

A Contextual Analysis of the First North Korean Nuclear Negotiations

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Abstract

This paper is an attempt to apply contextual analysis to the first U.S.-North Korean nuclear negotiations. Contextual analysis demonstrates the ways in which North Korea, in an exceptionally harsh domestic and external environment, made concerted efforts to create a favorable context for negotiations and achieved favorable negotiations outcomes. This research shows that “context creation” in the U.S.-North Korean nuclear negotiations is a key factor in the successful negotiation of a favorable outcome for North Korea in the face of a vastly superior power. North Korea created this favorable context by using an “exit” strategy, which paralyzed the influence of their other negotiating partner, South Korea, and induced the rapprochement of their less tough partner, the U.S. Many dynamic factors are part of the way a negotiation context changes. This study focuses on the “exit” strategy, which is one of the strategies used to change the context and which gave a favorable outcome to a considerably weaker participant in negotiation.

Key Words: asymmetric negotiation, contextual analysis, NPT, North Korea, exit

Introduction

Political science has developed under the strong influence of positivism, which accounts for political phenomena in terms of law-like statements, free from occasional accidents. In order to build law-like statements, political theorists have tended to focus on constant and materialistic variables rather than relationships between and/or among actors and environments. Many International Relations (IR) theorists have also tried to find law-like statement in an anarchic international system. They have regarded studies which tend to focus on relationships as limited explanations only, and dealing with unusual phenomena. However, many empirical studies show that constant and materialistic variables are insufficient in understanding complicated international negotiations.

Gary Goerts did pioneering research to account for international politics in terms of relationship.¹ He conceptualizes relation-oriented study as contextual analysis. In contextual analysis, the relationship itself is regarded as an independent variable, rather than a dependent variable. The nature of relationships among actors is flexible and changeable by intentional action. The concept of flexible and changeable relations enables contextual analysis to explain dynamic development of inter-national strategic interaction. This paper is an attempt to apply contextual analysis in the context of the U.S.-North Korean nuclear negotiations. This demonstrates how North Korea, in an exceptionally harsh environment, both domestically and externally, made concerted efforts to create a favorable context, resulting in favorable negotiation outcomes.

¹-Gary Goertz, *Contexts of International Politics* (NY: Cambridge University Press, 1994).

Methodological Arguments

Definition of Contextual Analysis

While the term “context” is very familiar to social scientists, it is one which is difficult to define precisely. In this paper, context refers to the mentally or materially associated “surroundings” which consist of actors and systems.² The contextual analysis itself focuses on the relationships between (or among) entities and environments. The contextual analysis is not concerned with the separate existence of the agents and systems, but the possible relationships (or mechanisms) between (among) them. The emphasis of all contextual analysis is on the interaction not only between entities and their environments but also among entities.

In familiar terms of the dichotomy of “agent-structure” in IR theories, contextual analysis is different from structural analysis. Structure is defined either in its overall anarchic condition or in terms of the distribution of military capabilities. It infers that structure is something constant, does not vary for a considerable time period, and that it is, to some degree, beyond the capability or influence of agents. In structural analysis, structure and agent are strictly divided and their interaction is ignored. Contextual analysis considers the “agent-structure” relationship as a whole. It is indivisible. Contextual analysis focuses on the interaction between (or among) agent and environment.

Three Modes of Contexts

There are three modes of context: the causal mode, the barrier mode, and the changing meaning mode. The modes of context represent three different ways of understanding agent-environment relations.

²-For example, the Cold War context refers to the surrounding in which actors having opposite ideologies compete with each other to overcome the rival camp. Moreover, it consists of competing actors and its social, economic, and political systems.

The context mode as cause is the default mode. A cause is something that contributes to a sufficient condition for the outcome to appear. The context mode as cause is different from the causal variable or causal field, which is the set of circumstances and background conditions that are important or necessary in explaining a phenomenon. The context mode deals with the relationships that can cause the outcomes. Mode as cause may be present without producing an effect. This may be due to various reasons. The cause may increase the likelihood of the outcome but may not be enough for an outcome to occur.

Context as a barrier contrasts with context as cause because instead of producing an effect, it prevents the effect. Barriers are “counteracting” causes. If causes increase the likelihood of an outcome, then barriers decrease that likelihood. In other words, cause is normally positive in the sense of producing change, while barrier prevents or counteracts change.

The mode of context as a changing meaning in political phenomena can be compared with that of linguistic phenomena. The context influences those relationships just like contexts mediate between words and their meanings. Words mean different things because they are uttered in different sentences. Sentences mean different things when uttered in different situations. Actors in the “same situation” act differently because they have different contexts. The notion of mode of context as changing meaning argues that basic structural elements constantly change as their relationship to one another changes according to differing circumstances. In other words, the variables in a relationship are not constant, but change constantly over time and space. In sum, the meaning changes in different contexts.

Dynamic Context

One important fact suggested by the idea of “contextual analysis” is that the context is changeable. A change in context can be followed by a change in goal and the relationships between variables as indicated in the

context mode of barrier and the mode of change of meaning. Generally, the assumption of stable environments is crucial in decision-making theories. On the basis of a stable context, the process of learning or trial and error will arrive at a maximum. Contextual analysis agrees with this in that, as long as the context is stable, we can develop the standard operating procedure (SOP) which yields an optimal result. It may be quite reasonable, and even optimal, to engage in the same behavior repeatedly over time. As long as the situation (game) remains the same, the best strategy is also likely to remain the same. Contextual theory also agrees with the notion that if the cause does not change, there is no change in the outcomes. In short, they state a fairly obvious position, “same cause, and same effect” behavior does not change if the context does not. The difference between SOPs and contextual analysis is that contextual theories place a strong emphasis on a shift in focus toward the process of context change.

There are two kinds of sources for context change. One is something independent of and beyond human intention. The other is the intentional action of actors. The most important factor suggested by contextual analysis is the possibility of creating context by intentional actions. This is not to say that humans can control or easily change the environment, but intentional actions can change the context even if it is not easy to achieve. In this sense, human intention is the vital factor of dynamic context. Applying this to international negotiations, even weak states may potentially be able to create new contexts favorable to themselves by the use of sophisticated strategies.

The Background of U.S.-North Korean Negotiations

The U.S.-North Korean negotiations over nuclear power and weaponry are good examples demonstrating how “context creation” can be used by a small state to defeat stronger partners. To understand the notion of North Korean “context creation,” it is necessary to recognize the basic

characteristics of these negotiations.

The first part of this section examines the characteristics of the Non-Proliferation Treaty (NPT). North Korean negotiation strategies were grounded in those characteristics and took advantage of them. The understanding of the basic characteristics of the NPT will be helpful for a fuller understanding of this paper. The basic interests of the participants will then be discussed. Finally, the three phases of this negotiation will be reviewed.

Characteristics of the NPT

The NPT has been the centerpiece of international attempts at banning nuclear proliferation. It can be characterized as a regime which is unfair, politically negotiable, and dominated by the U.S. It was initiated and put into effect on March 5, 1970 by such nuclear powers as the U.S., the USSR, Britain, etc. From its beginning, it has been criticized as an unfair agreement. It discriminates against the prospective nuclear powers in favor of the existing powers. While nuclear disarmament is not mandatory for existing nuclear powers, non-nuclear powers should forsake the possession or manufacture of nuclear arms and also should accept IAEA nuclear inspection. It results in complaints from influential non-nuclear powers.³

The NPT is a politically negotiable regime.⁴ Its purpose is to keep the non-nuclear states non-nuclear, but it does not provide non-nuclear states any security assurance from nuclear attacks. Moreover, even if an attempt at nuclear development is discovered through inspections, judgments can result from different disciplinary measures and can leave room for mutual

³- Ronald J. Bee, "Nuclear Proliferation: The Post-Cold War Challenge," *Headline Series No. 303* (Foreign Policy Association, 1995).

⁴- Michael J. Mazzar, "The U.S.-DPRK Nuclear Deal: Status and Prospects," *Korea and World Affairs* (Fall 1995), pp. 483-488; Alvin Z. Rubinstein, "North Korea's Nuclear Challenge," *Korea and World Affairs* (Spring 1994), pp. 23-41.

negotiation.

The U.S. has been one of the most powerful actors in this issue.⁵ The U.S. has the power to prevent a suspected nation from developing nuclear weapons through surgical military attack based upon either unanimous decision by UN Security Council or upon independent decision and action by U.S. military forces. U.S. policies also have shown a number of inconsistencies in applying its norm according to its national interests. For instance, Israel was permitted to pursue a nuclear weapon program, but Pakistan was not. In the latter case, Washington used 38 F-16s to “buy-off” Islamabad’s nuclear ambitions. The NPT lacks the coercive means to accept inspection. U.S. military power has been its last resort.

The Basic Interests of Participants

The Korean peninsula is the place where the interests of four super powers (U.S., Japan, China, and Russia) conflict and intersect. The nuclear crisis on the Korean peninsula demonstrated this conflict and intersection of interest.⁶

The United States

Two prime interests of the U.S. in this area can be summarized as peace-keeping and maintaining the status quo. The U.S. does not want any power to be dominant enough to challenge U.S. leadership and to change the status quo in the military and economic realm. The North Korean nuclear bomb was a direct threat to regional peace. This local interest looks

⁵- Henry Sokolski, “The Korean Nuclear Deal: How Might it Challenge the United States?” *Comparative Strategy*, Vol. 14, pp. 443-451.

⁶- Larry A. Nicksch, “Comprehensive Negotiations with North Korea: A Viable Alternative for a Failed U.S. Strategy,” *Korea and World Affairs* (Summer 1994), pp. 250-272; Young Sun Song, “North Korea’s Nuclear Issue and its Relationship with U.S. and Japan,” *Korea Observer*, 1992, pp. 79-100.

like being overwhelmed by a global issue, the non-proliferation of nuclear weapons. The U.S. government focused more on the negative effects of North Korean weapons than any other issue. U.S. interests converged on preventing this negative effect from encouraging the spread of nuclear weapons in other regions such as the Middle East.⁷

In terms of game theory, the U.S. represents the Suasion game.⁸ In the Suasion game, the U.S. has a single dominant strategy, cooperation, regardless of the choices made by other. However, North Korea has strong tendencies to maximize its interests. The ways that the U.S. attempts to gain the compliance of North Korea were the use of threats, and bribery by using the strategy of issue-linkage.

		North Korea	
		Cooperation	Defection
U.S.	Cooperation	4, 3	3, 4
	Defection	2, 2	1, 1

Key: (x, y) = (payoff to U.S., payoff to North Korea)

Number implies cardinal value.

North Korea

After the collapse of the Soviet Block, North Korea became legitimately fearful of being isolated from international society and of feeling pressure from South Korea's superior economic and military power. Moreover, there was little hope for economic recovery in the absence of foreign assistance.

⁷- John C.H. Oh and Ruth M. Grubel, "The North Korean Nuclear Weapons Crisis: The United States and its Policy Options," *Korea Observer*, Vol. 26, No. 1 (Spring 1995), pp. 97-116; J.D. Crouch II, "Clinton's 'Slow Boat to Korea'," *Comparative Strategy*, Vol. 14, pp. 35-44.

⁸- With respect to Suasion Game see Lisa Martin, *Coercive Cooperation: Explaining Multilateral Economic Sanctions* (Princeton, NJ: Princeton University Press, 1992); Michael Mastanduno, "Trade as a Strategic Weapon: American and Alliance Export Control Policy in the Early Postwar Period," *International Organization*, Vol. 42 (Winter 1988), pp. 121-150.

This explains why Pyongyang sped up its nuclear program. North Korean leaders seemed to believe that if they did not develop a weapon which could be used to retaliate or a bargaining chip to compensate for their military and economic inferiority, their position would become steadily worse. The ultimate purpose was not only to deter nuclear attack by the U.S. by developing a local balance of nuclear power, but also to use it as a last bargaining chip in defense of its totalitarian regime.⁹

South Korea

Given the sustained levels of confrontation, distrust, and hostility between the two Koreas, South Korea regarded the North Korean nuclear issues as a serious threat to its security. South Korea focused on resolving all North Korean nuclear suspicions. Seoul believed that “no matter how well devised and implemented, inspection alone is not enough.” That explains why South Korea has tried to engineer the situation into one of “an inter-Korean issues” and was arguably overzealous in trying to resolve nuclear issues through mutual inspection between the two Koreas.¹⁰

South Korea’s tenacious maintenance of the goal of mutual inspection can be understood as part of an effort to create “inspection devices” that can ameliorate their security dilemma. Even a perfect inspection system cannot guarantee security, but by relieving immediate worries, it provides a significant means of protecting itself against future threats.¹¹

⁹-Alexandre Y. Mansourov, “The Origins, Evolution, and Future of the North Korean Nuclear Program,” *Korea and World Affairs* (Spring 1995), pp. 40-66; Tai Sung An, “The Rise and Decline of North Korea’s Nuclear Weapons Program,” *Korea and World Affairs* (Winter 1992), pp. 670-684; Young-Ho Kim, “The Cognitive Approach to North Korean Nuclear Issue,” *Han’Kuk kwa Kuk’CheKwanche* [*Korea and World Politics*], Vol. 8, No. 1 (Spring 1991), pp. 125-145.

¹⁰- Kim Taewoo and Kim Min-Seok, “The Nuclear Issue of the Korean Peninsula,” *Korea Focus* (1994), pp. 47-70; Paul Bracken, “Nuclear Weapons and State Survival in North Korea,” *Survival*, Vol. 35, No. 3 (Autumn 1993), pp. 137-153.

¹¹- Robert Jervis, “Cooperation under the Security Dilemma,” *World Politics*, Vol. 30 (January 1978), p. 179.

North Korean nuclear programs are also perceived as the most immediate challenge to leadership in the reunification process. South Korea had a very optimistic perspective in terms of reunification on the basis of its superior economic power. Therefore, its ultimate purpose was both to escape military conflict and to remove any nuclear suspicion hanging over North Korea.

Seoul's dilemma was that it did not have any means to achieve its goals. In the absence of effective means, the only way forward was to coordinate international pressure on North Korea.¹²

The Three Phases of the Development of the Crisis

The evolution of the North Korean nuclear crisis can be divided into three phases.¹³ These divisions were caused by participants' well-calculated and rational choices on the part of participants from their negotiating positions. The inter-Korean talks were the leading negotiations in the first phase. In the second phase, the "U.S.-North Korean" talks dominated all others. The last phase involved the efforts by Seoul, which had been to some extent excluded inform this issue, to reinsert its interests into the North Korea-U.S. talks.

North Korea has a long history of nuclear development. In 1985,

¹²-Jin-Hyun Paik, "Nuclear Conundrum: Analysis and Assessments of Two Koreas' Policy Regarding the Nuclear Issue," *Korea and World Affairs* (Winter 1993), pp. 627-647; Kap-Je Cho, "South Korea's Defense Options Regarding the North Korean Nuclear Crisis," *Korea and World Affairs* (Summer 1994), pp. 322-346; Choung-Il Chee, "Rethinking about South Korea's Security in face of North Korea's Nuclear Capability," *Korea and World Affairs* (Summer 1994), pp. 301-321; Taewoo Kim, "South Korea's Nuclear Dilemmas," *Korea and World Affairs* (Summer 1992), pp. 250-293.

¹³-With respect to general negotiation development, see James Cotton, "The Korea/United States Nuclear Accord: Background and Consequences," *Korea Observer*, Vol. 26, No. 3 (Autumn 1995), pp. 321-344; Young Jeh Kim, "North Korea's Nuclear Program: Problems and Prospects," *Korea Observer*, Vol. 25, No. 3 (Autumn 1994), pp. 317-340; Hakjoo Kim, "North Korea's Nuclear Development Program and Future," *Korea and World Affairs* (Summer 1994), pp. 273-300; Curtis A. Gayle, "Nuclear Non-Proliferation and Lessons from the Korean Example," *Korea and World Affairs* (Spring 1993), pp. 45-57.

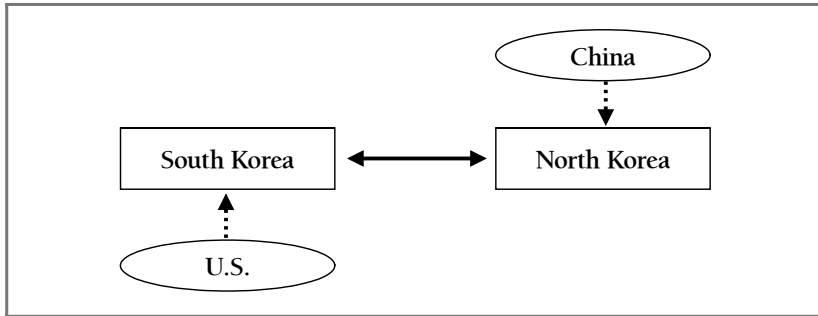
North Korea joined the NPT under strong pressure from the Soviet Union, but did not permit IAEA inspections until 1992. In 1989, satellite reconnaissance systems detected a structure which looked like a plutonium reprocessing plant at Yongbyon. Concerned nations, such as the ROK, U.S., Japan, amongst others, began to harbor strong doubts about North Korean ambitions in regard to the development of nuclear weapons. This was the beginning of the nuclear crisis as it is now understood on the Korean peninsula.

The First Phase: The Inter-Korean Negotiations

In the first phase, South Korea played the leading role. There were two-track talks which occurred simultaneously: the inter-Korean talks and the IAEA-North Korea talks. The leading track was the inter-Korean talks. Some fruitful progress was made by means of these talks. These talks concluded with the 'Agreement on Reconciliation, Non-Aggression, and Exchanges and Cooperation between South and North' on December 13, 1991. On December 30, 1991, North and South Korea agreed on the 'Joint Declaration on the Denuclearization of the Korean Peninsula.' On January 7, 1992, Pyongyang agreed to sign and ratify a nuclear safeguards agreement with the IAEA. In May 1992, the first international inspection team arrived at the nuclear facilities at Yongbyon.¹⁴

¹⁴-Qu-Sub Chung, "The Change of North Korea and Inter-Korean Relations," *Han'Guk Kwa Kukche ChangCh'* [Korea and World Politics], Vol. 8, No. 2 (Fall 1992), pp. 321-338; Michael J. Mazarr, "North Korea's Nuclear Program: The World Responds, 1989-1992," *Korea and World Affairs* (Summer 1992), pp. 294-318.

Figure 1. The First-Phase Negotiation Structure



Rectangles refer to the main actors in the negotiations.
 Circles refer to the assistant actors in the negotiations.
 The direction of the arrow infers the flow of influence.
 The dotted arrow refers to the indirect flow of influence.

The stalemate in the negotiations began at the meeting of the South-North Joint Nuclear Control Commission, set up by the Joint Declaration. South Korea exclusively emphasized the need for a bilateral inspection of military bases. North Korea responded by emphasizing the need to inspect the U.S. military bases in the South. It resulted in little progress in subsequent bilateral inspection talks. At that time the U.S. government also sent several high-ranking officials to Seoul and demanded that South Korea oppose any official economic contacts until the IAEA-North Korea negotiations reached some agreement. On June 1, 1992, the South Korean government confirmed that there would be no substantial progress in inter-Korean economic, political, and cultural relations until the settlement of the nuclear issue.

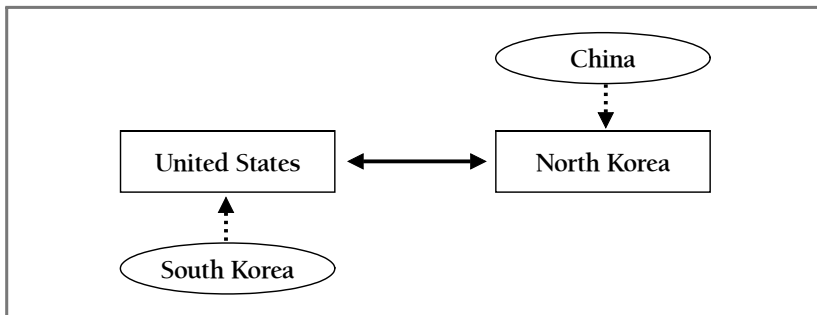
The Second Phase: Intentional Action (Exit) and the Change of Context

The second phase started with Pyongyang’s seeking out of another route, or “exit.” North Korea realized that a direct engagement with the U.S. would not only enhance its international profile, but would also provide North Korea with a chance to seize the initiative in dealing with the South.

The only way to engage the U.S. in this issue was by means of an “exit,” i.e., North Korea would have to withdraw from the NPT. After withdrawal from the NPT, North Korea asserted that a solution to the nuclear issue should be found through direct negotiations between North Korea and the United States.

The United States and the DPRK met for the so-called ‘high-level talks’ in Geneva on June 2 and from July 14 to 19, 1993. After the second meeting, the IAEA nuclear inspection team was allowed to enter North Korea. On November 12, 1993 North Korea proposed a ‘package deal’ consisting of its nuclear development program and the issue of North Korea-U.S. diplomatic exchange.

Figure 2. The Second-Phase Negotiation Structure



Rectangles refer to the main actors in the negotiations.
Circles refer to the assistant actors in the negotiations.
The direction of the arrow infers the flow of influence.
The dotted arrow refers to the indirect flow of influence.

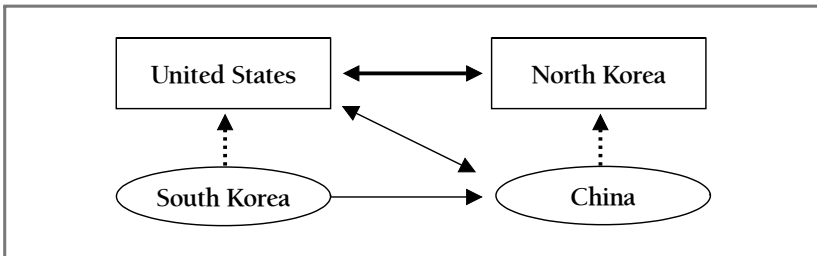
The Third Phase: The Exclusion of Barriers (South Korean Power)

The third phase began with Seoul’s complaints about the results of the U.S.-North Korea talks. During this phase, the U.S. encountered dissident opinions from South Korea. On November 23, 1993 the summit meeting between U.S. President Bill Clinton and ROK President Kim Young Sam took place. At that meeting, Seoul expressed its strong opposition to the way

the U.S. was handling the issue and asked to link the development of U.S.-North Korea talks with the development of inter-Korean talks.

After bilateral talks, the U.S. and North Korea came very close to signing a comprehensive agreement on nuclear matters in February 1994. However, the deal fell through again because of South Korean reservations. The South Korean government faced severe domestic criticism which came from conservative forces. Finally, South Korea decided not to agree to any agreement which was contrary to the interests of Korean people.

Figure 3. The Third-Phase Negotiation Structure



Rectangles refer to the main actors in the negotiations.
 Circles refer to the assistant actors in the negotiations.
 The direction of the arrow infers the flow of influence.
 The dotted arrow refers to the indirect flow of influence.

The U.S. responded to Seoul's complaints by trying to modify the negotiations. South Korea's complaints gave rise to renewed political tensions, talk of economic sanctions, and a heightened state of military alert on the peninsula. In June, the United States, Japan, and South Korea pledged to work together to impose economic and other sanctions on Pyongyang. North Korea, however, began to threaten Japan and South Korea militarily.

In the event of international sanctions being agreed upon, North Korea announced that it would leave the NPT regime. At that point, former President Carter visited Pyongyang for talks with Kim Il Sung, and broke the impasse.

In October 1994, the North Korean nuclear crisis ended with bilateral agreements between the U.S. and North Korea.

The North Korean Negotiation Strategy

With respect to the traditional concept of “power,” North Korea was a weak partner in comparison with the U.S. and South Korea. Furthermore, North Korea experienced a harsh economic and political crisis which it had not experienced before. In diplomatic terms, North Korea was isolated from international society by South Korea’s aggressive diplomatic policy. The only nation which was still friendly to North Korea was China. However, China was undergoing tremendous economic transformation and was undertaking such change as a means of survival in harsh international circumstances. China lacked any spare power to support North Korea but diplomatic support. Considering all these factors, it was almost impossible for North Korea to acquire favorable agreements. However, North Korea, in an exceptionally harsh environment, both domestically and externally, made concerted efforts to effect a favorable outcome, resulting in favorable negotiations.

This paper argues that North Korea’s exceptional benefits were obtained through its efforts to create a favorable context. North Korean efforts for “context creation” were shown in its negotiation strategies. North Korea’s strategies can be summarized by the following two strategies: exit and paralyzing the tougher negotiation partner.

Exit for Changing Context (Removing Barrier)

The U.S. was an easier partner for North Korea to deal with than South Korea. This was the case because the U.S. was less sensitive to security issues and had difficulty in converting its sometimes unwieldy power into a form

which could be used to effectively subdue North Korea.¹⁵

The U.S. and South Korea had different priorities in dealing with the North Korean nuclear issue.¹⁶ Basically, the U.S. was likely to perceive the North Korean nuclear issue as a threat to global nuclear non-proliferation, while South Korea viewed it as a fatal threat to its own physical security.¹⁷

The U.S. has certainly considered proliferation as a top issue of foreign and defense policy. It beat out such issues within the context of regional conflicts.¹⁸ In this vein, the North Korean nuclear issue was an important one. However, it was not fatal to its national interests. The prospect of a North Korean nuclear bomb did not pose an immediate threat to vital U.S. national security. Despite all the exaggerated expressions over the issue, the actual danger to the U.S. and to the well-being of most Americans was neither overly pressing nor direct. Indeed this was because North Korea had few reasons to attack the U.S. without the necessary delivery means for weapons of mass destruction.

By contrast to the U.S., South Korea viewed it to be a fatal issue and a direct threat to its security. South Korea saw the crisis in the context of the Security Dilemma. Game theorists suggest that in a Security Dilemma situation, the best strategy is not to cooperate and to minimize any benefit. South Korea did its best to remove any possibility for its northern rival to build any nuclear weapon which would pose a great threat to its security. Seoul considered the nuclear issue neither as a subject of negotiation nor a

¹⁵ - With respect to the general negotiation strategy of North Korea, see Young-Woo Chun, "North Korea's Negotiating Behavior: The Case of Nuclear Weapons Development," paper presented in East Asian Institute of Colombia University, 1994.

¹⁶ - Sang-Hoon Park, "North Korea and the Challenge to the U.S.-South Korean Alliance," *Survival*, Vol. 36, No. 2 (Summer 1994), pp. 78-91.

¹⁷ - On the impact of North Korea's "Exit" see Young Jeh Kim, "North Korea's Nuclear Program and its Impact on Neighboring Countries," *Korea and World Affairs* (Fall 1993), pp. 478-496.

¹⁸ - Mazarr, *North Korea and Bomb*, pp. 483-485. The U.S. Joint Chief of Staff's 1994 National Military Strategy identifies the spread of weapons of mass destruction as the top military threat to the United States.

subject for concession.

It seemed to North Korean leaders that they could not obtain any security guarantees from the South, and that the South had no intention or right to decide directly on security matters. Facing a stalemate in the inter-Korean negotiations, North Korea tried to talk with its easy and responsible partner, the U.S.¹⁹

The strategy that North Korea chose was that of the “exit.” The North Korean “exit” from the NPT changed the context of that negotiation, in other words, it ejected the more steadfast and uncompromising South Korea and invited the U.S. into the negotiation. The withdrawal from the NPT was not an illegal action in the content of the NPT regime. North Korea had exercised a legal and sovereign right which article X (1) of the NPT provides. That article entitled a signatory country to leave the treaty after giving three-months notice to other parties in case a country decides that extraordinary events related to the subject matter of this treaty would jeopardize its supreme interests.²⁰

North Korea became a ‘special status’ member of the NPT. Using this special status, North Korea sought direct talks with the U.S. North Korea began to emphasize its readiness to negotiate with the U.S. and to argue that the crisis could only be resolved through direct talks with the U.S. The Communist Party newspaper *Rodong Shinmun* said that “The nuclear issue can only be settled between North Korea and the U.S. because it is the U.S. that caused this problem and was standing in the way of its solution.” As the nuclear problem had only began when the U.S. brought nuclear weapons into South Korea, they argued, no third party (South Korea) could take the place of the U.S.

In security affairs, North Korea has a long history in trying to deal

¹⁹ - Jing Huang, “Why is Pyongyang so Defiant on the Nuclear Issue,” *Korea and World Affairs* (Fall 1996), pp. 380-405.

²⁰ - Samsung Lee, *The Nuclear Question and U.S. Policy on the Korean Peninsula* (Seoul: Hangil Publishing Co., 1994), pp. 54-58.

directly with the U.S. Its efforts could not be realized because of the strong opposition of South Korea.²¹ The withdrawal from the NPT was a sure way to force the U.S. to talk with its non-recognized partner. The U.S. has been a leading player in the NPT regime and history tells us that the U.S. has participated actively when it has been faced with any challenge to the NPT.

The selection of the stronger partner as a chief opponent imposed some burden on North Korea. However, its threats of punishment from the stronger U.S. were reduced by the fact that the U.S. was unable to convert its overwhelming military power into a tool subtle enough for a relatively delicate job such as this.²² There were some arguments for military action to eliminate North Korea's nuclear facilities as was undertaken in Desert Storm. The success of Desert Storm was based on the common interests among concerned states. But in the North Korean case, South Korea saw the situation differently from the United States. That is, South Korea did not want a military conflict to occur on its own territory.

The bombing of nuclear facilities in the North could spew radioactive contaminants over the peninsula. It could easily precipitate North Korean retaliation and possibly escalate into an all-out war. The political cost South Korea would have to pay would be incalculable. A "surgical attack" was not an acceptable alternative to South Korean leaders. North Korea also understood South Koreans' reluctance to use military means. In this respect, the North Korean strategy of changing partners was not as risky as first appeared.

²¹-Kyung-Won Kim, "Korea and the U.S. in the Post-Cold War World," *Korea and World Affairs* (Summer 1994), pp. 213-232; Phil Williams (ed.), *Security in Korea: War, Stalemate, and Negotiation* (Westview, 1994).

²²-James A. Winnefeld, *Worst-Case Planning for a Nuclear-Capable North Korea: Implication for U.S. Forces Deployments* (Santa Monica, CA: Rand, 1993). North Korea has an issue-related power in this negotiation. Issue-related power in negotiation see W.M. Habeeb, *Power and Tactics in International Negotiation: How Weak Nations Bargaining with Stronger Nations* (Baltimore, MD: Johns Hopkins University Press, 1988). On the North Korea's negotiation power, see Samuel Kim, *North Korean Foreign Relations in the Post-Cold War World* (NY: Strategic Studies Institute, 2007), pp. 81-88.

North Korea was also conscious that the U.S. was under some degree of time pressure to renew the NPT agreement. The U.S. faced the NPT Extension Conference in 1995. Before then, the U.S. had to resolve the North Korean nuclear issue. The U.S. did not want the North Korean nuclear issue to damage the NPT regime and its indefinite extension at the 1995 NPT Extension Conference.

The different priorities which existed between the U.S. and South Korea gave North Korea an alternative strategy to pursue in that it gave the option of choosing an easier partner to deal with. North Korea's withdrawal from the NPT assured U.S. direct participation and South Korea's isolation. The direct involvement of the United States marked the end of the Seoul-led united front which had so far worked so effectively. What is more, Seoul was excluded from the nuclear negotiations with North Korea. The U.S. policy shifted from emphasizing the Seoul-led united front to participating directly in order to force North Korea to fulfill its obligation to the IAEA. This shift changed the entire game and sowed the seeds for future trouble. It also made the North Korean nuclear issue a top priority in the wider U.S. non-proliferation efforts, which overrode all other issues in Korean affairs.

The Creation of a New Context

The U.S.-North Korea Negotiations

The main topic of the second and third stage of negotiation revolved around two suspicious locations. The IAEA argued that these places were where North Korea had hidden some plutonium. It insisted on the necessity for special inspections. By contrast, North Korea argued that these were military facilities, and consequently could not accept any special inspection of such places. During this stage, the main negotiation topic was the type and extent of IAEA inspections that North Korea would accept. North Korea used these two locations as a bargaining chip to win economic and political

concessions from its adversaries.²³

For North Korea, the improvement of foreign relation with the U.S. was a vital policy objective. It would significantly reduce a threat to its security and would also provide an opportunity to drive a wedge between the U.S. and South Korea alliance, which until this point had restricted its political and strategic options against South Korea.

The North Korean government argued that it would talk exclusively with the U.S. only.²⁴ Conversely, the U.S. continued to maintain that negotiation with North Korea was integrally linked to the inter-Korean negotiations regarding nuclear and other issues between the two Koreas. In the same context, South Korea sought to use every channel to influence the negotiations in favor of its national interest.

In spite of North Korea's clandestine efforts to negotiate with the U.S., there were no talks between the U.S. and North Korea until June 1993. As the expiry date of North Korea's ultimatum to withdraw from the NPT was approaching, the U.S. tried to annul its decision. In June, the U.S. and North Korea began 'high-level talks' in New York. Both sides reached some agreement that the North Korean nuclear issue was a political issue that needed a political negotiation, not a legal or technical issue, contrasting to South Korean opinion. After the bilateral talks, North Korea suspended its withdrawal from NPT one day before the withdrawal was to lapse in exchange for diplomatic rewards. North Korea termed these rewards as 'political promises.'

In the July talks, the U.S. provided a commitment to the principle on assurances against the threat and use of force including nuclear weapons. The U.S. also agreed to replace North Korean nuclear reactors with systems

²³- For a discussion on the technical issue, see Man-Kwon Nam, "Verification Challenges for Korea" in *Proliferation and International Security: Converging Roles of Verification, Confidence Building, and Peacekeeping* edited by Steven Mataija (Toronto, 1993).

²⁴- Larry A. Niksch, "North Korea's Campaign to Isolate South Korea," *Korea and World Affairs* (Spring 1995), pp. 29-39.

less prone to proliferation, that is, light water reactors (LWR). In spite of these broad U.S. concessions, North Korea only promised to resume a North-South dialogue to open the way for a summit meeting 'as soon as possible,' without any commitment in terms of date.

South Korea's Objection to an Agreement between U.S.-North Korea

On November 15, 1993, Secretary of State Department declared that the U.S. was ready to enter into a comprehensive dialogue with North Korea. This meant that the U.S. could trade off the North Korean nuclear issue with diplomatic, economic, and political carrots.

North Korea's political and diplomatic pay off from the accord was that it had attained its goals of a political dialogue with Washington, which someday may result in international recognition of North Korea's communist regime. Moreover, the accord was considered a step in the direction of bilateral relations between North Korea and the U.S.

Of great significance was the fact that there was no satisfying result for the South Korean government. The South Korean government curtly complained that the U.S. was trying to change its tough position without any diplomatic cooperation with Seoul. Seoul responded by trying to find a new route to insert and impose its interests in this negotiation. Its efforts were intensified by the possibility that U.S. hegemonic interests outweighed South Korean national interests. South Korea's fundamental dilemma was that it lacked any means to influence this outcome, and that it had only diplomatic action as a viable option open to it.²⁵

Seoul lacked any independent means to respond to or deter a possible North Korean nuclear threat. Seoul could not but depend heavily upon diplomatic efforts. The first way it moved was to beef up the alliance with

²⁵ -Jeh-Bong Lee, "The Change of U.S. Policy toward North Korea and the Problem of South Korean Reunification Policy," *Korean Political Science Review*, Vol. 30, No. 3 (Fall 1996), pp. 203-223.

the U.S. The second option was to organize international sanctions. The third option was to increase the level of military threats.

South Korea's Diplomatic Struggles

As shown in Figure 3, there were two ways for South Korea to influence the negotiation process. One was to appeal to its allied nation, the U.S., and the other was to appeal to North Korea's allied nation, China.²⁶

The South Korean President, Kim Young Sam, requested that President Clinton keep a tough position in the Seattle Summit in November.²⁷ South Korea declared that an inter-Korean dialogue was a critical means being pursued in order to guarantee the nuclear transparency of North Korea.

International sanctions seemed to be an effective means to subdue Pyongyang. However, it was difficult to organize such sanctions in the first place given the possible opposition from countries like China. China still maintained close ties with North Korea in the form of close relationships among their military leaders, rather than by providing military assistance to strengthen North Korea's war-fighting capability. China also was the main strategic source to supply staples and oil to North Korea.²⁸

Moreover, the fact that China supported non-proliferation was clearly manifested in its full commitment to the Joint Declaration of UN Security Council Summit Meeting on January 31, 1992.²⁹ Thus, China was obliged to take appropriate actions against North Korea. South Korea tried to

²⁶- With respect to the diplomatic influence of small states on big states, see Robert O. Keohane, "The Big Influence of Small Allies," *Foreign Policy*, No. 2, 1971, pp. 161-182; Michael Handel, *Weak States in the International System* (London: Frank Cass, 1981).

²⁷- *Sisa Journal*, July 22, 1993.

²⁸- Yong-Sup Han, "China's Leverage over North Korea," *Korea and World Affairs* (Summer 1994), p. 233.

²⁹- The Declaration says that "the proliferation of all weapons of mass destruction constitutes a threat to international peace and security. Therefore, if the IAEA notifies any case of violation of the NPT and safeguards agreement, then the members of the Security Council will take appropriate measures to tackle those problems."

persuade China to participate in international sanctions.

Nevertheless, China was not likely to link its supply of oil and staples to North Korea's change in nuclear policy, because it well understood the seriously adverse effects of such actions on North Korea. South Korea's Chinese leverage was seen as effective in this sense. South Korea realized Chinese influence was critical in influencing North Korean decision-makers to abandon the nuclear weapons program and to open its nuclear facilities to international inspection. However, China did not want to be involved in sanctions against its traditional ally, North Korea.

South Korea tried to change the Chinese diplomatic position in favor of itself. In April 1994, the South Korean President visited Beijing and persuaded the Chinese leadership to participate in international sanctions against North Korea. In the summit meeting, the South Korean President asked China to persuade North Korea to accept the IAEA's special inspection and not to veto it in the UN Security Council. It was reported that China strongly rejected South Korea's request.³⁰

Beijing seemed to value the survival of the North Korean communist regime more than the prevention of nuclear proliferation on the part of North Korea. Its interests focused on the maintenance of peace and the stability of the Korean peninsula because it regarded this as essential for its continued economic reform and growth. China did not want to see North Korea jeopardize the status quo ante on the peninsula, which was a major reason why China had been strongly opposed to the UN Security Council's sanctions against North Korea.

China's strong resistance to the sanctions limited South Korean attempts to push forward with sanctions, thus weakening the international resolve to block North Korea's nuclear ambitions.

³⁰ - *Sisa Journal*, April, 7, 1994, p. 8; March 3, 1994.

Inter-Korean Military Threats

Seoul's other option was to increase the military pressures on North Korea. North Korea also responded with military threats. South Korea tried to resume the U.S.-South Korean military exercise, 'Team Spirit.' Moreover, South Korea tried to deploy the 'Patriot Anti-Missile' System on its territory.³¹

North Korea responded with further military threats against South Korean military pressure. North Korea declared that if South Korea continued to increase military tensions, Pyongyang would consider it "an act of war" and its reaction would "engulf Seoul in a sea of fire." As a result of Pyongyang's military threats, the people of Seoul rushed to food stores and supermarkets and bought emergency provisions, leaving store shelves emptied. Memories of the Korean War may have brought back fears to older citizens.³²

These military pressures changed the game from that of the Prisoner's Dilemma to the Chicken Game in which it is easier to induce cooperation. That is, because the cost of war was high enough to force cooperation, the game shifted to that of the Chicken Game. In the Chicken Game, in spite of the adversary's possibility to exploit its rival, it is rational to try to find a way to cooperate because of the huge costs inherent in the alternative scenario.

Carter's visit to North Korea increased the possibility for South Korea to accept the agreement between the U.S. and North Korea. Carter brought a message from the North Korean Leader, Kim Il Sung, which stated that Kim was willing to meet the South Korean President as soon as possible in order to decrease the level of military tension between the two Koreas. Carter's message saved South Korea's face and the nuclear issue was settled.³³

³¹ - *Sisa Journal*, March 3, 1994, pp. 36-37; *Sisa Journal*, April 14, 1994, pp. 34-36; *Sisa Journal*, April 28, 1994, pp. 30-33.

³² - *Sisa Journal*, April, 7, 1994, p. 11.

³³ - *Sisa Journal*, June 23, 1994, p. 11.

Concluding Remarks

This essay examines context creation in the U.S.-North Korean nuclear negotiations. North Korea created a favorable context by using an “exit” strategy. Moreover, North Korea paralyzed the influence of its tougher negotiation partner by military threats. It is true that a great many dynamic events influenced the negotiation results. However, this essay argues that North Korean success was based on its “exit” strategy. Their use of an “exit” strategy changed the negotiation structure and raised the profile of the less tough partner and isolated the tougher partner.

The initial phase of negotiations was dominated by the inter-Korean talks. However, South Korea perceived this issue as a Security Dilemma situation and hesitated to agree to any beneficial cooperation with its security rival. North Korea’s exit from the NPT regime excluded South Korea from the negotiation process and invited an easier partner (the U.S.) into the process whilst raising the profile of this partner at the expense of South Korea’s negotiation profile.

After North Korea’s exit, South Korea mobilized all diplomatic channels to influence the negotiation process in its favor. However, North Korea’s continuous efforts to isolate South Korea resulted in inter-Korean military threats. These mutual threats changed the structure of inter-Korean perspectives. That is, it shifted the game structure from that of Prisoner’s Dilemma into that of the Chicken Game.

The main purpose of this paper is to demonstrate that an analysis focusing on the relationship itself can explain the so-called “abnormal” phenomena of international relations more accurately and thoroughly. The case of the U.S.-North Korean negotiations over nuclear weapons development demonstrates that we can understand how a weaker partner can overcome a superior partner in international negotiations, by creating an entirely new context. North Korea created a favorable context by use of an “exit” strategy and military threats. On the basis of the analysis of the

North Korean nuclear negotiations, it can be concluded that a study focusing on the relationship itself can indeed be an entirely valid and fruitful approach.

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