

Analysis by David Sontag, November 11, 2004

In this essay, I will analyze the six-party negotiations, involving China, Russia, North Korea, South Korea, Japan, and the United States, that are attempting to resolve the crisis surrounding North Korea's recent claim to having nuclear weapons. I will structure my response according to the system given by Starkey, Boyer, and Wilkenfeld (1999). First, I will give an overview of Korean history, putting the negotiations in a historical context. Then, reflecting back on the historical context, I will introduce the participants in the negotiations. I will justify the inclusion of each participant, specifying the issues on the table, and what is each participant's stake in the individual issues. Following this, I will analyze some specific aspects of the negotiations: the bargaining positions of the United States and North Korea, the role of mediation in the negotiations, the negotiations viewed from a game theoretic perspective, and the cultural dimensions of face and time. Throughout the essay, I use the theoretical framework of high-context and low-context cultures to draw parallels between North Korea and China, and to analyze the negotiating positions of North Korea and the United States (Cohen, 1997).

THE BOARD and THE PLAYERS

Korea and China have been friends for over five centuries, assisting each other in fighting against repeated aggression from both the Japanese and the Russians. For example, in 1592, Japan invaded the Chosen Dynasty (the precursor to what is today known as Korea). The King of the Chosen Dynasty appealed to the Ming Emperor for assistance, and the two worked together to successfully fend off the Japanese. In later years, Korea became the fighting ground for repeated conflicts between China, Japan, and Russia. For much of the second half of the Nineteenth century, Korea's government was either controlled or strongly influenced by one of these three parties. Following the Russo-Japanese war, in 1905, Korea became a Japanese colony. Japan exploited Korea, devaluing its currency so that it could buy its industries and food, stripping its land from Korean farmers and giving it to Japanese farmers, and doing various other abuses. Koreans spent a century, from the mid Nineteenth to the Twentieth, trying to rid themselves of foreign interference. They hoped that the end of World War II would give them the chance to be heard on the global stage. However, once again, they ended up being controlled by foreign powers. The Soviet Union helped a Communist come to power in North Korea, and the Western countries, principally the United States, led South Korea to democracy. In 1950, without prior warning, North Korea began an attack on South Korea. This led to the three-year Korean War, in which Russia and China aligned with North Korea, and most of the Western powers fought for South Korea. North Korea has since become one of the most secretive regimes in the world. The division between North and South Korea is a relatively new one; significant efforts began in 2000 to heal the relationship, with a potential outlook of re-uniting the two nations.

The United States, in today's unipolar international system, has a particular interest in world stability. In March 2003, the United States and Britain attacked Iraq, claiming that its totalitarian government was developing weapons of mass destruction, and was a threat to world peace. North Korea is one of the world's

few remaining Communist countries, and the U.S. would like to see a new government come to power. Shortly after the September 11 terrorist attacks, President Bush proclaimed North Korea as part of the "Axis of Evil." In 2003, North Korea officially withdrew from the nuclear Non-Proliferation Treaty, admitting that it had been developing nuclear weapons. The U.S. is worried that North Korea will supply terrorists with weapons of mass destruction. Given that the United States recently attacked Iraq, which was also listed as part of the "Axis of Evil," North Korea is concerned that the United States will attack it too. These developments have led to the current international crisis.

This six-party negotiation is an example of multiparty mediation, as discussed by Crocker, Hampson, and Aall. China has taken on the leadership role, with South Korea, Japan, and Russia also acting as mediators between the United States and North Korea. This is also a prime example of regional mediation - all of the mediating countries border North Korea. Mediation takes place when it is in the interest of both the mediators and the disputants. Indeed, each of the mediators has a significant stake in these negotiations. Because they border North Korea, the countries are concerned about both regional stability and their own security. North Korea, in August 1998, launched a missile that flew over Japan before landing in the sea. Ever since the conclusion of World War II, Japan has had a very weak military. By necessity, they must find a peaceful, diplomatic solution to this supposed provocation. There are hundreds of thousands of troops from either side along the border between North Korea and South Korea; given North Korea's prior aggression during the Korean War, South Korea is naturally concerned for its security. Looking at the bigger picture, China, Russia, and Japan have historically been involved in the region's conflicts. China is North Korea's closest ally (both are Communist regimes), and also maintains good diplomatic relations with the United States.

Zartman introduced the idea of a time being ripe for mediation, characterized by an impasse, where the status quo is intolerable, an increasing symmetry of power, and the impossibility of unilateral strategy. Since President Bush came to power, the United States has used a unilateral strategy in dealing with North Korea. The United States refused to negotiate with North Korea before North Korea first dismantles its nuclear program. North Korea now claims to have nuclear weapons, which significantly changes the balance of power, increasing the symmetry between the two nations. While the United States and North Korea are not yet in open conflict, without a breakthrough in negotiation, war may be inevitable. Former President Jimmy Carter believes that "the United States can prevail, but with terrible human casualties in both North and South Korea" (2003). The United States places very high value on human life, and this potential cost may be enough to shift their cost-balance curves, and consider mediation as a possible alternative. The North Korean leadership, for their part, understands the U.S. willingness to use force, and risk having their government deposed. Thus, both countries are amenable to mediation.

Each mediator brings a different set of powers to the negotiation. Jeffrey Rubin lists six major sources of mediator power: reward, coercion, expertise, legitimacy, referent, and informational power (Crocker, 240). In this case, the mediators, being economically strong countries, are in the position to offer

rewards to North Korea. North Korea wants direct compensation from the United States, but the U.S. does not want to provide compensation, which would have the appearance of a pay-off for being held hostage. Instead, in the latest proposal, South Korea and Japan would provide any immediate compensation. It is not yet clear whether coercive power by the mediators will come into play. Certainly, the three big powers of China, Russia, and Japan have the ability to apply such pressure. However, this would have an adverse affect on their referent power. China, in particular, has a good relationship with North Korea, and can use this to apply pressure on North Korea; keeping an eye on the “shadow of the future,” North Korea will be cautious to do anything that will jeopardize its relationship with China. China, Japan, and South Korea, like North Korea, all high-context societies, also have expert and informational power in the form of better cultural understanding.

Crocker notes that “success depends upon mediators who can exercise effective procedural control, ... meeting with stakeholders to access their interests, ... drafting protocols and testing possible tradeoffs, ... and monitoring and facilitating the implementation” of any resulting agreements (242-243). As the leader in the mediation effort, China has hosted the recent negotiations. The Chinese government has used the media to apply pressure on the disputants, publicly stating that both sides need to be more flexible and practical. China is in a unique position to monitor any agreed upon nuclear dismantlement in North Korea. Besides the proximity of the two nations, China has North Korea’s trust, which is a necessary condition for their being allowed to act the sensitive position of monitor. Furthermore, China and the United States have a strong diplomatic relationship, which will help the U.S. trust the Chinese reports. In theory, mediators are supposed to be neutral. However, the effects of the bi-polar political situation during the Cold War still linger: Japan, South Korea, and the United States have especially strong diplomatic relations, while China, North Korea, and Russia have similar interests and strong relations. China’s apparent lack of neutrality does not preclude its effectiveness as a mediator. In fact, it is precisely its relationship with North Korea, and its ability to pressure the regime, that the United States finds so critical to the negotiations.

THE STAKES

In 1994, North Korea expelled International Atomic Energy Agency (IAEA) inspectors, and threatened to begin re-processing used fuel rods from a nuclear power plant. With the intervention of President Carter (on behalf of the Carter Center, not the United States government), the two nations came up with the Agreed Framework. This agreement stipulated that North Korea would remain a party of the Treaty on the Non-Proliferation of Nuclear Weapons, and in exchange the United States would deliver heavy oil and provide other economic aid. The recent crisis began when, in late 2002, North Korea admitted that it had violated this framework, and had in fact been developing nuclear bombs. The United States claims to have proof that North Korea had supplied Libya with two tons of uranium, in addition to having sold Pakistan missile technology. Since the September 2001 bombing of the World Trade Center, prevention of terrorism has been of the highest priority for the United States; if nuclear material were to get into the hands of U.S. enemies, the effects would be devastating. In exchange for

dismantling its nuclear program, North Korea wants a range of concessions from the United States, most significantly a non-aggression pact, and economic and fuel aid.

Many of the actors have tried to link other issues into the negotiations. After the recent revelation that South Korea secretly performed two “laboratory level” nuclear experiments, North Korea wanted to bring South Korea’s nuclear ability into the negotiations. In 1980’s and 1970’s, North Korea kidnapped a dozen Japanese nationals. Japan had raised this issue at the first round of multilateral talks, after which North Korea threatened to keep Japan out of the six-way negotiations (they are now negotiating this issue bilaterally). The United States is also trying to put pressure on North Korea to stop its human rights violations, and in October 2004, President Bush signed the North Korean Human Rights Act into law. While issue linkage may be helpful in breaking some negotiating stalemates, by introducing more items onto the negotiating table and providing the possibility of package deals, in these negotiations they have thus far been unhelpful.

At the heart of the issues, however, are North Korea’s sovereignty and its ambition for a place on the global stage. High-context societies often view contemporary negotiations from a historical perspective. Cohen writes that, while Americans are “mostly concerned with addressing immediate issues and moving on to new challenges,” high-context societies possess a “preoccupation with history, deeply rooted in the consciousness of ancient civilizations, [which] cannot fail to influence diplomacy” (35). Korea was exploited by foreign powers for centuries; thus, North Korea is likely to keep this in mind throughout their negotiations. Achieving the status of a nuclear power gives North Korea the deterrent force, which it has so long desired, against future foreign interference.

A divide exists between issues that are negotiable in high-context societies, and those that are negotiable in low-context societies. Cohen notes that while “almost everything in American life is negotiable” (108), high-context societies can be particularly touchy about certain issues. Countries that were until recently former colonies will often refuse any agreement that appears to encroach on their sovereignty. For example, in its dealings with Egypt, the United States was unsuccessful in getting either a military facility at Ras Banas, or permission to send nuclear-powered ships through the Suez Canal. Even though the former would have been advantageous for Egypt, it brought up too many bad memories of the British presence in Egypt, and would never have been acceptable to its people. Similarly, the issue of human rights has been one of the most significant obstacles to the improvement of relations between China and the United States. The collectivist nature of many high-context societies places the good of the community above that of the individual. Cohen points out that these societies “bitterly resent [human rights activism] both as interference in internal affairs and as reflecting a holier-than-thou attitude” (61).

A parallel can be drawn between the post-colonialist countries discussed by Cohen and North Korea, which for much of the early Twentieth century was effectively a colony of Japan. Another parallel can be drawn between China and North Korea, both high-context, Communist countries. Cohen notes that China interprets “American support for the democracy movement and solicitude toward

dissidents [as being] motivated less by human rights and more by a wish to undermine the regime” (63). In precisely the same sense, North Korea feels that the United States’ North Korean Human Rights Act “reveals the U.S. intention to stifle the socialist political system of the DPRK at any cost, not recognizing its sovereignty and vital right” (statement by Minju Joson, the official government newspaper, October 31, 2004). North Korea’s government maintains a strong leash on the media, which is state-run, and free speech. Because of its totalitarian nature, North Korea’s domestic situation is fragile; it cannot allow foreign interference on issues like human rights, which might result in the incitement of the people against the government. North Korea’s sovereignty and its treatment on human rights are non-negotiable issues. Any proposal that violates this principle will likely be flat-out rejected by North Korea.

Another result of North Korea’s political situation is that the government is able to maintain a hard-negotiating position, because it can present a unified face, without domestic opinion playing a role. The United States can also have a hard-bargaining position, and they will be taken seriously, because they did, in fact, attack Iraq. President Bush won his second presidential election with the majority vote, which at least superficially shows that he has the people’s support in his foreign-policy initiatives.

THE MOVES

The negotiations between the United States and North Korea can be modeled using the game theoretic notion of the game of Chicken (Starkey, 99). This October 31 statement by Minju Joson best expresses North Korean sentiment: “The U.S. escalated hostile policy toward the DPRK compels it to harden its determination to increase its physical deterrent force.” If the negotiations fail (corresponding to a head-on collision by the cars), then the likely result will be war between the two nations. As discussed earlier, this is the worst possible situation for both nations. North Korea will almost certainly lose the war, but not before tremendous loss of life. The United States, which places significant value on human life, will also find itself in a more difficult international position, as it is likely that much of the world, like they did in regards to Iraq, will oppose U.S. intervention in North Korea. At the moment, neither country is willing to budge in their demands (positional bargaining). For months in 2002, the United States stopped all communication with North Korea. The United States refuses to provide any compensation to North Korea before North Korea makes concrete steps to dismantle its nuclear program. If North Korea eventually acquiesces to this demand, and U.S. concessions are minimal, the payoff will be in the favor of the United States (corresponding to the North Korea playing chicken). North Korea would lose face, and, once the deterrence is finally removed, would be unable to ensure that the United States follows through with its commitments. However, if North Korea continues its positional bargaining, and succeeds in getting a non-aggression pact from the United States before it dismantles its nuclear program, the payoff will be in favor of North Korea (corresponding to the United States playing chicken). The precedent would be set, for other state and non-state actors to follow, whereby one could wring concessions from the United States by obtaining, or claiming to obtain, nuclear ability. If neither country takes action (corresponding to countries swerving), both incur significant losses. North

Korea, having already revealed its nuclear weapons program, has few moves left. While it can still test the nuclear weapons, the moment it would use them to threaten another country, the United Nations would give approval for either economic sanctions or a full-scale assault on North Korea. North Korea would be left without compensation, and with few remaining bargaining chips. The United States, having failed to contain North Korea's nuclear development, must face the significant risk of North Korea selling the nuclear weapons to terrorists or rogue states.

While the Chicken game offers no Win-Win opportunities, the introduction of mediation helps change the scenario. Mediation helps the players break out of the game, by providing face-saving measures and by changing the cost-benefit curves of both parties. For example, instead of the United States providing compensation to North Korea, South Korea and Japan may initially provide it. This could potentially solve one of the problems, that of the United States refusing to compensate North Korea before they dismantle their nuclear program. North Korea would receive some initial compensation, but there would still be the incentive of United States' compensation if North Korea follows through with the dismantling.

The framework of sequential games and decision trees can also be used to analyze the negotiations (Starkey, 101-102). Clinton took one path through the decision tree, that of engagement. However, President Bush's hard stance policy represents a completely different fork in the decision tree, one that leads to different opportunities. North Korea's admittance of having developed nuclear weapons represents a branch of the decision tree; they are now committed, and must follow through with the consequences. When the Bush administration declared the Framework Agreement dead, they forced the hand of the North Koreans. North Korea responded by expelling international nuclear inspectors and being more belligerent. It is not clear who will make the next step. North Korea could choose to do a nuclear test, but this will only lead to less desirable outcomes (e.g. world community getting concerned, and joining forces with the United States in attacking North Korea).

In the final analysis, we may ask, is North Korea bluffing? Regardless, it is important to have a face-saving compromise; North Korea might want to back down, but it cannot appear to look weak. High-context cultures tend to view time in a much more relaxed setting than low-context cultures. Time is a huge disadvantage for the U.S. – the longer North Korea stalls, the more time they have to further develop their nuclear weapons. Furthermore, high-context cultures often continue the negotiation process even into implementation stage; also, they may say, "yes," to avoid confrontation, but then take no action on the agreement. As Cohen aptly writes, "the conclusion is obvious: if high-context negotiating (or any other) partners have difficulty in complying with their treaty commitments, for whatever reason, some system of conditionality, preferably ongoing, has to be built into the original treaty design" (211). All of the actors in this crisis are committed. Positional diplomacy by the United States and North Korea has led to a standstill. For real progress to be made, the U.S. and North Korea have to move towards collaborative negotiation, and make full use of their mediators' resources.

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