented at the International Conference in Commemoration of the 50th Anniversary of the Korean War, Seoul, Republic of Korea, July 15th 2000).

⁸¹ Hakjoon Kim, *Unification Policies of South and North Korea* (Seoul: Seoul National University Press, 1985).

1945 by Stalin and Roosevelt. Roosevelt had suggested placing Korea under a joint trusteeship between the United States and Russia once Japan was defeated. Therefore on August 15, 1945, after a mere thirty minutes of discussion between the U.S. and the U.S.S.R., Korea was officially divided into two parts.⁸² The United States established a military occupation of the Southern part of the peninsula, and retained a part of the old Japanese colonial government. Gerald L. Curtis gives a clear account of the American-Korea alliance and argues like many other scholars, that by 1948 Korea had lost most of the strategic value it might have had to the U.S.⁸³ At that time, the United States was involved in the disarmament of Japanese forces in South Korea, and in the creation of a legitimate government on the peninsula. But Washington was also greatly concerned with the spread of Communism in Europe as the Soviet Union grew stronger. The 1947 Truman Doctrine stated that Communism should not spread, and the following year, the Marshall Plan was designed to aid the war-damaged nations of Western Europe and in the process, to try to prevent the rise of pro-Communist forces in the hope of preventing them siding with the Soviet Union. The United States was strongly concerned about the potential fate that Europe would face, if it fell under the Soviet's sphere of influence, and the implications for the "Free World." In 1949, the United States put forward its plan to remove a sizable part of American troops that had been stationed in the Korean peninsula. This decision might be attributed to the fact that Korea was no longer perceived as a vital interest to the United States, as well as because of the economic problems in Washington that led to a reduction in spending abroad. By June 1949, and

⁸² Jung-Ik Kim, *The Future of the U.S.-Republic of Korea Military Relationship* (New York: St. Martin's Press, 1996).

⁸³ Gerald L. Curtis, Sung-Joo Han, *The U.S. - South Korean Alliance: Evolving Patterns in Security Relations* (Lexington: LexingtonBooks, 1983).

amidst widespread protests from the Korean people, more than 45,000 U.S. soldiers had already left Incheon.⁸⁴ U.S. Secretary of State Dean Acheson's subsequent June 1950 speech in which he excluded South Korea from the United States' Asian security perimeter showed a clear will to disengage from the peninsula. However, this move by Washington could also be interpreted as being a means not to upset the U.S.S.R. in a way that Moscow might want to secure an alliance with Japan and thus challenge the United States' position in East Asia. However, the American retreat from Korea could also be seen as a strategic move by Washington in the case of an attack from Pyongyang: by removing its soldiers from the Southern peninsula region, the United States would no longer face the risk of being entrapped in the tip of Korea, if a U.S.S.R. – D.P.R.K alliance had been born.⁸⁵ Thus, a troop withdrawal might have been the best choice for the United States' security.

In the meantime, North Korea had been busy building strong military capacities, mainly with the aid of the Soviet Union. North Korea's military was far more superior to that of South Korea, and the North invaded the South on June 25, 1950. The United States' foreign policy towards Asia took a radical turn, as Washington realized that the loss of South Korea to the North could then mean that Communism could rapidly spread through the region, and threaten world peace.

The North Korean invasion of the South came as a surprise to the United States, which readily suspected that the attack had been bolstered by the Soviet Union. Truman vowed to assure that South Korea's security would be eventually achieved, and after the United Nations voted that the North's aggression toward the South was a breach of peace,

⁸⁴ Seunggi Paik, *U.S. - Korean Relations since 1945* (Seoul: Seoul Press, 1998).

⁸⁵ Kim, "Five Decades After: The Far East in 1950 Vs. Northeast Asia".

the United Nations decided on military action in order to restore peace on the peninsula. General McArthur was nominated as the commander of the United Nations forces in Korea which were comprised of a majority of American soldiers, but of more than nineteen nations in total.⁸⁶ However, the United States' prime motive for getting involved in the conflict was far more complicated than just liberating South Korea from its invaders. Despite its exclusion from the American security perimeter, South Korea was now seen as a pivotal actor in Asia, the potential first domino of America's Domino Theory.⁸⁷ This theory presupposed that weak nations located in strategic geographical locations around the world such as in Asia and in Europe were more likely to become subject to the power and influence of a neighboring communist power. Greece and Turkey, for example, were threatened by Russia's expansionism as early as 1947.⁸⁸ It was feared that the loss of Korea to the U.S.S.R. could lead to a dramatic shift in power balance in Asia. If most of Northeast Asia was under the influence of the Soviet Union, then Japan could potentially become a part of the Communist block as well. The United States had defeated Japan during World War Two and had rendered it tributary of American military protection after the Japanese Constitution was modified to prevent Japan from developing any offensive forces. Thus, the potential "loss of Japan" could leave the United States with neither a foothold, nor a strong influence in Asia.

The Korean War marked the beginning of longstanding military and economic American support towards South Korea. Upon realizing that East Asia's security could be

⁸⁶ Paik, *U.S. - Korean Relations since 1945*.

⁸⁷ Dwight D. Eisenhower, Domino Theory Principle (1954), available from <http://coursesa.matrix.msu.edu/~hst306/documents/domino.html> (Accessed June 26, 2006).

⁸⁸ Adam Carvin, The Cold War Threatens Cambodia: America and Communist Containment, available from <http://www.edwebproject.org/sideshow/history/coldwar.html> (Accessed June 26, 2006); Adam Carvin, The Cold War Threatens Cambodia: America and Communist Containment, available from <http://www.edwebproject.org/sideshow/history/coldwar.html> (Accessed June 26, 2006).

upset if South Korea was to become part of the Communist Empire, President Truman decided to reverse his strategy of non-involvement in Korean affairs as Seoul was now of vital importance to the United States. It was recognized that Japan's stability and political polarity could also be affected by the loss of South Korea.⁸⁹ The extent of this commitment was large: the United States committed more than 350,000 soldiers to the United Nations force in order to defend Seoul.⁹⁰ The total cost of the Korean War for the United States amounted to already more than 115 billion dollars then.⁹¹ The war was also costly in terms of human lives: it is estimated that more than 400,000 United Nations Command troops died, two-third of them being South Koreans and American casualties were about 54,000 with more than 100,000 wounded.⁹² China entered the conflict in October 1950, just as American troops crossed the 38th parallel going north. However, Chinese support was not enough to secure the end of the conflict, and Beijing suffered terrible losses in the war, with more than 300,000 casualties as well. The United Nations, North Korea and China signed an armistice agreement in 1953. That same year, the United States decided to sign a Mutual Defense Treaty with South Korea. South Korea president Syngman Rhee did not want an armistice to end the Korean War, but had to agree to it to obtain a mutual security treaty with the United States. The treaty reaffirmed both countries' strong desire to live peacefully. Article III stressed that an armed attack on one of the parties would be considered as a dangerous attack to the other party's security. The treaty thus felt short of saying that an attack on one party would be

⁸⁹ Michael Shaller, *Reversal of Fortune, the United States, Japan and China, 1948-51 and 1969-73*, available from http://www.fas.harvard.edu/~asiactr/TR_Schaller.htm (Accessed January 2006)

⁹⁰ Curtis, *The U.S. - South Korean Alliance: Evolving Patterns in Security Relations*.

⁹¹ Yoong Soon Yim, *Handbook on Korean-U.S. Relations: Centennial Edition* (New York: The Asia Society, 1985).

⁹² Oberdorfer, *The Two Koreas*.

considered as an attack on the other; nevertheless, South Korea still considered itself as belonging to the United States' security sphere in East Asia. The Mutual Defense Treaty also provided South Korea with a strong American military presence, as well as significant economic assistance. It is significant the United States kept on assisting South Korea despite President Park Chung-hee's military regime of the 1960's and 1970s, mostly because Park was clearly anti-communist. The U.S.- South Korea commitment was also bolstered by the potential risk of Japan trying to develop its own nuclear weapons if South Korea was to become communist. American entanglement in Vietnam swallowed an enormous amount of money for military operations, but South Korea participated actively in the war by sending an important contingent of soldiers to aid Washington in Vietnam, thus showing that the nation was modernizing, and was able and willing to start repaying the United States for the help Seoul had received a decade earlier.

The Vietnam War showed that the United States needed to adapt its policy to a changing world. The 1969 Nixon Doctrine clearly expressed the fact that Asian countries had to be less dependent on the United States for their security, and that the United States would reduce its troops' deployments in the Far East.⁹³ Because of the changing nature of the Cold War, and as China and the Soviet Union did not support North Korea as much as they had done in the past President Carter started to remove troops from South Korea in the mid 1970's. As a result, South Korea realized that it had to start pursuing its own military build-up in order to rely less on the United States for its security. South Korea tried to open diplomatic relations with other Asian powers in order to stabilize the region.

⁹³ Kim, *The Future of the U.S.-Republic of Korea Military Relationship*.

By the end of the 1970s, South Korea was able to cover more than ninety percents of its own defense costs.⁹⁴

At the beginning of the 21st century, there are still 37,000 American troops in Korea. However, South Korea's army is now nearly self-sufficient, and though it still cannot match North Korea's capabilities and especially its number of military personnel, it is modernizing and growing.⁹⁵ The United States has also allowed South Korea to produce weapons and military arsenal, under American license. Even though it is still dependent on foreign countries regarding specific military items such as jet fighters, South Korea is growing into a reliable military force. It has also remained willing to assist the United States such as with the War in Iraq. Finally, South Korea is a modern nation that produces hi-end technical goods, and has an important economic place in Asia, and as a trading partner of the United States. Furthermore, a large amount of Korean nationals have immigrated to the United States, thereby strengthening the cultural relationship between the two countries. The U.S.-R.O.K. interaction, which had started as a savior/needy relationship, has now evolved into a patron/client relationship as well as, in some instances, into a full partnership.

b. Pyongyang's position in the international system

Because North Korea is a hermetical country from which very little information can flow, the nature of the regime and the intentions of its leaders have come under a lot of scrutiny, but nevertheless retain a mysterious character. Since it is not possible to easily gather first-hand data about North Korea, as well as to communicate through open

⁹⁴ Ibid.

⁹⁵ Yim, *Handbook on Korean-U.S. Relations: Centennial Edition*.

channels with its government, there exist multiple portrayals of Pyongyang. The end of the Cold War has challenged traditional understandings of North Korea and the Communist threat and given rise to new concerns. Today, the dominant concerns regarding North Korea are its development of dangerous weapons, famine, as well as its political brinkmanship.

1. Stereotypical views of North Korea

i. State and ideology

One of the most common words used to describe North Korea's system is communism. North Korea was introduced to Communism when it was placed under the U.S.S.R. zone of influence in 1948, when the peninsula was initially divided. Since then, North Korea has been considered as a Communist state, and thus placed on the side of the "other" by the United States during the Cold War. Even though the Cold War is now over, North Korea is still a Communist state and unlike other Communist nations such as the ex-Soviet states, or even China, it has not shown much opening to more capitalist ideas.⁹⁶ Moreover, North Korea's regime also carries the image of its founding father, Kim Il-Sung. By many accounts, however, and even up until recent years, North Korea's regime was seen as being on the verge of imminent collapse. Economic difficulties due to the apparent failure of centralized planning coupled with difficult weather conditions led to famines especially after 1995. Many have predicted and still predict that North Korea is on the verge of collapse. General Gary Luck commander of United States Forces in

⁹⁶ Richard L. Armitage, *A Comprehensive Approach to North Korea* (159) (1999); available from <http://www.ndu.edu/inss/strforum/forum159.html> (Accessed January 2006).

South Korea said in 1996 that “North Korea is already in a state of economic collapse”⁹⁷ Such a view was stated again by Deputy Secretary of Defense Paul Wolfowitz in June 2003 (“North Korea is teetering on the edge of economic collapse”⁹⁸). Theories regarding what kind of collapse, a hard-landing or a soft-landing have thus emerged over time. The idea of a soft-landing was privileged by the United States and the Republic of Korea in the 1990’s: the Sunshine policy, enacted by South Korean president Kim Dae-Jung embraced the idea that bringing slow reform to North Korea, and acting in a diplomatic way rather than in an aggressive fashion would reduce the risk of North Korea acting desperately by invading the South, for example. The assumption regarding the North’s regime was that upon the death of Kim Il-Sung, his son Kim Jong-Il would have difficulties imposing himself as the new leader after his father had ruled more than forty years over the country.⁹⁹ The idea was that the North Korean people were probably servile to the regime, but could also be expected to be strong enough to launch a revolt against a state which had failed to provide them with the bare minimum to survive.

North Korea’s future was also viewed as tightly linked to that of South Korea. In the competition between the two countries in the 1970s, South Korea emerged as one of the fastest-growing economies in the world. The fact that South Korea became a democratic country and was able to overcome the 1997 financial crash led many to believe that Seoul would absorb North Korea in a near future. Such belief was based on the fact that reunification was the only option for the two Koreas, and that the United States could not let North Korea take over the South, especially after committing an

⁹⁷ Air Force Times, “North Korea Collapse Appears Imminent,” April 15, 1996.

⁹⁸ Associated Press, “Wolfowitz says economic pressure will help end nuclear standoff,” March 31, 2003.

⁹⁹ Samuel S. Kim, “North Korea in 1994: Brinkmanship, Breakdown and Breakthrough,” *Asia Survey* 36, no. 5 (1996).

important number of troops to defend the South in case of an attack from the North, and also after investing huge sums of money into modernizing the South's military troops.

ii. Militarism

The North Korean regime is believed to be spending an enormous part of its budget for its armed forces, with some analysts suggesting that more than thirty percents of the North Korean gross domestic product is spent on its military. However, it is still difficult to properly evaluate the strength of the North Korean army, as many documents stay classified, and as it is extremely hard to retrieve information from the government itself. At the end of the Cold War, information were really scarce, but researchers such as Nicholas Eberstadt managed to uncover some discrepancies in the figures given by the North Korean regime, and by using sets of reconstructed population data.¹⁰⁰ Joseph S. Bermudez Jr. provides very a precise estimate of the number of soldiers as well as military capacities of North Korea. Still, Bermudez is very cautious in laying down these numbers, and warns readers to consider the numbers carefully.¹⁰¹ The difficulty of getting proper estimates should not, however, preventing from seeing that the North Korean army is larger than the South Korean army.¹⁰² Especially during the 1970s, North Korea's ideology and propaganda insisted on depicting the South as a poor country, and capitalism as being an evil doctrine. Therefore, a strong army could be logically seen as a tool to reunify the two Koreas under the North's rule. The idea that an attack from the North could happen at any moment prompted the United States to help Korea financially

¹⁰⁰ Nicholas Eberstadt, Judith Banister, "Military Buildup in the D.P.R.K.: Some New Indications from North Korean Data," *Asian Survey* 31, no. 11 (1991).

¹⁰¹ Joseph S. Bermudez, *The Armed Forces of North Korea* (London & New York: I.B. Tauris & Co. Ltd, 2001).

¹⁰² Yim, *Handbook on Korean-U.S. Relations: Centennial Edition*.

and militarily. At the beginning of Kim Jong-Il's reign, the D.P.R.K. had about twice the number of active armed forces than that of the R.O.K.¹⁰³. Since then, however, the conventional wisdom that the North Korean army is as able as some say has been challenged by many, including Kang who states that "to view the North as superior in military terms is a mistake"¹⁰⁴, especially in light of South Korea's military modernization and the United States' technical support.

Finally, militarism is also accompanied by weapons development: according to many, North Korea has developed weapons of mass destruction and possesses all the capabilities to manufacture nuclear bombs which could compare to America's first generation nuclear weapons. Such weapons could not be a direct threat to the United States, but could very well be propelled over South Korea and Japan or could even reach the United States. Recent developments regarding Pyongyang's nuclear weapons' program show that North Korea possesses a technology that South Korea is also not allowed to develop: the United States prevented the South from building its own nuclear forces and instead has been opening its own nuclear umbrella over the peninsula and over Japan as well.

iii. Position in the international world

North Korea is one of the reasons for most of the instability that still hangs over Northeast Asia. The American Force presence in South Korea since the 1950s has been to

¹⁰³ Peter Hayes and Stephen Noerper in Kihl, *Peace and Security in Northeast Asia: The Nuclear Issue and the Korean Peninsula*.

¹⁰⁴ Victor Cha, David C. Kang, *Nuclear North Korea: A Debate on Engagement Strategies* (New York: Columbia University Press, 2003).

deter a possible Communist attack on Seoul, and a potential chain reaction that could lead to the loss of East Asia to Communist China, or to the U.S.S.R.. Such a view was dominant during the Cold War era, although it has been modified since the breakdown of the Soviet Union. The idea of a power vacuum emerged to the extent the United States would no longer be needed in East Asia because of reunification of the two Koreas, or removal of the Communist regime in Pyongyang. Therefore, much of East Asia's stability is seen as depending on North Korea's behavior. However, because of the nature of the 1953 Armistice, North Korea and South Korea are not technically considered to have been at war with each other, and this fact has created a difficult situation for promoting direct exchange between the two countries.¹⁰⁵ The United States was a party to the treaty: it often bypasses South Korea in negotiations with the North.

A game of brinkmanship has taken place over the past decade, in which North Korea has managed to receive economic aid and international favors in exchange for promises of demilitarization. Most of the 1990s' politics towards North Korea were fomented by South Korean president Kim Dae-Jung, as well as by Bill Clinton. Kim's Sunshine Policy, often dubbed Engagement Policy was implemented to induce North Korea to change slowly and to open to the world, but was also envisioned as contributing to an eventual collapse of the Communist state. The Sunshine Policy was supposed to privilege the idea of a soft-landing collapse, therefore leading to a reunification under Seoul's terms.¹⁰⁶ Moreover, many of the investments and programs geared towards North Korea were negotiated with the thought that North Korea would eventually be absorbed

¹⁰⁵ U.S. Department of State, *Text of the Armistice Agreement*, available from <http://www.state.gov/t/ac/rls/or/2004/31006.htm> (Accessed June 26, 2006).

¹⁰⁶ Dae-Jung Kim, *A Unification Proposal by Kim Dae-Jung: Three Principles and Three Stages*, available from http://www.kdjof.or.kr/sub/proposal_eng.htm (Accessed January 2006).

by South Korea. Thus, helping the North with renovating and building new infrastructures would most likely be beneficial to the South in the long-run. The 1994 Geneva Agreed Framework was implemented with the hidden assumption that the two light-water reactors that the American consortium was to build in the North would bring power in the future to a completely unified democratic Korea.

However, economic aid to North Korea has always suffered from the lack of transparency its distribution. Many were skeptical about the real destination of food and other supplies, as it was believed that the North Korean elite was not distributing the aid to the people who needed it the most.¹⁰⁷ Many were thus reticent to provide the North with aid.

Finally, North Korea holds a dreaded space in the international community, as it is considered a rogue state. This classification can be attributed to heavy militarism inside the country, as well as the manufacturing and the export of dangerous weapons. Such actions led President Bush to declare North Korea as part of the axis of evil, a club of the most dangerous states which also included Iran and Iraq. This notion is also tightly linked with that of terrorism, as North Korea had engaged in terrorist-type acts such as the bombing of a the South Korean flight K.A.L. 858 on October 7, 1987 and thus became part of the United States' list of countries that were using state terrorism.¹⁰⁸ Most of North Korea's exports are related to military weaponry and North Korea has provided other rogue states with weapons, and most of those weapons are feared to be chemical and biological ones. Because of its involvement in supporting international terrorism, as

¹⁰⁷ Gordon Flake, Scott Snyder, *Paved with Good Intentions: The N.G.O. Experience in North Korea* (Praeger Publishers, 2003).

¹⁰⁸ Oberdorfer, *The Two Koreas*.

well its apparent lack of understanding of American policy in the world, the United States has put forward the idea that “substantial irrationality prevails in Pyongyang”.¹⁰⁹

2. *Reassessment of Contemporary North Korea*

The previous analysis has presented the conventional, Cold-War understanding of what North Korea is. However, North Korea has evolved over the past two decades, and it is necessary to present here an up-to-date view of Pyongyang in order to further analyze its negotiation behavior.

i. Everlasting Communist Regime

Because of the secretive nature of the North Korea regime, many journalist, academics and politicians predicted there would be regime change in Pyongyang. The world waited to see how North Korea would handle the death of its four-decade leader Kim Il-Sung, just as many now awaits how Cuba will change once Fidel Castro dies. Kim Il-Sung is widely believed to have masterminded Pyongyang’s partition of the two Koreas in 1948. He is also the founder of North Korea’s Chu’che ideology of self-reliance and pride but that is characterized by McCormack, for example, as having led “society and state to become a large-scale mass game, in which the circuits of politics, language and economy came to be closed, controlled, and so incapable of dealing with the unexpected or unprogrammed.”¹¹⁰ Transition in the regime is believed to have started many years before the Great Leader’s death. Kim Jong-Il, his son, was made the head of

¹⁰⁹ Edward A Olsen, *U.S. Policy and the Two Koreas* (San Francisco: Westview Press, 1988).

¹¹⁰ McCormack, *Target North Korea: Pushing North Korea to the Brink of Nuclear Catastrophe*.

several important North Korean agencies.¹¹¹ When Kim Il-Sung died in 1994, Kim Jong-Il assumed his succession immediately. Many thought that such a change meant the end of the North Korean Communist and isolationist regime, as it was assumed that the North Korean people would resist a monarchical succession. Moreover, some predicted that North Korea would collapse shortly due to, as Nicholas Eberstadt noted, the lacking number of farmers, thus concluding that North Korea would not be able to sustain itself and feed its people, especially in light of the 1997 floods and famine.¹¹² The potential for internal shake-up was also real. However, more than twelve years after Kim Il-Sung's death, the country shows no sign of apparent uproar and revolution, and it seems that high party officials are, if not as loyal to Kim Jong-Il as they were to his father, are at least working alongside the Dear Leader.

North Korea also had to survive through economically difficult times. Pyongyang clearly realized that its economy could no longer compete with that of the South. Technological progress as well as foreign aid had made South Korea emerge as a dynamic and robust country. North Korea, however, was plagued by extreme climatic conditions. It suffered droughts and floods that devastated rice paddies in 1995 and 1996. An estimated two to three millions people died from starvation that was the consequence of those natural disasters.¹¹³ Growing numbers of North Korean defectors to China and South Korea who recounted their narratives of the living conditions in the North brought to light more and more evidence that people had been enduring extreme conditions.

¹¹¹ Kim, "North Korea in 1994: Brinkmanship, Breakdown and Breakthrough."

¹¹² Nicholas Eberstadt, *The End of North Korea* (Washington D.C.: American Enterprise Institute Press, 1999).

¹¹³ Andrew Natsios, *The Politics of Famine in North Korea* (1999), available from <http://www.usip.org/pubs/specialreports/sr990802.html> (Accessed June 26, 2006).

Despite those difficulties, the regime has not showed signs of weakening. There has been no evidence of internal revolution.

Finally, despite South Korea's engagement policy as well as outreach from the United States and to a larger extent, the international community, North Korea has shown no sign of clear opening. Cultural events organized between South and North Korea were meant to bring a breeze of change in Pyongyang, but they have not sufficed. The economic aid and economic projects that were expected to exert foreign influence on North Korea did not have any effect on Kim Jong-Il's foreign or economic policy. Therefore, North Korea has not so far achieved what China and some former Soviet republics have, that is the opening of their doors to foreign ideas and the slow reform of their economies.

The most blatant characteristic and characterization of North Korea is as a communist state. Upon its creation in 1948, North Korea embraced Marxist values, but slowly modified them in order to create its own communist system. Its leaders, Kim Il-Sung and his son Kim Jong-Il, elevated the cult of personality to levels surpassing that of Fidel Castro, Stalin, or Mussolini. It is therefore no wonder that an important part of the literature on North Korea has been devoted to analyzing its regime, and especially dissecting the flamboyant personalities of the Great Leader and the Dear Leader. Bruce Cumings, for example, describes Kim Il-Sung as "a cross between Marlon Brando playing a big oil mogul in a film called *The Formula*, walking with feet splayed to handle a potbelly and hands amidriff thus to pat the tummy, combined with the big head on narrow shoulders, and the blank, guttural delivery of Henry Kissinger."¹¹⁴ The main difficulty in pursuing scholarship related to Pyongyang's regime, however, is how to

¹¹⁴ Bruce Cumings, *North Korea: Another Country* (New York: W.W. Norton, 2003).

collect accurate data, since the regime is almost impermeable to any foreign news media, reports, and even most researchers. There are several scholars that have gained access to North Korea. They have had different levels of success in learning about the regime, however. Most of the time, their works recount personal experiences in the country. Harrold, for example, recounts his memories as a Briton who lived in North Korea for more than seven years, and who worked as an English translating advisor for Kim Il-Sung and Kim Jong-Il's speeches.¹¹⁵ Harrold's recounting of his experience in Pyongyang, however, focuses mainly on his own encounters with North Korean people. His volume fails to provide many insights into the nature of the regime. Harrold's book had the misfortune of being overshadowed by a much more compelling analysis of the insides of North Korea by Bradley Martin's book, which was released the same year.¹¹⁶ Adopting a very rigorous inquiry method involving an impressive amount of official and declassified documents, speeches, as well as numerous interviews of experts, political figures as well as North Korea defectors, Martin presents in great details North Korean society and its leadership. One of the most important themes generating scholarship regarding Pyongyang is the nature of the regime, and especially the first "Communist Monarchy" put in place by Kim Il-Sung in order to ensure the succession of his son, Kim Jong-Il. Several questions come to mind when looking at this succession, and especially regarding why Kim Il-Sung decided, going contrary to Communist principles, and especially Stalin's loathing of hereditary succession, to foment a system that would slowly put his son in the spotlight. Martin's understanding of why Kim Il-Sung decided

¹¹⁵ Michael Harrold, *Comrades and Strangers* (Hoboken, NJ; Chichester, West Sussex, England: John Wiley & Sons, 2004).

¹¹⁶ Bradley Martin, *Under the Loving Care of the Fatherly Leader: North Korea and the Kim Dynasty* (New York: Thomas Dunne Books, 2004).

to pursue hereditary succession points to Nikita Krutchev's de-Stalinization of the Soviet Union in the 1950's. Martin contends that Kim Il-Sung decided that a hereditary succession would be the only way for him to preserve his own historical legacy, and to preserve North Korea's independence as well. According to Martin, partisans of the ideas were elevated to higher ranks while those who were against such a succession were purged, and by the 1970's, a strong system had been put in place to elevate Kim Jong-Il to replace his father in due time. This theory, however, is disputed by Michael Breen's *North Korea's Dear Leader* that focuses almost exclusively on Kim Jong-Il's reign.¹¹⁷ According to Breen, there are two different schools of thought regarding hereditary succession, even though he himself shares the common understanding that such a succession was not to ever happen according to the early prescription of what a communist regime should be according to Stalin (this idea is bolstered by Gavan McCormack's observation that the North Korean Communist Party has not held a single conference in the past decade).¹¹⁸ The first school of thought contends that the idea of such a succession came from Kim Il-Sung's partisans, while the second school of thought contends that Kim Jong-Il himself manipulated his father's partisans and is an example of skillfulness and his vision of long-term power play. Breen also investigates Kim Jong-Il's eccentric personality hoping to determine whether Kim is rational. Breen reaches the conclusion that the Dear Leader is neither insane nor evil, but that he benefits from being at the top of a system that is insane and evil.

The discussion regarding the reasons why the North Korean system is so vile is naturally linked to questions about the nature of the regime as well as the secrecy and

¹¹⁷ Michael Breen, *Kim Jong-Il: North Korea's Dear Leader* (Hoboken, NJ: Wiley, 2004).

¹¹⁸ McCormack, *Target North Korea: Pushing North Korea to the Brink of Nuclear Catastrophe*.

mystery regarding Kim Jong-Il's personality. Perhaps one can theorize that Kim Il-Sung's decision to opt for a hereditary succession in the 1960's and 1970's is linked to a shift in the economic race that was taking place between Seoul and Pyongyang. The collapse of the Soviet Union, the end of the Cold War as well as the China's move towards Western capitalist countries might have pushed North Korea to reevaluate its foreign policy and long-term goals. North Korea, thus, appeared to have been caught in a downward spiral because of its adherence to central planning, as Paul French proposes, contending that North Korea had moved from parity with, and even superiority over South Korea to a precarious economic situation that lead to millions dying of famine.¹¹⁹ Such a theory is developed even further by Hy-Sang Lee, who presents Pyongyang and its top leader pursuing regime survival rather than the long-standing goal of socialist unification of the peninsula, or what Pyongyang refers to as "liberating" the South from "Western dogs".¹²⁰ Lee talks about whether North Korea would be capable of realizing the "Democratic Confederal Republic of Korea", and achieving hegemonic unification of the peninsula. He concludes that this strategy is not viable given the strong presence of the American troops in the region. Not dwelling on issues of whether Kim Jong-Il is rational, or whether he is just a madman fond of Hollywood movies, Lee contends that Pyongyang is genuinely averse to the idea of launching a military campaign in pursuit of unification of the peninsula. He characterizes North Korea as fundamentally different in its behavior from the way it behaved in 1951 when it launched its attack on the South. Lee focuses on the level of duplicity and rational planning found in the North Korean thinking, an example being Seoul asking American troops to leave so that greater national

¹¹⁹ Paul French, *North Korea: The Paranoid Peninsula -- a Modern History* (New York: Palgrave Macmillan, 2005).

¹²⁰ Hy-sang Lee, *North Korea: A Strange Socialist Fortress* (Wesport, Conn.: Praeger, 2001).

unity can be achieved. Once American troops are gone, the reasoning goes, unity can then be achieved through North Korean hegemonic unification. The idea of this hegemonic unification threat sparks most of the debate regarding North Korea's militarism, its aggressiveness towards South Korea and its pursuit of nuclear weapons presumably in order to deter the United States from a potential preemptive strike.

The stereotypical view of North Korea thus tells us that the Pyongyang regime has remained as hermetical as it has always been. Kim Jong-Il has managed to successfully uphold his power without giving in to foreign pressures, this despite the North Korean's population deep and widespread suffering, as upon his return to North Korea where he had lived more than seven years, Michael Harrold, comments that "the obsession with the great leader that had once seemed harmless, even beneficial as a unifying factor, now looked like the self-serving manipulation of an entire society's thinking aimed at preserving, through the exaltation of its figurehead, a political system lacking a sound moral basis".¹²¹

ii. Militarism and the Agreed Framework

The 1994 Geneva Agreed Framework was negotiated in order to ensure a nuclear-free Korea. The United States' involvement with the Agreed Framework was tightly linked to the military threat posed by North Korea. Pyongyang could have used its nuclear reactors in order to produce peaceful energy. However, such reactors could also have been used to produce nuclear weapons. Therefore, the urgency of preventing North

¹²¹ Harrold, *Comrades and Strangers*.

Korea from building atomic bombs was an important reason for the United States to secure the Agreed Framework. According to the treaty that was signed under the auspices of the Korean Peninsula Energy Development Organization, the Democratic People's Republic of Korea and a consortium represented by the United States agreed to secure peace and security over the Korean peninsula: North Korean nuclear development and its facilities shut down in exchange, amongst other things, for two light-water reactors given to North Korea and financed by the consortium.¹²² The completion of the project was fixed for 2003 but as of today, little more than the concrete foundation for the light-water reactors has been powered and the agreement has been officially cancelled. Despite North Korea's freezing of the above-mentioned facilities, there were delays in the project and disagreements. North Korea withdrew from the Non Proliferation Treaty, and said that it was using its Yongbyon plant for reprocessing. Following these actions, the K.E.D.O. decided to keep on suspending heavy fuel oil (which had been suspended since 2002), and the Light Water reactor project was officially suspended in 2004.¹²³ The failure of the Agreed Framework is critical to understanding North Korea today. Pyongyang openly declared that it would resume nuclear development in a Soviet-designed Yongbyong plutonium reactor, and build new nuclear facilities. This move came as a direct response to the United States suspending oil shipments to North Korea after Pyongyang's admittance of its nuclear weapons programs. The whole nuclear issue is therefore far from being resolved, and the idea that the Agreed Framework solved many of the nuclear issues over the peninsula should therefore be discarded and replaced by a more careful

¹²² The Korean Peninsula Energy Development Organization (1994), *The Agreed Framework between the United States of America and the Democratic People's Republic of Korea*, available from <http://www.kedo.org/pdfs/AgreedFramework.pdf> (Accessed June 26, 2006).

¹²³ Charles Kartman, "Korean Peninsula Energy Development Organizations Annual Report," (New York: KEDO, 2004).

assessment of the situation. In 2003, a multilateral process of negotiations involving the United States, South Korea, North Korea, China, Russia and Japan was launched with the goal to secure the denuclearization of the peninsula. More than two years after its launch, the Six-Party Talks saw the conclusion of an agreement on September 19, 2005 stating that North Korea would renounce to its nuclear weapons program. The agreement also contains a provision reminiscent of the Agreed Framework, regarding two light-water reactors that would be given to North Korea “in due time”. This has been one of the main bones of contention between the United States and North Korea, and an apparent reason why both parties reneged on the accord just a day after it was signed.

iii. Position in the International World

North Korea and the United States are at a diplomatic crossroad. Despite Washington’s reluctance to accept North Korea as a legitimate government, the United States has to recognize the fact that Pyongyang should be treated as a permanent problem, and thus not wait for North Korea to collapse or for Kim Jong-Il to die or be replaced. Numerous attempts were made by North Korea to get official recognition from the United States. Even if this recognition does not come in a diplomatic way, the very fact that the United States negotiates with North Korea on many issues is already a factor leading to a certain form of recognition.

North Korea has been challenging the international community by showing that brinkmanship can work. Pyongyang has been able to receive favors and aid from many organizations as well as countries. The Sunshine Policy was aimed at engaging the North

slowly, but steadily by providing a wide array of carrots. However, North Korea did not open up, and most of the diplomatic efforts between the two Koreas such as reunions of families separated by more than fifty years of conflict, or the construction of a railroad linking the two Koreas for the first time since the Korean war, did not bring any assurances regarding North Korea's foreign policy. The reality of what the future will bring for the two Koreas is exemplified by the Dorasan station that stands between newly connected train lines going to Pyongyang and to Seoul, but without any activity.

The idea that the peninsula would unify under the South's government in the near future is not as probable as many might have thought. South Korea's 1997 economic crisis weakened the country. While Seoul managed to re-establish its international economic status with deep restructuring, many South Koreans lost their jobs. But the South Korean population now enjoys a quality of life far superior to that of the North. But Seoul's economy might be too weak to accommodate more than twenty million North Koreans in the event of a reunification led by the South. Moreover, the United States' military troops would be needed for logistic planning and support during the reunification phase. Finally, it is worth noting that North Korea's discourse regarding unification, if it can be believed, seems to have changed from a strong desire to bring the two Koreas back together under communist rule, to the concept of peaceful coexistence.¹²⁴

¹²⁴ Chong-Sik Lee, "Political Change, Revolution, and the Dialogue in the Two Koreas," *Asia Survey* 29, no. 11 (1989).

c. Nature of North Korean threat to the United States

Is North Korea a real threat to the United States or more of a “looming threat” as Becker contends?¹²⁵ Is the fact that Pyongyang is insisting on developing its own nuclear weapons a factor in Washington’s war on terrorism? Or is North Korea an embarrassing problem for the Bush Administration, as the United States is having a difficult time negotiating a secure deal with Pyongyang, and is also militarily overextended in several regions because of the recent Iraq military intervention? There are three broad lines of thought to consider when analyzing the current level of threat that North Korea projects the possibility of military confrontation, instability in the East Asian region, and a political threat to Washington.

i. Possibility of conflict

The most obvious form of threat from North Korea is the possibility of an armed conflict over the Korean peninsula. Also possible is the ignition of a conflict that would sweep across Northeast Asia. Because the Pyongyang regime’s hold over the country has not weakened despite the change in leadership, its problems associated with the failed Agreed Framework, and its pursuit of nuclear weapons, Pyongyang is not a harmless state. However, it should be noted that a Manichean approach to international relations often does not provide accurate and unbiased views. If North Korea is really developing nuclear weapons, or is in possession of atomic bombs, the purpose may not be to use these weapons to destroy South Korea or Japan. The North Korean regime, although it

¹²⁵ Becker, *Rogue Regime: Kim Jong Il and the Looming Threat of North Korea*.

sometimes shows erratic behavior when taking decisions, exhibits an inner rationality. Pyongyang's main objective is state survival. This explains its desire to have deterrent nuclear weapons, or weapons powerful enough to defend itself in case of aggression.¹²⁶ Kim Jong-Il probably knows that any North Korean attack on South Korea would trigger an American response, which would most likely be lethal for North Korea, and its regime. The strong American presence in the Demilitarized Zone may also be interpreted by Pyongyang as a threat from Washington.

There is also the possibility, however unlikely, that a conflict could be triggered by the United States. George W. Bush trapped in his own preemptive doctrine, and the War on Terrorism motto, and striving to be coherent could strike first if North Korea somehow convinced Washington it was a real and immediate danger to the United States' national security. Washington's willingness to prevent terrorism from spreading and to monitor regimes responsible for building and trading weapons of mass destruction is pushing the American government to act on many fronts. It is then legitimate to wonder whether North Korea might be the next target after Iraq. Should the United States intervene in North Korea, Northeast Asia's stability would be greatly affected, partly because of Seoul's un-readiness to accommodate North Korean refugees, but also because of the new role the United States would have to play in winning the peace over the peninsula.

Because of the nature of the North Korean regime as well as the historical events that led to the separation of the country, Pyongyang has been seen as an aggressive nation that tests missiles over Japan, bombs commercial aircrafts, purchases military arsenal from Middle Eastern countries and often refuses to participate in international forums

¹²⁶ David C. Kang, "Rethinking North Korea," *Asia Survey* 35, no. 3 (1995).

with other nations. Is North Korea an aggressive state because of the nature of its leadership, or does acquiring nuclear weapons as a nuclear deterrent make sense for Kim Jong-Il? Experts sharply differ in their views of Pyongyang's militarism and aggressiveness.

Victor Cha, in Lee's vein, supports the idea that North Korea's goal has changed from achieving hegemonic unification to avoiding collapse and domination by the South.¹²⁷ Cha argues, however, that the change of strategy regarding long-term goals is exactly what might lead Pyongyang to try a preemptive-type of action toward the South: "each provocation is too minor to prompt all-out war, but serious enough to raise the incentive for Seoul and Washington to give ground and negotiate a peaceful resolution to the crisis", Cha writes.¹²⁸ The assessment that North Korea cannot be completely trusted to be deterred is especially important in light of North Korean military development, and many also argue about the real orientation that Pyongyang has been taking since Kim Jong-Il came to power, and following the devastating floods and droughts of the mid-1990's. Paul French argues that since 2003 there seems to have been a change in Pyongyang's priority regarding potential economic reforms and diplomatic engagement; North Korea has started to reassert its military first-line policy.¹²⁹ Other experts contend that North Korea's behavior stems from its economic needs; North Korea, nearing the state of economic collapse, has become more aggressive. They suggest that creating economic incentives for North Korea to accept a denuclearization bargain with

¹²⁷ Cha, *Nuclear North Korea: A Debate on Engagement Strategies*.

¹²⁸ Ibid.

¹²⁹ French, *North Korea: The Paranoid Peninsula -- a Modern History*.

Washington could be a potential solution to the uncertain situation.¹³⁰ For example, Paul French claims that North Korea's food shortage situation could be resolved by simply reducing its defense budget by five percent.¹³¹

Others hold a more liberal view than the more realist perspective of Victor Cha. David Kang, for example, asserts that the concept of deterrence is understood and respected by North Korea.¹³² Kang argues that North Korea also understands that nuclear weapons are political weapons and should not be used as offensive arms, and that Kim Jong-Il is essentially a rational thinker. One could, however, make a logical argument based on historical events on the peninsula that North Korea militarized and isolated itself in order to survive, and does not have many options in light of the United States' military presence in the region, and its role bolstering South Korea's security while being one of its most important trading partners. The United States and the international community are divided in their thinking about how to best deal with North Korea. Cha presents an approach that he dubs as "hawk and dove" engagement.¹³³ Stating in a convincing manner that North Korea does not belong to the Axis of Evil, Cha moves on to state that Kim Jong-Il operates under a rational and calculating framework, he rejects criticisms about Kim's supposedly crazy and impossible-to-deter nature. For him, Pyongyang has the capability to launch an attack on the South, and to smuggle weapons in Japan but has not done so, thus proving that North Korea has been deterred. However, he is also cautious in assessing Pyongyang's regime as he notes that North Korea has often defected from international agreements. Framing the current debates in American

¹³⁰ Michael E. and Mike M. Mochizuki O'Hanlon, *Crisis on the Korean Peninsula: How to Deal with a Nuclear North Korea* (McGraw-Hill, 2003).

¹³¹ French, *North Korea: The Paranoid Peninsula -- a Modern History*.

¹³² Cha, *Nuclear North Korea: A Debate on Engagement Strategies*.

¹³³ Victor Cha, "The Korea Crisis," *Foreign Policy*, no. 136 (2003).

foreign policy in terms of Hawks and Dove, Cha supports the claim that the Clinton administration managed to delay North Korean atomic development, even though it did not manage to stop it. Cha's accounts provide rich guidelines to explain contentious points plaguing the situation. He presents a balanced vision of the ongoing conflict, but does not provide any theories for testing nor any alternate hypotheses to explain North Korea's actions.

ii. Stability in East Asia

Perhaps one of the most direct threats to the United States is the relative position of its military within East Asia. The important number of U.S. soldiers dispatched over South Korea, and largely in Asia as well as their security is of prime importance to the United States. Removing troops is not an option, as the possibility of an attack from North Korea to South Korea, and possibly Japan is still a reality, though not a strong possibility as such attack would most likely be swept away by an American retaliatory strike over North Korea. However, damages the United States army could suffer if there was a military confrontation would probably be smaller in comparison to the whirlpool, which would sweep Asia, and by repercussion the rest of the world. Because of the strong economic ties the United States has with Japan, as well as the economic importance of Asia, the world's stability depends in large part on a peaceful situation in East Asia. It is therefore possible that the United States' interest is to prolong its presence within East Asia, by maintaining a status-quo.¹³⁴ Of course, such a situation does not resolve the threat posed by North Korea's military capabilities, but at the same time, limiting the

¹³⁴ Virginie Grzelczyk-Mouhot, "The United States' Contemporary Strategic Engagement Towards the Republic of Korea" (Ewha Womans University, 2002).

risks of a confrontation and still continuing a distant engagement policy towards North Korea is the only known option that has worked before, and that did not lead to a major crisis.

Finally, a direct attack from North Korea to any facilities in the South, in Japan, or in the sea bordering the Korean peninsula could trigger a military response from the United States, but as seen before, a deliberate attack from Pyongyang seems less than probable, providing that the North Korean regime understand the logic of nuclear deterrence as well as legitimate retaliation, similar to that of the United Nations upon Pyongyang's invasion of the South in 1951. However, the United States' military forces could be put at risk in the event of a mishandling of nuclear weapons, or weapons of mass destruction in North Korea. The risk associated with building arms stocks is that some weapons might end up in the wrong hands, or the mere fabrication process could lead to serious consequences if an accident happened. Because of North Korea's poor economy, it seems hardly conceivable that its weapon-building facilities would include state-of-the-art machineries and security devices. The risk of a nuclear accident in Northeast Asia exists, and is also somewhat of a concern, if not a threat to American troops in the region, and to the world's stability as well.

iii. Political threat

North Korea has managed to create a brinkmanship system with many countries around the world, but especially with the United States. One of George W. Bush's campaign messages was his willingness to restore America's pride abroad. However, two

years into his second presidency, the Middle East, Europe, as well as Asia hold many anti-American views. This also applies to South Korea, where frequent protests are being organized in order to denounce Bush's erratic foreign policy towards North Korea. Cha's analysis of what he refers to as the Hawk policy is quite compelling, and demonstrates the rational behind what seemed to be a series of unbalanced political maneuvers.¹³⁵ George Bush's Axis of Evil discourse showed a departure from the Clinton Administration's engagement policy, despite Bush's claims that he would follow most of Clinton's line towards Pyongyang. The new policy also seems strangely opposed to the recommendations given in the 1999 Perry report, which was commended by the U.S. administration, and resulted in a yearlong investigation of North Korea and its relationship with the United States. The Perry report warned about the terrible consequences a military conflict over the peninsula would create, despite America's most likely victory. It stressed the importance of dialogue with Pyongyang as well as the importance of completing the Agreed Framework. It also delineated cooperation with South Korea and Japan as being of uttermost importance in dealing with the North Korean situation.¹³⁶

George W. Bush now faces a tough challenge when trying to apply a consistent approach to North Korea. According to Cha's analysis, Washington's attempt to transform carrots into sticks is a compelling approach and could not have been attempted before the Clinton administration, as no relationship had previously been initiated between the United States and North Korea. Pyongyang's nuclear brinkmanship is a

¹³⁵ Victor Cha, "Korea's Place in the Axis," *Foreign Affairs* 81, no. 3 (2002).

¹³⁶ William J. Perry, "Review of United States Policy toward North Korea: Findings and Recommendations," (Washington, DC: 1999).

political threat or a security to the Bush administration and thus the administration seemed to have tried to counter this threat, no matter its real nature.

Moreover, North Korea as a weapons provider poses an integral threat to the United States as well. The interception of weapons shipments from Pyongyang to Yemen suggests that North Korea's economy is extremely reliant on its military exports. Selling weapons of mass destruction to other rogue states could make North Korea an accomplice of terrorism, therefore giving reasons for the United States to eliminate such practices.

Chapter Four. Bilateral cases

There are four cases of bilateral negotiations that have occurred since 1994 between the United States and North Korea: the stand-alone 1994 Pilot case, the multi-round Missile Talks case, the Nodong launch case, and the Kumchang-ri case. The goal of this chapter is to piece together evidences in order to present a detailed chronology of events. Preliminary hypotheses will then be tested on each of these cases.

a. “1994 Pilot Negotiations”.

The 1994 Pilot Negotiations exemplify a case of sudden negotiation episode that develops from an unforeseen event, a technical mistake, or a communication blunder.

1. The Premises

In December 1994, an American helicopter flew over the Demilitarized Zone between North and South Korea. It was shot down by the North Korean army. U.S. officials were set on recovering the two pilots, and described the incident as an apparent navigation error. North Korea, however, maintained that an internal investigation would have to take place first before any talks could be held regarding the pilots’ release. The United States had to step up its rhetoric as well as its official representation in the situation, and decided to send a high-ranking U.S. official in order to negotiate the release with the North. After more than three weeks of negotiations, the pilot and the remains of the deceased one were finally released after North Korea produced a confession from one

of the pilot, and after the United States provided the closest statement they could come up with short of an apology for intruding in North Korea's aerial space.

2. Case Timeline

December 18, 1994: The North Korea radio officially declares that an enemy plane has illegally entered its airspace and thus was shot down.¹³⁷ Both the United States and South Korea, although unable to provide details about the incident, are quick to say that the incident is in no way going to start a military crisis. Defense Secretary William J. Perry is still unaware of the conditions of the two pilots¹³⁸, while other officials, including from South Korea believe that the pilots are in the custody of the North Korean government.¹³⁹ The U.S. asks right away for the safe return of the pilots and makes it clear that it does not want this unfortunate incident to create a rift between Washington and Pyongyang. Conflicting reports as to what really happened to the plane (i.e: being shot, mechanical problems, or even accidental landing in North Korea due to the snow) are also advanced by South Korea. The U.S. government contacts the North Koreans through the Military Armistice Commission, which is a United Nations liaison that was created in order to monitor the 1953 Treaty.¹⁴⁰ North Korea officially states that the two pilots are being held for questioning. Other organs such as the Pentagon also respond to the incident by placing U.S. troops in South Korea under alert in order to prevent any irrational actions

¹³⁷ The Washington Post, "U.S. Presses North Korea to Return Pilots of Downed Army Helicopter," December 18, 1994.

¹³⁸ The Tampa Tribune Tampa Tribune, "U.S. demands release of pilots; Brooksville man one of two soldiers downed in chopper," December 18, 1994.

¹³⁹ The Washington Post, "U.S. Presses North Korea to Return Pilots of Downed Army Helicopter," December 18, 1994.

¹⁴⁰ Sunday Times, "North Koreans interrogate crew of stray US helicopter," December 18, 1994.

from North Korea, but the troop status reverts to its previous level when no aggressive signs are noted.¹⁴¹ Senator Richardson, who is on a previous, unrelated visit to North Korea, is entrusted with the mission. He is designated as the primary point of contact between the United States and North Korea on this matter. The United States maintains a very tough stance. It reveals through State Department Officials that a North Korean failure to provide prompt information about the pilot would be detrimental to Pyongyang.¹⁴²

December 19, 1994: News come that one of the pilots, David Hilemon, died during the shooting. North Korea reassures the United States that the second pilot is alive. At the same time, North Korea airs a radio broadcast that calls the U.S. helicopter action a hostile air exercise, while the United States clearly dismisses this stance.¹⁴³ The North Korea government is told that the United States wants prompt access to the second pilot as well as to Hilemon's remains. An official meeting takes place at the D.M.Z., in the truce village of Panmunjon, for about thirty minutes, but no substantial decisions or agreements come out of those negotiations that are described by the United States as being a fairly low-level meeting amongst messengers. North Korea communicates that it wants to complete its investigation of the incident before releasing the second pilot. President Bill Clinton then calls for an immediate release of the pilot and the body of his comrade.¹⁴⁴ Moreover, the United States refuses to confirm whether the plane had gone

¹⁴¹ The Observer, "US Pilots captured by North Koreans," December 18, 1994.

¹⁴² The New York Times, "U.S. Demands North Korea Release Helicopter Crew," December 18, 1994.

¹⁴³ The Washington Post, "North Korea Says 1 Pilot Was Killed; U.S. Demands Return Of Body, Survivor in Helicopter Downing," December 19, 1994.

¹⁴⁴ *Ibid.*

down because of enemy fire or because of other reasons.¹⁴⁵ North Korea broadcasts through the radio that both pilots are under interrogation. But news that one of the pilots is dead had surfaced earlier, leading North Korea to acknowledge that its previous broadcast was untrue.¹⁴⁶ As Richardson delays his departure from Pyongyang in order to pursue the negotiations, the United States has troubles assessing the situation as it seems the contradictory information coming from North Korea stems from a possible non-sharing of information between the North Korean military and foreign ministry. Several Senators in the United States start to raise concerns and threaten that North Korea had better cooperate if it does not want the Agreed Framework to collapse.¹⁴⁷ Discussions also resume at the United Nations where United States officials are allegedly talking with North Korea at the mission in New York, as well as talking to China.¹⁴⁸

Several foreign-policy advisors in the United States analyze the situations and publicly declare that as long as North Korea returns the pilots, there should not be any harm done to the nuclear deal, hence giving the benefits of the doubt to North Korea.¹⁴⁹

North Korea, however, keeps on saying that the mission was carried out with the intention to spy on North Korea. This statement is vehemently rejected by the United States, with William Perry qualifying the mission as only a “terrain-familiarization mission” and not a spying mission at all.¹⁵⁰

¹⁴⁵ Pittsburgh Post-Gazette, “Korean copter crash kills U.S. pilot,” December 19, 1994.

¹⁴⁶ The Jerusalem Post, “Pointless posturing,” December 20, 1994.

¹⁴⁷ Financial Times, “Aid to North Korea under threat after downing of US helicopter,” December 19, 1994.

¹⁴⁸ St. Louis Post-Dispatch, “Return Pilot, US demands; Clinton: North Korea’s downing of helicopter was ‘unnecessary’,” December 19, 1994.

¹⁴⁹ The Glasgow Herald, “Washington calls on North Koreans to return downed pilot,” December 19, 1994.

¹⁵⁰ The Independent, “Pilot death adds to Korean mystery,” December 19, 1994.

December 20, 1994: Threatening again that not releasing the pilot in a prompt fashion will lead to serious consequences, the United States sends a message to the North Korean Vice Foreign Minister Song Ho-Gyong questioning the delay in releasing the remaining pilot. This message is transmitted to Song by Ambassador-at-large Robert Gallucci. At the same time, North Korea calls off a scheduled meeting at Panmunjon, citing the fact that the investigation is not over yet, and that North Korea is not ready yet to discuss the return of Bobby Hall, the surviving pilot.¹⁵¹ The United States, insisting that the aircraft has strayed from its course inadvertently, restricts its military flights over South Korea. North Korea maintains that the helicopter was shot after it ignored warning fires while crossing the border and refused to land.¹⁵²

Secretary Warren Christopher spends a lot of time on the issues, and several countries including China, are asked to negotiate with North Korea on the behalf of the United States. Finally, a North Korean diplomat says that the pilot will be released only if it is proven that the incident stemmed from a navigation error.¹⁵³ United States' administration officials cast serious doubts on the future of the Agreed Framework, suggesting it will not survive if the pilots are not returned.¹⁵⁴

December 21, 1994: The Pentagon acknowledges that the plane had unintentionally strayed into North Korea but refuses to issue an apology, hence not giving in to the

¹⁵¹ The Washington Post, "Helicopter Downed in North Korea Was 10 Miles Off Course, U.S. Says," December 20, 1994.

¹⁵² USA Today, No title, December 20, 1994.

¹⁵³ St. Petersburg Times, "N. Korea's delay in releasing Brooksville pilot is questioned," December 20, 1994.

¹⁵⁴ St. Petersburg Times, "N. Korea's inaction worries U.S. officials," December 20, 1994.

request for an apology from North Korea.¹⁵⁵ Secretary of State Warren Christopher warns that the \$4 billion Agreed Framework could be in jeopardy if the crisis continues this way, as U.S. inquiries through three channels of diplomacy with North Korea have apparently failed to gain the release of the pilot.¹⁵⁶ Christopher's comments come after a thirty-minute fruitless meeting at Panmunjon.¹⁵⁷ However, the United States says it displayed candor and openness in the meeting since it did not try to hide that the helicopter went down because of the U.S. piloting error. The U.S., in other words, was admitting its mistake.¹⁵⁸ China, prompted by the United States to try get involved in the dialogue pressures North Korea by saying that further delaying the release of the pilots could be dangerous.¹⁵⁹ Finally, North Korea, citing humanitarian principles, agrees to release the body but not Hall.¹⁶⁰

December 22, 1994: The body of U.S. Army pilot David Hilemon is returned to American forces not far from Panmunjon. North Korea stresses again that it will release Hall, the surviving pilot, upon completion of its investigation. Washington, through Christopher, is pleased with the return of the remains and defends itself against allegations that it had agreed to provide favors to North Korea in order to secure the remains.¹⁶¹

¹⁵⁵ The Washington Post, "North Korea Stays Mum at Meeting; U.S., again Demands Return of Pilot, Body," December 21, 1994.

¹⁵⁶ The Toronto Star, "Return co-pilot U.S. warns Korea," December 21, 1994.

¹⁵⁷ The Times, "Helicopter row jeopardizes Korea pact," December 21, 1994.

¹⁵⁸ St. Louis Post-Dispatch, "N. Korean delay in returning airmen irks US," December 21, 1994.

¹⁵⁹ The Seattle Times Company, "U.S. Copter in a web," December 21, 1994.

¹⁶⁰ Chicago Sun-Times, "N. Korea to Release Body Of Pilot; Survivor Still Held," December 21, 1994.

¹⁶¹ The Washington Post, "North Korea Hands Over Pilot's Body; Survivor Still Held," December 22, 1994.

December 23rd, 1994

North Korea reiterates that Bobby Hall will be released 'soon', possibly on Christmas day.¹⁶²

December 24, 1994: Senator Richardson confirms that Hall will be released on Christmas Day. However, other reports deny that such a compromise has been reached.¹⁶³

December 25, 1994: The White House sends a letter of apology to North Korea, even using the word 'regret' regarding the navigation error over Korea. The two parties are supposed to meet at Panmunjon, but North Korea does not consent to a meeting. The possibility of a subsequent meeting, however, is left open.¹⁶⁴

December 26, 1994: Mid-level officials from the United States and North Korea meet in Panmunjon in the morning.¹⁶⁵

December 27, 1994: The United States decides to send a high-ranking diplomat to North Korea in an effort to gain the release of Bobby Hall. Deputy Assistant Secretary Thomas Hubbard is sent to Seoul after North Korea reiterates its accusation of spying, and after it asks the United States, through its United Nations offices, to send a representative to Pyongyang. Contradictory statements then follow, with North Korea calling for

¹⁶² The Washington Post, "Talks on U.S. Pilots Were Heated, Tense," December 23, 1994.

¹⁶³ The Washington Post, "N. Korea Is Said Ready to Free U.S. Pilot; Pentagon Questions Report; Richardson Briefs Clinton on Pyongyang Talks," December 24, 1994.

¹⁶⁴ The Washington Post, "U.S. Regrets Conveyed To N. Korea; Letter on Incident Aimed at Release Of American Pilot," December 25, 1994.

¹⁶⁵ The Washington Post, "U.S. Efforts Fail to Bring Pilot's Release for Christmas; N. Korea's Refusal to Respond Is Diplomatic Blow," December 26, 1994.

acknowledgment from the United States that the mission was indeed of a spying nature, then saying Hall will likely be released following Hubbard's visit. Hubbard is apparently not sent to apologize, but rather to negotiate the terms of Hall's release.¹⁶⁶

December 28, 1994: North Korea releases a photo that is supposedly that of Hall.¹⁶⁷ At the same time, some members of the U.S. Congress are already planning on taking retaliatory actions towards North Korea and delaying oil shipments to Pyongyang.¹⁶⁸

December 29, 1994: Deputy Assistant Secretary of State Hubbard meets for more than two hours with North Korean foreign ministry officials, but no progress is reported.¹⁶⁹ North Korea produces a 'confession' signed by Bobby Hall.¹⁷⁰

December 30, 1994: North Korea agrees to return Bobby Hall after the United States agrees to sign a statement saying it is expressing sincere regrets for its intrusion into North Korean skies. Hall is finally released.¹⁷¹

Subsequent investigations clear Bobby Hall from any fault from the U.S. government.

North Korea receives more than 50,000 tons of oil about a week after Hall's release.¹⁷²

¹⁶⁶ The Washington Post, "U.S. Diplomat To Negotiate For Army Pilot; North Korean Power Struggle Could Complicate the Release," December 27, 1994.

¹⁶⁷ USA Today, "Pilot focus of talks today / Bobby Hall a 'pawn' of N. Korea," December 28, 1994.

¹⁶⁸ The San Francisco Chronicle, "Best Advice on Korea: 'Stay Cool' and Talk," December 28, 1994.

¹⁶⁹ The Washington Post, "U.S. Pilot Admits 'Criminal Action,' N. Korea Says," December 29, 1994.

¹⁷⁰ The Tampa Tribune, "Bobby Hall's alleged statement," December 29, 1994.

¹⁷¹ The Washington Post, "North Korea Releases U.S. Helicopter Pilot; Washington Expresses 'Sincere Regret'," December 30, 1994.

¹⁷² The Washington Post, "U.S. Prepares Oil Shipment For N. Korea; Transfer Connected To Nuclear Accord," January 6, 1995.

3. Discussion

The 1994 Pilot Negotiations is a very interesting case as it is the first international negotiation situation that North Korea faced after the death of Kim Il-Sung. Hence, it could be considered as a test for Kim Jong-Il in relations to his ability to assert his power over his own country and to some extent to show the world that he now is the leader of North Korea. What is obvious from those negotiations is that all of our hypotheses are represented and help us understand the initial position of North Korea in a foreign crisis. First, it is clear that the succession of negotiators for the United States shows an organized scheme in Washington's approach to negotiating with North Korea. Senator Richardson happened to be traveling in North Korea for reasons totally unrelated to the situation, and suddenly got sucked into the negotiation mechanism and he perhaps did not have the skills nor the training, and even perhaps not the will to be involved in such high-level negotiations. The United States' decision to use Robert Galluci's Ambassador-at-large capacities in order to send a letter to North Korea very early on (Day 3 of the negotiation episode) showed that the United States did not take the negotiations lightly, and was willing to invest time and effort in order to win the release of the pilot. Finally, the intervention of Hubbard, at the request of North Korea which wanted an envoy to discuss the situation shows careful planning by the United States. The U.S. did not send the Secretary of State directly, but somebody who was knowledgeable about East Asia, and who later would be promoted to the rank of Ambassador to South Korea. The American gradation of power must have pleased North Korea, as the negotiations quickly came to fruition once Thomas Hubbard was sent. It appears that North Korea did not want to deal with Richardson only, as he was not chosen to deal with North Korea

primarily for this reason but rather because he was in North Korea for other purposes. Based on the archival research, Hypothesis 1A is therefore supported for this first case. It appears that the higher the diplomatic level chosen, the more avenues there are for North Korea to be amenable to discussion and to concessions.

The way different negotiators were selected on the American side show a rather deep understanding of the situation, as well as a well-connected system between the different constituencies of the government. Official White House speakers, as well as different actors close to the President all kept similar positions regarding the negotiations, and the only difference in viewpoint and analysis came from actors more distant to the negotiations especially Senators from both parties. While the United States' decision-making and communication systems were well-tuned, this was not the case for the North Korean side. Blatant miscommunication issues occurred very early on between the official agency responsible for propagating the regime's policy and other actors, such as the North Korean diplomatic representatives at the United Nations. The most salient rift was between the clashing personalities of Kim Jong-Il and the head of the military, O Jin U. Press releases gave different and often contrary reports on the condition of the pilots, even advancing that both pilots were being interrogated when at the same time, another organ had already officially specified that one pilot had died during the crash. This situation might have arisen from the fact that Kim Jong-Il was inexperienced, having only been appointed to the North Korean "throne". It also leaves open the possibility that North Korea is not a realist, unitary actor after all. One stereotype about North Korea is usually that Kim Jong-Il has full control over the whole country and its constituencies. The 1994 Pilot Negotiations demonstrate that this might not have been true at least back

then. Thus, it appears that there were some power struggles within the North Korean decision-making body which leads to validate hypothesis 2A for this case.

While North Korea might not have been a unitary actor during the negotiations, it surely was a versed, sophisticated player. It used different techniques including lying regarding the condition of the two soldiers, prohibiting for the United States from seeing the soldiers until the investigation was over, as well as attacking the United States over spying claims in order to make the United States more uncomfortable and force it to send a special envoy. North Korea was bright enough to exploit the Western culture of Christmas: the United States was extremely focused on trying to bring Bobby Hall “home for Christmas”. Assuming North Korea had access to foreign news and considering Kim Il-Sung’s Christian faith, it must have been aware of this fact, yet it did not choose (or was not able, if it had to wait for the investigation to end) to liberate the pilot in time for Christmas. This showed the world that Pyongyang would not function under a specific calendar dictated by the United States. It seems the United States was not able to gain much in those negotiations except the release of the pilot and the remains of the second pilot. Rather, Washington ended up sending its apologies regarding the incident, which could show that the United States wanted to prevent the situation from escalating to a military stand-off. Hypothesis 2C is supported for this case, as North Korea did not show signs of being forced to stay in the negotiations, but rather took the lead, scheduling appointments at Panmunjon, and taking the liberty of canceling them at its own convenience, without severe repercussions.

North Korea achieved substantially more than the United States in the negotiations, confirming the hypothesis that North Korea usually gets more than other

players when negotiating. After all, the United States did apologize for the incident, Bobby Hall did sign a confession that he was spying, and oil shipments to North Korea kept on being sent. North Korea also gained credibility, as from its “humanitarian” gesture to release the remains of David Hilemon as well as from its general attitude towards the negotiation. Despite the United States’ impatience with the situation, the whole episode took only nine days to be solved which, compared to years of negotiations for the multi-party talks, is relatively short. North Korea and the United States were also faced with a very specific type of stand-alone negotiation. Because this episode was the first one to occur under Kim Jong-Il, we do not have comparisons with other cases or an ability to assess whether a sudden crisis has a higher likelihood of being resolved than ongoing rounds of negotiations about matters such as weapons of mass destruction for example.

It is also possible to see the influence of a larger crisis on the outcome of a smaller crisis. In the 1994 Pilot Negotiation case, one can strongly feel the influence of the 1994 Agreed Framework on all of the decisions made during and after the negotiations. The importance of the Agreed Framework, however, did not frame the Pilot Negotiation, per say. Several American senators made the link between the negotiations and the Agreed Framework. They argued that if the negotiations did not work out properly, the Agreed Framework would be nullified. However, this did not occur. Thus, although we cannot say for certain that a larger crisis will act as a pacifier for lesser crises, the possibility remains open.

This negotiation involved primarily low-politics matters such as the liberation of the two pilots. For the United States, the stakes were small in the big scheme of

international relations. Recovering Hilemon's body and also saving the second pilot were important primarily for the families. For North Korea things were a little different since it did not have anything much that it wanted to talk about at first. But then, North Korea realized that it could probably get an apology, if not a confession, and perhaps more rewards for releasing the pilot as well. There is also the possibility that North Korea could have genuinely believed that that United States was spying on them.

Finally, it seems that both states were interested in international security as they did not want a military conflict to ensue. However there was no clear mention of that interest during the negotiations so we will reserve our judgment on that matter. Hence, we can reject by default the proposal that national security is more important at this point than collective security.

b. "Bilateral Talks: Missile Proliferation".

1. The Premises

During the second part of the 1990s, North Korea suffered from tragic climactic conditions in 1995 that led to a food shortage. North Korea had also pursued a policy of planting corns in every possible arable land, and had proceeded to deforestation in many areas in order to increase the land available. As a result, floods led to mud slides as well. North Korea started to receive economic aid from the international community. However, North Korea seemed to have been involved in missile production as well as export with several Middle Eastern countries.

The United States started to be worried about North Korea testing its missiles as well as Pyongyang sending its technology to areas of the world that were not the most stable, such as in the Middle East for example. North Korea, however, contended that conducting technology deals with other nations was purely and simply North Korea's right as a nation. North Korea's desire to remain a sovereign nation is thus shown through its long-lived effort to develop ballistic missiles. In order to prevent North Korea from testing its missiles over the Sea of Japan, the United States tried to organize different negotiation rounds in order for Pyongyang to come to the discussion table, and hoped to find the right incentives (either monetary reward, or sanctions) in order to curb North Korea's missile production. Thus followed a painful, four-year long struggle to bring North Korea back into the Missile Technology Control Regime, while trying to accommodate its demands for compensation from lost missile-related revenues.

2. Case Timeline

ROUND 1

April 8, 1996: The United States and North Korea are reportedly scheduling talks in Berlin for late April to discuss North Korea's missile technology. South Korea asks that Washington limits the scope of the talks to the missile issue.¹⁷³

April 14, 1996: North Korea reportedly asks the United States not to publicize the content of the talks, citing differences between its Foreign Ministry and its Military.¹⁷⁴

¹⁷³ Japan Economic Newswire, "S. Korea urges Japan, U.S. to be cautious with North Korea," April 8, 1996.

April 15, 1996: The United States, South Korea and China propose to North Korea to hold joint negotiations to discuss a formal treaty officially end the 1950-1953 war. North Korea does not indicate it is against such a plan, but does not embrace it either.¹⁷⁵

April 19, 1996: The talks are set to begin but Deputy Assistant Secretary of State Robert Einhorn has to take part in discussion in the Netherlands with China about unrelated matters. Information about the negotiation schedule reveals that North Korea does not want to limit the agenda to the issue of weapons only.¹⁷⁶

April 20, 1996: Parties arrive in Berlin where the talks will take place both at the American embassy and at the North Korea diplomatic representation. The United States wants to press Pyongyang to stop exporting missiles to the Middle East. South Korea's Defense Ministry also reveals that two North Korean patrol boats briefly crossed the maritime demarcation a day before and were escorted back by South Korean navy vessels.¹⁷⁷ North Korea and the United States hold discussions for about four hours, but cancel a scheduled afternoon session.¹⁷⁸ The talks continue for two days, and both the United States and North Korea say that the first round was a good beginning.¹⁷⁹ North Korea's report is one of the first on a sensitive issue.¹⁸⁰

¹⁷⁴ Japan Economic Newswire, "N. Korea military negative about missile talks with U.S.," April 14, 1996.

¹⁷⁵ The Washington Post, "U.S., North Korean officials to meet on missiles sales," April 19, 1996.

¹⁷⁶ The Tampa Tribune, "U.S., N. Korea to talk about missile program," April 19, 1996.

¹⁷⁷ Agence France Presse, "US, North Korea kick off arms control talks," April 20, 1996.

¹⁷⁸ Agence France Presse, "US, North Korea halt arms talks," April 21, 1996.

¹⁷⁹ The New York Times, "U.S. hails missile talks with the North Koreans," April 22, 1996.

¹⁸⁰ Agence France Presse, "Pyongyang reports about missile talks with Washington," April 25, 1996.

ROUND 2

May 6, 1997: North Korea cancels the new round of bilateral missile talks that was supposed to start. State department spokesman John Dinger says the talks have been postponed for a few weeks. North Korea asked for the postponing for technical reasons but this adds to the recent breakdown of talks with the Red Cross and those regarding four-way negotiations.¹⁸¹

May 23, 1997: North Korea accepts a proposal to get back to the negotiation table in the middle of June in New York.¹⁸²

June 11, 1997: Missile talks resume, and Washington announces, aside from the talks, that it has offered to sell shoulder-fired anti-aircraft missiles to South Korea, although South Korea says the deal is not yet done¹⁸³. Progress is reported by North Korean Deputy Ambassador to the U.N. Ri Gun, but he denies that North Korea seeks food aid in return for taking part in the missile talks.¹⁸⁴

June 13, 1997: The United States urges North Korea to restrict its missile production as the talks end with no agreement. The United States declares after the talks that no agreement was really expected to be reached, that the tone was businesslike, and that further talks would take place during the summer in New York.¹⁸⁵ According to the United States, neither the topic of food nor the question of aid or a four-way talk were

¹⁸¹ Agence France Presse, "US-North Korea missile talks postponed," May 6, 1997.

¹⁸² Japan Economic Newswire, "N. Korea agrees on missile talks with U.S. in mid-June", May 24th, 2004.

¹⁸³ Associated Press, "U.S., North Korea open missile talks after Stinger deal with Seoul", June 11th, 1997.

¹⁸⁴ Japan Economic Newswire, "N. Korea reports progress in missile talks with U.S.", June 12th, 1997.

¹⁸⁵ Deutsche Presse-Agentur, "U.S., North Korea end missile talks with no agreement", June 13th, 1997.

discussed.¹⁸⁶ North Korea, however, states that it asked that the United States eases economic sanctions in return for a suspension of missile development and export. The United States expects the discussion not to be limited to ballistic missiles only, but to also include biological and chemical weapons.¹⁸⁷ Washington asks for North Korea to join the Missile Technological Control Regime.¹⁸⁸

ROUND 3

August 28, 1997: The United States agrees to give assistance to two North Korean diplomats who defected from Pyongyang, hence compromising the relationship with North Korea. North Korea refuses to participate in the new round of talks. North Korea asks for the repatriation of the defectors in exchange for coming back to the missile negotiation table.¹⁸⁹ The United States refuses.¹⁹⁰

October 1, 1998: North Korea and the United States resume missile talks more than a year after the last round. Meanwhile, Bill Clinton authorizes the use of \$15 millions for the purchase of heavy fuel for delivery to North Korea under the 1994 Agreed Framework. The United States also qualifies of “unfortunate” the decision by Doctors Without Borders to leave North Korea (Pyongyang decided that it no longer wanted to give access to the N.G.O.), but reiterates its commitment to going ahead with 300,000

¹⁸⁶ Japan Economic Newswire, “U.S, N. Korea talks end to resume in summer”, June 14th, 1997.

¹⁸⁷ BBC, “North Korea reportedly demands easing of sanctions during missile talks with USA,” June 14, 1997.

¹⁸⁸ The Daily Yomiuri, “U.S-North Korea missile discussion fizzle out,” June 15, 1997.

¹⁸⁹ The Tampa Tribune, “Korea cuts off missile talks,” August 28, 1997.

¹⁹⁰ St. Louis Post-Dispatch, “North Korea pulls out of missile talks with U.S over defections; says diplomats should be handed over for trial,” August 28, 1997.

tons of food aid to be given to Pyongyang.¹⁹¹ During the talks, the United States steps up its rhetoric and warns of “very negative consequences” if Pyongyang tests or exports missiles.¹⁹² North Korea defends its right to launch satellite as a right recognized internationally, and tells the United States that it will continue to launch “satellites”, for the purpose of peaceful space exploration, thus using a different word than “missile”.¹⁹³ It later comes to light that North Korea requested that the United States grant 1 billion dollars each year in return for regulation of missile export.¹⁹⁴

ROUND 4

March 27, 1999: The United States Department of State spokesman James Rubin says the United States will keep on applying strict constraints to North Korea during missile talks. At the same time, South Korea asks the United States to extend South Korea’s missile range from the current 180 kilometers to 300 kilometers during a meeting aimed at preparing bilateral missile talks.¹⁹⁵

March 29, 1999: The United States denies reports that it will drop North Korea from its list of terrorism sponsors if Pyongyang promises to stop exporting missiles.¹⁹⁶ During the 11-hour talks, North Korea demands \$1 billion per year over three years in compensation for stopping its missile program. The United States refuses the offer¹⁹⁷, but responds by

¹⁹¹ Korea Times, “Missile talks set to resume,” October 1, 1998.

¹⁹² The Associated Press, “U.S. warns North Korea as missile talk open,” October 1, 1998

¹⁹³ Xinhua News Agency, “U.S, DPRK end talks on missiles,” October 2, 1998.

¹⁹⁴ The Daily Yomiuri, “Missile talks to resume,” March 17, 1999.

¹⁹⁵ BBC, “South Korea, USA fine-tune stance ahead of missile talks with North,” March 27, 1999.

¹⁹⁶ Korea Times, “Pyongyang talks focus on stopping new NK missile firing,” March 29, 1999.

¹⁹⁷ The Korea Herald, “U.S, North Korea unlikely to make breakthrough at missile negotiations,” March 29, 1999.

saying it would ease, in stages, its economic sanctions.¹⁹⁸ At the same time, reports emerge claiming that North Korea has deployed ballistic missiles capable of hitting most areas in Japan.¹⁹⁹ Washington considers suspending heavy-oil shipment as well as food if North Korea does not suspend its missile-test firing.²⁰⁰

ROUND 5

August 3, 1999: Talks are supposedly scheduled between North Korea and the United States on the sideline of the four-way talks, but North Korea reiterates its stance that launching missiles is a matter of sovereignty, and that it do not need the United States' permission to launch them.²⁰¹

September 12, 1999: After six days of talks, the United States and North Korea issue a joint statement saying they now understand each other's positions better.²⁰²

February 8, 2000: North Korea accuses the United States and South Korea of preparing a war, as the two countries discuss enlarging South Korea's missile range during talks in Honolulu.²⁰³

¹⁹⁸ BBC, "North Korea to continue development of long-range missiles," March 31, 1999.

¹⁹⁹ Courier Mail, "Missile claim clouds North Korean talks," March 29, 1999.

²⁰⁰ The Korea Herald, "U.S, North Korea unlikely to make breakthrough at missile negotiations," March 29, 1999.

²⁰¹ AFX, "N. Korean envoy rebuffs missile talks with U.S.," August 7, 1999.

²⁰² Agence France Presse, "US-NKorean missile talks end on upbeat, another round agreed," September 12, 1999.

²⁰³ BBC, "North Korea criticizes South, USA missile talks in Honolulu," February 8, 2000.

ROUND 6

May 24, 2000: Talks resume in Rome, and both parties say that discussion could last for a very long time.²⁰⁴ Talks end six days later with the agreement to resume talks regarding the missile development programs. North Korea says the United States acknowledged the need for compensation.²⁰⁵

ROUND 7

June 8, 2000: North Korea and the United States hold secret talks in Kuala Lumpur to solve the problems of recovering remains of missing American soldiers.²⁰⁶

June 16, 2000: Praising North Korea and South Korea for their recent head of state, the State Department announces that the United States would provide an additional 50,000 tons of wheat to Pyongyang, while denying that the food is linked to the summit.²⁰⁷

June 20, 2000: The Clinton administration declares that “rogue states” no longer exist but that there are, instead, “states of concern”.²⁰⁸ The United States also eases economic sanctions against North Korea by authorizing imports and exports of most consumer goods as well as trade and investment operations, but does not unfreeze North Korea’s assets blocked in the U.S.²⁰⁹

²⁰⁴ Japan Economic Newswire, “U.S, North Korea end 1st day of nuclear talks in Rome,” May 24, 2000.

²⁰⁵ Japan Economic Newswire, “US, N.Korea agree on more talks on the N. Korean missile program,” May 20, 2000.

²⁰⁶ Courier Mail, June 8, 2000.

²⁰⁷ The Washington Post, “U.S. lauds Korean talks, says more work ahead,” June 16, 2000.

²⁰⁸ The New York Times, “U.S. declares “rogue nations” are now “states of concern”,” June 20, 2000.

²⁰⁹ Financial Times, “US eases sanctions against Pyongyang,” June 20, 2000.

June 22, 2000: North Korea extends its ban on missile flight-testing, following the announcement of a relaxation of economic sanctions by the United States towards Pyongyang.²¹⁰

June 28, 2000: Talks between the United States and North Korea reopen early in July to discuss North Korea's missile testing and development program. The U.S. team is led by Assistant Secretary of State Robert Einhorn, and the North Korean one by director general for U.S. Affairs at the Foreign Ministry Jang Chang Chon.²¹¹ The talks take place in Kuala Lumpur, at North Korea's request.²¹²

July 10, 2000: Robert Einhorn notes a dramatically improved atmosphere at the missile talks. The discussion centers on North Korea's exports of missiles.²¹³

July 11, 2000: The talks concentrate on Pyongyang's demand for compensation for lost earnings for stopping its export of ballistic missiles.²¹⁴ The United States does not reject this demand at this point, instead appearing to show understanding for the situation.²¹⁵

July 12, 2000: The United States rejects North Korea's demand for \$1 billion per year in cash for the next three years to compensate it for stopping exporting its missile.²¹⁶

²¹⁰ St. Petersburg Times, "N. Korea extends ban on missile tests," June 22, 2000.

²¹¹ Japan Economic Newswire, "U.S., N. Korea to resume missile talks July 10-12," June 28, 2000.

²¹² New Straits Times, "Malaysia glad to play host," June 30, 2000.

²¹³ Japan Economic Newswire, "U.S., N. Korea begin 2nd day of missile talks," July 10, 2000.

²¹⁴ Japan Economic Newswire, "U.S., N. Korea being last day of missile export talks," July 11, 2000.

²¹⁵ Japan Economic Newswire, "U.S. weighs N. Korea demand on missile export compensation," July 11, 2000.

²¹⁶ Japan Economic Newswire, "U.S. rejects N. Korea cash demand on missile exports," July 12, 2000.

July 13, 2000: North Korea refuses to stop developing and exporting missiles.²¹⁷

July 20, 2000: Russia's president Vladimir Putin says North Korea would abandon its missile program if other nations would provide Pyongyang with rockets to launch satellites into space.²¹⁸ The United States says that such a statement is unclear and would thus require much clarification.²¹⁹

ROUND 8

October 24, 2000: After a North Korean general visits the White House and delivers a letter from Kim Jong-Il to President Clinton, Madeleine Albright visits North Korea.²²⁰ Attending a ceremony with young performers, Kim Jong-Il promises Madeleine Albright that there will not be any more missile launches.²²¹

November 1, 2000: A new round of talks opens up in Kuala Lumpur. North Korea offers to give up its plan to develop missile with a range of 1,000 kilometers if the U.S. launches North Korean satellites in China or in Russia.²²²

November 4, 2000: The talks end with no agreement, casting doubts on whether Bill Clinton will visit North Korea after all.²²³ North Korea also fails to normalize its relationship with Japan.²²⁴

²¹⁷ The New York Times, "North Korea vows to continue missile program," July 13, 2000.

²¹⁸ The New York Times, "North Korea reported open to halting missile program," July 20, 2000.

²¹⁹ AFX, "Cohen seeks clarification of NKorea pledge to drop missile program," July 25, 2000.

²²⁰ Chicago Sun-Times, "A bold step in N.Korea; Albright brings up missile issues in preliminary talks," October 24, 2000.

²²¹ USA Today, "N. Korea open to missile restraint Kim is willing to curb program, U.S. officials say, but he might expect a reward," October 25, 2000.

²²² BBC, "North Korea-US talks focus on North offer to stop missile development," November 1, 2000.

3. Discussion

The Bilateral Talks regarding missile proliferation are the first case of multi-round negotiations regarding a single issue. The talks spanned five years, and occurred with Bill Clinton heading Washington D.C, and South Korea being led by Kim Dae-Jung. Those administrations were willing to try to engage North Korea into a dialogue instead of imposing sanctions. The chronology of events illustrates the difficulty of bringing North Korea to the negotiation table. This is a pattern that is present at almost every round, with North Korea either being reticent to come to the negotiation table, refusing to come, or postponing the talks for one reason or another. In the earlier rounds of talks, North Korea does not ask for favors to come to the negotiation table, but later, beginning in 1997, it modifies its strategy and starts linking different issues to the ongoing negotiations in order to maximize its returns. For example, North Korea tries to leverage its participation in a third round of talks in the summer of 1997, demanding the repatriation of two defectors in exchange for its return to the negotiation table bargain. The United States, however, holds a firm position that it is not willing to give into this pattern of behavior. The eight rounds of talks can be divided into three distinct periods: first, the “tentative” period, where parties tried to set up a discussion forum; second, the “compensation” period; and third the “export” period.

During the “tentative” period, the come-and-go attitude of North Korea is the real focus, with parties having a hard time scheduling talks, and agreeing on the basic concept of having talks. During this period, North Korea is the most reticent to come to the

²²³ The New York Times, “U.S.-North Korea missile talks stall; Clinton trip is in doubt,” November 4, 2000.

²²⁴ The Houston Chronicle, “U.S.-N. Korea missile talks end outcome cuts odds of early Clinton trip,” November 4, 2000.

negotiation table and tries to win money in exchange for its participation. During the “compensation” period, the topic of sovereignty as well as compensating North Korea for a potential dismantlement of its missile program is discussed. During those rounds, parties get to know each other’s positions, and come to an understanding of where they both stand (as is communicated at the end of Round 5, with both parties issuing a joint statement stating that they now understand each other’s positions better). During this time, the two parties also broach the topic of sovereignty, thus leaving the realm of a very practical and low-politics-oriented discussion regarding production of missile, to a high-politics discussion regarding the inherent rights of sovereign nations to develop missiles (as the United States calls them) or satellites (as North Korea calls them). Finally, the “export” period is developed during Round 7 and Round 8, when both the United States and North Korea make positive steps toward cooperation, with the United States removing some trade barriers towards North Korea and allowing Pyongyang to export and import more consumer goods while North Korea also extends its ban on missile flight-testing. Discussion also centers on North Korea’s potential export of missiles to other countries.

The gradation in terms of issues (from low-politics to high-politics) can also be seen when looking at who North Korea negotiated with. During the first rounds, North Korea deputy ambassador to the United Nations Ri Gun as well as Assistant Secretary of State Robert Einhorn were the main negotiators. However, the missile talks culminate in 2000 with Secretary of State Madeleine Albright’s visit of Pyongyang, and her conversation with Kim Jong-Il who promised her there would be no more missile launch. While North Korea did not manifestly ask for higher diplomats to be sent during the

different rounds of talks, it is obvious that Madeleine Albright's presence was felt as extremely positive. Moreover, the discussion of a potential visit by Bill Clinton to North Korea showed a degree of commitment by the United States to the situation, that North Korea surely appreciated, and definitely did not denigrate. Thus, we can support hypothesis 1A, since a commitment to high profile negotiators and counterpart seems very important in this case. However, regarding our hypotheses that are related to human nature, it is not really possible to support hypothesis 1B that pertains to low and high-politics issues. The negotiation episode involved low-politics issues, namely the export of missiles by North Korea in order to obtain cash. Even though North Korea advocated that this was a sovereignty issue, the discussion mainly focused on very practical matters such as exports, imports, compensation and satellite launches. However, the situation was not resolved, thus making it impossible to confirm the hypothesis that a negotiation that pertains to practical and material aspects and not involving a drastic change for North Korea and its people, are more likely to find a positive-sum compromise. In this case, neither the United States nor North Korea gained direct benefits from the negotiations. However, it is possible to argue that hypothesis 2D can be supported: North Korea did not want to dismantle its missile production chain, and did not want to stop exporting them. After eight rounds of negotiations that spanned over the five years, North Korea received some clemency regarding its imports and exports of consumer goods, and also saw the United States abolishing the notion of "rogue states" and replacing it with the less threatening term of "states of concern". The United States, however, did not achieve its goal of curbing North Korea's missile production and export, even though it might have reduced the speed at which the missiles were produced and exported. Thus, it is

possible to accept hypothesis 2C, as well as hypothesis 2D regarding North Korea's skill level during the negotiations. North Korea was once again able to determine when they would take place. They were not being threatened to come back to the negotiation table, and to accept an agreement.

The missile proliferation case, however, provides some insights regarding North Korea's understanding of partnership and confidence – if not trust – in the international system. Russia's claim that North Korea would abandon its missile production if Pyongyang could use some other countries' satellite-launching capabilities could be seen as a step by Pyongyang towards collective security, or at least promoting its national interests through collective endeavors: North Korea's willingness to curb its program would mean that selling its missiles to other countries would not be the sole reason for the existence of the program, but would rather show that North Korea is more interested in the technology to use it for its own advancement. Here, we can thus say that the relevance of hypothesis 2B regarding North Korea's willingness to preserve its national security and reluctance to engage in activities that might promote collective security is unclear. North Korea's supposed willingness to use another country's technology and stop its missile production and missile exports looked like North Korea might be taking a step toward some level of collective security arrangement with Russia. In any case, Pyongyang was being more cooperative with the international system than it had ever been.

At the international system there are few signs of linkage between crises. During the earlier rounds, discussions were centered on which issues to incorporate into the talks, and both North Korea and the United States agreed the talks should not go beyond

missile discussion. The only ties to the Agreed Framework come around Round 4, when the United States threatened to cancel some heavy-oil shipments if North Korea did not suspend a potential missile-test firing. However, this did not come into play regarding North Korea's missile exports as there is no evidence of the United States threatening North Korea with the cancellation of the Agreed Framework based on Pyongyang's sales of missiles abroad. Thus, we can reject hypothesis 3A.

Finally, it might be possible to explain North Korea's difficulty to commit to the multitude of rounds by speculating that hypothesis 2A might be valid. Early on in the negotiations, North Korea asked the United States not to publicize the talks because of an internal discord between the North Korean government and the military. Either North Korea was bluffing, trying to appear weak and divided in order to garner some concessions from the United States, or North Korea did have a genuine split within its decision-making bodies. Evidence of such a split from other cases reinforces the notion that North Korea is not a unitary actor with a central, seamless command, and thus helps support hypothesis 2A, namely that it is harder to reach an agreement when a party is internally divided.

c. "Nodong Launch Case".

1. The Premises

Early 1996, the situation on the Korean peninsula was rather tensed, as North Korea had stepped up its rhetoric towards the South and the United States²²⁵, and as

²²⁵ The Australian "South Korea asks US to send spy aircraft," April 9, 1996.

North Korean soldiers had entered the South Korea territory through the Demilitarized Zone several times in only a few days.²²⁶ North Korea was also trying to develop a missile that could have a longer range than its previous missiles had, and thus new steps in the potential development of a North Korea missile able to reach Japan alarmed the United States as well as other powers in the region. Intelligence reported that North Korea was about to test one of its missile in order to demonstrate its range to a potential Middle Eastern country which was interested in acquiring the technology.

The United States tried to convince Pyongyang not to test its “Nodong” missile, using various diplomatic tools, as well as through talk that were kept secret at first, but that were later disclosed as having taken place through the United Nations channels in New York.

2. Case Timeline

October 16, 1996: The China Jiji Press Ticker Service reports that North Korea might be testing a missile in the Sea of Japan in the following days. The test may be conducted as a demonstration to a potential Middle East Country who would be interested in buying off the technology from Pyongyang. The hypothesis that the delegation in question might be Iran is also brought in by the paper, noting that a military delegation from this country is currently visiting North Korea.²²⁷

²²⁶ The Australian, “North Korea warns war is imminent,” April 10, 1996.

²²⁷ Jiji Press Ticket Service, “North Korea plans missile test near Japan,” October 16, 1996.

October 17, 1996: Both China and the United States were already aware of some missile preparation back in July, but cannot confirm whether the apparent move of some equipment associated with missile launch is indeed part of a launch process in the North.²²⁸ The United States military command decides to mobilize a reconnaissance aircraft originally based on the Kadena airbase in Okinawa in order to monitor the Sea of Japan. The Japanese channel N.H.K. also reiterated the fact that the Nodong-1 had been transferred to a potential launch site.²²⁹

October 19, 1996: The United States decision to send a “strong message” to North Korea not to carry out the ballistic missile test is met by Japanese defense officials saying that North Korea had also placed different ships in the Sea of Japan in order to be ready for the missile’s landing.²³⁰ During an on-the-record roundtable with the Japanese media, the Assistant Secretary of State Winston Lord expresses his wish for a cooling of the situation over the peninsula, assuming that the reports that had surfaced a few days earlier are true.²³¹

October 22, 1996: North Korea denounces Winston Lord’s visit to South Korea and calls upon its right to sovereignty, and that it would not let it be compromised by the United States.²³² North Korea, through the Korean Central News Agency, reportedly prepares to launch test-missile. The United States expresses concerns over the situation and discloses

²²⁸ The Daily Yoimuri, “North Korea poised to test intermediate-range missile. U.S forces enhance monitoring operations,” October 17, 1996.

²²⁹ The Australian, “US to monitor North Korean missile test,” October 17, 1996.

²³⁰ The Washington Post, “U.S cautions North Koreans on missile test,” October 19, 1996.

²³¹ For East Asian and Pacific Affairs, On-The-Record roundtable with Japanese Media

²³² Jiji Press Ticker Service, “Missile Tests are sovereign affair: North Korea,” October 23, 1996.

that it is discussing the issue with China. The United States refutes having any information regarding the potential Middle Eastern delegation that could be purchasing the North Korean Nodong missile. The United States also discloses that the Director of American Affairs in the North Korean Foreign Ministry will be coming to New York to conduct business related to the United Nations. The possibility of an eventual meeting with an American delegation is on the table.²³³

October 23, 1996: The United States denies disclosing whether an American delegation has met with a North Korean delegation. The United States insists on the fact that North Korea is responsible for disclosing to the public who is heading their delegation.²³⁴

October 24, 1996: The United States' State Department spokesman Nicholas Burns hints at planned discussions that would involve letting North Korea know that conducting a missile test is not in its best interest. Though North Korea has not officially talked about testing the missile, the United States believes a potential missile test could be occurring shortly. Senior Clinton Administration members concede that not much besides diplomatic channels can really help improve the tense situation.²³⁵

October 25, 1996: The United States State Department confirms that its officers from the State Department have met with Mr. Ri Gun, North Korea's main negotiator in New York when the Korean politicians were visiting the U.N. headquarters. Major issues were raised during the conversation, including talks about an American-held prisoner in North

²³³ U.S Department of State Daily Press #170, October 22, 1996.

²³⁴ U.S Department of State Daily Press #170, October 23, 1996.

²³⁵ The Daily Yomiuri, "North Korea appears ready to ignore U.S., test missile

Korea.²³⁶ While Washington cannot confirm whether the missile had been tested or not, it confirms that North Korea was intending to test such a missile. The United States mentions again to the media its opposition to such testing. The United States State Department estimates that the range of the Nodong missile is greater than 620 miles. An April report from the Pentagon indicates that the missile technology might be sold to Middle Eastern nations such as Iran, Saudi Arabia or Turkey.²³⁷

October 27, 1996: K.E.D.O. policy advisors and spokesmen share concerns that the recent tumultuous events that rocked the Korean peninsula, such as the September submarine incursion as well as the missile-testing controversy might delay the start of the physical work stipulated by the 1994 Agreed Framework to build two light-water reactors to replace North Korea's Yongbyong nuclear reactor.²³⁸

November 5, 1996: Joint military drills start between Japan and the United States for the fourth time in two years. K.E.D.O.'s executive director Stephen Bosworth reinforces the idea that ongoing tensions on the peninsula would have an effect on the Agreed Framework and should not be ignored.²³⁹

November 7, 1996: Charles Kartman, the U.S. deputy assistant secretary of state for East Asian affairs announces that North Korea seemed to have backed out from its missile-

²³⁶ U.S. Department of State Daily Press #173, October 25, 1996.

²³⁷ Journal of Commerce, "North Korean plans to test a new missile raise global alarms," October 25, 1996.

²³⁸ The Daily Yomiuri, "Korean Peninsula troubles may delay KEDO plans," October 27, 1996.

²³⁹ The Straits Times, "US, Japan kick off two-week joint military exercises," November 5, 1996.

testing plans. The United States ventures to say that the North Korea retreat might have been because Pyongyang was responding to Washington and other countries' concerns.²⁴⁰

November 8, 1996: Information pertaining to the cancellation of the test starts to surface in different media. North Korean diplomats apparently informed their American counterparts of their decision during a meeting in the United States. Intelligence agencies in the United States, Japan and South Korea decide to remain under alert for any indications of a missile test.²⁴¹ The United States informs the press that it was very close to getting the release of a Hunziker, an American that had been arrested by North Korea early in August as he was swimming across the Yalu River. In the meantime, South Korea also ends its search for fugitives from the North Korean submarine that ran aground in South Korea in September.²⁴² In a United States Department of State briefing, spokesperson Burns refuses to link the issue of the Agreed Framework with the missile testing, and the potential release of Hunziker.

November 9, 1996: North Korea's decision not to test its missile is qualified as being "for the time being" by an official close to Deputy Assistant Secretary of State Charles Kartman.²⁴³

²⁴⁰ Xinhua News Agency, "U.S. says DPRK appears to cancel missile test," November 7, 1996.

²⁴¹ Washington News, "North Korea cancels missile test," November 8, 1996.

²⁴² ???, "Calming influences in the Korean sphere," November 8, 1996.

²⁴³ The Daily Yomiuri, "N. Korea has canceled missile test, U.S. says," November 9, 1996.

3. Discussion

The Nodong launch is very different from the two other cases, which were labeled as single occurrence events. The Nodong launch episode is only lightly supported by hypotheses relating to human nature and nature of the state. Its resolution was tied to the international system. The episode did not involve a dedicated series of negotiation rounds or talks; the only meetings that took place to discuss the issue of North Korea's potential testing of a missile in the Sea of Japan were held at the United Nations. Moreover, those sessions were not specifically designed to discuss the launch issue, but were used by the United States to try to convince or coerce North Korea not to launch any missiles. Understandably, North Korea did not appear to mind that no specific talks regarding the missile launch were held from the regular United Nations meetings, and understandably so: North Korea probably did not expect to use its threat to test a nuclear missile test to gain concessions from the international community, especially at a time when other crises including the holding of an American citizen by North Korea and North Korea's submarine incursion into Seoul's waters had already created a tense situation. Instead, North Korea seems to have been determined to test the missile to impress the Middle East delegation that was expected to be present around the supposed launch date. The thought appears to have been that this would impress the delegation, helping North Korea's economy while technically not violating any laws.

The United Nations' talks were fairly low level. North Korea was represented by the Director of American Affairs in the North Korea Foreign Ministry. The United States' delegation was composed of officers from the State Department. North Korea did not have great interest in discussing the matter with high ranking U.S. official and did not

comment on the need to hold substantial talks. Thus, hypothesis 1A which stipulates that North Korea's willingness to negotiate depends on the level of official the other party is inconclusive. The other human nature hypothesis can also be considered inconclusive: at no moment did the issues of the Nodong Launch go beyond the question of a missile launch. One can speculate that there is just not much range for negotiation when it comes to launching a missile that is neither a nuclear weapon, nor an intercontinental weapon. North Korea had only two options: to launch or not to launch, and both the United States and North Korea were not willing to negotiate on the issue

The "unity in voices" hypotheses must be labeled as inconclusive as well given that there were no negotiation rounds besides the regular United Nations meetings that were scheduled to be held anyways. The international community, however, had a strong and unified team which message was carried by the United States during the United Nations meeting. Assistant Secretary of State Winston Lord voiced concerns regarding the launch while traveling to Japan and the United States and Japan organized joint military drills in November 1996 as a show of military preparedness. Moreover, The United States discussed the gravity of a potential Nodong launch with China. Cooperation was also apparent among the United States, Japan, and South Korea's intelligence agencies who were watching for activity related to a possible launch of the missile. Thus, from the point of view of the closeness of the negotiating team, one can argue that the United States, Japan, South Korea and Japan were well represented by the United States' actions and talks regarding the Nodong launch. All had shared regional interests. Both Japan and South Korea could be potential targets given that the Nodong had at least a 620-mile range. This goes hand in hand with hypothesis 2B which focuses

on the importance of national security versus collective security. The United States' rhetorical stance de-linked the issue of sovereignty and the Nodong launch, and tried to emphasize the role of regional stability and the way it could be compromised by launching the missile. In the same vein, overarching crises did seem to impact North Korea's decision not to test the missile; the accidental incursion of a North Korean submarine in South Korea's waters and North Korea's subsequent apologies suggest that the Nodong launch was not a simple, stand-alone episode. Despite the fact that spokesperson Burns had refused early in November to link the issues of the missile launch with captured American Huntzinger or the submarine incident, it is obvious that those crises were weighing heavily on North Korea at the time. Important opinions were also shared regarding the Agreed Framework by K.E.D.O. policy advisors and spokesmen regarding potential difficulties in implementing the framework should North Korea go ahead with the missile launch. Therefore, other overarching crisis did have an effect on North Korea when it had to decide whether to launch the missile or not, thus allowing us to support hypothesis 2B. It also seems that North Korea had reached a dead-end in terms of options, because of the weight of the surrounding situations entrapping Pyongyang. North Korea's hierarchical preferences in terms of outcomes were displayed through the Nodong case as North Korea did not want to see the end of the Agreed Framework and decided that launching the Nodong missile would probably lead to a more difficult situation. Moreover, the situation in 1996 had been very difficult for North Korea because of the drought and famine, and the economic incentives were thus very strong for Kim Jong-Il to play by the international communities' rules. Therefore, with no real option, North Korea decided to back down. It did not attempt to negotiate

compensation from the United States for not launching the Nodong missile. Hypothesis 2D thus cannot be supported.

d. “The Kumchang-ri Compromise”.

1. The Premises

The later part of the 1990s was dominated by North Korea's development, testing and sales of missiles, as well as whether or not Pyongyang was living up to the provisions of the 1994 Agreed Framework. Under the agreement, North Korea was not supposed to develop any nuclear energy. However, news that North Korea was building a nuclear site at Kumchang-ri surfaced early January 1998: various American intelligence satellite photographs showed increased traffic and building activity around the area. The news was later picked up by the U.S. media during that summer, and greatly publicized. By mid-1998, the nuclear situation on the Korean peninsula had become very tense as North Korea was threatening to block the International Atomic Energy Agency and other agencies such as the United Nations, from visiting its facilities even though such organizations were supposed to have visitation right so that they could attest that the 1994 Agreed Framework terms were respected.

When Ambassador Kartman visited the D.P.R.K. and expressed his concerns regarding underground construction in the Yongbyon area, Pyongyang had to decide whether it would allow inspectors to visit the site, in order to receive food and aid. Thus, negotiations on the terms of a potential visit took place between the United States and

North Korea, and spanned over more than six months, leaving many in doubts: even if the United States managed to gain access to Kumchang-ri, North Korea would probably have been able to remove any suspicious material by the time the first Americans would set their feet on the site.

2. Case Timeline

ROUND 1

January 2, 1998: Following the release of a classified Defense Intelligence Agency report discussing a potential underground activity at the Kumchang-ri site, some news outlets start reporting that nuclear construction might be under way in North Korea despite the 1994 Agreed Framework that prohibited such activities from taking place.²⁴⁴

July 15, 1998: A General Accounting Office report points at North Korea's lack of transparency regarding its nuclear facilities: according to the report, about five percents of the heavy fuel oil given to North Korea through the Agreed Framework terms was used for unauthorized purposes.²⁴⁵ Several commentators such as Senator Frank H. Murkowski argue the report shows that it is not possible to account for the amount of plutonium that North Korea might have diverted from its nuclear program. Murkowski warns that Washington's current approach regarding Pyongyang does not involve enough

²⁴⁴ Reuters, "U.S fears North Korea has nuke plant," January 2, 1998.

²⁴⁵ United states General Accounting Office, "Nuclear Proliferation: Heavy Fuel Oil Delivered to North Korea Under the Agreed Framework (Testimony, October 27, 1999).

sanctions and tough actions, and that in his mind, the “carrot-and-stick approach is all carrots, no sticks”.²⁴⁶

August 22, 1998: Talks in New York between North Korea’s Vice Foreign Minister Kim Gye-Gwan and U.S. Ambassador-at-large Charles Kartman are focused on the 1994 Agreed Framework, as well as on the suspected construction activity that might involve more than 15,000 North Koreans on the Kumchang-ri site.²⁴⁷

August 26, 1998: The United States insists that the Agreed Framework must be respected, and asks that access be granted to inspectors at the Kumchang-ri site. North Korea, however, insists that the site is strictly being used for civilian work and refuses to grant such access.²⁴⁸

August 31, 1998: South Korean press agency Yonhap quotes a Washington source saying that North Korea might consider opening the Kumchang-ri site to inspectors, following the recent high-profile meeting in New York with Charles Kartman.²⁴⁹ On the same day, North Korea launches a ballistic missile into the Sea of Japan that lands halfway between North Korean and Japan.²⁵⁰

²⁴⁶ The New York Times, “North Korea said to block inspection of nuclear sites,” July 15, 1998.

²⁴⁷ The Washington Post, “U.S., N. Korea Discuss Nuclear Pact; Talks Come Amid Reports That Secret Facility Violates Accord,” August 22 1998.

²⁴⁸ The Washington Post, “US warns N. Korea on suspect facility,” August 26, 1998.

²⁴⁹ Milwaukee Journal Sentinel, “North Korea may let site be inspected,” August 31, 1998.

²⁵⁰ Chicago Sun-Times, “N. Korea fires ballistic missile into Sea of Japan,” August 31, 1998.

November 16, 1998: A U.S. delegation headed by Charles Kartman leaves for North Korea. The United States demands that he be allowed to visit the Kumchang-ri site.²⁵¹ James Rubin, the U.S. State Department spokesman, states that the aim of the visit is “to get the leadership in North Korea focused on the gravity of our concerns and the serious consequences for our relations should our suspicions not be resolved”.²⁵² However, the U.S. delegation leaves without gaining North Korea’s access to the site after Pyongyang asks for \$300 millions for a one-time visit of a site that is not Kumchang-ri.²⁵³ The delegation departs after 12 hours of negotiations.²⁵⁴

November 21, 1998: The U.S. military commander for Asia and the Pacific, Admiral Joseph Prueher, suggests that North Korea is not acting rationally. South Korean government official Lim Dong Won plays down reports regarding North Korea’s illegal building at Kumchang-ri.²⁵⁵

November 22, 1998: Internal clashes within the United States appear as Lt. Gen. Patrick M. Hughes presents reports that differ from apparently publicized information attributed to C.I.A. director George Tenet. Hughes is praised by Republican foreign policy specialists when he portrays North Korea as not yet capable of acquiring nuclear technology and suggests North Korea would prefer not to, if it could, find a settlement with the United States. It later becomes apparent that North Korea was ready to resume

²⁵¹ Pittsburgh Post-Gazette, “N. Korea Nuke Talks,” November 16 1998.

²⁵² Financial Times, “North Korea fails to satisfy US on N-sites,” November 19, 1998.

²⁵³ Pittsburgh Post-Gazette, “N. Korea Demands,” November 19 , 1998

²⁵⁴ The New York Times, “North Korea Offers U.S. Access to Secret Plant, at a Steep Price,” November 19, 1998.

²⁵⁵ The Boston Globe, “North Korea inspection rebuff irks Clinton,” November 21, 1998.

its nuclear program if no avenues for normalizing relations with the United States presented themselves.²⁵⁶

December 5, 1998: North Korea intensifies its rhetoric towards the United States, with North Korea's People's Armed Forces Vice-Minister Jong Chang-Ryol stating that "Arrogant U.S. imperialists have gone beyond the danger line in their aggressive attempts to stifle the D.P.R.K. with military strength".²⁵⁷ In the same statement, Jong warns the U.S. that war could be waged at any moment.

December 8, 1998: Following talks with Pyongyang in New York, South Korean president Kim Dae-Jung suggests that the United States gives North Korea economic aid in exchange for the right to visit Kumchang-ri.²⁵⁸ North Korea announces that no amount of diplomacy can improve the situation since it had already escalated to movements of military troops and equipment. North Korea was implicitly criticizing the United States' military presence in the peninsula. South Korean's presidential spokesman Park Ji-won reports that President Kim Dae-Jung has urged William Perry to try to avoid sanctioning North Korea for potential nuclear-related construction on the North Korean site of Kumchang-ri. If such a site was indeed being built, it would not be completed in a short amount of time.²⁵⁹ South Korean president Kim Dae-Jung cautions against overreaction,

²⁵⁶ The Washington Post, "The Korean showdown that shouldn't happen," November 22, 1998.

²⁵⁷ South China Morning Post (Hong Kong) "N.Korea rowed with US over underground site," December 4, 1998

²⁵⁸ Pittsburgh Post-Gazette (Pennsylvania), "N. Korea Nuke Deal," December 8, 1998.

²⁵⁹ St Louis Post-Dispatch, "U.S is urged to appease North Korea: America could offer some incentives in exchange for inspections, South Korea says," December 8, 1998.

citing that it is not obviously clear that North Korea has nuclear ambitions at Kumchang-ri.²⁶⁰

December 12, 1998: While visiting Beijing, William Perry is warned that North Korea is a fragile state, and should be treated with care. China reinforces its commitment to dialogue, peace and stability over the Korean peninsula. William Perry then proceeds to going to Tokyo where he warns that the United States might have to nullify the Agreed Framework if the security situation with North Korea became too intense.²⁶¹

December 15, 1998: North Korea appears to drop its financial demands on the United States. It appears content with receiving food aid in exchange for opening access to the Kumchang-ri site. The United States welcomes the stance and prospects for the Agreed Framework suddenly look better. North Korea's openness could be read as a sign that it had not begun nuclear work in Kumchang-ri.²⁶²

January 3, 1999: Steven Bosworth, American ambassador in South Korea, expresses his concerns over a potential breakdown of the Agreed Framework.²⁶³

ROUND 2

January 17, 1999: The United States and North Korea open a new round of talks in New York, just a few days before a round of Four-Party Talks are to be held in the same

²⁶⁰ The Guardian, "US alarmed about North Korean arms," November 21, 1998.

²⁶¹ The Irish Times, "North Korea aggression may not just be rhetoric," December 12, 1998.

²⁶² The New York Times, "North Korea Said to Drop Demand on Atom Inspection," December 15, 1998.

²⁶³ The New York Times, "North Korea's hardening line on U.S. raises fear of new crisis," January 3, 1999.

location. North Korea argues that opening the Kumchang-ri site would jeopardize its national security. China also voices concerns that the United States might want to inspect other countries' activities out of sheer suspicion.²⁶⁴ Pyongyang reportedly offers the United States two chances to visit the Kumchang-ri site in exchange for 400,000 tons of food aid.²⁶⁵

ROUND 3

February 28, 1999: North Korea and the United States begin a new round of talks in New York.²⁶⁶ Both countries exchange proposals involving a certain amount of food aid in exchange for access to the Kumchang-ri site.²⁶⁷

March 16, 1999: North Korean Vice Foreign Minister Kim Gye-Gwan says he is very happy with the agreement that is reached after more than two weeks of negotiations. He states again that the Kumchang-ri site does not have any nuclear-related materials.²⁶⁸ A joint statement by North Korea and the United States is issued: the statement mentions that the United States is invited by North Korea to visit the Kumchang-ri site in order to remove the United States' concerns.²⁶⁹ Ambassador Kartman also states that cooperation regarding a bilateral agricultural program involving potato production is also envisaged between the two countries.²⁷⁰ The two sides reaffirm their commitment to the Agreed

²⁶⁴ The New York Times, "North Korea and U.S meet on inspection of atom plan," January 17, 1999.

²⁶⁵ The Australian, "North Korea puts nukes on menu as hunger bites," February 5, 1999.

²⁶⁶ The Daily Yomiuri, "U.S. to send food aid directly to North Korea," February 28, 1999.

²⁶⁷ NAPSNet Daily Report, "US Gets Access To N.Korea Site," March 16 1999.

²⁶⁸ Dateline Correspondent report, from Max Ruston, "Korea talks/react," March 16, 1999

²⁶⁹ U.S.-D.P.R.K. Joint Statement, U.S Mission, New York, on March 16, 1999.

²⁷⁰ *Ibid.*

Framework. Both sides see themselves as the victors at the end of the negotiations.²⁷¹ In a statement released from the Department of State, Madeleine Albright announces that a U.S. team has been allowed multiple visits with full access to the Kumchang-ri site, and that the first visit will occur early May.²⁷²

March 17, 1999: Criticism regarding the newly struck deal starts erupting as the Chairman of the House International Relations Committee worries that “good food was being poured down a North Korean hole”.²⁷³ North Korea is likely to receive another 200,000 tons of grain.

March 18, 1999: The K.C.N.A., mouthpiece of the North Korean government, reaffirms that the construction going on at the Kumchang-ri site is absolutely not related to any nuclear materials. The K.C.N.A. affirms that the on-site visit agreement does not stem from a demand for inspection by Washington, but is rather an invitation from Pyongyang. It also states that the United States has admitted it had not acted right and as a result had decided to give political and economic compensations to Pyongyang.²⁷⁴ Rubin plays down the importance of the joint agricultural program, characterizing it as being a very modest potato project.²⁷⁵ South Korea also welcomes the successful conclusion of the talks, but warns North Korea about the occurrence of similar nuclear-related problems.²⁷⁶

²⁷¹ Pyongyang Report, “News and views on DPRK – North Korea”, Vol 1, No.1, April 1999.

²⁷² Department of State, March 16, 1999.

²⁷³ USA Today, “North Korea agrees to U.S inspection,” March 17, 1999.

²⁷⁴ KCNA, Pyongyang, March 18, 1999.

²⁷⁵ The Guardian, “Nuclear team to see North Korea site,” March 17, 1999.

²⁷⁶ Korea Herald, “A view from South Korea,” March 18, 1999.

March 18, 1999: South Korean sources says that U.S. intelligence spotted trucks leaving from the Kumchang-ri site, leading to think that evidence might be removed from the site prior to U.S.' arrival.²⁷⁷ At the same time, Chinese Premier Zhu Rongji maintains that China has been helping in the recent negotiations, despite the U.S. denying its role.

March 29,1999: Controversies about how much food aid the United States will provide North Korea arise, with rumors that the aid could be as much as 600,000 tons of food.²⁷⁸

May 9, 1999: The United States announces that it will dispatch a 15-member team on May 18 on the Kumchang-ri site. Inspections are set to begin on May 20, and should take at least a week.²⁷⁹

May 29, 1999: The team that visited the Kumchang-ri site says it has found only an empty tunnel. Inspection started on May 20 and finished on May 24.²⁸⁰

3. Discussion

The Kumchang-ri case can be labeled as a single-occurrence, multi-round case, despite its ties to other encompassing issues related to the Korean peninsula, such as the U.S. military presence in Asia and the 1994 Agreed Framework. The basic premise of the Kumchang-ri case is rather simple: the United States, relying on intelligence, becomes suspicious that North Korea is violating the 1994 Agreed Framework by building a

²⁷⁷ The Irish Times, "U.S. to inspect suspect North Korea nuclear sites in return for food aid," March 18, 1999.

²⁷⁸ The Daily Yomiuri, "Exercise caution over North Korea," March 29, 1999

²⁷⁹ The Daily Yomiuri, "U.S. team to visit North Korea to inspect suspected North facility," May 9, 1999.

²⁸⁰ The Seattle Times, "Empty tunnel complex found in inspection of North Korea site," May 28, 1999.

nuclear site. The United States demands access to the site, and a series of negotiations ensues, both in the United States and in North Korea. The compromise reached was touted by both parts as a victory.

Similar to the Pilot Negotiation case, we can assess that the Kumchang-ri case is of a high relevance to both the U.S. and North Korea as both parties decided to involve high figures early on in the debate. The first talks that took place in New York in August 1998 involved North Korea's Vice Foreign Minister Kim Gye-Gwan, and U.S. Ambassador-at-large Charles Kartman. This shows a departure from the regular diplomatic channels used by Washington when communicating with Pyongyang. These meetings were not part of the regular, weekly meetings that Washington had been having with the North Korea United Nations' mission. Following this initial meeting in New York, the United States sent a delegation to North Korea in order to negotiate the right to visit the Kumchang-ri site. The United States' delegation was once again led by Charles Kartman, thus showing a consistency in the U.S.' approach to the negotiation. During the Pilot negotiation episode, the United States had first relied on Senator Richardson who had just so happened to be in North Korea at the time, but as the episode unfolded and dragged on, Washington decided to up its diplomatic representation by sending State Department Deputy Assistant Thomas Hubbard to North Korea. The United States' choice for publicizing information also witness the importance of the negotiations: James Rubin, the United States Department Spokesman, led many of the information releases on the purpose of the U.S. visit to North Korea. News that North Korea might be amenable to discussion regarding allowing access to Kumchang-ri came after North Korea expressed its reticence to provide such access. However, it seems North Korea changed

its mind between August 26, four days after the New York talks, and August 31, when Yonhap quoted a Washington source saying that Pyongyang might be amenable to such discussion. However, North Korea's launching of a missile in the Sea of Japan, might be interpreted as a sign that even though it was willing to further the discussion regarding Kumchang-ri, it was in no way doing the United States a favor or "softening up". The United States seemed to have clearly understood that message; Washington sent diplomats of a similar diplomatic level to North Korea on November 16, 1998. Subsequent negotiations in New York in January were also headed by Ambassador Kartman for the U.S. side, and further comments regarding the negotiations and its effects were released by high U.S. officials such as Secretary of State Madeleine Albright and former Defense Secretary William Perry. North Korea therefore seemed to have been contented by the American diplomatic representation, or at least there is no evidence to suggest that North Korea was not pleased with the attention that was given by the United States through its diplomatic representation during the New York talks, and the Pyongyang visit. Thus, we can say that hypothesis 1A, North Korea's willingness to negotiate is tied to the level of the representatives of its negotiation partners cannot be rejected.

North Korea's willingness to negotiate was also strongly tied to the outcomes that might be reached when dealing with the Kumchang-ri site. Initial talks regarding the Kumchang-ri site occurred in New York when the main agenda was the 1994 Agreed Framework. The issues at stake were in the realm of high politics: they dealt with creating a nuclear-free peninsula, with a non-nuclear North Korea, and producing energy that could not be used to build more dangerous weapons. Thus, the Kumchang-ri case

started as a high-politics case, but later turned into a low politics one once North Korea refused to grant access to the United States on “moral grounds” but demanded privileges and compensation for it. Negotiations that occurred after the initial New York meeting focused on finding a compromise that would lead to North Korea opening up Kumchang-ri. The New York November meeting had already led to North Korea showing interest in negotiating access in exchange for money. Once this was agreed to, a high politics concept became a low-politics issue: basically, negotiating the price tag for the Kumchang-ri visit. Subsequent talks and negotiations did not deal with the issue of a nuclear peninsula, but focused on very clear and concrete ideas: potential nuclear-related construction, \$300 million for a one-time visit, food aid and a joint agricultural program.

Hypothesis 1B, even though it could have been dismissed at first, proves to be quite a potent explanation. The case progressed from high politics issues to simple matters. It became very clear as the negotiation process progressed, that the discussion had shifted from the Agreed Framework and what it meant to North Korea’s production of nuclear weapons and its violation of the Agreed Framework, to a simple discussion on negotiating a one-time access to the site. We can even argue that North Korea might have, at that point, already decided to “milk” the situation in order to shift the dialogue from high politics to low politics. Pyongyang is more comfortable with concrete issues that do not include demands for profound changes in the North Korean system.

North Korea seemed, most of the time, to be speaking with a unified voice. In the Kumchang-ri case, there are no signs of instances of division between the North Korean political and military wings, as there were in the Pilot Case. However, the international community, especially those countries located in the Asia region did not fully support the

United States' view on the negotiations. Dissent came from China, which was concerned about the United States' request to inspect other countries' activities based on mere suspicion. Dissent also came from South Korea with South Korean presidential spokesman Park Ji-Won reporting that President Kim had urged William Perry not to sanction North Korea over the Kumchang-ri issue. But clashes within the United States were revealed. These included Lt. Gen. Hughes' criticism of the reports presented by the C.I.A, and the Chairman of the House International Relations Committee's worries regarding sending North Korea more food and aid. Despite these dissenting voices, an agreement was reached, thus making it difficult for us to accept hypothesis 2A, even though the United States was technically the only other negotiating party. However, the Kumchang-ri compromise is directly linked to the application of the Agreed Framework, and thus because the Agreed Framework was signed by North Korea and a consortium led by the United States, Washington is not the sole party to it. Thus, we can consider that the international community was also to a certain extent a part of the negotiating team that was concerned with the Kumchang-ri site. Therefore, we cannot affirm nor confirm hypothesis 2A, and must rule it to be inconclusive.

However, the second image – the nation-state – as a key variable explanation is strongly supported with hypotheses 2B, 2C, and 2D. On January 17, 1999, and just a few days before the opening of Four-Party Talks, North Korea stated that the Kumchang-ri issue was a matter of national security and that this issue was therefore at the top of its priorities. Other countries such as China and South Korea, as seen before, also insisted upon the fact that the United States' asking for visitation rights amounted to challenging North Korea's national sovereignty. Perhaps the fact that the Kumchang-ri issue was

touching so close to Pyongyang's heart might have helped North Korea in the negotiations, since it knew that the United States would understand this issue as being vital to North Korea, and thus as being a potential threat for other nations, Washington included. Thus, hypothesis 2B can be supported on the part of North Korea who wanted to initially prevent the United States from taking the right to visit its facility, even if it would mean hard negotiations and could potentially lead to jeopardizing the Agreed Framework. The United States also did not care so much as to trust North Korea and try to keep the Agreed Framework alive, but rather was looking for clues that would make the Framework collapse, thus putting more emphasis on the national issue of having nuclear weapons rather than the collective security treaty in itself.

The Kumchang-ri case seems to be the quintessential representation of North Korea's negotiation skills and its ability to extract what it wants from its negotiation partner. At no moment was North Korea threatened nor did it appear frightened over what might happen regarding the Kumchang-ri site. The United States did not support preemptive strike rhetoric at that time, and North Korea was allowed to pretty much direct the negotiations once it accepted that the United States might be allowed to visit Kumchang-ri. The United States' initial demands were not granted; North Korea refused in August 1998 to allow the United States access. However, following the New York talks, North Korea was willing to negotiate on the terms of the visit. North Korea's request of \$300 millions for a one-time visit left the U.S. team no option but to leave the negotiation table, as accepting an initial offer by North Korea would have been a sign of weakness from the United States. By the time the two countries met for a new round of talks in New York in January and February 1999, talks were centered on the amount of

compensation that the United States would have to give to North Korea. Finally, the March 1999 agreement offered the United States what they had unconditionally requested more than eight months earlier, and gave North Korea an important economic compensation for allowing the U.S to visit a site that might not have contained anything to begin with, or that might have been emptied during the eight months of negotiation. The Agreed Framework was also left intact even though the United States had tried to use it as leverage back in December 1998. Thus, it is obvious that Pyongyang gained a lot from those negotiations, especially when it was later revealed after the inspection that the U.S. team had found only a giant tunnel at Kumchang-ri. Still, even though the U.S. did not find any evidence that North Korea was tampering with the Agreed Framework, it did not gain any more trust in North Korea's behavior. Thus, North Korea did not appear to suffer through those negotiations, and it managed to achieve substantially more than other players as well, therefore supporting hypotheses 2C and 2D.

However strong the second image was, the third image is the most underrepresented in the Kumchang-ri case. The specter of the Agreed Framework did not seem to have put a strong hold on the negotiation regarding access to the site. North Korea's rhetoric did not mention the agreement, and although the United States used the Agreed Framework as a sort of leverage, other international pressures on the United States, especially by South Korea and China who asked the United States in December 1998 to go easy on North Korea counterbalanced any effect that the fear of a collapsing Agreed Framework might have had on Pyongyang. Moreover, even though this negotiation episode could be understood as being a stand-alone one, it did not solve more stringent issues of the relationship between the United States and North Korea. It can thus

merely be described as an incident that allowed North Korea to receive financial aid. Seen under this light, we might be tempted to support hypothesis 3B, since the Kumchang-ri incident was resolved, but the broader crisis that it was born out of, namely the nuclear issue related to the Agreed Framework, did not get solved.

Chapter Five. Multilateral Cases

The end of the 1990s led the way to a new type of negotiations between the United States and North Korea: multilateral talks. This new type of dialogue was built on the strength of plurality as well as on a will from the United States to seek more active participation from regional powers in the affairs of the Korean peninsula. Three major multilateral cases will be explored here: the Four-Party Talks as an example of a multi-party, multi-round case; the Trilateral Talks as a multilateral negotiations; and the Six-Party Talks, another multi-round, multi-party case.

a. “Four-Party Talks”.

1. The Premises

Even though the North Korea regime had a new leader in 1994 as Kim Jong-Il took his father's position as the head of the North Korean regime, many if not all of the problems created by the 1953 Armistice were still preventing any peaceful resolution of the situation. The 1953 Armistice signed by the United States on behalf of the United Nations as well as signed by China and North Korea still stood as a major stumbling block to any potential detente over the peninsula. As North Korea started to weaken due to floods and food crises, many perceived that the Pyongyang regime might not be stable enough to survive to such drastic conditions, that North Korea was in a weak position, and thus more likely to negotiate on a potential peace treaty.

The Clinton Administration as well as the Kim Young Sam and the Kim Dae-Jung Administrations all shared South Korea's vision of a North Korean soft-landing, by which shall North Korea collapsed, it would be better to actually support the country financially instead of placating it. The process to hold a four-party forum that would include the participants to the Armistice was thus launched in 1996. Several months of pre-negotiations were necessary in order to ensure North Korea's participation to the talks.

Peripheral events such as a North Korean submarine incursion into South Korean waters, as well as bilateral talks between the United States and North Korea regarding Pyongyang's ballistic missiles (referred before as the "Bilateral Talks: Missile Proliferation") also influenced the different rounds of Four-Party Talks. All parties had to learn to communicate their interests, and to withstand the stressful process of multi-party, multi-round, multi-year negotiations in order to reach a potential historic accord.

2. Case Timeline

ROUND 1

April 16, 1996: U.S. President Bill Clinton and South Korean President Kim Young-Sam propose in a joint statement the creation of four-way peace talks, to include their nations plus North Korea and China despite North Korea's refusal in 1991 to convene under such a format. The talks are a surprising change of attitude given the long-standing U.S.

approach of resolving Korean tensions through North Korea-South Korea bilateral relations.²⁸¹

April 17, 1996: North Korea refuses the offer, arguing that only bilateral meetings with the United States are needed.²⁸²

April 28, 1996: North Korea becomes more flexible to the idea of multi-party talks. Senior North Korean official Kim Jong U asks for more information regarding the proposed negotiations during a conference in Washington D.C. During a meeting with Deputy Assistant Secretary of State Thomas Hubbard, Kim asks for food aid as well as lifting of trade and investment sanctions as pre-conditions to the talks.²⁸³

November 2, 1996: North Korea drops its objection to participate in Four-Party Talks seminar meeting with the United States and South Korea. Washington welcomes the news, though it is somewhat reticent to move along with the seminar while South Korea is more reserved, as it is still awaiting apologies from Pyongyang for the submarine incursion that occurred a few weeks earlier.²⁸⁴

²⁸¹ St. Louis Post-Dispatch, "Clinton wants 4-way Korean peace talks; plan would have U.S., China as direct participants," April 16, 1996.

²⁸² The Advertiser, "North rejects four-way talks," April 17, 1996.

²⁸³ The Washington Post, "4-party Peace Talks plan unclear, North Korean says," April 28, 1996.

²⁸⁴ The Weekend Australian, "North Korea shows willingness to join four-way summit," November 2, 1996.

November 13, 1996: North Korea refuses to consider the Four-Party Talks as it interprets the call from the United States to apologize for the September submarine incursion a revocation of the talks.²⁸⁵

December 31, 1996: North Korea apologizes for the submarine incursion and is subsequently praised by China and the United States, which hope that the four-way process can start again.²⁸⁶

March 6, 1997: The United States, North Korea and South Korea meet in New York at a roundtable to discuss the possibility of four-way talks. North Korea postpones the meeting twice. Its participation was conditional on receiving food aid from the United Nations World Food Program. The United States does not anticipate the four-way talks to begin before July, if they are to begin at all.²⁸⁷

April 3, 1997: The United States is said to have contributed \$10 million and South Korea \$6 million to the recent aid call from North Korea. Both the United States and South Korea insist that the aid is in no way related to the political tension regarding the four-way talks. Pyongyang also asks to receive additional aid in exchange for joining the four-way talks, but says it is willing to take Washington's word on the assurance of food aid.²⁸⁸

²⁸⁵ The Australian, "North Korea snubs 4-way peace talks," November 13, 1996

²⁸⁶ Hobart Mercury, "North Korean apology opens way for talks," December 31, 1996.

²⁸⁷ USA Today, "U.S, S. Korea offer talks proposal to N. Korea," March 6, 1997.

²⁸⁸ The Daily Yomiuri, "N. Korea seeks more food aid before 4-party talks," April 3, 1997.

April 12, 1997: Washington insists on its willingness to avoid a North Korean hard-landing, and strengthens its position of trying to avoid war on the peninsula.²⁸⁹

April 25, 1997: North Korea indicates it would join the peace talks only if provided food aid, American diplomatic recognition and an easing of trade sanctions by Washington. Seoul rejects the proposal.²⁹⁰

June 30, 1997: North Korea is reported to have agreed to the first Four-Party Talks in New York in early August.²⁹¹

November 24, 1997: The Four-Party Talks are set to take place in Geneva on December 9. The talks will focus, according to North Korea, on the removal of U.S. troops from the peninsula and on the conclusion of a peace agreement between Pyongyang and Washington.²⁹²

December 4, 1997: The United States, South Korea and China plan a preliminary meeting on Monday, December 8, on the eve of the full session of the four-way talks in Geneva. A South Korean foreign minister says that because it is the first time the parties will meet

²⁸⁹ The Daily Yomiuri, "Korea set to respond to 4-way talks plan," April 12, 1997.

²⁹⁰ Financial Times, "N. Korea sets condition for peace talks," April 25, 1997.

²⁹¹ Financial Times, "Korean peace talks to open," July 29, 1997.

²⁹² The Daily Yomiuri, "North Korea promises to work for peace in 4-way negotiations,"

in such a setting, most of the negotiations should be centered on laying down a basic framework and a system of deliberation.²⁹³

December 5, 1997

Through its official news outlet, North Korea denounces U.S. military activities and forecasts an American attack on the North's soil using South Korean and Japanese military capacities.²⁹⁴

December 6, 1997: A U.S. official indicates that the incoming four-way talks could be based on the 1991 agreement signed between North and South Korea.²⁹⁵

December 8, 1997: A U.S. official indicates that no joint communiqué will be issued during the negotiations. He also states that the talks will not focus on concrete issues, but rather on procedural matters and scheduling issues for subsequent four-way talks.²⁹⁶

December 9, 1997: The negotiations start in Geneva. China is represented by vice foreign minister Tang Jiaxan, the U.S. by deputy Assistant Secretary of State Stanley Roth, North

²⁹³ BBC, "South Korea, USA, China to hold preliminary meeting before four-way talks," December 4, 1997.

²⁹⁴ BBC, "North Korea denounces military exercises in South prior to Geneva talks," December 8, 1997.

²⁹⁵ Japan Economic Newswire, "4-way Korea peace talks may be based on '91 agreement," December 6, 1997.

²⁹⁶ BBC, "Geneva Talks on Korean peace will be "preliminary-like" says U.S. official," December 8, 1997.

Korea by vice foreign minister Kim Kye-Kwan, and South Korea by Ambassador to France Yi Se-Yong.²⁹⁷ During the first round of talks, North Korea hints that it would be willing to consider a normalization of bilateral relationships with the United States, but also with South Korea. Chinese chief delegate Tang Jiaxuan also calls for the normalization of relations between Pyongyang and Washington.

December 10, 1997: Following two days of talks, China is to be chairing the second round of the four-way talks that will take place in Geneva on March 16th, 1998. The United States was chairing the first meeting, and by luck of draw, China will be chairing the next meeting, followed by South Korea and North Korea. The United States will also organize an ad hoc sub-committee for inter-sessional consultations in mid-February in Beijing.²⁹⁸ After the talks, North Korea describes the meeting as “ongoing”, while China stresses the remnants of the Cold War as being a still very important part of the negotiations. North Korea appears to have asked the United States to end the economic blockade as well as pressed for bilateral talks with Washington.²⁹⁹

ROUND 2

January 26, 1998: North Korea calls for a delay of the four-way peace talks. Speculations are that North Korea distrusts the Kim Young-Sam government, and wants to wait for South Korea’s newly elected president Kim Dae-Jung’s inauguration on February 25.³⁰⁰

²⁹⁷ BBC, “First day of four-way talks on Korean issue in Geneva: Chinese report,” December 11, 1997.

²⁹⁸ Xinhua News Agency, “China to chair next session of Four-Party Talks,” December 10, 1997.

²⁹⁹ The Toronto Star, “Korea talks ‘ongoing’ but little progress seen ‘Shadow of Cold War still hangs over Peninsula,” December 10, 1997.

³⁰⁰ Agence France Presse, “North Korea asks to postpone Beijing Four-Party Talks,” January 26, 1998.

January 30, 1998: North Korea requests that the future ad-hoc four-way talk committee takes place in Geneva instead of in China.³⁰¹

February 9, 1998: China, South Korea and the United States agree to meet two days prior to the beginning of the four-way talks.³⁰²

February 20, 1998: The United States considers lifting economic sanctions on North Korea if the second round of four-way talks is successful.³⁰³

March 11, 1999: The United States expresses its will to propose a series of confidence-building measures with North Korea while attending the Four-Party Talks, but will be unlikely to reevaluate the terms of the embargo. The United States and North Korea are set to meet bilaterally in Berlin for an unrelated matter, and thus prior to the four-way talks.³⁰⁴

March 16, 1998: North Korea wants to raise the issue of U.S. withdrawal from South Korea at the four-way talks, but the United States is unwilling to do so. At the opening of the talks, which were delayed because of procedural matters, the United States changes its position. North Korea joins the table after Washington agrees that Pyongyang is free to raise the withdrawal issue. However, after the first day of negotiations, the United States says it will not withdraw its troops.³⁰⁵ A South Korean source talks about the

³⁰¹ Japan Economic Newswire, "N. Korea proposes 4-party subcommittee in Geneva," January 30, 1998.

³⁰² Japan Economic Newswire "Preparatory 4-party talks set for March 14 in Geneva," February 10, 1998.

³⁰³ Asia Pulse, "U.S considers lifting sanctions on North Korea," February 20 1998.

³⁰⁴ Agence France Presse, "U.S., China, Koreas to resume Four-Party Talks," March 11, 1998.

³⁰⁵ Xinhua News Agency, "U.S. says no American troops will withdraw from South Korea," March 16, 1998.

subsequent unhappiness and lack of enthusiasm of the North Korean team after the failure of a bilateral meeting between Washington and Pyongyang. North Korea is also reportedly displeased by the U.S. precondition of putting in place a permanent peace treaty prior to lifting the economic embargo. At the same time, North Korea stages a mock reaction exercise to a chemical weapons attack.³⁰⁶ China consults informally with North Korea at the beginning of the talks. North Korea appears dissatisfied at the seating arrangement, which puts the Korean delegation facing South Korea instead of the United States, as Pyongyang had requested. Subsequent delays occur because of this arrangement.³⁰⁷ Finally, North Korea refuses to discuss a broad agenda for the upcoming five days, thus forcing other participants to limit discussion to the agenda of the first two days.³⁰⁸

March 17, 1998: South Korea announces that North Korea has agreed to resume bilateral negotiations between the two countries. This news is then refuted by North Korea's chief negotiator Ri Gun who assures that he does not have the authority to make such an offer at the Geneva talks. South Korea then explains they might have misunderstood what Ri Gun had said, or that his comments might have been subject to potential misinterpretation because of their nature.³⁰⁹

³⁰⁶ Agence France Presse, "Opening of Korea peace talks delayed," March 16, 1998.

³⁰⁷ Japan Economic Newswire, "China begins 2-way talks with N. Korea," March 17, 1998.

³⁰⁸ Japan Economic Newswire, "N. Korea demands withdrawal of U.S. troops from South Korea," March 17, 1998.

³⁰⁹ Agence France Presse, "Korean peace talks resume amid row over possible North-South dialogue," March 18, 1998.

March 18, 1998: Because of the tense situation following the misunderstanding of some of North Korea's comments, as well as the refusal by the United States to discuss troop removal from the Korean peninsula, China proposes an excursion to a farm in order to refocus the negotiations. The senior officials will be working together in the bus.³¹⁰

March 21, 1998: Chinese assistant foreign minister announces that the talks will end on Saturday regardless of whether an agreement is reached or not.³¹¹ North Korea says that it will not join further rounds of peace talks if the United States does not remove its troops from South Korea.³¹² South Korea, on its part, deplores the lack of an agreement through a unique comment coming from its chief delegate in Geneva.³¹³

March 23, 1998: North Korea, through the Korean Central News Agency, calls again for bilateral talks with the United States to resolve the troop issue, and mentions the Four-Party Talks as helping them understand that a normalization of the relationship with Washington should be achieved prior to subsequent rounds of multilateral talks.³¹⁴ A U.S. official says that North Korea's intransigence regarding its demands stood in the way of progress during the talks while North Korea places the fault on Washington's unwillingness to discuss the status of U.S. troops as well as the fact that other nations were allowed by Washington, and through the talks, to intervene in North Korea's internal affairs.³¹⁵

³¹⁰ CNN, "Korea peace talks get some fresh air," March 19, 1998.

³¹¹ BBC, "China's delegate at Korea talks says flexibility needed 'from all sides'," March 21, 1998.

³¹² AAP Newsfeed, "North Korea places future of peace talks in doubt," March 21, 1998.

³¹³ Agence France Presse, "North Korea steps up anti-US campaign after impasse on peace talks," March 22, 1998.

³¹⁴ Japan Economic Newswire, "N. Korea demands talks with U.S. before 40way talks," March 24, 1998.

³¹⁵ The Associated Press, "North Korea blames U.S for problems in four-way peace talks," March 24, 1998.

March 24, 1998: A South Korean official from the ministry of Foreign Affairs hints at North Korea's unwillingness to compromise at the meeting and its refusal to set a time for the next round if its demands were not met, and its seriousness regarding whether or not the four-way talks should continue.³¹⁶

ROUND 3

May 29, 1998: A joint report from the members of the Seoul forum and the Council on Foreign Relations express concerns that multilateral talks only end up providing North Korea food and do not solve the Korean peninsula division problem. The report also expresses caution in trying to push the North to collapse.³¹⁷

July 21, 1998: United States' former deputy assistant and Clinton appointee as special envoy to the Four-Party Talks Charles Kartman will meet with a senior Chinese foreign ministry official on July 27 and plan to call on China, South Korea and North Korea to resume the four-way talks. Following this visit, he will also meet with a senior South Korea official early in August in Hawaii.³¹⁸

August 13, 1998: North Korea and the United States will hold preparatory talks late in August to pave the way for future rounds of Four-Party Talks. The talks are supposed to continue intermittently in New York until August 25. The news is carried by Ri Gun, North Korea's deputy ambassador to the United Nations.³¹⁹

³¹⁶ BBC, "South Korean official assess North's strategy at Geneva four-way talks," March 24, 1998.

³¹⁷ BBC, "Koreas: South, U.S policy advisers express concern over four-way talks," May 29, 1998.

³¹⁸ Japan Economic Newswire, "U.S. to call for resuming Korean peace talks," July 21, 1998.

³¹⁹ Japan Economic Newswire, "U.S., N. Korean officials to meet in N.Y. August 21," August 13, 1998.

September 15, 1998: U.S. spokesman James Rubin announces that a third round of Four-Party Talks will be held in Geneva, and that a third missile talk between Washington and Pyongyang will also be held on October 1 in New York.³²⁰

September 24, 1998: Because South Korea is expected to assume the rotating chairmanship of the four-way talks, the South Korean government decides to appoint a more senior official, and chooses former Vice Foreign Minister Park Kun-Won as chief negotiator.³²¹ At the same time, Japanese Prime Minister Keizo Obuchi calls for Japanese participation in peninsula peace talks. Obuchi proposes such an approach to President Bill Clinton while in New York, and asks for Russia to join be allowed to join the talks as well.³²²

October 11, 1998: The North Korean spokesman for the Foreign Ministry, answering questions from the Korean Central News Agency, insists on the insincerity brought to the table by the United States, and calls again for a peace agreement between Pyongyang and Washington.³²³

October 14, 1998: South Korea's Foreign Affairs and Trade Minister Hong Sun-Yong says that South Korea will not prevent the issue of troop withdrawal from appearing on

³²⁰ BBC, "Four-Party Talks on Korea to be held in Geneva in October, U.S official says," September 16, 1998.

³²¹ Korea Times. "Park Kun-woo named Seoul's envoy for Four-Party Talks," September 24, 1998.

³²² Japan Economic Newswire, "Japan must join Korea peace talks, Obuchi says," September 24, 1998.

³²³ BBC, "North Korean foreign ministry spokesman on third four-way talks," October 12, 1998.

the Four-Party Talks agenda, but also adds that such discussion should take place after a peace agreement about the Korean peninsula is reached.³²⁴

October 19, 1998: North Korea denounces a U.S.-R.O.K. military exercise launched from Japan which simulates a North Korean ballistic missile launch that should take place from October 24 to November 2, the day when the third round of Four-Party Talks should open.³²⁵

October 20, 1998: The Four-Party Talks start in Geneva with Kim Gye-Gwan representing North Korea, Charles Kartman for the United States, Park Kun-Woo for South Korea and Qian Yongnian for China. South Korea proposes the creation of two subcommittees and Ambassador Park also calls for more regular Four-Party Talks (every three months). The European Union also urges participants to adopt a constructive approach during the talks.³²⁶

October 24, 1998: The talks, ending a day earlier than scheduled, produce an agreement to meet for a subsequent round from January 18 to January 22, 1999. The parties agree to set up two subcommittees to discuss tension reduction even though North Korea appears to have been tough on the issues of the subcommittees.³²⁷ China is apparently thinking that the subcommittees' creation will solve a lot of organizational problems, and it

³²⁴ BBC, "South's foreign minister comments on agenda for forthcoming talks," October 14, 1998.

³²⁵ Xinhua News Agency, "DPRK condemns USA, South Korean joint military exercise," October 19, 1998.

³²⁶ Korea Times, "Seoul calls for formation of 2 subcommittees for peace talk," October 21, 1998.

³²⁷ Xinhua News Agency, "Four-party talks move one step forward toward peace," October 24, 1998.

welcomes the positive endings to the talks.³²⁸ At the same time, South Korean Foreign Affairs and Trade Minister announces that South Korea will pursue the idea of Six-Party Talks independently from the Four-Party Talk mechanism, despite China and the United States' negative reaction to the idea.³²⁹

ROUND 4

January 11, 1999: South Korea and the United States hold a preparatory meeting in Washington to coordinate their policies regarding the upcoming four-way talks.³³⁰

January 15, 1999: Seoul plans to share with North Korea its intention to exchange information on military exercises as well as to open a military hotline in order to reduce tensions over the peninsula. The plans stem from a U.S.-R.O.K. initiative. Discussions of economic package deals towards North Korea are likely to arise as well.³³¹

January 18, 1999: After South Korea holds bilateral talks with the United States and China, the Four-Party Talks begin. Parties agree to subcommittee meetings for the five days of talks. Lower-ranking diplomats for each country represent their countries during the talks aimed at arranging the subcommittees.³³² North Korea is chairing the meeting for the first time.³³³ At the end of the first day of talks, Ri Gun, the deputy head of the

³²⁸ BBC, "Agreement reached on subcommittees at Korean talks – Chinese report," October 25, 1998.

³²⁹ BBC, "South Korea to pursue six nation talks separate from Four-Party Talks," October 24, 1998.

³³⁰ Malaysia General News, "Seoul, Washington to meet on preparations for Geneva four-way talks," January 4, 1999.

³³¹ BBC, "South Korea to propose inter-Korean military hotline during Geneva talks," January 15, 1999.

³³² BBC, "Koreas: participants to four-way Geneva talks agree to schedule of meetings," January 19, 1999.

³³³ The Australian, "N. Korea chairs 4-way dialogue," January 20, 1999.

North Korea delegation, reports that the United States and South Korea should not try to undermine the peace talks through some “incident”, warning that such a behavior could have serious consequences for the peninsula.³³⁴ North Korea seems to be referring to the abduction of Kim Gyong-Pil Berlin-based North Korea diplomat, by the United States and South Korea.³³⁵

January 22, 1999: Four-way talks end with no specific agreements besides the promise of meeting again. The United States and China, though acknowledging that meeting again is a highly positive sign, warn not to expect quick progress regarding peace on the peninsula any time soon.³³⁶ In a joint statement, the four parties announce their intention to meet again in April, having reached compromise on procedure guidelines during the third round.³³⁷

ROUND 5

March 17, 1999: A ten U.S.-member delegation meets with South Korean officials to discuss its strategy regarding the fifth round of Four-Party Talks.³³⁸

March 30, 1999: North Korea asks that the Four-Party Talks that are set to start on April 12th be pushed back by ten days to two weeks. The request is made to accommodate the celebration of former North Korean leader Kim Il-Sung’s birthday.³³⁹

³³⁴ BBC, “North Korean official warns defection will have serious impact on talks,” January 21, 1999.

³³⁵ Korea Times, “N.K. diplomat’s kidnapping mars 4-way talks,” January 21, 1999.

³³⁶ Agence France Presse, “China says Geneva talks made progress, wide differences remain,” January 22, 1999.

³³⁷ BBC, “Korean four-way talks end: to resume in April,” January 23, 1999.

³³⁸ BBC, “South Korean, US officials discuss plans for Four-Party Talks,” March 17, 1999.

³³⁹ Japan Economic Newswire, “N. Korea requests postponement of 4-party peace talks,” March 30, 1999,

April 6, 1999: The working group composed of South Korea, the United States and China agrees during a meeting to postpone the Four-Party Talks and resume them later at the request of North Korea.³⁴⁰ At the same time, the South Korea ministry of Foreign Affairs and Trade dismisses media reports that it would place the issue of U.S. troops on the table during the upcoming talks.³⁴¹ Such an allegation had been made following President Kim Dae-Jung's comments regarding the status of U.S. troops on the Korean peninsula.³⁴²

April 20, 1999: North Korea insists that the status of U.S. troops should be discussed at the Four-Party Talks.³⁴³ North Korea also blames South Korea for blocking progress at the peace talks³⁴⁴.

April 24, 1999: The United States, South Korea and Japan are meeting in Hawaii to coordinate their North Korean foreign policies just as the Perry report is about to be released.³⁴⁵ At the opening of the talks, North Korea addresses the issues of U.S. troops in its keynote speech. South Korea says it will make less controversial proposals first, such as establishing a military hotline.³⁴⁶

³⁴⁰ Japan Economic Newswire, "4-way Korean peace talks to be held in April," April 6, 1999.

³⁴¹ BBC, "Official denies US troops issue is Four-Party Talks topic," April 7, 1999.

³⁴² The Korea Herald, "President's remarks on U.S. troops embarrass working-level diplomats," April 8, 1999.

³⁴³ Agence France Presse, "North Korea says US troops pullout should be raised at peace talks," April 20, 1999.

³⁴⁴ Agence France Presse, "N. Korea accuses South of blocking peace talks," April 21, 1999.

³⁴⁵ The Korea Herald, "Seoul, Washington Tokyo to meet in Hawaii for N.K. policy talks," April 17, 1999.

³⁴⁶ BBC, "Koreas: delegates at Four-Party Talks to convene subcommittee meetings," April 25, 1999.

April 26, 1999: President Kim Dae-Jung is reportedly trying to include Russia and Japan in a new six-party talk format.³⁴⁷ During the subcommittee at the Four-Party Talks, North Korea insists on a peace treaty with the U.S. while South Korea and the U.S. insist on a peace treaty between the Koreans.³⁴⁸ At the end of the talks, all parties communicate in a joint statement that they will meet again in August. The next round is designed to fashion ways to reduce tensions.³⁴⁹ The talks do not discuss a Swiss proposal to create a humanitarian corridor to send aid to North Korea and host an international meeting to reduce tensions on the peninsula.³⁵⁰

April 29, 1999: China, commenting on the four-way talks, views historical reasons as the reason for the lack of progress regarding a resolution on the peninsula.³⁵¹ North Korea comments on the talks, saying that no real progress has been made, and that not discussing the troops' status was a mistake.³⁵²

ROUND 6

July 14, 1999: The media announces that the next round of Four-Party Talks will take place on August 5, with preparatory meetings on August 4. Two subcommittees, one on reducing tensions and the other on establishing peace will take place on August 6 and 7.³⁵³

³⁴⁷ Malaysia General News, "S. Korean president hopes Russia joins Korean peace talks," April 26, 1999.

³⁴⁸ Japan Economic Newswire, "Korean peace talks subcommittee fails to make progress," April 26, 1999.

³⁴⁹ Xinhua News Agency, "Fifth round of four-party talks on Korean peninsula ends in Geneva," April 27, 1999.

³⁵⁰ BBC, "Korea: no 'major progress' at subcommittee meetings in Geneva," April 27, 1999.

³⁵¹ Japan Economic Newswire, "History to blame for little progress in Korea talks," April 29, 1999.

³⁵² Agence France Presse, "N. Korea says peace talks waste of time if it excludes US troop withdrawal," April 29, 1999.

³⁵³ Japan Economic Newswire, "4-party talks to resume in Geneva on August 5th," July 14, 1999.

July 19, 1999: A South Korea foreign affairs and trade official says that South Korea will not raise any inter-Korea issue at the Four-Party Talks.³⁵⁴

July 31, 1999: North Korea refuses an invitation from William Perry to North Korean First Vice Minister for Foreign Affairs Kang Sok-Ju to talk about the new U.S. approach to Pyongyang. No reasons are given for the refusal.³⁵⁵

August 5, 1999: After the first day of talks, parties share little hope that anything will be achieved. Bilateral meetings regarding missiles between the United States and North Korea do not bring any agreement, as both sides stay wedded to their position.³⁵⁶ However, reports of constructive talks during the four-way talks lend hope for bilateral diplomatic relationships between the United States and North Korea.³⁵⁷

August 6, 1999: North Korea shows some flexibility about discussing which parties should sign a potential peace treaty. However, North Korea insists that measures presented regarding the confidence-building aspect of the talks are not helpful. At the same time, North Korea's chief negotiator states that Pyongyang will never recognize the Northern Limit Line in the West Sea.³⁵⁸

³⁵⁴ BBC, "South Korea hopes to discuss content of treaty at Four-Party Talks," July 19, 1999.

³⁵⁵ Japan Economic Newswire, "N. Korea refuses Perry's invite for Washington talks," July 31, 1999.

³⁵⁶ Agence France Presse, "No progress on missile tension as new Korean peace talks being," August 5, 1999.

³⁵⁷ BBC, "South agency cites US spokesman on Geneva talks with North Korea," August 6, 1999.

³⁵⁸ BBC, "Korean talks meetings to reconvene August 7th," August 7, 1999.

August 8, 1999: The round of talks ends with North Korea refusing to agree on a subsequent date for talks.³⁵⁹ Pyongyang insists that it will only come back to the negotiation table if two key issues are included in the agenda.³⁶⁰

December 17, 1999: The United States and South Korea express the view that Four-Party Talks should reconvene once North Korea and the United States have made progress in bilateral talks.³⁶¹

3. Discussion

The Four-Party Talks represent the first attempt to achieve security over the Korean peninsula by using multilateral channels. For several years prior to the beginning of the talks, attempts at reaching a compromise on how the Korean War should officially end did not come to fruition, most likely because of the lack of proper diplomatic relations between the different parties, as well as because of different degrees of involvement in the situation from important actors. The key problem is still to determine which parties are involved in the Korean Armistice, and whether the issue of United States army personnel should be solved by bilateral talks between Pyongyang and Washington, or whether a normalization of the relationship between Pyongyang and Seoul should come first, to then allow American troops to disengage themselves from the peninsula. The Four-Party Talks are also the first continuous efforts by China, the United States, North Korea and South Korea to put together a framework for dialogue, as well as

³⁵⁹ The Associated Press, "Korea peace talks end with gaps as wide as ever," August 9, 1999.

³⁶⁰ Agence France Presse, "Korean peace talks end with no date for new round," August 9, 1999.

³⁶¹ Korea Times, "4-party meeting to be postponed due to US-NK talks," December 17, 1999.

create an official forum for parties to improve each other's understanding of what the Korean situation means to each of them.

Out of the six rounds that took place from 1996 to 1999, only Round 3 and Round 5 can really be labeled as having achieved some progress. The early rounds of negotiation, namely Round 1 and Round 2, were plagued by recurring North Korean requests for money in order in exchange for participating in to the talks. Before those initial rounds of talks even started, several meetings, or "pre-talks" had to be put in place, and North Korea's numerous demands regarding food and economic aid had to be negotiated on in order to see the outline of a potential four-party meeting on the horizon. To this extent, North Korea can be considered to have been rather skillful, and to have taken opportunities to win some benefits even before the negotiation started. Thus, hypothesis 2D is supported, at least regarding North Korea's attitude and success towards getting benefits even before any talks started. However, neither North Korea, nor the other parties involved in the talks received any substantial benefits during the actual rounds of negotiations other than continuing dialogue regarding the security of the peninsula; some talk is still better than no talk. We could consider that for North Korea being able to delay any potential change in the Korean peninsula, such as reunification by the South (implying the collapse or takeover of the North Korea regime) was beneficial. To this extent, the negotiations involving the different parties and North Korea can be seen as a zero-sum game.

Now looking further into the notion of gains and the notion of success in getting certain gains, the Four-Party Talks also show that North Korea responds better to incentives that are tied to low-politics matters instead of high-politics. One of the main

problems of talks was to separate different issues in order to make them more acceptable for debate. The agenda set up for the talks during the first round only consisted in building a framework and a set of rules specific to the talks, and did not delve into more subsequent issues regarding the Korean peninsula. The third round also saw more success in the talks, as the creation of subcommittees to be set for further talks was also agreed on. But in the end, the only matters that were agreed on by all parties, including North Korea, regarded setting up new rounds of talks. Thus, hypothesis 1B can be supported, since North Korea did not block agreement on the more trivial low politics issues, but did put on a confronting posture and refuse certain agreements and other matters pertaining to the political situation on the Korean peninsula such as the American presence on the peninsula

However, it is very hard to identify other particular North Korean negotiation behaviors during the Four-Party Talks. The talks did not really get to a level where real exchange and negotiating strategies were being used. It is nevertheless possible to uphold hypothesis 1A regarding the importance of face-value when negotiating. In this case, high-level officials were involved in the discussion. Furthermore, Thomas Hubbard was part of the negotiating teams that tried to persuade North Korea to join the negotiation table. South Korea decided to appoint more senior diplomats during the Third Round of talks. Moreover, North Korea strayed from its strategy of using the same negotiator as Kim Gye-Gwan was not the main negotiator for the second round, but came back as the main interlocutor for the third. The interlocutor for the second round, Ri Gun seemed not to have had enough power to decide on some decisions, as he stated that he did not have the authority to announce that the two Koreas would resume bilateral relations. This

incident also suggests a potential dissolution or tensions among the North Korean teams, and it leads us to wonder whether hypothesis 2A can also be considered valid. It seems that North Korea did not have enough cohesion among its team to have a clear line of command and direct negotiations the way it usually does. The fact that Kim Gye-Gwan resumed his position as the leader of the North Korean negotiation team for round 3 might mean that the North Korean command believed in him more than in Ri Gun who was the U.N. North Korean ambassador, and who belonged to the 'New York' channel of diplomatic relations, and therefore was perhaps not as close to the Pyongyang line of command. We cannot necessarily reject or validate hypothesis 2A because those negotiations did not really yield any benefits for any of the parties. We can determine, however, that when a potential unity of voices and clear cohesion within the negotiation teams is lacking, negotiations are hindered.

Finally, it is interesting to analyze the linkage between the Four-Party Talks and other crises that developed in the Korean peninsula at that time. The issue of the Agreed Framework does not seem to have been brought up as a leverage point by the different. There is no mention of the agreement during the negotiation episodes. Moreover, other diplomatic crises, such as the incursion in 1996 of a North Korean submarine in the South Korean waters, were not used by the United States as a catalyst to force North Korea to join the talk, or as leverage to push North Korea to accept an agreement. On the contrary, the submarine incident merely delayed the talks by a few months as North Korea refused to apologize for the incursion and defined the United States' appeal for an apology as a revocation of the talks. Finally, the pressing issue of the Japanese abductees was not used as negotiation bait by any of the parties. This leads us to conclude that the Four-Party

Talks can be considered as quite isolated from other incidents and crises, and that hypothesis 3A that argues that a larger crisis can act as a pacifier for a negotiation episode should be rejected.

The most important significance of the Four-Party Talks can be found in the discussion and creation of subcommittees set up to facilitate negotiations among the different parties. The creation of subcommittees was a way to address smaller, more isolated incidents so that outcomes could more easily be achieved. In a sense, those smaller incidents could be considered similar to stand-alone crises.

b. “Trilateral Talks”.

1. The Premises

The failure of the 1996-2000 Four-Party Talks to reach a peaceful agreement over the Korean peninsula left the whole region rather unstable. President Clinton was poised to visit North Korea for what would have been a historical trip, but the process fell apart after Secretary of State Madeleine Albright's visit to Pyongyang in 2000. The United States then welcome a new president as well as a new outlook on security and especially on the Korean peninsula, as George W. Bush took the reigns of power in 2001.

The September 2001 terrorist attacks and the subsequent January 2002 "Axis of Evil" speech led to North Korea being openly characterized as a villain. Moreover, the nuclear situation over the Korean peninsula came to a new climax in October 2002 when North Korea openly acknowledged that it had been enriching uranium despite the fact that such action was violating the 1994 Agreed Framework. North Korea withdrew from

the Non Proliferation Treaty in January 2003, and it was obvious that a dialogue between the United States and North Korea was much needed. China decided to take the lead and bring the parties to a negotiation table in order to jumpstart the dialogue, and potentially a peace process as well. Efforts to enlarge the number of parties failed in the sense that South Korea and Japan did not join the table. However, China did, and the negotiations took place in April 2003 in Beijing.

2. Case Timeline

April 17, 2003: News that talks between the United States and North Korea have begun with China playing the role of a mediator, only three days after the fall of Baghdad. China's importance in the planning of the negotiations becomes apparent and presents a good compromise between the United States' call for multilateral negotiations and North Korea's demand for bilateral ones.³⁶² Officials in South Korea, however, are disappointed that the United States gave in to North Korea's demand to exclude Seoul. A security adviser to President Roh highlights the fact that the negotiations are an effort to save face for the U.S. and North Korea.³⁶³ The United States does appear ready to consult with Japan and South Korea according to Japan's Vice Foreign Minister Toshimistu Motegi.³⁶⁴

³⁶² Financial Times, "U.S. to hold talks with North Korea over nuclear program. China to act as mediator," April 17, 2003.

³⁶³ South China Morning Post, "South Dismayed over exclusion from meeting; officials recognize that the solution saves face, but hope for a more active role soon," April 17, 2003.

³⁶⁴ *Ibid.*

April 18, 2003: Japanese Prime Minister Koizumi calls President Bush to try to seek the inclusion of Japan in the upcoming talks.³⁶⁵ The U.S. gives credit to China for its role in influencing North Korea's decision to join the talks noting that "it appeared that pressure exerted by China had compelled the North Koreans to change their position".³⁶⁶ To everyone's surprise, North Korean K.C.N. news agency releases a statement saying that North Korea was successfully reprocessing more than 8,000 spent fuel rods.³⁶⁷

April 22, 2003: American envoys arrive in Beijing after more than six months of stalled diplomatic process. The first negotiations are scheduled to start on Wednesday morning, and should continue until Friday. The U.S. delegation is headed by Assistant Secretary of State for Asia and Pacific Affairs James Kelly.³⁶⁸ The North Korean foreign ministry declares, however, that China will only act as a host during the negotiations.³⁶⁹

April 26, 2003: Word starts to spread that North Korea has told the United States it possesses nuclear weapons, and that it might be exporting them to high bidders.³⁷⁰

April 27, 2003: U.S. President Bush and Chinese President Hu have a phone conversation regarding the Korean peninsula. At the same time, sources reveal that North Korea had already told the United States in March during a regular United Nations meeting about its nuclear weapons, but that the State Department determined there was a translation

³⁶⁵ The Daily Yomiuri, "Government welcomes resumption of North Korea dialogue," April 18, 2003.

³⁶⁶ South China Morning Post, "Diplomatic coup", April 18th, 2003.

³⁶⁷ KCNA, "Spokesman for DPRK Foreign Military in expected DPRK-US talks," April 18, 2003.

³⁶⁸ The Houston Chronicle, "U.S. envoys in China for North Korean talks," April 23, 2003.

³⁶⁹ South China Morning Post, "In setting up the meeting, China has gone out on a diplomatic limb; the gathering will show how ready the nation is to help solve regional problems," April 23, 2003

³⁷⁰ The Daily Telegraph, "Time for North Korea," April 26, 2003.

mistake, and therefore did not give much credit to the news. It did not, at any rate, share it with the public. The news is reiterated at the summit in Beijing.³⁷¹ China, however, claims that North Korea did not reveal that it had nuclear weapons in the way the United States was publicizing it.³⁷²

April 29, 2003: North Korea offers to abandon its nuclear weapons program, stop exporting its missiles, and allow foreign inspectors to return in exchange for a pledge of non-aggression from the United States. Colin Powell responds that the U.S. is looking at the proposal.³⁷³

April 30, 2003: The White House declares it will not give any economic incentives in exchange for accepting North Korea's offer: Ari Fleischer, the President's spokesman, says that North Korea will not be rewarded for "bad behavior". North Korea maintains that the United States is not being truthful when saying there will not be any reward to North Korea for giving up its nuclear program. The U.S. apparently declines the North Korean offer as a rift develops Colin Powell who is in favor of continuing the diplomatic effort, and Donald Rumsfeld who opposes a continuation under these circumstances.³⁷⁴

The North Korean negotiation package calls for security guarantees from the United States, the lifting of economic sanctions, the provision of food and fuel deliveries as well

³⁷¹ The Washington Post, "U.S. officials spar over North Korea; State Department says nuclear claim 'was shared appropriately,'" April 27, 2003

³⁷² The Straits Times, "A weak hand for Kim in a high stakes nuclear game," May 1, 2003.

³⁷³ The Guardian, "North Korea offers new peace deal: U.S. to study nuclear weapons proposal," April 29, 2003.

³⁷⁴ The Guardian, "U.S. reject weapons offer from Korea: White House 'will not give rewards for bad behavior'," April 30, 2003.

as aid from South Korea and economic relief from Japan as compensation for the 1910-1945 Japanese occupation of Korea.³⁷⁵

May 1, 2003: Despite different views regarding how to reach an agreement, the United States and North Korea agree to keep up the dialogue regarding the nuclear situation.³⁷⁶

May 6, 2003: During a meeting with Australian Prime minister John Howard, President Bush outlines a new strategy to deal with North Korea. The strategy calls for accepting that North Korea has nuclear weapons, but working on preventing Pyongyang from selling them abroad.³⁷⁷ The Bush administration tries a new two-track approach that combines new meetings along with pressuring North Korea on the export of illegal drugs, counterfeiting and missile sales.³⁷⁸

May 25, 2003: The United States and Japan warn North Korea against escalating the nuclear situation during Prime Minister Koizumi's visit to Bush's Crawford ranch.³⁷⁹

July 22, 2003: Chinese President Hu Jintao sends letters to both North Korea and the United States, pleading them to get back to the negotiation table.³⁸⁰

³⁷⁵ The Irish Times, "Dilemma for U.S. as North Korea offers to scrap nuclear plans," April 30, 2003.

³⁷⁶ South China Morning Post, "North Korean talks: a tangled web of interests," May 1, 2003.

³⁷⁷ The Guardian, "White House retracts on North Korea nuclear weapons," May 6, 2003.

³⁷⁸ The Washington Post, "Plan for North Korea will mix diplomacy and pressure," May 7, 2003.

³⁷⁹ The Daily Yomiuri, "Japan ups pressure on North Korea," May 25, 2003.

³⁸⁰ London Edition, "N. Korea calls again for US security guarantee nuclear weapons program," July 22, 2003.

3. Discussion

The Trilateral Talks are an important milestone in the history of the negotiation relationship between the United States and Kim Jong-Il as they are the first official talks following the election of George W. Bush to the White House. The political climate of the talks could not be separated from other international events since the talks happened only a few weeks after the fall of Baghdad. Moreover, North Korea had announced earlier in January 2003 that it was withdrawing from the Non-Proliferation Treaty as it had decided to go on with reprocessing plutonium at the Yongbyon site, hence adding uncertainty to the nuclear situation over the Korean peninsula.

The talks were trilateral despite the interests of other states with a stake in the conflict. As such, China played the role of finding a compromise between North Korea's call for one-on-one negotiations with the United States and Washington's desire for a multilateral approach. North Korea had long been bypassing Seoul when it came to negotiations, and had been pursuing Washington in the hope of having bilateral talks. North Korea's insistence on bilateral relations probably is an outgrowth of North Korea's understanding of the Armistice to the Korean War. North Korea understands the Armistice as involving Pyongyang and the United States since Washington was headed the United Nations' mission that led the war effort. However, because the United Nations' mission force although led by the United States, was composed of several countries, American politicians understood the Armistice as being between North Korea and the United Nations. Thus, North Korea understands the relationship as being a bilateral one, while Washington sees it as a multilateral one. A multilateral approach may also help the U.S. to avoid being too confrontational and concessionary.

The Trilateral Talks, though not being what Washington had hoped for when considering the prospect of talks with North Korea, were nevertheless considered important since they were the first encounter of the Bush administration with North Korea. They were also highly important to the War on Terror because of North Korea's presumed active role in selling chemical and nuclear weapons to groups identified as terrorist groups by the United States.

Negotiations regarding the setting for the talks and who the participants would be were conducted by country leaders, with strong and constant discussions taking place among President Bush, President Roh, Prime Minister Koizumi, and Chinese President Hu. Japan's insistence on being included in the talks along with South Korea's disappointment that Pyongyang refused to include Seoul in the talks left China more in the position of a host than as a real participant. The U.S. mission to Beijing was led by Assistant Secretary of State for Asia and Pacific Affairs James Kelly, while the North Korean delegation was led, as usual, by Vice Foreign Minister Kim, who had already acted in several negotiations instances during the Clinton Administration. Thus, high-level officials were present. There was also considerable preparation that went into the talks. Several phone calls took place between President Bush and President Hu prior to the beginning of the talks, and high U.S. officials were involved along with Secretary of State Colin Powell and Donald Rumsfeld. Thus, conditions pertaining to hypothesis 1A are valid, since high level officials have been involved with the process since its inception, and North Korea did not negotiate its own participation in the talks, but rather negotiated on excluding other parties from the discussion. Hypothesis 1B is also valid by default as most of the discussion during the Trilateral Talks was focused on extremely

high-politics issues such as North Korea's nuclear program, the possibility of changing the Armistice into a more permanent peace treaty, and North Korea's trying to secure a non-aggression treaty with the United States.

The Trilateral Talks, however, mark the beginning of an unsettling trend within the U.S. Administration. This trend will influence subsequent negotiations during the Six-Party Talks: the Bush Administration appeared divided on the issue of how to deal with North Korea, and separated into right-wingers weary of North Korea's intention by still willing to engage Pyongyang to some extents (those are called "Dove" by Victor Cha), and ultra right-wingers wanting to use much more than only sticks (those are called "Hawks" by Cha)³⁸¹. Hypothesis 2A, regarding the unity of teams, can here be applied to the United States. The North Korean team seems to have stayed fairly constant in its composition and in its demand. However, the United States' team was divided between hawks and doves, with Colin Powell leaning towards a dovish engagement and Donald Rumsfeld being on the side of the hawks who were taking a hard-line approach. This division seems to have stemmed from the lack of trust between President Bush and Colin Powell, and transported itself through the American negotiation team up to its leader. James Kelly did not have any leeway in negotiating with North Korea. Thus followed a distrust of Kelly by the North Korea negotiation team. Subsequently no agreement was reached at the end of the talks.

The Trilateral Talks, however, do not reveal any more strategic moves led by North Korea, nor do they show any advantage Pyongyang might have gleaned through its regular negotiation tactics. No agreement was reached, even though North Korea

³⁸¹ Victor Cha, "Hawk Engagement and Preventive Defense on the Korean Peninsula," *International Security* 27, no. 1 (2002).

asked for security guarantees from the United States, as well as the lifting of economic sanctions and the provision of food and fuel. At the same time though, while North Korea did not receive any tangible gains from the negotiations, it did not get hurt either. The United States did not enact harsher sanctions despite Pyongyang's disclosure that it had indeed violated the Agreed Framework by developing nuclear weapons. At best, the talks provided a springboard for China to get more involved in the situation and use its diplomatic efforts to bring parties closer. Hypothesis 3A can also be refuted, as regulations regarding the Agreed Framework were not being brought up on North Korea for having violated the accord.

Thus, one can consider the Trilateral Talks as being a new phase in the negotiation relationship between the United States and North Korea. It fulfilled a desire by the United States to engage into multilateral negotiations instead of solving crises bilaterally. It also brought China in as a player. Most of the negotiations between Pyongyang and Washington since the initiation of the Trilateral Talks have been through multilateral channels, the most successful of them being the Six-Party Talks. This new U.S. approach has thus stayed true to what President Bush disclosed to Australian Prime Minister John Howard during their May 2003 meeting, namely that the United States would accept that North Korea has nuclear weapons and would not punish Pyongyang for having them, but would instead work on the premise that North Korea is a nuclear state, and try to prevent it from spreading those weapons beyond North Korea's borders.

c. “Six-Party Talks”.

1. The Premises

The 2003 Trilateral Talks between the United States, North Korea and China was an attempt to restart the dialogue between Washington and Pyongyang after more than three years without any contact, following the 2001 terrorist attacks in New York city as well as North Korea's pulling out of the N.P.T. treaty.

The United States started to understand China as being a valuable partner, in the sense that it could influence North Korea to come to the negotiation table, as well as pressure Pyongyang to a certain extent. The Trilateral Talks led to the opening of a more comfortable framework of negotiations that sought to be comprehensive. Thus, the idea of a Six-Party Talks that would include the United States, North Korea, South Korea, China, Russia and Japan was a logical continuation of the work achieved during the Trilateral Talks. It also managed to answer Japan and South Korea's desire not to be bypassed when it came to the matter of Northeast Asia's security.

Following North Korea's withdrawal from the N.P.T as well as its declaration in 2003 that it had nuclear weapons, parties wanted to discuss a potential nuclear-free peninsula. However, once at the negotiation table, parties found it hard to restrain the talk to only matters of nuclear weapons and nuclear energy, and domestic interests as well as old rivalry often took the upper-hand during the talks. Finally, a historical, but short-lived accord was finally signed on September 19, 2005, providing for a nuclear-free peninsula along the very similar lines of the defunct 1994 Agreed Framework.

2. Case Timeline

ROUND 1

September 2, 2002: The press reports that Kim Jong-Il and Prime Minister Koizumi will meet on September 17 to discuss the possibility of a six-party summit.³⁸² The report is rebuffed by the South Korea Foreign Ministry the same day.³⁸³

September 18, 2002: Russian president Vladimir Putin tells Prime Minister Koizumi over the phone that he will support a proposal for Six-Party Talks. Koizumi confirms that he talked to Kim Jong-Il on September 17 regarding the potential meetings, and that he “achieved as much as could have been expected”.³⁸⁴

August 1, 2003: North Korea accepts to take part in the six-country talks. The news reaches George W. Bush through President Hu Jintao. At the same time in Tokyo, John Bolton, the U.S. Undersecretary of State for Arms Control describes Kim Jong-Il as a dictator, blackmailer and extortionist.³⁸⁵

August 3, 2003: North Korea states it will not have any dialogue with John Bolton but that it will still participate in the Six-Party Talks.³⁸⁶

³⁸² Malaysia General News, “Koizumi, Kim ji to Discuss possibility of six-way talks.” September 2, 2002.

³⁸³ BBC, “Seoul government snubs Japanese press report on six0way talks.” September 2, 2002.

³⁸⁴ Japan Economic Newswire, “Putin backs 6-way talks propose din Koizumi-Kim summit.” September 18, 2002.

³⁸⁵ Ottawa Citizen, “North Korea agrees to broaden talks: six country will now discuss nuclear crisis,” August 1, 2003.

³⁸⁶ The Independent, “Anger over remarks by hawkish U.S envoy,” August 4, 2003.

August 18, 2003: Japanese ambassador to Russia Nomura Issei and Russian foreign deputy Alexander Losyukov hold consultations in Moscow about the status of the Korean peninsula.³⁸⁷ Prior to the start of the negotiations, Losyukov assesses that chances to reach an agreement at the talks are very weak.³⁸⁸

August 25, 2003: Wang Yi, head of the Chinese delegation, holds individual pre-conferences with Alexander Losyukov, James Kelly, Yi Su-hyok and Mitohi Yubanaka, heads of the Russian, American, South Korean and Japanese delegations.³⁸⁹

August 27, 2003: Talks open in Beijing and parties are seated around hexagonal tables and by alphabetical order.³⁹⁰ During an informal bilateral exchange with Pyongyang, James Kelly promises North Korea that the United States has no intention of invading North Korea, reiterating instead Washington's will to see a termination of North Korea's nuclear weapons program.³⁹¹ However, Washington plays down the significance of the bilateral meeting with North Korea.³⁹² The United States stresses the importance of North Korea dismantling its nuclear weapons first. North Korea, sitting next to the United States at the negotiation table, insists on having Washington sign a legally binding treaty of nonaggression. North Korea also reminds the United States not to obstruct its trade with other countries. Japan asks North Korea to settle the issue of missile testing as well

³⁸⁷ World News Connection, "Russian deputy fm 'discreetly optimistic' about Six-Party Talks," August 25, 2003.

³⁸⁸ BBC, "Chances of success at Korea talks 'very weak' – Russian diplomat," August 25, 2003.

³⁸⁹ World News Connections, "Vice FM Wang Yi meets separately with Russia, US, DPRK, ROK JAPAN chief negotiators," August 26, 2003.

³⁹⁰ Xinhua General News Service, "Handshakes and smiling faces kick off six-way talks by Yu Zheng," August 27, 2003.

³⁹¹ Japan Economic Newswire, "U.S. states no intention to invade N. Korea at 6-way talks," August 27, 2003.

³⁹² Global News Wire, "U.S-DPRK face off in second day of Six-Party Talks," August 28, 2003.

as the abductees' issue³⁹³, but North Korea insists that Japan broke its promise to send back five abductees who had been granted permission to visit Japan to be reunited with their families.³⁹⁴

August 28, 2003: After general meetings in the morning, parties break into groups in the afternoon and hold bilateral meetings.³⁹⁵ North Korea meets with Japan, and both parties discuss nuclear arms issues as well as the abductees' issue.³⁹⁶ U.S. envoy James Kelly reportedly leaves the venue of the talk more than two hours earlier than the North Korean negotiators will.³⁹⁷ North Korea reportedly presents a proposal that states it would give up its nuclear ambition in return for fuel supplies, and in exchange for building the reactors that were promised by the Agreed Framework.³⁹⁸ The proposal presents four points: that the U.S. signs a non-aggression treaty, that North Korea receives guarantees of economic aid from Japan and Korea, the completion of the Agreed Framework terms, and finally that North Korea would in return not manufacture nuclear weapons anymore.³⁹⁹ North Korea holds meetings with South Korea and because of translation difficulties, Pyongyang asks for South Korea's help in explaining the United States' keynote speech.⁴⁰⁰ Finally, a U.S. official tells C.N.N. that a North Korean foreign minister had told the delegates that Pyongyang was considering declaring itself a nuclear

³⁹³ The Korea Herald, "U.S. N.K. locks horns in talks; Washington urges N.K. disarm, Pyongyang insists on nonaggression pact," August 28, 2003.

³⁹⁴ BBC, "Japan to continue forcefully pressing North Korea on abduction issue," August 28, 2003.

³⁹⁵ Xinhua General News Service, "ROK, DPRK held second bilateral contact: official," August 28, 2003.

³⁹⁶ Xinhua General News Service, "Japan, DPRK hold bilateral meeting," August 28, 2003.

³⁹⁷ Global News Wire, "U.S. envoy Kelly leaves venue of Six-Party Talks two hours ahead of North Koreans," August 28, 2003.

³⁹⁸ Global News Wire, "U.S.-DPRK face off in second day of Six-Party Talks," August 28, 2003.

³⁹⁹ BBC, "North Korea puts forward 'package of solutions' to nuclear crisis," August 29, 2003.

⁴⁰⁰ World News Connection, "DPRK meets ROK delegation, ask for explanation of US keynote speech," August 28, 2003.

power and testing nuclear weapons, meaning it had the capacity to deliver such weapons.⁴⁰¹ Apparently, North Korea's Deputy Foreign Minister Kim Yong Il responded to Mr. Kelly's rejection of a nonaggression pact by saying that North Korea would formally declare that it has nuclear weapons.⁴⁰² North Korea considers the United States' call for North Korea to disarm first preposterous.⁴⁰³

August 29, 2003: During a State Department conference, State Department spokeswoman Jo-Anne Prokopowicz declares that the United States will not cede to blackmail in response to North Korea's threat to declare itself a nuclear power.⁴⁰⁴ The talks end with an agreement to meet again within two months but no date and no venue is set.⁴⁰⁵ China says that the parties have reached a six-point consensus: 1) a nuclear-free peninsula is desired, 2) parties agree to explore avenue to resolve the problem with reasonable and just means, 3) parties want to continue dialogue, 4) a peaceful means should be employed, 5) that negotiations should be free of damaging actions and 6) the Six-Party Talks should be held again.⁴⁰⁶ The White House cautions that it has not yet seen a written copy of what North Korea had said regarding nuclear weapons, and thus insists it does not consider North Korea's behavior as anything different from its usual blackmailing tactics⁴⁰⁷, but at some point during the negotiation, North Korea expresses doubts whether the talks should go on. Nevertheless, eventually all parties agree to go on with

⁴⁰¹ CNN, "North Korea threatens to declare itself a nuclear power," August 28, 2003.

⁴⁰² The New York Times, "North Korea says it may test an A-bomb," August 29, 2003

⁴⁰³ TASS, "Diplomatic channels to be used to set date for next round of talks," August 29, 2003.

⁴⁰⁴ Xinhua General News Service, "US will not give in to DPRK nuclear blackmail: State Department," August 29, 2003.

⁴⁰⁵ Xinhua General News Service, "US pleased about outcome of Six-Party Talks in Beijing," August 29, 2003.

⁴⁰⁶ Xinhua General News Service, "Six-point consensus reached at Talks: Vice FM," August 29, 2003.

⁴⁰⁷ The New York Times, "North Korea says it may test an A-bomb," August 29, 2003.

the dialogue.⁴⁰⁸ The Russian government says that at some point, a statement was to be released to the media regarding a potential date for the future talks, but problems still remained.⁴⁰⁹ South Korea appears satisfied with the talks and Seoul's vice foreign minister says delegates shared the view that a solution should be tackled through a package deal that would be dealt with simultaneously and gradually.⁴¹⁰ South Korea sets out to keep on furnishing economic aid to North Korea for compatriotism and humanitarianism.⁴¹¹ Japan appears satisfied with the talks, but expresses regret that the issue of the abductees could not be resolved.⁴¹² Japan also expresses its gratitude to the United States for raising the issue of the abductees.⁴¹³ The South Korean minister of foreign affairs and external trade is to visit Washington early in September to discuss the results of the Six-Party Talks with the United States.⁴¹⁴

ROUND 2

October 30, 2003: During a high-profile visit to North Korea by the Chinese leader of the Parliament, North Korea agrees to resume the Six-Party Talks.⁴¹⁵

December 27, 2003: North Korea apparently agrees to work with China to restart the six-party negotiations. A joint statement by the Chinese and North Korean government underlines the importance of a second round of talks.⁴¹⁶

⁴⁰⁸ TASS, "Nothing dramatic at Beijing talks – Losyukov," August 29, 2003.

⁴⁰⁹ TASS, "Chinese delegate makes final statement on Six-Party Talks – Losyukov," August 29, 2003.

⁴¹⁰ Global News Wire, "ROK's chief delegate: 'our intended goal was achieved' at Six-Party Talks," August 29, 2003.

⁴¹¹ BBC, "North Korea puts forward 'package of solutions' to nuclear crisis," August 29, 2003.

⁴¹² TASS, "Diplomatic channels to be used to set date for next round of talks," August 29, 2003.

⁴¹³ Japan Economic Newswire, "Kawaguchi thanks U.S. for raising abduction issue at 6-way talks," August 29, 2003.

⁴¹⁴ TASS, "South Korean minister to discuss 6-arty meeting results with US," August 29, 2003.

⁴¹⁵ Financial Times, "North Korea agrees to fresh talks on nuclear program," October 31, 2003.

February 24, 2004: On the eve of the second round of Six-Party Talks, Russia and China hold a consultation. Russia also holds separate consultations with North Korea and South Korea.⁴¹⁷ The two Koreas' consultation with Russia is a first in the history of bilateral pre-talk meetings.⁴¹⁸

February 25, 2004: The parties are seated around a hexagonal table and in alphabetical order, an arrangement similar to the previous round of Six-Party Talks.⁴¹⁹ The first morning of negotiations is going past the official adjourn time of 12:30 pm⁴²⁰. During the session, the issue of economic aid to North Korea is mentioned.⁴²¹ China is reportedly pushing the participants to issue a written statement at the conclusion of the talks, and to establish working groups. The talks do not have a fixed end date.⁴²² The United States, backed by South Korea and Japan, sticks to its hard line that it will not agree to detailed negotiations as long as Pyongyang does not commit to a complete, verifiable and irreversible dismantlement of its nuclear program.⁴²³ South Korea brings a three-step approach to the table. In step one, North Korea expresses its willingness to dismantle its program in exchange for other countries to stop threatening North Korea with their military arsenal. In step two, corresponding measures are taken by relevant countries,

⁴¹⁶ The Independent, "North Korea: push to restart six-country nuclear talks," December 27, 2003.

⁴¹⁷ BBC, "US delegate says consultation with Russia ahead of Six-Party Talks 'very fine'," February 24, 2004.

⁴¹⁸ BBC, "North, South Korean delegations to confer ahead of Six-Party Talks," February 24, 2004.

⁴¹⁹ Agence France Presse, "North Korea and the US seated next to each other in Six-Party Talks," February 24, 2004.

⁴²⁰ Yonhap, "First session of Six-Party Talks adjourns for lunch," February 25, 2004.

⁴²¹ Xinhua General News Service, "Issue of economic aid to DPRK 'mentioned' in Six-Party Talks, official," February 25, 2004.

⁴²² BBC, "Chinese official: all parties cite working group as crucial for Six-Party Talks," February 25, 2004.

⁴²³ The International Herald Tribune, "Avow nuclear plan, North Koreans told: allies set condition for 6-party talks," February 25, 2004.

mostly being incentive packages. In step three, other issues besides nuclear ones are negotiated.⁴²⁴

February 26, 2004: The South Korean offer of compensation is carefully reviewed during the talks, as step one and two are being discussed.⁴²⁵ However, after North Korea puts an offer of nuclear disarmament on the table, it accuses the United States of trying to block progress. North Korea's embassy in Seoul calls a press conference and lambastes Washington.⁴²⁶ The United States is apparently on the verge of leaving the talks, if North Korea does not make a move. North Korea apparently tries to retain a part of its nuclear activity as a peaceful capability. Russia is reportedly understanding of the North's position of not wanting to give up more than its nuclear defense program.⁴²⁷ The parties try to work on a draft of an agreement, and each party submits its own draft. The Chinese draft, however, does not include the full, irreversible, and verifiable elimination of North Korea's nuclear facilities.⁴²⁸

February 27, 2004: The parties agree to extend the talks by one day, in order to settle their differences. The six countries agree on a joint statement that is to be issued at the end of the talks, thus showing some form of consensus.⁴²⁹

⁴²⁴ Agence France Presse, "South Korea puts forward three-stage proposal as basis of Six-Party Talks," February 25, 2004.

⁴²⁵ BBC, "Six-Party Talks discuss South Korea's compensation offer," February 26, 2004.

⁴²⁶ Financial Times, "North Korea blames US for lack of progress," February 27, 2004

⁴²⁷ The Associated Press, "U.S. says it will stay until Six-Party Talks end; North Korea condemns 'hostile' U.S. policy," February 26, 2004.

⁴²⁸ TASS, "Delegations at the Six-Party Talks work on final document," February 27, 2004.

⁴²⁹ Financial Times, "N. Korea talks go to final day as six fail to find deal," February 28, 2004.

February 28, 2004: As the talks close, a final statement is issued, citing differences, but also the understanding of mutual positions, the willingness to coexist peacefully, plans for meeting again in Beijing no later than the end of the second quarter of 2004, and setting up a working group in preparation for the plenary. The parties thank China for its organization of the talks.⁴³⁰ After the talks, the United States expresses its interest in the unprecedented dialogue that has taken place and reasserts the need for the parties to agree to the complete, verifiable and irreversible dismantlement (coined ‘C.V.I.D.’) of North Korea’s nuclear weapons. The United States also recognizes the mood of the talks as being much more relaxed than during the previous rounds, and acknowledges China’s role as not only a participant, but as a mediator and facilitator.⁴³¹ The closing ceremony is delayed as North Korea was working on trying to include a last clause in the statement⁴³², however Japan and the United States refuse the proposal.⁴³³ China cites the difference as being only a wording question.⁴³⁴ Despite the fact that North Korea and the United States met twice for about an hour each time, China points out that strong differences still remain between them.⁴³⁵

⁴³⁰ Xinhua General News Service, “Full text of Chairman’s statement for the second round of Six-Party Talks,” February 28, 2004.

⁴³¹ BBC, “Senior US official on “very successful” Six-Party Talks on N. Korean nuclear issue,” February 28, 2004.

⁴³² BBC, “‘Official’ at Six-Party Talks says ‘different positions not being narrowed’,” February 28, 2004.

⁴³³ BBC, “Six-Party Talks end after ‘last minute wrangling’ over N. Korean demand,” February 28, 2004.

⁴³⁴ BBC, “Full text of news conference following end of Six-Party Talks in Chinese capital,” February 29, 2004.

⁴³⁵ Agence France Presse, “US-NKorea met twice on sidelines of Six-Party Talks,” February 28, 2004.

ROUND 3

March 26, 2004: Upon returning from a three-day trip to North Korea, Chinese Foreign Minister Li Zhaoxing announces that North Korea is ready for a new round of Six-Party Talks after Li talks for more than ninety minutes with Kim Jong-Il.⁴³⁶

April 6, 2004: China submits a draft regarding setting up work meetings for the Six-Party Talks, and the draft is accepted by all parties.⁴³⁷

April 26, 2004: Colin Powell pushes aside the idea that it will not be feasible to go ahead with Six-Party Talks before the November 2 American presidential elections.⁴³⁸

May 12, 2004: Working talks begin in Beijing. North Korea broaches the possibility of letting inspectors visit the nuclear facility as a first step towards dismantling the installation, after the United States demands C.V.I.D. North Korea, represented by Ri Gun, expresses its unchanged position on economic aid as compensation for allowing site inspection.⁴³⁹

May 27, 2004: South Korea expresses its pessimism about holding a third round of talks soon, mostly because of other diplomatic schedules that parties have to follow. It also

⁴³⁶ BBC, "North Korea leader agrees to new round of Six-Party Talks – China," March 26, 2004.

⁴³⁷ Xinhua General News Service, "Draft documents establishing Six-Party Talks working group accepted," April 6, 2004.

⁴³⁸ Japan Economic Newswire, "Progress in 6-party talks before U.S. election possible: Powell," April 26, 2004.

⁴³⁹ Japan Economic Newswire, "6-party talks continue with rift between N.Korea, U.S.," May 13, 2004.

declares that it is working on an alternate terminology to the United States' C.V.I.D. as North Korea is strongly resisting the wording.⁴⁴⁰

June 11, 2004: The United States, Japan and South Korea hold policy coordination meetings in order to prepare for the Six-Party Talks that will start on June 23.⁴⁴¹

June 21, 2004: Two days of working-level Six-Party Talks start. North Korea offers to present a clear roadmap for freezing its installations.⁴⁴²

June 23, 2004: The United States proposes a new but highly conditional plan to North Korea, offering energy rewards in steps so that North Korea freezes its nuclear program in a three months period. North Korea says it will study the American proposal.⁴⁴³

June 25, 2004

North Korea discloses the details of its “freeze-for-compensation” program, which includes a demand for 2 million tons of energy a year, the removal of its name from Washington’s list of terrorism-sponsoring states, and the lifting of all sanctions imposed over the years.⁴⁴⁴ North Korea also holds bilateral talks with the United States and apparently renews its threat to conduct nuclear weapons tests. Then, it holds talks

⁴⁴⁰ BBC, “Date for third Six-Party Talks yet to be decided, says South Korean foreign Minister,” May 27, 2004.

⁴⁴¹ Japan Economic Newswire, “Japan, S. Korea to meet with U.S. over 6-party talks,” June 10, 2004.

⁴⁴² Yonhap, “U.S, N. Korea lock horns at working-level Six-Party Talks,” June 21, 2004.

⁴⁴³ Yonhap, “Six-Party Talks produce no breakthrough: U.S. official,” June 25, 2004.

⁴⁴⁴ *Ibid.*

with China. The closing ceremony is cancelled.⁴⁴⁵ At the dawn of the talks, parties agree to meet again and abide by the work of the working groups. The United States says it will look into the North Korea “freeze” proposal, and all parties agree on the principle of “word for word” and “actions for actions”, meaning a progressive approach that would be sequential in nature and whereby one party would commit to an action and being met by a similar commitment from its counterpart to then progress to the implementation of the commitment on both sides. North Korea is also pleased that the United States did not use the terms C.V.I.D.⁴⁴⁶

July 6, 2004: The United States says it has set no deadline for North Korea to respond to its proposal.⁴⁴⁷

ROUND 4

July 28, 2004: China proposes holding working group meetings from August 11 to August 14, prior to the start of the fourth round of Six-Party Talks.⁴⁴⁸

August 24, 2004: North Korea backtracks from all agreements and common understandings reached during round three of the Six-Party Talks in response to supposed verbal attacks from George W. Bush.⁴⁴⁹ Difficulties to set up new meetings are

⁴⁴⁵ Agence France Presse, “Six-Party Talks delays as China-NKorea meet after nuclear-test threat,” June 25, 2004.

⁴⁴⁶ Xinhua General News Service, “DPRK says ‘positive progress’ made during the latest Six-Party Talks,” June 28, 2004.

⁴⁴⁷ BBC, “No deadline set for N. Korea response to US offer at Six-Party Talks – spokesman,” July 7, 2004.

⁴⁴⁸ BBC, “China proposes 11-14 Aug working group meeting ahead of six-party,” July 28, 2004.

⁴⁴⁹ China Daily, “DPRK: Six-Party Talks ‘impossible’,” August 24, 2004.

acknowledged by China as well.⁴⁵⁰ The problems seem to have arisen from the fact that South Korea has conducted nuclear activities as well (South Korea has enriched uranium in 2000 and though Seoul has claimed that it was only developing experiments out of scientific curiosity, the experiments could still technically be considered a violation of some provisions of the N.P.T.).⁴⁵¹ North Korea accuses the United States of maintaining a double standard over the Korean peninsula.⁴⁵² It is now known that South Korea made uranium enrichment experiments in 2000 and had conducted an experiment to extract plutonium in 1982.⁴⁵³

June 18, 2005: The European Parliament is to send a delegation to North Korea to urge Pyongyang to get back to the negotiation table. The delegation will also visit South Korea.⁴⁵⁴ North Korea says it is willing to rejoin the Six-Party Talks if the United States recognizes and respects Pyongyang as a regime.⁴⁵⁵

July 9, 2005: The K.C.N.A. announces that North Korea's vice foreign minister has agreed with U.S. Assistant Secretary of State Christopher Hill to hold six-nation talks the last week of July.⁴⁵⁶

⁴⁵⁰ BBC, "China reports 'trouble' in arranging Six-Party Talks," September 2, 2004.

⁴⁵¹ Center for Nonproliferation Studies (C.N.S.), Daniel A. Pinkston, "South Korea's Nuclear Experiments," November 9, 2004.

⁴⁵² The Korea Herald, "Nuke experiments cloud 6-party talks," September 11, 2004.

⁴⁵³ BBC, "North Korea vows to link South nuclear test to Six-Party Talks," September 11, 2004.

⁴⁵⁴ Japan Economic Newswire, "European Parliament to urge N. Korea to return to Six-Party Talks," June 18, 2005.

⁴⁵⁵ Korea Times, "Kim Jong-il says NK willing to rejoin 6-party talks in July," June 18, 2005.

⁴⁵⁶ Yonhap, "Seoul welcomes N. Korea's return to Six-Party Talks," July 10, 2005.

July 13, 2005: Washington wants to change the format of the Six-Party Talks to allow time for extended negotiations without having a fixed set of days.⁴⁵⁷

July 21, 2005: The United States announces that it backs Japan in its will to discuss the issue of abductees during the Six-Party Talks.⁴⁵⁸

July 23, 2005: North Korea calls for the exclusion of Japan from the Six-Party Talks if it plans to raise the issue of kidnapped Japanese citizens again.⁴⁵⁹

July 24, 2005: North Korea and South Korea meet in Beijing, a day ahead of the Six-Party Talks' start date.⁴⁶⁰

July 27, 2005: North Korea rejects a proposal by the United States that North Korea must take the first step that had been presented during the June 2004 round.

July 29, 2005: Negotiations are expected to continue over the weekend as a fourth one-on-one meeting was to be scheduled between the United States and North Korea.⁴⁶¹

July 30, 2005: North Korea and the United States apparently reach an understanding of what "denuclearization of the peninsula" means.⁴⁶² Parties conclude their meeting by

⁴⁵⁷ BBC, "US wants format change in Six-Party Talks: South Korean envoy," July 14, 2005.

⁴⁵⁸ Japan Economic Newswire, "U.S. backs Japan bringing up abduction issue at 6-party talks," July 21, 2005.

⁴⁵⁹ Yonhap, "N. Korea calls for removal of Japan from Six-Party Talks," July 23, 2005.

⁴⁶⁰ Japan Economic Newswire, "N. Korea, S. Korea delegations meet ahead of 6-party talks," July 24, 2005.

⁴⁶¹ BBC, "No sign of breakthrough as Six-Party Talks enter day four," July 29, 2005.

⁴⁶² BBC, "North Korean sources tells Russian agency of progress at Six-Party Talks," July 20, 2005.

agreeing to have discussions on a joint document. Japan calls for the inclusion of a clause regarding human rights issues.⁴⁶³

August 1, 2005: Ending twelve hours of work, U.S. delegation head Christopher Hill says there have been no breakthroughs regarding the drafting process of a joint document, and that it will take many more days to reach a conclusion to the talks.⁴⁶⁴

August 4, 2005: The ball seems to be in North Korea's camp as parties wait for Pyongyang to make a real decision regarding its nuclear program.⁴⁶⁵

August 8, 2005: The negotiators decide to take a three-week break from the negotiation after more than thirteen days of talks. Potential reconvene date for the negotiations is set as August 29.⁴⁶⁶

August 10, 2005: Song Min-Soon, South Korea's chief envoy to the talks, despite his closeness with Christopher Hill, blames the United States as much as North Korea for making it difficult to reach an agreement in the talks.⁴⁶⁷ South Korea asserts that North Korea did not specifically call for a provision regarding light-water reactors during the talks, but that Pyongyang stated it wanted to have access to peaceful nuclear activities.⁴⁶⁸

⁴⁶³ Xinhua General News Service, "Six-Party Talks enter new stage," July 31, 2005.

⁴⁶⁴ BBC, "US envoy to Six-Party Talks cannot foresee breakthrough in document drafting," August 1, 2005.

⁴⁶⁵ BBC, "Japanese report views points of contention in draft Six-Party Talks document," August 4, 2005.

⁴⁶⁶ Financial Times, "North Korea nuclear talks are put on hold," August 8, 2005.

⁴⁶⁷ Newsday, "North Korean make talks founder under distrust," August 10, 2005.

⁴⁶⁸ BBC, "North Korea not demanding light-water reactors says South delegate," August 10, 2005.

August 12, 2005: A South Korean official says North Korea should have access to peaceful nuclear energy, therefore creating a rift between Seoul and Washington.⁴⁶⁹

August 16, 2005: Ambassador Hill sends a message to North Korea through the New York diplomatic channels, in an effort to “stay in touch” with Pyongyang during the talk recess. Washington also hopes for discussion with North Korea ahead of the official resumption of the talks.⁴⁷⁰

August 20, 2005: The United States names a U.S. special envoy on human rights for North Korea, but denies that this is intended to put pressure on North Korea. Christopher Hill says that he had raised the human rights issue during the last round of talks in Beijing.⁴⁷¹

August 22, 2005: The United States announces it has had diplomatic contacts with North Korea during the previous week. The first one was an offer to provide an answer and clarification to North Korea regarding the U.S. position. The second contact involved U.S. special envoy for North Korean negotiations Joseph de Trani.⁴⁷²

⁴⁶⁹ Korea Times, “S. Korea, US feud over NK nukes,” August 12, 2005.

⁴⁷⁰ Yonhap, “U.S. is hoping to meet with N.K. before Six-Party Talks resume,” August 17, 2005.

⁴⁷¹ The Washington Post, “Rights envoys named for N. Korea,” August 20, 2005.

⁴⁷² Japan Economic Newswire, “U.S holds ‘diplomatic contacts’ with N. Korea in New York,” August 22, 2005.

August 30, 2005: North Korea cites the recent U.S.-South Korea joint military drill as delaying resumption of the Six-Party Talks, but says negotiations could resume on September 12.⁴⁷³

September 2, 2005: China's director general of arms control Whang Yan backs North Korea's right to peaceful nuclear energy once it dismantles its weapons and returns to the N.P.T.⁴⁷⁴

September 12, 2005: Bilateral meetings conducted between North Korea and the United States during the recess have apparently not brought the parties closer, as North Korea wants the right to nuclear energy, and also asks for resources. South Korea offers to replace the intended energy supply of the generator by electricity coming from the South.⁴⁷⁵

September 13, 2005: North Korea sticks to its claim that it has the right to have peaceful nuclear energy.⁴⁷⁶ China cites lack of trust between North Korea and the United States as being one of the most important hurdles to overcome.⁴⁷⁷

September 14, 2005: Talks deadlock over the fourth version of a draft proposed by China which does not mention the provision of a light-water reactor to North Korea.⁴⁷⁸

⁴⁷³ The Irish Times, "North Korea condemns war exercises," August 20, 2005.

⁴⁷⁴ Financial Times, "China's trust in N. Korea puts pressure on US," September 2, 2005.

⁴⁷⁵ Financial Times, "N. Korean nuclear talks face gloomy week ahead," September 12, 2005.

⁴⁷⁶ Japan Economic Newswire, "6-way talks resume as N. Korea pushes for civilian nukes," September 13, 2005.

⁴⁷⁷ The Straits Times, "6 parties return to the table; Officials do not expect real breakthrough in negotiations on North Korea's nuclear plans," September 13, 2005.

September 16, 2005: Parties are reported to have difficulties reaching a consensus on a revised version of the fourth draft that refers to the possible future construction of a light-water reactor demanded by North Korea.⁴⁷⁹ Leaving the negotiations to go back to his hotel, Christopher Hill states that North Korea is not really interested in energy but is more concerned with getting a “trophy” reactor.⁴⁸⁰ The United States also holds out the threat of freezing some of North Korea’s assets if there is no breakthrough at the talks during the next five days.⁴⁸¹

September 19, 2005: Parties agree to a statement that is then release, in which North Korea agrees to drop its nuclear program.⁴⁸² The agreement states that North Korea has the right to a peaceful nuclear energy program and that a potential nuclear reactor could be discussed later on. The United States also states that it has no intention of invading North Korea. All six nations agree to promote cooperation in the fields of energy, trade and investment.⁴⁸³

⁴⁷⁸ UPI, “Talks deadlocked on light water reactor,” September 14, 2005.

⁴⁷⁹ Japan Economic Newswire, “6 nations not satisfied with revised draft, talks to continue: Japan,” September 16, 2005.

⁴⁸⁰ AFX, “US says N. Korea only wants ‘trophy’ reactor,” September 16, 2005.

⁴⁸¹ The Irish Times, “US may freeze N Korean assets,” September 17, 2005. b

⁴⁸² Newsday, “N. Korea agrees to drop all nuclear programs,” September 19, 2005.

⁴⁸³ Los Angeles Times, “N. Korea waives nuclear programs; the U.S. pledges not to attack, and Pyongyang receives energy supply assurances. Details need to be worked out at the sensitive Six-Party Talks,” September 19, 2005.

September 20, 2005: North Korea says that it will not abandon its nuclear program until it receives a light-water nuclear reactor for energy production, thus rescinding its agreement to the statement released by the six-party nations the day before.⁴⁸⁴

3. Discussion

The Six-Party Talks are a very different type of negotiations than the previous bilateral and multilateral encounters between and among North Korea, the United States, and the other regional powers. Since Kim Jong-Il's 1994 accession to power, many events have been shaping the relationship between these different powers. At the beginning of the Six-Party Talks in 2003, hopes to salvage the 1994 Agreed Framework were rather small, and parties seemed to have learned from the Four-Party Talks not to create too broad an agenda, like pursuing a peaceful Korean peninsula. From the onset of the Six-Party Talks, however, several factors influenced the talks. First, the addition of Russia and Japan, while logical additions given that the talks were about denuclearization of the peninsula, did not bring as much impetus as was expected. Russia's role was rather negligible and Japan's participation did not help improve the situation. Because Japan stuck to nationalistic goals during the talks, namely bringing to the table the issue of Japanese who were abducted by North Korea thirty years earlier, Japan exacerbated the discussions. The talks may have gone more smoothly if they had been limited to the already complex issue of nuclear weapons. It also seems that parties did not gain much consensus on ideas, and at some point, also constituted different poles of interests. In some sense, this was a case of the more players involved, the less chance for a consensus.

⁴⁸⁴ The San Diego Tribune, "Bait and switch; North Korea tries nuclear extortion, again," September 23, 2005.

As a case in point, China and South Korea did support the idea that North Korea should be allowed to have a peaceful nuclear energy program, while the United States and Japan jointly opposed it.

Lack of unity between players during the negotiations also played an important role. This was especially true for the United States. The first three rounds of negotiations proved themselves relatively fruitless until a breakthrough was achieved in the summer of 2005. When looking at the constitution of the U.S. team, it is interesting to note a sharp change of attitude between the two Bush terms. During the first term, Colin Powell was coupled with James Kelly as a negotiator, but it seems that because of the tense relationship between President Bush and Powell, Powell was not empowered, and the United States negotiation team, as a result, did not have any leeway in the negotiations. During the second Bush term, however, Condoleezza Rice, coupled with the Korean-culture sensitive Christopher Hill, achieved much more than did the previous teams. This was most likely because of Rice's closeness to George Bush who trusted her choices when dealing with foreign affairs. A split is also apparent in North Korea, especially regarding the military and the decision-making organs. At some point, North Korea's request that negotiation-related documents not be released for fear that its military might get a hold of them is telling, and also reminiscent of the 1994 pilot case in which a split between the executive and military power could be detected. It thus seems that hypothesis 2A, negotiations are more likely to be successful when there is unity of views in the team's positions, is very salient, and could be supported for the Six-Party Talks.

Another important point during the Six-Party Talks was the willingness of the players to try a different approach to the negotiations. During the summer of 2005,

participants decided to make the negotiation an open-ended process. Not having a fixed number of days designated to reach an agreement, parties changed the structure of the negotiations from a multi-round negotiation to a system much more similar to negotiations opened in response to a sudden crisis. The change in approach was accompanied by a change in the participants' mindset. Instead of coming to the negotiations for a given period of time and then planning on leaving on a fixed date, participants now operated with a heightened commitment to the process and a willingness to stay as long as it would take to find agreement. It is thus possible to support hypothesis 3B. Changing a negotiation structure to a situation more similar to negotiations to deal with an unexpected crisis when there is no fixed time frame involved seems more likely to produce more success than does adhering to a strict timetable.

North Korea also took a more active and serious role in the negotiations. It did not negotiate its participation in the talks as much as it had done in the past. Regarding its negotiation strategy, North Korea placed a great weight on the importance of face (hypothesis 1A). North Korea continued to demand respect. It refused to pursue talks with John Bolton after he used very harsh language to talk about North Korea. North Korea was extremely unhappy with the term C.V.I.D., "complete, verifiable, irreversible dismantlement" used to abbreviate what the United States wanted to achieve during these negotiations regarding North Korea's nuclear weapons. The term C.V.I.D. became a contentious issue for North Korea which refused to use the term and also refused to permit the United States to use it. After the United States finally abandoned the phrase, North Korea was much more disposed to resume serious negotiations. Thus, while no tangible gains were achieved throughout the negotiations, North Korea did not suffer

while negotiating. It also managed to impose some of its vision regarding how the relationship should be conducted and how Pyongyang should be treated in the international system, thus somewhat supporting hypotheses 2C and 2D regarding North Korea's negotiating abilities.

However, the most important trait of the Six-Party Talks was the power shift that operated between the United States and China. During the previous decade, China had not been as involved in the Korean peninsula's affairs as now, probably because China was still not considered so much of a power or opened up to Western values, especially capitalism. By the 2000s, China distanced itself from North Korea and its accession to the W.T.O. and to global markets helped its image to change from that of a dangerous enemy at the beginning of the Cold War to more of a partner for the United States nowadays. Starting during the Four-Party Talks, and after, during the Trilateral Talks and Six-Party Talks, China was the main driver that managed to bring North Korea back to the negotiation table after each round of negotiations. One can wonder whether China was using North Korea as a pawn to protect itself from the United States, or whether China was extremely concerned and worried about a rogue North Korea and what would happen if North Korea collapsed according to a hard-landing schema. The United States has accepted China's larger role, recognizing that East Asian nations would step up to the plate to take care of their own destiny. While such a situation might not have been desirable for the United States at the beginning of Kim Jong-Il's reign, it is now almost a desirable and logical development, considering the United States commitment to and difficulty in the Middle East theater.

The main question regarding the Six-Party Talks is whether other successful rounds will follow. While Round 4 was extremely successful, with the signature of a common agreement that announced North Korea's intention to abandon its nuclear program, Pyongyang's reneging of the agreement only a few days after it was signed was a definite letdown. While the United States argued that North Korea's request for a light water reactor was no deal breaker, the subsequent round of negotiations that occurred in November did not reach anything near the momentum that had been experienced during the summer. One can thus ask how many is too many rounds, and whether multilateral negotiations should not extend to spread over 5 or 6 rounds.

Chapter Six. Negotiating with North Korea: Is There a Strategy?

The previous chapters have presented independent analyses of the seven different negotiation cases pertaining to the Kim Jong-Il reign, starting with the 1994 Pilot Case and ending with the September 19 agreement signed during the fourth round of Six-Party Talks. These individual analyses were based on archival work. They have presented the cases and initial conclusions regarding the set of eight hypotheses grouped along the individual, state, and international levels. The present chapter will present an overall analysis of the cases and will focus on deriving North Korea's negotiation strategy for the given period of study. It will also present reinforcing anecdotes and views gathered through interviews with negotiation protagonists as well as experts.

a. Timeliness of Negotiation Episodes: An Overview

The twelve-year period that is the focus of this study started with high hopes of fostering cooperation over the Korean peninsula as Kim Jong-Il took power only a few months before the Geneva Agreed Framework was signed in 1994. An overview of the cases shows a clear separation between various types of negotiations. The first phase could be labeled "Teenage Diplomacy." It took place as soon as Kim Jong-Il came to power and is illustrated by the first and only crisis negotiation case in the time-period. This was an incident that was not initiated by North Korea but rather a pilot's

miscalculation/mistake. The Pilot case opened the way for the world to see whether or not Kim Jong-Il had managed to succeed his father.

The second phase that can be labeled “Tentative Diplomacy” started in 1996 and ended in 2000. This phase was characterized by tense relationships over the Korean peninsula because of the 1996 incursion of the North Korean submarine into South Korean waters, North Korea’s difficulties overcoming the food crisis, and numerous floods and droughts. The Nodong case as well as the Kumchang-ri case are examples of bilateral diplomacy between Washington and Pyongyang, and involved monetary compensation. The Four-Party Talks that also took place during this period show the importance of monetary compensation; North Korea used the initial rounds to win money for its participation in the talks. In particular, 1998 and 1999 show an increase in the amount of negotiation that took place with North Korea, and reflect the interest that North Korea had for the Clinton administration. Madeleine Albright’s 2000 visit to North Korea was meant to pave the way for a potential Clinton visit before the end of his term.⁴⁸⁵ Albright’s visit was also part of a succession of events that was tied to the failure of the Bilateral Missile Talks. According to Donald Gregg who was then working for the Council on Foreign Relations, it was concluded that the missile crisis was risking the United States’ relationship with North Korea, and the C.F.R. asked that a high diplomat be selected to be sent to North Korea in order to help the issue move forward.⁴⁸⁶ As a result, William Perry was sent to Pyongyang and though he did not meet with Kim Jong-Il, he managed to develop a relationship with his North Korean counterparts that was

⁴⁸⁵ Donald Gregg, Former U.S. Ambassador to the Republic of Korea, 2/17 2006.

⁴⁸⁶ Ibid.

strong enough so that General Politburo Director Cho Myong-Nok was sent to Washington to carry an invitation for President Clinton to visit North Korea.⁴⁸⁷

The 2000 Inter-Korea summit meeting was the most important reconciliation event that the two Koreas had taken part in since the division of the peninsula, but also coincided with a change of leadership in Washington D.C., as President Bush entered the White House. For many, the Clinton-Kim Dae-Jung years were the most successful in terms of diplomacy. The first democratic government in South Korea did not constrain Washington as much as earlier regimes had⁴⁸⁸ since previous regimes could be considered as being more authoritarian (With the Park regime that had many diverging views from the Carter administration, especially on the issues of human rights). That window of opportunity, however, ended with September 11, 2001. In comparison with 2000, 2001 and 2002 show a dearth in the relationship between the United States and North Korea, mostly because of the terrorist attacks and President Bush's Axis of Evil speech in early 2002. President Bush's change in policy towards North Korea, illustrated by its decision not to pick up where President Clinton had left off, angered many South Korean conservatives, especially as it contradicted Colin Powell's statements that the Bush policy would be no different than that of Clinton. Slowly, the Bush Administration started to show more flexibility and when President Bush came to Seoul in 2003, he was eager to talk with North Korea.⁴⁸⁹ Thus, the 2003-2005 period can be labeled a period of "Renewal of Multilateral Diplomacy." It was characterized by two frameworks that relied heavily on China bringing North Korea to the negotiation table. The monetary bait that

⁴⁸⁷ Michael Green, Council on Foreign Relations, 3/15 2006.

⁴⁸⁸ Thomas Hubbard, Former U.S. Ambassador to the Republic of Korea, 12/02 2005.

⁴⁸⁹ Kang Choi, Institute for Foreign Affairs and National Security, Republic of Korea, 1/18 2006.

was used in the 1990s ceased to be a requisite for bringing North Korea into negotiations. Because of the war in Iraq and the United States' 2002 preemptive strike doctrine, China decided to step into the situation in order to replace the absence of American diplomacy towards North Korea.⁴⁹⁰ Thus, because China saw North Korea as being a potential threat if it collapsed or if it had nuclear weapons, Beijing decided to assume the lead in the recent rounds of negotiation, and was largely responsible for bringing North Korea into the Six-party framework after the Spring 2003 Trilateral Talks in Beijing even though North Korea did not want anything else than bilateral talks with Washington.⁴⁹¹ Another factor also weighed in on North Korea's decision to come back to the Six-Party Talks for a second round without using the tactic of negotiating its participation for money: Hu Jintao had to go to the A.P.E.C. meeting in Pusan in November 2003, but had never been to North Korea before. Protocol between the two communist allies would dictate that Hu would have to go to Pyongyang first before going to Pusan. Hu appears to have used this opportunity to negotiate with North Korea. He first visited North Korea before going to South Korea in exchange for North Korea's promise to come back to the Six-Party Talks.⁴⁹² The United States, for its part, was happy to have a multilateral framework, especially after having been accused of unilateralism regarding Iraq.⁴⁹³ Finally, China's role should be highlighted as Beijing was a driving force behind the September 19, 2005 agreement, presenting multiple drafts for parties to sign.

Over the course of the period of study, negotiations episodes sometimes occurred simultaneously. Linkages between those negotiation episodes have generally not been

⁴⁹⁰ Bruce Cumings, University of Chicago, 3/18 2006.

⁴⁹¹ Gordon Flake, Mansfield Center for Pacific Affairs, 2/22 2006.

⁴⁹² Ibid.

⁴⁹³ Cumings.

strong, as parties often refused to mention one negotiation episode as another was developing. As such, we have considered those episodes as discrete cases, but will, in this chapter, show linkages when those occurred.

Table 5: Negotiation Rounds

	1994	1995	1996	1997	1998	1999
January						Kumchangri R2 Four-Party R4
February						
March					Four-Party R2	Bilateral R4
April			Bilateral R1			Kumchangri R3 Four-party R5
May						
June						
July				Bilateral R2		
August						Four-party R6
September						Bilateral R5
October			Nodong		Bilateral R3 Four-party R3	
November			Nodong		Kumchangri R1	
December	Pilot			Four-party R1		
	2000	2001	2002	2003	2004	2005
January						
February					Six-Party R2	
March						
April				Trilateral		
May	Bilateral R6					
June					Six-party R3	
July						Six-party R4
August	Bilateral R7			Six-party R1		Six-party R4
September						Six-party R4

October	
November	Bilateral R8
December	

b. Hypotheses Analysis: What Matters When North Korea Negotiates

The previous two chapters presented individual analyses of the seven case studies. Over the eight initial hypotheses that were used for this analysis a clear pattern appears from the aggregate results presented in the following table.

Table 6: Summary of Hypotheses Analysis

	Individual		State		International			
	<i>1A</i>	<i>1B</i>	<i>2A</i>	<i>2B</i>	<i>2C</i>	<i>2D</i>	<i>3A</i>	<i>3B</i>
	High Figure	Low Politics	Unity in voices	Nat sec/Col sec	NK versed	NK better outcomes	L crisis pacifier	Stand alone
Pilot Negotiations	Yes	Yes	Yes	No	Yes	Yes	Yes	Inconcl
Bilateral Talks	Yes	No	Yes	Yes	Yes	Yes	No	Inconcl
Nodong launch	Inconcl	Inconcl	Inconcl	Yes	Inconcl	No	Yes	Yes
Kumchang-ri	Yes	Yes	Inconcl	Yes	Yes	Yes	No	Inconcl
Four-Party Talks	Yes	Yes	Yes	Yes	Inconcl	Yes	No	Yes
Trilateral Talks	Yes	Yes	Yes	Yes	No	No	No	No
Six-Party Talks	Inconcl	Yes	No	Yes	Yes	Yes	No	Yes

The table shows rather strong support for hypotheses related to the individual, and especially related to hierarchical values and face-values, as well as strong support for the hypothesis related to preference for national security over collective security. Another robust hypothesis is the one related to North Korea's preference for strategies and agreements that will have an impact at the level of low politics. Those results are not at all surprising in light of the literature that was reviewed earlier, as we have seen North Korea's reluctance to open up its system and to abide by agreements that have a profound impact on its society (the fact that many non-governmental organizations that were delivering food to North Korea in the late 1990s were not able to conduct their mission without the North Korean government complete oversight and Pyongyang eventually expelling them from North Korea is also telling).⁴⁹⁴ What is more surprising is the lack of support for hypotheses related to the international system, especially the fact that larger crises or issues preoccupying North Korea do not act as pacifiers for smaller crises.

1. Hierarchical Society and Fundamentals of Being a North Korean

The most robust hypothesis regarding North Korea's negotiation behavior is that hierarchy is a key value. The sense that North Korea's willingness to negotiate is tied to its interlocutor's status can be revealed through several examples. For starters, during the 1994 Pilot case, it became evident after a few days that Senator Richardson was not seen as a valid interlocutor by North Korea, and that there was a need for the United States to

⁴⁹⁴ Flake, *Paved with Good Intentions: The N.G.O. Experience in North Korea*.

send somebody who would be accepted by North Korea as being high enough in rank to be taken seriously. There was a lot of discussion in Washington as to whether Secretary of State Galluci should be the one to be sent to Pyongyang to negotiate the release of the pilots. However, because this incident was the first one to occur outside of military channels, the United States decided to take a cautious approach, and not send Galluci in order to save a last card in the case that Thomas Hubbard, who had been made the presidential envoy for the mission, was not able to secure a deal. The United States was thus very conscious about North Korea's sensitivity to hierarchical levels. Thomas Hubbard was flown to Seoul in a special mission aircraft, a former Air Force-One plane, and Hubbard was then flown by the military to the Demilitarized Zone. The whole mechanism was clearly designed by the United States to impress North Korea, revealing Washington's uncertainty about dealing with North Korea.⁴⁹⁵ North Korea's concern with hierarchical levels, over the years, has created different problems as Pyongyang has had to learn and to be reassured that its counterparts had positions of importance. In K.E.D.O. negotiations, for example, when North Korea Vice-Minister Kang met with Galluci, problems arose as Galluci was not a vice-minister. The same situation repeated itself at first with Charles Kartman, who was only a deputy assistant secretary. However, according to K.E.D.O.'s Robert Carlin, ongoing negotiations with recurring actors seem to reassure North Korea: as long as some trust can be established through regular interactions with negotiators and North Korea realizes that their counterparts have been vested with authority, the title starts to lose some of its importance.⁴⁹⁶ According to seasoned negotiator Kang Choi, South Korea's Ministry of Foreign Affairs and Trade

⁴⁹⁵ Hubbard.

⁴⁹⁶ Robert Carlin, K.E.D.O., 3/15 2006.

also reinforces the idea that North Korea needs to have higher-ranking counterparts, perhaps to satisfy a desire to be seen as an important nation. Choi mentions that Kim Jong-Il would be willing to meet with Condoleezza Rice personally, in a similar fashion as when he met with Madeleine Albright, but that a meeting between Kim Jong-Il and Christopher Hill or Joseph DeTrani would not be possible, since for North Korea rank matters more than substance.⁴⁹⁷ American negotiators are also aware of that North Korea values hierarchy. For example, former Ambassador to South Korea Donald Gregg mentions that every time he goes to North Korea, he manages to get a little higher on the 'food chain' and manage to meet with officials who are ranked higher. He estimates that the higher-ranked person he has met on those trips probably ranked four or five relative to Kim Jong-Il's position.⁴⁹⁸ The Dear Leader's specific position within his own country and the fact that he is the head of most of North Korean agencies is also an indicator of the hierarchical value placed within Pyongyang's system. The 2000 Inter-Korean summit for example, did not take place between South Korea president Kim Dae-Jung and North Korea's Kim Jong-Il, but rather between President Kim Dae-Jung and North Korea's head of state Kim Jong-Nam. Kim Jong-Il did not consider his position as the equivalent of that of Kim Dae-Jung, but granted him an audience.⁴⁹⁹ At the same time, Kim Jong Il considers South Korea to only be a puppet of the United States. One can wonder how much this attachment to hierarchy is coming from the nature of the North Korean regime, or from the Korean tradition which has strongly been influenced by Confucian concepts. The Asian value narrative does not seem to hold true for South Korea, however, even though South Korea was a Confucian and patriarchal society and Park Chung-Hee's

⁴⁹⁷ Choi.

⁴⁹⁸ Gregg.

⁴⁹⁹ Flake.

authoritarian regime of the 1960s and 1970s was similarly built on systems of hierarchy. However, South Korea has emerged as a democracy. It is also a breeding ground for a strong civil society.⁵⁰⁰

One of the strongest values playing a role in the North Korean negotiations found in all seven of the cases and that is also linked to Asian values is saving face. The façade that North Korea has put in place in order to hide most of what is going on inside its regime has been coming down little by little as more foreigners are in contact with North Korean negotiators, and are going to Pyongyang for various summits, for example. Thomas Hubbard recounted that as he was in a car in North Korea during the Pilot case, he noticed men in the mountains, digging in the ground. When he asked the escort what those men were doing, he replied that people were looking for delicacies in those hills. Later on, as the car passed back in front of the mountains, the escort said that in fact, people had nothing to eat, and he then expressed his interest in food aid programs that could potentially help North Korea.⁵⁰¹ There seems to be a different degree of face-saving that goes along with the hierarchical ladder, with North Korean officials at the top of the system trying to preserve a certain image of their country, whereas people at the bottom, and especially those further away from Pyongyang, having less interest in face-saving and more willingness to be candid about their situation.⁵⁰² However, face-saving is an important variable that almost always surfaces in negotiations, and which non-North Koreans have integrated into their understanding of North Korea. After the 1996 submarine incident, North Korea issued a quasi apology. During the 1998 second submarine incident, North Korea stated that it was sorry for what had happened and that

⁵⁰⁰ Cumings.

⁵⁰¹ Hubbard.

⁵⁰² Marcus Noland, I.I.E., 3/1 2006.

it would try not to repeat such an incident. However, the apology was not fully directed towards South Korea. During the Taepodong launch that preceded the Nodong negotiations, North Korea also refused to apologize and refused to deliver any official statement. It later called the missile a civilian technology satellite program, providing itself with a lexical loophole.⁵⁰³ Face-saving attitudes also prevent North Korea from allowing itself access to humanitarian assistance: during the food crisis, North Korea imposed a lot of conditions on different foreign workers that belonged to the World Food Program, and ultimately closed its doors to their aid and North Korea even refused the most innocuous forms of help coming from non-governmental organizations in order to prevent outsiders from seeing the dramatic conditions in which people were living and also dying.⁵⁰⁴ Face-saving is largely due, however, to the nature of the North Korean decision-making as well as the need not to appear weak. This is crucial in order for the regime to maintain its total control over its population.

2. Division and Unity: North Korea's Internal Decision-Making

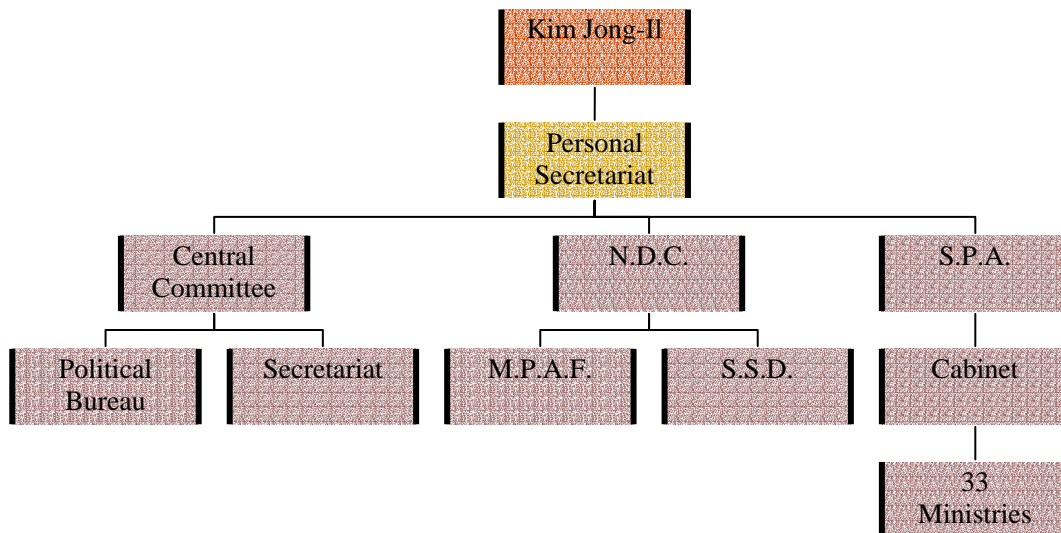
The hypothesis regarding unity in voices, namely that negotiations are more likely to lead to an outcome if there is a consensus among decision-makers on how to react, is supported in the case of the United States, but is not a strong explanatory factor when looking at North Korea. It appears, however, that Kim Jong-Il might be using the concept of a split between himself and the military/security apparatus governed by the National Defense Commission, in order to maximize his power. The organization of North Korean society is very formal, with three pillars that are the Korean Workers' Party (which

⁵⁰³ Choi.

⁵⁰⁴ Flake.

governs the Secretariat and the Political Bureau), the military/security (with the N.D.C. formally commanding the State Security Department as well as the Ministry of People's Armed Force), and the State (with the Supreme People's Assembly presiding over thirty-three ministries). Kim Jong-II is the General Secretary of the K.W.P. He also is the Chairman of the N.D.C.⁵⁰⁵ These pillars are under the direct influence of Kim Jong-II and his personal Secretariat.

Table 7: North Korean Leadership



Rumor has it that North Korea has been using potential conflicts of interest between the N.D.C and the Central Committee, as well as between Kim Jong-II and the N.D.C. in order to gain leverage in international negotiations. At the same time, many have shown skepticism regarding a potential rift within the party and agency lines in

⁵⁰⁵ Kenneth A. Gause, "The North Korean Leadership: Evolving Regime Dynamics in the Kim Chon-II Era," in *Project Asia*, ed. The C.N.A. Corporation (2003).

North Korea, and have insisted on Kim Jong-Il's total hand on power. The initial analysis did not find comprehensive support for the argument that negotiations are more likely to lead to compromise outcomes when there is a unity of view in a negotiating team. When testing this hypothesis in light of the data gathered in the archival research, content analysis, and interviews, it appears that a conflict within North Korea's leadership might be used as a negotiation strategy. Upon his arrival at the Joint Security Area, Thomas Hubbard was greeted by a middle level member of the negotiating team referred to as "Song", who later on guided him to the Foreign Ministry at the request of Deputy Foreign Minister Kang Sok-Ju who was accompanied by chief negotiator Kim Gye-Gwan. After Hubbard and Song reached some sort of agreement on a statement, Song mentioned he now had to take the statement to the military, and indicated that he hoped it would work. Song later returned with the agreement saying it needed a few changes. As soon as Hubbard received approval from the White House (through an outgoing call placed from Canada, as no call to North Korea could be generated from the United States because of sanctions in place at that time), Kang Sok-Ju said he would need the Supreme Commander's approval on the agreement, thus leading Hubbard to think that he needed Kim Jong-Il's approval.⁵⁰⁶ This anecdote implies either that military approval was needed early on by the negotiators, which would mean that Kim Jong-Il did not have oversight of the military's role in the crisis, or that North Korea wanted to provide the appearance of a clear split of power within its own leadership, to perhaps influence American negotiators and lead them to believe that it would be hard to secure approval from their leadership. They would therefore put pressure on American negotiators and show them that this negotiation would not be an easy one. Before Thomas Hubbard was sent to Pyongyang

⁵⁰⁶ Hubbard.

and as he was coordinating a response to the incident with Senator Richardson, North Korea communicated through its New York desk that its military felt strongly that the pilot was a prisoner of war and thus there would be a high chance of resolution with the military if somebody senior was sent to Pyongyang.⁵⁰⁷ However, this apparent split could have occurred because the dispute involved military elements. The military's involvement might have been because there was a need for North Korea to check the situation along the D.M.Z. Because Kim Jong-Il presides over the military, he would not need approval or permission from the military.⁵⁰⁸ Thus, the idea that the split was used as a negotiation technique seems more plausible, especially in light of a situation that directly involved the military. If the split was not a power split per se, it still might have been an ideological split. The military field kept on pushing for an apology for the U.S. incursion in North Korea. At the same time, some in the military could have wanted to restart bilateral general officer talks with Washington.⁵⁰⁹

Kim Jong-Il's power over the military has been witnessed directly by one highly ranked official at the South Korean Ministry of Unification who relates a lunch he had with Kim Jong-Il in 2000, and during which the Dear Leader asked Cho Myong-Rok, Vice-Premier of the National Defense Commission, to state his relationship with the Party. Cho Myong-Rok then started reading a statement that was saying that his agency would collaborate with Kim Jong-Il. However, Cho's demeanor was surprising, as he was shaking and was visibly very uncomfortable vis-à-vis Chairman Kim Jong-Il.⁵¹⁰ Evidence of the "military split theory" has also been reported by others stating that

⁵⁰⁷ Ibid.

⁵⁰⁸ Seung-Hoo Joo, University of Minnesota, 3/9 2006.

⁵⁰⁹ Hubbard.

⁵¹⁰ High-ranking South Korean official.

people in the North Korean Foreign Office would spread the idea that there were reformers and hard-liners within the leadership. Yet, even though at times different North Korean negotiation teams will appear one after the other, the top leadership appears unified, aware of the international system, and ready to use a variety of tools to get its preferred outcomes. This was the case when Bruce Cumings went to North Korea and negotiated with the regime how many sites could be visited for the making of a documentary. He was confronted by a different team every day, but saw that each team had communicated with the ones that had come before. Each team was able to cite some positions that had been enunciated earlier, even though they had not been present.

Is North Korea a good negotiator? The evidence are very mixed. The Pilot case showed that both parties received what they wanted, namely Washington recovered its pilot and the remains of the deceased, and North Korea received a “confession” that was actually re-written by Thomas Hubbard prior to its release. There seem to be two approaches regarding North Korea’s negotiation strategy: the first one contends that North Korea does not negotiate, as it only uses international events to try to maximize its gains given a situation, and is just acting out of luck. The second approach contends that North Korea has a very high sense of its interests and of other parties’ interests, and that it is an extremely crafty negotiator. Both approaches are supported by the Kumchang-ri incident, in which parties were clearly divided, as South Korea strongly believed that the site did not contain any nuclear matter, but the United States thought it did, and thereafter leaked the information to the New York Times. In this situation, North Korea got what it wanted. The United States paid a huge price for visiting the site, and the negotiation

paved the way to the missile talks.⁵¹¹ The Kumchang-ri case, however, proves the ambiguity that the situation created: the United States, led by Joel Wit, managed to see the hole, but did not have the right to take any measuring equipment with them.⁵¹² Those who thought that North Korea did have nuclear weapons cried that Pyongyang had had time to remove all suspicious matter by the time the investigation team came. Those who thought that North Korea was clear of nuclear weapons argued that North Korea was truthful to the Agreed Framework, and that the United States was only looking for trouble. North Korea, besides the access price paid by the United States, also received a potato deal after the visit, and thus coming as a clear winner relative to what conclusion the United States managed to gather from the visit.

Multilateral talks, however, show a different dynamic. At first, North Korea did not want formal diplomatic talks with anybody other than the United States, but it started to become more flexible in its approach because of concurring factors, such as the war in Iraq. Looking at the overall period of study, it is possible to see a change in North Korea's attitude toward joining talks. At first, the Four-party framework was a way for North Korea to win gains; it imposed preconditions that had to be met in order to have formal negotiations. Once it got into the process, North Korea started to bring issues to the table right away, and later on tried to be seen as accommodating and flexible to others.⁵¹³ The hypotheses regarding North Korea being a versed player and getting better outcomes than others are hard to support. If North Korea was a good negotiator, it would not be in the dire economic situation that it is in right now. However, North Korea seems to adhere to the standard of never compromising on its red line during negotiation. In

⁵¹¹ Choi.

⁵¹² Flake.

⁵¹³ Choi.

inter-Korean negotiation, for example, North Korea was aware of its weak position when its submarine infiltrated South Korean waters, but it simply expressed its “regret” over the situation and refused to entertain the idea that the submarine’s incident was in any way linked to an order coming from the military, or from Kim Jong-Il in person.⁵¹⁴ North Korea also appears to know what it can give and cannot give, and after starting with a tough position, which is often the case for the United States as well, it generally sticks to its red line, the position that is at the utter limit of what is acceptable to Pyongyang. This might be a function of internal or external politics⁵¹⁵, meaning that North Korea’s red line depends from what North Korea wants to achieve in term of its domestic policy, or depends on what is going on in the international system. To this extent, North Korea’s position can vary.

3. Influence of the International Context

International crises and agreements have had a surprisingly low influence on the different rounds of the different negotiation episodes North Korea has been involved in. The most sensitive period for Pyongyang was negotiating the 1994 Pilot negotiations only a few months after the Geneva framework had been signed. Despite fears, especially in the United States, that a faltering of the pilot situation would endanger the Agreed Framework, very little linkage was apparent between the two situations, apart from when Ambassador Hubbard was negotiating the release of the pilot and mentioned that the United States signing the Agreed Framework would be in no way compatible with North

⁵¹⁴ Ibid.

⁵¹⁵ Carlin.

Korea taking the American pilot hostage.⁵¹⁶ It seems that the issue of linkage/de-linkage of crises is more apparent with the Bush administration than it was during the Clinton administration. The Clinton-Kim Dae-Jung tandem wanted to fortify the Agreed Framework, and thus did not want to provide reasons for North Korea to back out first from the Agreed Framework due to a small crisis. There was no real mention or linkage to the Agreed Framework during the Bilateral Talks or the Nodong incident, and very little during the Kumchang-ri negotiations. During the early period of the Bush administration, however, there was a strong will to link North Korea's criminal activities to the negotiations in order to show that North Korea could not be dealt with using accepted international norms.⁵¹⁷

The South Korean government objected strongly to linking negotiation episodes. North Korea also typically wanted to prevent linkages. North Korea does at times label small crises as 'acts of war' (for example, when the United States conducted joint military drills with Japan and with South Korea), but this linkage usually occurs outside of periods of inter-Korean or international negotiations. In these cases, North Korea is using a linkage strategy to delay coming back to the table. Over time, however, it seems that North Korea's linking of crises has lessened.⁵¹⁸ This seems to be because of a softening in North Korea's position after the 2000 Inter-Korea Summit, as Pyongyang started to be more flexible regarding low-politics issues such as reconnecting the two Koreas' railroads. However, North Korea's negotiation posture after this period was largely a response to the Bush Administration's policy regarding North Korea, as well as the September 11 attacks that led to the War on Terrorism and North Korea's

⁵¹⁶ Hubbard.

⁵¹⁷ Choi.

⁵¹⁸ Ibid.

classification as a member of the Axes of Evil. North Korea's actual participation in negotiations is not linked to the urgency of any crisis, but rather, as established before, is tied to the gain, whether monetary or more substantial, such as the Four-Party Talks, that can be secured through negotiations. It may also be tied to a will to change a situation that had impacted North Korea negatively, such as sanctions. Though the Iraq war was instrumental in getting North Korea to come to the Trilateral Talks in Beijing, Chinese officials cutting off heavy fuel oil shipments to Pyongyang in March 2003 had the effect of coercing North Korea to come to the negotiation table.⁵¹⁹ North Korea has also shown a propensity to avoid talking about long-standing issues that pertain to its past. For example, Pyongyang categorically refused to have bilateral talks with Japan during the Six-Party Talks, even though Japan desperately wanted to discuss the issue of abductees with North Korea.⁵²⁰

The current situation, however, shows that an agreement such as the Agreed Framework, which could potentially have tamed smaller crises if parties had respected its terms, is a necessary but not sufficient condition to reaching more cooperative outcomes for all parties involved in negotiation processes over the Korean peninsula. Hard-liners inside the Bush Administration have never liked the Agreed Framework, in part because it was enacted by a Democratic Congress, but more importantly because it was judged too forgiving of North Korea.⁵²¹ Pyongyang did not have to reveal anything regarding its potential nuclear weapons, and just had to promise to discontinue its program. One of the first actions that President Bush wanted to do when he came to office was to abandon the Agreement. North Korea, however, is trying to revert to the 1994 agreement, calling for

⁵¹⁹ Flake.

⁵²⁰ Choi.

⁵²¹ Hubbard.

light-water reactors.⁵²² The Clinton Administration, however, was more willing to link crises together, since it was the artisan of the Agreed Framework. During the Kumchang-ri negotiations, the United States maintained the importance of the Agreed Framework, pressed to have access to the site, and succeeded.⁵²³ However, because of monetary compensation as well as compensation in kind with the potato plan, it is not possible to conclude that North Korea was pushed to an agreement because it strongly respected and cared about the future of the Agreed Framework. The strongest proof that North Korea was not influenced by the Agreed Framework, however, is found in Pyongyang's revelation in 2003 that it had indeed developed nuclear weapons despite the Agreement.

c. Deriving Knowledge from Hypotheses: North Korea's strategy.

The previous aggregate analysis of hypotheses related to North Korea's involvement in the seven cases of negotiation with the United States and other parties, has showed so far that:

- (1) North Korea deeply values hierarchy when negotiating
- (2) North Korea has used internal splits between power lines as a way to gain leverage in negotiations
- (3) When negotiating, North Korea does not often depart from its red line does not accept an agreement that is different from its initial position
- (4) North Korea does not seem to be more conciliatory when negotiating if a larger agreement is already in place

⁵²² Joo.

⁵²³ Hubbard.

These preliminary conclusions give us some understanding of the basic lines of North Korea's negotiation strategy. It is also crucial, however, to evaluate North Korea's behavior in negotiation compared to that of its counterparts. Looking at the cases analyzed, it is possible to group North Korea's as well as other participant's actions under four different categories, ranging from most to less conciliatory approaches.

First, North Korea has been using "give and take" approaches, here labeled as "Conditional Concessions". North Korea has been using Conditional Concessions numerous times, and in all cases except for the Pilot Negotiation and the Nodong Launch. It is interesting to notice that North Korea has used a significantly larger number of Conditional Concessions than any other party involved in the different negotiation rounds.

Second, North Korea and other parties have been using a "take it or leave it" approach, here called "Stances," by which parties request something without asking for anything in return. Stances are less conciliatory than Conditional Concessions. Stances have been used in every negotiation episode.

Third, parties have been using "Threats", which are unequivocal statements used to compel or prevent a party from taking a certain action. North Korea has used Threats significantly less than the United States during the negotiation episodes.

Finally, "Actions" are perpetrated by parties, at the negotiations or aside from negotiations, and they can also influence the negotiations, either intentionally or unintentionally.

Table 8: Conditional Concessions

	Rounds	US	NK	ROK
Pilot Negotiation				
Bilateral Talks	R1		Ask U.S. to ease eco. sanctions in return for suspension of missile development and export	
	Inter		Ask for repatriation of defectors in order to come back to negotiation	
	R3		Requests U.S. grant 1 billion a year in return for regulation of missile export	
	R4	Will ease eco. sanctions if missile program stopped	Demands \$3 billion over three years in compensation for stopping missile program	
	Inter		Would abandon missile program if could be provided satellite launchers	
	R8		Will give-up 1,000kms-range missile development if U.S. launches satellites in China or Russia	
Nodong				
Kumchang-ri	R1		Asks for \$300 million for visit of site – not Kumchang-ri	Ask U.S. to give eco aid to N.K. in exchange for visiting Kumchang-ri
	R2		Offers 2 chances to visit Kumchang-ri in exchange for 400,00 tons of food aid	
Four-Party Talks			Ask for food aid and lifting of trade and investment sanctions as pre-conditions to the talks	
			Ask for food aid, American diplomatic recognition and easing of trade sanctions	

	R2	Wants a permanent peace treaty prior to lifting economic embargo	Will not join new round if US does not remove troops from S.K.	
	R6		Will not come back to talks if 2 key issues are not included in talks	
Trilateral Talks			Will abandon nuclear weapons programs and will stop exporting missiles in exchange of pledge of non-aggression from U.S.	
			Package includes security guarantees, lifting of econ sanctions, provision of food, aid from South Korea and Japan, and compensation for Japanese occupation of Korea	
Six-Party Talks	R1		Will give up nukes in exchange for fuel supplies and reactor promised by AF (nonaggression, econ aid from SK and J as well)	Package if N.K. wants
	R2		Will not agree to N.K.'s request unless C.V.I.D.	
	R3		Might allow C.V.I.D. if given compensation	
		Offer energy reward for N.K. to freeze installation in 3 months	Wants 2 million tons of energy a year, removal from terrorist list, and lifting of sanctions	
	Inter		Will come back if respected by the U.S. as a regime	

Table 9: Stances

	Rounds	US	NK	ROK	China
Pilot Negotiation		Ask for safe return of pilots	Wants to complete its own investigation and then will release pilot		
		Wants prompt access to alive pilot and pilot's remains	Not finished with investigation and not ready to discuss return of Hall		
		Wants immediate release of surviving pilot and pilot's remains	Asks for apology		
		Questioning delay in releasing pilot	Says was spying, wants U.S. to send higher-ranked diplomat		
			Asks for U.S. to sign apology statement		
			Asks U.S. not to publicize talks because of internal problem	Asks U.S. to limit talks to missile issue	
Missile Talks	R1				
		Asks N.K. to hold joint neg. about peace treaty		Asks N.K. to hold joint neg. about peace treaty	Asks N.K. to hold joint neg. about peace treaty
		Wants N.K. to stop exporting missiles to Middle East			
	R2	Urges restriction of missile production			
		Asks N.K. to join the Missile Technological Control Regime			
	R3		Will continue to launch missiles as a		

			sovereign right		
	Inter			South Korea asks the United States to extend its missile range from the current 180 kms to 300 kms during a meeting aimed at preparing bilateral missile talks	
Nodong Launch		Asks N.K. not to carry out ballistic missile test			
Kumchang-ri		Asks for access to Kumchang-ri site	Responds it is a civilian site so no need for access	Asks parties for caution as not obvious that Kumchang-ri is a nuclear site	N.K. fragile state, dialogue should be first choice
			Asks Perry not to sanction North Korea for something that might not be being built		
Four-Party Talks		Creates 4 party talks	Asks for information about 4-way talks	Creates 4 party talks	
	R1		Asks U.S. to end economic blockage and have bilateral talks		Calls for normalization of relations between U.S. and D.P.R.K.
	Inter		Calls for a delay in four-way talks		
			Calls for talks to occur in Switzerland instead of in China		
	R2		Wants to raise issue of U.S. troops withdrawal		

	Inter		Wants peace agreement with U.S.	
	R3			Calls for creation of subcommittees
				Calls for every three-month meetings
	Inter		Asks for 2-week pushback because of Kim Il-Sung's birthday	
			Wants to discuss status of US troops during talks	
	R5		Wants to discuss status of US troops during talks	
Trilateral Talks		Will not reward bad behavior		China asks U.S. and N.K. to get back to the negotiating table
Six-Party Talks	R1	No intention of invading	Wants U.S. to sign legally binding treaty of nonaggression	
		Wants N.K. to dismantle first	Wants U.S. to stop intervening in N.K. trade	Pushes parties to write a written agreement
	Inter		Wants to exclude Japan from talks if it raises abduction issue	
			Wants peaceful nuclear program	
			Asks for right to retain nuclear energy, and also wants resources	

Table 10: Threats

	Rounds	US	NK	China
Pilot Negotiation		Failure of N.K. to provide prompt information will be detrimental to Pyongyang	Will release pilot only if proven that it was a navigational mistake	(To N.K.) Further delays could be dangerous
		\$4 billion A.F. could be in jeopardy if crisis continues like this		
		Senators: N.K. should cooperate otherwise no A.F.		
		Not releasing pilot will lead to serious consequences		
Missile Talks	R3	U.S. warns of very serious consequences if N.K. tests or exports its missiles		
	R4	Will suspend heavy-oil shipment and food aid if does not suspend missile-firing		
Nodong Launch		K.E.D.O. says tensions on the peninsula could have an effect on schedule of A.F.		
Kumchang-ri		A.F. might be nullified if situation too tense	Launches ballistic missile in the Sea of Japan	
			To the U.S., war could be waged at any moment	
Four-Party Talks	R4		U.S. and S.K. should not try to undermine peace talks, as could have serious consequences for peninsula	

Trilateral Talks	U.S. and Japan warns N.K. against escalation
Six-Party Talks	Might freeze assets if no breakthrough

Table 11: Actions

Actions	Rounds	US	NK	JP
Pilot Negotiation		Restriction of military flights over S.K.	Calls off scheduled meeting in Panmunjon	
		Asks China and so forth to negotiate on behalf of U.S.	Releases Hilemon's body	
		Acknowledges plane unintentionally strayed	Refuses meeting at Panmunjon	
		Refuses to apologize	Releases a picture of Hall	
		Restriction of military flights over S.K.	Releases Hall's "confession"	
		White House sends letter of apology to N.K.	Releases Hall	
		Deputy Assistant Secretary Thomas Hubbard sent to Seoul		
		Members of Congress discuss sanctions and delaying oil shipments		
		A week later, U.S. sends more than 50,000 tons of oil to North Korea		
Missile Talks	R1		Cancels second round for technical reasons	
			Accepts proposal to get back to neg. table in June in N.Y.	
	Inter	Takes in 2 N.K. diplomat defectors		
		U.S. refuses to give diplomats back		

	R3	Bill Clinton authorizes the use of \$15 million for the purchase of heavy fuel for delivery to North Korea under the 1994 Agreed Framework	
	R4		N.K. deploys ballistic missiles that have range to hit Japan
	Inter	Will provide additional 50,000 tons of wheat to N.K.	Extends ban on missile flight-testing after easing of sanctions
		U.S. eases sanctions on N.K. imports and exports	
Nodong		Mobilizes a reconnaissance aircraft to monitor Sea of Japan	Missile activity: potential testing about to be done
		Starts joint military drills with Japan	<p>Informs U.S. of its plan to launch missiles during talks in N.Y. (but this will stay secret until the end)</p> <p>N.K. appears to stop missile-launch plans</p>
Kumchang-ri		Sends delegation headed by Charles Kartman to visit the site	
Four-Party Talks			Stages a mock reaction to a chemical weapons attack
		U.S. and Japan start military exercise	U.S. and Japan start military exercise
	Inter		Refuses invitation from Perry
Trilateral Talks			Broadcasts statement that it has nuclear weapons
Six-Party Talks	Inter		Will not talk to John Bolton
	R2		Backs out of project because of S.K. nuclear double-standard

1. Conditional Concessions

Conditional Concessions have been predominantly used by North Korea during rounds of negotiations, but also in-between rounds. In general, those Conditional Concessions reflect extortion. North Korea requests money and favors through this mechanism. One could infer that because North Korea did not use Conditional Concessions during the Pilot case, Pyongyang was genuinely concerned about getting an apology from the United States. In five other cases, Conditional Concessions have been related to food aid and money, as well as some higher-level politics issues such as Pyongyang abandoning its missiles in exchange for substitutes such as Russian satellites. North Korea's request during the 1994-2000 period could be directly linked to its economic situation, and Pyongyang's need for money and food in order to sustain itself. It seems that Conditional Concessions are not used when North Korea is seeking high-level outcomes, such as an apology. However, the use of Conditional Concessions changed after the year 2000, with North Korea being more concerned with the issue of energy, as well as high-politics issues, such as having respect for the fact that Kim Jong-Il's regime is a sovereign regime. North Korea also diversified its sources of support via the usage of Conditional Concessions towards Japan. One example of such Conditional Concessions involved the requests for money in exchange for abductees' release. As a general rule, Conditional Concessions are met with no similar proposals by the United States, which appears more gregarious when it comes to Stances.

2. Stances

North Korea used stances especially in negotiation rounds where it was pushed towards a difficult situation by the United States' usage of threats. North Korea used stances in the Pilot negotiation mainly to obtain an apology from Washington, but it used it more in multilateral negotiations, especially to delay the negotiation process. For North Korea, stances seem to be a defense mechanism whereas stances are more of an attack mechanism for the United States. For example, North Korea used stances during the Missile talks to keep the United States from publicizing talks, to avoid sanctions for something it did not do in the Kumchang-ri case, to get the U.S. to end sanctions and for technical reasons such as getting a delay in the start of the Four-Party Talks for a few days or a few weeks. It thus seems that North Korea uses stances when it is either not ready to have talks, or has internal problems related to talks, and when it wants the United States to not take a specific course of action. Finally, Stances have been used heavily during the Six-Party Talks, especially regarding issues that have been hurting North Korea's pride, such as the Japanese occupation or topics related to its energy problem, therefore reinforcing the patterns of using stances as a defense mechanism, and not as a demand, as opposed to the United States.

3. Threats

Despite its label as an aggressive and rogue state, North Korea has used threats remarkably less than the United States. Most of the threats that the United States hinted at were linked to the Agreed Framework that was formulated before the Bush administration came to office. North Korea, however, used threats during the Kumchang-ri

case as well as during the Four-Party Talks, showing that it was not very comfortable with this forum.

4. Actions

Actions have been used before, during, and after negotiation rounds. Most of North Korea's actions involve a military structure of some sort, such as putting in place missiles for testing, or staging a mock reaction to a chemical weapons' attack. Most of North Korea's military actions, however, seem related to threats that were proffered by the United States, especially in the case of the bilateral missile negotiations.

It can thus be inferred that North Korea's negotiation strategy is composed of Conditional Concessions that usually represent its opening position which is, incidentally, its red line as well. As demonstrated earlier, North Korea seems to be very forthright in negotiations regarding its interests, and usually starts negotiations with a strong opening position. Threats are not often used, but Stances are considered as a way to gain either money or food. These strategies, however, do not suggest that there is a significantly specific North Korean negotiation style, but only suggest that North Korea is a tough negotiator that is aware of its red-line and potentially of its B.A.T.N.A. (Best Alternative to a Negotiated Agreement) as well. It uses Stances to manipulate the negotiation setting and especially its timeline in order to strengthen its position in those international settings. A key finding is that North Korea's negotiation style has evolved from that of a timid style in 1994, when Kim Jong-Il's most important goal during the Pilot negotiations was to obtain an apology from the United States to that of a state strongly influenced by

the political context of the United States. Kim Jong-Il was very new to being a ruler at the time of the pilot incident, and it might be that Kim Jong-Il was insisting on establishing a precedent, essentially showing that he was a strong leader and making sure the United States understood that he was now in charge. However, after a difficult decade trying to feed his people and maintain the economy at a sustainable level, North Korea has shown clear signs of using negotiations in order to get monetary gains, no matter what political weight or image this would project to the world. North Korea has developed a clear understanding that help coming from a negotiated agreement showed more power than help coming from non-governmental organizations delivering food relief. As Kim Jong-Il's legitimacy strengthened, so did his control over the means of production and information, and this situation led him to refuse aid from the international community, hence forcing him, a few years later, to reassess his policy regarding how North Korea could survive.⁵²⁴ North Korea's negotiation strategy is thus not a stand-alone web of fixed decision-making processes, but is highly contingent upon international dynamics.

⁵²⁴ Flake.

**Chapter Seven. From the Geneva Framework to the September 19, 2005
Agreement: Implications for the Korean Peninsula and Worldwide Stability.**

The previous chapters described the history of the Peninsula and North Korea's place within the region and the world and demonstrated the peculiar nature of the Pyongyang regime. One of the main tasks of this work was to determine what a rogue state is, and to consider whether North Korea can be considered a rogue. The literature has considered North Korea as a rogue state, but the present work contends that Pyongyang is not a normal rogue state, but rather a peculiar rogue. It is a state that has succeeded in defying most of the international laws regarding war, weapons of mass destruction, and human rights, yet it is a state that cannot be fully deterred by the United States, the only superpower that would seem, in theory, to be able to back North Korea into a corner. Looking at the bilateral and multilateral negotiation history between North Korea and the United States has shown that North Korea has at times used negotiation strategies to appear weak in order to gain more concessions and at other times pursued a tough line, manipulating negotiation timelines and locations, as well as pursuing different strategies based on its desired outcomes: power consolidation through the request of apologies, economic relief through negotiating access fees to its facilities, and security and economic guarantees in exchange for its participation in multilateral negotiations.

This analysis, however, is insufficient to fully grasp the concept of Kim Jong-Il's North Korea and how it deals with the international community, and especially the United States. North Korea's strategy is not only affected by other actors' behaviors, but other actors' actions and situations are also a factor in North Korea's strategic evolution.

The archival research as well as the content analysis in this study have enabled a piecing together of evidence and facts. In addition, the interviews presented in this final chapter have revealed surprising information regarding the role of the United States and China in regards to the Korean peninsula's stability as well as North Korea's privileged place in negotiations, especially within multilateral formats. Interviews consisted of in-person as well as phone conversation with American and South Korea diplomats, negotiators, experts as well as researchers dealing with the topic of North Korea on a daily basis. This chapter will investigate ways in which North Korea has changed in regards to utilizing information, maximizing its power, and diversifying its sources of economic aid so that it can face various food and energy shortages in the wake of the Soviet Union's collapse. The chapter will present new game structures and incentives for reaching deals more quickly in a post-9/11 world. Overall, the chapter tries to answer the question of what type of agreement or course of actions would be beneficial for East Asia, and especially whether signing an agreement at all costs (which is what has happened on September 19, 2005) is better than waiting for the right kind of agreement that may or may not come.

a. North Korea's Progress: Impact of Information

When Kim Jong-Il assumed his father's leadership at the head of the D.P.R.K., North Korea was still a very secluded country that had only a minor understanding of the world system. However, North Korea evolved and though it has tried to monitor the flow of information coming inside its borders, a specific layer of the population has gained greater access to outside flows of information. This has had an effect on North Korea's negotiation strategies, but also has led to questions regarding reforms and restrictions,

and has also led many to wonder whether Kim Jong-Il was most afraid of the impact of information on North Korea. To this extent, many have tried to utilize new modes of interacting with North Korea, such as inter-Korean summits and economic zones like the Kaesong complex, in order to gather evidence regarding Kim's control over the country and the potential difficulties he might have in maintaining his place at the top of the regime.

1. Learning about the World

North Korea's understanding of history has evolved dramatically since the end of the Cold War, and Kim Jong-Il's accession to power. South Korean diplomats tell of North Korea's lack of understanding of American politics, for example the fact that it did not understand what Congress was, and how it functioned, as it just pictured the world as being structured similarly to its own regime.⁵²⁵ Americans tell of North Korea's ignorance in the mid 1990s regarding the American political system. Hermetical Pyongyang had difficulty understanding the constraints that a Congress could have over the president, for example.⁵²⁶ When considering diplomatic circles, however, a higher degree of sophistication can be found: during the 2002 meeting in Pyongyang between North Korea and the Kelly delegation, a dinner was taking place between the negotiators and the topic of the evening was the international system. Michael Green was in charge of leading the discussion with Kim Gye-Gwan. It was obvious from the conversation that Kim had read about international relations theory, as he had a clear knowledge of books by authors like Kissinger, as well as some understanding of realism. However, it seemed

⁵²⁵ Choi.

⁵²⁶ Noland.

that his view of the international system was completely centered on North Korea, and how the Chu'che ideology had altered the world. In a sense this ethnocentric view of the world also meant that he thought that Washington was thinking almost constantly about the Dear Leader, and that North Korean elite and diplomats would therefore be disappointed when not paid attention to.⁵²⁷ Other diplomats also witnessed a change in North Korean negotiators' representation, especially as exemplified by North Korea's chief negotiator Kim Gye-Gwan who was giving the impression, at the time he started to be at the forefront of negotiations, more than twenty years ago, that he was no more than a farmer. By South Korean diplomats' accounts, he now appears very sophisticated and confident, and so is his interpreter Chae Song-Hee. North Korea also seemed to have developed, over the past fifteen years, a system that has enabled its diplomats such as Lee Hyon-Chol, former Ambassador to Switzerland and First Deputy Director of the Korean Central Military Committee to master English very well,. Even though the substance of negotiations has not changed much, North Korea has evolved in its style because of its increased understanding of international affairs.⁵²⁸ It is now aware of who has the real negotiation power when it meets foreigners for negotiations. K.E.D.O. negotiators also noticed that North Korea became increasingly careful in the position it presented, as it showed a good grasp of historical record and sometimes a better one than that of the United States.⁵²⁹ This might be linked to the fact that North Korea has most of its foreign diplomatic relations centered on the United States, while the United States is engaged in a multitude of diplomatic processes simultaneously. If North Korea is more of a traditional rogue than a peculiar rogue, we could, however, label North Korean negotiators as

⁵²⁷ Green.

⁵²⁸ Choi.

⁵²⁹ Carlin.

peculiar negotiators: they have had numerous contacts with foreigners and especially American diplomats, and they also have been traveling extensively, which might lead us to think they are remote from the everyday life that most North Korean people live back in Pyongyang.

But North Korea has also seemed to embrace, to some extent, new developments in technologies. Kim Jong-Il is known to be reading the South Korean press everyday through the internet, though it is doubtful that he knows how to speak English. When Kim Jong-Il visited Shanghai in 2002 after his initial visit to Beijing in 2000, he was profoundly impressed by Chinese technological advancement. Upon his return to Pyongyang, he wanted to receive Chinese cars, computers, as well as develop buildings based on Chinese models, and even asked his aide (who happened to be Swedish, as most contacts between North Korea and foreign countries happen through the Swedish Embassy in Pyongyang) to send in an architect to develop new ideas. However, Kim Jong-Il does not seem to see beyond the hardware aspect of what an increasingly integrated China with many trade zones, means in terms of the type of information coming inward to the population, and that would be hard to prevent from reaching North Korean people.⁵³⁰ Nevertheless, Pyongyang has also been involved in various technological programs such as between Syracuse University and Kimchaek University, regarding information technology exchange⁵³¹, by which Syracuse and Kimchaek would collaborate on various research projects such as a secure fax program manufactured through a Japanese company, various language translation programs, digital copyrighting

⁵³⁰ Flake.

⁵³¹ Gregg.

and watermarking programs as well as communication with digital assistants.⁵³² Moreover, during the Pilot case, North Korea had difficulties understanding why the United States did not have any G.P.S. devices on their helicopters, as this would have prevented the pilot from straying from its course.⁵³³

A real problem for the Kim Jong-Il regime, however, is that information from outside of North Korea's border has started to penetrate the country. Reasons for opening economic zones in Kaesong, for example, were to open up North Korea in a similar way to that of China, and manage to engender a societal change that would lead Kim Jong-Il to give up North Korea's isolation, or to provoke regime change from within. Information, however, is far from having reached a significant amount of North Koreans. During a trip to North Korea in 2004, a British diplomat entered into talks with Korean farmers. After the farmers asked where the United Kingdom was located, the diplomat asked them how many countries, in their opinion, there were around the world. After serious deliberations, the farmers responded that there must be between eight to ten countries in the world.⁵³⁴ There are also more striking examples of North Korea's understanding of information and its importance. When a high-ranking South Korean diplomat was visiting Seoul, he mentioned to his North Korean counterparts that he had not seen any female drivers in the streets of Pyongyang and was surprised as there were many female drivers in South Korea. A little later that same day, he suddenly noticed a lot of females driving cars, but realized that the same cars were driving back and forth.⁵³⁵

⁵³²Donald Gregg, et al., "Bilateral Research Collaboration between Kim Chaek University of Technology (D.P.R.K.) and Syracuse University (U.S.) in the Area of Integrated Information Technology" (paper presented at the Asian Studies on the Pacific Coast (A.S.P.A.C.), Honolulu, Hawaii, 2003).

⁵³³ Hubbard.

⁵³⁴ Gregg.

⁵³⁵ Hyung-ki Former Official at the Ministry of Unification of the Republic of Korea Kim, 3/3 2006. High-ranking South Korean official.

Government control of the flow of information, as well as its own quest for more information has led North Korea to be a society divided in terms of access: North Korean diplomats living abroad seem to have benefited from international contacts and to have enjoyed being exposed to different cultures, foods, and languages, while administrative people back in Pyongyang are struggling to keep the specific image of North Korea as a strong country, and are struggling to show this image to the international world, but also to its own population.⁵³⁶

2. Power and Restrictions: Kim Jong Il's Supremacy

North Korea's negotiation approach and negotiation strategy is directly tied to the position and decision of its leader Kim Jong-Il. Because he had the difficult task of replacing his popular father and since North Korea encountered deep monetary and food problems early during his tenure, Kim Jong-Il has put in place a system of legitimization of power that works in a similar way at the national and international levels. At the national level, Kim has created the image, through propaganda and tight control over news outlets that North Korea is facing an emergency situation, and is on the brink of war with the United States, in order to pursue its own freedom.⁵³⁷ This creation leads North Korean people to believe that Kim Jong-Il is the only one capable of "saving" North Korea. This idea has been bolstered by use of the concept of a trinity that Kim Il-Sung extracted from his Christian upbringing. The Christian concept of trinity means that God is a single being who exists through three actors: the Father, the Son, as well as the Holy

⁵³⁶ Green.

⁵³⁷ Kim..

Spirit. For North Korea, the concept of trinity can be seen through the father (Kim Il-Sung, the eternal leader), the son (Kim Jong-Il) and the Holy Spirit (the Chu'che ideology).⁵³⁸ At the international level, Kim Jong-Il is legitimizing North Korea's existence by creating a situation of brinkmanship in order to keep the international community interested in North Korea, and in order to receive aid from other countries.

Kim Jong-Il's position has been debated by many, as it was not necessarily obvious in the early 1990s that he would manage to fill the shoes of his father Kim Il-Sung. Indeed, Kim Jong-Il has been considered more of a dictator than his father, because of his difficulty in maintaining his legitimacy.⁵³⁹ To this extent, Kim Jong-Il is not able to change his standpoint as easily as his father did. A departure from his own principle could instill a change in public consciousness as well as public opinion and could potentially damage his power and legitimacy and for this reason, Kim seems to be relying more on nomenclature and on the military system to exert his authority, which explains the apparent conflict of interest between the party and the military during specific negotiation episodes.⁵⁴⁰ For example, during the 1990s, North Korea thought that one of the most productive agricultural crops was corn. As a result, North Korea planted corn in every possible piece of arable land, whether fields or mountains. This planting, however, led to a lot of problems with soil erosion. But nobody said anything to Kim Jong-Il. When soliciting advice regarding potential reforms, if he fails to come up with a new idea, Kim Jong-Il usually encourages criticism as well as proposals of new ideas, but oftentimes, the person who voiced criticism or expressed the new idea disappears the next

⁵³⁸ Robert Dujarric, Expert, 2/22 2006.

⁵³⁹ Moon-Young Huh, Direction of the North Korean Studies Division, Korean Institute for National Unification, 1/18 2006.

⁵⁴⁰ Choi.

day.⁵⁴¹ Kim Jong-Il has delegated blame, publicly putting the blame on Foreign Minister Kang Sok-Ju.⁵⁴² This blaming system has also reverberated in international negotiations. North Korea usually puts the blame on other parties, accusing them of being inflexible, once North Korea has started with a strong position it will not back away from. Once again, because face-saving of North Korea equates to face-saving of Kim Jong-Il, all international negotiations will also sooner or later affect Kim's legitimacy and are thus treated as if the Dear Leader's position depends on them. When South Korean teams start talking about North Korean internal problems in a negotiation setting with the North, talks usually end right away.⁵⁴³

Kim Jong-Il still suffers from a lack of charisma and authority. His father, however, was always extremely popular in North Korea and did not suffer from this problem. Moreover, Kim Jong-Il has also been confronted with an older generation of hard-liners that his father had already been complaining about when he was well into his eighties. As early as 1994, Kim Jong-Il had had to convince those hard-liners within the party and within the military to have serious negotiations with the United States. However, over the years, Kim Jong-Il has been fully capable of making decisions that the military does not like.⁵⁴⁴ Kim Jong-Il has also suffered from a lowered commitment-level from China. Kim Il-Sung was the one who could speak Chinese very well and thus had a very close relationship with Mao that Kim Jong-Il has not managed to match with Jiang Zemin or Hu Jintao.⁵⁴⁵ This somewhat insecure feeling of always being compared to his father can be seen in some of the younger Kim's actions such as his bragging to reporters

⁵⁴¹ Kim..

⁵⁴² Choi.

⁵⁴³ Ibid.

⁵⁴⁴ Cumings.

⁵⁴⁵ Huh.

during the 2000 Summit that everyone around the world was coming directly to Pyongyang to see him.⁵⁴⁶

Kim Jong-Il, however, is having the first and last word in most of the international negotiations that have been taking place between North Korea and the United States. During the Trilateral Talks, First Vice Chairman of the National Defense Commission Cho Myong-Rok was on medical leave in Beijing and was giving most of the instructions to the North Korean delegation as it met with the United States and China. Kim Jong-Il, however, is the Chairman of the National Defense Commission, and thus in a position of command directly over Cho Myong-Rok. American negotiators to the Trilateral Talks had the impression that the North Korean team needed to have decisions approved by Kim Jong-Il, and that it would take them anywhere between twelve to twenty-four hours to receive instructions from Kim.⁵⁴⁷ Moreover, Kim Jong-Il has clearly tried to cement his relationship with the military over the years, and this strategy has been clearly visible, as more of his visits are to the military.⁵⁴⁸

During the first rounds of the Six-Party Talks, parties also had difficulties in reaching agreements during the negotiations because of the talk structure and the time difference as Kim Jong-Il needed to approve all decisions.⁵⁴⁹ During the October 2002 meeting in Pyongyang, Kim Gye-Gwan first denied the existence of the enriched Uranium Program and then Kang Sok-Ju acknowledged its existence on the second day, after hinting that the North Korean team had been up all night with people from the Army and the Atomic Energy Agency and inferring (though never officially acknowledging)

⁵⁴⁶ Cumings.

⁵⁴⁷ Green.

⁵⁴⁸ Noland.

⁵⁴⁹ Green.

that Kim Jong-Il had led the meeting. During the off-session discussion that American negotiators had with their North Korean counterparts, North Korea clearly indicated that Kim Jong-Il was personally approving all decisions.⁵⁵⁰ Such a statement, however, does not seem true for K.E.D.O.-type negotiations, as there is a lot of contention at the third and fourth level of power within the North Korean structure, and that some of those negotiations are clearly beneath Kim Jong-Il.⁵⁵¹ Evidence thus suggest that when the United States negotiates with North Korea, Kim Jong-Il approves most if not all of the decisions, either directly or through the military. Thus, for the United States, negotiating with North Korea generally means negotiating with Kim Jong-Il.

b. New Relationships: North Korea's Support of Diversification

North Korea's negotiation strategy over the past fifteen years has largely been a product of shifting dynamics over the Korean peninsula which have led to North Korea successfully shifting their source of patronage from the Soviets to the Chinese, as well as to the South Koreans, especially after Kim Dae-Jung's accession to power in 1997.⁵⁵²

1. The New Korean Peninsula's Dynamics

North Korea has received sizable support from both the Soviet Union and China since its creation. However, since the early 1990s, North Korea had to face the dissolution of the Soviet Empire as well as an obvious change of direction towards a

⁵⁵⁰ Ibid.

⁵⁵¹ Carlin.

⁵⁵² Noland.

more open and market-oriented China as Beijing entered the W.T.O in 2001. While Kim Il-Sung had a very close relationship with Mao, the relationship that Kim Jong-Il has had with Chinese leaders is very different from the previous brotherhood bond. Nowadays, interaction between Kim Jong-Il and Hu Jintao is extremely businesslike.⁵⁵³ China has also been supporting North Korea economically, such as by building a glass factory there free of charge. Russia, however, has not provided any significant amount of support to Pyongyang since 2000. It has, however, provided some political support. Both countries have worked toward and in fact succeeded in achieving political normalization between Kim Jong-Il's regime and Vladimir Putin's government. There are also frequent exchanges between the two leaders, but unlike before, North Korea now has to pay for the military hardware it is receiving from Russia in cash.⁵⁵⁴ Thus, North Korea has not been able to count very strongly on Russia's help during the Six-Party Talks, as Moscow's role appears very limited and almost marginal at times. Russia and China, however, have formed a coalition and are constantly consulting with each other regarding the different rounds of negotiations, and coordinating their strategies in light of North Korea's strategy. To some extent, Russia is also trying to play an objective mediator's role between the United States and North Korea by trying to utilize the rather comfortable relationship achieved between President Putin and President Bush to convey North Korea's position to Washington, impartially.⁵⁵⁵ Because of this dwindling Russian support, North Korea has been forced to reassess its position regarding its allies, and especially has had to find other ways to support its economy. During the 1990s, North Korea started utilizing negotiation rounds as a way to secure agreements that would

⁵⁵³ Gregg.

⁵⁵⁴ Joo.

⁵⁵⁵ Ibid.

provide what was no longer provided by China and by Russia. Thus, North Korea has turned itself towards its neighbors, trying to secure a stronger friendship and support from China, as well as South Korea, while at the same time utilizing negotiation rounds and especially issues such as Japanese abductees and reparation for Japanese colonization to pressure Tokyo for monetary concessions. The relationship between Tokyo and Pyongyang, however, took a turn for the worse after Junichiro Koizumi's visit to Pyongyang in 2002 when the topic of abductees was openly on the table, but was denied by North Korea, although it was later admitted by North Korea and then followed by Pyongyang's signing of a treaty stating it would abandon its nuclear weapons program.⁵⁵⁶

The most important relational dynamics over the Korean peninsula are among China and the two Koreas. North Korea does not want to open up like China because of Pyongyang's belief that if its people have more freedom, most of them will want to go either to China or to South Korea, and thus it will become harder for North Korea to retain its strength.⁵⁵⁷ North Korea also said in 1998 that it was aiming at putting a "mosquito net" over the country, meaning that it wanted to receive cool wind, but did not want to be bothered with insects. Pyongyang is thus willing to get aid, but will refuse any corrupt capitalist system as well as democratic ideas because Pyongyang has witnessed the U.S.S.R.'s Glasnost and Perestroika policies that eventually made the Soviet Union collapse.⁵⁵⁸ Pyongyang did initiate some economic reforms in 2002 such as the introduction of a new currency as well as wage increases and has also started initiatives

⁵⁵⁶ Choi.

⁵⁵⁷ Kook-Shin Kim, Director of the Northeast Asia Division, Korean Institute for National Unification, 1/18 2006.

⁵⁵⁸ Kim.

to open trade zones that could potentially employ as many as 700,000 North Korean workers. However, such enclaves are still extremely small in size, and there is no real commitment from the top-level to reform the system the way Deng Xiaoping did in China in 1978 and 1979.⁵⁵⁹ North Korea's ultimate goal in all negotiations and political relationships is its survival. Other goals include weakening South Korea, which can be achieved by trying to break the relationship between Washington and Seoul. But at the same time, North Korea has used the "one nation" argument with South Korea, saying that Seoul has a duty to help because their people are one.⁵⁶⁰ China, however, has an ambivalent position regarding the Korean peninsula. Up to at least two years ago, China thought that a two-Korea policy was not the right policy for the future of the Korean peninsula. The Chinese government also recognizes North Korea as being part of its zone of influence and belonging to the Manchurian region. Due to North Korea's weapons, Beijing does not want North Korea to be problematic in the region, but likewise, it also does not want to antagonize North Korea.⁵⁶¹ Moreover, China is unable to solve the North Korean problem, as it also has its own priorities such as economic expansion. Though North Korea is an important issue for Beijing, it is not as crucial as the issue of Taiwan.⁵⁶² China is also genuinely concerned with the issue of nuclear weapons, and does not want North Korea to possess them. At the same time, Beijing and Seoul have developed a strong relationship and are concerned that any instability in the region might upset economic growth. As a result, both China and South Korea have been rather liberal

⁵⁵⁹ Cumings.

⁵⁶⁰ Kim.

⁵⁶¹ Kim.

⁵⁶² Choon Nam Kim, Researcher at East-West Center, 11/30 2005.

when opening their checkbook to sustain North Korea and prevent it from crashing.⁵⁶³

This economic support of North Korea has also been coupled with a Chinese will to force North Korea out of its isolation, as there are evidence that China has started, since the early 2000s to pressure North Korea to open up change, and for example, cut its supply of oil for three weeks in February 2003 in order to force North Korea to come to the negotiation table in Beijing, for the Trilateral Talks.⁵⁶⁴

South Korea, under the Kim Dae-Jung administration has tried to sustain North Korea but has not pushed for unification. The Sunshine Policy was meant to create a safe environment for North Korea to come out of isolation. During later summits, however, the emphasis was put on tension-reduction, such as the relocation of troops and South Korea kept trying to introduce confidence-building measures in order to appease the situation.⁵⁶⁵ Even though Seoul wants unification, it is perceived more as a myth rather than as an achievable reality. South Korea's policy of giving to North Korea without any real conditions has been pursued both by its left-wing and right-wing politicians.⁵⁶⁶ Seoul, however, still considers itself to be in competition with China regarding the United States as well as North Korea.⁵⁶⁷ It has adopted the logic that if they do not act regarding North Korea, China eventually will. Because South Korea has adopted a policy aimed at avoiding a potential crash, it has weakened its bargaining power in negotiations.⁵⁶⁸ It thus did not provide Seoul with a strong B.A.T.N.A. over the last multilateral negotiation

⁵⁶³ Noland.

⁵⁶⁴ Choi.

⁵⁶⁵ Ibid.

⁵⁶⁶ Dujarric.

⁵⁶⁷ Flake.

⁵⁶⁸ Kim.

rounds. In addition to using the concept of “failed state” when talking about North Korea instead of referring to it as a “rogue state,” South Korea has tried not to challenge North Korea in order not to give Pyongyang a pretext for not coming back to the negotiation table.⁵⁶⁹

One might wonder whether China will have a more important role than South Korea in the future shaping of the Korean peninsula and to a larger extent, of Northeast Asia. For the United States, it seems that China’s role has evolved from that of a strategic partner under the Clinton administration to that of a strategic competitor under the Bush administration: for this reason, one might wonder what has China tried to achieve over the past few years when trying to mediate and broker deals between North Korea and South Korea and the United States. Is China a conspirator, a bad cop? Or is China a good cop, thus subscribing to a benevolent mediator vision of its role? It has been hard to receive a straightforward answer to this question from negotiation specialist, North Korea specialist as well as high-ranking diplomats interviewed in this study. A consensus seems to be reached, however, when considering the important role that China has been playing, and the fact that the United States, North Korea and China all consider China as one of the most important players in balancing Northeast Asia.

2. Washington’s Role and Duties

North Korea considers the United States to be its main interlocutor in the international system, mainly because it sees the United States as being the signatory to

⁵⁶⁹ Choi.

the 1953 Armistice treaty.⁵⁷⁰ As such, Pyongyang has tried to secure negotiations with the United States. Washington's foreign policy as well as its involvement in international affairs, such as the Bush Iraq war profoundly changed North Korea's behavior over the past fifteen years. The United States has had difficulties in maintaining a coherent policy regarding its involvement in East Asia, in part because of difficulties in legitimizing to South Korea as well as to the rest of the world the large number of troops stationed in South Korea after the end of the Cold War, as well as the rise of economic powers such as Japan and China, and because of the rise of anti-Americanism, anti-Bushism as well as the rise of Korean nationalism within South Korea.

From 1994 until the year 2005, the United States experienced two different governments with very different ideas regarding North Korea. The Clinton approach was assimilated to that of Kim Dae-Jung because Clinton accepted the Sunshine policy, and therefore adopted a softer approach toward North Korea.⁵⁷¹ It was fully aware that such an approach would not fundamentally change North Korea. Instead the United States accepted demands from North Korea because Clinton was hoping there would be a gradual change in North Korea. North Korea was also conscious that a peace agreement was most likely not within reach until the start of 2001, when the Clinton Administration would cease to be in power. Although there was a will on both sides to come to an agreement, and this later led to Albright's visit to North Korea, as history had it, the window of opportunity opened by both states was not enough. The paradigm shift that occurred in the United States in 2001 as a result of September 11 changed the dynamics

⁵⁷⁰ Dujarric.

⁵⁷¹ Kim.

of the system.⁵⁷² North Korea suddenly became a prime target, and the Bush Administration wanted the elimination of the regime.⁵⁷³ It seems that the Bush Administration was concerned with issues of human rights, a concern that stemmed in great part from President Bush's religious convictions. Thus, Washington did not want to see the Agreed Framework as legitimizing the North Korean regime in any way unless North Korea really took steps to deserve it. Hard-liners within the Bush Administration also were against the Agreed Framework, which they considered to be extorting America's money. They wanted the Bush government to abandon the Framework as soon as it came to power, while North Korea was at the same time, trying to go back to the Agreed Framework.⁵⁷⁴ The United States was also ready to go to talks as early as 2002, bilaterally with North Korea, but then the talks were delayed because of various incidents happening in the West Sea, as well as because of the Axis of Evil Speech. During the preparation for those talks, President Bush specifically said that he did not want to enter into a tit-for-tat strategy with North Korea, nor would he be satisfied with a partial agreement. The United States was thus committed to taking a bold approach and giving a lot of money to North Korea if Pyongyang was ready to take a bold approach as well.⁵⁷⁵ Finally, the United States perceived North Korea as being a spoiled child that needed spanking, and thus started to focus on sticks more than carrots, with its basic policy being that unless North Korea started to do what was asked of them, then there would be no conversation possible, which explains why there were no talks from the

⁵⁷² Choi.

⁵⁷³ Ibid.

⁵⁷⁴ Joo.

⁵⁷⁵ Green.

closing of the bilateral missile talks in November 2002 until the short Trilateral Talks in Beijing in 2003.⁵⁷⁶

During rounds of negotiations that have occurred within the Six-Party Talks framework, the United States has also been faced with dwindling support from South Korea. Because of the change of attitude the United States displayed after the 2001 terrorist attacks, the United States entered into a policy of no talks with North Korea. This policy was, however, not followed by South Korea which kept on having ministerial talks in order to pacify North Korea in the absence of American diplomacy.⁵⁷⁷ This South Korean attitude was a function of several factors that included a rising antagonism by the younger generations of South Koreans toward the role of the United States in a potential peace process for the Korean peninsula. Some have expressed the idea that the United States is not as concerned about nuclear weapons over the peninsula as it is worried about its loss of global hegemony over East Asia, especially considering the rise of China. This also stems from the different understandings of axis present in the region. The United States understands the Pacific region as having two central points, namely Japan and Taiwan, whereas South Korea is more concerned with China and North Korea.⁵⁷⁸

The United States, however, took another fork in the road in 2003 with the War in Iraq that has, once more, derailed the process of coming to a negotiated solution to issues faced by the Korean peninsula. The United States' attention has been almost exclusively focused on the issue of Iraq, and many American government officials dealing with war and peace issues, when asked questions by the press regarding the North Korean situation, gave answers that clearly indicated that they had not been following

⁵⁷⁶ Kim.

⁵⁷⁷ Huh.

⁵⁷⁸ Ibid.

developments regarding the Korean peninsula.⁵⁷⁹ It is thus possible to conclude that the North Korean issue was far from being at the top of the list of American priorities, as it probably spent more than ninety percents of its time dealing with the issues of Iraq and Afghanistan, as well as the rest of its time on issues such as Taiwan, Darfur, Cuba, and North Korea, thus destroying North Korea's vision that Washington is thinking about the Dear Leader every nights and days.⁵⁸⁰

North Korea strategized about its participation in international negotiation rounds, when it realized that a deal with the first Bush administration would be very unlikely given the administration's attitude regarding the Agreed Framework, the hardening of Washington's stance regarding terrorism and pariah states following the September 11, 2001 attacks, the January 2002 Axis of Evil Speech, and the March 2003 military action in Iraq. Because North Korea has become more sophisticated and knowledgeable about the world, it was keenly aware of the United States' election cycles, and was hoping that John Kerry would win the 2004 Presidential election. However, because of the way North Korea managed to diversify its support, thanks to China and South Korea's willingness to foot almost any bill in an effort to pacify the situation as well as to replace the United States in its absence of involvement in the Korean peninsula, Pyongyang has developed a capacity to wait for events to take a more favorable course. Just as China and South Korea became substitutes for non-governmental organizations bringing relief to North Korea in the 1990s, North Korea has been waiting to engage in any meaningful agreement until the next American administration replaces President Bush's.⁵⁸¹ The second Bush administration has, however, been more flexible, especially because as the

⁵⁷⁹ Don Oberdorfer, S.A.I.S., 3/14 2006.

⁵⁸⁰ Dujarric.

⁵⁸¹ Cumings.

war in Iraq has created a lot of strains on the United States, the prospect of holding negotiations with North Korea along with other important players was viewed positively by the United States. It is debatable whether or not the Iraq war has hardened or softened North Korea's position in international negotiations. The level of force used for the war showed a very aggressive United States. North Korea was not expecting such a display of strength but Pyongyang also got reassured that the United States, because of the current difficulty that its military is facing in Iraq, will not be able to be involved in a second conventional invasion.⁵⁸² Thus, North Korea might now see holding negotiations simply as a way to gain time until an American administration change. The United States, however, has tried to raise new issues beside nuclear weapons, focusing on North Korea's human rights and counterfeiting, for example.⁵⁸³ By many accounts, however, the issue of counterfeiting was far from being new. The amount of money that had actually been involved in the illegal trafficking was not much, and there surely were issues of more pressing importance such as that of nuclear weapons on the peninsula.⁵⁸⁴ Thus, it seems that the Bush Administration has had a hard time controlling its policy and its focus regarding North Korea, and that both Washington and Pyongyang have settled for a similar approach, waiting the other one out. Because of this mindset, few meaningful steps have been taken regarding resolution of issues, and both parties have engaged in a new game structure with rounds largely dictated by China.

⁵⁸² Noland.

⁵⁸³ Choi.

⁵⁸⁴ Cumings.

c. Brokers, Allies, and New Game Structures

There have been different motivations for having negotiations, negotiation expectations and negotiation structures, and rhetoric during the talks. Some issues have been polarizing while others have led to the formation of coalitions of negotiators. The notions of trust and confidence-building have been crucial in influencing negotiation outcomes. Moreover, negotiations have been influenced by the current Bush administration's apparent split over the issue of engaging with North Korea. Finally, the game has progressed from a time when parties tried to preempt the development of nuclear weapons by North Korea to a situation in which despite safeguards, North Korea has felt the need, for one reason or another, to develop such weapons. Thus, the question of what to do regarding the Agreed Framework and a potential denuclearization of the peninsula has occupied most of the diplomatic minds working on the North Korean issue.

1. The Making of an Agreement

Is trust necessary in order to have successful negotiations? Is it possible for North Korea to trust its American counterparts, and for the United States to acknowledge that its negotiation partners are not only using rhetoric developed by regime propaganda, but are truly interested in reaching a negotiated agreement? By many accounts as well as obvious observations, the United States and North Korea do not have any history of trust. Both parties have actively accused the other about failed negotiations and about the escalation of the security dilemma on the Korean peninsula.⁵⁸⁵ Thus, there is a need to

⁵⁸⁵ Gregg.

establish credibility as well as raise the level of dialogue between the two parties.⁵⁸⁶ Such dialogue has developed within the K.E.D.O. framework. It created a relationship that had not existed before and talks were held at both lower ranks as well as top positions.⁵⁸⁷ K.E.D.O. negotiators seem to have been able to initiate trust at those different contact levels, but other parties negotiating with North Korea, such as the South Korean negotiation teams dealing with inter-Korean affairs through the Korean Ministry of Unification believed that trust was not really possible from either the North Korean side or the South Korean side. They felt the best that could be achieved was an “understanding”, a more exact term to qualify the relationship. For South Korean negotiators trust meant the ability to deliver on promises made.⁵⁸⁸

North Korean negotiators seem to be well-regarded, well-recognized, and well-qualified. Initial impressions of American negotiators during negotiations suggest that North Korean negotiators are intelligent diplomats who are also very well-informed⁵⁸⁹ as well as keen on analyzing the negotiation, even though it is uncertain whether they actually “game” the negotiations.⁵⁹⁰ North Korean negotiation delegations are often composed of five or six people, with some that are not critical to the negotiation, and a few that are usually key actors, such as Kim Gye-Gwan.⁵⁹¹ North Korean diplomats are also recognized for their love of the diplomatic game, for being quite personable, as well as for their frankness, as in the case of the Six-Party Talks where American diplomats reported that they never felt that North Korean diplomats were lying unless they had

⁵⁸⁶ Ibid.

⁵⁸⁷ Carlin.

⁵⁸⁸ Choi.

⁵⁸⁹ Cumings.

⁵⁹⁰ Carlin.

⁵⁹¹ Ibid.

explicitly been told to do so by the North Korean regime.⁵⁹² South Korean diplomats also note the way North Korean counterparts try to show their sincerity and commitment to their country's official line of conduct and position on issues when talks are in session, but that they can become extremely candid and honest about the reality of the North Korean situation when in private settings.⁵⁹³

If trust – or at least a somewhat good relationship – is achieved at the negotiation level, is it possible to translate this to the international issue-level? The Clinton administration saw a clear-cut difference between trust and confidence-building, positing that trust was not a necessary condition, and even less a sufficient condition in order to create positive agreements that would be upheld by parties. The difference between confidence-building and trust is that confidence can be achieved by building the kind of agreement that will make parties feel that if one of them breaks out, everybody will know about it. Thus, the Agreed Framework was an attempt at confidence-building that is also argued by Clinton Administration supporters to have enabled the United States' access to the Kumchang-ri site. Nowadays, however, the Agreed Framework has almost been abandoned, and surely has not been given much support by the Bush Administration, while North Korea has been trying to get back to an Agreed Framework-type of agreement, hence believing that the table could be wiped clean and that new partnerships could be created. North Korea, however, was not willing to accept the terminology “confidence building” up until the end of the Four-Party Talks. The failure of the Four-Party Talks was largely due to North Korea's repetition of issues - negotiating a peace treaty, the reduction of American troops on the peninsula, and the cessation of joint

⁵⁹² Green.

⁵⁹³ Kim.

military exercises between the United States, Japan, and South Korea. North Korea was insisting on the wording “tension reduction,” but finally gave in, and accepted China, South Korea and the United States’ “confidence-building” terminology.⁵⁹⁴ The same terminology issue arose again during the Six-Party Talks with the United States’ Complete, Verifiable, Irreversible Dismantlement (C.V.I.D.) of North Korea’s nuclear weapons program. After North Korea’s signature of the September 19 agreement at the Six-Party Talks, the time is ripe to bring new confidence-building measures. The first step should be the creation of a negotiation environment and the second the discussion of each actors’ security concerns so that all players start on an equal footing. This process will have to be ongoing until there is an agreement that provides strict implementation of plans that are drawn up and provides for sub-committee meetings.⁵⁹⁵

Reaching an agreement with North Korea, however, will depend on several factors. First, there is a clear need to identify parties’ priorities. The United States’ priorities seem to be monetary concerns, military power, and prestige on the international scene while North Korea tends to go for prestige first, then power, and then money. The Clinton Administration was willing to give North Korea face, to recognize a normalization of relations, to refrain from using language that was too aggressive, and to utilize titles in conversation that North Korea preferred. The Bush Administration, however, influenced by a different strategic climate and a different understanding of its own security, was not willing to give North Korea face as it wanted to confront Pyongyang with the issue of human rights. To some extent, the United States also abandoned faith in North Korea regarding confidence-building institutions such as the

⁵⁹⁴ Choi.

⁵⁹⁵ Ibid.

Non Proliferation Treaty and the Agreed Framework.⁵⁹⁶ Second, negotiations with North Korea have been largely influenced by the type of forum that was provided for the talks. Over the past fifteen years, several formats have been tested, some with more success than others. The Six-Party Talks are the most comprehensive model of talks that have occurred between the parties. Previous rounds of negotiations have been heavily influenced by timelines and the question of whether negotiations should have an open-ended structure, such as was the case with the Six-Party Talks' fourth round. There is a normal rhythm, a sort of normal evolution that takes place during negotiations. Everybody comes and presents their opening positions, communicates back and forth to their capital, and then has some time to reformulate their positions. Some argue that a natural bilateral negotiation process on a substantial issue like North Korean development of nuclear weapons would take anywhere from five to ten days.⁵⁹⁷ The Six-Party Talks departed from the usual format in which the United States was trying to put artificial deadlines on negotiating sessions in order to make North Korea come to their bottom line faster.⁵⁹⁸ The Six-Party Talks also embodied a clear pursuit of multilateral efforts that had been initiated during the Four-Party Talks and highlighted China's efforts to bring about a new round of talks using the Beijing Trilateral forum. The United States seemed to have drawn lessons from the 1994 nuclear crisis, where the process of negotiation was not an open one. The United States has therefore been trying to reach formats that include more than just North Korean and American negotiators in one room, in order to avoid being blamed by North Korea if there is no agreement reached at the end of the day. However, such a structure back-fired for the United States: the Six-Party Talks were a forum

⁵⁹⁶ Hubbard.

⁵⁹⁷ Carlin.

⁵⁹⁸ Ibid.

designed to bring a coalition of five countries (the United States, South Korea, China, Japan and Russia) against one (North Korea). However, China and South Korea have largely supported the idea of appeasing North Korea by basically agreeing that North Korea should be allowed peaceful nuclear energy facilities, while Russia has largely stayed outside of the debate, and Japan alienated itself by pressing the issue of abductees with North Korea, leaving the United States rather alone in the process.⁵⁹⁹

The Six-Party Talks' first round was also very successful because the small group format that was agreed upon enabled discussion, but the tight timeline made it difficult for parties to consider the draft statement that China had put on the table. The United States' negotiators had to get approval from Washington on some issues, and North Korean delegates also needed Kim Jong-Il's approval. Parties, including China, realized that time zones made it difficult for negotiations to follow a "natural course", and this led to a change in format and the fourth open-ended round in which parties benefited from much more time.⁶⁰⁰ Parties have also realized, in light of the tense international situation, that a breakdown of channels of communication between the parties would lead them to have to take a course of action regarding, if one takes North Korea's position, a potential American preemptive strike or, if one takes the United States' position, actions regarding North Korea's weapons of mass destruction. All in all, the situation can only be more unstable if there are no talks, and all parties seem to be conscious of this. However, it has been difficult for the United States to keep a constant position regarding the North Korean issue, because while the United States may be a rational and realist actor, it is far from being a unitary actor.

⁵⁹⁹ Noland.

⁶⁰⁰ Green.

2. *Forget-Me-Not: Nuclear Weapons, Hard-Liners and Sunbathers*

The United States and North Korea are now back to a stalemate situation: the September 19 agreement that was touted as being a big step forward has not delivered any constructive steps towards a peaceful resolution of the situation. Three years of negotiations among the United States, North Korea and other members of the international community have been dominated by the issue of nuclear weapons. Why did the Six-Party Talks fail to produce any meaningful agreement despite a strong commitment to dialogue on all parts? It seems that the answer to this question lies in part on the side of the American negotiation team, and to a larger extent, in the dynamics within the Bush Administration. During President Bush's first term, Colin Powell was given the reign of power and quickly said that he would continue with Clinton's approach but was quickly reprimanded for his comments.⁶⁰¹ It seems that the Bush Administration has been divided among different power lines. Some say that there are tensions between hard-liners and moderates.⁶⁰² Others qualify the tensions as being among hard-liners and ultra hard-liners.⁶⁰³ One of the most salient theories running around Pennsylvania and New York Avenues, is that Powell did not have a good relationship with Bush, and thus was not fully empowered by the president. Others also suppose that Dick Cheney, not wanting to give any leeway to North Korea, intervened to prevent Powell from following a more dovish approach. As a result, James Kelly might have been left with very few instructions as to what to do during the early years of the Six-Party Talks.⁶⁰⁴ Stories of how difficult it was for Colin Powell to get the undivided attention of the President also

⁶⁰¹ Gregg.

⁶⁰² Noland.

⁶⁰³ Flake.

⁶⁰⁴ Oberdorfer.

arise, as he was apparently not able to talk to him unless he was on Air Force One, flying somewhere in Africa.⁶⁰⁵ The second Bush Administration has appeared more flexible in terms of having a dialogue with North Korea for reasons that we have seen earlier. In the second term a different team was put together with Christopher Hill and Condoleezza Rice. The Rice-Hill team received more of the president's confidence than the Powell-Armitage team.⁶⁰⁶ Besides internal divisions, the United States has also suffered from conflict within agencies, as the State Department has tended to put an important emphasis on diplomacy, while the Pentagon has tended to undercut diplomacy. The National Security Council has been trying to bring them together at the beginning of the Six-Party Talks.⁶⁰⁷ Thus, the new approach could be considered a synthesis of two approaches that were opposed to each other.⁶⁰⁸ During the first administration, no party could agree on the course of action to take.⁶⁰⁹ There were sharp personal divisions on the issues, such as Dick Cheney's hatred for North Korea's regime to Colin Powell's position that it was not a sane course of action just to consider regime change in North Korea as an option. There seems, however, to have been a unified understanding of the Six-Party Talks' importance for rejuvenating a dialogue that had abruptly ended and created a hiatus during which North Korea reacted to the Iraq invasion by supposedly sending Kim Jong-Il into hiding for more than forty days in a bunker designed for his protection, located in China.⁶¹⁰

With the leeway Condoleezza Rice gave to Christopher Hill, it appears that Rice entrusted Hill during the fourth round of Six-Party Talks to manage to get the six parties

⁶⁰⁵ Ibid.

⁶⁰⁶ Noland.

⁶⁰⁷ Green.

⁶⁰⁸ Ibid.

⁶⁰⁹ Cumings.

⁶¹⁰ Flake.

to agree on the denuclearization of North Korea as a precondition to negotiate.⁶¹¹ The hiatus that the United States took while it was more preoccupied with September 11, 2001 was also accompanied by the fact that there was no real North Korea specialist in the administration at that time. The situation was unchanged during the second administration, however critics started to arise, saying that the United States was refusing talks with North Korea, and thus accused Washington of not being interested in a successful resolution of the nuclear weapons crisis. The fact is, however, that the United States did not expect that North Korea would be so forthcoming about its nuclear weapons. Washington seems to have based its approach of the nuclear weapons crisis on the Kumchang-ri experience. When the United States confronted North Korea, alleging that it was using the site to develop nuclear matter and nuclear weapons, North Korea fiercely denied the allegations. In October 2002, however, when James Kelly met with Kim Gye-Gwan and confronted him about nuclear power, North Korea did not deny it, but rather acknowledged it.⁶¹² North Korea has been developing nuclear weapons as a direct result of the United States having nuclear weapons on the Korean peninsula as early as 1958 and up until 1991.⁶¹³ North Korea seemed to have used its potential nuclear weapons as a bargaining chip during the 1990s. The Yongbyon reactor is not a reactor type that can easily be used to create weapons, as it is a copy of a British Coldwell reactor that was used in Great Britain during the 1950s. The fact that North Korea unloaded the reactor's fuel only twice could be a sign that Pyongyang was not systematically collecting the fuel and thus was not serious about creating nuclear

⁶¹¹ Ibid.

⁶¹² Ibid.

⁶¹³ Cumings.

weapons then.⁶¹⁴ Since the beginning of the twentieth century, however, North Korea has changed its approach. It desires to retain its weapons in order to achieve deterrence, especially in light of America's War on Terrorism as well as its preemptive strike on Iraq. To some extent, the American paradigm shift has reinforced North Korea's determination to have nuclear weapons in order to survive. The more sophisticated North Korea's nuclear capacities become, however, the more difficult it will be for the United States to find a compromise.⁶¹⁵ Evidence in international politics also show that giving up nuclear weapons programs have often been associated with regime change, such as in the Ukraine, South Africa, Brazil or Argentina, with the exception of Libya that has become the United States' prime model for successful abandon of illicit nuclear programs.⁶¹⁶

Why would North Korea try to retain its nuclear weapons at all costs if it is conscious about what happened in Iraq? The logic of deterrence seems to be a strong factor in North Korea's rationale, but not necessarily in the conventional state-to-state sense. Having nuclear weapons deters internal factions within Korea from being dissatisfied with their leader, as the prospect of being a nuclear state and belonging to the "big boys' club" would reassure an institution like the Korean People's Army.⁶¹⁷ There are, however, suspicions regarding the nature of North Korea's nuclear weapons program. Russia, for example, has been consistent about saying that North Korea does not have nuclear capacities. The Foreign Ministry has claimed that they knew very well about Pyongyang's capacity because of its close relationship with Moscow. According to Russia, North Korea has the capacity to produce weapons' grade plutonium, but Moscow

⁶¹⁴ Ibid.

⁶¹⁵ Choi.

⁶¹⁶ Noland.

⁶¹⁷ Green.

does not believe that North Korea has actual weapons.⁶¹⁸ A few years ago, experts who went to North Korea were convinced that Pyongyang did not know how to reprocess plutonium. North Korea showed them a piece of metallic plutonium. When experts asked North Korea to see the bomb, they said they were looking at it.⁶¹⁹ However, the prospect that North Korea has now been developing weapons using highly-enriched uranium is a new concern that must be addressed.

The most important question to answer at this point is about the relevance, or lack of relevance of the September 19, 2005 agreement. After several weeks of negotiations and a number of drafts presented by the Chinese delegation, China insisted on the inclusion of the provision, in the agreement, of light-water reactors to North Korea in a bid to push North Korea to sign the agreement as well. Both South Korea and China then called Rice in a joint effort to put pressure on her. Finally, the United States decided to sign the accord, with North Korea committing to “specific and immediate” provision of the reactor, while the United States committed to a vague “appropriate time”.⁶²⁰ The difference in interpretation of the agreement thus came about very quickly, the day after the agreement was signed. This was clearly part of North Korea’s negotiation strategy in order to put pressure on the United States so that it can get rewards from the agreement, and it can have the leisure to blame the United States if Washington reneges on its part of the deal.⁶²¹ Finally, the United States’ difficulty to come to a consensus and especially a unity in action when working on the issue of North Korea is seen in the tough statement made by Washington the morning after the agreement was signed. The statement clearly

⁶¹⁸ Joo.

⁶¹⁹ Cumings.

⁶²⁰ Flake.

⁶²¹ Joo.

indicated that the light water reactor would not come before North Korea took critical steps first. This language was not written by Christopher Hill; rather, it represented the position of certain people in the Bush administration.⁶²² The United States is still not ready for a single approach regarding North Korea, and that this plays in Pyongyang's favor. North Korea is waiting for the end of the Bush administration's in 2008, and its replacement by a new administration. Thus, division within the line of command in the United States and especially along the corridors of the White House has been strengthening North Korea's negotiating power. Neither sunbathers who supported the Agreed Framework and Kim Dae-Jung's Sunshine Policy, nor hard-liners who hinted at their support of regime change in North Korea have been able to forecast what the Dear Leader's next move will be.

⁶²² Oberdorfer.

Chapter Eight. Conclusion

“As far as the outside world was concerned, the Paradise on Earth created by the great leader and bequeathed to the dear leader existed only in the minds of a self-serving leadership and a brainwashed population.”⁶²³

These words from Michael Harrold summarize the difficult path that North Korea has chosen to pursue: stricken by the experience of colonialism under the Japanese occupation of more than three decades, engrossed in the cult of personality that has led to the first communist monarchy, beaten down and starved by poor economic decision making and catastrophic climactic conditions, North Korea has isolated itself from most of the international community and developed nuclear weapons. It is now categorized by many as an abhorrent rogue state.

But it is important to be more nuanced than this. The literature has shown that the definition of a rogue state has evolved over time. Rogues were first understood as states that did not fit traditional characterizations of rational states acting in the international system. Most of the states classified as rogues were involved in the creation and the trading of weapons of mass destruction, and had ties with terrorism. The 1991 Iraq invasion of Kuwait exemplified how a rogue state could suddenly threaten the international system. The United Nations’ response that was largely led by the United States showed that the threat that could be posed by rogue states had been taken seriously by the international community.

⁶²³ Harrold, *Comrades and Strangers*.

Is North Korea a rogue state and if so, should the international community engage with it? Pyongyang has been considered one of the leading rogue states because of its isolation from the international system and because of the ways that its behavior has mirrored the aforementioned rogue attribute: North Korea has sponsored and enacted terrorism (the Rangoon attack and the bombing of the K.A.L.858 flight in the 1980s, for example); has defied the international system by expelling World Food Program officers who were trying to alleviate the North Korean population's hunger in the late 1990s; tested missiles over Japan on many occasions; reprocessed plutonium while its Yongbyon reactor was supposed to be frozen as per the terms of the 1994 Agreed Framework; and withdrawn from the Non Proliferation Treaty as it developed nuclear weapons. Moreover, the Dear Leader's enigmatic personality, as well as Pyongyang's belligerent prose have cemented the country's position as one of the rogue states that the United States, and to some extent the international community, love to hate.

How has the international community engaged with North Korea? The Clinton Administration paired up with the Kim Dae Jung Administration to support an engagement policy that was designed to help North Korea emerge from its isolationism and that also aimed at preventing North Korea from crashing down and destabilizing South Korea and to a larger extent, the Northeast Asian region. The Bush Administration, however, has adopted a different strategy that has evolved due to the War on Terrorism. At first, the Bush Administration did not have a clear strategy on North Korea, but following the September 11, 2001 attacks, Washington's new preemptive approach to terrorism crystallized, and the President singled-out North Korea as a member of the Axis of Evil in his 2002 State of the Union Address. The United States decided to suspend

diplomatic relations with North Korea, and as a result, China has become the main interlocutor between North Korea and the United States, as Beijing jumpstarted multilateral rounds of talks that led to new efforts to denuclearize the Korean peninsula.

How does North Korea negotiate? The existing literature focuses on the Kim Il Sung period. It only briefly touches Kim Jong-Il's reign, which is the focus of this dissertation. Previous studies have pointed out North Korea's inflexibility during negotiations, its propensity to blame its negotiation counterparts for the lack of progress during and after talks, and Pyongyang's tendency to reinterpret signed agreements. There are, however, serious shortcomings in the literature: North Korea has often been studied in the context of the Cold War, and very few studies manage to overcome stereotypical ideas of North Korea, such as expectations of Pyongyang's imminent collapse due to its economic problems or that Kim Jong-Il would have a hard time being perceived as a legitimate leader by his own citizens. Most of the literature regarding how North Korea negotiates has dealt only with the onset of the Kim Jong-Il era, and thus the time is ripe for an up-to-date analysis of Kim Jong-Il's regime and its negotiation strategy from 1994 up to the present. Moreover, when looking at the broader literature on rogue states and international negotiations, it is apparent that most of the studies are centered on how the United States has framed rogues and negotiated with them. It tends to assume that rogues' behavior and roguery is constant. Thus, it is vital to consider a different dependent variable, namely North Korea's negotiation strategy, rather than yet again focusing exclusively on Washington's approach. By focusing on a different dependent variable and looking at how Kim Jong-Il's North Korea has been negotiating and which

factors influence dynamics in North Korean strategies, this dissertation explores whether or not there is consistency in North Korea's negotiation strategies.

Determining whether there is a consistent North Korean negotiation strategy in light of its interaction with the United States means looking at various cases of negotiation episodes in which Pyongyang has been formally involved. Seven cases that have involved North Korea and the United States as negotiators, and some of which have involved regional powers or superpowers in formal negotiation settings, were selected for archival and interview research.

The first case, the 1994 "Pilot Negotiations," dealt with an American helicopter crossing the D.M.Z. which was shot by the North Korean Army, and it showed how the U.S. government had to negotiate with North Korea in order to recover the remains of one pilot and obtain the release of the second, without the incident impeding the implementation of the Agreed Framework. The second, the 1996-2000 "Bilateral talks: Missile Proliferation", involved bilateral talks between the United States and North Korea. They were held in order to discuss Pyongyang's missile proliferation and revealed how North Korea was asked to agree to the Missile Technology Control Regime and in turn asked the United States to provide compensation for lost missile-related revenues. The third case, the 1996 "Nodong launch," dealt with North Korean preparations for a test of its medium-range Nodong missile and Washington's response to these plans, defensively trying to assert its power by sending a reconnaissance ship and aircraft to Japan. Several meetings were then held in New York between the United States and North Korea, in order to reach a compromise on the missile testing. The fourth case, the

1999 “Kumchang-ri compromise” explored Ambassador Kartman’s visit to the D.P.R.K. and his concerns regarding underground construction in the Yongbyon area. Pyongyang had to decide, in order to receive food and economic aid, whether it would allow inspectors to visit the site. The fifth case, the 1997-1999 “four-party talks,” described how the United States, China, South Korea and North Korea met to discuss a potential resolution to the 1953 Armistice. The sixth case, the April 2003 “Trilateral talks” showed how China invited North Korea and the United States for several days of talks in Beijing, in order to restart the negotiation process over the peninsula after a hiatus of more than three years. The seventh case, the 2003-2005 “six-party talks” involve the talks between the United States, China, Japan, Russia, South Korea and North Korea to discuss the possibilities for a nuclear-free peninsula

Next, the findings regarding the main research question, namely whether there is a North Korean negotiation strategy and which factors account for dynamics in this strategy, were discussed, in light of the qualitative analysis of the cases via archival research and elite and expert interviewing. Empirically, the data suggests that there is indeed a North Korean negotiation strategy, one characterized especially by the importance of “saving face,” as well as the centralization of power in North Korea.

Individual-level hypotheses regarding saving face proved robust as explanations of negotiation behavior in many negotiation cases and showed that North Korea is highly influenced by and responsive to its perceptions of the ranking of its negotiating partners. Additionally, the results falsify hypotheses linked to the state which had suggested the strategic impact of a split between North Korea’s elite and its military, and North Korea did not appear to use the image of such a split in order to gain leverage in international

negotiations. Likewise, there was little support for hypotheses pertaining to the international system which predicted linkages between crises.

North Korea's inflexibility in terms of its red line has resounded across the various negotiation cases. This finding is perhaps one of the most important, along with the fact that North Korea seems to be more responsive to negotiations that pertain to issues of low-politics and more inflexible regarding outcomes that would require change to its own system or issues of high-politics.

What are the implications of these findings? First, there is theoretical value-added component as the study has challenged some assumptions that the literature has made regarding North Korea. In contrast to what the literature suggests, there is a consistent North Korean negotiation strategy and this strategy cannot be understood, much less responded to effectively in negotiations, if North Korea is dealt using conventional wisdom that assumes it is collapsing, isolated, ignorant, and irrational. Moreover, the time constrictions that are often discussed in the negotiation literature do not appear to change the likelihood of an agreement being reached. Rather, open-ended negotiations have proven to be a more favorable setting in the case of the six-party negotiation. Putting artificial deadlines in order to reach an agreement faster are counterproductive as North Korean negotiators are not entrusted by their regime to make their own decisions at the negotiation table and because North Korea is often inflexible when it comes to its position during negotiations.

The results of this study may well generalize to other negotiations involving North Korea and economic or non-state actors. Although the focus has been on state-level negotiations, similar constraints are likely to involve North Korea's behavior in

negotiations involving economic enterprise because there is no private enterprise in North Korea, the country is fully centralized, and all decisions pertaining to the state are made by elites. A similar methodology could also be used to look at and compare the behavior of other rogue states which have similar characteristics: a state with a centralized government led by an omnipotent ideology (or religion, for example), a state that develops weapons that threaten regional and international stability, and a state that also challenges the United States' hegemonic power.

It is probably in the field of policy and in practical negotiation settings that the study has the most important implications, however. This study has showed, however, that the negotiation relationship between Washington and Pyongyang has evolved: during the “teenage” and “tentative” diplomacy period, North Korea was under a lot of scrutiny as it was the first time that Pyongyang was taking part in relatively public and open negotiations. During the “renewal” of diplomacy phase, however, it seems that the United States stole the spotlight and a very important part of North Korea's negotiation strategy seemed to have been fomented as a reaction to Washington's actions. The United States needs to be sensitive to North Korean culture and to the fact that Pyongyang has learned about the international system over the past decade, and is no longer as unaware about the world as it was when Kim Jong-Il took the reigns of power. North Korean diplomats have learned to become first-class negotiators through their repeated negotiation interactions, within the K.E.D.O. framework, as well as through inter-Korean talks, and bilateral and multilateral rounds of talks. In terms of policy, a new outlook on North Korea is needed: the United States has focused on generating North Korean behavioral change, especially regarding nuclear energy. However, it is crucial to understand that North Korea's nuclear

weapons give Pyongyang important benefits. First, whether or not North Korea has nuclear weapons and is able to deliver them, the fact from the North's perspective is that having them may serve as a deterrent for Washington: it has so far prevented the United States from launching a preemptive war in North Korea. Second, North Korea can generate revenues from the sale of such weapons, and thus alleviate the burdens of its failing economy. Third, North Korea can extract monetary concessions by negotiating access to inspectors concerned with North Korea's potential development of nuclear weapons, being rewarded for its nuclear efforts (evident during the Kumchang-ri case, for instance). Fourth, North Korea can control its population by indoctrinating its people to think that the regime is one of the leading world powers because it belongs to the restricted club of Nuclear Weapons States. For all those reasons, it seems highly unlikely that North Korea would abandon its nuclear weapons based on Washington's pressures. The United States' expectation of North Korean nuclear concessions and behavioral changes is thus misguided. It is more feasible to first focus on altering the strategic climate surrounding the peninsula and its negotiation partners in order that North Korea no longer need to own or use such weapons.

Further study is needed to explore how the strategic climate could be changed, if negotiation strategies are altered to account for North Korean behavioral patterns and constraints regarding nuclear concessions. Such an approach could involve strategies that help alter North Korean perceptions that the United States would launch a preemptive war at any time. Moreover, strategies that help improve North Korea's economy could lead Pyongyang to be less dependent on and interested in generating revenues from the sale of missile technology or ownership of weapons of mass destruction. But an equally

important change is necessitated not on the side of negotiation partners, but actually within the North Korean regime: as long as North Korea feels it needs to control its own population and uses nuclear power to help establish its legitimacy, there will be very little possibility to make Pyongyang less of a military dictatorship and more of a democracy.

It also seems crucial to reevaluate the role of China in the international system and especially in Northeast Asia. Though China may have, at some point, been considered as a rogue, it is now a crucial partner to the United States in bringing North Korea to the negotiation table. It seems important to work on evaluating China's strategic approach in Northeast Asian negotiations, especially regarding whether or not China has the willingness, ambition, and ability to become a military hegemonic power that could challenge the United States.

Finally, it is necessary to continue observing the evolution of the six-party talks beyond the September 19 agreement. The terms of the agreement stated that "The Six Parties are committed to joint efforts for lasting peace and stability in Northeast Asia." The agreement also stated that "the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum." Whether such a forum will happen during the remaining tenure of the Bush Administration appears unlikely⁶²⁴. However, it is highly probable that Kim Jong-Il will continue to rule and be the one who will oversee any future negotiations.

⁶²⁴ *Joint Statement of the Fourth Round of the Six-Party Talks Beijing, September 19, 2005*. U.S. Department of State. <http://www.state.gov/r/pa/prs/ps/2005/53490.htm> (Accessed May 2006).

Appendix I. List of newspapers

AAP Newsfeed
AEI Online (Washington)
AFX - Asia
Agence France Presse
Asahi News Service
Asia Pulse
BBC Monitoring Asia Pacific - Political
BBC Monitoring International Reports
BBC Summary of World Broadcasts
BBC Worldwide Monitoring
Buffalo News (New York)
Business Times (Malaysia)
Canberra Times (Australia)
Chicago Sun-Times
China Daily
Christian Science Monitor (Boston, MA)
CNN
Courier Mail (Queensland, Australia)
Deutsche Presse-Agentur
Financial Times (London, England)
Global News Wire
Hobart Mercury (Australia)
International Herald Tribune
Japan Economic Newswire
Jiji Press Ticker Service
Journal of Commerce
Korea Herald
Korea Times
Los Angeles Times
Malaysia General News
Milwaukee Journal Sentinel (Wisconsin)
New Straits Times (Malaysia)
Newsday (New York)
Ottawa Citizen
Pittsburgh Post-Gazette (Pennsylvania)
Plain Dealer (Cleveland, Ohio)
Pyongyang Report
Rocky Mountain News (Denver, CO)
South China Morning Post (Hong Kong)
St. Louis Post-Dispatch (Missouri)
St. Petersburg Times (Florida)
Sunday Times
TASS
The Advertiser

The Asahi Shimbun
The Associated Press
The Atlanta Journal and Constitution
The Australian
The Boston Globe
The Boston Herald
The Daily Yomiuri
The Gazette (Montreal, Quebec)
The Guardian (London)
The Herald (Glasgow)
The Hindu
The Houston Chronicle
The Independent (London)
The International Herald Tribune
The Irish Times
The Japan Times
The Jerusalem Post
The Korea Herald
The Nation (Thailand)
The New York Times
The Nikkei Weekly (Japan)
The Observer
The Ottawa Citizen
The Press Trust of India
The San Diego Union-Tribune
The San Francisco Chronicle
The Seattle Times
The Straits Times (Singapore)
The Tampa Tribune Tampa Tribune (Florida)
The Times
The Toronto Star
The Washington Post
the Weekend Australian
United Press International
USA TODAY
Voice of America
Washington News
World News Connection
Xinhua News Agency
Yonhap (South Korea)

Appendix II. Main Protagonists during Negotiation Rounds

a. Pilot Negotiations

US organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>	<i>In Korea at the time</i>
Bill Clinton , U.S. President	Michael Mc Furry State Department Spokesman	Patrick Leahy Senator, Democrat, Vermont, Senate Foreign Relations Committee	Bobby Hall U.S. Pilot
Warren Christopher Secretary of State	Newt Gingrich House Speaker	Donald Gregg U.S Ambassador in South Korea	David Hilemon U.S. Pilot
Bill Richardson Representative, D - New Mexico	Kenneth Bacon Pentagon Spokesman	Richard Armitage Assistant Secretary of Defense in the 1980'	Jim Coles 8th U.S Army Headquarters in Seoul
Leon E. Panetta White House Chief of Staff	Elaine Mc Devit State Department Spokeswoman	Robert Manning Bush Administration state Department Policy Advisor	Genera Gary Luck Senior U.S Commander in the theater
Robert Galucci Ambassador-at-large		Bob Gaskin Former Pentagon Korea Strategist	James Laney U.S Ambassador to South Korea
Thomas Hubbard State Department Deputy Assistant		William Taylor Korea Expert at the Center for Strategic and International Studies	
William J. Perry Defense Secretary		Brent Scowcroft Former President of Bush's National Security Advisor	
		Joseph Bermudez Expert on North Korean military	

North Korea's organization chart:

<i>Active Role</i>	<i>Spokesperson</i>
Kim Jong-Il Leader	Unidentified Diplomat the DPRK UN Mission in New York
Song Ho Gyong Vice Foreign Minister	KCNA North Korea Official News Agency
O Jin U Army Chief Marshall	
Kang Sok-Ju North Korean Diplomat	

South Korea's organization chart:

<i>Active Role</i>	<i>Person of Interest</i>
Jang Jai Ryong Director General of American Affairs for South Korea's Foreign Ministry	Yu Suk Ryul North Korea expert at the Institute of Foreign Affairs and National Security in Seoul

b. Missile Launch

US organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>	<i>In Korea</i>
Bill Clinton President	Glyn Davies State Department Spokesman	Lee H. Hamilton Head of the Woodrow Wilson International Center for Scholars	James Laney Ambassador to Seoul
Robert Einhorn Deputy Assistant Secretary of State	John Dinger State Department Spokesman		
Charles Kartman U.S. Deputy Assistant Secretary of State	James P. Rubin State Department Spokesman		
Madeleine K. Albright Secretary of State	Barry Toiv White House Spokesman		
	James Foley Spokesman		
	Ken Bacon Pentagon Spokesman		

DPRK organization chart:

<i>Active Role</i>	<i>Person of Interest</i>
Lee Yang Ho Defense Minister	Chang Sung Gil Ambassador, defected from Egypt
Jo Myong Rok First vice chairman of North Korea's National Defense Commission	Chang Sung Ho Diplomat on a trade mission to Paris and brother of Chang Sung Gil
Li Hyong-Chol North Korean Foreign Ministry Foreign Affairs Director	Kim Myong Gil Counsel at the North Korean mission at the U.N.
Ri Gun North Korean Deputy Ambassador to the U.N.	Han Chang-on U.S. expert in the North Korean foreign ministry
Jang Chang Chon Head of North Korea's bureau on United States affairs	
Gong Ro Myung Foreign Minister	
Jang Chang-Chan Director-general for US affairs at the North Korean foreign ministry	
Jong Song-il Member of the North Korean delegation	

ROK organization chart:

<i>Active Role</i>	<i>Person of Interest</i>
Kim Young-Sam President	Gen. Gary Luck Commander of the U.S.-led U.N. forces in South Korea
Kim Dae-Jung President	Kwon Jong-rak Director-general of the Foreign Affairs-Trade Ministry's North American Affairs Bureau

c. Nodong Launch

US organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>	<i>In Korea</i>
Bill Clinton US President	Nicholas Burns State Department Spokesman	Jason Shaplen Policy adviser and spokesman for the Korean Peninsula Energy Development Organization (KEDO)	Robert Einhorn US Chief Negotiator
Winston Lord US Assistant Secretary of State for East Asian and Pacific affairs	Michael Mc Curry White House Spokesman	Stephen Bosworth KEDO's executive director	Mr. Lovquist Swedish diplomat acting on behalf of the United States in Pyongyang
Charles Kartman Deputy assistant secretary of state for East Asia			
William J. Perry Defense Secretary			

DPRK organization chart:

<i>Active Role</i>
Kim Jong-Il Leader
Li Hyong Chol Director of American Affairs in the North Korean Foreign Ministry

ROK organization chart:

<i>Active Role</i>	<i>In Korea</i>
Kim Young-Sam President	Jim Coles 8th U.S Army Headquarters in Seoul
Lee Yang-ho Defense Minister	

d. Kumchangri Compromise

US organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>
Bill Clinton President	James Rubin U.S. State Department spokesman	David Albright , Institute for Science and International Security
Charles Kartman United States Special Envoy	James Foley Department spokesman	Lt. Gen. Patrick M. Hughes DIA director
William J. Perry Former Defense Secretary		Admiral Joseph Prueher US military commander for Asia and the Pacific
Stephen W. Bosworth U.S. Ambassador		Kenneth Quinones Former director of North Korean affairs in the State Department
Madeleine Albright Secretary of State		Kongdan Oh North Korea specialist at the Institute for Defense Analyses in Washington
		James T. Laney Former American Ambassador to South Korea
		Robert Manning Director of Asia Studies at the Council on Foreign Relations

ROK organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>
Kim Dae-jung President	Park Ji-won President's spokesperson	Lim Dong Won Top foreign official

DPRK organization chart:

<i>Active Role</i>	<i>Spokesperson</i>
Kim Gye-Gwan Vice Foreign Minister	Kim Myong Chol North Korean writer and editor who lives in Tokyo and serves as an unofficial spokesman for his country
Officer O Kum-chol North Korea Army General	

JAPAN organization chart:

<i>Person of Interest</i>
Keizo Obuchi Japanese Prime Minister
Masahiko Komura Japanese Foreign Minister

e. Four-Party Talks

US organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>In Korea</i>
Bill Clinton President	Nicholas Burns Department spokesman	James Laney The United States Ambassador to South Korea
Charles Kartman Deputy Assistant Secretary of State	James Foley State Department spokesman	
Stanley Roth U.S. Assistant secretary of state	James Rubin Spokesman	
Jack Pritchard National security adviser		
William Perry U.S. policy coordinator on North Korea		

DPRK organization chart:

<i>Active Role</i>
Mr Son Sen Phir Envoy
Kim Jong U Chairman of North Korea's Committee for Promotion of External Economic Cooperation
Han Song Ryol North Korean vice foreign minister

Kim Gye-Gwan North Korean vice foreign minister
Li Gun North Korean deputy ambassador to the United Nations
Kang Sok-Ju First vice minister for foreign affairs

ROK organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>
Lee See-Young Ambassador to Paris and negotiator for 1st round	Lee Kyu Hyung Seoul's foreign ministry spokesman	Park Young Ho Senior research fellow at the Research Institute for National Unification
Kim Young-Sam President	Lee Ho-jin Ministry Spokesman	Park Kun-Woo Former Vice Foreign Minister Ambassador
Song Young Shik South Korean Deputy Foreign Minister		Kim Kook-Chin Professor at the Institute of Foreign Affairs and National Security
Park Chung-Soo South Korean Foreign Minister		
Choe Soung Hung Senior official at the South Korean Foreign Ministry		
Kang In-Tok National Unification Minister		
Hong Sun-Yong Foreign Affairs and Trade Minister		
Kwon Tae-Myon Director of the Inter-Korean Policy Division at the Ministry of Foreign Affairs and Trade		
Ryoo Jin-Kyu Director General of the Defense Ministry		

CHINA organization chart:

<i>Active Role</i>	<i>Spokesman</i>
Tang Jiaxuan Vice Foreign Minister	Tang Guoqiang Foreign Ministry Spokesman
Chen Jian Chinese delegation chief, Assistant foreign minister	Sun Yuxi Spokesman
Qian Yongnian Ambassador	
Zhang Jiujuan Asian Affairs Bureau of the Chinese Foreign Ministry	

f. Trilateral Talks

US organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>
George Bush President	Scott McClellan Mr. Bush's Spokesman	Choon Nam Kim, East West Center in Hawaii
Colin Powell Secretary of State		Scott Snyder Asia Foundation representative in Seoul
John Bolton Undersecretary of State		Ashton Carter Harvard professor and Clinton administration national security expert
Donald Rumsfeld Defense Secretary		Eric Heginbotham Director of the Korea task force at the Council on Foreign Relations in Washington
Paul Wolfowitz Mr. Rumsfeld's Deputy		David Albright Institute for Science and International Security in Washington
James Kelly Assistant secretary of state of Asia and Pacific affairs		Sung Yoon Lee Professor of international politics at Tuft University

ROK organization chart:

<i>Active Role</i>	<i>Person of Interest</i>
Roh Moo Hyun President	Paik Hak-Soon Senior research at Sejong Institute
Rha Jong Il Security adviser to President Roh Moo-Hyun	Paik Jin-Hyun Professor of international studies at SNU
	Kim Sung-han Professor at the Korean Institute of Foreign Affairs and National Security
	Kwak Sung-Ji North Korea watcher at Yonhap News

DPRK organization chart:

<i>Active Role</i>
Kim Jong-Il Leader
Ri Gun Negotiator in New York

JAPAN organization chart:

<i>Active Role</i>
Junichiro Koizumi Prime Minister
Yukio Takeuchi Vice Foreign Minister
Toshimitsu Motegi Vice Foreign Minister

CHINA organization chart:

<i>Active Role</i>	<i>Person of Interest</i>
Hu Jintao President	Shin Yinhong Director of the American Studies Centre at the People's University

<p style="text-align: center;">Wang Gungwu Director of East Asia Institute at the National University of Singapore</p>

g. Six-Party Talks

US organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>
George W. Bush President	Richard Boucher State Department Spokesman	Michael O'Hanlon Brookings Institution
John Bolton U.S. Under-Secretary of State for arms control	Jo-Anne Prokopowicz State Department spokeswoman	Peter Hayes Nautilus
James Kelly Assistant secretary of state for East Asian and Pacific Affairs of the United States	Claire Buchan White House spokeswoman	Clark Randt US ambassador to China
Colin Powell Secretary of State	Scott McClellan White House spokesman	
Richard Armitage Deputy secretary of state	Adam Ereli State Department deputy spokesman	
Christopher Hill U.S. Assistant Secretary of State		
Mitchell B. Reiss Director of the State Department of Policy Planning		
Joseph DeTrani U.S. special envoy for negotiations with North Korea		

DPRK organization chart:

<i>Active Role</i>
Kim Jong-Il Leader
Kim Yong-Il Head of delegation, deputy foreign minister

Paek Nam-Sun Foreign Minister

ROK organization chart:

<i>Active Role</i>	<i>Spokesperson</i>	<i>Person of Interest</i>
Roh Moo-hyun President	Shin Bong-Ki(l) spokesman for the ROK Foreign Affairs and Trade Ministry	Cho Han-bum researcher at the Korea Institute for National Unification
Yi Su-hyok Head of delegation		Yun Duk-min Institute of Foreign Affairs and National Security
Jeong Woo-jin Official with the Foreign Affairs and Trade Ministry of the Republic of Korea		Koh Yu-hwan Dongguk University
Wi Sung Lac Deputy head of the delegation of the Republic of Korea		Ihn Kyo Joon reporter with Yonhap News Agency of ROK
Yoon Young-kwan South Korean Foreign Minister		
Ban Ki-Moon Visiting South Korean Minister of Foreign Affairs and Trade		
Cho Tae Yong Director general of the South Korean Foreign and Trade Affairs Ministry's task force on the North Korean nuclear issue		
Chung Dong Young Unification Minister		
Song Min-soon Deputy Foreign Minister		

CHINA organization chart:

<i>Active Role</i>	<i>Spokesman</i>	<i>Person of Interest</i>
Hu Jintao President	Zhang Qiyue Chinese foreign ministry spokeswoman	Wu Guoguang Expert on US foreign policy at the Chinese University of Hong Kong
Wang Yi Head of delegation, vice-foreign minister	Kong Quan Chinese Foreign Ministry spokesman	
Li Zhaoxing Chinese Foreign Minister		
Wu Bangguo Leader of China's parliament		
Liu Jianchao Deputy director-general of the Information Department of Chinese Foreign Ministry		
Ning Fukui China's special envoy for the North Korean nuclear issue		
Cui Tiankai Director-general of the ministry's Asian Affairs Department		

JAPAN organization chart:

<i>Active Role</i>
Hitoshi Tanaka Director general of the Japanese Foreign Ministry's Asian and Oceanian Affairs Bureau
Junichiro Koizumi Prime Minister
Yasuo Fukuda Chief Cabinet Secretary

Yoriko Kawaguchi Foreign Minister
Mitoji Yabunaka Department Director of the Japanese Ministry of Foreign Affairs
Akitaka Saiki Japan's chief delegate
Hiroyuki Hosoda Chief Cabinet Secretary
Nobutaka Machimura Foreign Minister
Kenichiro Sasae Japan's chief delegate

RUSSIA organization chart:

<i>Active Role</i>
Vladimir Putin Prime Minister
Alexander Losyukov Russian Deputy Minister of Foreign Affairs
Valery Sukhinin Deputy director of the first Asian Department of the Russian Foreign Ministry
Mikhail Margelov Federation Council Foreign Affairs Committee chairman
Alexander Alexeyev Delegation head

Appendix III. Internal Review Board Informed Consent

CONSENT FORM

Project Title	<i>Ten Years of Dealing with Kim Jong-Il: Can Negotiations Ensure Conflict Resolution?</i>
Why is this research being done?	<i>This is a research project being conducted by Miranda Schreurs and Virginie Grzelczyk at the University of Maryland, College Park. We are inviting you to participate in this research project because you have expertise in the Korean peninsula, especially regarding the negotiation rounds that have taken place between North Korea and the United States. The purpose of this research is to understand North Korea's negotiation behavior. Initial research has been completed, using archival and media sources, Information coming from experts who have been associated with the North Korean negotiation behavior is now being sought in order to confirm initial findings, and expand understanding on North Korea's negotiation strategy.</i>
What will I be asked to do?	<i>The procedure involves participating in an interview, envisioned to last about one hour, about your experiences and expertise with negotiating with North Korea during the 1994-2005 period. A set of pre-drafted questions will be used as a blueprint for conversation. With your permission, this interview may be recorded digitally or through note-taking.</i>
What about confidentiality?	<i>We will do our best to keep your personal information confidential. To help protect your confidentiality, you have the right to request anonymity for the entirety of the interview or segments of the interview. You may request anonymity that involves not having your name, your position, or the name of your organization identified, for part or the entirety of the interview. If you request anonymity, the data of the anonymous sections will be stored separately and confidentially, with no identifying information. If applicable, the digital recording of the interview will be kept by the investigator by up to 5 years before they will be destroyed. Unless you request anonymity, your identity might be associated to your statements in the research results.</i>
What are the risks of this research?	<i>There are no known risks associated with participation in this research.</i>
What are the benefits of this research?	<i>The benefits to you include the opportunity to discuss a salient subject in the international arena. There will be no monetary compensation. This research is not designed to help you personally, but the results may help the investigator learn more about the North Korean negotiation patterns. We hope that, in the future, the research community as well as the political community will yield from this research a greater understanding of North Korean negotiation patterns. Projects findings are likely to interest researchers, academics, and policy-makers involved with negotiations processes as well as the Korean peninsula</i>

<p>Do I have to be in this research?</p> <p>May I stop participating at any time?</p>	<p><i>You are free to ask questions and/or to withdraw from participation at any time without penalty and/or decline to answer certain questions. If you withdraw, any record of your participation will be destroyed.</i></p>
<p>What if I have questions?</p>	<p><i>This research is being conducted by Miranda Schreurs and Virginie Grzelczyk at the University of Maryland, College Park. If you have any questions about the research study itself, please contact Miranda Schreurs at 3140 Tydings Hall, College Park, MD 20742 (Tel: 301-405-7797, Email: mschreurs@gvpt.umd.edu) or Virginie Grzelczyk at 3140 Tydings Hall, College Park 29742 (Tel: 240-899-4646, Email: vgrzelczyk@gvpt.umd.edu)</i></p> <p><i>If you have questions about your rights as a research subject or wish to report a research-related injury, please contact:</i></p> <p>Institutional Review Board Office, University of Maryland, College Park, Maryland, 20742; (e-mail) irb@deans.umd.edu; (telephone) 301-405-0678</p> <p><i>This research has been reviewed according to the University of Maryland, College Park IRB procedures for research involving human subjects.</i></p>
<p>Obtaining a copy of the research results:</p>	<p><i>You may request a mailed letter or e-mail highlighting the results of the research. The letter will be mailed to you or the e-mail will be sent once sufficient results are obtained.</i></p>

Statement of Age of Subject and Consent	Your signature indicates that:	
	you are at least 18 years of age;	
	the research has been explained to you;	
	your questions have been fully answered; and	
you freely and voluntarily choose to participate in this research project.		
Signature and Date	NAME OF SUBJECT	
	SIGNATURE OF SUBJECT	
	Date	

Initial	Criteria
	<i>Initial here if you agree to have the interview digitally recorded.</i>
	<i>Initial here if you agree to have notes taken during the interview.</i>
	<i>Initial here if you wish to be anonymous through the entirety of this interview.</i> <i>A transcript of the interview will be produced off the text/recording of your interview, and</i> <i>will not mention your identity. The original test/recording of your interview will be</i> <i>destroyed.</i>

Appendix IV. Interview Request Sent to Participants

Interview Request: Negotiations with North Korea

Dear _____

My name is Virginie Grzelczyk. I am currently a Ph.D. candidate at the University of Maryland, specialized in negotiation and conflict resolution. I have been working almost exclusively on the topic of the Korean peninsula for the past six years. My interest began while I lived in South Korea, as a Master's student in International Negotiation at Ewha University in Seoul and earlier as an undergraduate exchange student.

My dissertation, entitled "Ten Years of Dealing with Kim Jong-Il: Can Negotiations Ensure Conflict Resolution?" investigates the 1994-2005 bilateral and multilateral negotiation relationship between North Korea and the United States, and includes such negotiations as bilateral missile talks, negotiations about access to the Kumchang-ri site, and more recent developments such as the Six-Party Talks.

Would you be willing to meet me for an interview to discuss some specifics regarding negotiating with North Korea? Because of your expertise and first-hand knowledge, your participation in this research project would be tremendously beneficial to the field of international relations and negotiations.

The interview takes approximately one hour, and can be conducted in person, or by telephone, at your convenience. You can also request anonymity if you so desire.

Thank you very much for your time,

Sincerely,
Virginie Grzelczyk

Appendix V. Interview Questions

- 1) Which negotiations episodes would you characterize as being the most important ones in the period from 1994 to 2004 between the D.P.R.K. and the U.S.A.?
- 2) How would you characterize the negotiation history between the D.P.R.K. and the U.S.A. since 1994?
- 3) Which topics of negotiation are the most important to deal with between the D.P.R.K. and the U.S.A.? Why?
- 4) Do you think that most negotiation episodes between the D.P.R.K. and the U.S.A. appeared in a private setting and have therefore not been exposed in the media?
- 5) Do you believe that the D.P.R.K. has a negotiation strategy regarding the U.S.A.? If so, what is it?
- 6) Do you believe that the U.S.A. has a negotiation strategy regarding the D.P.R.K.? If so, what is it?
- 7) Do you believe that negotiations between the two parties can result in a win-win situation? If so, how? If no, why not?
- 8) How do you think negotiation attempts between the two parties could be improved?
- 9) Which are the actors (states, international organizations, individuals, etc) that would be the most important in order to improve negotiations between the D.P.R.K. and the U.S.A.?
- 10) If secret talks and negotiations exist, do you believe that their effects can be negative on 'official' negotiations?

- 11) Do you believe negotiations to be an important tool in the resolution of tensions between the U.S.A. and the D.P.R.K.? If yes, why? If no, why not?
- 12) Do you believe that the higher the ranking diplomat involved in the negotiations, the more North Korea will be interested in the negotiations?
- 13) Do you think that low politics issues have a higher likelihood of finding a positive-sum game when it comes to negotiations with North Korea?
- 14) Do you believe that the number of constituencies between a state has an effect on negotiations? If so, how?
- 15) Do you believe that national security is the prime interest of both North Korea and the United States, and thus they will not be interested in as much in collective security patterns?
- 16) How would you qualify North Korea's general disposition during the negotiations?
- 17) Would you say that North Korea is a versed actors? Would you say that North Korea is a sophisticated player as well? Why or why not?
- 18) Do you believe North Korea to be a rational, unitary actor?
- 19) Do you believe North Korea often gets more than the other parties present at the negotiation table?
- 20) Do you believe the shadow of a larger crisis and possible spillover will be a pacifier for a lesser crisis?
- 21) Do you think stand-alone crises have a better chance of being resolved than ongoing negotiations rounds?

- 22) In view of the conclusions drawn by the database, do you believe that the situation between the parties has been accurately reported?
- 23) Which additional sources might be useful in order to tailor the database even further?

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