North Korea’s weapons of mass destruction: The Six-Party Talks and the Beijing Agreement of 2007

Effectiveness of coercive diplomacy on multilateral and cross-cultural negotiations

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Introduction

« Without common interest there is nothing to negotiate for, without conflict nothing to negotiate about. »¹

Following the growing nuclear power of North Korea, the the Six-Party Talks frame was initiated in 2003, planning ahead a succession of multilateral meetings. As a consequence of American pressure, China which was initially reluctant to get involved in such talks, started to play a mediator role within negotiations. In August of the same year, Beijing hosted the first session of the Six-Party Talks, also including Japan, Russia, The United States and the two Koreas. The first aim of the Six-Party Talks was to peacefully settle tensions regarding the North Korean’s nuclear program. Despite the signature of an agreement in 2003, North Korea launched a Taepodong-1 missile three years later. The latter estimated not being binded to the compromised signed in Beijing in 2003. After the test, the United Nations (U.N) condemned North Korea by the implementation of resolutions 1718 and 1695. These resolutions required Pyongyang to dismantle its nuclear program. The agreement in principle of 2005 had failed, because Pyongyang refused to come back to the negotiation table, until Washington removed its financial sanctions.² In 2007, a new session of the Six-Party Talks started in Beijing in order to settle the strained situation. « The Six-Party talks were based upon the assumption that with the right mix of incentives and pressure, North Korea could be persuaded to dismantle its nuclear capability. »³ Negotiations on arms control are singular. Firstly, they involve the dimension of survival for a State. Secondly, they emphasize great political conflicts among nations.⁴

Moreover, the development of nuclear weapons causes what is called « sanctuarisation aggressive » dynamics based on the risk that some regional powers are able to destabilize their neighbours by developing their nuclear arsenal.⁵ The concept implies the possibility for North Korea to gain in power, while weakening other States of the region. This strategy generally coupled with nuclear brinkmanship and blackmailing tactics has to be linked to the security dilemma theory. In order to understand how the different parties reached the Beijing agreement in 2007, the first chapter will discuss the actors’ objectives and BATNA’s, as well as the importance of strategic alliances, trust and individual aspects. The structural approach will be stressed in order to describe the implications of the security dilemma within the Asian-Pacific region and the involvement of « regime survival » strategies. Then, the strategic approach will be an appropriate way to emphasize the weight of trust and suspicion within talks. Finally, behavioural approach will be underlined to discuss the influence of perceptions and countries' reputations on negotiations. The second chapter will be focused on the context of negotiations, and the role played by culture and Memory. Indeed, the chapter will firstly analyse the impacts of North Korean regime's characteristics within negotiations, using the cultural approach, which will also be useful to discuss the influence of Korean War memories, as the Japanese colonization of North-Korea. The third chapter will discuss the effectiveness of coercive diplomacy on negotiations. Specifically, threats and use of sanctions on North Korea. Finally, the final implications of the agreement and its results will be discussed using the processual approach.

Chapter I - Actors’ objectives and BATNA's: strategic alliances, trust and individual aspects

« Un examen attentif des parties en présence permet de connaître avec certitude le camp qui détient la victoire »,
Shang Yang, Le livre du prince Shang

A) BATNA's: diverging and overlapping alternatives

There is a simple trick to understand the frame of talks: the word « OCEAN ». Indeed, the latter emphasizes five main dimensions that must be taken into account while describing a negotiation process. First of all, what about the Object? In the present case, North Korean nuclear program and WMD (Weapons of Mass Destruction) were at the heart of negotiations. This aspect has constituted the real object of negotiations, meaning the initial motivation for the different parties to meet and negotiate. Second, the Context also has to be discussed. In the case of the Six-Party Talks round of 2007, the context was deeply affected by the development of a nuclear program by North Korea, and by the launch of a Taepodong-1 missile in 2006. Third, a multitude of Elements which were at stake must be underlined in this study. Actually, nuclear issue was a key element that should not be neglected. On the other hand, the following issues were also at stake: prestige, regional security, struggles between States trying to assert their power in Asia-Pacific and counter-proliferation in the region. Moreover, the reassessment of the Nuclear Non-Proliferation Treaty's (NPT) credibility was also at the heart of negotiations. Fourth, considering the importance of power Asymmetry is also a major aspect. In the present case, as the further analysis will demonstrate, the balance of power continuously evolved during the talks, shifting from its initial form, to more complex interdependencies. Finally, Negotiators are, of course, a key element. It is well-known fact that, the Six-Party Talks regrouped six countries: China, DPRK (Democratic People's Republic of Korea), Japan, Russia, South Korea and the U.S. As a consequence, multiple parties also mean multiple Best Alternative(s) To a Negotiated Agreement (BATNA's), which could be common or incompatible. This state of affairs leads to arduous negotiations.

First of all, let's focus on the BATNA's which were considered as the strongest ones during these talks, meaning those of Japan and DPRK. Japanese BATNA was focused on the release of Japanese political abductees detained by the DPRK. The Japanese stance, when compared with Russia’s and China's BATNA's, was keenly strong. Therefore, Japan found itself largely isolated during talks. Indeed, this BATNA's « has marginalized the country in the six-party process and even given Tokyo a dishonorable title as a « negotiation breaker » in the multilateral diplomatic setting. »6 The BATNA of Japan also focused on national security, while not even considering removing DPRK from the U.S' list of States sponsoring terrorism. The DPRK's BATNA « was to continue to develop its nuclear program and thereby further damage its relationship with the United States, was becoming a dangerous policy for the DPRK to pursue. »7 From Pyongyang's point of view, reaching an agreement was more attractive than avoiding the table of negotiations. Yet, what has to be taken into account is that the DPRK's BATNA, mainly based on nuclear blackmailing, « prevented the United States from being able to find a better alternative than negotiation. »8 Here lies a key point of negotiation processes: the BATNA of a country does influence the other actors. Even if the main objective of North Korea was to gain concessions from other parties, the attitude of the representative emphasized the DPRK’s well-known mindset, meaning: «We do not want war but we are not

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afraid of war. »

Second, let’s focus on the more flexible, and weak BATNA’s of the U.S, South Korea, China and Russia. Indeed, the BATNA of Washington was based on containment, meaning that « if the engagement policy failed, then Washington best alternative (its BATNA) would be the old containment policy, that had not secured a decisive triumph for the United States. »

Thus, the United States stressed the necessity to reach an agreement based on denuclearization, which would have had less negative impacts than a classic containment policy, regarding the American interests and the country’s own prestige and reputation. Seoul insisted on the necessity to denuclearize the Korean peninsula, but the country was keenly aware that such goal would be hard to reach. Then, in case of the impossibility to reach a specific agreement based on the denuclearization of its neighbor, Seoul’s BATNA consisted in gaining concessions from Pyongyang, especially regarding the reduction of DPRK naval incursions in the Yellow Sea. The South Korean’s BATNA reflected its core interest: preserving its own national security, while avoiding the collapse of the DPRK regime, which could have dreadful consequences for South Korea. On the Chinese side, the BATNA was based on the preservation of the country’s own prosperity. As a consequence, and given the geographic position of North Korea, Beijing wanted to sustain the survival of DPRK. Moreover, « proliferation has never been Beijing’s major concern due to its historically cordial relations with Pyongyang » which meant that, in case of negotiations failure, China had not much to lose, which explained a weak BATNA. The Russian BATNA was to a great extend similar to its Chinese counterpart. In fact, Moscow’s fundamental objective during the negotiation periods was to reinforce its influence in Asia-Pacific, by maintaining regional stability. Those aims were placed above denuclearization, which meant that Moscow did not considered North Korea’s nuclear weapons program as a considerable threat to its own security. Then, the Moscow’s BATNA was « less attractive than engaging Pyongyang in peaceful negotiations. »

Generally, it was hard to find common stance, not because of excessive strong BATNA’s, but because of their diversification. Moreover, the several objectives of the six parties implied more complexity than initially predicted.

The Objectives

The U.S was essentially concerned with the situation of Human Rights in North Korea, as well as the necessity to avoid further development of the DPRK’s WMD program. South Korea, on the other hand, asked for a shutdown and dismantling of nuclear facilities. As far as Japan was concerned, the abductees’ issue was of paramount importance, meaning a slight overlooking of the nuclear issue. For Moscow, the primary objective was to secure its common border with Pyongyang, especially because the border acts as a buffer-zone against the presence of U.S’ troops in South Korea. Indeed, the ideological conflict between the two predominant powers of the Cold War continues to play a major role. Russia’s and Beijing’s main objective overlapped: maintaining the DPRK regime in order to stabilize the Korean peninsula, and by extension, the Asia-Pacific region. Beijing dithered between two main goals.: The denuclearization or stabilization of the Korean peninsula. However, the first goal was not a key objective of China, which was more focused on its own core interests. Despite having different objectives, some of them overlapped. For example, avoid the collapse of the totalitarian regime, by preventing its destabilization. To sum up, there was a common interest in avoiding escalation of conflict and violence. Nevertheless, the « Bush administration's dead-end foreign policy with an implicit agenda for regime change » had the tendency to slow down the negotiations by neglecting complex realities of the region.


12 Ibid., p. 266.

13 Ibid., p. 260.
B) Strategic alliances: balance of power, security dilemma, escalation of tensions and involvement of « regime survival » strategies (structural approach)

The Six-Party talks had a distinctive feature, because they were based on a double aspect. First, the talks were aimed to prevent the proliferation of WMD at the regional and international level. Second, negotiations had also the objective to settle a regionally-tensed atmosphere. Indeed, because of the well-known concept named the « tyranny of the proximity », the behavior of North Korea was threatening the other countries of the Asia-Pacific region, leading to a security dilemma, because the region is caught in a regional complex of security, according to the theory of Barry Buzan and Ole Weaver. In such a situation, « groups or individuals […] must be, and usually are, concerned about their security from being attacked, subjected, dominated, or annihilated by other groups and individuals. Striving to attain security from such attack, they are driven to acquire more and more power in order to escape the impact of the power of others. » Then, expanding individual power appears as the only alternative possible for the survival of a country feeling threatened by its neighbors. Subsequently, Asia-Pacific countries are unable to resolve their security dilemmas independently from each other, which influenced the balance of power during negotiations.

The balance of power: between « Tit-for-Tat » strategies and nuclear blackmailing

It would be logical to imagine the balance of power based on two blocks. A first one including DPRK, and a second cohesive one regrouping the five other powers. « Participants in multilateral negotiations often group together in coalitions that create two blocs. » (See the diagram above) But the reality was much more complex. If the U.S appeared at first sight the main driver of negotiations, given its power and bargaining reputation, North Korea was seen as the weakest power during the talks. This is simply not the case. While Washington used « Tit-for-Tat » strategies to push North Korea to enter negotiations, especially during the pre-negotiations phase, North Korea only relied on its nuclear weapons, as its only source of diplomatic leverage against external powers. Actually, DPRK had a quite advantageous position, given that the country

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16 Ibid., p. 259.
has « nothing much to lose and a lot to spoil with its nuclear blackmail. » 18 Regarding the distribution of power during negotiations, the U.S was described as being first but quite distant, while China was second and thinking about future power distribution within the Asia-Pacific region. Japan was seen as being in a third position, but struggling against the negative image of a strong economic country facing low levels of political significance. Finally, Russia was considered being fourth, without a strong presence in the region except for its proximity and rising energy influence, while North Korea suffered low vulnerability combined with great military assets. 19 China assumed a leading role during the talks, mainly because the country initially played the role of mediator, and convinced North Korea to join the bargaining table. Moreover, « China is the regional pivot of North Korean transformation » 20, it means that Beijing enjoyed strong leverage on Pyongyang. Japan and Russia both had subordinate roles during rounds of talks, especially Japan, which felt isolated during negotiations. Accordingly, Russia and Japan found common interests and tried to coordinate their strategies. Although, these attempts were limited because of the relationship between Japan and the U.S and the « little geopolitical substance to their relations. » 21

China and South Korea tend to converge toward each other. But the rapprochement between Beijing and Washington during the 2007 round of talks, had the tendency to diminish ties between Seoul and Beijing. Indeed, China and the U.S found common postures, due to North Korea’s reactions to Chinese attitude regarding nuclear tests led by Pyongyang. With the time, China adopted a harder approach towards North Korea. Actually, while China was initially against adopting hard measures – meaning sanctions – against North Korea during first rounds of negotiations of the Six-Party Talks, Beijing became more inclined to use coercive diplomacy. Between Seoul and Tokyo, too many divergences mainly caused by the predominance of nationalism within each country, impacted their relations and diminished their common power on the bargaining scale. Moreover, the « two leaders showed little inclination to narrow this gap or to improve relations. » 22 Then, a possible triangle between China, South Korea and Japan – as between the two latter and the U.S - became difficult to settle. Nevertheless, the complex relationships between the five powers, led to increasing cooperation two by two. « As Japan increasingly realized that its role was dependent on working with the United States, Russia recognized that it had to rely on China. » 23 This last relationship, which « served the interest » 24 of North Korea, was a positive aspect for the latter, enhancing its position within the balance of power which continually evolved during negotiations, as within the Asia-Pacific region. Indeed, the latter is marked due to the military rise of China, but also due to maritime disputes involving sovereignty claims and prestige, as it is the case for some islands, like the Pescadores Islands. Finally, after the negotiations, the balance of power could have been described as a « continuum with the United States and North Korea at the two extremes and the remaining States spread between them. Japan’s position consistently closest to the United States […] Russia’s position varied over time […] but it was increasingly closest to North Korea. China sought the role of neutral mediator […] but its reasoning long leaned toward the North’s logic on the talks. South Korea is in the middle too, with potential to be a swing State. » 25 Then, the talks witnessed cross-cutting and overlapping cleavages between the different preferences at stakes. (See diagram below) 26

20 Ibid., p. 140.
21 Ibid., p. 186.
22 Ibid., p. 91.
23 Ibid., p. 136.
24 Ibid., p. 98.
25 Ibid., p. 45.
Regime survival: impact of North Korean security maximization strategies on negotiations

According to the logic of anarchy in International Relations, States always try to maximize their own power in order to reinforce their own security. This logic leads to a security dilemma. If a regime perceives a threat to its survival, it will generally lead to an increase of military expenses. Indeed, « political leaders are interested in maximizing both the state security and the regime security. » 27 With regard to North Korea, the development of WMD is a low cost strategy aimed at improving national security, which lies at the heart of regime survival strategies. The latter is a concept based on the self-preservation instinct of States. This strategy implies that when a State feels that its existence is threatened (by domestic or external factors or even by a combination of both), it will back itself into a corner. Thus, regimes mobilizing this approach of survival are generally building their tactics according to the fact that external environment appears as a major threat, inducing a risk of vulnerability. For North Korea, this regime survival strategy has been reinforced at the end of the Cold War, which symbolized for the country the weakening of the U.S.S.R., North Korea’s major ideological and economic partner. « Because their rulers feel insecure without the Cold War safety net, the danger of political implosion or military explosion has increased. » 28 This attitude of survival and self-preservation is also perpetually reinforced by the perceptions of inferiority for a State. The « regime survival » theory is a very useful tool to understand North Korea’s behaviour and style of negotiation. It could be combined with the « regime security strategy », which tries to highlight the causes encouraging a State to get/acquire nuclear weapons, when a regime does not have any reason to fear a specific attack from the outside. According to this theory, nuclear weapons serve to increase the chances of survival for a regime. « The logic of the regime security theory is that a domestic regime […] may use nuclear weapons not to deter attack […] but to change the preferences of the great powers such that it is in the interest of those powers that the regime survives. » 29 This theory is in accordance with the concept of

29 BEASLEY Matthew, « Regime security theory: why do states with no clear strategic security concerns obtain nuclear weapons? », Thesis of Department of Political Science, under the direction of Lars Skalnes, Graduate school of the University of Oregon, September 2009, 159 p., p.18.
regime survival: A State will get nuclear weapons, in order to maximize its political weight on the international scene, without considering such diplomatic leverage as justified by strategic and security concerns. As a consequence, nuclear weapons are a « low-cost strategic equalizer. »

In the case of North Korea, those survival strategies are symbolized at the domestic level by several elements like the military-first policy – or Songun – and the Juche ideology. Survival strategies impacted the relations between parties, which were based on complex interdependencies and strategic alliances.

**Interdependence between parties: relations and strategic alliances between North Korea and the five powers**

*China and DPRK: between closeness and firmness*

First and foremost, the analysis will be focused on the relationship between China and North Korea. Beijing knows that North Korea represents a strategic territory and a buffer-zone against the influence of the U.S. Indeed, North Korea is one of the several strategic locations protecting China's heartland against external influences. The same is true for the Xinjiang province and Tibet. Consequently, China knows that a collapse of the regime would mean a dreadful situation for Beijing, especially because of potential flows of refugees, or even the occupation of the North Korean territory by U.S' troops. As a consequence, China's stance during negotiations was mainly directed toward avoiding those scenarios, which would have threatened its regional influence within the Asia-Pacific region. After the end of the Cold War, China became the first economic partner of Pyongyang, providing North Korea with aid to avoid a “regime collapse”. Their relation is mainly based on clientelism, but also on cooperation and firmness. Promoting at the beginning of the talks, a more flexible approach than the one adopted by the U.S against North Korea, China emphasized the necessity to avoid sanctions. « China’s top decision-makers fear that serious overt pressure would risk starting a process of destabilization leading to deteriorated conditions on the Korean Peninsula and damage China’s security environment. » But several elements and pressures encouraged Beijing to take harder stances during the negotiations. « Regional instability, influx of refugees, and the possible nuclear repercussions that could be caused by the collapse of the Kim regime changed the defining interest of China in North Korea to regime stability. » However, the growing militarization of China and its economic expansion as well as its positioning towards liberalism and open economy, meant for Pyongyang the progressive loss of common communist grounds with China. Finally, the enhancing of diplomatic ties of Beijing with Washington and Seoul appeared as a betrayal for Pyongyang.

*United States and DPRK: when suspicion and distrust are at stake*

If the relationship between the U.S and DPRK had to be considered with only one word, it would probably be « mistrust. » Indeed, the relationship between them took place in a specific framework of distrust, especially caused by the bitter memories of the Korean War. « The collective memory of incidents has shaped people’s aggressive and militant views of the American enemy. » Pyongyang saw the influence of the United States as a symbol of imperialism. Hence, the propaganda used by the regime was and still is directed against the U.S. « Let’s Hack American Imperialism into Pieces. » The arrival of George W. Bush


at the presidency of the U.S initiated a rupture with North Korea. The rhetoric of the « axis of evil » and the actions in Iraq and Afghanistan contributed to reinforce the aggressiveness of the North Korean regime. « Pyongyang believes that the US government in general and the Bush administration in particular, are not trustworthy. When President Bush labelled the NK a « rogue state » and included it in the « axis of evil » [...] Pyongyang expressed deep resentment and disbelief [...] Pyongyang interpreted its inclusion in the « axis of evil » as the expression of Bush’s will to force the North Korean leadership into disintegration and eventually to force a regime change. »36 For the U.S, the main aim was to settle the American influence in the region, and to reinforce it. Moreover, the main objective for the U.S was to avoid nuclear proliferation in the Asia-Pacific region. Consequently, they met China’s strategies regarding the stabilization of North Korea. That is, avoid a regime collapse. On the DPRK's side, Washington’s influence in the Asia-Pacific region and especially in the Korean peninsula was seen as a threat. That was the reason why Pyongyang asked for the withdrawal of American military troops from South Korea. Before the Six-Party Talks session in 2007, the U.S and North Korea met twice for bilateral talks, where the U.S made some concessions, based on what is called « Graduated Reciprocation in Tension-reduction » strategies (GRIT) in order to send a positive message to Pyongyang37. Despite those attempts, the relationship between the two powers between talks were mainly based on suspicion.

The South Korea and DPRK: friends or foes?
The inter-Korean relations were deeply branded by the old memories of the Korean War. The climate between the two Koreas was characterized by mistrust and aggressiveness from the North toward the South. The territorial and ideological disputes between them, as well as the burden of past, were the main reasons to explain this dreadful atmosphere. Under Kim Dae-Jung and Park Geun-hye, few attempts were made to enhance diplomatic ties between Seoul and Pyongyang, with the « Sunshine Policy » and the « Trustpolitik ». Moreover, South Korea was and still is a major economic partner for Pyongyang, despite recurrent tensions between the two countries. But there was one major obstacle between Seoul and Pyongyang namely the diplomatic ties between South Korea, Japan and the United States, which could be described as a triad, despite tensions between Seoul and Tokyo. The joint military operations between the U.S and South Korea, known as « Foal Eagle », were perceived by Pyongyang as offensive measures and symbolized a real obstacle for negotiations. However, the relationship between South Korea and Japan were not positive per se, meaning that the two powers had few interests in cooperating on a specific issue. Then, the main aim of the North Korean regime was to destabilize the South, in order to get rid of the American influence in the region. This goal was secretly defended by China as well, which meant that Beijing and Pyongyang share common goals. Nevertheless, South Korea insisted to promote economic ties to enhance cooperation and settle disputes within talks.

Russia and DPRK: the influence of History
Relations between Pyongyang and Russia are deeply rooted in History, especially because Moscow was the main economic and political partner of DPRK during the Cold War. Both of them continued to share strong ties. Indeed, they share a common view regarding the West, and found common interests in maintaining a strong stance against what was seen as American unilateralism. Indeed, the influence of some geopolitical thinkers such as Alexandre Douguine on Putin's foreign policy, had the tendency to reinforce ties between Russia and North Korea.

36 HAGSTRÖM Linus, SÖDEBERG Marie, North Korea policy, Japan and the great powers, European institute of Japanese studies, East Asian economics and business series, New-York, Routledge, 2006, p. 44.
Japan and DPRK: the burden of History

Like the relationship between the U.S and North Korea, the one between the latter and Japan is characterized by a deep distrust mainly linked to History. Actually, relations between the two powers were generally unstable because of historical animosity but also because of misunderstandings regarding the culture of one another, and then a lack of shared features. « Ultra-nationalists in Japan view North Korea together with China through the prism of a half century of condemnation of those who reject Japan’s national identity as a force for the betterment of Asia. »38 Moreover, the Japanese abductees issue had an enormous impact on the relationship between the two powers.

C) Between trust and suspicion: identification-based trust and distrust (strategic approach)

Generally speaking, the atmosphere between the different parties was unstable and explosive.39 Indeed, the lack of trust was not only a characteristic of DPRK’s relationships with countries like the U.S, Japan and South Korea. For example, China and Russia also had the tendency to consider Washington as an untrustworthy negotiating partner, despite the « two tracks policy » of Washington, which combined firmness and dialogue under George W. Bush. As a consequence, the image of the U.S kept on deteriorating, leading to stronger stances in Pyongyang’s attitudes. In overall, China and Russia adopted softer stances toward DPRK, especially because « they viewed Pyongyang, as not inclined toward proliferation but rather using its nuclear weapons to secure the survival of its regime. »40 Then, the relationships between DPRK and China, as well as with Russia, were based on what is called the « identification-based trust », meaning a trust « grounded in perceived compatibility of values, common goals…»41 On the other hand, relations of DPRK with South Korea, the U.S and Japan, were based on « identification-based distrust », referring to a « perceived incompatibility of values, dissimilar goals. »42 Moreover, relations between China and Japan were also based on distrust, because Chinese were « suspicious of Japanese motives in dealing with North Korea. »43 China showed some concerns about the Japanese military power, given the possibilities for the Constitution to be reformed. The ruse of Beijing was to enhance soft stances toward Japan, while keeping good relations with Washington, given the ties between the latter and Japan. Distrust also characterized relations between Japan and South Korea, as those taking place between Russia and the U.S. But one should not neglect that distrust and suspicion can also be linked to individual aspects, meaning the influence of perceptions and the reputation of a country based on older negotiations, or even on a State's foreign policy.

D) Individual aspects: the influence of perceptions and countries’ reputations on negotiations (behavioral approach)

Studies on international negotiations often point out the necessity to take into account the behavioral approach in order to understand the influence of reputations and individual perceptions on talks. Indeed, the influence of personal traits as the cognition and emotions play a key role between parties. Indeed, leaders are « all influenced by their own sympathies or hostilities; they all respond to anger, impatience, and feelings of gratitude. »44 In the case of the Six-Party Talks round of 2007, the representatives were not Heads of States.

42 Ibid.
For example, the representative of the U.S was not George W. Bush, but the American Assistant Secretary of State for East Asian and Pacific Affairs, named Christopher Hill. Thus, the negotiating styles of current representatives are more difficult to analyze, given the lack of previous analysis regarding those representatives. Therefore, the reflection will be more focused on the negotiating reputation of a country rather than on individual cognitive bias and heuristic devices, because a representative is of course not the same person as the country’s leader. However, the representatives are supposed to act on the behalf of their own president in order to reflect the foreign policy of their country. A government, as it participates in several negotiation processes, will acquire a specific reputation, meaning a «diplomatic style.» This aspect has to be linked with the notion of power. During negotiations, what really matters is more the perception of power, than the real amount of power itself. What is called the «professional negotiation culture» also plays a role. The latter is based on «well-understood symbols and common habits, rather than shared values.»

Finally, the bargaining reputation has to be taken into account, because it can be a burden but also a beneficial card to play. The tactics used by a government «will affect its bargaining strength in the future. Also the tactics that it uses will be remembered by other parties and influence their expectations when they deal with this government again.» The analysis will describe the reputation and the bargaining style of each State, given past attributes, and will then analyze the impacts of those reputations on the communication between them.

**North Korea’s negotiating style: blackmailing and brinkmanship strategies**

The interests of DPRK were represented by the Vice-Minister of Foreign Affairs, Kim Kye-gwan. Given its geographic situation, the survival of North Korea has always been linked to its external environment and relationships with regional powers. Despite weak means of action to establish its influence on the international scene, North Korea used specific negotiation strategies, trying to take the advantage of its alliances while exploiting eventual regional disputes and disagreements. The negotiation strategies of the regime included the use of asymmetric tactics, which were a way to fight a stronger adversary, supposedly enjoying more power. «Utilisant des moyens techniquement simples, l’asymétrie peut être assimilée à «l’arme du pauvre», dans la mesure où elle permet à de multiples acteurs ne disposant que de moyens très limités d’avoir une capacité de nuisance totalement disproportionnée.»

Today, the embodiment of those asymmetric tactics lies in the North Korean nuclear program, which was at the root of tensions between the regime and other powers who took part in the Six-Party Talks. As it has been underlined by many analyses on the subject, the nuclear program symbolizes a truly useful diplomatic leverage for North Korea. «Pyongyang has used its nuclear weapons program effectively as a source of leverage (...) to impose its own terms on the negotiations.»

Facing more powerful States, the development of a nuclear program is a strategy of asymmetric warfare, meaning «the exploitation of technology and psychology to target the peripheral vulnerabilities of a larger foe.»

«Talk to me, I may go nuclear»

In most of the cases, Pyongyang used the blackmail cyclic strategy, meaning a step-by-step approach, aimed to gain as much concessions as it will be possible. Because of these attributes, North Korean leaders are generally seen as hardliners. First of all, North Korea will initiate talks or will agree to participate within the latter, in order to show its good will. Then, the country will insist on the fact that all parties must do

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concessions. Finally, the DPRK generally ends discussions by leaving the table of negotiations, or simply by showing closeness, when it has gained as much advantages as it was possible. As a consequence, Pyongyang does not necessarily seek any agreement. The country rather emphasizes the necessity to gain concessions, in order to maximize its own security, especially by using its WMD as a diplomatic leverage. «To paraphrase Clausewitz, the North Korean nuclear program is the continuation of diplomatic negotiations by other means. »\(^{51}\) Nevertheless, the country refuses to make concessions. This is mainly due to the fact that «from the point of view of national interest (…) it is undesirable that negotiators become unwilling to make concessions for fear that this might damage their personal reputation. »\(^{52}\) As a consequence, the attitude of the North Korean representative was mainly based on a belligerent rhetoric and provocative stances, while using brinkmanship strategies, «meant to create the suggestion and risk of war that will be beyond either party’s control, and the user threatens that the crisis will spiral out of control unless the opponent accepts certain conditions. »\(^{53}\) Those strategies were also combined with other tools of negotiation, as the contending strategies, which happen when a State pursues its own « outcomes strongly and shows little concern for whether the other party obtains his or her desired outcomes. »\(^{54}\) North Korean leaders also use denials in order to confuse adversaries\(^{55}\). All those tactics have to be linked with the national and foreign policy of Kim Jong-Il, which, despite its reputation of being a leader without any ambition, was in reality a «skilled strategic player »\(^{56}\), meaning that the regime never acted without any basis of rationality. Moreover, he was the ultimate decision-maker, meaning a groupthink dynamic in decision-making process at the national level, influencing the negotiation strategies of the regime at the international scale. The demands of North Korea were pointed out for being excessive, which caused major disagreements within the Six-Party Talks of 2007, but also within past and future talks, taking place within the same frame. Indeed, the North Korean negotiators were depicted as asking for «whole loaf where they could get half a loaf (…) They cannot find the right dosage of demands and inducements (…) They insult those whose good will they ought to cultivate (…) They are past masters at twisting the meaning of words. »\(^{57}\) All negotiation strategies mobilized by North Korea could be explained by the regime’s perpetual fear of insecurity. Basing its perceptions of other countries like the U.S on a Cold War frame rather than on the present dynamics, the regime cultivates an unpredictable behavior, also based on a bad bargaining reputation, because of the constant use of « bluff » tactics.

**Russia's negotiating style: The Communist ground**

Generally, Russia adopted softer stances during the Six-Party talks of 2007, despite the reputation of Russian leaders to easily break off negotiations and to be hardliners. Indeed, «their past actions demonstrate that they have no inhibition against breaking up a conference. »\(^{58}\) Although those assertions could be verified, in the case of the Six-Party Talks of 2007 Russia adopted a different approach. The official representative of Moscow was Alexander Losyukov, the Russian Deputy Minister of Foreign Affairs at this period. The attitudes of the representative were mainly influenced by the communist history of Russia, as by the ties uniting Moscow and Pyongyang. Oscillating between the simple status of the observer and a more active approach, Russia generally had blurred positions.

\(^{58}\) *Ibid.,* p. 80.
United States' negotiating style: between ethnocentrism and compromise

The reputation of Western representatives is commonly based on « calm, politeness, and respectfulness. »

Nevertheless, in the case of the Six-Party Talks, Christopher Hill – the American Assistant Secretary of State for East Asian and Pacific Affairs – emphasized a harder stance, imbued with ethnocentrism and exceptionalism. This stance can be understood while looking at the George W. Bush's hard policy line against North Korea, especially with the « axis of evil » rhetoric. Indeed, because North Korea did not follow the principles of the Non-Proliferation Treaty (NPT), and because the country decided to withdraw from it in 2003, American leaders estimated the country as a deviant one, following a « tendency to interpret and judge other cultures by their own standards. »

As a consequence, « Bush’s personal antipathy to the regime was a driving force » for the negotiations, influencing Christopher Hill’s hardliner position towards DPRK. This attitude was also directed against the other powers, as South Korea: « The Bush administration tilted U.S foreign policy toward a harder line without respecting the interests of Seoul. » Indeed, neoconservatives were quite pessimistic regarding the Six-Party talks process. President Bush never gave up on military tools, thus reinforcing the harsh stances of Pyongyang, instead of making the latter comply with American values. Something else has to be underlined: the influence of U.S' past actions within negotiations. Indeed, the past actions of Washington in Iraq and Afghanistan caused a loss of credibility and a negative reputation for the U.S., which is something pretty hard to repair.

People's Republic of China's negotiating style: the avoidance of direct confrontation

The major drivers of Chinese negotiating attitude within the Six-Party Talks in 2007, were the very well-known salami tactic, and the « Go Game », implying the avoidance of direct confrontation and the use of tactics based on stratagems. In this way, the representative of China, meaning the Vice-Minister of Foreign Affairs Wu Dawei, adopted a softer stance than the U.S., and appeared as being a softliner.

South Korea and Japan's negotiating styles: from a soft approach to harder stances

While Chun Yung-woo, the South Korean Deputy Minister of Foreign Affairs and Trade – who was the official representative of Seoul during the talks, – adopted a relative softliner approach given the necessity to preserve the stability of the Korean peninsula – Japan, despite its culture of avoiding conflicts, progressively adopted a harder stance given the abductees' issue. Actually, even if Japan had a global wait-and-see attitude because of its culture of risk-avoidance, the representative of Tokyo, Sasae Kenichiro – the Japanese Deputy Director-General of Asian and Oceanian Affairs Bureau – even if restrained by the pacifist Constitution of Japan, began to follow the U.S' political stances, meaning adopting a hardliner approach. This had the tendency to isolate the country from the talks, but also because Japan appeared as a « swing State. » Beyond negotiating styles, two more variables were essential.

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59 Ibid., p. 116.
60 Ibid., p. 206.
61 Annex I, p. 25.
The absence of female representatives
First and foremost, the negotiation process was only based on male representatives. This is mainly linked to the fact that, « female experts may be recruited easily to some delegations, whereas in other cultures strong cultural barriers may prohibit women from taking part in the process. »⁶⁸ This aspect can be helpful to understand the complexity of the negotiation process. Indeed, « males are highly competitive, manipulative, win-lose negotiators who want to attain good deals from their opponents. Females are thought to be more accommodating, win-win negotiators who seek to preserve existing relationships by expanding the joint returns achieved by negotiating parties. »⁶⁹

The atmosphere of demonization
The atmosphere of the talks was mainly described as based on demonization. Indeed, « from the United States, North Korea, and Japan too the language of demonization kept appearing, not the unprovocative, respectful atmosphere typical of negotiations. »⁷⁰ As a consequence, North Korea was keenly seen as the « evil » of negotiations. Atmosphere was far away from respect and trust. That was a problem, given the fact that in order to settle respectful and fruitful negotiations, avoiding rudeness and emotionalism is a necessity. That is the main reason why a good negotiator avoids « displaying irritation (…) he must eschew all personal animosities (…) dramatizations, and moral indignations. »⁷¹ Finally, in all cases, ego, prestige and pride played a significant role, reducing the probability to reach a common agreement. Indeed, « pride and public image become so involved that the parties dare not admit any flexibility. »⁷² All those elements affected the communication between the different parties involved within negotiations, reducing the possibility to satisfy all demands. Even if multilateral « negotiations (…) are likely to be less affected by national cultures (…) than bilateral negotiations (…) the clash of national interests may be intensified by a confrontation of national cultures »⁷³, this does not mean that culture does not play a role, quite the contrary. As the next chapter will show, negotiations were influenced by stereotypes, perceptions and culture, which could be dangerous variables. Indeed, such elements can simplify realities in a negative way, by allowing mental shortcuts and also biases.

Chapter II - Context of negotiations: the role of culture and Memory

« Culture is what remains when one has forgotten everything. »\(^{74}\)

There is no common definition of the word « culture » because each attempt to give a definition emphasized different aspects. Here, the analysis will consider the latter as something based on « beliefs, ideas, language, customs, rules and family patterns. »\(^{75}\) As other key elements such as personalities and experiences, culture affects the process of negotiation. As a consequence, to understand the negotiation process itself, cultural aspects have to be taken into account.\(^{76}\) Generally speaking, the Western cultures are different from the Asian ones. Indeed, China and Japan « belong to high context societies, resorting more for instance to indirect action and implicit expressions, whereas Westerners are parts of low context societies, where action is far more direct. »\(^{77}\) This can be showed with the well-known salami tactic and the game of « Go. » On the other side, « Russian (…) tend to negotiate from a position of strength and do not mind resorting to aggressive tactics such as threats, whereas Japanese are highly reluctant to directly confront the counterpart. »\(^{78}\) Finally, according to a general tendency, negotiators issued from Eastern countries see negotiations as a relationship, which is not the same for Western powers, whose vision of talks is more based on the distribution of resources.\(^{79}\) This chapter will start with addressing the impact of cultures by discussing North Korean regime’s characteristics and their role within negotiations, with the help of the cultural approach. Then, the analysis will be focused on the legacies of the Korean War and the Japanese colonization, while assessing the role of Memory within talks, using the cultural approach.

A) Impact of cultures: North Korean regime’s characteristics and their role within negotiations (cultural approach)

« Negotiation may be regarded, in part, as a confrontation between two or more cultures. »\(^{80}\)

The North Korean culture is deeply embedded within the ideology of Juche, which is based on three principles, inspired from Communism. Those principles are political independence, self-defense of the country and its self-sufficiency. Moreover, the ideology emphasizes the necessity to follow the will of its leader, who is the supreme guide of the nation. The Juche also legitimizes the regime practices and the presence of the leader at the top of the State. This idea could be found in the writings of Max Weber, who thinks that ideology allows several things for a leader: « leaders can legitimize their priorities, rationalize their mistakes, and convince people that they should be followed simply because it is the right thing to do. »\(^{81}\) The ideology imposes itself as a way, for the leader, to dominate its own population, by controlling the emergence of eventual protestations and dissent, while showing the official image of a regime trying to preserve the general well-being. Stalinism and a specific variant of Confucianism also play a key role in understanding the behavior of North Korea during negotiations. Indeed, according to Jin Woon Kang, North Korean Stalinism is « a set of values, a social identity, and a way of life. »\(^{82}\) Regarding Confucianism, there

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\(^{75}\) FAURE Guy O., Culture and negotiation: the resolution of water disputes, Op. Cit., p. 3.

\(^{76}\) Ibid., p. 1.


\(^{78}\) Ibid., p. 509.

\(^{79}\) Ibid., p. 511.


is one thing which has to be underlined. Indeed, the North Korean variant of Confucianism has to be distinguished from the Chinese one. Thus, contrary to the Chinese variant, which stresses the importance of nobility and spirituality, North Korean Confucianism is combined with totalitarianism and insists on loyalty and obedience to the supreme leader. « Without the Confucian cultural influences inherent in its historical heritage, the system itself would not have been made in the way it has been. »

**Introversive culture**

This type of negotiating culture is mobilized in order to gain concessions but could also be inherent to a civilization, due to the ethnic and national background of a country. Indeed, introversive culture is generally mobilized by authoritarian and totalitarian countries, where Communism plays a key role in structuring society, where negotiation is seen as « a ritual, a long-standing confrontation through nonmilitary means. »

So to speak, leaders acting in this way are seen as untrustworthy. In the case of North Korea, negotiating is a way to continue « war by other means. » As noted by Gilbert Rozeman within his book entitled *Strategic Thinking about the Korean Nuclear Crisis: Four Parties Caught between North Korea and the United States*, « this type of narrow-minded, closed, secretive person whose whole negotiating performance is that of a mere agent of his or her government, acting as a mouthpiece for the decision maker back home. » The cultural characteristics of North Korea help to understand its ability to play on ambiguities. Indeed, as noted by Fred Ikle, « communists are known for exploiting ambiguities in agreements. »

**B) Differences of perceptions: the word agreement, the notion of time and ambiguous terms**

« An agreement between governments can be defined as an exchange of conditional promises, by which each party declares that it will act in a certain way on condition that the other parties act in accordance with their promises. »: this definition of an agreement seems quite logical but is also limited. Indeed, the latter is based on Western perceptions and values, of what should be an agreement. In the case of the Six-Party Talks session of 2007, the word « agreement » was not equally perceived by all parties, and did not bear the same value for all of them. Even if the English language was generally used during the talks, the differences between cultures regarding the meaning of words played a significant role. In Asian countries, an agreement generally refers to something different from the Western perceptions of such a word. While « some actors may view the agreement reached as a constraint against future action (...) others may regard the agreement as a deal between negotiating partners that each party has an obligation to respect and implement. »

Second, the meaning of concessions is not the same also, according to different cultures. Effectively, « for South Koreans, concession usually refers to a situation in which the stronger party gives up a part of its interests for the benefit of the weaker party (...) North Korea regard concessions as a surrender (...) while Americans regard concessions as a normal part of the bargaining process. »

Third, ambiguous terms. Indeed, Pyongyang also played on the differences between the word « stopping » and « dismantling », leading to lacks of understanding between the country and the other parties. By playing on ambiguous terms, the North Korean regime tried to save time, in order to gain multiple concessions from the other actors,

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88 Ibid., p. 7.
while offering less in return. Fourth, the notion of negotiation itself differs between nations. While China considers the process of negotiation as something referring to a situation of conflict, Western nations tend to see it as something wider. Here, the role played by language is particularly noticeable. Finally, the last key element is the notion of time. While for the U.S, time during negotiations is a very precious variable, for Chinese negotiators, spending a lot of time to negotiate does not mean a waste of the latter. This difference is due to the fact that Western countries consider time as a precious resource, while Asian countries generally consider time as being an unlimited resource. That is why Chinese leaders take their time within negotiations, while American negotiators are more stressed about the tick-tock of the clock. These differences about the perception of time led to misperceptions between negotiators, because « American are perceived by other cultures as enslaved by their clocks. » While in the West, time refers to something in limited supply, Eastern countries generally do not consider it as something « characterized by scarcity. » Beyond different conceptions about the agreements and time, Memory had also a great impact on the Six-Party Talks.

C) The Korean War and the Japanese colonization: role of the Memory within talks (cultural approach)

« Culture may be both an obstacle and a facilitator. It is an obstacle to the extent that cultural stereotypes and differences distort signals and cause misunderstandings. »

Because of the influence of the past and the burden of History, national stereotypes tend to influence negotiations. Firstly, the memories linked to the Korean War had the tendency to complicate the relationships between DPRK and South Korea, as well as with the U.S. Most of the propaganda slogans spread by Pyongyang emphasize the necessity to fight against the U.S, seen as a perpetual enemy, because of its culture and its capitalist system. The past also impacted on the relationship between North Korea and Japan, because of occupations periods endured by DPRK. Those memories of occupation and violence left bitter feelings in North Korea, and constitute today the basis of the Juche ideology. « The very origin of the Juche idea is the anti-foreign doctrine in which Japan occupies a central position. » Because of the Memory, the relationship was also pretty negative between Seoul and Tokyo, as well as between Russia and the U.S, given the old animosity between the two powers, which finds its roots within the Cold War framework. All this issues linked to the past and Memory influenced the mutual perceptions between negotiators, as well as the key variable of trust, as seen before. Finally, the mutual suspicions and distrust, as well as the influence of past actions of States, influenced the different stances regarding the use of sanctions against Pyongyang, as a coercive leverage aimed to prevent further nuclear proliferation.

96 Ibid., p. 4.
Chapter III - The use of sanctions within negotiations: a real effectiveness?

A) Coercive diplomacy: effectiveness and impacts of sanctions on negotiations

« A la différence de la guerre (…) la diplomatie est fondée sur l'habillage de la force. »

The use of coercive diplomacy based on sanctions and / or ultimatums, is a strategic tool which has been mobilized multiple times against DPRK, because of its WMD program. Generally, such measures have been taken by the United Nations Security Council (UNSC) and supported by the U.S. During the Six-Party Talks negotiations, Washington insisted on the use of « sticks and carrots » strategies, while initially, China was against the implementation of such measures, given that this approach would have been « not effective against a risk-acceptant adversary such as North Korea » This could have led to the reinforcement of the regime's aggressiveness. According to the regime security theory, « coercive diplomacy, trade sanctions, limited military actions and threats will be ineffective measures in preventing proliferation. » The main reasons explaining the lack of sanctions’ effectiveness against North Korea are based on the fact that, there is a low rate of success for those measures, when they target States whose leaders are willing to take huge risks, in order to maintain the survival of the State. « This approach is not effective against a risk-acceptant adversary such as North Korea. » As a consequence, the coercive diplomacy seems to be insufficient and even inappropriate when dealing with North Korea because for DPRK « the nuclear program is the continuation of diplomatic negotiations by other means. » Nevertheless, sanctions had some impacts, but they were essentially humanitarian ones and led to the reinforcement of the regime’s aggressiveness. Finally, sanctions pushed the regime to strengthen its isolation instead of bringing the compliance of Pyongyang.

The worsening of its economy led the regime to ask for more and more foreign aid during negotiations. « Isolation is a necessity for regime survival and sanctions have proven to be nonlethal to the regime for the past 60 years. In essence, the international « punishment » of « isolating sanctions » is in fact what the regime seeks. » Far from avoiding the increasing of the country, sanctions appeared to be counterproductive, at least, when used without any other diplomatic tool. In fact, the regime adapts itself to the sanctions, while black market activities were increasingly reinforced. Moreover, sanctions aimed to awaken the consciousness of a population, are quite useless in the North Korean case. Indeed, even if opinion could be a strong leverage against the policy of a deviant country, North Korea has the tendency to be « immune to popular sentiment » especially because of the totalitarian nature of the State, based on a Stalinist form of dictatorship. Some countries like China were aware of the fact that threatening North Korea with a harder approach could have led to the break of the talks. Indeed, North Korea’s representatives are particularly familiar with tactics aiming to gain concessions from other parties. « The threat of rupture can be highly effective if the negotiator is in the process of departing, in such a way that he would have no excuse at all for staying unless his opponent called him back by offering a concession. » Those tactics are quite logical, given the balance of power during the Six-Party Talks session in 2007. Actually, North Korea knows how to combine toughness and brinkmanship with guerilla tactics and blackmail actions, in order to

100 Ibid., p. 145.
101 Ibid., p. 118.
105 Ibid., p. 73.
gain concessions from great powers. As a consequence, while the U.S and Japan were asking for sanctions, China, South Korea and Russia were generally more flexible. Tokyo and Washington « saw the only solution of the nuclear crisis as sanctions to pressure North Korea into a deal or, better yet, capitulation » while Chinese leaders insisted on the negative implications of sanctions. The latter, as the Russian representative, was more focused on the evolving balance of power while South Korea emphasized the necessity to promote economic cooperation, in order to attract DPRK toward softer stances. Because of the well-known strategies of DPRK - which are based on toughness and brinkmanship, combined with blackmailing - are aimed to gain as many concessions as possible, the use of deterrent warnings, meaning sanctions, against the regime were doomed to fail. « Nul ne se sent durablement tenu à des engagements qui lui ont été arrachés par contrainte ou par violence. »

B) Final implications of the agreement and results: normalization, redistribution and innovation (processual approach)

The different North Korean nuclear tests structured the several rounds of talks, which meant « Stop-and-Go Negotiations ». The talks encompassed different dimensions. First and foremost, they were a response to the instability of a specific situation and were aimed to put an end to military threats mobilized by Pyongyang. Then, the talks had a « normalization » dimension. Indeed, they were « meant to terminate the abnormal or to formalize arrangements tacitly (...) to re-establish diplomatic relations (...) and regularize other postwar uncertainties through a peace treaty. » Second, the « redistribution » dynamic has to be underlined, especially regarding North Korea. The redistribution aspect is based on « a demand of an offensive side for a change in its favor (...) the offensive side has to couple its demand with the threat of causing worse consequences if the demand is refused. » Pyongyang based its strategies on the threat of developing its WMD program, especially in order to obtain the withdrawal of U.S' troops from South Korea. But finally, the issue for the offensive side – DPRK – was quite unsuccessful. However, Pyongyang received guarantees from the U.S as well as energy supplies. Finally, the dimension of « innovation » has to be taken into account. Indeed, the Six-Party Talks of 2007 aimed to set up « new relationships or obligations between parties. » Despite the limited role of some countries as Russia or Japan, it is necessary to underline that the participation of those countries was a necessity, especially because their exclusion would probably have led to a worse situation. Then, their global passive stances were preferable than their eventual absence from the talks, which would have made negotiations meaningless.

Obstacles for negotiations: lack of a community spirit and individual objectives

In general, the United States' reluctance to enter in bilateral negotiations while Pyongyang asked many times for it, added to the excessive demands and compensations required by the DPRK complicated the advancement of the negotiations. But several other variables affected the talks. First, the different States taking part within negotiations had divergent approaches regarding the fixing of a precise agenda for negotiations. « The façade of five versus one obscured the reality of the Other Four – three states frustrated by the Bush approach, and Japan using it to further a divisive regional strategy. » While the U.S was focused on WMD proliferation, South Korea emphasized the necessity to talk about the implications of a
reunification between the two Koreas, while Japan and China were focused on disputes of influence and Russia was drawing its attention toward its own security and economic prospects. Generally speaking, the « five versus one » approach was absent, especially because of cross-cutting and overlapping preferences amongst powers in presence.

Despite their common interests in maintaining the stability of DPRK, the options of the different parties were restricted, because of the nuclear pressure maintained by North Korea. Moreover, because the participating States « placed their own immediate priorities and concerns above the collective need to halt North Korea's nuclear program », common objectives were hard to pursue. Indeed, the U.S and North Korea were not inclined to give up on their own positions. Unfortunately, such attitudes generally lead to lower chances to reach a final agreement, when it does not lead to a stalemate. « Negotiation is a creative process: the less attached parties are to a certain position, the more receptive they will be to the discovery of new solutions. » When a negotiator adopts a hard position, it has more chances to get a favorable agreement for himself, while lowering the chances to get any agreement at all. In contrast, when a negotiator adopts a softer stance, he will get less chances to reach a favorable agreement for himself, while increasing the possibilities to reach a common agreement. Moreover, the U.S saw the Six-Party Talks as a way to put pressure on North Korea rather as a way to resolve regional crisis in Asia-Pacific. While Washington wanted a sequential approach (based on specific steps) in resolving the crisis, Pyongyang rather insisted on a simultaneous approach, including the withdrawal of American military troops in South Korea. Thus, the negotiations were not based on a unified identity, especially because of cleavages between the different parties within the Six-Party Talks. Ideological divergences and pre-existing tensions within the Asia-Pacific led to restrain the emergence of a collective identity. This crucial lack of a « community spirit » was linked to the lack of regionalism between Asia-Pacific countries. The lack of a strategic regionalism and solidarity between powers in Asia-Pacific played a crucial role within the negotiation process. As a consequence, the U.S based its alliances upon the regional dynamics of Asia-Pacific. Washington relied on Tokyo, because the latter was seen as the only trustworthy partner within negotiations by the U.S.

**Turning point and results**

The « turning point » of the negotiations – meaning « events or processes that mark passage from one stage to the next, signalling progress from earlier to later phases » - appeared in the last days of negotiations, just before the agreement and was mainly caused by the use of GRIT's strategies by the U.S. and DPRK. Those measures are « strategies whereby mutual tension and fear can be interrupted and de-escalation process begun through conciliatory moves. » In the present case, they were based on concessions from both sides. Indeed, there was a shift in the Bush administration's posture, due to the presence of what is called the ripeness concept. Indeed, ripeness occurs when the different parties feel that it is no longer possible to win the conflict « through escalation at an acceptable cost and that there is a possibility of a

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114 Ibid., p. 48.
120 IKLE Fred C., Op. Cit., p. 120.
jointly acceptable solution. »\textsuperscript{124} Moreover, the security position of DPRK, understanding that an agreement was better than leaving the negotiation table without any progress, which would have threatened its future survival, helped to reach the turning point. After several hours of negotiations, the text called « Initial Actions for the Implementation of the Joint Statement »\textsuperscript{125} started to be elaborated. On the 13\textsuperscript{th} February, 2007, Christopher Hill announced that the agreement was finally concluded after negotiations that dragged on for sixteen hours and was only a first step toward more and more discussions: « c'est essentiellement un début et nous avons encore un long chemin devant nous. »\textsuperscript{126} Generally, concessions happen at the end of the negotiation process, in order to « split-the-differences. »\textsuperscript{127}

To achieve such a key step, a Zone Of Possible Agreement\textsuperscript{128} (ZOPA) is needed, meaning a range of possibilities having the potential to satisfy all parties, which is something much more difficult to reach in multilateral negotiations.\textsuperscript{129} Such a ZOPA means a give-and-take process. Thanks to the different concessions, and because of the predominance of « action for action » principles, the agreement implied energy supplies and a peace agreement for DPRK, in exchange for the dismantling of its nuclear program. Nonetheless, in this case, the agreement occurred not because all parties were perfectly satisfied. But they were all aware of the fact that further discussions would lead to a worse situation, given the initial demands of Pyongyang. « Agreement occurs at that delicate point, when both you and your opponent decide to settle for the available terms rather than incur the costs and risks of trying to do better. »\textsuperscript{130} North Korea accepted to close its principal nuclear reactor within sixty days, following a very precise plan, which had as a final objective to end the North Korean nuclear program. The final agreement was called « North Korea Denuclearization Plan »\textsuperscript{131}. Thus, five working groups were established in order to settle the current and future tensions.

**Conclusion**

But some limits have to be pointed out. First, despite the agreement, the nomination of Lee Myung-bak as the Head of State of South Korea in 2008, caused a major shift in the Seoul policy toward Pyongyang. Then, the relationships between the two countries began to deteriorate. Second, because the Bush administration initially refused to remove North Korea from the list of countries supporting terrorism, Pyongyang suspended its efforts regarding the dismantling of its nuclear program. Despite the final approval of George W. Bush to remove the country from the list, tensions persisted. As a consequence, in 2009, North Korea suspended inter-Korean agreements and the non-aggression treaty between them. Third, the same year, DPRK proceeded to another nuclear test and announced its withdrawal from the Six-Party Talks. Here lie the limits of multilateral talks. Even if the Beijing agreement of 2007 has a particularity, meaning the implementation of steps and due dates (without only enumerating the different points), the agreement does not even provide any alternative in case of the parties would not fulfill their obligations: « its vague provisions and deferred requirements give Pyongyang loopholes that it will seek to exploit. »\textsuperscript{132} Finally, the agreement does not specify any verification requirements for further implementation. An agreement is not a treaty: the value is not the same, as the further implications and binding aspects. That is also why North

\textsuperscript{125} Annex 3, p. 23.
\textsuperscript{128} Annex 2, p. 25.
\textsuperscript{130} IKLE Fred C., *Op. Cit.*, 75.
\textsuperscript{131} Annex 4, p. 28.
Korea skillfully played on the distinction between terms, playing the game of ambiguity, in order to be able to escape the fulfillment of the agreement. Furthermore, one should not ignore that an agreement does not refer to the same implications for all States. While China saw agreements as a kind of relationship rather than a deal, some States like the U.S will consider it as something more binding.\(^{133}\) So this is definitely not the end of the whole story, especially because « certain issues were marked « for future negotiations. »\(^{134}\) As a proof, North Korea decided to delay its commitments few months later. Moreover, the February 13\(^{th}\) agreement « would not have been necessary if each or both parties had honored the terms of the Agreed Framework of 1994 »\(^{135}\), underlining the limits of deals. To sum up, the divergent interests of the parties were at the core of negotiations, thus limiting the possibilities to reach a consensus. Indeed, each country had the tendency to put its own preferences above the common interest. The DPRK was well aware of such dissensions, and exploited them in order to gain as much as possible. Finally, the agreement which has been reached was more a « tacit truce »\(^{136}\) - meaning a weak agreement – than a real solution to the crisis. « The agreement initially constrains, rather than resolves, the North Korean nuclear issue. »\(^{137}\) That is why the Six-Party talks in general is generally described as a temporary device for the dismantling of the North’s nuclear program. »\(^{138}\)

« Crafting a diplomatic agreement that serves a country's national interests is similar to building a house, with both requiring painstakingly careful construction of components. In both endeavors, it is critically important to start with a sound foundation, or instability will result. The Beijing Agreement makes this mistake. »\(^{139}\)

\(^{134}\) IKLE Fred C., Op. Cit., p. 16.
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Initial Actions for the Implementation of the Joint Statement

2007/02/13

The Third Session of the Fifth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 8 to 13 February 2007.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC, Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Kenichiro Sasae, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Chun Yung-woo, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexander Losyukov, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher Hill, Assistant Secretary for East Asian and Pacific Affairs of the Department of State of the United States attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the talks.

I. The Parties held serious and productive discussions on the actions each party will take in the initial phase for the implementation of the Joint Statement of 19 September 2005. The Parties reaffirmed their common goal and will to achieve early denuclearization of the Korean Peninsula in a peaceful manner and reiterated that they would earnestly fulfill their commitments in the Joint Statement. The Parties agreed to take coordinated steps to implement the Joint Statement in a phased manner in line with the principle of "action for action".

II. The Parties agreed to take the following actions in parallel in the initial phase:

1. The DPRK will shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility and invite back IAEA personnel to conduct all necessary monitoring and verifications as agreed between IAEA and the DPRK.

2. The DPRK will discuss with other parties a list of all its nuclear programs as described in the Joint Statement, including plutonium extracted from used fuel rods, that would be abandoned pursuant to the Joint Statement.

3. The DPRK and the US will start bilateral talks aimed at resolving pending bilateral issues and moving toward full diplomatic relations. The US will begin the process of removing the designation of the DPRK as a state-sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK.

4. The DPRK and Japan will start bilateral talks aimed at taking steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.

5. Recalling Section 1 and 3 of the Joint Statement of 19 September 2005, the Parties agreed to cooperate in economic, energy and humanitarian assistance to the DPRK. In this regard, the Parties agreed to the provision of emergency energy assistance to the DPRK in the initial phase. The initial shipment of emergency energy assistance equivalent to 50,000 tons of heavy fuel oil (HFO) will commence within next 60 days.

The Parties agreed that the above-mentioned initial actions will be implemented within next 60 days and that they will take coordinated steps toward this goal.

III. The Parties agreed on the establishment of the following Working Groups (WG) in order to carry out the initial actions and for the purpose of full implementation of the Joint Statement:

1. Denuclearization of the Korean Peninsula
2. Normalization of DPRK-US relations

3. Normalization of DPRK-Japan relations

4. Economy and Energy Cooperation

5. Northeast Asia Peace and Security Mechanism

The WG's will discuss and formulate specific plans for the implementation of the Joint Statement in their respective areas. The WG's shall report to the Six-Party Heads of Delegation Meeting on the progress of their work. In principle, progress in one WG shall not affect progress in other WG's. Plans made by the five WG's will be implemented as a whole in a coordinated manner.

The Parties agreed that all WG's will meet within next 30 days.

IV. During the period of the Initial Actions phase and the next phase – which includes provision by the DPRK of a complete declaration of all nuclear programs and disablement of all existing nuclear facilities, including graphite-moderated reactors and reprocessing plant – economic, energy and humanitarian assistance up to the equivalent of 1 million tons of heavy fuel oil (HFO), including the initial shipment equivalent to 50,000 tons of HFO, will be provided to the DPRK.

The detailed modalities of the said assistance will be determined through consultations and appropriate assessments in the Working Group on Economic and Energy Cooperation.

V. Once the initial actions are implemented, the Six Parties will promptly hold a ministerial meeting to confirm implementation of the Joint Statement and explore ways and means for promoting security cooperation in Northeast Asia.

VI. The Parties reaffirmed that they will take positive steps to increase mutual trust, and will make joint efforts for lasting peace and stability in Northeast Asia. The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.

VII. The Parties agreed to hold the Sixth Round of the Six-Party Talks on 19 March 2007 to hear reports of WG's and discuss on actions for the next phase.

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North Korea - Denuclearization Action Plan

Statement by President Bush on Six Party Talks

The following action plan was released in Beijing on February 13, 2007 following the conclusion of the latest round of Six-Party Talks.

Initial Actions for the Implementation of the Joint Statement

13 February 2007

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