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## **Hard Lessons:** *Navigating Negotiations with the DPRK*

By Abraham M. Denmark, Zachary M. Hosford, and Michael J. Zubrow



**Center for a  
New American  
Security**

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### COVER IMAGE:

Image of North Korean flag superimposed on the wall behind an empty negotiating table. Image manipulation by Whitney May Parker.

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### Navigating Negotiations with North Korea

*Although past agreements have not achieved America's ultimate objective of denuclearizing North Korea, there is a silver lining. Countless hours of engagement between the United States and the North over the last 15 years have yielded valuable lessons for future negotiators. To illuminate these lessons, the authors interviewed a diverse group of more than 50 high-level current and former American and South Korean government officials, politicians, academics, journalists, businessmen, and others experienced in dealing with North Korea over the last two decades. These individuals learned the hard way that, when dealing with the DPRK, negotiation tactics have strategic implications. The top eight obstacles to successful negotiations with the DPRK and the recommended negotiating strategies and tactics for addressing them are summarized below.*

**Obstacle:** It is unclear whether North Korea is willing to negotiate away its nuclear weapons program.

**Recommendation:** Pursue a comprehensive agreement to alter North Korea's calculations and test Pyongyang's intentions.

**Obstacle:** Back-loaded agreements—those in which the most difficult steps are taken last—are too easily derailed.

**Recommendation:** Negotiate for a front-loaded agreement with significant early actions.

**Obstacle:** The DPRK manipulates limited agreements to extract additional concessions from the United States.

**Recommendation:** Insist on significant, irreversible steps to reduce North Korea's chances of gaining benefits without making progress toward denuclearization.

**Obstacle:** On its own, the United States does not have enough leverage over North Korea.

**Recommendation:** Adopt a multilateral framework to increase U.S. leverage, but maintain the flexibility to negotiate bilaterally.

**Obstacle:** North Korea's only decision maker does not participate in negotiations.

**Recommendation:** Use high-level visits to help restart, reinvigorate, or finalize an agreement.

**Obstacle:** The U.S. Congress controls where the administration can spend money, regardless of what agreements negotiators reach with North Korea.

**Recommendation:** Work closely with a congressional caucus to ensure follow-through on any agreement.

**Obstacle:** Negotiations can be derailed during the implementation phase of an agreement.

**Recommendation:** Establish a working group to plan for implementation of a potential agreement.

**Obstacle:** Negotiations can break down over disagreements about what has been decided.

**Recommendation:** Finish each negotiation session by consenting to a written summary of what has been discussed and agreed.

## EXECUTIVE SUMMARY

**N**orth Korea's nuclear weapons program undermines the stability of Northeast Asia, endangers American allies, and threatens the security of the United States. Pyongyang's history of crisis diplomacy and its continued pursuit of nuclear weapons, despite its stated commitments to denuclearize, cause many observers to doubt that the regime will ever negotiate away its nuclear capability.<sup>1</sup>

Nevertheless, negotiations remain the only viable option to eliminating the North's nuclear weapons. The recently declared openness of the Democratic People's Republic of Korea (DPRK) to diplomacy presents an historic opportunity for substantive negotiations and offers the Obama administration a path to achieving its primary goal; the elimination of North Korea's nuclear weapons program. As Washington warily considers another round of negotiations with Pyongyang, the Obama administration should study the pitfalls of past negotiations to avoid future obstacles to denuclearization.<sup>2</sup>

The alternatives to a negotiated settlement are few and undesirable. The high potential costs and uncertain benefits of using military force rightly cause policymakers to recoil from that option. While precision strikes could deal a significant blow to North Korea's nuclear and missile programs, targeting nuclear facilities risks escalation and holds limited potential for unambiguously destroying the North's nuclear program. A strategy of regime change is equally hazardous, given the humanitarian disaster and regional instability that could follow. While the regime in Pyongyang may one day collapse, Washington cannot rely on this contingency to resolve the nuclear crisis. Thus, the question for U.S. policymakers is not whether to negotiate, but how to increase the odds that diplomacy will succeed while avoiding the pitfalls that hampered prior talks.

Negotiations are a means, not an end. The United States should not sacrifice strategic interests for the sake of continuing negotiations. Negotiators should remain focused on the goal of denuclearization and resist the temptation to accept symbolic yet empty agreements. This is easier said than done. The nature of politics in Washington tends to benefit the DPRK by drawing attention to near-term objectives at the expense of long-term interests. As one former official remarked to the authors, "We are about elections, they are about dynasties." To support a successful outcome the Obama administration must build a stronger political consensus in Washington—and prepare to stand tough.



## THE STRATEGIC CONTEXT

Negotiations with North Korea do not occur in a political vacuum. Every party comes with its own interests, priorities, concerns, and preferred approaches. Thus, the fate of negotiations depends on political decisions made in Pyongyang, Washington, and other involved international capitals.

Effective negotiations must make clear for all parties the benefits of agreement and the costs of maintaining the status quo. In particular, negotiations must provide a clear path toward denuclearization and unambiguous incentives and disincentives to encourage Pyongyang along that path. The United States should be under no illusions that negotiations will be easy or straightforward. Indeed, a patient strategy is the best way to test the North's intentions. North Korea's negotiating positions may clarify the regime's intentions and interests, but its shifting positions are also designed to maximize concessions from the United States and its partners at minimal cost.

This section briefly discusses the primary interests of all sides in the Six-Party framework and describes how these interests are likely to affect behavior in future negotiations.

### The United States

Continuing a policy articulated by the George W. Bush administration, the Obama administration has insisted, repeatedly and unequivocally, that America's core interest is the complete, verifiable, and irreversible dismantlement (CVID) of North Korea's nuclear weapons program.<sup>3</sup>

While denuclearization is certainly Washington's primary objective vis-à-vis North Korea, American security interests go far beyond nuclear issues. American policymakers are also concerned about the threat posed to U.S. allies by North Korea's ballistic missile development, the DPRK's possession

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*Negotiations must provide a clear path toward denuclearization and unambiguous incentives and disincentives to encourage Pyongyang along that path.*

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of chemical and potentially biological weapons, and its conventional force capability.

North Korea's consistent inclination to proliferate weapons technology endangers American interests and those of the international community. While the DPRK's missile technology is not yet advanced enough to target the continental United States, the more immediate and practical risk, especially given North Korea's past record, is that Pyongyang will transfer nuclear weapons technology to state or non-state actors. In addition to security threats, American policymakers are concerned by North Korea's infamous human rights abuses.

America's approach to North Korea must be integrated with its regional policy toward the Asia-Pacific as well as its broader global strategy.<sup>4</sup> Regionally, addressing the North Korean crisis is central to America's bilateral alliances with Japan and the Republic of Korea (ROK), and has become one of several major issues for bilateral engagement with China. Washington's ability to focus on North Korea, as well as the U.S. military's ability to handle major military confrontations on the Korean peninsula, are affected by the broad array of threats the United States currently confronts. With the United States fighting two land wars in Iraq and Afghanistan, the nuclear crisis with North Korea is understandably not the top priority

for the United States. In all of these cases, the United States will be forced to balance its other interests and priorities with those related to North Korea.

### North Korea

Regime security is the driving interest behind Pyongyang's actions. The North Korean regime views the development of nuclear weapons as key to preserving its own political system in the face of what it interprets as a hostile U.S. policy. While North Korea has at times signaled that its concerns for regime survival could be allayed with a security guarantee, Pyongyang's lack of trust in U.S. assurances will make this solution difficult to implement.<sup>5</sup>



South Koreans watch footage of the demolition of the Yongbyon nuclear complex's cooling tower on June 27, 2008. (JUNG YEON-JE/AFP/Getty Images)

North Korea's regional concerns focus on the continued strength of the U.S.-ROK alliance. It has highlighted the alliance as evidence of the hostile U.S. policy toward the North, and has called for an end to America's "hostile intent" as a precondition for denuclearization. The regime has sought a formal end to the Korean War through a peace treaty, in part to eliminate the justification for the presence of U.S. forces in South Korea. More broadly, Pyongyang aims to reduce its dependence on China for security and trade.

Importantly, North Korea seeks economic benefits and enhanced international standing to bolster its impoverished regime. As the United States is a major source of both international aid and legitimacy, normalizing relations with the United States would accomplish several of Pyongyang's goals.

The North Korean approach to negotiations is fundamentally disjointed, characterized by both highly aggressive rhetoric and concerted diplomatic efforts to improve relations. Going forward, American negotiators should be prepared for this pattern of behavior and tailor negotiating positions to address North Korean hopes and fears about the United States.

As the United States crafts its approach to the DPRK, it is important to recognize that outsiders cannot fully understand how North Korea perceives its interests or what its priorities are. Moreover, as noted by a former senior U.S. official in interviews with the authors, North Korea's stated positions frequently shift. Indeed, as one former official noted to the authors, "If you look back through the negotiating history, things that were once important become less important when the actual prospect of receiving them becomes very real." This pattern suggests that Pyongyang's calculations change rapidly, that Pyongyang intentionally obscures its core interests, or that Pyongyang shifts positions when it looks possible to achieve deeper concessions.



## South Korea

Despite South Korea's modern and highly capable military, the North's massive army and vast artillery forces continue to represent a substantial threat. While the South relies on a close alliance with the United States to provide a nuclear and conventional deterrent to North Korean aggression, the planned transfer of wartime operational control from the United States to South Korea has inserted a new and uncertain dynamic into the alliance relationship. In addition to Seoul's security concerns, South Korea remains focused on robust economic development. The potential for instability on the Korean peninsula perpetually threatens the South's economy by discouraging foreign investment and financial growth."

South Korea continues to seek reunification with the North after more than 60 years of separation. If the South were to absorb the North, the economic and societal consequences would be unprecedented, given their current financial states. The difficult reunification of East and West Germany after the Cold War is a telling example: East Germany was at the time of reunification one of the wealthiest and most advanced members of the Soviet bloc, yet the economic and societal reverberations of reunification continue to resonate twenty years later. In all likelihood, the reunification of the Korean peninsula would be more difficult than the reunification of East and West Germany following the end of the Cold War.

If North and South Korea reunified, one of the world's most advanced economies and most robust democracies would absorb one of the world's poorest and most autocratic states. The challenges associated with integrating an isolated society—indoctrinated by propaganda and ravaged by generations of poverty and oppression—could take several generations to manage. While political actors within South Korea place varying degrees of importance on this issue, South Koreans widely

consider the North a troubled brother whom many hope to rehabilitate.

## Japan

Both Japan and the United States place a similarly high priority on addressing North Korea's nuclear program, proliferation activities, and challenges to regional security. As America's closest ally in Asia, Japan can generally be relied on to support American initiatives within the Six-Party framework. Due in part to lingering sensitivities about its history in East Asia, Tokyo's role in negotiations will be mainly supportive. Likewise, Japan's contribution to any package of multilateral carrots and sticks will be positive and primarily economic in nature.

Stability in Northeast Asia is critical to Japan's economic health. The economic strength of Japan, which undergirds its domestic stability and global influence, depends on robust investment and trade. As such, North Korea's ballistic missile technology and nuclear potential is the most direct existing threat to Japan's national security.

The status of Japanese citizens who were abducted by North Korea, remains a potent political issue in Tokyo. In past negotiations, North Korea's failure to adequately address the abductee issue caused Japan to reconsider its willingness to contribute economic assistance. If the Japanese government prioritizes the abductee issue again to build domestic political support, continued coordination between Japan and its partners could become increasingly difficult.

## China

Beijing's need to maintain internal stability and promote economic development is at the heart of its approach to North Korea. Concerns that an implosion of the North Korean regime or economic stress caused by stringent sanctions could send a flood of North Korean refugees across its shared border drive Beijing's opposition to stern

reactions to North Korean provocations. Despite these fears, Beijing has recently become a more constructive contributor to crafting and enforcing strong United Nations Security Council (UNSC) resolutions on North Korea. This shift should not be overlooked. One former negotiator described China's evolving role as a possible game-changer, noting that "the collective ability to pressure North Korea will be important in shaping the negotiating environment for the future."

China wishes to enhance its image in the world and build a more positive relationship with the United States; chairing a multilateral process to address North Korea's nuclear program helps to accomplish those aims. China has played the role of chair in the Six-Party Talks before, and is an active intermediary between the DPRK and the other parties. China's historical ties to North Korea and the DPRK's near-total dependence on China for trade and political protection make Beijing a potent presiding authority.

Notwithstanding China's desire to serve as an honest broker, it continues to seek a close relationship with North Korea. Bilateral trade between China and North Korea reached \$2.79 billion in 2008 and North Korea remains reliant on China for massive food aid and energy assistance.<sup>6</sup> While there are indications that China has downgraded the "special relationship" it once shared with North Korea to a more "normal relationship," official relations remain close enough for high-level meetings to take place regularly. Chinese Prime Minister Wen Jiabao's visit to Pyongyang in October 2009 is but the latest example.<sup>7</sup> Although Beijing may not have the political influence in Pyongyang that the West once hoped, North Korea's continued dependence on China makes the latter a vital player in any negotiations.

Recent months have seen a subtle but important shift in China's approach. Fears of North Korea's collapse are being overshadowed by Beijing's

disapproval of Pyongyang's nuclear tests and destabilizing missile launches. China's approach to dealing with the North is likely to reflect both apprehension about substantial sanctions that might imperil North Korea's stability and a genuine desire to restrain Pyongyang.

### **Russia**

Like China, Russia seeks to enhance and maintain its image as a major power with significant influence over issues of international stability. And, like China, Russia wants to demonstrate that it can stand up to the United States.

Since Russia shares a border with North Korea, it seeks a stable resolution to the nuclear crisis. Increasingly, Russia views North Korea as a possible security threat.<sup>8</sup> For example, in August, Russia considered moving surface-to-air missiles near the North Korean border to protect its territory from potential missile failures.

Russia has, at times, attempted to demonstrate diplomatic leadership in engaging North Korea. Unfortunately, Russia's past attempts to play the role of honest broker have fallen flat due to Moscow's lack of access to Pyongyang decision makers.<sup>9</sup>

Including Russia, a country that has a history of relatively good relations with North Korea, makes a multilateral framework more attractive for North Korea. Pyongyang does not view Moscow as inherently hostile (as it views Washington, Tokyo, and Seoul), and it is not nervous about ongoing economic and political dependence (as it is with Beijing). Indeed, Russia may be the only member of the Six-Party framework whose interests are in no way inimical to those of North Korea.

## THE CONFIGURATION OF AN AGREEMENT

The type of agreement that future negotiators attempt to craft will significantly affect the likelihood of reaching a lasting denuclearization deal. By examining the structures of past agreements and the causes of their successes and failures, negotiators can tailor a proposal with a greater chance of success.

### The Need for a Comprehensive Agreement

**Obstacle:** The DPRK calculates that it is in its interest to retain a nuclear weapons program.

**Recommendation:** Pursue a comprehensive agreement to alter North Korea's calculations.

Given North Korea's past behavior and statements, negotiators must develop a strategy to overcome the fundamental obstacle to successful denuclearization: Pyongyang's current calculation that retaining nuclear weapons is in its best interest. In the interest of denuclearizing North Korea, the United States and its negotiating partners should pursue a comprehensive agreement that forges a credible path to a denuclearized peninsula through the use of a broad range of powerful incentives and disincentives.

As several American negotiators emphasized to the authors, the United States will not be able to trick North Korea out of its nuclear weapons. Pyongyang will only be willing to denuclearize if its cost-benefit and risk-reward calculations change. Crafting a comprehensive agreement—one that offers North Korea clear incentives to denuclearize, powerful disincentives for continued belligerence, and a path to final status—is the best way the United States can alter North Korea's calculations.

Past agreements with North Korea, including the Agreed Framework and the Six-Party Agreement of September 2005, have been limited in nature. Both

agreements laid out the principles and the general path toward denuclearization in their respective texts, but lacked sufficiently specific descriptions of practicable processes for denuclearization. The Clinton administration paid a large political price for the long timeline of the Agreed Framework, which made implementation itself more difficult.<sup>10</sup> In each case the desire for an agreement superseded concerns that the road to denuclearization had only been tentatively outlined.

Limited agreements are costly and risky. History shows that North Korea tries to divide and separate issues in a method that has become known as

### What Does a "Comprehensive Agreement" Mean?

Though many analysts have called for a "comprehensive agreement" with North Korea in recent months, there is no consensus on what such an agreement would encompass.

- Assistant Secretary of State Kurt Campbell referenced the consideration of "a comprehensive package that would be attractive to North Korea" in July 2009.<sup>†</sup> However, the details of this package are not yet clear.
- ROK President Lee Myung-bak in September 2009 proposed a "Grand Bargain" with North Korea. In an interview with several news services, Lee pushed for, "a one-shot deal... to try to bring about a fundamental resolution."<sup>‡</sup> Although the contents of the proposal have not been publicized, Lee's description focused on economic incentives.
- This report considers a comprehensive agreement to be one that contains a thorough series of detailed steps, with clear and credible incentives and disincentives, that map out the full path toward North Korea's denuclearization and a new relationship with the United States.

<sup>†</sup> Kurt Campbell, "Comments on North Korea," July 18, 2009. <http://www.state.gov/p/eap/rls/rm/2009/07/126237.htm>.

<sup>‡</sup> Paul Eckert, "North must face 'no choice' but to shed nuclear arms," Reuters, September 25, 2009.

“salami tactics.” These tactics involve attempting to partition what would otherwise constitute a large package into smaller, more limited agreements. By drawing out the timeline of a deal, the North can gain time to advance its nuclear weapons program. For example, Pyongyang may try to delay denuclearization by distinguishing its plutonium reprocessing program from its uranium enrichment program. This tactic would perpetuate the cycle since the bigger and more complex its program becomes, the more concessions the North can extract for discrete portions of its nuclear weapons program. Without fundamental changes to this pattern, or the U.S.- DPRK relationship, it is unlikely Pyongyang will eliminate its entire nuclear program.

There are other risks associated with splitting an agreement into smaller steps. The more drawn out and piecemeal the process becomes, the more likely there will be a setback that could derail implementation. Moreover, the things that North Korea wants from the United States are not well suited to being divided into smaller parts. America’s biggest potential inducement is its willingness to fundamentally alter the U.S.-DPRK relationship. While this could be implemented in steps, the potential turning point for denuclearization efforts is the political decision to normalize relations with North Korea.

Despite the risks of interim agreements, interviews with former negotiators show that there is continued support for this approach. Some negotiators argue that limited agreements are effective in generating quick actions that reduce the threat from the DPRK.<sup>11</sup> After all, the longer it takes to negotiate a deal, the more time the DPRK will have to expand its nuclear and missile programs. Yet, both the 1994 Agreed Framework and the 2007 Six-Party Agreement demonstrate the clear problems associated with a limited agreement. Neither pact fundamentally altered Pyongyang’s strategic calcu-

lations and both lacked the specificity required to keep progress toward denuclearization on track.

Although the specifics of the administration’s approach remain unclear, several key policymakers have indicated that the United States is not interested in a limited agreement. The United States has already made such limited agreements, approving deals that shut down North Korea’s plutonium reactor at Yongbyon, but did not end North Korea’s nuclear weapons program. U.S. Secretary of Defense Robert Gates recently articulated Washington’s impatience with this approach, “I am tired of buying the same horse twice.”<sup>12</sup> A senior ROK official confirmed that this sentiment is shared in Seoul, where a piecemeal deal is considered “inconceivable.” Past experiences with limited agreements make such a deal unacceptable to the U.S. Congress as well. Another freeze would hardly demonstrate progress, especially if it required additional concessions to achieve.

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**Obstacle:** It is unclear whether North Korea is willing to negotiate away its nuclear weapons program.

**Recommendation:** Use a carefully structured comprehensive agreement to test North Korea’s intentions.

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While some experts have argued that an interim agreement would more appropriately test North Korean intentions,<sup>13</sup> such a plan will not accurately assess whether North Korea is willing to denuclearize. Limited agreements, by design, minimize initial moves in order to build mutual confidence. While confidence building measures may be useful in implementing an agreement, these steps will, by definition, do little to push the boundaries of past deals.

Pursuing a comprehensive approach is the best way to test North Korean intentions. If North Korea accepts a comprehensive agreement, it will indicate

(although not guarantee) a more serious commitment to denuclearization. If the North is only willing to accept incremental steps, doubts about North Korea's commitment to denuclearization will rightly be reinforced.

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**Obstacle:** Back-loaded agreements—those in which the most difficult steps are taken last—are less likely to be completed.

**Recommendation:** Negotiate for a frontloaded agreement, which includes significant early actions.

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To overcome the distrust that is endemic to U.S.-North Korea relations, negotiators have adopted the principle of “action for action,” which has been part of North Korean terminology for decades.<sup>14</sup> This language was first codified in the Joint Statement of September 19, 2005, in which the “Six Parties agreed to take coordinated steps to implement the aforementioned consensus in a phased manner in line with the principle of ‘commitment for commitment, action for action.’” For North Korea, “action for action” suggests equality between the United States and the DPRK. For Americans, the concept is convenient because it means Washington will receive something in return for each benefit it offers Pyongyang.

While the action-for-action concept seems sensible, its implementation has been disappointing. Because of the deep and abiding suspicions that permeate U.S.-DPRK relations, each party is reluctant to fulfill its end of the deal. The nature of the steps each side wants the other to take exacerbates this crisis of confidence. The most important measures that the United States can offer North Korea—political and security arrangements—are more easily reversible than those North Korea can offer—dismantlement of its nuclear program. Both sides will need to overcome this barrier to progress.

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*The United States will not be able to trick North Korea out of its nuclear weapons. Pyongyang will only be willing to denuclearize if its cost-benefit and risk-reward calculations change.*

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Demanding significant early concessions in exchange for large rewards tests North Korea's sincerity. If Pyongyang is willing to commit to an early irreversible step, such as handing over uranium enrichment-related materials, the United States will be more comfortable moving fully toward normalization. Additionally, because America's most significant steps are more reversible than those it desires from Pyongyang, the United States can more easily withdraw its concessions if the DPRK refuses to implement its side of the agreement.

Traditionally, the United States has tried to build trust and momentum by putting easy to accept steps at the beginning of the implementation process and saving more difficult concessions for the latter stages—a method known as back-loading. American negotiators want to see the North Koreans take specific steps toward denuclearization before offering any big benefits. The DPRK tries to gain early incentives to maximize the benefits it could gain without fully relinquishing its nuclear program. By avoiding the most difficult issues, back-loading makes agreements easier to attain, but harder to maintain through the difficult later stages.

While confidence building measures are important, they allow both sides to hedge their bets and

postpone the difficult choices that complete denuclearization entails. As several former American negotiators have written, “so far our position has put all of the North Korean performance up front and all of our performance way at the back end. The North Koreans have noticed...[i]t’s not going to work.”<sup>15</sup> To navigate this obstacle, the United States must push for a more frontloaded denuclearization agreement.

Some former negotiators expressed concern that making a significant initial offer, such as a strong and clear step toward normalization, will actually decrease the DPRK’s incentive to denuclearize because it would provide Pyongyang what it wants at little cost. This legitimate concern could be addressed by ensuring that any U.S. offer is significant enough to demonstrate Washington’s intentions toward the North without exhausting the incentives needed for a final deal. In return, the United States should seek an equally significant concession from the North, such as verified disablement or the surrender of nuclear weapons production materials. Only actions of real significance will convince Washington that North Korea intends to denuclearize and persuade Pyongyang that America is committed to improving the U.S.-DPRK relationship.

### **In a Limited Agreement, Take Big Steps**

**Obstacle:** The DPRK uses limited agreements to extract concessions from the United States.

**Recommendation:** If the United States is forced to pursue a limited agreement, insist on significant, irreversible steps that reduce North Korea’s chances of gaining benefits without making progress toward denuclearization.

According to a former senior U.S. official, the United States initially pursued a comprehensive, frontloaded agreement during Six-Party negotiations, but the DPRK refused. U.S. negotiators then faced a conundrum they will certainly confront

again: should the United States walk away from limited progress or should it try to “get what it can?” For the many reasons listed above, a comprehensive, frontloaded agreement is highly preferable. If the DPRK refuses to accept such an approach, the United States should strongly consider walking away. Past agreements have come at a high price and have not moved the DPRK very far down the path to denuclearization.

Nevertheless, several former U.S. officials believe an incremental approach can improve transparency and build trust. If policymakers decide to pursue a more limited approach, learning from past experiences will be even more crucial. To reduce the risks inherent in partial agreements, the United States should insist on significant, irreversible steps at the outset of any limited agreement. This will ensure substantial progress toward denuclearization and lessen the potential for derailment. In this scenario, the United States and its negotiating partners should carefully calibrate proffered inducements to ensure that any reversible concession is met by an equally reversible incentive, and that disincentives make back-sliding costly for the North Koreans.

## THE PROCESS AND STRUCTURE OF NEGOTIATIONS

A survey of past negotiating efforts reveals that the process and structure of negotiations influences the prospect of reaching and implementing an agreement. Thus, American policymakers should assess carefully the details of negotiations with the DPRK such as which parties should be present at negotiations, the appropriate level for talks, and other vital questions of procedure and organization.

### Engage Before Negotiating

**Obstacle:** American policymakers are unsure what, if anything, Pyongyang is willing to trade for complete denuclearization.

**Recommendation:** Engage with and listen to the North Koreans before entering formal negotiations.

When American policymakers decide to resume substantive diplomacy with North Korea, it will be important to carefully consider what specific incentives or promises North Korea seeks in return for denuclearization. They may not be the ones the United States expect. An initial phase of engagement and exploration will help determine North Korea's interests and guide America's approach to negotiations.

To reach a stage in which productive discussions can begin with North Korea, the United States should first create the right environment for negotiation. As one experienced negotiator explained to the authors, "The topic of discussion doesn't matter at first." The opening stage of a dialogue should be one of maximum flexibility, allowing for a free flow of conversation to determine what North Korea is hoping to achieve through negotiation. This period can include more informal engagement through academic and cultural exchanges as well as humanitarian programs.<sup>16</sup>

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The greater the range of topics and interlocutors, the greater the opportunity for American policymakers to gain insights into Pyongyang's thinking. North Korea's priorities are not always clear. For example, during the Agreed Framework negotiations, the American team was surprised by how highly the DPRK valued Light Water Reactors (LWR).<sup>17</sup> The reactors became the centerpiece of the 1994 agreement and the uncertain future of LWR on the peninsula has remained a serious obstacle to progress.

### Take a Bilateral and Multilateral Approach

Some degree of multilateralism is necessary to address the broad range of issues and interests involved in denuclearization negotiations. Yet, bilateral talks provide the United States with more control, enabling it to deal more flexibly with Pyongyang's mercurial and aggressive negotiating behavior. Thus, the key for the United States is not to choose a bilateral or a multilateral approach but rather to develop a mixed format.

**Obstacle:** The DPRK wants to negotiate with the United States but the United States wants broader regional participation.

**Recommendation:** Negotiate bilaterally, but within a broader multilateral context.

Bilateral talks have been the primary driver of movement in negotiations and are likely to be critical in the future. Historically, bilateral discussions have been an essential ingredient in bringing North Korea back to the negotiating table and progressing toward an agreement. Many experienced negotiators remarked that, even during the Six-Party Talks, most progress toward an agreement was negotiated bilaterally.

Bilateral talks also serve U.S. interests. In a bilateral setting, the United States is less constrained by the opinions and priorities of its friends and allies. By contrast, the Six-Party process was at times constrained by the domestic politics of member states. As one experienced American diplomat commented, “The United States cannot allow a multilateral framework to be the obstacle to the right deal.”



Negotiators meet at the South Korean embassy during a 2007 session of the Six-Party Talks. (GREG BAKER/AFP/Getty Images)

However, if bilateral talks take place, consultation with regional partners will be crucial. The aim should not be to provide partners with daily updates but rather to develop a clear shared understanding of all the relevant parties' concerns and priorities. A single channel of open communication can ensure consistent and appropriate levels of disclosure and inclusion of our partner's opinions. In the history of the Six-Party Talks, the United States has been both the loudest voice behind calls to hold North Korea accountable for its actions, as well as the glue holding together the other four members whose priorities and approaches often differ.

In recent months, the United States has emerged as the leading pre-negotiation coordinator. This is a positive and necessary step for progress.<sup>18</sup>

**Obstacle:** The United States, on its own, does not have enough leverage over North Korea.

**Recommendation:** Adopt a multilateral framework to increase U.S. leverage.

Despite their many benefits, bilateral negotiations have clear limits. While bilateral diplomacy is crucial, the United States must include its friends and allies in the process through regular dialogue and prior consultation. Regional support and coordination are vital during negotiations and at the closing stages of an agreement. The support of the other concerned parties is a strong positive force for denuclearization. One high-level South Korean official, remarking on the importance of unity among the five parties, commented that, “International and domestic unity provide the true power of the Six-Party framework.” Moreover, pressure on and incentives for the North will originate, in part, from China, South Korea, and Japan.

The United States must consider the process of denuclearization within the wider strategic picture of its interests in Northeast Asia, its alliances with



Japan and South Korea, and its complex relationship with China. A multilateral framework ensures that American policy toward North Korea remains balanced with wider regional concerns and reduces the risk of complicating some of America's most important global relationships. It would be counterproductive for the United States to risk its foundational alliances in Asia for the sake of potential progress with North Korea. Since America's friends and allies in the region have vital interests at stake with North Korea, they are intent on participating in negotiations.

Engaging regional partners also provides tactical benefits. South Korea, for instance, has information and perspectives that the United States lacks, input that has been critical in the past. During past negotiations, for example, the United States and the ROK jointly drafted proposals that were later submitted to the other Six-Party partners.

To maintain the cohesion of a multilateral approach, the United States must successfully cope with the domestic politics of its partners. For example, managing the relationship between the United States and the ROK will be crucial given the political dynamics within South Korea, where conservative and liberal political elements drastically differ on how to resolve the North Korean nuclear crisis.

While the United States has participated in several different multilateral formats, the Six Party members constitute the optimal group. South Korea, China, Japan, and Russia all have a fundamental stake in the outcome of negotiations. Moreover, each country has positional advantages and can provide unique incentives for the DPRK to change its behavior, since American inducements alone may not be enough to entice North Korea to give up nuclear weapons. The combined weight of the five parties provides greater binding power for any agreement. As one South Korean official confi-

dently told us, "The United States has no intention of doing a deal by itself."

## The Negotiating Teams

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**Obstacle:** The DPRK does not trust the United States to follow through on its promises.

**Recommendation:** Ensure that the lead U.S. negotiator is perceived as able to keep commitments.

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Nearly all of the former negotiators interviewed believed that Pyongyang does not trust Washington to follow through on its commitments. This belief is born from North Korea's tenuous international status, leaders steeped in the regime's anti-American propaganda, and an ingrained sense of historical injustice. The implications of the North's mistrust are troubling since the United States already has a limited ability to entice cooperation or threaten consequences. With diminished credibility to offer benefits or threaten punishments, America's leverage is further degraded.

It is vital that future U.S. negotiators are seen as authoritative representatives who can deliver results. Unlike North Korea, the United States puts forward a wide range of negotiators. As a result, the negotiation process must build trust to make progress. Specifically, North Korea's negotiating team will need full confidence that the American delegation will be able to deliver on promises made during negotiations.

The United States should seek to elevate its negotiating representatives in the eyes of the DPRK. One way to bolster U.S. negotiators is to have them demonstrate closeness to the president. Senior State Department officials Richard Holbrooke and George Mitchell both mastered the art of signaling their strength through high-profile White House visits and by highlighting their strong relationships with other leading administration officials. Titles, stature, and high-level political access matter.

## The DPRK's Negotiators

*Past negotiators disagree over the significance of engaging directly with particular DPRK representatives. North Korea's negotiating team has remained largely the same over time: Pyongyang's two leading interlocutors, Kang Sok-ju and Kim Kye-gwan, have been involved since the negotiations over the Agreed Framework. This continuity of team members is both an advantage for North Korea and a potential roadblock to future progress. While Kang and Kim may be effective in defending the North's interests, their insights and disappointments from past interactions may be barriers to trusting their American counterparts or finding creative ways past future impasses.*

*Kang led negotiations for the Agreed Framework and took part in bilateral negotiations at the beginning of the Bush administration. Kim Kye-gwan took over as head of the North's Six-Party delegation after the first round and led negotiations for the September 19 and February 13 agreements. Due to their respective positions, Kang is Kim's superior. Historically, Kang's entry into negotiations signals progress towards an agreement. In North Korea's rigid and hierarchical system, high-level officials who are perceived as close confidants of Kim Jong-il, like Kang, are reserved for the most important meetings.*

*One recent negotiator warned, "We saw the limits of what [Vice Minister of Foreign Affairs] Kim Kye-gwan could do." Many former participants in talks suggest that First Vice Minister of Foreign Affairs Kang Sok-ju has more freedom to negotiate. But the consensus view is that while he may have the ear of Kim Jong-il, Kang is not a decision-maker and his flexibility is severely limited.<sup>†</sup> One experienced diplomat questioned whether Kang wields more clout with the Dear Leader than Kim Kye-gwan. Rather, he said, Kang is effective at "reading the mind" of Kim Jong-il, the military, and the party apparatus.*

*Some diplomats suggested that reaching Kang has drawbacks as well. They cited his temper and volcanic personality, evident in his angry response to then-Assistant Secretary of State James Kelly's 2002 assertion that the North had an active uranium enrichment program. One diplomat noted that, during the Agreed Framework period, the American team avoided scheduling afternoon sessions with Kang, because they found that the wear and stress made negotiations less productive. Moreover, the DPRK realizes that Americans view Kang's participation as a signal of progress and consequently include or exclude him in an effort to manipulate the United States.*

*The U.S. ability to request who participates on the North Korean side is limited. In America's first post-Korean War negotiations with the North, the George H.W. Bush administration was able to choose the interlocutor. More recent attempts to request higher level meetings have been rebuffed. Once negotiations are in progress, elevating to a higher level of the Ministry may be an important political signal, but a change in DPRK representatives does not imply an impending, substantive breakthrough.*

*Kim Jong-il's health and its effect on the regime in Pyongyang increases uncertainty about the relative influence of North Korean negotiators. Kim's recent recovery from an apparent stroke in 2008 provides stability for the moment, but Kim's health could influence the pace and scope of negotiations in unpredictable ways. It is unclear if Pyongyang will be willing or able, to engage in substantive negotiations if authorities in Pyongyang are unclear or in transition.*

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<sup>†</sup> Funabashi suggests that "within the North Korean foreign ministry only Kang was in direct contact with Kim Jong-il." His source for this statement is not clear. *The Peninsula Question*, p. 21.

Another worthwhile example is that of Hitoshi Tanaka, Japan's Director General of the Ministry of Foreign Affairs Asian and Oceanian Affairs Bureau during the secretive negotiations with the DPRK over normalization. As Tanaka's secretive diplomacy with the mysterious North Korean known as Mr. X deepened, he went out of his way to visit Prime Minister Koizumi frequently. The frequency with which his name appeared on the daily prime minister's log underscored his closeness to top decision makers.<sup>19</sup> Withholding senior negotiators at the early stages of talks, until the negotiations settle into a consistent rhythm, is an alternative strategy for elevating the importance of individual negotiators.

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**Obstacle:** North Korea's only decision maker does not participate in negotiations.

**Recommendation:** Use high-level visits by current or former U.S. government officials to help restart, reinvigorate, or finalize an agreement.

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Over the years, the composition of negotiating teams has greatly influenced the course of talks. Unlike North Korea, the United States usually brings a broad team to the table, arriving at negotiations with representatives of the State Department, National Security Council, Defense Department, the military, and the Department of Energy.<sup>20</sup> By comparison, North Korea usually sends only diplomats from its Ministry of Foreign Affairs along with some party-affiliated delegates.

The composition of the North Korean side is limiting for two primary reasons. First, the Ministry of Foreign Affairs (MOFA) is primarily a mouthpiece, not a decision-making organization. Only the Korean Workers Party and the National Defense Commission are able to make significant political decisions in the DPRK. Second, engaging through the MOFA severely limits U.S. insight into North Korea's interests. One high-level American official described U.S. knowledge of North Korea as

so restricted that it is akin to "looking through a straw." Many American and South Korean policymakers interviewed expressed intense interest in increasing engagement with other segments of North Korea's government. Specifically, several policymakers and intellectuals highlighted the military as a potential source of alternative information. One former official described Marshal Jo's visit to Washington as "the most effective meeting we have ever had with the North Koreans." The United States' ability to expand the range of interactions with North Korea is, however, extremely limited. Past efforts to prod the MOFA about the lack of diverse representation on the North Korean side were met with frowns and angry looks.<sup>21</sup>

Complicating American interactions with the MOFA are the opaque battles inside North Korea that the Ministry must fight in order to gain the ear of Kim Jong-il. As past agreements have fallen apart, the MOFA's internal standing appears to have been damaged.<sup>22</sup> American and South Korean officials speculate that it will take time to rebuild the damage done to stakeholders in the DPRK who favor a negotiated settlement. Equally



*U.S. Secretary of State Hillary Clinton (R) announces the appointment of Ambassador Stephen Bosworth (L), the new Special Representative for North Korea Policy. (TIM SLOAN/AFP/Getty Images)*

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*Since North Korea respects hierarchy, high-level engagement is a crucial component of negotiations.*

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concerning, North Korean officials inside the MOFA have told American and South Korean interlocutors that the Foreign Ministry was marginalized by the North's 2006 nuclear test. One former official quoted a North Korean diplomat as saying "the world changed in 2006." Policymakers must consider how a weakened MOFA changes the terrain. Before the American team makes any meaningful concessions it must be sure that the Ministry can effectively gain the approval of Kim Jong-il.

Since North Korea respects hierarchy, high-level engagement is a crucial component of negotiations. Talks need to take place at a high level because the decision-making process in North Korea is centralized in the person of Kim Jong-il. Americans can use this desire for high-level engagement to their advantage by utilizing high-level visits to refocus or reinvigorate the hard work of negotiating.

Past visits by internationally renowned Americans have helped foster better conditions for negotiations. Numerous experts underscored that official trips to Pyongyang by former American presidents, politicians, and officials not focused solely on bartering for a deal, strengthened trust between the two sides.<sup>23</sup> North Korea officials highly value visits by Americans with international profiles who are familiar within the DPRK. For example, Pyongyang appears to be highly enamored with Henry Kissinger. According to many past negotiators, other promising high-level visitors include Senator Richard Lugar, Senator John Kerry, former Secretary of Defense William Perry, former Secretary of State Madeleine Albright, former State

Department Counselor Wendy Sherman, and, of course, many former presidents.

North Korea's reluctance to include a wide array of representatives is not limited to interaction with the United States. This is the way the North generally prefers to negotiate. One interesting exception may be Japan's interactions with Mr. X, an unnamed North Korean official who helped secretly prepare for the visit of Prime Minister Junichiro Koizumi to Pyongyang in 2002. Speculation in Japan was that X's connections came from his position in the party apparatus and not a ministry.<sup>24</sup>

### **Anticipating Implementation Problems During Negotiations**

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**Obstacle:** The U.S. Congress controls where an administration can spend money, regardless of what negotiators offer.

**Recommendation:** The negotiating team should work with a congressional caucus to build support for a potential agreement.

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The U.S. Congress has the sole authority to authorize and appropriate the funds necessary to provide North Korea with financial or material incentives such as heavy fuel oil or light water reactors. Moreover, the U.S. cannot lift significant sanctions without an act of Congress. For these reasons, the Obama administration should work with Capitol Hill to establish a bipartisan congressional caucus that is generally supportive of the administration's approach to negotiations and influential in both foreign policy and budget matters.

**Obstacle:** Negotiations can be derailed during the implementation phase of an agreement.

**Recommendation:** The negotiating team should establish a working group to plan for implementation of a potential agreement.

Since North Korea has repeatedly abrogated past agreements to extract further concessions, the United States must avoid handing Pyongyang excuses for rescinding deals. Americans can only retain the high ground in negotiations by vigilantly following through on any commitment made to the North.

During negotiations, the U.S. delegation is primarily focused on finding areas of agreement with the North Koreans and crafting a document that both sides can sign. Thinking through what it would take to implement the agreement is given far less attention.

While it would be useful to have the negotiation teams devote more time and effort to this issue, much can be achieved through preparation and continued support for the negotiating team back in Washington. Working groups at the Six-Party level may not be enough to fully uncover the range of steps that the United States must take to adequately implement an agreement. A U.S. team—with representatives from private industry, international NGOs, government lawyers, and international finance experts—could help smooth the process. This team could assist policymakers by uncovering some of the legal, political, and logistical difficulties of implementing an agreement.

Furthermore, there has traditionally been a long gap between the signing of an agreement and the initiation of concrete steps towards its implementation. For example, although the Agreed Framework was signed in 1994, construction on LWR did not begin until 1997. The more technical and commercial details there are to address, the longer the process will take and the more likely problems are to occur. By preparing for implementation ahead of time, the United States can avoid costly setbacks.

## Communication Issues

**Obstacle:** American and North Korean negotiators have trouble communicating due to sensitivities over certain word choices.

**Recommendation:** Use the right words to set the right environment for constructive dialogue.

Language choices are important both in framing the issues under discussion, and during negotiations themselves. Citing deep experience interacting with North Korean negotiators, one senior diplomat remarked, “You can gain a hell of a lot just by using different language.” One recent example is the use of the term “humanitarian



A 2004 meeting of Executive Board members of the Korean Peninsula Energy Development Organization (KEDO). (DON EMMERT/AFP/Getty Images)

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*DPRK negotiators are notorious for refusing to admit to what they have already agreed.*

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issue” in reference to the two journalists who were arrested in North Korea in March 2009. By calibrating its language to avoid judgmental statements, the United States helped create an atmosphere that encouraged the journalists’ return.

Uncertainty over translations has often derailed negotiations and undermined potential agreements. Perhaps the most troubling example is the controversy over what Kang Sok-ju said in response to former Assistant Secretary of State Jim Kelly’s prodding over the North’s Highly Enriched Uranium (HEU) program in 2002. According to the United States, Kang confirmed the existence of an HEU program, but this fact was later disputed by the North. This experience reinforced the view of some in the George W. Bush administration that North Korea was too unreliable to negotiate with. However, it remains unclear whether this was an instance of disingenuous negotiating or a genuine communication failure.

The United States must make sure that nothing is lost in translation.<sup>25</sup> Frustrating disputes regarding translation plagued the drafting of the 2005 joint statement. North Korea demanded a discussion of the provision of LWR (a step the United States had promised in the Agreed Framework but had since abandoned). The American side fought hard for specific language that would allow for discussion of LWR without referencing earlier American commitments. While the English version of the document contained the American preference (LWR in the singular form and not preceded by

the word “the”), the distinction was lost in the Chinese, Korean, and Japanese translations. The United States must check drafts in multiple languages to ensure that they have captured the important intricacies of any agreement.<sup>26</sup>

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**Obstacle:** Negotiations break down over disagreements about what has been decided.

**Recommendation:** Finish each negotiation session by consenting to a written summary of what has been discussed and agreed upon.

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Constant mutual distrust complicates negotiations with North Korea. Mutual suspicion exists, in part, due to the gap between the negotiators and the decision makers in each country. Each team not only negotiates with the other side, but also with the decision makers back in their own capitals.<sup>27</sup> This multi-level negotiation obstructs efforts to reach compromises and make them stick. For example, bickering back in Washington helped to undermine the efforts of the U.S. negotiation team during the Six-Party Talks. This problem is most acute when drafting points of consensus and agreements—a process described as the “chain of agreement” (See Figure 1).

The absence of written documents constantly threatens the chain of agreement between parties. Either the two negotiating teams have not come to a shared view or the decision makers back home remain reluctant to commit to what the negotiators agreed. Either scenario bodes ill.

U.S. negotiators should be alert to the difference between unintentional and intentional misinterpretation. DPRK negotiators are notorious for refusing to admit to what they have already agreed. American and Korean officials believe this misdirection is a North Korean tactic to wring extra benefits out of negotiations. Continually codifying progress can minimize the frequency of such incidents.

While North Korean negotiators infamously resist written statements, gaining written confirmation of interim understandings is crucial for interpreting and implementing what has been agreed. In recent years, North Korea has not been the initial drafter of denuclearization documents.<sup>28</sup> According to negotiation participants, the North prefers responding to American drafts.<sup>29</sup> Since Americans tend to hold the pen, American policymakers can determine the best time to compile points of consensus and draft a formal agreement.

Important messages should be written in Korean to ensure they are not misunderstood or misrepresented when passed on to higher-ups. North Korean officials, according to several former American officials, are required to forward written communications without making changes. When messages are delivered orally, however, low-level North Korean bureaucrats often change the meaning. As one former high-ranking diplomat advised, “even when we brief the North Koreans, they cannot be totally honest in reporting to superiors.” To avoid intentional distortion or accidental misinterpretation of U.S. positions, back

channel communications should consist of written statements in Korean rather than orally conveyed English messages.

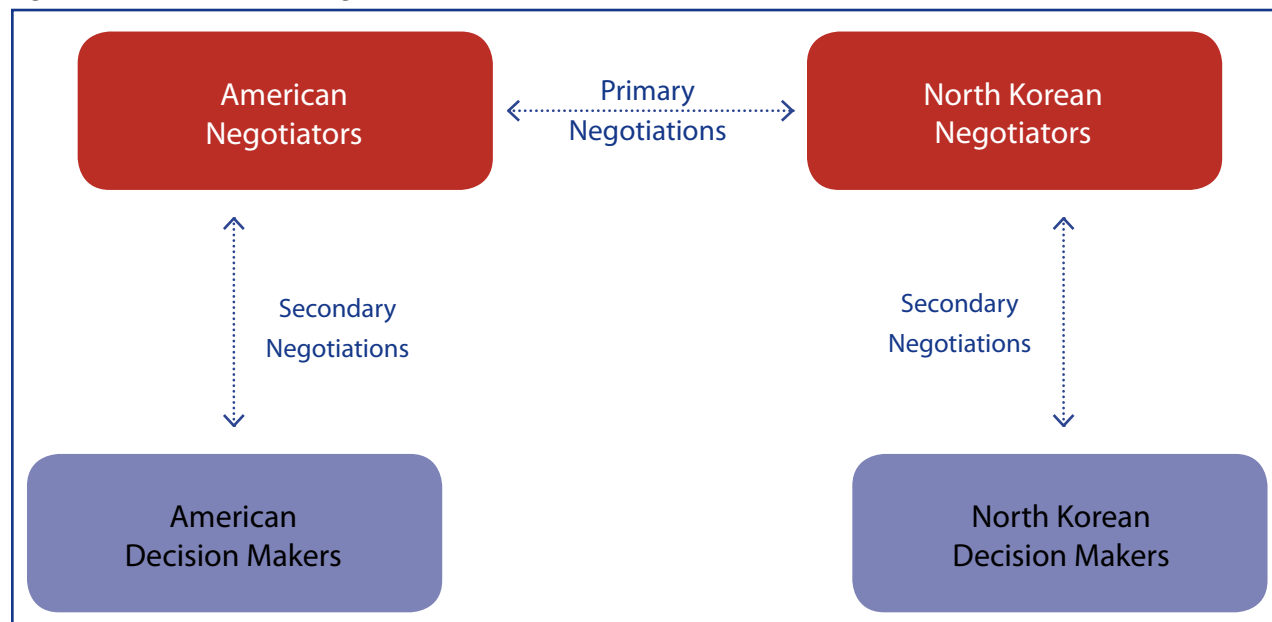
**Obstacle:** The United States faces logistical constraints when engaging in negotiations in Asia.

**Recommendation:** Mitigate communication differences with prior interagency consultation.

Primary negotiations with North Korea have always taken place in Asia. The fourteen-hour time difference forces the American negotiating team to stay up late to communicate with leadership in Washington. At times, policy questions are fought out in Washington without input from field negotiators, who are taking needed rest. In extreme situations, the American team is unable to quickly contact high-level policymakers in Washington to receive timely guidance.

A negotiating team needs latitude to maneuver without consulting Washington. Negotiators usually receive intricately detailed instructions, designed to delineate the limits of both the actions

Figure 1: Links in the Chain of Agreement



and the positions that the negotiating team can take. If Washington insists on maintaining close control over the negotiating team throughout the process, talks can be hampered. To minimize the amount of consultation needed between Washington and the negotiating team, the United States should develop an understanding of its position and think through possible North Korean reactions prior to the start of formal discussions.

North Korea faces its own logistical constraints on communication. North Koreans, for example, fear using phones to report back and receive instructions. American negotiators should ensure the close proximity of a secure reporting station to facilitate the flow of timely responses from Pyongyang.

### The Role of Unofficial Channels

**Obstacle:** It can be difficult to communicate with North Korea when no official negotiations are underway.

**Recommendation:** Use unofficial channels to shape the environment between official negotiations.

Unofficial diplomacy can shape the environment for negotiations during periods when no official negotiations occur. Track 1.5 and Track 2 dialogues can help build the necessary trust to engage in substantive negotiations. And, when negotiations reach an impasse, multi-track diplomacy can help break through the deadlock. Since North Korea sends the same representatives to both official and unofficial meetings, American participants can speak frankly and directly with influential North Koreans during informal talks. One American praised the unofficial dialogues as “a valuable forum that provides credible, balanced access.”

Keeping multiple official and unofficial channels open increases opportunities for American

policymakers to understand what Pyongyang really wants and why. The North is not averse to informal communication; in fact Kim sometimes prefers non-official channels.

The inclusion of many North Korean officials provides Americans the opportunity to send messages to Pyongyang. One frequent participant in Track 2 discussions noted that, “The DPRK absorbs more than it transmits.” But American negotiators can learn even from the rote recitation of talking points by their North Korean counterparts. One participant noted that negative moods displayed by North Koreans in Track 2 sessions often indicated that the next round of official talks would go poorly.

Despite the benefits of unofficial negotiations, there are good reasons to be wary. North Korean participants may use unofficial dialogues to manipulate the messages that are transmitted to policymakers in Washington. In addition, Washington decision makers rightly fear that allowing unofficial talks entails relinquishing control over the process and could slow progress by sending mixed messages to Pyongyang.

Furthermore, when negotiations are proceeding at a steady rate, unofficial talks may be superfluous or even counterproductive, especially if the signals from unofficial talks are inconsistent with the positions of U.S. negotiators. Thus, once negotiations begin, policymakers should consider limiting the non-official “voices” that communicate with DPRK leaders. The United States must emphasize to all North Korean and U.S. interlocutors that only one officially sanctioned individual is empowered with presidential authority to negotiate with North Korea. Still, North Korean officials have displayed an ability to detect who has strong lines of communication with decision makers regardless of their formal status in the negotiations. Track 2 participants who are less influential with the administration in power are unlikely to be taken seriously in Pyongyang.



## CONCLUSION

As the Obama administration refines its diplomatic strategy toward North Korea, it should reflect on America's history of negotiating with Pyongyang. The lessons outlined above illustrate past obstacles to progress and provide guidance for navigating future negotiations.

Despite 20 trying years of raised hopes and regular setbacks, diplomacy and negotiation remain the best way to denuclearize the Korean peninsula and defuse the threat posed by the DPRK. As the United States and North Korea inch back toward the negotiation table, they should begin with unofficial initial interactions. These unstructured discussions will make the push for a comprehensive agreement more likely to succeed. All the while, the administration must carefully address the tactical aspects of the negotiations process that can play a significant role in smoothing the path to an agreement.

Patience will be paramount. In complex diplomacy, progress is rarely direct and linear. The North Korean negotiating pattern is meant to confuse through ambiguity and rapid changes in positions and tone.<sup>30</sup> External events beyond the control of negotiators may also throw a wrench in productive discussions. For these reasons, negotiations with Pyongyang will undoubtedly test the endurance of American policymakers, diplomats, and the American people.

But endurance is required. A nuclear North Korea is inimical to America's interests and those of the international community. Progress or failure with North Korea will set a critical precedent for how to handle proliferation and will directly impact Washington's approach to other countries pursuing nuclear weapons.

While the Obama administration should not expect to solve the crisis immediately, it has a historic opportunity to reverse a harmful trend

toward further militarization in North Korea and further isolation of the regime in Pyongyang. If policymakers learn from past negotiations, they can launch a new round of talks with the DPRK on a more positive trajectory. Success, however hard won, will not only increase America's security but also restore stability to the Northeast Asian region.

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*Despite 20 trying years of raised hopes and regular setbacks, diplomacy and negotiations remain the best way to defuse the threat posed by the DPRK and denuclearize the Korean peninsula.*

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## APPENDIX: A SHORT HISTORY OF U.S.-DPRK NEGOTIATIONS<sup>31</sup>

For more than 30 years after the signing of the armistice that halted armed conflict on the Korean peninsula, the United States pursued a policy of isolation toward North Korea. Yet, despite the crumbling of the Soviet Union, most analysts continued to view the North's illicit weapons program through a Cold War lens.<sup>32</sup> In 1985, North Korea signed the Nuclear Non-Proliferation Treaty (NPT), but Pyongyang continued to pursue nuclear weapons. In the late 1980s, Washington concluded that its policy of isolating the North was failing to thwart Pyongyang's development of nuclear weapons. The United States began to question whether negotiations might be a more effective way to denuclearize the DPRK. The following is a short overview of diplomatic efforts during the last 20 years.

### **The George H.W. Bush Administration (1988-1992)**

To address North Korea's determined efforts to obtain nuclear weapons, President George H.W. Bush implemented a policy of "comprehensive engagement." Washington attempted to address North Korean concerns without rewarding North Korea's bad behavior, playing down the prospect of direct negotiations with Pyongyang.<sup>33</sup> As part of this approach, the United States enacted several unilateral measures to reduce tensions with the DPRK, including aid shipments, the withdrawal of all nuclear weapons then deployed to South Korea, and the cancellation of the Team Spirit annual joint training exercise with the ROK. Additionally, the administration encouraged two tracks of mediation. It simultaneously pushed the International Atomic Energy Agency (IAEA) to restore North Korea's NPT compliance while promoting a disarmament dialogue between North and South Korea, which resulted in a denuclearization agreement.

The United States also used back-channel communications to signal that if North Korea signed an IAEA safeguards agreement allowing international inspectors to investigate its nuclear sites, North Korea would be rewarded with a face-to-face meeting of high-level diplomats.<sup>34</sup> Though no breakthroughs occurred at the resulting meeting between Under Secretary of State for Political Affairs Arnold Kanter and the Korean Worker's Party Secretary for International Affairs Kim Yong-sun, momentum seemed positive. However, the Bush administration, the IAEA, and the ROK responded to the apparent lack of progress with a harder line. When the IAEA pushed Pyongyang on discrepancies in its nuclear report and the ROK exposed a North Korean spy ring, tensions on the Korean peninsula grew and negotiations sputtered.<sup>35</sup>

Rather than risk getting bogged down in the give-and-take of negotiations, Washington focused on pushing Pyongyang to disarm before American diplomats came to the table. Since the United States would not engage directly with the North, its leverage over the separately conducted negotiations by the IAEA and the ROK was limited. When both of these parties failed to reach an agreement with North Korea, the push to denuclearize slowed. In 1993, with no solution in sight, the North Korea portfolio was passed on to the incoming administration.

### **The Clinton Administration (1992-2000)**

As the Clinton administration took office, it confronted an escalating crisis with North Korea. North Korea threatened to withdraw from the NPT. Washington responded with a combination of sanctions and direct engagement, which temporarily preserved Pyongyang's NPT status. While this strategy narrowly averted an immediate crisis, it did not address the underlying issues between the countries and bilateral progress soon stalled again.

The Clinton administration faced a complex choice: to seek clarity on North Korea's past nuclear activity or to concentrate on preventing future weapons development. While the IAEA demanded that North Korea account for inaccuracies in its declared plutonium stockpiles, the Clinton administration prioritized acts to limit the DPRK's future nuclear weapons progress. Despite a strong push from the international community, North Korea refused to allow the IAEA access to its Yongbyon reactor. As a result, the United States canceled its next round of bilateral negotiations and resumed Team Spirit exercises. Pyongyang raised the stakes by removing fuel rods at Yongbyon, leading the United States to push for more drastic sanctions.

By June 1994, the DPRK and the United States were locked in a standoff that threatened to culminate in war. To prevent further escalation, former president Jimmy Carter visited Pyongyang and announced that North Korean leader Kim Il-sung had agreed to freeze the North's nuclear program and engage in high-level talks with the United States. Carter's trip forced the Clinton administration to abandon what it called the "step-by-step" in which the administration set preconditions for high-level talks and insisted that North Korea take the first step.

The United States team, led by Ambassador Robert Gallucci, began high-level engagement and direct negotiations. Kim Il-sung's death in July of 1994 delayed movement towards a deal, but only temporarily. After months of torturous negotiations, on October 21, 1994, the United States and North Korea signed the Agreed Framework. The deal traded a freeze in North Korean nuclear weapons activity and the prospect of improved relations with the United States for interim energy assistance and support in constructing civilian nuclear power plants. The Agreed Framework was deliberately structured to postpone many of the more

challenging verification issues until later phases of implementation.

The signing of the Agreed Framework seemed to be a breakthrough, vindicating the Clinton administration's decision to favor diplomacy and incentives over isolation and sanctions. But the Agreed Framework's implementation was crippled by clumsy coordination among U.S. government bureaucracies and disagreement between the legislative and the executive branch over DPRK policy.

More importantly, North Korea's misbehavior—including, weapons proliferation, drug trafficking, development of ballistic missiles, and continued hostility toward South Korea—made effective implementation impossible. American intelligence officials also began to believe that North Korea was secretly pursuing an alternative path to nuclear development in violation of its responsibilities under the Agreed Framework and other international agreements. Overall, while the North's nuclear fuel production was significantly curtailed, it had not been frozen, let alone reversed.

The Clinton administration continued to engage the DPRK, focusing on its burgeoning ballistic missile threat, but progress was limited by the August 1998 launch of a Taepodong rocket over the Sea of Japan and suspicions about a secret nuclear facility in Kumchang-ni. In response to a growing outcry over North Korea's behavior and congressional efforts to force a change in the administration's policies, the Clinton administration appointed former Secretary of Defense William Perry as North Korea Policy Coordinator and tasked him with conducting a full interagency review of U.S. policy toward North Korea.

Perry's report, made public the following year, recommended a new "comprehensive" U.S. policy.<sup>36</sup> It suggested concrete incentives and disincentives to address broader security concerns, such as the North's ballistic missile program. The report

stressed the importance of bipartisan agreement about DPRK policy and broader consultations, both within the U.S. government and with U.S. allies. Policymakers accepted many of the report's recommendations. For instance, the United States established the Trilateral Coordination and Oversight Group (TCOG) to provide a consultative forum for the United States, Japan, and South Korea. This coordination helped pave the way for the Six-Party Talks that would follow.

In the late 1990s, the Clinton administration retooled its negotiations with North Korea, passing to the Bush administration a new focus on multilateralism that included the Four-Party Peace Talks and the TCOG. The administration's late diplomatic push resulted in a missile testing moratorium, a joint statement on terrorism, and an unprecedented visit to Pyongyang by then-Secretary of State Madeline Albright. As a result of this diplomatic shift, the Bush administration inherited ongoing ballistic missile negotiations, which were "tantalizingly close" to a promising agreement, according to former North Korea policy coordinator Wendy Sherman.<sup>37</sup> But soon thereafter, verification became a definitive concern surrounding the Agreed Framework, the structure of which deliberately postponed many of the more challenging verification issues until later phases of implementation.

### **The George W. Bush Administration (2000-2008)**

The Bush administration's initial approach toward North Korea was uncertain. Secretary of State Colin Powell signaled continuity, stating that the Bush administration would "pick up where President Clinton left off."<sup>38</sup> Yet, in an example of the internecine disagreements that characterized the Bush administration's approach to North Korea, Powell reversed himself the very next day after the President announced a comprehensive review of existing policies. After the June 2001 review, the Bush administration announced a

new strategy that it described as strengthening implementation of the Agreed Framework, while pursuing a more comprehensive approach to negotiations.<sup>39</sup>

Following the attacks on September 11, 2001, which increased concerns that nuclear weapons could be transferred to non-state actors, and the public disclosure of North Korea's secret uranium enrichment efforts, support for a comprehensive verification regime grew even stronger. The Bush administration broke further from the Clinton approach. Insisting that weak international arms control commitments allowed pariah regimes to cheat on their commitments without U.S. knowledge, Bush officials pushed a tougher approach that "jettisoned" non-verifiable commitments and emphasized vigorous enforcement.

A new style of diplomacy, often described as "hawk engagement," became the preferred approach in Washington. The Bush administration emphasized the use of sticks in negotiations. Diplomats tried to test North Korea's intentions as well as its professed willingness to dismantle its nuclear program.<sup>40</sup> In the event that North Korea refused to negotiate on U.S. terms, the United States would follow through on the promised sticks.

North Korea's reported acknowledgement of a clandestine uranium enrichment program (which it later denied) during October 2002, convinced many conservatives that the time for testing Pyongyang had passed and the time to proceed with containment had arrived. Jettisoning the Agreed Framework, the Bush administration froze the development of LWRs and suspended shipments of heavy fuel oil. The administration believed the scope of the problem could not be covered by the existing agreement and tools of implementation.

President Bush's advisors recommended a new set of policies, which came to be known as "tailored

containment.<sup>741</sup> The approach included isolation to minimize the military threat posed by the DPRK, maritime interdiction to prevent proliferation, and strong sanctions to cut off Pyongyang's access to illicit funds. While the United States considered an even more aggressive posture, America's Asian partners convinced American policymakers that getting more aggressive could destabilize the region.<sup>42</sup>

By the beginning of 2003, tensions on the peninsula peaked again when North Korea finally removed itself from the NPT, restarted its nuclear reactors, and openly acknowledged its possession of nuclear weapons in conversations with U.S. diplomats.

Washington tacked back toward a more multilateral approach. In August 2003, the Bush administration participated in the first round of the Six-Party Talks. The Six-Party process relieved the significant strain bilateral talks had placed on American alliances in East Asia and enabled the administration to involve China more deeply in denuclearizing its dependent neighbor.

Although the signing of the September 2005 "roadmap" was a diplomatic breakthrough, the Bush administration quickly lost confidence in the Six-Party process. It became evident that multilateral negotiations alone would not create consensus among regional partners. The differences between each country's core interests, negotiating styles, and domestic priorities, complicated the process. The Bush administration's skepticism about the DPRK's intentions was reinforced when North Korea tested missiles in August and a nuclear device in October of 2006. The other five parties in the Six-Party Talks did manage to draw North Korea back to the negotiating table and craft the February 2007 "action plan" implementing the 2005 joint statement. But once again, talks dissolved over North Korea's unwillingness to allow more stringent verification.

Further actions by North Korea imperiled the Six-Party Talks in recent years, leading the U.S. negotiating team to offer a series of significant and controversial concessions to Pyongyang. Although by the summer of 2008 these measures produced the strongest verification activities to date, the United States is still no closer to complete, verifiable, and irreversible disarmament (CVID). As the Obama administration began its tenure, North Korea reportedly possessed enough plutonium for six to eight nuclear weapons and demonstrated little interest in following through with past commitments.



## ENDNOTES

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10. Joel Wit, Daniel Poneman and Robert Gallucci, *Going Critical*, (Washington, D.C.: Brookings Institution Press, 2004) p. 360.
11. See Joel S. Wit, "U.S. Strategy Towards North Korea: Rebuilding Dialogue and Engagement," U.S.-Korea Institute at SAIS, (October 2009).
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13. See Morton Abramowitz and James Laney, co-chairs "Meeting the Nuclear Challenge," Council on Foreign Relations, (2003), p. vi.
14. Scott Snyder refers to this concept during the Agreed Framework era as an issue of simultaneity over conditionality. *Negotiating on the Edge*, p. 91-93.
15. *Going Critical*, p. 97.
16. One excellent example of academic exchange is the collaboration between Syracuse University and Kim Chaek University of Technology. See <http://www.america.gov/st/scitech-english/2009/February/20090220123133adkclerog0.7077143.html>.
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18. Representatives of the U.S. Government often visit Asian counterparts to ensure a coordinated approach to North Korea One recent example is Deputy Secretary of State James Steinberg's trip to Asia. "US Envoy Wraps Up Asia Tour" *AFP*, (1 October 2009).
19. *The Peninsula Question*, p. 14.
20. Early in the negotiation process, the United States predominately viewed the problem as one of arms control, and despite wide representation from the U.S. government, "only three delegation members qualified as Korea experts." *Going Critical*, p. 51.
21. Former officials shared a story where Kim Kye-gwan almost stormed out after an American official commented that the U.S. should talk to the North Korean military.
22. In a similar manner, Hitoshi Tanaka became convinced that X's inability to deliver substantive benefits (and the Japanese decision to let visiting abductees remain in Japan) weakened his influence. *The Peninsula Question*, p. 42.
23. Examples include the visit of Jimmy Carter, then-Congressman Bill Richardson's 1994 trip, Madeleine Albright's Pyongyang trip in 2000 and, potentially, the recent visit of President Bill Clinton.
24. *The Peninsula Question*, p. 40-45.
25. *The Peninsula Question*, p. 400.
26. As one former diplomat noted, however, the translation of drafts can take an enormous amount of time and leads to the difficult question of which draft would have preference in the event of a discrepancy in translation.

27. Robert Putnam's work on two level games is instrumental in considering the interaction between the U.S. and North Korean negotiators and their respective governments. Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization*. Vol. 42, (Summer 1988), p.427-460.
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31. This section borrows extensively from "U.S.-DPRK Negotiations: A Survey of the Policy Literature" written by the two authors and Lindsey Ford. Lindsey Ford, Zachary Hosford and Michael Zubrow, "U.S.-DPRK Negotiations: A Survey of the Policy Literature," (Washington, D.C.: Center for a New American Security, April 2009).
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34. *Going Critical*, p. 12.
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42. See Jack Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb*, (Washington, D.C.: Brookings Institution Press, 2007).







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