

## **NEGOTIATING ON THE EDGE**





## Introduction

**O**n June 4, 1993, Vice Foreign Minister Kang Sok Ju of the Democratic People's Republic of Korea (DPRK) and his delegation arrived at New York's John F. Kennedy International Airport to participate in negotiations stemming from North Korea's decision to withdraw from the Nuclear Non-Proliferation Treaty (NPT). The delegation was greeted by the State Department's desk officer responsible for North Korea, C. Kenneth Quinones, and an armed customs official, who escorted the delegation to a special area for questioning and immigration processing. Having arrived in the United States for diplomatic negotiations at a time of high crisis that could possibly lead to war, the North Korean delegation regarded momentary detention by an armed official of the U.S. government with alarm.<sup>1</sup> At this moment of high tension, it was not a greeting that inspired trust among Kang and his delegation, who had come to New York for high-level political talks as part of a last-ditch U.S. effort to convince North Korea not to follow through on a March announcement to withdraw from the NPT, a decision that was scheduled to take effect the following week, on June 12. If these talks failed, the United States threatened to lead a drive at the United Nations for international economic sanctions, a measure that North Korea had announced it would regard as an act of war. The stakes could not have been higher in these negotiations between two countries with no diplomatic relations and little previous official contact.

North Korea, an isolated and seemingly impenetrable state that had managed somehow to survive the collapse of communism in the rest of the world, sought to achieve its diplomatic objectives and maintain the survival of its regime by engaging the United States, a distracted superpower with a new president who had been elected on a domestic agenda and had little experience in foreign relations. Moreover, U.S. negotiators had almost no idea of what to expect from North Korean officials. With the exception of a single high-level meeting the previous year in New York between Arnold Kanter, the Bush administration's under secretary of state for political affairs, and Kim Yong Sun, secretary for international relations of the Korean Workers' Party of the DPRK, the U.S. and North Korean governments had not been involved in high-level political negotiations since the 1951–53 armistice negotiations that ended the Korean War.

When Minister Kang arrived at the door of the U.S. mission to the United Nations the following day, he was again greeted by the State Department's Ken Quinones. It was only after Minister Kang was escorted inside the mission that he finally met his negotiating counterpart, Robert L. Gallucci, assistant secretary of state for political-military affairs. Although Kang may have perceived the low level of his initial greeting as a slight, it was politically impossible for the State Department to conceive of the American media reporting a live, public greeting between Kang and a senior administration official at the doorway of the U.S. mission to the United Nations, particularly given the perceived audacity of North Korea in announcing that it would flout the international regime designed to prevent nuclear proliferation. The atmosphere inside was initially tense and uneasy as long-time adversaries shared coffee before sitting down to a make-or-break negotiation with serious implications for war or peace in Northeast Asia. There was little allowance for small talk between delegations on either side, and there were virtually no previously existing relationships or common experiences between delegation members on either side that might have helped break the ice. Yet the task of the two delegations was to find mutually acceptable areas of agreement that might lead away from confrontation over the future of North Korea's nuclear program.

Decades of distrust and miscommunication between the United States and North Korea had created a difficult atmosphere for dialogue before official negotiations had started. In the eyes of the U.S. public, the North Korean government was irrational, “crazy,” violence-prone, and unpredictable, precisely the type of adversary that is not amenable to negotiations.<sup>2</sup> Such images had accumulated over the decades since North Korea initiated the Korean War in 1950. Subsequently, American images of North Korea were shaped by aggressive terrorist acts such as the capture and yearlong ordeal of the crew of the USS *Pueblo* in the late 1960s; the “axe murder” and other incidents at the demilitarized zone (DMZ) during the 1970s; the North Korean assassination of over half the South Korean cabinet in 1983 in an attempt to kill President Chun Doo Hwan; and the downing of KAL flight 858 in 1987 in retaliation for Seoul’s successful bid to host the 1988 Olympics. At any mention of North Korea in the news, there was also the TV file footage of a million-man army goose-stepping in lockstep formation across the vast public square in Pyongyang. At the height of deliberations over the proper response to the grisly axe murder incident in 1976, for instance, then Deputy National Security Adviser William Hyland is reported to have described the North Korean leadership as “wild people.”<sup>3</sup>

This assessment of the North Korean leadership as irrational, violent, and unrestrained was still typical in Washington almost two decades later, throughout the U.S.-DPRK nuclear negotiations and during the nuclear crisis of 1994. Paul Wolfowitz, under secretary of defense during the Bush administration, remarked, “I’m more profoundly skeptical of North Korea than of any other country—both how they think, which I don’t understand, and the series of bizarre things they have done.” In a similar vein, another senior official recalled that “the basic assumption in the intelligence community and in Defense was that these people are liars, they dug tunnels and you couldn’t trust any agreement that you reached with them.”<sup>4</sup>

Assistant Secretary Gallucci’s objective in the nuclear negotiations in New York was to convince the “irrational” North Koreans to refrain from fulfilling their publicly announced plan to withdraw from the NPT. Furthermore, Gallucci had to convince North Korea to return

to full compliance with treaty obligations, including International Atomic Energy Agency (IAEA) demands for special inspections of North Korea's undeclared facilities suspected of being storage areas for reprocessed plutonium that could be used for making nuclear weapons.<sup>5</sup> In return, Gallucci had "nothing to trade," and concrete institutional experience in political negotiations with North Korea was practically nonexistent. "It was the thinnest briefing book I ever had in my life," Gallucci said of instructions given to him in advance of the June 1993 meetings in New York.<sup>6</sup> According to one State Department official present at the talks, the experience of negotiating directly with the North Koreans in the context of an impending confrontation was "sort of like learning how to fly while you are rolling down the runway."<sup>7</sup>

The negotiations with North Korea were an on-again, off-again sixteen-month ordeal for the Americans that eventually resulted in the Geneva Agreed Framework of October 21, 1994, a complex agreement between the United States and North Korea to freeze and eventually dismantle North Korean nuclear facilities that could be used to manufacture fuel for nuclear weapons in return for the provision of technologically superior, proliferation-resistant light-water reactors (LWRs) and of 500,000 tons per year of heavy fuel oil (HFO) to North Korea. Given the context and atmospherics surrounding the negotiations and the bitter history of military confrontation between the two nations, it is surprising that the United States and the DPRK—two nations with very different historical perspectives and perceptions of their relationship to the international community—were able to come to an agreement at all. In June 1994, almost everyone—including some members of the U.S. negotiating team itself—was privately predicting failure, if not for the negotiations themselves, then for the process of implementation, which has survived for over five years following the negotiation of the Agreed Framework in 1994.

These two nations of vastly different size, power, ideological persuasion, and historical experience were separated not only by intractable negotiating positions but also by very different experiences and ways of looking at the world—differences that were exhibited by the negotiating strategies and tactics of both parties. What can be learned

about patterns in North Korean strategies and tactics as a result of the American negotiating experience? And to what extent do both the cultural context of decision making and the expressions of particular national negotiating patterns influence the process and outcome of a negotiated settlement? In what ways do differences in background, experience, and culture influence the negotiation of an agreement, and how is it possible to reconcile differing approaches to problem solving with the respective national interests of the United States and the DPRK? How might understanding such patterns enhance the ability of American negotiators to understand North Korean negotiating strategies and tactics and respond effectively to them?

### **OBJECTIVES OF THIS STUDY**

This effort is one of a series of case studies published by the United States Institute of Peace that analyze the influence of cultural factors on negotiation through the identification and comparison of discernible patterns in national negotiating styles. There is a growing body of literature analyzing the characteristics of Russian, Chinese, German, and Japanese negotiating styles.<sup>8</sup> Other studies have also been conducted on characteristics of Saudi Arabian, Nigerian, Mexican, and French negotiating behavior.<sup>9</sup> This study will identify and analyze patterns in North Korean approaches to political negotiations with the United States from 1992 through 1997. A special emphasis of the study is on recurring patterns in the negotiating style of North Korean officials that might be considered unique to North Korea's negotiating behavior, to the extent that such patterns can be isolated and identified as influencing negotiations.

The negotiation process between the United States and North Korea provides an excellent case study by which to test a wide range of issues in the theory and practice of negotiation: how weaker states can seemingly enhance their negotiating leverage against stronger states; the dynamics and impact of a crisis atmosphere on negotiations; the "Toughness Dilemma" (whether "toughness" or "softness" yields a better negotiating strategy under certain circumstances); and the influence of cultural factors on negotiation approaches and outcomes, among

others. To the extent possible, this analysis of North Korean negotiating behavior should shed light on each of these issues.

The primary objective of this study is to analyze North Korean diplomatic negotiation strategies, style, and tactics in their broader cultural and historical context—that is, to show how North Korean choices in negotiations shape and are shaped by North Korea's unique historical experience. This study will examine the influences of North Korea's national identity, values, and socialization processes on North Korean negotiators. The study will also compare the North Korean negotiating process with that of South Korea, the United States, and the Korean Peninsula Energy Development Organization (KEDO). This comparative approach should reveal differences in North Korean negotiating strategies and tactics with a range of counterparts over time. Such a comparison may help to “bridge the gap” of understanding, not only between scholars and practitioners but also between different theoretical approaches to negotiation.<sup>10</sup>

The primary data for this study have been gained through interviews with American officials who participated directly in negotiations with North Korean counterparts and through analysis of media reports about U.S. negotiations with North Korea. Interviews were also conducted with Japanese and South Korean diplomats who have engaged in negotiations with North Korean officials both in bilateral negotiations and in multilateral settings, adding a comparative perspective on North Korean negotiating styles. The experiences of unofficial interlocutors with North Korea have also been drawn upon, as have academic studies and, to the extent possible, relevant observations gained from North Korean officials themselves, although the near-impossibility of gathering frank assessments through interviews with North Korean negotiators and the lack of access to the written record of diplomatic negotiations between the United States and the DPRK constitute major limitations in carrying out this kind of research.

This analysis of patterns in North Korean negotiating behavior with the United States, the Republic of Korea (ROK), and KEDO reveals six major themes in North Korean negotiating style during the post-Cold War period.

The decline in North Korea's relative power position after 1990 has required Pyongyang for the first time to achieve tangible negotiated outcomes as necessary components of a strategy for survival, unlike in Cold War negotiations, in which the objective of reaching a negotiated agreement was secondary to the propaganda value to be derived from weakening or distracting the negotiating counterpart.

North Korea's unique historical experience has ensured that "stubbornness" (or resolve accompanied by guerrilla tactics), "self-reliance," and a strong defense of sovereignty are major characteristics of North Korea's strategy and tactics in international negotiations.

- The dynamic of negotiations with Pyongyang follows a distinct pattern in which hard-line and bellicose opening statements are followed by a period of quiet flexibility away from the official negotiating table and then a return to hard-line positions as part of an end game designed to wring additional concessions from the counterpart prior to reaching a final agreement.
- Brinkmanship and crisis diplomacy have served North Korea well in pursuing its objectives during negotiations over nuclear issues, at least initially. However, as time has passed, the effectiveness of such strategies has diminished as they have become predictable elements of North Korea's negotiating style.

North Korean negotiators seek equivalency and observe reciprocity in negotiations with the United States while continuing to be trapped by a zero-sum dynamic of one-upmanship in negotiations with South Korea, even if such a strategy requires Pyongyang to forgo potential benefits that outweigh the "costs" of agreement.

Pyongyang's brinkmanship and crisis diplomacy are muted in multilateral negotiations and in negotiations in which North Korea has "something to lose" if it fails to honor the letter of its obligations in agreements with outside parties, including the United States.

In his study *Negotiating across Cultures*, Raymond Cohen presents a three-point definition of culture that attempts to bridge apparent differences between negotiation theory and practice: "[Culture] is a

quality not of individuals as such, but of the society of which they are a part; it is acquired—through acculturation or socialization—by the individual from that society; each culture is a unique complex of attributes subsuming every area of social life.”<sup>11</sup> In addition, Cohen argues that depending on cultural influences within various societies, there exists a range of stylistic approaches to negotiation that might be placed along a continuum from individualist-oriented approaches on one end to collective-oriented approaches on the other end.<sup>12</sup>

This analysis of patterns in North Korean negotiating style will be conducted at two levels: (1) the identification of major influences in the formation of the DPRK’s national cultural identity that might shape the way its negotiators perceive negotiating choices, and (2) the identification of recurring methods employed by North Korean negotiators to express their strategies, tactics, and preferred outcomes in a negotiation setting.

## **THE COLD WAR NEGOTIATING EXPERIENCE WITH NORTH KOREA**

Although the U.S.-DPRK negotiations over North Korea’s nuclear weapons program in 1993 between Assistant Secretary of State Gallucci and Vice Foreign Minister Kang initiated the first sustained political negotiation process between the two countries in over four decades, various negotiation channels and venues with North Korea have existed since the armistice negotiations to end the Korean War in 1951–53. In fact, rather extensive source materials are available on the armistice negotiations involving the United States, the People’s Republic of China (PRC), and the two Koreas.<sup>13</sup> Regular low-level technical contact between the militaries has been consistently maintained through the Military Armistice Commission (MAC), the vehicle through which military violations of the Armistice Agreement itself have been discussed and resolved. After two decades of silence during the fifties and sixties, a historic step to reinitiate inter-Korean political dialogue was taken by Kim Il Sung and Park Chung Hee with the signing on July 4, 1972, of the South-North Joint Communiqué, which laid out three principles for national unification.<sup>14</sup> This first step toward inter-Korean rapprochement opened the way for significant further communication,

and there is now a rich record of intermittent crisis-focused contacts, dialogues, and negotiations between the two Koreas stretching back to the early 1970s.<sup>15</sup>

Initial perceptions of North Korean negotiating behavior were shaped primarily by the experience of negotiating the Korean armistice with Chinese and North Korean communists at Panmunjom during 1951–53. The landmark study of the armistice negotiations that has shaped American perceptions of North Korea's negotiating style is *How Communists Negotiate*, by Admiral C. Turner Joy, the lead negotiator in the armistice talks. Turner Joy's first-person account identifies and magnifies the negotiating strengths of his counterparts while simultaneously vilifying their motives and intentions. Most notable among the tactics Turner Joy describes are attempts to "load" the agenda in order to create a context for one-sided concessions, psychological warfare conducted through incidents away from the negotiating table, delaying progress in order to wear down the opponent, making minimal commitments while extracting maximal concessions, dishonoring commitments already made, maintaining a veto in practice over the enforcement of agreements, raising "red herrings" in the course of negotiations, denying or distorting the truth, pocketing concessions instead of offering an equal concession in turn,<sup>16</sup> and agreeing to an item in principle and later applying a different interpretation to its content or significance. "Communists are not embarrassed in the least to deny an agreement already reached," says Turner Joy; "[they] simply state your interpretation is an incorrect one."<sup>17</sup>

A recent study by Chuck Downs analyzing the implementation and maintenance of the armistice through negotiations between the DPRK and the United Nations Command (UNC) via the MAC underlines many of the patterns in North Korean negotiating behavior observed by Admiral Turner Joy. Although intended as a temporary mechanism for maintaining the peace, the MAC has now been in place for almost fifty years, during which time it has often served as the only vehicle for international negotiation with North Korea, usually during periods of crisis. Following negotiation of the armistice, the MAC quickly devolved into a venue for competition by peaceful means, with adversaries "acting out" aggression for propaganda purposes and testing each other

through limited provocations. When tensions came close to reaching their breaking point during the *Pueblo* incident of 1968, periodic border helicopter incursions, and the axe murder incident, the MAC was by default the only diplomatic vehicle through which such incidents could be settled and thus provides a reservoir of experience with North Korean propaganda tactics. At the same time, the MAC's technical negotiations have been restricted in their purpose to issues related to the implementation of the armistice and are limited in their scope.<sup>18</sup>

The 1972 Red Cross negotiations between North and South Korea marked the first direct inter-Korean contact since the end of the Korean War and the initiation of an on-again, off-again series of negotiations between North and South Korea over economic matters, sports exchanges, and political issues. The sporadic but growing negotiating record of North-South dialogue that has built up in the past quarter century on economic, cultural, political, and sports-related issues is characterized by a zero-sum approach—the perpetuation of North-South competition for legitimacy through means other than war. This quarter century of interaction between North and South Korea has reinforced Cold War perceptions of North Korean negotiating behavior among Americans, since the United States and South Korea have regularly shared viewpoints, experiences, and lessons learned from their negotiating experiences with North Korea.

Kim Do Tac of the Korea Institute of National Unification, in a study that analyzes over two decades of inter-Korean dialogue, concludes that North Korean negotiating objectives are related to its effort to “safeguard its political system and to attempt, together with physical force, to achieve unification on Communist terms.”<sup>19</sup> In typical negotiations with South Korean counterparts, North Korea's real agenda is not reflected at the table; rather, the purpose of negotiation, or “pseudo-negotiation,” is to allow North Korea to pursue ancillary objectives separate from those of the negotiation itself, such as positively influencing North Korea's international standing or denying potential benefits to South Korea. Also, North Korean pursuit of “incidental effects from the negotiations” rather than a negotiated settlement itself is usually designed to prevent South Korea gaining any benefit

from a negotiated outcome, even if such an agreement might also be of benefit to the North.

These studies of North Korean negotiating behavior during the Cold War emphasize the communist approach to the negotiation process as "war by other means." Although this approach may indeed characterize some aspects of North Korean negotiating behavior even today, its wholesale application as a model for understanding current North Korean negotiating behavior is limited in several respects. First, the armistice was negotiated and implemented while hostilities were in progress, creating a very different context for negotiation than that which exists today, after over four decades of stalemated confrontation punctuated by occasional episodes of violence. Second, Turner Joy's analysis reveals that aspects of the negotiating behavior he encountered have more to do with Chinese and Korean cultural styles than the influence of communist ideology, yet this fact is unacknowledged in Turner Joy's narrative.<sup>20</sup> Third, the Korean armistice negotiations were led in large part by the Chinese and thus are not fully reflective of patterns in North Korea's negotiating style.<sup>21</sup> Fourth, Soviet records regarding the Korean War that were released in the mid-1990s have shown that the prolongation of armistice negotiations was influenced significantly by Stalin's desire to take a hard line as a means by which to drag out the war and thus weaken the capacity of the United States to build its capabilities in anticipation of a broader global conflict. Despite an increasing desire on the part of North Korean and Chinese leaders to end the war as the conflict dragged on during 1952, it was only after Stalin's death, in March 1953, that the Soviet Council of Ministers advocated a rapid conclusion of the Armistice Agreement, which was finally accomplished only four months later.<sup>22</sup>

Finally, patterns in North Korean negotiating behavior during the Cold War were influenced by the extent to which North Korea was able to project its power vis-à-vis the South. Chinese and Soviet backing put North Korea into a powerful position in the armistice negotiations in which the cessation of hostilities and the end of confrontation arguably would be of greater advantage to the opponent than to the North Koreans themselves. However, the end of the Cold War has

significantly changed the structural environment of a now abandoned and isolated North Korea. Under current circumstances—in which the North Koreans must attain concrete objectives that can be realized only through a negotiation process—North Korean negotiation strategy cannot simply be “war by other means”; rather, North Korea must pursue negotiations in order to attain benefits of agreement necessary for regime survival. However, one-upmanship and intense zero-sum competition in inter-Korean negotiations have made it difficult for both sides to achieve breakthroughs even after the end of the Cold War, with significant progress in inter-Korean dialogue thus far occurring only during periods in which dramatic external changes have affected the relationship between Pyongyang and Seoul.

### **STRUCTURE OF THIS STUDY**

The 1993–94 negotiations over North Korea’s nuclear weapons program pitted the United States, a superpower with global security interests in defending against potential threats to the safety of the global order, against North Korea, a weak and isolated state driven to desperation in its search for survival but unwilling to admit defeat. The two sides differed in almost every respect, including their fundamental approaches to problems that had been shaped by vastly different national values and perceptions of national identity. Yet the differences between the two sides did not mean that their respective interests and needs were contradictory in every respect, since it was possible to reach an agreement that appeared to meet the fundamental needs of both sides. Although culture is not the decisive factor in negotiations between states with conflicting national interests, empirical observation of the U.S.–North Korean experience plainly shows that cultural factors are not insignificant influences on the negotiating process.

To identify variables in negotiations that might be traced to uniquely Korean experiences and cultural origins, I will examine patterns in North Korean negotiating strategy and tactics in chapter 1. This examination will draw on key aspects of North Korea’s history, including the political, sociological, and cultural formation and development

of the North Korean state. This examination should shed light on the environment in which North Korean negotiators are socialized and the influences of North Korea's historical experience on its behavior in political negotiations with the United States.

Next, I will identify and interpret patterns in the American experience of negotiating with North Korea in chapters 2 and 3. Chapter 2 will examine each phase of the negotiating process with North Korea, including prenegotiation, opening moves, middle phase, end game, and implementation of agreements. Chapter 3 will explore patterns in North Korean tactics of crisis diplomacy, brinkmanship, and attempts to create leverage and maximize concessions from the negotiating counterpart and will identify facilitating tactics used by North Koreans to speed up the pace of negotiations toward a final settlement.

Chapter 4 will contrast U.S.-DPRK and North-South negotiating patterns and dynamics. It will explore stylistic similarities in North and South Korean approaches to negotiation despite the vastly different social structures and systems that form the basis of their continuing confrontation, and it will examine how those similarities in perception, style, strategy, and tactics may actually contribute to stalemate and inhibit compromise rather than facilitate cooperation. I will also compare U.S. and South Korean experiences to isolate factors that contribute to differences in American and South Korean approaches to dealing with North Korea.

Chapter 5 will examine negotiations between KEDO and the DPRK to compare the similarities and differences between South Korean indirect and direct influence on American-led negotiations with North Korea. The differing approaches to negotiation that have developed within KEDO will be compared with the experiences of the U.S. and ROK governments. Finally, chapter 6 will offer concluding observations on North Korean strategies and tactics as demonstrated through patterns of behavior in international negotiations and will draw lessons for U.S. negotiators and policymakers to consider as they manage future negotiations with North Korea.

