

Warrior or Shopkeeper? North Korean Negotiating Behavior Toward South Korea and the U.S.

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INTRODUCTION

Whenever North Korea has engaged in negotiations on various issues with South Korea and other capitalist countries, two different negotiating styles have been apparent. One is the image of the “warrior,” i.e., they are aggressive, intransigent, recalcitrant, stubborn, rigid, impolite, and undiplomatic,¹⁾ according to Western negotiators who participated in armistice negotiations during the Korean War.²⁾ This image has recently been reinforced by several events: North Korea’s announcement of withdrawal from the Non-

1) Chuck Downs, *Over the Line: Understanding North Korea’s Negotiating Strategy* (Washington DC: AEI Press, 1999); Narushige Michishita, and I. William Zartman, “Two Koreas’ Negotiation Strategies Revisited: Focusing on the Nuclear Issue,” Prepared for the International Conference by the Korean Association of International Studies, October 27-28, 1995; Jong-Hwan Song, “How the North Korean Communists Negotiate: A Case Study of the South-North Korean Dialogue of the Early 1970s,” *Korea and World Affairs* (Fall, 1984).

2) Allan E. Goodman, ed., *Negotiating While Fighting: The Diary of Admiral C. Turner Joy at the Korean Armistice Conference* (Stanford: Hoover Institution Press, 1978).

Proliferation Treaty (NPT) in March 1993, and the North Korean threat that "Seoul will be a sea of flames, if war breaks out" made at the inter-Korean negotiations in March 1994.

In contrast, there is the image of "shopkeeper," characterized as practical, open-minded, candid, and compromising.³⁾ This characterization was put forth by some scholars and diplomats who either observed or participated in North Korea-United States negotiations and in the inter-Korean summit. In fact, Kim Jong-il's practical, candid negotiating style surprised many people who had held a different image of him and other North Korean officials.

To determine which image is closer to reality, this paper will analyze North Korean negotiating behavior, focusing on the inter-Korean Prime Ministers' talks during 1989-1992 and the North Korea-United States nuclear negotiations during 1993-1994. It will also address similarities and differences seen in negotiating behavior with South Korea and with the U.S.

**NORTH KOREAN NEGOTIATING BEHAVIOR:
THE CASE OF THE INTER-KOREAN PRIME MINISTERS' TALKS⁴⁾**

The inter-Korean Prime Ministers' talks during the years of 1989-1992 were unusual in the sense that, for the first time, each side came

3) Leon Sigal, *Disarming the Strangers: Nuclear Diplomacy with North Korea* (Princeton: Princeton University Press, 1998); Kenneth C. Quinones, *The Future of the Korean Peninsula Determined at a Small Bakery* (in Korean), (Seoul: Joongang M&B, 2000).

4) Information on North Korean negotiating behavior is obtained primarily in two ways: documentary research and personal interviews with the United States and South Korean negotiators who have negotiated with North Korea. Some interviewees requested anonymity, others I would like to mention with their official titles at the time of negotiation: Chong Won-shik (Prime Minister at the inter-Korean Prime Ministers' talks), Kong Ro-myong (Chairman of the Joint Nuclear Control Commission), Pak Yong-ok (Chairman of the Military Commission), Lim Dong-won (Chairman of the Economic Exchange Commission),

to accept the other as a “legitimate” partner in negotiations. Before this time, the two Koreas had been reluctant to recognize each other as legitimate governments, even to the extent that they avoided mentioning one another’s official names at the talks.

When talks produced the Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation between the South and North (the Basic Agreement) as well as the Joint Declaration of the Denuclearization of the Korean Peninsula (the Joint Declaration) in December 1991, it appeared that a major breakthrough in inter-Korean relations had taken place. Yet, the Basic Agreement covering almost all political, military, social, economic and humanitarian matters for the improvement of their relationships failed to materialize, stalled by the stalemate of South-North nuclear talks in 1992. In short, making the Agreement was one thing, but implementation was another.

Pre-Negotiation Stage

The pre-negotiation stage is vital for inter-Korean talks in which the two adversaries feel the stakes are high. This is in sharp contrast to negotiations between friendly nations, which usually find few problems at the pre-negotiation stage.

(1) Difficulties of Getting to the Table

The delegations of the two Koreas spent one and a half years before agreeing to hold Prime Ministerial talks in September 1990. From February 1989 to July 1990, they held eight preliminary meetings and two chief delegates’ contacts. During this time, North Korea

Chong Dae-kyu (Representative of the Joint Nuclear Control Commission), Ku Bon-tae (Director of Unification Policy Office), Park In-kook (Director of International Affairs Bureau of the Planning Committee for the Light-Water Reactor Project), Kenneth Quinones, Gary Saymore, Stanley Roth, Charles Kartman, James Lee, and Stephen Linton.

carefully evaluated the changing South Korean domestic political situation and the turbulent international environment as part of possible negotiations. The political situations in Central and Eastern Europe after Gorbachev's rise to power alarmed North Korea.⁵⁾ In a telephone message sent to the South on June 20, 1990, right after President Roh Tae-woo's summit meeting with Soviet President Mikhail Gorbachev in San Francisco, the North denounced the Seoul-Moscow meeting as "flunkyistic and divisive anti-national acts," and proposed holding a seventh preliminary meeting regarding the high-level talks and the inter-Korean Parliamentary talks.⁶⁾ North Korea finally decided to enter into political negotiations with South Korea because North Korean authorities needed to figure out the future direction of South Korean governmental policies toward North Korea in the changing environment around the Korean peninsula.

The North's objective in deciding to negotiate with the South in 1990 is hard to figure. South Koreans had two basic views on the North's real motivation. Some argued that the North was really interested in improving relations as a matter of survival.⁷⁾ Others maintained that North Korea had little intention of reducing tensions because it contradicted Pyongyang's "one Korea" policy. Rather, North Korea wanted to negotiate only to satisfy preconditions set by the U.S. and Japan for normalizing their relationships with North Korea.⁸⁾

5) Scott Snyder suggested that international or domestic crisis is one of the important factors facilitating the inter-Korean talks. In 1972, for example, U.S. President Richard Nixon's visit to China and U.S.-China détente induced the two Koreas to the negotiation table for the first time after the armistice talks. Scott Snyder, *Negotiating on the Edge: North Korean Negotiating Behavior* (Washington DC: United States Institute of Peace Press, 1999).

6) International Cultural Society of Seoul, *South-North Dialogue in Korea*, No. 51 (February, 1991), p. 11.

7) Lim Dong-won, "North-South High-Level Talks and North Korean Negotiation Strategies," (in Korean), unpublished paper, 1996.

8) Author's interview with former Prime Minister Chong Won-shik.

(2) Stalling Tactics

During the pre-negotiation stage, North Korea very often adopted stalling tactics, i.e., repeating its concerns and demands, insisting on maximum or extortionate demands, and trying to set preconditions even before entering into the discussion of procedural issues. North Korean negotiators employed this tactic mainly for two purposes: (a) to test the South's commitment to negotiations; (b) to stall until there was a favorable bargaining environment. And even though North Korea had suggested preconditions during the pre-negotiation stage, its negotiators later denied these prerequisites since it wanted to hold the talks when the North felt they were necessary, even if these conditions were not met.

(3) United Front Strategy

During the pre-negotiation stage, North Korea attempted to establish a channel with South Korean dissident leaders and organizations aiming at creating a wedge between the South Korean government and its population. At the second preliminary meeting in March 1989, the North charged that the failure to hold a working-level meeting with Chonminnyon (United Democratic Forces), a dissident group in the South, to prepare for a "pan-national conference," was the result of the South Korean authorities' "anti-dialogue and anti-unification" policy.⁹ In addition, the North invited various South Korean leaders from opposition parties, religious organizations, dissident groups and universities students who were considered more conciliatory toward Pyongyang than Seoul.¹⁰

9) International Cultural Society of Seoul, *South-North Dialogue in Korea* (May 1989), pp. 29-30.

10) Ho Dam, Chairman of the Preparatory Committee for a Political Conference of South and North Korean Leading Figures, sent letters to the heads of the four South Korean political parties, Cardinal Kim Suhwan and two dissident leaders, Moon Ik-hwan and Paek Ki-wan. International Cultural Society of Seoul, *South-North Dialogue in Korea* (May 1989), pp. 84-85.

(4) Agenda Setting

As far as the agenda for Ministerial talks, the North insisted on addressing political-military matters, particularly the issue of the non-aggression pact, as a top priority, while the South insisted on a basic agreement as the main agenda, in order to facilitate South-North exchanges and cooperation in economic and social sectors. The North's intention was to push for removal of U.S. forces from South Korea after making a non-aggression pact with the South and a peace treaty with the U.S. After one and a half years of discussion, the two Koreas finally agreed that the agenda should include the issues of resolving the political-military confrontations and of materializing the exchange and cooperations in a variety of sectors.

(5) Following Precedence in Deciding Other Procedural Matters

Even though the two Koreas were very sensitive to the mode of negotiation, they had fewer difficulties in devising other procedural matters during the pre-negotiation stage. In deciding the meeting place, the size of the delegation and news staffs, their logistics for crossing the demilitarized zone (DMZ), transportation and personal safety, negotiators often followed precedence under the principle of reciprocity which had been developed during the first inter-Korean meetings in the early 1970s.

Opening Moves

North Korea's opening moves are quite distinct in several ways. First of all, negotiators are aggressive and intransigent. Specifically, they introduce vaguely-worded negotiation topics, present steep demands, and incessantly push those demands, both to test their counterparts' bottom line and to wear them down.

(1) Chatting Before the Discussion of the Agenda

When the delegations of the inter-Korean talks start their sessions, they always chat with each other in front of the press.

During the pre-session, the chief delegates of both sides dominate the chats, just as they do during the regular sessions. Common topics usually include the weather, food, holidays, and current issues such as new developments on the Korean peninsula.

(2) Proposing the Principles of Negotiation

North Korean negotiators often press for the acceptance of certain general principles, and test their counterpart's positions against them over an extended period of time in order to understand the political standpoint of the South Korean government. The North Korean stress on principles at the outset of negotiations is an effective bargaining ploy in that it forces the South Korean government to accept or reject a very general commitment to a seemingly agreeable standard of behavior, which can then be used to constrain its bargaining room through accusations that certain actions or proposals on the part of South Korea violate the general principle. It also provides an inflexible standard to which the North Korean negotiator can rigidly and self-righteously adhere to while he presses his counterpart to demonstrate in concrete terms that he really accepts his country's commitment. North Korean negotiators more frequently invoke principles to constrain the actions of their counterparts in areas affecting North Korean interests. Accusations of violations of principles are the primary North Korean pretexts used to pressure South Korea as well as to suspend negotiations.

At the first Prime Ministers' talks, North Korean Premier Yon Hyong-muk proposed that three principles be respected in the course of the negotiations: (a) the two sides should reaffirm and strictly abide by the three major principles for national unification—*independence, peaceful unification and grand national unity*, which were pronounced in the South-North Joint Communiqué of July 4, 1972; (b) the two sides should place national interests above one-sided interests in the discussion of issues; (c) the two sides should refrain from doing anything to cloud or undermine

the progress of the talks.¹¹⁾

(3) Discussing Their Proposal First and Making Maximum Demands

North Koreans almost always insist on discussing their proposal first in order to establish the limits of the negotiations. For example, the North insisted on discussing their version of a single draft auxiliary agreement first.¹²⁾ Moreover, it usually makes maximum demands at the initial stage of talks before the main negotiations. Then, when it comes to a final agreement, they are likely to compromise their high demands, if they realize it is necessary.

Mid-Game

During the mid-game, the North Korean negotiators try to determine their counterpart's bottom line by various methods: repeating their positions, introducing a new agenda item, testing the counterpart's patience, and suddenly offering a new proposal or initiative to solve some contentious issues.

(1) Stalling Tactics

Stalling negotiations by suspending the on-going talks is another tactic for discovering South Korea's intentions. When North Korea judges that further dialogue will not serve its interests, it very often suspends the talks with some excuses.¹³⁾ During the pre-negotiation and Prime Ministers' talks, North Korea repeatedly used the South Korea-United States joint military exercise, Team Spirit, as an excuse

11) International Cultural Society of Seoul, *South-North Dialogue in Korea* (February, 1991), p. 52.

12) International Cultural Society of Seoul, *South-North Dialogue in Korea* (July 1992), p. 63.

13) International Cultural Society of Seoul, *South-North Dialogue in Korea* (May 1990), p. 88.

for unilateral suspension of the talks, alleging that the South Korean decision to hold the exercise was “anti-dialogue.”¹⁴⁾

The North has cited other demands as well. As a precondition for the resumption of the fourth Prime Ministers’ talks in 1991, the North demanded six items, including the repeal of the South’s anti-Communist policy and National Security Law and the release of illegal South Korean visitors to the North.¹⁵⁾ The real reason behind the North’s postponement was to gain time to evaluate the effects of new international events such the outbreak of the Gulf War and the Soviet military coup, and their effects on the inter-Korean talks.

(2) Issue Manipulation

North Korea raises issues that are not related to the agenda, especially when it has little interest in continuing the dialogue. In contrast, it directly enters into the discussion of substantial issues, when it needs to conclude an agreement. During the Prime Ministers’ talks, North Korea often used the above listed non-agenda items.¹⁶⁾

When North Korea is serious in making an agreement, however, it does not raise other issues. For example, in October 1989, the North did not raise the issue of sports, a topic they had previously insisted upon. For the first time in seven months, discussion of substantial issues was conducted smoothly in general.¹⁷⁾ Another example is that North Korea had previously demanded the removal of the so-called “concrete walls,” the South’s anti-tank facilities around DMZ, as well as the suspension of the Team Spirit as

14) It should be noted that on several occasions North Korea held inter-Korean talks during the Team Spirit military exercise. International Cultural Society of Seoul, *South-North Dialogue in Korea* (May 1987), pp. 31-32, and (May 1991), pp. 67-88.

15) International Cultural Society of Seoul, *South-North Dialogue in Korea* (May 1991), p. 73, and (December, 1991), p. 9.

16) International Cultural Society of Seoul, *South-North Dialogue in Korea* (February, 1991), p. 9.

17) International Cultural Society of Seoul, *South-North Dialogue in Korea* (December, 1989), p. 84.

prerequisites to the progress of the meeting, but dropped its demands at the sixth preliminary meeting on January 31, 1990 in order to conclude an agreement.¹⁸⁾

(3) Pressure Tactics

The North Koreans use an even more diverse set of approaches to build pressure on the South Korean government in order to move negotiations in their direction. One pressure tactic is intentionally creating crisis or tension. They know that provocation can build pressure on a counterpart. At the second Prime Ministerial talks in Pyongyang, North Korean Premier Yon Hyong-muk angrily confronted the South Korean delegation, saying, "You must stop these acts of agitation." He also registered his strong displeasure after listening to the keynote speech of the South Korean Prime Minister.¹⁹⁾

(4) Creating Time Pressure by Manufactured Deadlines

After adopting the Basic Agreement, the North attempted to set a deadline for the adoption of their comprehensive and single auxiliary draft agreement. The North insisted that the resolution of an auxiliary agreement was a prerequisite to the inauguration of a joint commission in the military and exchanges and cooperation areas. In fact, both sides agreed that they should form a joint commission within three months after adopting the Basic Agreement, but never agreed on the deadline for the adoption of the auxiliary agreement.

(5) Changing Positions

North Korea often changes positions on issues on which the South has a vested interest. In summer 1992, the North publicly

18) International Cultural Society of Seoul, *South-North Dialogue in Korea* (May 1990), p. 30.

19) Ministry of Unification, *Historical Records of the North-South Dialogues*, Vol. 3 (in Korean), (Seoul: Office of the North-South Dialogue, 1994), pp. 229-231.

announced that “We plan exchange visits for separated families without any prerequisites.” But at working-level contacts, the North insisted that the projected exchanges would be aborted unless the South changed its nuclear policy and repatriated Li In-mo first.²⁰⁾

(6) Methods of Compromise

North Korea uses three major methods to compromise when they judge that concluding an agreement will serve their interest: (a) *quid pro quo*; (b) convergence; (c) documenting only concordant views in the agreement. A good example of *quid pro quo* is the eighth Prime Ministers’ talks in September 1992. North Korean Premier Yon Hyong-muk stated that the North supported the exchange of separated families and art troupes, and that they would take place once the South changed its position over the nuclear issue and repatriated Lee In-mo.²¹⁾

As an example of convergence, at the Exchanges and Cooperation Subcommittee organized by the inter-Korean Prime Ministers’ talks, both sides introduced their respective initial draft versions of the proposed agreement at the first meeting on March 18, 1992. As negotiations proceeded, the two Koreas offered a number of revised versions—six by the South and five by the North—as they endeavored to arrive at an agreement.²²⁾

North Korea’s final method of compromise is documenting only concordant views, while omitting conflicting views. It maintains that among the ideas advanced by the two sides, conflicting views should be shelved and only concordant views should be documented into a single agreement for adoption by the subcommittee on reconciliation.²³⁾ As a result, both sides finally reached a complete

20) *Ibid.*, p. 120.

21) *Ibid.*, p. 19.

22) *Ibid.*, pp. 77-78.

23) International Cultural Society of Seoul, *South-North Dialogue in Korea* (December, 1991), p. 38.

accord on the supplementary agreement after deciding to include in the accord a provision that unsettled clauses would be discussed in the future.²⁴⁾ It is very important to note that both sides attempt to compromise through so-called “working-level delegates’ contacts.” A final compromise is almost always made through closed-door delegates’ meetings. For example, two rounds of working-level delegates’ meetings were needed to reach a compromise on the title and major contents of a single agreement for adoption in October 1991 in Pyongyang.²⁵⁾ The Delegates of the two Koreas decided that the title of the final agreement would be “An Agreement on Reconciliation, Non-aggression, Exchanges and Cooperation between the North and South.”

(7) Reserving Position

A rather distinctive North Korean tactic for facilitating Prime Ministerial talks is to assert a principled position on problems that cannot be readily resolved and then proceed to reach a partial agreement on resolvable issues. In this way North Koreans gain partial objectives and draw the counterpart government into a more positive relationship, while maintaining their position on the intractable problems for resolution at some future time in a more favorable context. Here is an example. The North withdrew its proposal of a nuclear-free zone for the prohibition of the U.S. nuclear umbrella for South Korea to facilitate the December 1991 nuclear talks. However, the North raised the idea of a nuclear-free zone at subsequent meetings.²⁶⁾

24) Office of the South-North Dialogue, Ministry of National Unification, *South-North Dialogue in Korea* (October, 1992), p. 14.

25) International Cultural Society of Seoul, *South-North Dialogue in Korea* (December 1991), p. 37.

26) Office of the South-North Dialogue, Ministry of National Unification, *South-North Dialogue in Korea* (May 1992), p. 118.

Endgame

Once North Korea decides to conclude an agreement, it usually moves swiftly. For example, after the two Koreas agreed on the title and basic contents of the prospective accord at the fourth Prime Ministers' talks in October 1991, both sides hammered out their differences on six items out of a twenty-six-item agreement during four subsequent delegates' meetings from November 11 to 26, 1991. Moreover, it was amazing that the two Koreas completed its negotiations on the nuclear issue in only three contacts from December 26 to 31, initialing the Joint Declaration of Denuclearization at the third meeting. However, the subsequent meetings regarding the nuclear issue showed that both sides had failed to fully understand one another's intentions and differences of opinion. They barely agreed to form the Joint Nuclear Control Commission (JNCC) despite seven contacts from February 19 through March 14, 1992, and the JNCC has made little progress in devising the inspection rules and methods.

In making a final agreement, during the Ministerial talks, the delegates of the two Koreas often undertook an item-by-item review of the draft versions of both sides and explained each side's position toward the items on which the two sides had failed to agree on. Then they discussed the similarities and differences between the two sides' draft versions and made some adjustments of the contents and wording. After presenting their respective drafts of the proposed agreements prepared under the format agreed upon in October 1991 at the fourth Prime Ministers' talks, both sides ascertained their item-by-item differences in the course of debate on the drafts and made necessary adjustments to the contents of the two drafts at the delegates' meetings during November 1991.²⁷⁾

27) Office of the South-North Dialogue, National Unification Board, *South-North Dialogue in Korea* (May 1992), p. 10.

It should be noted that the North does not easily compromise in the final stage of negotiations. Even though the two Koreas agreed to adopt the accord at the fifth Prime Ministers' talks, they failed to resolve their differences on eight controversial issues until the second day of the conference. They spent more than seven hours to adjust the contents and the wording of a proposed agreement, before both sides reached a complete accord on the Basic Agreement consisting of a preamble and 25 articles.²⁸⁾

NORTH KOREAN NEGOTIATING BEHAVIOR: THE CASE OF NORTH KOREA-U.S. NUCLEAR NEGOTIATIONS

As North Korea had seldom engaged in negotiating with the United States or other Western countries since the 1953 Korean War Armistice Talks, the nuclear talks between the U.S. and the North provide an unique opportunity to closely analyze the latter's international negotiating behavior.

Inducing the United States to the Negotiating Table and Keeping It There

After North Korea announced its decision to withdraw from the Non-Proliferation Treaty in March 1993, the country successfully maneuvered to keep the U.S. at the negotiating table. Generally, a weaker nation like North Korea is not in a favorable position to induce a stronger counterpart to negotiate or to agree to take up the weaker nation's demands as agenda items. This is because a stronger nation sets various preconditions that are difficult for the weaker country to accept.²⁹⁾

28) Office of the South-North Dialogue, National Unification Board, *South-North Dialogue in Korea* (May 1992), p. 23.

29) William Mark Habib, *Power and Tactics in International Negotiation: How Weak Nations Bargain with Strong Nations* (Baltimore: Johns Hopkins University Press, 1988), pp. 34-43.

Since the 1970s, the North has sought direct, high-level political negotiations with the U.S. for the purpose of concluding a U.S.-North Korea peace treaty, but the North Korean effort was dismissed out-of-hand as a ploy to split the U.S.-South Korean alliance and to gain political advantage on the Korean peninsula. With the exception of a single high-level meeting in January 1992 in New York between Undersecretary for Political Affairs Arnold Kanter and the Korean Workers' Party Secretary Kim Yong-sun, both governments had not been involved in political negotiations.

North Korea's announcement of its decision to withdraw from the NPT was a desperate reaction against accepting an International Atomic Energy Agency (IAEA) special inspection. North Korea was on the horns of a dilemma. If the IAEA special inspection proved North Korea's innocence, then the North would gain nothing, and if the North proved indeed, to be engaged in nuclear weapons development, then the inspections would only invite more pressure from the international community. Therefore, giving permission would bring about a "lose-lose" situation.³⁰ In this context, North Korea decided to withdraw from the NPT, insisting that they were "military facilities" which had nothing to do with nuclear programs, and that inspection infringed on its sovereignty.

After opening the direct negotiation channel with the U.S. in June 1993, North Korea successfully manipulated the bargaining environment to keep its counterpart at the negotiating table. As a result, the U.S. was frequently forced to intervene in two types of negotiations: between North Korea and the IAEA on the one hand, and North Korea and South Korea on the other hand. The former negotiation dealt with the issue of whether North Korea would accept the IAEA's inspections, while the latter dealt with the issue of how to realize the two Korea's Joint Declaration of Denuclearization.

Why did North Korea make every effort to keep the United

30) Yong-Ho Kim, and Hyuk Sang Sohn, "North Korea's International Negotiating Behavior: Nuclear Negotiations with the United States," unpublished paper, 1995.

States at the negotiating table? It appeared to believe that both South Korea and the IAEA were “puppets” of the U.S., that the U.S. would be more likely to compromise than would the IAEA and South Korea. Under this situation, the North Korean negotiators believed that they could get more concessions from the United States than from South Korea or the IAEA.

Opening Moves

During the initial stages, North Koreans rarely attempt to establish a mutual framework of agreement; rather, they open with the maximum demands backed by carefully-prepared instructions and justifications. They usually speak first in an attempt to establish a position of dominance and superiority and make a concerted effort to place their negotiating partner on the defensive. Despite their country's relative weakness, North Koreans bluster and threaten to make things worse, if their demands are not met.

(1) Adopting an Aggressive Stance

The North Koreans open negotiations aggressively, partly intending to gauge the other side. Thus, the opening position is a demarcation line that can always be referred to as an ideological defense wall as well as a North Korean negotiator's proof that instructions have been followed. These opening thrusts are meant to establish a serious tone that will not put the North Koreans at a disadvantage. A tough opening eradicates any idea that the North Korean delegation can be manipulated by the counterpart. As such, the delegation follows the party line which stresses that negotiation should be another means of fighting against the U.S. “imperialists.” It certainly serves to protect the delegation from charges back home of weakness or deviation from the party line.

(2) High Offering

North Korean opening statements are aggressive not only in tone

but also in terms of the content of their demands. They usually include unrealistic demands in an ideologically approved, extreme statement of the North Korean viewpoint. Moreover, North Korean negotiators are adept at justifying their position, especially since that they do not want to go back to Pyongyang, admitting that they gave up more than their counterparts did.

(3) Agreement in Principle First

At the initial stage, North Koreans prefer taking a generalized position that both sides can agree upon. This tactic was clearly demonstrated during the first and second rounds of the U.S.-North Korean high-level talks. At the first round of high-level talks in June 1993, North Korea urged the U.S. to agree on three negotiation principles for future agreements: assurance against the threat and use of force, including nuclear weapons, peace and security in a nuclear-free Korean peninsula, and support for peaceful reunification of the two Koreas. These principles left room for potential disagreements on a wide range of subsequent details. At the second round of high-level talks in July, North Korea took advantage of the loophole left in the previous agreement. Pyongyang added such unacceptable details as the replacement of the armistice treaty with a peace treaty between the United States and North Korea, and U.S. support for the North's unification formula for Korean Confederation.

Agenda Manipulation

North Korea manipulates or resets the negotiation agenda by escalating their demands, crafting new bargaining issues, making extortionate demands as well as making surprise proposals or new initiatives.

(1) Escalating Demands

The North Korean tactic of escalating its demands was clearly

illustrated when Pyongyang elevated the stakes of the negotiations during the U.S.-North Korean nuclear talks. Its initial demands for settling the nuclear issue were largely related to military and security objectives such as the U.S. assurance of no nuclear threat against it, the cancellation of the Team Spirit exercise, and no provision of the U.S. nuclear umbrella for South Korea. When the U.S. accepted some of its demands, North Korea gained confidence that the U.S. was committed to resolution of the nuclear impasse. It therefore laid on the table its hidden cards: political and economic objectives such as diplomatic normalization between them, the U.S. supply of lighter-water reactors, and compensation for North Korea's eventual dismantling of the existing nuclear project.

(2) Crafting New Bargaining Issues

In the course of the U.S.-North Korean nuclear negotiations, North Korea crafted new bargaining issues which the U.S. also had to deal with, and this tactic was successful in redirecting the focal points of the on-going negotiation. When North Korea announced its withdrawal from the NPT, the major issue of negotiation changed from the IAEA special inspection of North Korea's suspected nuclear sites to its remaining in the NPT. In other words, the question of whether North Korea would stay in the NPT became more urgent than the special inspection.

After the first round of high-level talks between the U.S. and North Korea, the latter still maintained its permanent return to the NPT as a bargaining chip. First, Pyongyang insisted that North Korean status in the NPT was "special" because the country had only temporarily suspended its withdrawal. And whenever it was pushed to accept the full inspection, it threatened pull out of the NPT altogether, thereby keeping the upper hand in negotiations.

In July 1993, North Korean negotiators again succeeded in crafting a new negotiation agenda at the second round of high-level talks. When the U.S. agreed to support North Korea's replacement of the existing graphite reactors with the light-water reactors, the issue

of how to supply the light-water reactor became a new agenda for the negotiations. As a result, the topic of U.S.-North Korean talks was not confined to nuclear and military issues, but extended to political and economic issues, including the supply of alternative energy to North Korea and the full normalization of political and economic relations between them.

The last example of North Korean success in manipulating the negotiation agenda was its unilateral decision to discharge the spent fuel rods from the 5-megawatt reactor. In May 1994, North Korea raised the bargaining stakes again by unloading the spent fuel rods from the reactor in Yongbyon, without IAEA supervision. As a result, the question of how to store the rods and prevent their conversion to “dirty” weapons became a more urgent topic of negotiation than the dispute over IAEA inspection.

(3) Making Extortionate Demands

North Korea has a tendency to propose extortionate demands initially, and then ask concessions in return for retreating from its initial excessive demands. At the second round of high-level talks, North Korea did so, i.e., the replacement of the armistice treaty with a U.S.-North Korean peace treaty which was dropped later, when the U.S. strongly rejected it.

(4) Making a Surprise Proposal or a New Initiative

North Korea tries to manipulate the negotiation agenda by making surprise proposals or new initiatives in order to drive its counterpart into a state of confusion for the purpose of enhancing its own negotiating power. One example is North Korea’s unexpected demand for the light-water reactors. But the North got what it wanted because Washington did not want to cause a rupture in the negotiations.

Another example was North Korean Vice Foreign Minister Kang Sok-ju’s proposal in November 1993 for a “package deal” formula to solve the nuclear issue. After the second round of high-level talks in

July 1993, U.S.-North Korean negotiations were at a stalemate due to the North's failure to produce tangible results out of the talks with the IAEA and South Korea. The North's intention was to solve the nuclear issue only through bilateral bargaining with the United States, excluding both the IAEA and South Korea. In this context, Pyongyang introduced the "package deal" formula, proposing that the North would return to the NPT and comply with the IAEA's safeguards accord as well as with the South-North joint de-nuclearization declaration, in exchange for Washington's promise to improve relations with Pyongyang, provide light-water reactors and conclude a peace pact with the North.

The last example was during Jimmy Carter's visit to Pyongyang in June 1994. Kim Il-sung made a surprise proposal that the North would freeze its nuclear facilities and hold summit talks with South Korea, and this helped the North to avoid U.N. sanctions and to resume negotiations with Washington.

Mid-Game

(1) Stop-and-Go Talks

One characteristic of U.S. negotiations with North Korea has been a two or three day recess, or even several weeks, between initial discussions for the purpose of assessing preliminary progress and consulting with home governments. Depending on progress made in the initial discussion, this period of assessment may be used by both the United States and North Korean negotiators to more carefully identify possible areas of weakness in an opponent's position.

(2) Ignoring and Challenging International Norms and Laws

In March 1993, North Korea attempted to justify its challenge to the NPT and the IAEA on the pretext that the latter was biased in enforcing the accord. The North stated that 1993 resumption of the Team Spirit exercise showed that the U.S. posed a nuclear threat.

(3) Brinkmanship Tactics

North Korea created a crisis in order to enhance its negotiating power on several occasions during its negotiations with the United States. First, it declared a state of quasi-war on the pretext of the annual South Korea-U.S. joint military exercise in March 1993, when North Korea declared its decision to withdraw from the NPT. Pyongyang believed that the United States would have no choice but to keep North Korea within the framework of the NPT by any means possible, if it intended to prolong the existing NPT structure intact at the 1995 NPT renewal conference.

North Korea again employed brinkmanship tactics in March 1994, during a inter-Korean preliminary meeting, by threatening that “Seoul will be a sea of flames,” thus driving the Korean peninsula to the brink of war. This tactic was aimed at inducing Washington to placate Seoul rather than Pyongyang, thus, in effect, weakening Seoul’s position, or alienating it from Washington.

Lastly, Pyongyang’s brinkmanship tactics appeared in June 1994, when the North threatened that any sanctions against it would be regarded as a declaration of war. This was North Korea’s response to the U.S. and international moves to impose sanctions on the North. Its intimidation had been carefully calculated to frustrate Washington’s “issue-specific control power.”³¹⁾ The U.S. government attempted to impose sanctions on North Korea at the UN Security Council, but China was against it. Moreover, South Korea was reluctant to increase tensions on the Korean peninsula. As a result, Pyongyang induced Washington to send former President Jimmy Carter to Pyongyang for negotiations.

Because of its negative image, one might assume that North Korea would have performed poorly in international negotiations. North Korea, however, used its unpredictable and aggressive image as to maneuver the bargaining environment in its favor. In other words, its aggressive image led the U.S. and South Korea to believe

31) William Mark Habeeb, *op. cit.*

that Pyongyang would risk a war if it was pushed into a corner.

(4) Creating Time Pressure by Manufactured Deadlines

North Korea's brinkmanship-oriented negotiating style is designed to work best in an atmosphere of crisis. North Korea's favorite means for increasing leverage is to create deadlines for the conclusion of negotiations. The first round of talks between Assistant Secretary Robert Gallucci and Vice Foreign Minister Kang Sok-ju came less than a day before the June 12 "deadline" for North Korea's withdrawal from the NPT.

North Korea's denial of requests by IAEA inspectors to change film inspection equipment in the fall of 1993 also had the effect of creating a deadline. As North Korea continued to reject the IAEA inspection beyond the deadline, the United States was forced to intervene into the stalemated negotiation between the IAEA and North Korea to find a possible solution.

Finally, the defueling of North Korea's reactor in June 1994 created another "deadline" for negotiations. Because the North Korean spent fuel rods had to be safely and properly stored, the United States was under pressure. In addition, the U.S. needed to settle the nuclear issue before the North Korean fuel rods could be reprocessed into nuclear bombs.

(5) Stalling Tactics

Pyongyang employed various stalling tactics to gain more concessions from the United States by exploiting the latter's domestic situation, hoping that public opinion would press the Clinton Administration to make some concessions to North Korea in order to end the prolonged negotiations as soon as possible. First of all, it stalled in its negotiations with the IAEA, even though it had promised to accept IAEA inspection during the second round of high-level talks. North Korea invited the IAEA delegation to Pyongyang in August 1993; but the IAEA team left empty-handed. North Korea and the IAEA began negotiations again in Vienna from January 7, 1994, to

decide the IAEA's inspection formula, but the negotiations dragged on until February, when the North finally said it would allow the IAEA to conduct inspections only for the continuity of the safeguards.

(6) Reserving Positions

North Korea held off on the issue of a peace treaty with the United States after testing the latter's position at the second round of high-level nuclear talks. Realizing that the United States was firm in its position that a peace treaty could not be on the agenda of nuclear talks, North Korea knew that the issue was too complicated to resolve easily, and it held off on the peace treaty issue after seeking the U.S. promise that it should be dealt with next time. Since conclusion of the nuclear talks, North Korea has persistently demanded to negotiate on the issue of the peace treaty with the United States.

(7) Using Intermediaries

During the nuclear talks, the North Korean political authorities used intermediaries not only for conveying to the U.S. government their real positions and particularly sensitive messages, but also for finding the bottom line of the U.S. government. American politicians, scholars, journalists, and missionaries, who had been in Pyongyang to carry out their own work during the U.S.-North Korean nuclear negotiations, were recruited as go-betweens.³²⁾ Since North Korea has had very limited private and public contacts with the U.S., those intermediaries played important roles in providing the North Korean leaders information regarding the U.S. intentions as well as suggesting alternatives to their positions. The mediation of former U.S. President Jimmy Carter played a particularly important role in facilitating the conclusion of the agreement between the U.S. and

32) Gary Ackerman (Chairman of the Subcommittee of Asia-Pacific Region of Foreign Policy Committee of the House of Representatives), Billy Graham (TV Evangelist), Selig Harrison (The former New York Times correspondent), Michael Chinoy (CNN Beijing Correspondent) played a role of intermediary.

North Korea. Before he visited Pyongyang, U.S. Senators Sam Nun and Richard Lugar had planned to visit Pyongyang to defuse the crisis, but were refused permission just before their departure.³³⁾

Are there any criteria with which the North Korean authorities would select a person as intermediary? It appears that the trust and friendliness as well as high-level access in Washington are the primary qualifications for intermediary status. It should be noted that the evaluation and recommendation of the North Korean Mission to the United Nations, which is a major point of contact with the United States, is critical in selecting prospective Americans for intermediation.

(8) Preferring a Package Deal

Instead of a gradual negotiation process, North Korea insisted on a package deal as a way of resolving the crisis. Since the nuclear card was the North's only bargaining chip for military, political and economic concessions from the U.S., Pyongyang could not afford to negotiate each agenda item separately. Instead, North Korea preferred all issues to be discussed jointly, so that the number of possible combinations or linkages—and hence the number of possible compromises or package deals—was maximized.³⁴⁾

End Game

The lengthy period of assessment can end rather abruptly when the North Koreans feel they have fully tested the flexibility in their counterpart's position, and have concluded that a formal agreement serves their interests. The most reliable sign that an agreement is at hand is the intervention of a senior leadership figure in the

33) Nam Chan-sun, *Pyongyang's Nuclear Smile* (in Korean), (Seoul: Jajaknamu, 1995), pp. 255-256.

34) Fred Charles Ikle, *How Nations Negotiate* (New York: Harper & Row, 1976), pp. 222-224.

negotiation—a North Korean leader would not put his “face” into negotiations that were about to collapse. A good example is the intervention of Kim Il-sung who invited Jimmy Carter to Pyongyang in order to make a breakthrough in the nuclear talks, then in jeopardy, in June 1994.

When North Korean leaders have decided to reach an agreement, their negotiators rapidly, and quite flexibly, finish working out concrete arrangements. The end-game phase of negotiations is usually a brief, businesslike conclusion of the principles and objectives that have been discussed at length beforehand.

This does not preclude additional hard bargaining over the detailed language of a formal agreement. North Koreans test to the limit their counterpart’s firmness of purpose, and have been known to create an apparent deadlock at the eleventh hour. In the final minutes of the Geneva agreement, for example, the North Korean negotiators resisted inserting any clause regarding the inter-Korean dialogue, but after a brief deadlock, accepted a very ambiguous one which was not compulsory.

CONCLUSION

Experience in negotiating with North Korea at the inter-Korean Prime Ministers’ talks and the North Korea-U.S. nuclear negotiations reveals that North Korean negotiators play the role of “warrior” as well as “shopkeeper,” depending upon their immediate negotiation objectives and environment. In other words, they are very flexible in combining different negotiation tactics to meet their needs. They are likely to be “warriors” at the initial phase of negotiation, but gradually become “shopkeepers,” when they find agreement necessary for the country’s national interest. It is also true that North Korean negotiators are tougher and less compromising at inter-Korean negotiations than they are in negotiating with other countries, since they still compete for legitimacy and superiority

Table 1. A Comparison of South-North Korean and North Korea-U.S. Negotiations

Categories	South-North Korean Negotiations	North Korea-U.S. Negotiations
Nature of bilateral relationship	Not a state-to-state relationship, but a special relationship of symmetrical adversaries competing over legitimacy	Asymmetrical adversary relationship
North Korea's ultimate goal of negotiation	Legitimacy and superiority over the entire Korean peninsula	Eliminating U.S. military threat and making political and economic gains
North Korea's leading organization of negotiation	Committee for the Peaceful Unification of the Fatherland or the Asia-Pacific Peace Committee	Ministry of Foreign Affairs
Attitude of negotiators	Aggressive and uncompromising attitude	Relatively practical manner
Nature of bilateral agreement	A kind of internal agreement of competing two entities of a divided nation	Internationally sanctioned agreement
Distinctive North Korean negotiating tactics	Strong concern for format of negotiations and propaganda/ United front strategy/ Issue manipulation	Ignoring and challenging the international law and norms/ Issue manipulation

over the entire Korea peninsula. As a result, inter-Korean negotiations are often conducted as a zero-sum game. Scott Snyder, who compared South-North and U.S.-North Korea negotiating patterns, said that "The nature of competition and the level of distrust between North and South Korea as they engage in a multifaceted competition that extends to the negotiation table are such that toughness has been the preferred strategy, even in a bargaining situation where agreement may benefit both sides."³⁵⁾

35) Scott Snyder, *op. cit.*, p. 101.

When we compare the inter-Korean Prime Ministers' talks and North Korea-U.S. nuclear negotiations, some similarities and differences in North Korean negotiating behavior can be found. One is "outmaneuvering" which captures the essence of the North Korean approach to negotiation. Outmaneuvering behavior is twofold: (a) manipulation of bargaining environment with preemptive measures; (b) manipulation of bargaining issues. This behavior is quite distinct from that of many other small countries like South Korea, which are likely to accept the external constraints. On numerous occasions, North Korea has attempted to change the bargaining environment in its favor by using brinkmanship tactics. In addition, it intentionally ignores or challenges international norms to move the bargaining environment to its advantage. North Korean manipulation is calculated and intentional within certain limits, and even seemingly radical acts turn out to be tactical moves.³⁶⁾ Even when these radical moves appear to halt negotiations, the North then switches to new channels of dialogue. A good example was North Korea's announcement of withdrawal from the NPT, which led to direct negotiations with the U.S. in June 1993.

On the other hand, North Koreans employ positive means to manipulate the bargaining environment. North Korea provided unusual hospitality to former U.S. President Jimmy Carter and South Korean President Kim Dae-jung in June 1994 and June 2000 respectively, in order to resolve the nuclear crisis and the stalemate of inter-Korean relations.

More importantly, North Korea is very skillful in manipulating the negotiation agenda through escalating its demands, crafting new bargaining issues, making extortionate demands, a surprise proposal or a new initiative. For example, North Korea often attempted to create a new bargaining issue by partially reneging on previously agreed-to obligations during its nuclear talks with the United

36) Denny Roy, "North Korea and the 'Madman' Theory," *Security Dialogue*, Vol. 25, No. 3 (1994).

States.³⁷⁾

Depending upon the success of North Korea's outmaneuvering, the assessment of its negotiating power differs dramatically. When its outmaneuvering is successful, it is highly praised as "brilliant."³⁸⁾ The best example was the 1994 U.S.-North Korea nuclear agreement. In contrast, North Korea is criticized as "recalcitrant" and "intransigent," when it is unsuccessful.³⁹⁾ The North Korea's failure to induce the United States to negotiate a peace treaty by renouncing the Armistice Treaty in 1996 is a good example.

The North uses a different team of negotiators, depending on whether talks are inter-Korean or North Korea-U.S. The inter-Korean talks are mainly led by specially trained veteran negotiators belonging to the Committee for Peace and Unification of the Fatherland, or the Asia-Pacific Peace Committee, while North Korea-U.S. negotiations are led by North Korean career diplomats from the Ministry of Foreign Affairs, who have more international experience.

It must be emphasized that North Korean negotiating behavior will continue to change for years to come. In the future, it could change in response to the shifting international and domestic environment, especially when the country opens its economy to the outside world. Just as the Chinese negotiating style has changed since its opening in the late 1970s, so will the North's. North Korea has been much slower to open its economy to the outside than China however, and it could also change less than the Chinese.

37) Larry Niksch, "Comprehensive Negotiation with North Korea: A Viable Alternative for a Failed U.S. Strategy," *Korea and World Affairs*, Vol. 18, No. 2 (Summer 1994).

38) Author's conversation with Professor Lee Chong-sik.

39) Chuck Downs, *op. cit.*