

Dealing with a Nuclear North Korea: Is there a future for the Six-Party Talks?

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Prepared for delivery at the
2007 Annual Meeting of the American Political Science Association,
August 30 - September 2, 2007.
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This is a draft version that precedes the revised version published as

Virginie Grzelczyk. (2009) “Six Party Talks and Negotiation Strategy: When Do We Get There?” *International Negotiation: A Journal of Theory and Practice* 14, no.1.

Abstract: Over the past decade, multiple attempts have been made to curb North Korea’s development of a nuclear program. As such, main powers such as the United States and China have reached out to Pyongyang through bilateral as well as multilateral negotiation processes. The Six-Party Talks, the current mechanism used to discuss options for a potential denuclearization of the Korea peninsula, has brought back hope that a potential deal might, one day, be reached. What type of framework is the Six-Party Talks? Can it be considered a true neo-liberal institution? And how have parties’ negotiation behaviors been influence by, and have influenced the process? This paper looks at the Six-Party Talks’ previous and current rounds, and argues that though the process has not yet emerged as a successful example of an institution that can influence North Korea’s determination to be a nuclear power, it has however left its embryonic stage to now be able to be considered a viable process that parties have used as an integral part of their foreign policy.

Keywords: North Korea, Six-Party Talks, Negotiation, Denuclearization, Foreign Policy, Neo-liberal Institution.

Introduction.

On October 9, 2006, television channels broadcasted the unthinkable: despite many years of warnings and sanctions from the international community, and contrary to the treaty that it had signed during the last round of Six-Party Talks in September 2005, North Korea tested a nuclear weapon. Suddenly, all political analysts focused on discussing the gravity of the situation, and how the totalitarian regime led by the secretive Kim Jong-Il could have gathered enough money, scientific experience, and bravado to test such a weapon.

The news, however, was far from unexpected: many had known for several years that Pyongyang was importing materials that could lead to the construction of weapons. In his October 2005 speech at the Asia Society, Christopher Hill, the U.S. Assistant Secretary of State for East Asian and Pacific Affairs, warned that the point was not to blame North Korea for its past mistakes, but rather that it was important to find out what had happened with various pieces of equipment such as tubes and centrifuges acquired from Pakistan. Thus, even after the signature of the September 19, 2005 agreement that stressed the fact that North Korea would only use nuclear energy for peaceful means, it was clear to many that Pyongyang was still involved in nuclear energy, be it peaceful or not.

The Six-Party Talks, the culmination of more than fifteen years of diplomatic endeavors starting with the 1994 Agreed Framework, were seen as disappointing as the September 19, 2005 agreement was already dismissed a few days after its signature. After North Korea tested its nuclear weapon in October 2006, the whole process seemed to have stalled once again. However, the Six-Party Talks appeared to have been resurrected in light of a new agreement reached during the fifth round of talks held in February 2007, as well as with North Korea shutting down the its Yongbyon reactor following the release of North Korean funds from Macao, and new rounds of talks held at the end of July. Nevertheless, many still argue that all those years of negotiations have only led to agreements very similar in nature to the 1994 Agreed Framework. In this article, I suggest that while not much progress has been made in terms of implementing agreements, change in the power structure of the system have become catalysts in the negotiation process. The United States getting entangled in the War in Iraq and its unwillingness to directly deal with North Korea from 2001 to 2003, North Korea's ability to overcome its own economic disaster and domestic political crises, as well as China's willingness to become a prime actor in the Six-Party process have led parties to come to the negotiation table more frequently. Those regular interactions have led to increased knowledge and familiarity with each actor's position, and thus increased cooperation patterns. In turn, multilateral rounds of negotiations have been seen as a credible structure to deal with instabilities on the Korean Peninsula. This argument thus embraces neo-liberal institutionalism and its views that repeated prisoner's dilemma-type of encounters can ultimately foster cooperation. In essence, even though no ideal destination has been reached yet, everybody is better off being on the road trip together and searching for it instead of being left home alone.

I. Framing the Journey: When, What, How and Why?

The Six-Party Talks process is analogous to several type-A personalities going on trip together. Debate prior to the beginning of the process needed to take place in order to decide how many passengers would be on board, and what the exact destination would be. Other questions of importance also arose such as how long it would take to actually get “there,” which path should be taken in order to reach the destination, and how to know when to stop. Round after round, new types of questions emerged for the main protagonists in the talk process, but also for bystanders such as political analysts and scholars. Along with asking why we were not “there” yet, other started to question the destination itself, as they were wondering what was really so good about getting “there.” Some also noted that perhaps some protagonists wanted to go to different places and that some who came along for the ride actually did not want to go anywhere at all. Along those lines, it is possible to categorize scholarship on the Six-Party Talks into three categories. The first category looks at how it is possible to actually get “there” and generally provides analyses and blueprints for successful new rounds of talks. The second category encompasses those who are more skeptical about the whole process, and therefore presents analyses that question efforts to try to get “there.” Finally, the last category focuses asking what exactly is “there.”

a. How Do We Get “There?”

As early as 2004, Kenneth Quinones and Kaes Clay Moltz were already analyzing the early rounds of Six-Party Talks. They were essentially trying to answer the “how do we get there” question, arguing that the February 2004 round of negotiations did not provide a strong basis for North Korea potentially giving up its nuclear weapons.¹ Arguing for an approach that needs to be more comprehensive (“it will not be possible to settle the nuclear problem, at least peacefully, in isolation from other issues”²), they also shed light on the problem of commitment, and stressed that establishing a relationship with Pyongyang might require a similar effort as when Washington resumed relations with China in 1971. Extrapolating on the delegation of responsibilities amongst participants to the Six-Party Talks, Quinones and Moltz’ article clearly forecasted that the road ahead would be long and difficult, unless parties were willing to be more involved in the process.

Extending the discussion on the Six-Party Talks process is a constructive piece from Jaewoo Choo which discusses themes already presented by Quinones and Moltz, namely the absence of any real substance at the negotiation table, as well as the lack of any clear way of dealing with problems linked to the situation on the Korean peninsula.³ Choo, looking at the question of the Six-Party Talks from the point of view of China, is skeptical about the process as it was at the time he was writing (2005) and cautions against over-enthusiasm, hailing the process as emblematic of China’s successful entrance in the world of multilateralism. Choo also meets Quinones and Moltz on the considerable steps that would be required of participants in order to reach tangible results. It is clear that any journey always involves some costs, be it monetary (gas, tolls, airfare or the like) or of a different nature (time taken away from some other activity or necessity to interact with unfamiliar faces), and this is no different for the Six-Party Talks’ participants. Choo, especially focusing his work on institutionalization, essentially talks about creating interdependence, a staple of liberal institutionalism, and reminds the readers that for any institution to be successful, one must not only look for rewards but also must consider costs. Choo’s rationale also includes the idea that the Six-Party Talks is to be considered as more

than a mere forum, as he states that there is the strong “need to establish a supervising and/or governing body for effective implementation of whatever agreement and consensus the talks generate.”⁴ This idea echoes the impetus behind the creation of the Korea Energy Development Organization (K.E.D.O.) that was needed in order to implement the required steps of the 1994 Agreed Framework. However unsuccessful K.E.D.O. ultimately was, Choo posits a new twist on how to get “there;” according to him, the United States needs to lift sanctions imposed on the Democratic People’s Republic of Korea. He argues that those sanctions have been rather ineffective as both China and South Korea have been helping North Korea financially and thus offset the sanctions’ effects. Ultimately, Choo argues that “for the due process to realize, trust and confidence must be established between the U.S. and North Korea.”⁵

Other analyses focus on the fact that various actors may have different strategies in order to “get there:” In particular, Charles Pritchard posits that such differences in strategies are not only between countries participating in the actual negotiations, but that fault lines even run within states. Shattering the realist idea of the United States as a unitary and rational actor, Pritchard argues that even though Christopher Hill’s performance was very good during the negotiations, others within the Bush Administration were more inclined to dismantle North Korea’s counterfeiting operations than committing to confidence-building with Pyongyang.⁶ These competing aims were also highlighted by Dukmin Yun who gives a methodic examination of twenty years of nuclear negotiation with North Korea.⁷ Yun argues that there are in fact two strategies utilized by North Korea in the Six-Party Talks process: one is geared at creating a negotiation relationship with the United States, while the other is geared at seeking an “interim compromise” regarding the issue of nuclear weapons.⁸ One cannot fail to notice that in light of Pyongyang’s October 2006 missile test, it is indeed unlikely that North Korea would be ready, in the course of the Six-Party Talks, to abandon its nuclear program.

The complete, verifiable and irreversible dismantlement of North Korea’s nuclear weapons program and especially provisions put in place in the agreement reached during the fourth round of Six-Party Talks is the topic of Albright and Hinderstein’s report to the United States’ Institute of Peace.⁹ The report focuses on the September 19, 2005 agreement and looks at the implementation of the “progressive dismantlement” and especially how such dismantlement could eventually be verified. Issues of compliance to the Non Proliferation Treaty are also brought to the table, and the authors expose the fact that the “progressive dismantlement model recognizes the initial lack of trust among the parties,” but that the process allows “confidence building through the successful implementation of initial cooperative steps.”¹⁰ Albright and Hinderstein are optimistic that there actually is a worthwhile destination at the end of the journey, and that it can be reached through realistic steps that will most likely involve North Korea not fully dismantling its nuclear capabilities. The report also launches a discussion that is reminiscent of Choo’s institutionalization work, as the authors look at potential organizations that could act as enforcers of the various steps paving the way to dismantlement.

b. Why Should We Go “There?”

Apart from a process-led discussion on how it would be possible to get “there,” another strand of scholarship has been looking at the reasons why parties should keep on investing time and money into a process that does not yield instant gratification. But works such as that of Peter Van Ness posit that getting “there” is beneficial to a lot of parties, and thus outweighs potential costs. In a report published by the Nautilus Institute, Van Ness links the current North Korean

conundrum to other issues that have been of pressing importance to the United States, such as the rise of China, the U.S.-Japan security partnership as well as shortcomings of the Bush Doctrine.¹¹ Even though Van Ness argues that “getting there” is an important goal, he is not necessarily saying that as a destination, it is to every party’s liking. In essence, Van Ness argues that reaching a destination is better than driving into an unknown territory. Van Ness also insists that both the United States and North Korea need to be pressured by the other four parties, both because given Kim Jong Il’s outlook on the world, “it is possible that nothing the international community could offer would be sufficient for him to agree to give up his nuclear option”¹² and because the United States “probably does not have a military option with respect to North Korea.”¹³

The view that it more costly not to talk to North Korea than engaging into a conversation with Pyongyang is shared by Ted Galen Carpenter who argues that “the United States does not have the luxury of engaging only pleasant, democratic and tolerant governments.”¹⁴ Carpenter thus addresses the delicate topic of deciding whether or not to have a relationship with dangerous or alienated actors. This topic has been addressed by a few other scholars, notably Bertram Spector who argues that the inherent risk in negotiating with terrorists and with rogue states is smaller than is pursuing a no-negotiation policy.¹⁵ Spector also focuses on the need to address terrorists and rogues’ interests and intentions in order to find whether there might be reasonable grounds to enter into negotiations. His approach thus departs from a zero-sum approach and leans towards a more cooperative, enlarging-the-pie approach. This approach is also endorsed by Abba Eban, who argues that leaders have a duty to negotiate with villains, no matter how detestable they are, as leaders might be saving lives by doing so.¹⁶ Roger Fisher, William Ury and Bruce Patton also advocate talking and negotiating with villains not for ethical reasons, but because this is the only solution that is available to change a status quo.¹⁷ Carpenter, however, supports the idea that opening diplomatic relationships with North Korea would enable the United States not to rely anymore on go-betweens in order to receive information about Pyongyang such as when the United States had to ask Beijing for more precise information regarding the strength of a ballistic missile that North Korea wanted to test back in 2005. Carpenter goes even further, arguing that having official diplomatic relations with North Korea would mean, in all practicality, having an embassy located in Pyongyang and thus could “give the United States far greater opportunities for espionage.”¹⁸

Finally, another Quinones piece gives us another foray into the question of why being on the road is better than going nowhere.¹⁹ Quinones supports the idea that even though a destination has not been reached yet, a nuclear war has not been launched so far either. He also notes a change in North Korea’s attitude regarding its own goals, and points out that since forceful reunification with the South does not appear to be a top priority to North Korea, there might be an avenue for reaching, through the Six-Party Talks, a new destination: a potential North Korean modernization. However, Quinones also cautions about over-enthusiasm regarding this last point, as he notes, just like Pritchard that there still exist strong lines of conflict within the Bush administration between hardliners nourishing a strong distrust for Pyongyang, and more cooperation-minded policy-makers trying to nurture the Six-Party process and the goal of denuclearization of the Korean peninsula.

c. *But, What Is “There” Anyway?*

One can however wonder if the denuclearization of the Korean peninsula is still the real deal, the destination that parties have been trying to reach. Considering that North Korea has pledged several times in the past to freeze or dismantle its nuclear arsenal and given the fact that it has tested a nuclear device in October 2006, only a year after signing the September 19, 2005 statement of principles, one cannot help but be wary of Pyongyang’s intentions.

Extreme pessimism about the process is expressed by John Tkacik who criticizes the lack of any concrete steps or any precise language emanating from the Six-Party Talks.²⁰ Tkacik also addresses, to some extent, the question of negotiation cycles by saying that it is extremely important to pay attention to what follows an accord instead of just looking at the accord itself. Indeed, North Korea has been known to reinterpret agreements: for example, the first negotiations that took place between North Korea and the international community were held in 1953, when an Armistice was being brokered between the parties to the Korean War. Admiral C. Turner Joy contends that North Korea attempted to disturb the negotiations by attracting attention to peripheral incidents outside of the negotiation setting in order to delay progress in the hope of offering as little as possible, and interpreted and reinterpreted agreements in a different light than first agreed upon.²¹ Kim Do Tae also reaches similar conclusions regarding negotiations between North Korea and South Korea.²² He notes that negotiations often do not happen at the negotiation table, but rather outside of official settings, with North Korea trying to pursue an agenda that is often not reflected during the actual negotiations. Chuck Downs, analyzing events dating from the negotiations over the Korean Armistice in 1953 up to 1998 and the beginning of the breakdown of the Agreed Framework, identifies three temporal phases to the negotiations. First, North Korea negotiates with other parties until an agreement has been reached in principle. Then, North Korea considers the agreement and gives its own reading of it, which is often different from the initial agreement of principle. Finally, as parties reach a standoff linked to North Korea’s reinterpretation of the initial agreement, North Korea blames its negotiating counterparts for the failure of the talk.²³

Could North Korea be using the diplomatic vehicle in order to buy time to develop its own nuclear program while receiving monetary incentives for pretending to freeze it? One has to ponder North Korea’s considerations in protecting its sovereignty and ultimately ensuring its survival. Along those lines, Juergen Kleiner states that it is “unrealistic to assume that an agreement with the D.P.R.K. leadership could be reached without giving the country any assurances that it could continue to exist.”²⁴ Then, could there be an asymmetric understanding of roles and duties in the Six-Party talks? This seems highly probable and is exemplified by questions raised during the First Session of the One Hundred Ninth Congress Hearing before the Committee on International Relations. During a Q & A session between the Congress and Christopher Hill, Representative Lee from California raised the issue of consistency in assurance regarding denuclearization and the Six-Party Talks. Asking what type of access to verification North Korea would have regarding South Korea and the United States’ possession of nuclear weapons below the 38th parallel, Christopher Hill replied that North Korea has “a right to be sure that what we are saying is, in fact, truthful, and we will make sure that that is adequate” but that “we have not worked out how North Korea will accept that statement.”²⁵ It is thus clear that countries diverge on what denuclearization of the Korean peninsula means and to a larger degree, that parties are not yet seeing eye to eye on the Six-Party Talks processes, goals, and mechanics. Similarly, John S. Park conducted interviews with various experts and negotiators involved in the Korean peninsula security dilemma using a hypothetical three step approach to

implementation of a Six-Party agreement, and found that parties all have substantial divergent goals they are trying to achieve, even through discussions started from an identical scenario.²⁶ Economic topics are of importance to Russia as well to South Korea who is looking for a way to avoid the potentially high monetary cost of reunification. China, however, is more concerned about weapons and refugee issues. Japan, on the other hand, leans more towards the understanding that the process should bring security guarantees. As for the United States, it is looking for a renouncement of North Korea's nuclear program à la Libya.

To conclude, the Six-Party Talks has remained an object of divisiveness regarding whether the process is the appropriate vehicle to reach a destination that remains, to many, unknown. What is clear, however, is that several agreements, very similar in nature, have been reached thanks to the Six-Party Talks approach, despite extremely different understandings of situations and roles, clear power disparities, and seemingly hard-to-overcome crises such as North Korea testing its nuclear weapons. Could the Six-Party Talks herald the triumph of neoliberal institutionalism in East Asia? In *After Hegemony*, Robert O. Keohane delineated new principles that were a rebuttal to realism.²⁷ According to him, states will cooperate in spite of their competitive nature because they can, through the creation of institutions and regimes, achieve gains by reducing costs in international relations management. As such, Keohane's theory focuses on states that he presupposes rational actors in an anarchical world, and he hypothesizes that those actors will seek cooperation because they have specific common interests. In the end, states will benefit from mutual gains and a reduction in costs. Cooperation will be achieved through repeated interactions and a real understanding of the shadow of the future by which states know that cheating on an agreement could have strong repercussions in the future. Thus, the following section will present a comprehensive chronology of the journey that started sometime in 2003, and concluded in February 2007, at least temporarily, with a new accord. The chronology will be followed by a discussion regarding the presence or absence of staple features of neoliberal institutionalism (a state-centric anarchical world, rationality, the presence of cooperation and common interests, mutual gains and cost reduction, and understanding of the shadow of the future).

II. Chronology of the Process: a Four Year-Long Journey with No GPS.

The 2003 Trilateral Talks between the United States, North Korea and China were an attempt to restart the dialogue between Washington and Pyongyang after more than three years without any contact, following the 2001 terrorist attacks in New York City as well as North Korea's withdrawal from the N.P.T. Treaty.

The United States started to consider China as being a valuable partner then, as could influence North Korea to come to the negotiation table as well as exert pressure on Pyongyang. The Trilateral Talks led to the opening of a more comfortable framework of negotiations that sought to be comprehensive. Holding talks that would include the United States, North Korea, South Korea, China, Russia and Japan was a logical continuation to the Trilateral Talks, and could also manage to respond to Japan and South Korea's desires not to be bypassed when it came to the matter of Northeast Asia's security.

Following North Korea's withdrawal from the N.P.T as well as its declaration in 2003 that it had nuclear weapons, parties wanted to discuss a potential nuclear-free peninsula. Once at the negotiation table, however, parties found it hard to restrain the talks only to matters of nuclear weapons and nuclear energy. Rather, interests as well as old rivalry often took the upper-hand during the talks. In the end, a historical but short-lived accord was signed on September 19, 2005, providing for a nuclear-free peninsula along very similar lines to the now-defunct 1994 Agreed Framework.

a. Round One.

The Six-Party Talks process started to become publicly relevant when press outlets reported that Kim Jong-Il and Prime Minister Koizumi would meet on September 17, 2002 to discuss the possibility of a six-party summit.²⁸ Even though the report was rebuffed by the South Korea Foreign Ministry the same day,²⁹ Koizumi would later confirm that he had talked to Kim Jong-Il on September 17 regarding the potential meetings, that he “achieved as much as could have been expected”, and that Russian president Vladimir Putin had also given him his support, over the phone, for a Six-Party Talks proposal.³⁰ However, it was not until August 2003 that North Korea would accept taking part in the six-country talks. George W. Bush would hear about the news through President Hu Jintao. At the same time in Tokyo however, John Bolton, the U.S. Undersecretary of State for Arms Control described Kim Jong-Il as a dictator, blackmailer and extortionist.³¹ Following the incident, North Korea stated it would not have any dialogue with John Bolton but that it would still participate in the Six-Party Talks.³² Later that month, Japanese ambassador to Russia Nomura Issei and Russian foreign deputy Alexander Losyukov held consultations in Moscow about the status of the Korean peninsula,³³ but prior to the start of the Six-Party negotiations, Losyukov would assess the chances to reach an agreement at the talks as very weak.³⁴ In preparation for the talks, Wang Yi, head of the Chinese delegation, held individual pre-conferences with Alexander Losyukov, James Kelly, Yi Su-hyok and Mitohi Yubanaka, heads of the Russian, American, South Korean and Japanese delegations during the later part of August³⁵

Finally, the talks opened in Beijing on August 27, 2003, with parties seating around hexagonal tables and in alphabetical order.³⁶ During an informal bilateral exchange with Pyongyang, James Kelly promised North Korea that the United States had no intention of invading North Korea, reiterating instead Washington’s will to see a termination of North Korea’s nuclear weapons program.³⁷ Later on, however, Washington would play down the significance of this bilateral exchange with Pyongyang.³⁸

With North Korea sitting right next to the United States, Washington also stressed the importance of Pyongyang’s dismantling its nuclear weapons first which North Korea considered preposterous,³⁹ while Pyongyang insisted on having Washington sign a legally binding treaty of nonaggression and reminding Washington not to obstruct Korean trade with other countries. Other grievances also included Japan asking North Korea to settle the issue of missile testing as well as the abductees’ question⁴⁰, but were met by North Korea’s insistence that Japan had also broken its promise to send back five abductees who had been granted permission to visit Japan in order to be reunited with their families.⁴¹

After general meetings in the morning, parties broke into groups in the afternoon and held bilateral meetings.⁴² North Korea met with Japan, and both parties discussed nuclear arms as well as the abductees' issue.⁴³ However, U.S. envoy James Kelly reportedly left the venue more than two hours earlier than the North Korean negotiators.⁴⁴ North Korea also stated that it would give up its nuclear ambition in return for fuel supplies, and in exchange for building the reactors that were promised to Pyongyang by the Agreed Framework.⁴⁵ The proposal presented four points: that the U.S. signs a non-aggression treaty, that North Korea receives guarantees of economic aid from Japan and Korea, that the Agreed Framework terms is completed, and finally that North Korea would in return not manufacture nuclear weapons anymore.⁴⁶ North Korea also held meetings with South Korea but because of translation difficulties, Pyongyang had to ask for South Korea's help in order to fully understand the United States' keynote speech.⁴⁷ Finally, North Korea's Deputy Foreign Minister Kim Yong Il responded to Mr. Kelly's rejection of a nonaggression pact by saying that North Korea would formally declare that it has nuclear weapons.⁴⁸

The talks ended with an agreement to meet again within two months but no date and no venue were set.⁴⁹ China said that parties had reached a six-point consensus: 1) a nuclear-free peninsula was desired, 2) parties agreed to explore avenues to resolve the problem of nuclear weapons with reasonable and just means, 3) parties wanted to continue dialogue, 4) peaceful means should be employed to overcome difficulties, 5) negotiations should be free of damaging actions and 6) the Six-Party Talks should be held again.⁵⁰

Commenting on the talks, State Department spokeswoman Jo-Anne Prokopowicz declared that the United States would not cede to blackmail in response to North Korea's threat to declare itself as a nuclear power.⁵¹ The White House also cautioned that it had not yet seen a written copy of what North Korea had said regarding nuclear weapons, and thus insisted that it did not consider North Korea's behavior as anything different from its usual blackmailing tactics, even though at some point during the negotiation, North Korea expressed doubts on whether the talks should go on.⁵² The Russian government went on saying that at some point, a statement was to be released to the media regarding a potential date for the future talks, but that great problems still remained.⁵³ South Korea appeared satisfied with the talks and Seoul's Vice Foreign minister recognized that delegates shared the view that a solution should be tackled through a package of incentives that would be simultaneous and gradual.⁵⁴ South Korea also set out to keep on furnishing economic aid to North Korea for compatriotic and humanitarian reasons.⁵⁵ Japan appeared satisfied with the talks, but expressed regret that the issue of the abductees could not be resolved.⁵⁶ Japan also expressed its gratitude toward the United States for raising the issue of the abductees.⁵⁷

During a high-profile visit to North Korea by the Chinese leader of the Parliament in late October of the same year, North Korea apparently agreed to resume the Six-Party Talks.⁵⁸ A joint statement issued in December 2003 by the Chinese and North Korean government would underline the importance of a second round of talks.⁵⁹

b. Round Two.

Later in February, on the eve of the second round of Six-Party Talks, Russia and China held a special consultation about the talks. Russia also held separate consultations with North

Korea and South Korea⁶⁰, making the two Koreas' consultation with Russia a first in the history of bilateral pre-talk meetings.⁶¹

As the talks started on February 25, 2004, parties were seated around a hexagonal table and in alphabetical order, an arrangement similar to the previous round of Six-Party Talks.⁶² The talks did not have a fixed end date.⁶³ The first morning of negotiations went past the official adjourn time of 12:30 pm⁶⁴ and during the session, the issue of economic aid to North Korea was mentioned.⁶⁵ China was reportedly pushing participants to issue a written statement at the conclusion of the talk and to establish working groups. The United States, backed by South Korea and Japan, stuck to its hard line that it would not agree to detailed negotiations as long as Pyongyang did not commit to a complete, verifiable and irreversible dismantlement of its nuclear program.⁶⁶ In order to move forward, South Korea decided to bring a three-step approach to the table. In step one, North Korea would express its willingness to dismantle its program in exchange for other countries to stop threatening North Korea with their military arsenal. In step two, corresponding measures would be taken by relevant countries, and those measures would mostly entails the giving of incentive packages to Pyongyang. In step three, other issues besides nuclear ones would be negotiated on.⁶⁷

The following day, the South Korean offer of compensation was carefully reviewed during the talks, as step one and two were especially being discussed.⁶⁸ However, after North Korea put an offer of nuclear disarmament on the table, it accused the United States of trying to block progress. Following the incident, North Korea's embassy in Seoul called a press conference and lambasted Washington.⁶⁹ Then, the United States was apparently on the verge of leaving the talks, if North Korea did not make a move. It also appeared that North Korea was trying to retain part of its nuclear activity as a peaceful capability and Russia was reportedly understanding of the North's position of not wanting to give up more than its nuclear defense program.⁷⁰ The parties then tried to work on a draft of an agreement, and each party was to submit its own draft. The Chinese draft, however, did not include the full, irreversible, and verifiable elimination of North Korea's nuclear facilities.⁷¹

The parties agreed to extend the talks by one day, in order to settle their differences. They later agreed on a joint statement that would be issued at the end of the talks, thus showing some form of consensus.⁷² The final statement, while citing some differences, also showed understanding of mutual positions, the willingness to coexist peacefully, plans for meeting again in Beijing no later than the end of the second quarter of 2004, and the setting up of a working group in preparation for the plenary. The United States expressed its interest in the unprecedented dialogue that had taken place and also reasserted the need for parties to agree to the complete, verifiable and irreversible dismantlement (coined 'C.V.I.D.') of North Korea's nuclear weapons. The United States also recognized the mood of the talks as being much more relaxed than during the previous rounds, and acknowledged China's role as not only a participant, but as a mediator and facilitator.⁷³ The closing ceremony was however delayed as North Korea was working on trying to include a last clause in the statement⁷⁴ which Japan and the United States refused.⁷⁵ China cited the difference as being only a wording question⁷⁶, but stated that despite the fact that North Korea and the United States had met twice for about an hour each time, strong differences still remained.⁷⁷

c. Round Three.

Later in March and upon returning from a three-day trip to North Korea, Chinese Foreign Minister Li Zhaoxing announced that following his ninety-minute meeting with Kim Jong Il North Korea was ready for a new round of Six-Party Talks⁷⁸. In early April, China submitted a draft regarding setting up work meetings for the Six-Party Talks, and the draft was accepted by all parties.⁷⁹ Responding to skepticism regarding the whole process, Colin Powell pushed aside the idea that it would not be feasible to go ahead with Six-Party Talks before the November 2 American presidential elections.⁸⁰

In mid May, working talks began in Beijing and North Korea broached the possibility of letting inspectors visit the nuclear facility as a first step towards dismantling the installation, after the United States demanded C.V.I.D. North Korea, represented by Ri Gun, also expressed its unchanged position on economic aid as compensation for allowing site inspection.⁸¹

South Korea later expressed its pessimism about holding a new round of talks soon, mostly because of other diplomatic schedules that parties had to follow. It also declared that it was working on an alternate terminology to the United States' C.V.I.D. as North Korea was strongly resisting such wording.⁸²

In June, the United States, Japan and South Korea held policy coordination meetings in order to prepare for the Six-Party Talks that could potentially start on June 23.⁸³ On June 21, two days of working-level Six-Party Talks started, and North Korea offered to present a clear roadmap for freezing up its installations.⁸⁴ The United States also proposed a new but highly conditional plan to North Korea, offering energy rewards in steps so that North Korea would freeze its nuclear program in a three-month period. North Korea was said to be studying the American proposal.⁸⁵

Later on, North Korea disclosed the details of its own "freeze-for-compensation" program, which included a demand for 2 million tons of energy a year, the removal of its name from Washington's list of terrorism-sponsoring states, and the lifting of all sanctions imposed over the years.⁸⁶ North Korea also held bilateral talks with the United States and apparently renewed its threat to conduct nuclear weapons tests before then holding talks with China. The closing ceremony was then cancelled.⁸⁷ Parties agreed to meet again and abide by the work of the working groups. The United States said it would look into the North Korea "freeze" proposal, and all parties agreed on the principle of "word for word" and "actions for actions", meaning a progressive approach that would be sequential in nature and whereby one party would commit to an action and being met by a similar commitment from its counterpart to then progress to the implementation of the commitment on both sides. North Korea was also pleased that the United States did not use the term C.V.I.D. again.⁸⁸ The United States also stated that it had set no deadline for North Korea to respond to its proposal.⁸⁹

d. Round Four.

In late July 2004, China proposed holding working group meetings from August 11 to August 14, prior to the start of the fourth round of Six-Party Talks⁹⁰ but later in August, North Korea backtracked from all agreements and common understandings reached during round three of the Six-Party Talks in response to supposed verbal attacks from George W. Bush.⁹¹ Difficulties in setting up new meetings were acknowledged by China as well.⁹² Subsequent problems also arose as South Korea conducted nuclear activities (South Korea had enriched uranium in 2000 and though Seoul had claimed that it was only developing experiments out of

scientific curiosity, the experiments could still technically be considered a violation of N.P.T. provisions).⁹³ North Korea then accused the United States of maintaining a double standard over the denuclearization of the Korean peninsula.⁹⁴

After almost a year of negotiation stalemate, the European Parliament decided to send in June 2005 a delegation to North Korea to urge Pyongyang to get back to the negotiation table. North Korea later stated it was willing to rejoin the Six-Party Talks if the United States recognized and respected Pyongyang as a regime.⁹⁵ The K.C.N.A. announced that North Korea's vice foreign minister has agreed with U.S. Assistant Secretary of State Christopher Hill to hold six-nation talks the last week of July.⁹⁶ Washington, however, wanted to change the format of the Six-Party Talks to allow time for extended negotiations without having a fixed set of days.⁹⁷

North Korea and South Korea met in Beijing, a day ahead of the Six-Party Talks' late July start date.⁹⁸ During the negotiations, several rounds of one-on-one meeting were scheduled between the United States and North Korea⁹⁹ and both parties apparently reached an understanding of what "denuclearization of the peninsula" meant.¹⁰⁰ Parties concluded their meeting by agreeing to have discussions on a joint document as Japan called for the inclusion of a clause regarding human rights issues.¹⁰¹ Ending twelve hours of work, U.S. delegation head Christopher Hill said there had been no breakthroughs regarding the drafting process of a joint document, and that it would take many more days to reach a conclusion to the talks.¹⁰² The ball seemed to be in North Korea's camp as parties waited for Pyongyang to make a real decision regarding its nuclear program.¹⁰³ After more than thirteen days of talks, the negotiators then decided to take a three-week break from the discussions. Reconvene date for the negotiations were set for August 29.¹⁰⁴

In the meantime, Song Min-Soon, South Korea's chief envoy to the talks and despite his closeness with Christopher Hill, blamed the United States as much as North Korea for making it difficult to reach an agreement at the talks.¹⁰⁵ South Korea asserted that North Korea did not specifically call for a provision regarding light-water reactors during the talks, but that Pyongyang stated it wanted to have access to peaceful nuclear activities.¹⁰⁶ A South Korean official also stated that North Korea should have access to peaceful nuclear energy, therefore creating a rift between Seoul and Washington.¹⁰⁷

In mid August, Christopher Hill sent a message to North Korea through the New York diplomatic channels, in an effort to "stay in touch" with Pyongyang during the talk recess. Washington also hoped for discussion with North Korea ahead of the official resumption of the talks.¹⁰⁸ The United States then named a U.S. special envoy on human rights for North Korea, but denied that this move was intended to put pressure on North Korea. Christopher Hill commented that he had raised the human rights issue during the last round of talks in Beijing.¹⁰⁹

On August 30, North Korea cited U.S.-South Korea joint military drill as delaying the resumption of the Six-Party Talks, but said negotiations could possibly get back to the negotiation table on September 12.¹¹⁰ In the meantime, China's director general of arms control Whang Yan backed North Korea's right to peaceful nuclear energy once it dismantled its weapons and returned to the N.P.T.¹¹¹

On September 12, 2005, bilateral meetings conducted between North Korea and the United States during the recess failed to bring parties closer, as North Korea wanted the right to possess nuclear energy, and also asked for resources. South Korea offered to replace the intended energy supply of the generator by electricity coming from the South.¹¹² However, North Korea stuck to its claim of peaceful nuclear energy.¹¹³ China cited lack of trust between North Korea and the United States as being one of the most important hurdles to overcome.¹¹⁴ Talks then deadlocked over the fourth version of a draft proposed by China that did not mention the provision of a light-water reactor to North Korea.¹¹⁵ As he was leaving the negotiations to go back to his hotel, Christopher Hill stated that North Korea was not really interested in energy but was more concerned with getting a “trophy” reactor.¹¹⁶ The United States also held out the threat of freezing some of North Korea’s assets if there was no breakthrough at the talks during the next five days.¹¹⁷

Finally, on September 19, 2005, parties agreed to a statement that was then officially released, in which North Korea agreed to drop its nuclear program.¹¹⁸ The agreement stated that North Korea had the right to a peaceful nuclear energy program and that a potential light-water reactor could be discussed later on. The United States also stated that it had no intention of invading North Korea. All six nations agreed to promote cooperation in the fields of energy, trade and investment.¹¹⁹ The next day, however, North Korea said that it would not abandon its nuclear program until it received a light-water nuclear reactor for energy production, thus rescinding its agreement to the statement released by the six-party nations the day before.¹²⁰

e. Round Five.

In an effort to restart the Six-Party Talks after the controversies that occurred after the signature of the September 19 agreement, Christopher Hill stated that he would willing to travel to North Korea as long as American interests would not be compromised by such a visit.¹²¹ Later in the month of October, Senator Richardson said, following a personal conversation with North Korean officials, that Pyongyang was willing to attend the new round of Six-Party Talks planed for November without any preconditions. North Korean officials also said they were willing to comply with the I.A.E.A. and were willing to consider discussions regarding inspections.¹²²

A few days ahead of the new round of talks, Christopher Hill restated the United States position that North Korea had to allow inspectors in return for a light-water reactor.¹²³ At the same time, however, North Korea stated that President Bush’s earlier derogatory comment (calling Kim Jong-Il a “tyrant”) was not conducive to the spirit of the Six-Party Talks.¹²⁴

The talks lasted only a few days as recess came after North Korea asked for the lifting of American economic sanctions.¹²⁵ According to other reports, North Korea had also proposed a five-step plan to abandon its nuclear program as well as delay atomic testing, but such plan was apparently not well received in Washington because it involved North Korea receiving compensation for a potential freeze.¹²⁶ Condoleezza Rice also stated that North Korea was responsible for staling talks, saying that Pyongyang had to bring a “different attitude and different approach” to subsequent rounds of talks.¹²⁷

Following the talks, North Korea blamed the United States for its resistance to the removal of economic sanctions.¹²⁸ Even with Kim Jong Il secretly visiting China and pledging North Korea’s commitment to the talks, no new development regarding the Six-Party Talks occurred for the next few months.¹²⁹ Top envoys met in April for an academic conference

regarding international security¹³⁰ and North Korea issued an invitation in June for Christopher Hill to visit Pyongyang. The invitation, however, was declined by the United States which stated that it would not “engage in bilateral negotiations with the government of North Korea”.¹³¹ President Bush kept on restating his dislike for bilateral negotiations with North Korea through the summer, explaining that other parties had to come to the table as well.¹³² Talk resumption appeared even more improbable as the summer drew to an end, with North Korea restating that no Six-Party Talks meeting would even take place unless the United States were to remove financial sanctions imposed on Pyongyang the previous year.¹³³

After North Korea tested its nuclear weapons early October, President Bush rejected once again calls for bilateral negotiations with Pyongyang¹³⁴ while Condoleezza Rice tried to build support for Asian leaders to help the United States get back on the diplomatic field.¹³⁵ The diplomatic process seemed to be revitalized when North Korea, following a meeting Beijing with the United States appeared ready to join the Six Party Talks again.¹³⁶ Other nations, however, expressed concerns regarding North Korea’s credibility in abandoning its nuclear program only a few weeks after it tested a nuclear weapon.¹³⁷ Subsequent talks occurred following American economic and energy assistance pledge to North Korea¹³⁸ but further progress was hampered by Pyongyang defending its rights as a nuclear power.¹³⁹ At the end of the talks, it appeared that the North Korean negotiating team did not have the backing of the Kim administration to go beyond discussing economic matters.¹⁴⁰

The third phase of the fifth round of the Six-Party Talks started on February 8, 2007 in Beijing. Bilateral meetings were held ahead of the talks by China as well as other by other parties.¹⁴¹ The talks opened without any fixed end-date¹⁴² and China circulated a draft that would be discussed bilaterally between parties. The draft included a proposal to stop nuclear sites in North Korea within two months, as well as the provision of energy to North Korea.¹⁴³ Discussions about methods and amount seemed to remain a strong bone of contention between the parties as North Korea made economic demands qualified as “outrageous” by the United States.¹⁴⁴ Parties decided to give the talks a last day of negotiation in order to try to solve the question of economic compensations requested by North Korea in exchange for shutting down its nuclear facilities.¹⁴⁵ Additional bilateral meetings were subsequently held, thus prolonging the negotiations for a few more days.¹⁴⁶ A tentative agreement was finalized on February 12, and provided for North Korea shutting down and sealing Yongbyon within two months, while other parties would be giving Pyongyang compensatory sources of energy.¹⁴⁷ The agreement also called for a normalization of relationship between the United States and North Korea, a removal of North Korea’s name from the list of states Washington considers to be terror-sponsoring regimes (though no deadline was set for such a removal), as well as a promise to meet on March 19 for a new round of talks.¹⁴⁸ North Korea would ultimately not meet the April deadline for shutting down its reactor. After the release of North Korean funds from the Banco Delta Asia in Macao, North Korea announced on July 14, 2007 that it had closed its Yongbyon facility, which was later confirmed by I.A.E.A. inspectors¹⁴⁹. A few weeks after the Six-Party Talks held a new late-July meeting, North Korea was struck by disastrous floods, and appealed to the international community for help¹⁵⁰.

f. Could the Six-Party Talks be a Neo-liberal Institution?

Upon looking closely at the events that have occurred under the Six-Party Talks' multiple rounds, it is hard to consider the talks as being a true example of a neoliberal institution. States have clearly been the main agenda settlers, and there has been very little interference in the process from non-state actors such as N.G.Os for example. The anarchical nature of the world, however, seems to be quite obvious as no higher power has been able to order and influence various parties during the process, while the idea that states involved in the Six-Party Talks are rational is also debatable. It seems rational that North Korea would follow the guidelines implemented by various Six-Party Talks agreements if it had a clear fear that not complying would lead to dangerous outcomes. However, there are clear cases of Pyongyang reneging on its promises, and even though one would label such action as being irrational in light of potential consequences, North Korea today is a nuclear power, and is rather stronger than during the mid-90s.

Are there evidences regarding cooperation? This question leads to a mitigated answer as well: there has been cooperation in terms of meeting for various rounds, and parties working together to draft agreements. However, there is a lack of cooperation in implementing such decisions. Common interests, however, are clearly established: North Korea is interested in a non-aggression treaty with the United States, and Washington has stated it had no intention of invading North Korea as well. Common interests have therefore been identified in the sense that all parties are seeking a "peaceful" solution to the problem of nuclear proliferation. However, mutual gains have not been obvious: North Korea has managed to test its nuclear weapons despite various rounds of talks, and no tangible and implementable solution has been found to denuclearize the peninsula. Hence, it is difficult to see any cost-reduction, since most parties besides North Korea still bear the costs of providing incentives for Pyongyang to stay on board. Perhaps the most important factor is that parties have not been able to crystallize a clear and credible vision of the shadow of the future, and of what would happen if North Korea, or other parties, did not hold on to their side of the bargain. Parties have been defecting from agreements for several years, yet no clear consequences have been seen.

It is therefore doubtful to consider the Six-Party Talks as a full-fledged institution. In this sense, the process seems too young, and prospects for cost reduction, common interest and mutual gains are not easy to quantify. So if the Six-Party Talks is not really an institution, what is it? Because the Six Party process is not yet fully efficient and encompassing does not mean that it is worthless. It is therefore important to keep on examining the process in order to see whether it is en route to becoming a valuable institution.

III. Anywhere but Nowhere.

When looking closely at the negotiation relationship between the various states taking part in the Six-Party Talks, one can easily notice the change that has occurred between earlier rounds of talks to the latest agreement signed in February 2007. Parties have become accustomed to negotiation process and have accepted it as an integral part of their foreign policy: this is showed by the continuous pattern of interaction that has taken place even between rounds of negotiation. Moreover, changes have occurred at the structural level: the distribution of power

has shifted between actors, and preferences also seemed to have been modified as a result. Finally, results have materialized themselves through agreement-drafting.

a. Who Wants a Ride?

The Six-Party Talks is a very different type of negotiation structure than previous bilateral and multilateral encounters between and among North Korea, the United States, and other regional powers. Since Kim Jong-Il's 1994 accession to power, many events have been shaping the relationship between these different powers. At the beginning of the Six-Party Talks in 2003, hopes to salvage the 1994 Agreed Framework were rather small, and parties seemed to have learned from the Four-Party Talks not to create too broad an agenda. From the onset of the Six-Party Talks, however, several factors influenced the talks. First, the addition of Russia and Japan, while logical given the security environment in the region, did not bring as much impetus as was expected. Russia's role was rather negligible and Japan's participation did not help improve the situation. Because Japan stuck to nationalistic goals during the talks, namely bringing to the table the issue of Japanese who were abducted by North Korea thirty years earlier, Japan exacerbated the discussions. The talks may have gone more smoothly if they had been limited to the already complex issue of nuclear weapons. It also seems that parties did not gain much consensus on ideas, and at some point, also constituted different poles of interests: it seemed rather impossible to see parties agreeing on a specific destination, on which road to take, and on when to stop for a break. As a point in time, China and South Korea did support the idea that North Korea should be allowed to have a peaceful nuclear energy program, while the United States and Japan jointly opposed it.

Lack of unity within negotiating teams during the negotiations also played an important role. This was especially true for the United States. The first three rounds of negotiations proved themselves relatively fruitless until a breakthrough was achieved in the summer of 2005. When looking at the constitution of the U.S. team, it is interesting to note a sharp change of attitude between the two Bush terms. During the first term, Colin Powell was coupled with James Kelly as a negotiator, but it seems that because of the tense relationship between President Bush and Powell, Powell was not empowered, and the United States negotiation team, as a result, did not have any leeway in the negotiations. During the second Bush term, however, Condoleezza Rice, coupled with Christopher Hill, achieved much more than did the previous teams. This was most likely because of Rice's closeness to George Bush who trusted her choices when dealing with foreign affairs. A split is also apparent in North Korea, especially regarding the military and the decision-making organs. At some point, North Korea's request that negotiation-related documents not be released for fear that its military might get a hold of them is telling.

Another important point during the Six-Party Talks was the willingness of the players to try a different approach to the negotiations. The Six-Party Talks' first round was also very successful because the small group format that was agreed upon enabled discussion, but the tight timeline made it difficult for parties to consider the draft statement that China had put on the table. The United States' negotiators had to get approval from Washington on some issues, and North Korean delegates also needed Kim Jong-Il's approval. Parties, including China, realized that time zones made it difficult for negotiations to follow a "natural course", and this led to a change in format and the fourth open-ended round in which parties benefited from much more time.¹⁵¹ During the summer of 2005, participants decided to make the negotiation an open-ended

process. Not having a fixed number of days designated to reach an agreement, parties changed the structure of the negotiations from a multi-round negotiation to a system much more similar to negotiations opened in response to a sudden crisis. The change in approach was accompanied by a change in the participants' mindset. Instead of coming to the negotiations for a given period of time and then planning on leaving on a fixed date, participants now operated with a heightened commitment to the process and a willingness to stay as long as it would take to find agreement.

b. Sharing the Driver's Seat.

However, the most important trait of the Six-Party Talks was the power shift that took place between the United States and China. During the previous decade, China had not been as involved in the Korean peninsula's affairs as now, probably because China was still not considered so much of a power or opened up to Western values, especially capitalism. By 2000, China distanced itself from North Korea and its accession to the W.T.O. and to global markets helped its image change from that of a dangerous enemy at the beginning of the Cold War to more of a partner to the United States nowadays. Starting during the Four-Party Talks, and after, during the Trilateral Talks and Six-Party Talks, China was the main driver that managed to bring North Korea back to the negotiation table after each round of negotiations. One can wonder, however, whether China was using North Korea as a pawn to protect itself from the United States, or whether China was extremely concerned and worried about a rogue North Korea and what would happen if North Korea collapsed according to a hard-landing schema. Ultimately, the United States has accepted China's larger role, recognizing that East Asian nations would step up to the plate to take care of their own destiny. While such a situation might not have been desirable for the United States at the beginning of Kim Jong-Il's reign, it is now almost a desirable and logical development, considering the United States commitment to and difficulties in the Middle East.

The United States has also been faced with dwindling support from South Korea. Because of the change of attitude the United States displayed after the 2001 terrorist attacks, the United States entered into a "no talk" posture with North Korea. This policy was, however, not followed by South Korea which kept on having ministerial talks in order to pacify North Korea in the absence of American diplomacy.¹⁵² This South Korean attitude was a function of several factors that included a rising antagonism by younger generations of South Koreans toward the role of the United States in a potential peace process for the Korean peninsula. Some have expressed the idea that the United States is not as concerned about nuclear weapons over the peninsula as it is worried about its loss of global hegemony, especially considering the rise of China.

The United States, however, took another fork in the road in 2003 with the War in Iraq that has, once more, derailed the process of coming to a negotiated solution to issues faced by the Korean peninsula. The United States' attention has been almost exclusively focused on the issue of Iraq, and many American government officials dealing with war and peace issues, when asked questions by the press regarding the North Korean situation, gave answers that clearly indicated that they had not been following developments regarding the Korean peninsula.¹⁵³ It is thus possible to conclude that the North Korean issue was far from being at the top of the list of American priorities, as it probably spent more than ninety percents of its time dealing with the issues of Iraq and Afghanistan, as well as the rest of its time on issues such as Taiwan, Darfur,

Cuba, and North Korea, thus destroying North Korea's vision that Washington is thinking about the Dear Leader night and day.¹⁵⁴

c. North Korea: Getting a Learner's Permit

North Korea also took a more active and serious role in the negotiations. It did not negotiate its participation in the talks as much as it had done in the past. Regarding its negotiation strategy, North Korea placed a great weight on the importance of face. North Korea continued to demand respect and refused to pursue talks with John Bolton after he used very harsh language to talk about North Korea. Pyongyang was also extremely unhappy with the term C.V.I.D., "complete, verifiable, irreversible dismantlement" used to abbreviate what the United States wanted to achieve during these negotiations regarding North Korea's nuclear weapons. The term C.V.I.D. became a contentious issue for North Korea which refused to use the term and also refused to permit the United States to use it. After the United States finally abandoned the phrase, North Korea was much more disposed to resume serious negotiations. Thus, while no tangible gains were achieved throughout the negotiations, North Korea did not suffer while negotiating. It also managed to impose some of its vision regarding how the relationship should be conducted and how Pyongyang should be treated in the international system.

North Korea also strategized about its participation in international negotiation rounds, when it realized that a deal with the first Bush administration would be very unlikely given the administration's attitude regarding the Agreed Framework, the hardening of Washington's stance regarding terrorism and pariah states following the September 11, 2001 attacks, the January 2002 Axis of Evil Speech, and the March 2003 military action in Iraq. Because North Korea has become more sophisticated and knowledgeable about the world, it was keenly aware of the United States' election cycles, and was hoping that John Kerry would win the 2004 Presidential election. However, because of the way North Korea managed to diversify its support, thanks to China and South Korea's willingness to foot almost any bill in an effort to pacify the situation as well as to replace the United States in its absence of involvement in the Korean peninsula, Pyongyang has developed a capacity to wait for events to take a more favorable turn. Just as China and South Korea became substitutes for non-governmental organizations bringing relief to North Korea in the 1990s, North Korea has been waiting to engage in any meaningful agreement until the next American administration replaces President Bush's.¹⁵⁵ The second Bush administration has, however, been more flexible, especially because as the war in Iraq has created a lot of strains on the United States, the prospect of holding negotiations with North Korea along with other important players was viewed positively by the United States. It is debatable whether or not the Iraq war has hardened or softened North Korea's position in international negotiations. The level of force used for the war showed a very aggressive United States. North Korea was not expecting such a display of strength but Pyongyang also got reassured that the United States, because of the current difficulty that its military is facing in Iraq, will not be able to be involved in a second conventional invasion.¹⁵⁶ Thus, North Korea might now see holding negotiations simply as a way to gain time until an American administration change. The United States, however, has tried to raise new issues beside nuclear weapons, focusing on North Korea's human rights and counterfeiting, for example.¹⁵⁷ By many accounts, however, the issue of counterfeiting was far from being new. The amount of money that had actually been involved in the illegal trafficking was not much, and there surely were issues of more pressing importance such as that of nuclear weapons on the peninsula.¹⁵⁸ Thus, it

seems that the Bush Administration has had a hard time controlling its policy and its focus regarding North Korea, and that both Washington and Pyongyang have settled for a similar approach, waiting the other one out. Because of this mindset, few meaningful steps have been taken regarding resolution of issues, and both parties have engaged in a new game structure with rounds largely dictated by China.

During the process, North Korean negotiators have also become well-regarded, well-recognized, and well-qualified. Initial impressions of American negotiators during negotiations suggest that North Korean negotiators are intelligent diplomats who are also very well-informed¹⁵⁹ as well as keen on analyzing the negotiation, even though it is uncertain whether they actually “game” the negotiations.¹⁶⁰ North Korean negotiation delegations are often composed of five or six people, with some that are not critical to the negotiation, and a few that are usually key actors, such as Kim Gye-Gwan.¹⁶¹ North Korean diplomats are also recognized for their love of the diplomatic game, for being quite personable, as well as for their frankness, as in the case of the Six-Party Talks where American diplomats reported that they never felt that North Korean diplomats were lying unless they had explicitly been told to do so by the North Korean regime.¹⁶² South Korean diplomats also note the way North Korean counterparts try to show their sincerity and commitment to their country’s official line of conduct and position on issues when talks are in session, but that they can become extremely candid and honest about the reality of the North Korean situation when in private settings.¹⁶³

d. An Uncertain Destination.

Reaching an agreement with North Korea, however, will depend on several factors. First, there is a clear need to identify where each party would like to go. The United States’ priorities seem to be monetary concerns, military power, and prestige on the international scene while North Korea tends to go for prestige first, then power, and then money. The Clinton Administration was willing to give North Korea face, to recognize a normalization of relations, to refrain from using language that was too aggressive, and to utilize titles in conversation that North Korea preferred. The Bush Administration, however, influenced by a different strategic climate and a different understanding of its own security, was not willing to give North Korea face as it wanted to confront Pyongyang with the issue of human rights. To some extent, the United States also abandoned faith in North Korea regarding confidence-building institutions such as the Non Proliferation Treaty and the Agreed Framework.¹⁶⁴ Second, negotiations with North Korea have been largely influenced by the type of forum that was provided for the talks. Over the past fifteen years, several formats have been tested, some with more success than others. The Six-Party Talks are the most comprehensive model of talks that have occurred between the parties. Previous rounds of negotiations have been heavily influenced by timelines and the question of whether negotiations should have an open-ended structure, such as was the case with the Six-Party Talks’ fourth round. There is a normal rhythm, a sort of evolution that takes place during negotiations. Everybody comes and presents their opening positions, communicates back and forth to their capital, and then has some time to reformulate their positions. Some argue that a natural bilateral negotiation process on a substantial issue like North Korean development of nuclear weapons would take anywhere from five to ten days.¹⁶⁵ The Six-Party Talks departed from the usual format in which the United States was trying to put artificial deadlines on negotiating sessions in order to make North Korea come to their bottom line faster.¹⁶⁶ The Six-Party Talks also embodied a clear pursuit of multilateral efforts that had been initiated during the Four-Party Talks and highlighted China’s efforts to bring about a new round

of talks using the Beijing Trilateral forum. The United States seemed to have drawn lessons from the 1994 nuclear crisis, where the process of negotiation was not an open one. The United States has therefore been trying to reach formats that include more than just North Korean and American negotiators in one room, in order to avoid being blamed by North Korea if there is no agreement reached at the end of the day. However, such a structure backfired at the United States: the Six-Party Talks was a forum designed to bring a coalition of five countries (the United States, South Korea, China, Japan and Russia) against one (North Korea). However, China and South Korea have largely supported the idea of appeasing North Korea by basically agreeing that North Korea should be allowed peaceful nuclear energy facilities, while Russia has largely stayed outside of the debate, and Japan alienated itself by pressing the issue of abductees with North Korea, leaving the United States rather alone in the process.¹⁶⁷

Conclusion: Being on Board Beats Running Behind.

The Six-Party Talks process has now been in place for four years. It thus has outlived any other bilateral or multilateral process involving North Korea, with the exception of North Korea - South Korea bilateral relationship. When looking at various events that have occurred since 2003 during the negotiations, it is clear that parties have entered a different phase in the process. For one, North Korea has abandoned its patterns of negotiating its participation to the forum, and has also relinquished calling for Japan's withdrawal from the negotiations as well. Other parties have also accepted explicit and implicit rules regarding the talks: parties are devoting an expert staff to the process, parties keep close contact with one another and also schedule bilateral meetings prior to plenary sessions, working groups have been put in place in order to increase the efficiency of the process during plenary negotiations, and parties have accepted the fact that certain countries will endorse specific roles during the talks (Such as China acting as a secretary when drafting resolutions, for example). In essence, the Six-Party Talks process has been accepted by its participants as well as by the international community as an existing entity, even through it is still too embryonic at this point to be called an institution. What is also of high importance, is that North Korea has accepted the "rules of the game" when it comes to participating in the Six-Party Talks, and it has seldom used tactics to delay the talks, thus departing from the behavior it had used for the previous decade of negotiation episodes.

The Six-Party Talks process has therefore moved to a second phase: long gone are the uncertainties about getting on the road. Now is the time to discuss the directions that the trip will take, and this has materialized itself through agreement-drafting since September 2005. Tangible results have been achieved in the sense that parties have been able to codify some of their demands into a written text clearly exposed to every Six-Party Talks participant. Even through we are still very far from ratification, implementation and enforcement, the fact that parties have moved from mere discussions to actual drafting and signing onto agreement is in itself a victory.

Does this help us understand why agreements appear to keep on repeating themselves rounds after rounds? Yes. Just as it takes time for someone to learn how to drive, it takes time for parties to understand the inner mechanics of the negotiation instrument they have created. The fact that North Korea is considering the process as something important enough that it wants to be a part of it is in itself a victory. Likely, the fact that the United States has been maintaining

bilateral relationships with North Korea, though always shy of entering into official diplomatic relation with Pyongyang is also a step forward. However, one must remember that North Korea has been at odd with the international community for the past fifty years and as such, has had to learn how to interact with other actors. The main question that remains is whether or not actors will be able to steer the vehicle properly and to reach a destination that nobody will want to depart from for a while. Common sense tells us that if North Korea has been pledging to get rid of its nuclear weapons and has accepted various agreements to do so but has reneged on them, then perhaps the content of the agreement (compensations, provision of a light-water reactor in due time and such) might not be beneficial enough to change North Korea's seemingly belligerent behavior.

Perhaps the Six-Party vehicle keeps on stopping at the same motel round after round because some have overlooked the fact that there are a few new motels on unexplored roads. Perhaps driver's seat has been occupied by one driver who really wants to stay within the comfort of a motel that he has previously visited. Or perhaps parties do not think that they can afford to stay in a better motel. Either way, being on the road and having North Korea on board is a luxury that should not be taken lightly. The fact that it is sometimes not possible to look at what North Korea is doing on the back seat is however nothing compared to what would happen if Pyongyang was left alone at home, a thousand miles away, with a box-full of matches in its hands.

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¹¹ Van Ness, P. (2005). Why the Six Party Talks Should Succeed, Nautilus Institute. 29.

¹² Ibid. Page 245.

¹³ Ibid.

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