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U.S.-DPRK Nuclear Negotiations: A Survey of the Policy Literature

By Lindsey Ford, Zachary Hosford, and Michael Zubrow



Center for a
New American
Security



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INTRODUCTION

North Korea's nuclear program is one of the longest-standing and most difficult proliferation challenges the United States faces today. In many ways, the regime and its nuclear program stand as relics of the Cold War, seemingly at odds with the rapid development of the rest of the Asia-Pacific. Yet as negotiations have dragged on through the post-Cold War and post-9/11 eras, the nature of the North Korean threat has evolved and become interwoven with the new challenges of the 21st century. Like Presidents Bush and Clinton before him, President Obama will likely discover that the issues he faces in North Korea are both frustratingly static and ever-evolving.

Over the past three administrations opinions about the most effective means to handle North Korea have been sharply divided between hawks and doves, often (but overly simplistically) represented by the partisan divide between the Republican and Democratic Parties. The main points of contention between hawks and doves have remained relatively constant over time, leading to an ongoing cycle of repetitious policy debates. Three primary issues stand out in these debates: 1) containment and/or regime change vs. engagement, 2) verification of previous activities vs. prevention of future capabilities, and 3) sequencing – “nukes first” or an “all in” agreement. In addition to these debates, hawks and doves have often been divided amongst themselves over additional issues such as when and how to incorporate multilateral partners, whether to use a regional or global approach to nonproliferation policies, and how to balance an appropriate mix of “carrots” and “sticks”.

Although these debates have remained relatively constant, U.S. concerns over North Korea have broadened and evolved over the past decade, forcing policymakers to grapple with a more complex set of security challenges. By the end of the Clinton administration, U.S. policymakers could no longer focus only on North Korea's plutonium reprocessing: The North Korean problem also included one of the world's largest ballistic missile development and proliferation programs; a possible uranium enrichment program; a growing trade in arms, narcotics, and counterfeit currency; human rights abuses; and growing ties between North Korea and other rogue regimes. As a result, U.S. negotiations with North Korea have become weighted down by the sheer number of concerns on the table. Additionally, in the post-9/11 era, many of these issues have become interconnected with the broader “global war on terror,” making it difficult to deal with North Korea on its own terms.

President Obama is now the third U.S. president to inherit nuclear negotiations with North Korea.

In spite of nearly twenty years of experience in dealing with the North Koreans, there is still no consensus on the best way to engage the regime. To a large extent, the U.S. approach to these negotiations is still to “test” Pyongyang with the offer of negotiations, in the hopes of gleaning some insight into the black box that is North Korean intentions. Although the Obama administration will have a limited ability to understand Pyongyang, it can improve its ability to negotiate by better understanding the evolution of U.S. negotiations with North Korea. As the Obama administration ramps up and assesses its strategy toward the hermetic kingdom it will be important to avoid past traps while internalizing bipartisan lessons learned from the past. The following paper attempts to shed light on these issues by assessing the most significant policy debates taking place in the literature on North Korea over the past twenty years, beginning with the George H.W. Bush administration.

THE GEORGE H.W. BUSH ADMINISTRATION

Focusing on the North Korean Threat

While popular history focuses on the Clinton years as the beginning of U.S. strategy for dealing with the North Korean nuclear program, it is critical to understand how U.S. policy in the previous decades brought about the situation President Clinton inherited during the 1990s. For more than 30 years after the signing of an armistice halting the armed conflict on the Korean peninsula, the U.S. pursued a policy of isolation toward North Korea; a policy that was soon overtaken by fears of a growing nuclear threat.

In the 1980s most analysts saw the North Korean nuclear program through a Cold War lens, even as the Soviet Union began to crumble.¹ America’s strategic posture towards the North was based on an arms control-centric focus that counted on détente with the Soviet Union to pressure states presumed to be in the Soviet axis to denuclearize. The Soviets had in fact proved useful in helping control Pyongyang’s nuclear aims. American diplomats who were puzzled by the North’s nuclear activities believed that “Soviet pressure [influenced] Pyongyang... to sign the [Nuclear Non-Proliferation Treaty] in 1985 and place its reactor facilities under IAEA inspection.”²

Despite signing the NPT, Pyongyang continued to develop its military nuclear capacity. The discovery, in 1989, that the North Koreans had been constructing a reprocessing facility next to its reactors at the Yongbyon nuclear site sent a clear message to the George H.W. Bush administration that the Democratic People’s Republic of Korea (DPRK) was focused on gaining nuclear weapons regardless of its international commitments. As Andrew Mack remarked, “a broad consensus exists within the Bush administration... the debate within the government centers on *when* North Korea will get the bomb, rather than on *whether* it

seeks to do so.”³

America’s concern over the North’s nuclear program was not only motivated by fears about what Pyongyang would do with a nuclear weapon, but also by the impact of proliferation on broader regional stability. Some experts downplayed the risk of a nuclear threat from Pyongyang and focused on the regional insecurity that would follow increasing North Korean nuclear capability. In an article for the *Bulletin of American Scientists* Bruce Cumings argued that “the Bush administration is less concerned with Pyongyang’s as yet nonexistent and inherently unusable nuclear weapon than it is with keeping Japan and South Korea from having an excuse to go nuclear.”⁴ Nevertheless, the administration’s actions demonstrated a seriousness of purpose toward walking back the North’s nuclear program.

With a renewed concern toward North Korea’s nuclear intentions came the understanding that the American policy of isolation would not be effective in eliminating the weapons aspect of the North’s program. From this position of serious concern the U.S. considered engaging with North Korea in a deliberate process. One early example of this change was a 1992 *Foreign Affairs* article by future deputy secretary of defense and director of central intelligence John Deutch warning of threat posed by North Korea’s program and appealing for engagement in order to avoid the perils of nuclear proliferation.⁵ Others pushed for a more roundabout way of convincing Pyongyang to end its quest for nuclear weapons. In an article in *Foreign Policy* Andrew Mack argued that a series of confidence-building measures including an agreement on conventional forces between South Korea and the DPRK would reduce the North’s security paranoia.⁶

President Bush began a policy of “comprehensive engagement,” but was careful to avoid the appearance of rewarding North Korea’s bad behavior.⁷

While the Bush administration wanted to address the nuclear issue first, it began with some small inducements for the North. First, the administration enacted laws that allowed the U.S. to begin food and other humanitarian aid shipments that were previously banned.⁸ Second, the U.S. began removing its nuclear weapons from South Korea, eliminating a major irritant for Pyongyang. While official American doctrine refused to admit the nukes had ever existed, a universal announcement on withdrawing nuclear weapons from abroad clearly signaled the change.⁹ Finally, around the same time the U.S. canceled an annual joint training exercise with the ROK that had been a major source of Pyongyang’s paranoia. The exercise, called *Team Spirit*, included over 200,000 troops, nuclear-capable ships and aircraft, and was clearly mimicking the conditions of a significant confrontation with the North.¹⁰

Who Should do the Talking?

As the United States was beginning to use its leverage to compel movement by North Korea, experts inside and outside government were considering the best framework for engagement. As U.S. policymakers mulled the complexion of this new strategy of engagement, two different schools of thought emerged regarding the prioritization of U.S. goals. Joel Wit, Daniel Poneman, and Robert Gallucci later described these two camps as the “arms controllers” and the “security pragmatists”.¹¹

At the heart of this division was a disagreement over America’s most important interests on the peninsula. The “arms controllers,” had a wide view of American interests that placed sustaining the global nonproliferation architecture at the top of any list of policy goals vis-à-vis North Korea. The “arms controllers”, many of whom were at the State Department, wanted the U.S. to concentrate on both NPT compliance as well as the introduction of International Atomic Energy Agency (IAEA) inspections. If the U.S. allowed the nonproliferation regime to erode or collapse due to misplaced

priorities, they argued, other potential nuclear weapons states would be emboldened and the U.S. would be worse off. The “arms controllers” were focused on forcing the North to sign a safeguards agreement and allow IAEA inspectors to verify what North Korea had done to date.

The “security pragmatists” on the other hand, were not as interested in preserving the nonproliferation regime as they were in keeping nuclear weapons away from the regime in Pyongyang. This group was focused on the destructive capabilities of a violent North Korean regime that would destabilize Asia. Under Secretary of Defense for Policy Paul Wolfowitz and fellow subscribers to this school of thought argued that the NPT did not actually forbid plutonium reprocessing, and would therefore be unlikely to prevent illicit diversion by Pyongyang.¹² The fears of the “security pragmatists” were reinforced by the American experience in the Gulf War. At the time, Bruce Cumings wrote, “worries seem to have been stimulated by post-Gulf War inspections of Iraq, which demonstrated how much could be concealed from satellites.”¹³ Furthermore, the “security pragmatists” believed that it was unlikely that North Korea would abandon its plutonium reprocessing capability without assurances that its neighbors would do the same, a non-starter for Japan which had famously rebuffed the Carter administration’s efforts on this topic a decade earlier.

The Bush administration’s strategy accommodated both groups to some extent. Washington pushed the IAEA to restore North Korea’s NPT compliance. At the same time, the administration promoted a DPRK-ROK dialogue on disarmament. America was willing to support the peninsular diplomacy with its own leverage but played down the prospect of direct negotiations with Pyongyang.

A Moment of Hope

The dynamic use of American carrots along with

reinvigorated peninsular and IAEA diplomacy produced a series of promising responses from the notoriously fickle North Koreans. In December of 1991, two months after the U.S. had announced its nuclear withdrawal and canceled *Team Spirit*, the DPRK and ROK signed a denuclearization pact. The Joint Declaration on the Denuclearization of the Korean Peninsula included a moratorium on plutonium processing and, thanks to American urging, the enrichment of uranium.

This positive step was followed by North Korea signing an IAEA safeguards agreement in January 1992. The agreement would allow the IAEA inspectors to investigate known nuclear sites. The U.S. had used back-channels to signal that if the North Koreans took this step they would be rewarded with a face-to-face meeting of high level diplomats.¹⁴ The meeting took place in 1992 between Arnold Kanter, the under secretary of state for political affairs, and Kim Yong Sun, the Worker’s Party secretary for international affairs. Although no breakthroughs occurred in the meeting, it appeared that momentum was continuing in a positive direction.

Inspections Go Awry

Michael Mazarr cites three concurrent events that destroyed the goodwill and momentum of early 1992: South Korea exposed a North Korean spy ring, the *Team Spirit* exercise was renewed, and the IAEA got aggressive after finding inconsistencies in the North’s nuclear declaration.¹⁵ Some analysts would later blame the American strategy of indirect negotiations for breaking the forward progress.

Leon Sigal builds a convincing case that the American decision to act primarily through the ROK and IAEA was a mistake.¹⁶ While the U.S. made some large initial concessions, the Bush administration did not follow up these moves with a comprehensive shift to change North Korea’s fundamental orientation. The administration’s basic

stance was that Pyongyang had made promises that it had to uphold or it would be punished- until the DPRK changed, America would not fully engage.¹⁷ Moreover, both the IAEA and the ROK had their own interests in North Korea's nuclear disarmament (ironically similar to the viewpoints of the arms controllers and security pragmatists) which shaped their actions in ways that provoked the DPRK.¹⁸

In his 1991 article "North Korea and the Bomb", Andrew Mack articulated the view that the IAEA could not play the sole role in inspections.¹⁹ Echoing the problem Mack described, Leon Sigal wrote, "The agency has little ability to detect, let alone monitor, undeclared nuclear facilities on its own. It has to rely on member-states to detect clandestine sites and share this intelligence."²⁰ This limitation made the IAEA's inspections of North Korean nuclear sites incomplete, a fact that was realized when an overabundance of reprocessed plutonium was discovered by the IAEA.

Moreover, the usually pragmatic IAEA took a hard-line stance against the DPRK. The IAEA was heavily influenced by its failure to pick up on the nuclear progress in Iraq. As Siegel wrote, "the agency was determined to lay down the law in North Korea, fearing that any flexibility in implementing safeguards would create an unfortunate precedent for other would-be proliferators."²¹ In addition, the IAEA seemed more focused on uncovering what North Korea had done in the past than preventing it from making further steps in the future.²² By February of 1993 the IAEA would demand, for only the third time, its right to "Special Inspections"- access to sites that had not been declared by the DPRK.

Similarly, the South Koreans took a strong position against their neighbors. Pushed by the U.S. to slow-roll engagement with the North, ROK politicians made concessions slowly and demanded an onerous inspections regime that was an obvious

non-starter with the DPRK. The Bush administration's decision to resume *Team Spirit* also indicates that it was pushing its allies to take a hard line. The coup de grace came when the ROK publicized its discovery of a North Korean spy ring, prompting another escalation in peninsular tensions.

Despite its initial offerings to the DPRK, the Bush administration's subsequent strategy was a "crime-and-punishment approach." Once it had made its initial concessions, the administration focused on pushing the North Koreans to disarm rather than get bogged down in a give-and-take arrangement. Since the U.S. did not engage directly, its leverage over negotiations was limited. As Leon Sigal describes, "The United States was left hostage to an IAEA and a South Korea whose own internal politics led them at times to adopt even more prosecutorial postures."²³ When both of these allies ran into trouble with North Korea, the push to denuclearize was stuck and the Clinton administration inherited a difficult problem with no solution in sight.

THE CLINTON ADMINISTRATION

Rough Early Days

As the Clinton administration took office it confronted an escalating situation with North Korea. In March 1993 the combination of the resumption of the *Team Spirit* exercise and the IAEA's renewed aggressiveness in ensuring North Korea's compliance with its safeguard regulations caused the DPRK to announce its intent to withdraw from the NPT in 90 days.²⁴ Washington's slightly schizophrenic response was to push for sanctions while simultaneously moving forward with direct engagement. In May, a UNSCR resolution provided the political cover the administration needed to engage bilaterally with Pyongyang.²⁵ Direct talks led to a joint statement where Pyongyang suspended its NPT withdrawal, averting a grim crisis at the last moment, but leaving the issue to be resolved in the future.

While the bilateral track with the DPRK seemed to be paying off, the South Korean and IAEA negotiations again upended any momentum. The IAEA process broke down when Pyongyang refused access to its Yongbyon reactor and talks with South Korea broke down over plans for a meeting of envoys. As a result, the U.S. canceled its next round of bilateral negotiations and again resumed *Team Spirit* exercises. Clearly angry, Pyongyang raised the stakes even further by removing its fuel rods at Yongbyon as the U.S. pushed for more drastic sanctions. By June 1994 the DPRK and the U.S. seemed locked into a nuclear standoff that threatened to culminate in war.

Clinton had been elected primarily on his domestic agenda and, as a result, the administration's policies during this initial period were a confused mixture of pushing for negotiations through the IAEA and ROK while haltingly pressuring Pyongyang to comply with agreements it had already made. When it became clear that this approach wasn't working, the administration

became willing to deal bilaterally with the North Koreans while continuing to push for limited sanctions and negotiations through the IAEA and ROK. To a large extent, the literature of this period mirrored the administration's debates, which was dominated by two main issues. First, there was a focus on the extent to which America and its international partners needed to focus on North Korea's past digressions versus its current threat and future potential. Second, there was significant debate throughout the 1993-1994 crises over whether the U.S. should pressure North Korea through sanctions or engage Pyongyang to convince the regime to give up its nuclear program.

Investigating the Past or Protecting the Future

The complicated question of how to uncover North Korea's past nuclear activity became the focus of world attention when the IAEA and Pyongyang faced off in early 1993.²⁶ The IAEA's attempt to implement a strong sanctions regime was focused on learning what North Korea had done instead of what activities Pyongyang was continuing. According to some experts, the IAEA's continued focus on the past unnecessarily provoked a series of crises with the DPRK.

In his criticism of the Clinton administration's early approach, Leon Sigal argued that productive talks were constrained by issues of the North's past program. Describing the administration's missteps Sigal wrote, "by going along with IAEA and South Korean attempts to get at Pyongyang's past production activities... [the U.S.] allowed itself to be sidetracked from high-level talks."²⁷ Beyond the fact that the IAEA's methods were provoking strong reactions from North Korea, it was unclear what the goals would be of uncovering the past. Sigal reasoned, "it was not clear what would be accomplished by uncovering hard evidence of past North Korean transgressions. Attempting to punish these transgressions was more likely to prompt rather than prevent proliferation."²⁸

In fact, Pyongyang's announced decision to withdraw from the NPT in March 1993 was in direct response to the IAEA's aggressive push for special inspections. The impact of North Korea's possible withdraw was considerable. As Andrew Mack discussed at the time, "Once the North is no longer party to the NPT, it is not in contravention of international law... There is no international law against acquiring nuclear weapons."²⁹ The entire legal framework for combating Pyongyang's nuclear program was built upon its commitments codified in the NPT. If those commitments were nullified, America's negotiating options would have been severely limited.

Due in part to the intransigence of the IAEA and its ineffectiveness in dealing with Pyongyang, the Clinton administration's approach gradually evolved to focus on North Korea's ongoing program. By May of 1994 the administration had decided to "give priority to stopping further bomb-making by North Korea before trying to determine how many bombs, if any, it may have produced in the past."³⁰

Two former Bush administration officials took a strong stance on focusing on the future of the North's nuclear program. Advocating the use of military strikes if North Korea moved forward, Arnold Kanter and Brent Scowcroft wrote, "The United States must make clear that whether Pyongyang remains in or withdraws from the NPT, the United States will not permit North Korea to reprocess its spent fuel."³¹ What was important, they argued, was that the North not be permitted to develop and separate additional weaponizable nuclear fuel. Even as the Clinton administration's approach began to definitively focus on the future, the debate within the government continued to consider the relative importance of exposing North Korea's past actions.³²

Sanctions Considered

In the same vein as the first Bush administration,

the Clinton administration encouraged its international partners to negotiate with North Korea instead of engaging directly. In the opening months of the administration, the U.S. slowly and cautiously ratcheted up pressure on Pyongyang to force the North Koreans to deal. The North's obstinacy, however, eventually led the United States to reconsider how effective sanctions could be.

The main problem for the Americans was that the Chinese and Russians were largely unwilling to develop strong sanctions. Pointing out this flaw in America's strategy, Andrew Mack wrote, "Implementation of a U.N. sanctions regime requires, at the very least, the passive acquiescence of China... the Chinese have repeatedly warned against putting too much pressure on Pyongyang and could well veto any Council resolution calling for sanctions."³³ Even when the Clinton administration used the carrot of bestowing "Most Favored Nation" status on the Chinese, they were against the use of sanctions with North Korea.

Mack, amongst others, questioned whether sanctions, if implemented, could even be effective tools against Pyongyang. Comparing North Korea to an Iraqi state that had repeatedly defied international sanctions, Mack was unconvinced that sanctions could compel the North to come clean. Mack wrote, "Saddam Hussein has withstood more than two years of sanctions *and* a military defeat without capitulating to UN demands. North Korea is already a highly isolated country... economic sanctions would hurt the people not the regime."³⁴ And since the North Korean people have little to no effect on the regime's foreign policy, pressuring the population made little sense.³⁵ Moreover, the act of gaining sanctions itself could be counterproductive. Even if sanctions were to be effective, the literature of the time noted, the process of developing sanctions can sometimes ratchet up unnecessary tension with little chance of success.³⁶

Some analysts went so far as to suggest that

sanctions could have the opposite of their intended effect. Leon Sigal argued that “a cutoff of trade and contact would give the North good reason to acquire nuclear arms.”³⁷ Indeed, considering the DPRK’s intent to extract economic benefits from any nuclear deal, further sanctions would in some ways merely encourage the North to ask for more and draw out negotiations to get a maximal deal.

Sanctions could also have had one of two disastrous effects on the regime. At the time Andrew Mack suggested that “sanctions could have the perverse effect of increasing the legitimacy of the regime as physical hardships increase—and the bomb program continues.”³⁸ Alternatively Michael Mazarr suggested that effective sanctions could have “created a highly dangerous and unpredictable situation in which the danger of war, or of the unstable and violent collapse of the North, were real possibilities.”³⁹ Either of these situations would have been completely counter to American interests in attempting to remove North Korea’s program in a way that would minimize the risk of nuclear material falling into the wrong hands.

Despite the clear limitations of sanctions, the consensus of the time was that they could still be useful in limited circumstances. Even when the Clinton team’s approach shifted away from sanctions, Clinton administration officials cited both South Africa and Libya as evidence that sanctions can be effective in changing the actions of some states.⁴⁰ Squeezing a country economically would remain an important tool in the nonproliferation arsenal.

Is There a Military Option?

Some hardliners suggested a more radical approach toward North Korea, aimed at encouraging the collapse of Kim il-Sung’s regime. . Surveying the possibilities in 1993, Andrew Mack downplayed the possibility of an internal coup. Mack argued that “lack of knowledge of the outside world, and a highly efficient police state apparatus that deals

swiftly and ruthlessly with any dissidence makes any sort of uprising highly improbable.”⁴¹

With internal revolution off the table, the U.S. could only consider toppling the regime militarily. In addition to the high cost of such a policy, America’s regional allies were firmly against regime change. China’s continual fear was that any crisis would provoke destabilizing refugee flows. South Korea too was against any regime change option. Mack suggested that “for some South Koreans, although the prospect of a nuclear armed North is deeply worrying, it may be less alarming than a chaotic and violent collapse of the Kim dynasty.”⁴²

Even a limited action to destroy Korea’s reactor or its reprocessing facility at Yongbyon seemed beyond the pale. Arnold Kanter and Brent Scowcroft, in an op-ed during the peak of the 1994 crisis, argued that the U.S. should consider such a strike (only on the reprocessing facility).⁴³ Even this position, however, was more useful for its deterrent effect than as an actual strategy. Kanter and Scowcroft concluded, “Any use of military force against North Korea could precipitate an attack against the South and launch a second Korean war.”⁴⁴ Their recommended hedge was to strengthen the South’s military capabilities, an act that in itself would be sure to spark tension on the peninsula.

Despite the paucity of options in dealing with the North’s nuclear program militarily (even hawkish American commentators like Charles Krauthammer believed such a strike would precipitate a war that could engulf the region), North Korea had reason to fear the U.S. and ROK.⁴⁵ South Korea’s conventional forces and economic capacity could not be matched by the DPRK, precipitating a security dilemma for the North. As long as those security concerns would override the economic benefits the North would receive for giving up its nuclear program, Pyongyang would seem

to have good reason to develop a nuclear weapon.⁴⁶

The Push for Direct Engagement

Throughout the early days of the Clinton administration the United States was clearly constrained by its reliance on its allies for negotiations, a negative side effect of multilateralism in the nonproliferation context. American policy was impacted by what it could convince its regional partners to do and the workings of international organizations like the UN and the IAEA.⁴⁷ In response to the increasingly ineffective negotiations between the IAEA and the DPRK, however, the United States made a shift toward more direct engagement.

Still, American diplomats were not willing to put much on the table to entice their North Korean counterparts. While some conservative columnists like Charles Krauthammer derided the Clinton approach as “talk loudly... and carry a big carrot,”⁴⁸ other commentators thought the U.S. was ineffective when it wasn’t directly engaged. Krauthammer wrote that the administration was being too soft, citing the cancellation of another *Team Spirit* exercise. Other experts disagreed with this characterization, claiming that America had actually offered quite little to the North Koreans. In fact, the administration came under fire from some for not offering enough substantial carrots to Pyongyang. Leon Sigal argued that this approach was inadequate: “the only inducement the United States was prepared to offer North Korea for not abandoning the NPT was more talks.”⁴⁹

A disapproving New York Times editorial in February 1994 clarified what the U.S. could offer North Korea. Improving relations, providing some security assurances, helping the North build less threatening reactors and offering economic benefits could get their attention.⁵⁰ Pushing for direct engagement, the editorial continued to argue that “diplomacy will cost a lot less than confrontation, and it just might get what the world wants -- a nuclear-free Korea.”⁵¹ Korean security expert

Michael Mazarr concurred, arguing that the U.S. needed to engage directly and, more importantly, clarify the scope and range of carrots we were willing to offer.⁵²

Mr. Carter Goes to Pyongyang

Spring 1994 was a significant turning point for America’s strategy towards North Korea. A series of aggressive and spiraling reprisals had created a rising crisis over North Korea’s nuclear program. First, North Korea refused to allow IAEA teams to inspect a reprocessing plant at Yongbyon. Then, in blatant disregard for American and IAEA threats, the DPRK began removing spent fuel from its reactor, a dangerous step toward weaponization. Finally, on June 13, Pyongyang announced it was withdrawing from the IAEA- it would remain bound by the NPT but refused to continue as a member state of the IAEA. The momentum in Washington and Pyongyang was decisively moving towards war. To forestall this building momentum, on June 15 former president Jimmy Carter, with the permission of the Clinton administration, visited Pyongyang.

There was little sense that Carter’s visit would avert the growing escalation on the peninsula. In fact, while Carter was visiting the North a meeting of the NSC was convened where Secretary of Defense William Perry presented three military options for dealing with the DPRK in case it followed through on its threat to start a war if sanctions were increased. In the middle of the meeting Robert Gallucci, the chief U.S. negotiator with the North Koreans, received an urgent call from Carter. The North was ready to deal.

Carter took to the airwaves via CNN, the White House watching with rapt attention, to announce that he had received commitments from North Korean leader Kim il-Sung that the DPRK would freeze its nuclear weapons program and engage in high-level talks with the U.S. Carter’s trip was a public relations coup that upstaged and drastically

altered American policy. In one fell swoop the push for a harsher sanctions regime was undercut along with any strategy based on isolating the North.

Carter's trip forced the Clinton administration to abandon what it "called the 'step-by-step' approach. The administration had set preconditions for high-level talks, insisting that North Korea take the first step."⁵³ For the international community, Carter's diplomacy had extracted that first step and the ball was now in the American's court.

Under the leadership of Ambassador Gallucci, the Americans began a strategy of comprehensive high-level engagement and direct negotiations. Even the death of Kim il-Sung, in July of 1994, was only a temporary barrier to the overall movement towards a deal. In four months of torturous and twisting negotiations, the American contingent was finally satisfied it had crafted a deal.

On October 21, 1994, the U.S. and the DPRK signed the Agreed Framework in Geneva, Switzerland that traded a freeze in North Korean nuclear weapons activity for future civilian nuclear power and interim energy assistance with the prospects of improved relations with the United States. Specifically, the DPRK agreed to seal its reprocessing plant, refrain from refueling its graphite-moderated nuclear reactor, help establish safe storage of its spent fuel rods, and to remain a party to the NPT. For these concessions, the U.S. would help build two proliferation-resistant light-water nuclear reactors (through a U.S.-led international consortium called the Korean Economic Development Organization [KEDO]), supply heavy fuel oil to compensate for power lost from freezing the nuclear reactor, exchange liaison offices (a step below the establishment of embassies), and reduce trade and investment barriers. In a carefully worked choreography, the two countries would trade slow steps, building towards the eventual dismantlement of the North's nuclear weapons

capability and a new relationship with the U.S.

Agreeing to a Framework

The administration's about-face happened so quickly that columnists and commentators had little time to question the fundamentals of the strategy. Instead, many focused on the content of the negotiations rather than consider the approach itself. While the minority of the debate concerned the question of sanctions versus engagement, most commentators dealt with the relative importance of walking back/containing the north's program versus the effort to uncover its parameters.

Carter's intercession and Kim il-Sung's willingness to de-escalate the ongoing nuclear crisis effectively ended any momentum for sanctions.⁵⁴ Without this tool the administration was more or less forced to engage with Pyongyang. While Carter's trip provided useful for the administration, which was seeking a face-saving excuse to avoid sanctions, the engagement approach opened Clinton up to conservative criticism. Leon Sigal described that while the economic stick was largely ineffective, "sanctions did serve as a shield against accusations by domestic critics that the administration was unwilling to stand up to North Korea."⁵⁵ Charles Krauthammer was probably the sharpest critic of the administration. In a series of op-eds for the Washington Post Krauthammer harangued Clinton and his national security team for "appeasement."⁵⁶ Senator John McCain echoed the attack, specifically targeting Carter for interfering in foreign policy. Questioned on his negative opinion of direct high-level engagement, McCain said, "Look, if it walks like a duck and quacks like a duck it is appeasement."⁵⁷

Along with the shift from sanctions to full engagement, the administration's stated goals underwent a dramatic evolution. Clinton's initial goals were maximalist. The administration required what Michael Mazarr described as "an iron-clad guarantee that North Korea possessed no ability to

assemble a nuclear device.”⁵⁸ Moreover, through its IAEA-based diplomacy the U.S. was seeking knowledge of how much progress North Korea had made on their nuclear program.

Once the U.S. engaged, the administration’s focus was clearly on North Korea’s nuclear future. It appeared that the Clinton team had come to terms with North Korea’s ambiguous possible possession of a limited nuclear weapon capacity and was seeking to constrain Pyongyang from increasing its arsenal.⁵⁹

Congressman Stephen Solarz was strongly in favor of this approach. Weighing the possible effects of nuclear weapons in the hands of North Korea, Solarz wrote, “The future of the North Korean program should concern us more than its past... a single North Korean bomb will not threaten global stability. Many North Korean bombs will.”⁶⁰ The administration’s approach basically echoed this sentiment. Michael Mazarr quotes Secretary of Defense William Perry of saying that U.S. policy was “oriented to try to keep North Korea from getting a significant nuclear weapons capability.”⁶¹ This was a far cry away from Clinton’s original statement in 1993 that North Korea “cannot be allowed to develop a nuclear bomb.”⁶²

Some experts were extremely critical of the administration’s revised goals. Henry Kissinger, in a Washington Post article, argued that containing the North’s nuclear program would not be enough. Kissinger warned of the geostrategic cost of a North Korean weapon. He wrote, “If... North Korea emerges with a nuclear weapons capability -- or a capability it can rapidly activate -- stability in Asia, America’s role in Asia and nonproliferation will all be gravely jeopardized.”⁶³ Instead of negotiating a nuclear freeze, the program needed to be rolled back. The Agreed Framework negotiated by the Clinton team aimed to secure a freeze and then begin to roll back the North’s nuclear program.

Implementing the Agreement

The signature of the Agreed Framework in November 1994 was lauded by the Clinton administration as a game-changing diplomatic breakthrough. The administration’s ability to get a deal on the table with North Korea appeared to provide support for its decision to offer direct negotiations and diplomatic carrots instead of the sticks of a continued sanctions regime. However, the agreement’s implementation was quickly hampered by opposition from the U.S. Congress. The 1994 congressional elections resulted in a sweeping change in the legislative branch that gave control of the congress to the Republican Party for the first time in over fifty years. Eager to exercise its new-found leadership, the Congress took a particular interest in exercising control over implementation of the Agreed Framework.

While the question of how to handle Pyongyang had always been difficult, in the years following the Agreement Framework, North Korea policy for the first time became a highly charged and extremely partisan foreign policy issue. Over the next two years, the divide between supporters and opponents of the Agreed Framework grew wider, with the executive branch and the Democratic Party arguing in support of the agreement, while the legislative branch and the Republican Party opposed it.

The existing divide over North Korea policy was only deepened by North Korea’s own actions. Even while the Clinton administration attempted to implement its plan for denuclearization, North Korea expanded its participation in other equally troubling activities, including ballistic missile development and proliferation, drug trafficking, and aggression toward South Korea. The Clinton administration repeatedly attempted to draw North Korea back to the negotiating table to address these broader concerns, through bilateral talks and the Four-Party Peace Talks. In each case, North Korea attempted to demand more from

the U.S. and its partners, primarily in the form of food aid or monetary compensation, as a reward for its participation. Meanwhile, tensions were exacerbated by a North Korean submarine caught spying on the South, the seizure of illegal drugs and missile components on North Korean vessels, and the defection of a high-level North Korean who claimed the country had already amassed sizable nuclear stockpiles. A frustrating cycle of provocation followed by aid and diplomacy began to develop that many policymakers and scholars decried as “blackmail.” As an August 1997 editorial in the *Washington Post* observed, “It is this very unpredictability and potential danger that explains the attention U.S. officials lavish on this failing state. A kind of blackmail is at work. North Korea’s misbehavior is its only chip.”⁶⁴

Increasingly, conservative opponents of the Agreed Framework began to argue against the Clinton administration’s approach. Conservatives voiced two primary points of disagreement. First, they felt the sequencing of the Agreed Framework strongly favored North Korea’s interests and amounted to little more than blatant appeasement. The main objection on this front was that North Korea would not be required for several years to provide a precise accounting of its existing plutonium stockpiles, which allowed the country to benefit from the construction of two new nuclear reactors while still potentially retaining sufficient plutonium to construct one or two nuclear weapons. Second, many conservatives objected to an agreement that required the U.S. to provide large sums of money to support the North Korean economy, which was viewed as supporting and prolonging the rule of a dictatorial regime. As a result, some pundits began to suggest conditioning or eliminating U.S. aid to North Korea, in an effort to force the DPRK to the negotiating table on U.S. terms or allow the regime to collapse.

Sequencing Debate

At the heart of the debate over the Agreed

Framework was the issue of reciprocity. For those who supported the Agreed Framework, the reciprocity of the agreement was one of its greatest strengths. Each U.S. action – such as construction of the light water reactors or the establishment of liaison offices – would be matched by North Korea’s steps to freeze and then dismantle its nuclear program. However, opponents of the agreement argued that the agreement was noticeably front-loaded in North Korea’s favor. According to the Agreed Framework, North Korea did not have to come under complete IAEA safeguards until a “substantial” portion of the light water reactor projects had been completed. Additionally, as the implementation protocols were developed, it was agreed that North Korea did not have to ship its canned fuel rods out of the country until the first reactor was completed, but before it went into operation.⁶⁵ As a result, some conservatives began to argue for a revised version of the implementation timeline.

The debate over sequencing was in reality little more than a continuation of ongoing disagreements over whether negotiations should prioritize North Korea’s future nuclear capabilities or past reprocessing efforts. For the Clinton administration and its negotiators, this question had already been answered in favor of stopping future production. Freezing North Korea’s ability to reprocess in the future could prevent the acquisition of a significant nuclear capability, while its existing supply of plutonium was likely only sufficient to produce one or two bombs. For those who supported the agreement, conservative arguments about sequencing ignored the utility of the Agreed Framework in immediate and pressing national security objectives. Howard Diamond, a senior researcher at the Arms Control Association, argued: “Before a dime of U.S. money was spent on heavy fuel oil, and before KEDO... was even formed... North Korea’s drive to become a nuclear weapons state was stopped short. The Agreed Framework is indeed

heavily weighted to one side. What needs to be reiterated is that it's our side."⁶⁶

Opponents of the agreement, such as Victor Galinsky and Henry Sokolski, argued, however, that the sequencing of the agreement allowed North Korea to maintain a "nuclear hedge" that left the U.S. vulnerable to continual nuclear blackmail.⁶⁷ Galinsky and Sokolski therefore argued for an abbreviated timeline for the agreed framework. This revised timeline would include three key steps: 1) North Korea would have to begin shipping its spent fuel out of the country before the U.S. would sign a nuclear cooperation agreement, 2) North Korea would destroy its smaller reactor and complete shipping the spent fuel by the time the first light water reactor was completed, and 3) North Korea would dismantle the additional two reactors in tandem with the construction of the second light water reactor.⁶⁸

In a rebuttal to Galinsky and Sokolski's argument, Howard Diamond argued that concern over precise verification of North Korea's previous reprocessing efforts was immaterial. According to Diamond, and many members of the Clinton administration, the agreement was already structured to deal with North Korea's existing stockpiles. The framework required North Korea to implement "all steps deemed necessary by the IAEA" to verify that it was not hiding nuclear materials before it would receive any nuclear components for the new reactors. In other words, Diamond argued, "until both the United States and the IAEA are satisfied that North Korea has come clean, the most Pyongyang will receive is heating oil and some large concrete buildings."⁶⁹ Furthermore, Diamond argued that Galinsky and Sokolski's suggested revisions were unnecessary given that the implementation timeline outlined by the "confidential minutes" (which supplemented the Agreed Framework) was nearly identical to the one outlined in their article.⁷⁰

Blackmail or Diplomatic Savvy

Another contentious aspect of the Clinton administration's approach was its willingness to provide financial assistance to North Korea. As early as 1995, members of Congress initiated efforts to block funding for the Agreement, and these efforts became a consistent part of debates over North Korea policy for the remainder of the Clinton administration. At the heart of the disagreements between Congress and the administration on this issue was whether making agreements that included direct payments to North Korea was an effective tool of diplomacy or diplomatic blackmail.

The day the Agreed Framework was signed, the *Wall Street Journal* ran an editorial that came out strongly against the agreement, stating that "what will be remembered is that the world started pouring money into the Kim regime just as it should have been allowed to crash."⁷¹ James Lilley, former U.S. Ambassador to Korea, contended that by providing heavy oil and food aid to the North Korean regime, the U.S. was supporting a long history of fiscal irresponsibility on the part of the North Korean leadership, citing the regime's preference for "self-glorifying, economically disastrous projects" and military spending in spite of the widespread starvation of the North Korean population.⁷² Given Pyongyang's unwillingness to demonstrate fiscal responsibility, Lilley argued that U.S. policy should aim to promote long-term change rather than support and appease the Kim regime.⁷³

For those who supported the Agreed Framework, opposing the provision of necessary funding was not only short-sighted but also placed U.S. national security in peril. According to Jessica Tuchman Matthews of the Council on Foreign Relations, given the potential benefits of the agreement, the cost of implementation was a small price to pay. Matthews argued the cost of implementation - \$20 to \$30 million - was far less than the \$2.5 billion the U.S. was spending on support for conventional forces on the peninsula, which could be reduced if

the Agreed Framework was able to reduce tensions on the peninsula.⁷⁴ Moreover, for Matthews and many other supporters of the Agreed Framework, by placing a verifiable freeze on North Korea's plutonium production, the Agreement dealt with the most immediate and pressing threat to U.S. security. Former Ambassador to South Korea, and Director of KEDO, Stephen Bosworth concurred with this argument. In 1997 Bosworth contended the agreement was pragmatic and cost-effective, and more importantly, it was working. North Korea's reprocessing facility had been sealed and placed under IAEA safeguards, and IAEA inspectors were back on the ground verifying implementation of the agreement.⁷⁵

Those who approved of the Clinton administration's approach also posited that the agreement had larger regional and global benefits. Matthews argued the agreement had not only prevented North Korea's continued reprocessing of plutonium, but had also avoided a nuclear arms race in Northeast Asia, likely rescuing the global non-proliferation regime in the process. Without the agreed framework, she argued, it would have been unlikely that the NPT would have been extended indefinitely in 1995.⁷⁶

Another important benefit of the Agreed Framework was the creation of KEDO. According to Bosworth, KEDO had become an important forum through which to harmonize U.S., Japanese, and South Korean interests, and offered a "functioning model of multilateral action in a region where such action has been rare."⁷⁷ Matthews echoed Bosworth's assessment of KEDO's utility. North Korea's acceptance of a multilateral organization that required it to work with both South Korea and Japan was a significant regional step. Moreover, through the regular interactions associated with construction of the nuclear reactors, KEDO had slowly begun to re-establish a working relationship between the North and South.⁷⁸

Gaining Leverage: The "Hard Landing" Option

Over the course of 1996-1997, new questions began to arise about the stability of the North Korean regime due to a growing famine, high-level defections, the North's weak economy, and the fact that Kim Jong-il had not yet taken on the title of state president. Combined with this growing uncertainty about the regime's future was a growing sense of frustration with Pyongyang's continued provocations. Accordingly, some experts began to suggest a move away from the "soft landing" model toward disengagement that would encourage a more immediate "hard landing". Both the "soft landing" and the "hard landing" models aimed to promote political liberalization and the eventual reunification of the peninsula under a democratic regime. However, the "soft landing" model, represented by the Agreed Framework and the recent Four Party Peace talks, held the view that while North Korea would eventually collapse, "it is in everyone's interest for it to disappear peacefully and gradually -- without a war on the South, a wave of refugees, mass starvation or chaos."⁷⁹

Adherents to a "hard landing" model began to argue that the current approach was holding U.S. interests hostage to North Korean blackmail and propping up a difficult regime. Instead, they contended, the U.S. should begin to take a tougher stance that would at a minimum force North Korea back to the table on U.S. terms, or more preferably, allow the North Korean regime to proceed more quickly toward a "hard landing" collapse.

U.S. food aid emerged as the easiest and most logical mechanism through which to exercise U.S. leverage over North Korea and effect this change. William Taylor and Glenn Baek suggested that food aid was perhaps the only leverage the U.S. had over North Korea at the time. Without diplomatic or economic ties between the two countries, the U.S. had very little ability to "press" North Korea to improve the domestic situation of its populace.⁸⁰

According to proponents of the “hard landing” approach, the rationale for conditioning or denying food aid was simple: “food is fungible. No matter how scrupulously the delivery of food aid is monitored, one cannot escape basic arithmetic: more food aid to feed civilians means more domestic production can go to keep the military well fed.”⁸¹ For many national security hawks, providing unconditional aid to Pyongyang was not only the wrong approach but was also a naïve waste of U.S. leverage. James Przystup and Robert Manning argued: “Pyongyang should be offered the choice of keeping its gun or its tin cup. But to allow it to have both is sheer folly.”⁸²

For Taylor and Baek as well as Charles Krauthammer, limiting U.S. food aid was also an issue of morality. Charles Krauthammer argued that the U.S. should begin placing strict conditions on food aid, such as the withdrawal of North Korea’s conventional forces from the DMZ. In opposition to those who argued that denying food to starving people was immoral, he suggested that conditioning U.S. food aid was the more moral approach. According to Krauthammer, morality did not imply an obligation to provide assistance to an enemy nation, but rather “the president of the United States has the contrary obligation not to strengthen that enemy in any way.”⁸³ Taylor and Baek took an even firmer approach, suggesting that the U.S. should deny food aid completely in order to avoid prolonging the rule of a cruel regime: “Without further food aid, an unknown number of North Koreans would probably starve. But, with food aid, the dictatorship in Pyongyang survives longer to inflict human rights horrors on its own people.”⁸⁴

Towards a New Strategy

By the summer of 1998, the Agreed Framework and the Clinton administration’s diplomatic approach was being challenged on all fronts. The scope of the North Korea problem clearly exceeded the reach of the Agreed Framework. The Clinton

administration was engaging North Korea in additional bilateral negotiations to address the ballistic missile threat, but progress had been limited. Similarly, although the U.S., South Korea, and China were participating in the Four-Party Peace talks, the three countries had significant differences over their preferred approaches toward North Korea.

Meanwhile, the specter of the North Korean threat grew when in August 1998 North Korea launched a three-stage Taepodong rocket over the Sea of Japan. The launch shocked the international community, led Japan to suspend its funding for KEDO, and surprised U.S. intelligence officials with the advances in North Korea’s missile technology. The discovery of a suspected secret nuclear facility in Kumchang-ni in October 1998 only heightened domestic concerns that the Agreed Framework had failed to abate the North Korean threat. In response to a growing outcry over North Korea’s provocations and congressional efforts to force a change in the administration’s policies, in November 1998, the Clinton administration appointed former Secretary of Defense William Perry as the North Korea Policy Coordinator and tasked him with the job of conducting a full inter-agency review of U.S. policy toward North Korea.

Perry’s report, which was made public in October 1999, addressed many of the criticisms of the Clinton administration’s approach and recommended a new “comprehensive” U.S. policy toward North Korea.⁸⁵ Several unofficial reviews conducted in the same time period by independent scholars and former policymakers reflected new areas of consensus and disagreement on North Korea policy.

First, there was general agreement that the “hard landing” approach was not a useful policy option. Perry’s report noted there was no evidence to suggest either that the Kim regime was in imminent danger of collapsing, or that it could be “induced”

to reform. As a result, he argued US policy must be structured to “deal with the North Korean government as it is, not as we might wish it to be.”⁸⁶ Perry’s analysis echoed an earlier report issued by the National Defense University (NDU) and led by future Deputy Secretary of State Richard Armitage, which argued that the past few years of negotiations had fundamentally disproved any notion that the North Korean regime would change or fade away.⁸⁷

However, both the Perry and Armitage reports stressed the need for a strong continued American military presence on the peninsula. They argued that the presence of U.S. troops was essential to deter North Korea from taking any actions that might upset the stability of the peninsula and the region. Perry noted that given the size of North Korea’s missile arsenal and its conventional forces, as well as the proximity of U.S. forces and the South Korean capital to the DMZ, any military contingency would almost certainly result in casualty levels unprecedented in recent experience.⁸⁸ Although Perry found that existing troop levels were sufficient to deter North Korea, the Armitage report recommended that U.S. policymakers further enhance the U.S. military deterrent by building up troops on the peninsula and establishing clear military redlines for Pyongyang. The report also recommended that policymakers consider what possible contingencies they might be willing to pursue if, “after exhausting all reasonable diplomatic efforts,” they determined no reasonable diplomatic solution was achievable.⁸⁹

Second, there was also a general consensus that the U.S. should keep its commitments under the Agreed Framework, but that the agreement should be supplemented by a new, more “comprehensive” approach. The objective of pursuing a new approach was to design a set of incentives and disincentives that would address the broader security concerns on the peninsula that had now become interconnected with the nuclear issue.

However, there continued to be significant disagreements, largely determined by partisan affiliation, about the manner in which these issues should be incorporated into the negotiations. The Perry Report recommended a “two path strategy” that made complete and verifiable cessation of North Korea’s nuclear and missile programs the immediate aim of U.S. policy. Other than the inclusion of missile testing, this was largely the same approach as the Agreed Framework. However, Perry also recommended that the U.S. move more quickly to establish normal diplomatic relations if the first “phase” of the negotiations went well.⁹⁰ By contrast, the Armitage Report argued that any negotiations must immediately address the “totality” of the security threat on the peninsula. Armitage, like many conservatives, placed a more immediate emphasis on the importance of verifying North Korea’s previous nuclear activities. He therefore argued that North Korea must be brought immediately into compliance with IAEA safeguards and provide access to suspect sites.⁹¹

Finally, there was bipartisan agreement that the administration’s new policy must be built on broader consultations both within the U.S. government and with U.S. allies. The tug of war between the legislative and the executive branch over North Korea policy had crippled implementation of the Agreed Framework, as had a lack of coordination between the various U.S. agencies involved in North Korea policy. Both the Perry and Armitage reports included improved intra-governmental coordination among their recommendations. Armitage recommended the development of a regularized mechanism for executive-legislative consultation on North Korea, while Perry suggested a high-level interagency working group to coordinate North Korea policy.⁹²

Both reports also suggested a renewed focus on coordination with U.S. allies. In the years following the Agreed Framework, the lack of coordination

between the U.S., South Korea, and Japan had undermined not only implementation of the agreement, but also the alliances themselves. Like the U.S. Congress, Japan objected to a U.S. agreement that required it to provide significant amounts of compensation without having been included in the negotiations. Tensions over North Korea policy had also placed a noticeable strain on the U.S.-ROK alliance. In 1996, South Korea complained that the U.S. was not taking a sufficiently firm approach.⁹³ By 1998, the situation had reversed as South Korea sought to engage in a new “Sunshine Policy” with the North while the U.S. implemented new sanctions. As a result, over the course of the Perry review, the U.S. established the Trilateral Coordination and Oversight Group (TCOG) to provide consultation among these three parties. This coordination would prove to be an important precursor to the later Six-Party Talks.

An Uncertain Future

In spite of bipartisan support for key aspects of the Perry review’s recommendations, there continued to be a wide gap between hawks and doves on the appropriate way to deal with North Korea. While the Clinton administration strove to implement Perry’s recommendations, and pursue a more vigorous engagement with North Korea, including a visit by Secretary of State Madeleine Albright to Pyongyang, many conservatives continued to argue for a tougher approach.

A November 1999 report by the Congressional North Korea Advisory Group highlighted several of the issues and debates that would soon come to the forefront of U.S. policy when the Bush administration entered office. First, like Armitage, the Advisory Group highlighted the broad range of issues on the table with North Korea, noting, “Pyongyang continues to harbor terrorists, produce and traffic in narcotics, counterfeit U.S. currency, and infiltrate agents into South Korea and Japan.”⁹⁴ Second, the congressional report repeatedly expressed the belief that North

Korea was continuing to engage in undeclared nuclear activity, in direct violation of the Agreed Framework. Finally, the congressional report provided a very different assessment of the long-term status of the North Korean regime, arguing, “North Korea appears to be on the edge of economic and political collapse.” While the report did not offer specific policy prescriptions, it was indicative of the remaining disagreements over North Korea policy that would soon bubble to the surface once more.⁹⁵

GEORGE W. BUSH ADMINISTRATION

Texas Meets Pyongyang

When the Bush administration entered office, the long-term status of U.S. efforts to denuclearize the Korean peninsula was unclear. The 1994 Agreed Framework been effective in freezing North Korea's reprocessing program and providing a roadmap toward normalized relations, but the agreement was immensely unpopular with the Republican Party and was barely clinging to life after several years of lackluster implementation. The Clinton administration had retooled its negotiations with North Korea in the late 1990s, resulting in a missile testing moratorium, a joint statement on terrorism, and the unprecedented visit to Pyongyang by then-Secretary of State Madeline Albright. As a result of this diplomatic shift, the Bush administration also inherited ongoing ballistic missile negotiations, which though incomplete, were "tantalizingly close" to a promising agreement.⁹⁶ Finally, the Clinton administration also passed to the Bush administration a new focus on multilateralism that included the Four-Party peace talks (including the U.S., China, South Korea, and North Korea) and the TCOG.

Early in the Bush administration, Secretary of State Colin Powell signaled a degree of continuity in policy by stating the Bush administration would "pick up where President Clinton left off," although he made clear that the administration believed the Agreed Framework paradigm was incomplete.⁹⁷ Yet in an example of the internecine disagreements that characterized the Bush administration's first term, Powell was forced to reverse himself the very next day after the President announced they would instead conduct a comprehensive review of existing policies.⁹⁸ The strategy announced after the conclusion of the review in June 2001 was aimed at improving and strengthening implementation of the Agreed Framework while pursuing a more comprehensive approach to negotiations to address the status of conventional forces on the peninsula,

progressing toward a permanent peninsular peace agreement, and constraining North Korea's missile program.⁹⁹ The components of the Bush administration's proposed strategy reflected larger trends in the intellectual debate over negotiations with North Korea that had been circulating over the past few years. Three key issues were at the heart of debates over North Korea policy in the early years of the Bush administration: 1) a renewed focus on implementation and verification, 2) the need for a "tougher" approach toward North Korea, either through containment or "hawk engagement", and 3) the wisdom of a regional vs. global approach to North Korean proliferation.

Verification Protocols

By the time President Bush entered office, the issue of verification had become a definitive concern due to the structure of the 1994 Agreed Framework, which had deliberately postponed many of the more challenging verification issues until later phases of implementation.¹⁰⁰ In the years following the agreement, North Korea repeatedly balked at accepting full compliance with IAEA safeguards and by 2001 there was a widespread sense that a comprehensive verification regime could no longer be postponed. The Agreed Framework's timeline for IAEA compliance was at the heart of the verification debate. Article 4.3 of the Framework stipulated that "when a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its Safeguard Agreement with the IAEA."¹⁰¹ In late 2001 and early 2002, a new hard-line legal argument concerning Article 4.3 emerged in the policy debate, shaping the administration's discussion about re-entering negotiations with the DPRK.

Scholars in support of a harder line against North Korea began to argue for implementation of a concept known as "anticipatory breach." According to this line of thinking, "if one knows that a party to a contract has no intention of meeting

its terms, then the other party is under no obligation to continue complying.”¹⁰² The rationale for this argument was constructed using a deductive process based on likely dates for completion of the light water reactors that were a key part of the Agreed Framework. In 2001, KEDO estimated that the promised reactors would reach completion in May 2005. Simultaneously, the director of the IAEA stated that the agency would need three to four years of full access to the DPRK’s nuclear sites before they would be able to completely verify that North Korea was not hiding or manufacturing any weapons or weapons-grade materials. Considering these dueling timelines, Henry Sokolski and Victor Galinsky posited in February 2002 that North Korea was already nine months behind in admitting IAEA inspectors. They therefore argued that if North Korea was not willing to allow inspectors into the country immediately, Pyongyang would not be able to fulfill its side of the deal in the future and the U.S. should declare North Korea to be in “anticipatory breach” of the Agreed Framework.

The legal ju-jitsu that sought to aggressively push Pyongyang beyond the letter of the Agreed Framework (while clearly preserving its intent) highlighted two fundamental beliefs that had emerged in the Republican Party. First, there was a sense that the Agreed Framework was a fundamentally flawed document and that North Korea’s “obstinacy” provided a convenient excuse to extricate the U.S. from the agreement.¹⁰³ Critics of the Agreed Framework argued that the accord provided multiple carrots to Pyongyang through provision of heavy fuel and light water reactors, but failed to balance the arrangement with the necessary sticks to deter North Korea from cheating.¹⁰⁴ North Korea’s burgeoning missile program and suspicions about the existence of undisclosed nuclear sites only fueled the belief that the North was taking advantage of the international community’s beneficence.

Second, concerns about verification in the North

Korean case reflected a shift taking place in the broader international debates about non-proliferation. The Bush administration had come to believe that international arms control commitments were sufficiently lax to allow pariah regimes to cheat on their commitments without U.S. knowledge. They pushed a tougher approach that “jettisoned” non-verifiable commitments and placed a larger emphasis on more vigorous enforcement of verifiable agreements.¹⁰⁵ Following the events of 9/11, which increased concerns that nuclear weapons could be handed off to non-state actors or terrorist organizations, and the public disclosure of North Korea’s secret uranium enrichment efforts in 2002, support for a comprehensive verification regime grew even stronger.

“Getting Tough”: Hawk Engagement and Tailored Containment

The second trend in the early years of the Bush administration was an emphasis on the use of sticks in negotiations with North Korea. Republicans and Democrats largely agreed about the need for negative coercion when dealing with North Korea, but disagreed over the degree to which the Clinton administration had incorporated this approach into previous policies and agreements.¹⁰⁶ The Bush administration chose to pursue a new framework often described as “hawk engagement.”¹⁰⁷ One of the primary differences between this model and the Clinton administration’s approach was the underlying assumption about the nature of the North Korean regime. The Democratic camp believed that negative coercion was useful because it would force North Korea to the negotiating table. However, many conservative thinkers held a deep-rooted skepticism that North Korea would be willing to bargain away its nuclear program.¹⁰⁸ Instead, they viewed negative coercion as necessary in the event that North Korea could *not* be incentivized back to the bargaining table.

As White House official Michael Green later explained, the true value of engagement was

the international support it would engender for tougher contingencies: “We have to make some diplomatic efforts to keep [our allies] on board, but we also need them once diplomacy fails. So we have to show some ankle, we have to be a little more forthcoming, because the allies [are] not willing to be tough and put pressure on unless we [are] willing to create a diplomatic process.”¹⁰⁹ Victor Cha, author of the hawk engagement model, characterized this approach as one that would “test” North Korea’s intentions as well as its professed willingness to dismantle its nuclear program. In the event that North Korea refused to negotiate on U.S. terms, the U.S. should follow through on the promised sticks. Assistant Secretary of State Jim Kelly’s visit to Pyongyang in October 2002 and North Korea’s reported acknowledgement of a clandestine uranium enrichment program convinced many conservatives that the time for “testing” Pyongyang had passed and the time to proceed to containment had arrived. President Bush’s advisers recommended a new set of policies that came to be known as “tailored containment.”¹¹⁰ The approach included isolation and containment to minimize the DPRK’s military threat, maritime interdiction to prevent the proliferation threat, and a strong sanctions regime to cut off Pyongyang’s access to illicit funds.¹¹¹

For policymakers and scholars in the conservative camp, the real value of using sticks such as isolation and containment was their value to promote regime change. They believed that without fundamental regime change a permanent solution to the North Korean problem was unlikely. This sentiment was argued in a 2003 study issued by the Senate’s Republican Policy Committee, which explicitly stated, “The bottom line is this: North Korea will not change its bad behavior until the status quo is fundamentally altered.”¹¹² According to the study, while the short-term objective of nuclear negotiations was to shift North Korea’s behavior, the underlying long-term goal was to

fundamentally reform the regime. Conservative scholars such as Marin Strmecki voiced similar opinions, explicitly arguing for a more aggressive regime change policy. According to Strmecki, the primary objective of U.S. policy toward North Korea needed to be “to avoid doing anything that helps the North Korean regime cope with its failure and to undertake a serious planning effort to examine how to exploit the vulnerabilities of the regime and to prepare for what would be necessary in the aftermath of the regime’s fall.”¹¹³

This shift in objectives had a resounding effect on America’s multilateral effort to thwart the North’s nuclear program. America’s stated interest now seemed contrary to the immediate concerns of the regional powers who wielded considerable clout over the regime in Pyongyang. While the U.S. supported regime collapse in North Korea, regional stability remained a bottom-line objective for many of our Asian partners.¹¹⁴ The other members of the Six-Party Talks were willing to tolerate Kim’s regime because the alternative posed the serious prospect of instability from refugee flows and the economic cost of rebuilding North Korea. As a result, the Bush administration found its ability to implement sticks that relied heavily upon multilateral cooperation significantly limited.

The Regionalists vs. the Globalists

The third theme of the debates in the early Bush administration was the need for a broader approach toward North Korea. By the late 1990s, it had become clear that the North Korean threat was not only limited to plutonium reprocessing. A vigorous debate emerged, both within the administration and the broader policy community, between those who supported a “regional security” approach and those who supported a “global security” approach.

For most regional experts and Korea scholars, the true solution to the problem lay in addressing the regional security issues feeding North

Korea's sense of insecurity. For many nonproliferation experts, North Korea was just a symptom of broader problems in the global nonproliferation regime. Again, one of the underlying divides between these different emphases was an assumption about the nature of the North Korean regime. For those who stressed a political solution, North Korea was behaving as a rational, albeit difficult, state that could be persuaded to alter its behavior if its insecurities were addressed. For those who stressed broader concerns about proliferation, North Korea was just one of many "rogue regimes" that were unlikely to change, and thus U.S. objectives could best be met by preventing proliferation and promoting regime change.

Individuals who fell into the former camp advocated for a "comprehensive" approach to North Korean negotiations that would focus on the full scope of the DPRK's security concerns and provide North Korea with clear security assurances in return for its willingness to verifiably dismantle its program.¹¹⁵ For those who supported this approach, the primary failure of the 1994 Agreed Framework had been its failure to provide firmer security guarantees and move toward political normalization.¹¹⁶ Selig Harrison was one of the primary supporters of this strategy. His 2004 book, *Korean Endgame*, argued forcefully for a focus on regional security. Harrison contended that North Korea would not prove willing to denuclearize unless it could be assured of two security imperatives: first, a U.S. agreement forgoing the right of "first use" against conventional forces; and second, reciprocal assurances to establish a nuclear-free peninsula.¹¹⁷ The regional security approach was also supported by scholars such as David Kang. Kang argued that North Korea's previous actions demonstrated not only willingness, but also a desire, to negotiate and reach an accommodation on its security concerns. According to Kang, a firm security guarantee was therefore essential because coercive tactics such as isolation or

sanctions would only increase the regime's insecurity, further escalating tensions on the peninsula.¹¹⁸

In stark contrast to the "security" approach was the "proliferation" approach that began to emerge in the early part of the Bush administration. Concerns about North Korea's missile proliferation activities had been growing in the late Clinton administration, but by the Bush administration, these concerns had expanded to include the possible proliferation of "weapons of mass destruction", including nuclear materials and biological and chemical weapons. These concerns became particularly salient in the aftermath of the 9/11 attacks and as evidence about North Korea's uranium enrichment and ties to states such as Pakistan and Yemen came to light. North Korea had proven its willingness to engage in proliferation with other questionable regimes, and many conservative thinkers also feared Pyongyang's willingness to sell its technology and expertise might extend to terrorist groups such as Al-Qaeda.¹¹⁹ For many national security experts, North Korea's potential export of fissile material or weapons of mass destruction had become the most immediate and dangerous threat to U.S. national security.¹²⁰ The possibility that Pyongyang could share its WMD capabilities made North Korea's nuclear program a very real threat to the American homeland.

Although there was a broad concern about WMD proliferation, the focus on proliferation within the more conservative wing of the Bush administration reflected an argument that all "rogue regimes" were essentially the same, and more importantly, were increasingly connected through networks of proliferation.¹²¹ As a result, the U.S. would have to do its utmost to prevent these states from obtaining or sharing weapons of mass destruction, which required a uniform global approach. According to former Undersecretary of State Robert Joseph, regional exceptions or nuances would only serve to undermine the broader global implementation of the administration's policies.¹²² As Henry Sokolski

surmised, any suggestions of a nonaggression pact with North Korea “would only confirm to the world’s nuclear wannabes, starting with Iran, that going nuclear wins you what you want.”¹²³

As a result of this global philosophy, North Korea became a perfect case study, along with Iraq, through which the Bush administration could demonstrate its new approach. As Henry Sokolski argued at the time, “Although establishing such restraints will be challenging, it will be far easier to tackle now – using the war against Iraq and the crisis in North Korea as reasons – than trying to manage the large and unruly crowd of weapons states that otherwise will arise if we fail to act.”¹²⁴ During his time as Undersecretary of State for Arms Control and International Security, John Bolton echoed these sentiments, repeatedly emphasizing the global threat caused by North Korea’s proliferation practices.¹²⁵ With the rise of the “proliferation” camp, the literature and thinking on North Korea became inextricably tied to the broader concern of global proliferation networks and the global war on terror. Accordingly, policy recommendations from this camp tended to focus on “country-neutral” approaches to countering proliferation, such as interdiction protocols and multilateral bans.¹²⁶ However, this global focus was fundamentally at odds with the formerly discussed regional security approach. The tension between the “global” arms control experts in the Bush administration and the regional North Korea experts paralyzed U.S. policy toward North Korea for much of the Bush administration’s first term in office.¹²⁷

Toward a Second Crisis: Escalating Tensions on the Peninsula

Following North Korea’s announcement in December 2002 that it planned to restart one of its reactors, there was a greater sense of urgency to the negotiation process and a determination that North Korea’s nuclear ambitions had to be met with firm resolve. As one former diplomat

noted, “In 1994, we could afford to give diplomacy a chance and, failing that, we could still resort to other, more severe measures. Today, we do not have the luxury of depending on one method... We have to be prepared for the possibility... that sooner or later North Korea will become or declare itself a nuclear power.”¹²⁸

At the beginning of 2003, tensions on the peninsula reached a crescendo. North Korea once again removed itself from the NPT, restarted its nuclear reactors, and then in conversations with U.S. diplomats, openly acknowledged its possession of nuclear weapons. By the summer of 2003, North Korean diplomats announced that the DPRK had completed reprocessing all of the 8,000 spent fuel rods that had been previously removed from the Yongbyon reactor. In an effort to promote a new multilateral framework for negotiations, the Bush administration participated in the first round of the Six-Party talks in August 2003. However, the talks did not succeed in making any significant progress, and the administration was surrounded by growing concern and displeasure about its approach from both sides of the political spectrum.

During this period, a plethora of reports began to emerge recommending a path forward for U.S. negotiations with Pyongyang. Three trends emerged during this period: 1) a push for a firmer approach from Democrats, 2) advocacy for a comprehensive solution to the problems on the peninsula, and 3) a closer examination of multilateral mechanisms.

Democrats Get Tough

The discovery of North Korea’s secret uranium program in October 2002 and its decision to once again begin reprocessing plutonium produced a decided turn among many Democratic policymakers toward a tougher approach. Former Clinton officials Anthony Lake and Robert Gallucci argued in November 2002 that the U.S. should pursue a multi-pronged strategy with North Korea that

made liberal use of negative coercion. The U.S. would coordinate with allies to suspend economic and political aid to North Korea and then suspend U.S. implementation of the Agreed Framework until North Korea destroyed its uranium enrichment facilities. Following these measures, they argued for a much stricter verification regime that would require North Korea to immediately permit full inspections by the IAEA and accept any and all future requests for special inspections, as well as removing all of North Korea's spent fuel from the peninsula.¹²⁹

Other former Clinton administration officials such as Dan Poneman also began to embrace a firmer line toward North Korea. In a 2003 Washington Post op-ed, Poneman suggested that the U.S. should establish clear redlines with North Korea that could trigger military repercussions.¹³⁰ Poneman contended, as had Gallucci and Lake, that redlines would be effective in deterring the DPRK. According to Poneman, "While attacking the Yongbyon facility is an option of last resort, the best way to ensure that we do not need to consider it is to deter Pyongyang now by demonstrating strategic clarity on this point."¹³¹

Ironically, while conservatives had frequently criticized the Clinton administration for its failure to take a sufficiently tough approach toward North Korea, Republicans studiously avoided the "redlines" approach advocated by out-of-power Democrats. According to former Deputy Secretary of State Richard Armitage, the avoidance of redlines was an intentional policy of the Bush administration to avoid limiting U.S. freedom of action and keep North Korea "guessing" about potential U.S. responses.¹³² There was also some sense that the administration was eager to avoid any rhetoric that would suggest an imminent North Korean threat that would distract from the case being built for military intervention in Iraq.

The odd reversal between conservative and liberal

rhetoric about North Korean redlines only grew in the lead up to North Korea's missile tests and nuclear test in 2006. While the Bush administration avoided making any specific commitments about a U.S. response to the test, former Secretary of Defense William Perry and Assistant Secretary of Defense Ashton Carter argued that the missile tests should represent a clear redline. They contended the U.S. should inform North Korea that a missile test would provoke a military response, and then if North Korea persisted, the U.S. should issue a preemptive military strike to take out the missile.¹³³

Toward a Comprehensive Agreement Framework

Escalating tensions in late 2002 and 2003 further confirmed for many scholars and policymakers that the U.S. needed to "get serious" about its negotiating approach toward North Korea. There was broad agreement that the Agreed Framework was no longer useful, the administration's approach of the past two years had not been helpful, and the U.S. needed to pursue a new, comprehensive agreement with North Korea that would address the changed situation on the peninsula. Several influential reports were issued over the course of the next two years, all of which argued for a wide-ranging agreement that would cover both nuclear and broader security issues. Numerous broad themes emerged in these reports including a need for time limits on negotiations to avoid North Korean stall tactics, phased step-by-step agreements, and clear verification protocols and benchmarks.

The need for a phased agreement had become standard protocol in the North Korean case. The Clinton administration had used a phased approach in the 1994 Agreed Framework, and this strategy was continued in Bush-era discussions. Sequencing issues became the contentious subject of this period. The Bush administration's preferred approach had been to insist on unilateral

North Korean concessions, while Pyongyang had been insistent that it would act only after receiving security guarantees from Washington. One suggested solution to this impasse was the concept of reciprocal actions. James Laney and Jason Shaplen argued for this approach in their 2003 study of the North Korea negotiations.¹³⁴ Like many other reports at the time, Laney and Shaplen argued for an “interim agreement” or an “initial phase” to precede a comprehensive agreement. This initial phase was considered an important confidence-building mechanism to build the trust that would be needed to proceed in the more difficult process of crafting a comprehensive agreement. For most policymakers and scholars, the essential components of any interim agreement were North Korea’s agreement to freeze its reprocessing activities, and the U.S. provision of a nonaggression guarantee.

In tandem with a focus on phased negotiations came a growing pessimism about the likely outcome of negotiations, and, as a result, an increased emphasis on time limits and contingency planning. A report issued by the Council on Foreign Relations’ North Korea Task Force in 2003 acknowledged that it was decidedly pessimistic about the likelihood North Korea would accede to an interim or a comprehensive agreement. Arguing that the situation on the peninsula was now “fundamentally different,” the Task Force stated their belief that it was “increasingly likely that North Korea can and will move to produce additional nuclear weapons material. We are unable to rule out that it seeks to hold off the United States until it is successful.”¹³⁵ As a result of this continued uncertainty about North Korea’s intentions, the Task Force recommended that a new agreement be front-loaded in terms of its requirements and include clear benchmarks and verification mechanisms. Finally, the Task Force also suggested strict time limits for negotiations, to prevent North Korea from using negotiations as a stall tactic while it proceeded to build its

nuclear program. The International Crisis Group issued similar recommendations in its 2003 report, also arguing for a six-month time limit on initial negotiations and suggesting that the U.S. use this negotiating period to reinforce its military stance in the ROK should negotiations fail. Echoing the sentiment expressed by many in the “hawk engagement” camp, the ICG report explicitly noted that “should these negotiations fail, it is absolutely crucial that the DPRK be responsible for this failure – and be seen as responsible by the other participants and the larger international community.”¹³⁶

Multilateral Mechanisms

As the Bush administration engaged in a new multilateral process that soon became institutionalized as the Six-Party talks, the external policy debate focused on the use of multilateral mechanisms. The Bush administration’s ability to secure a diplomatic “roadmap” in September 2005 was hailed as a success for the multilateral approach, but the disparity in preferences and objectives of the Six-Party participants continued to raise questions about the opportunities and challenges of multilateralism.

The Bush administration’s preference for multilateral negotiations had its roots in the shortcomings of the Clinton administration’s initial bilateral approach. The failure to more closely consider the concerns of regional allies and incorporate them into negotiations had placed significant strain on our alliances. However, the multilateral approach was also influenced by the administration’s broader beliefs about international relations. The Six-Party talks were a manifestation of the administration’s preference for “coalitions of the willing.” The success of the Six-Party talks reinforced the administration’s confidence in its diplomatic philosophy. However, it soon became clear that the process of multilateral negotiations alone would not create greater agreement among regional partners.

Continued differences between the U.S. and our

regional partners led many scholars to question whether the Six-Party mechanism was the most effective or efficient forum in which to address the North Korean problem. In his study of the Six-Party talks, John S. Park argued, “despite extensive diplomatic efforts to facilitate and host the six-party talks, domestic policy constraints, differing priorities, and conflicting historical analogies among each of the countries have brought vastly differing perspectives to the multilateral negotiating table.”¹³⁷ According to Park, one of the most significant impediments to greater coordination among the six parties was their preferences for different denuclearization models. American and Japanese negotiators preferred to use a “Libyan model” with North Korea – a unilateral agreement to denuclearize, followed by rapid dismantlement. In contrast, most of the Asian governments preferred a “Ukrainian model” – the offer of a multilateral security guarantee and economic assistance to encourage denuclearization.

Another perpetual theme of North Korean negotiations was the limits of American bargaining leverage. As early as the late 1990s, U.S. policymakers had begun to acknowledge that bilateral talks were failing to provide adequate leverage over North Korea.¹³⁸ The common belief among most policymakers and scholars was that China was the key to obtaining adequate leverage over North Korea. However, several experts argued in that the U.S. had focused solely on China’s clout, overlooking the significant economic and cultural leverage Japan and South Korea could bring to the negotiating table. In a 2005 article, Michael Horowitz suggested that a closer look at the North Korean economy highlighted substantial sources of potential economic leverage for the Japanese, in particular the significant remittance flows moving from Japan into North Korea. He also suggested that the shared sense of culture and the desire for political reconciliation provided larger cultural-political leverage over North Korea. Improving

multilateral leverage over North Korea would make diplomatic threats far more effective, increasing the likelihood of successful outcomes in the talks.

Aftermath of the Nuclear Test

After three rounds of largely unsuccessful dialogue, the fourth round of the Six-Party talks achieved a diplomatic breakthrough with the signing of the September 2005 “roadmap”. However, in August 2006, North Korea proceeded with a new series of attempted missile launches, and in its most confrontational act to date, North Korea conducted an underground test of a nuclear device in October of 2006. Despite the DPRK’s provocations, the other five parties in the Six-Party Talks succeeded in drawing North Korea back to the negotiating table and crafted a February 2007 “action plan” to implement the 2005 joint statement. Once again, talks dissolved over North Korea’s unwillingness to allow more stringent verification protocols.

North Korea’s continued intransigence has repeatedly imperiled the Six-Party talks in recent years, leading the U.S. negotiating team to offer a series of significant and controversial concessions to Pyongyang. Although by the summer of 2008 these measures produced the strongest verification activities to date (North Korea finally provided a long-promised nuclear declaration and destroyed the Yongbyon cooling tower), the U.S. is still no closer to complete, verifiable, and irreversible disarmament (CVID). North Korea’s declaration had serious deficiencies and the IAEA has raised significant questions about its completeness. Additionally, while North Korea destroyed the cooling tower at Yongbyon, it is still capable of restarting its reactor at any time. Finally, these measures did not succeed in achieving a sustainable diplomatic breakthrough for the Six-Party talks, as the North Koreans have once again resorted to brinkmanship tactics in recent months.

North Korea's 2006 nuclear test and the change in U.S. negotiating tactics over the past few years have catalyzed shifts in the policy debates taking place in the literature on North Korea. Scholars have been left to grapple with the repercussions of a new de facto nuclear weapons state on the peninsula and its implications for U.S. policy.¹³⁹ Several themes have dominated the more recent policy literature as a result of these developments, each with strategic and tactical implications for the path ahead with North Korea. First, there are increasing questions about whether full and verifiable denuclearization is possible in the short-term. Second, there is a continued debate on the proper carrots and sticks to impel greater progress in the negotiations. Finally, a debate over a unilateral vs. multilateral approach has reemerged, as scholars have begun to question the utility of the Six-Party talks and consider other diplomatic mechanisms.

Full Denuclearization or Partial Compliance

Although many scholars and policymakers continue to insist on the clarity of U.S. objectives – complete, verifiable, and irreversible denuclearization – the longevity of the North Korean nuclear problem and the reality of North Korea's possession of nuclear weapons have led to a quiet questioning of our goals on the Korean peninsula. As early as 2003, the Council on Foreign Relations' Korea Task Force explicitly addressed an issue that had previously given only tacit consideration: the possibility of partial denuclearization. Even though North Korea had not yet tested a nuclear device, the Task Force argued, "the situation has drifted toward one in which the United States may have little choice but to live with a North Korea with more nuclear weapons and to find ways to prevent the North from exporting its fissile material."¹⁴⁰

North Korea's approach to the Six-Party talks has increased the belief among U.S. scholars that partial denuclearization has become Korea's likely

endgame. Joel Wit recently predicted that when negotiations resume with North Korea, the U.S. will face a situation in which Pyongyang offers to relinquish its production capabilities (in the form of the aging Yongbyon facility), while using this offer as leverage to create a "diplomatic firewall" around its existing nuclear weapons stockpile.¹⁴¹ Indeed, North Korea's recent tactics – destroying the cooling tower while resisting complete access for IAEA inspectors – provide strong support for this theory.

Some scholars have argued that the U.S. stance on nonproliferation has encouraged North Korea's belief that this endgame might be possible. Yoichi Funabashi, editor-in-chief of the *Asahi Shimbun* argues that the repeated emphasis on the necessity and supremacy of nuclear weapons by the existing nuclear weapons states has fueled North Korea's obsession with obtaining a nuclear capability. Furthermore, U.S. policy has shown North Korea that buying time can be a workable approach towards gaining reluctant acceptance of a nuclear program. Funabashi contends that as long as the existing nuclear states continue to push would-be proliferators toward the "Libyan model," the more North Korea will be driven to adhere to the "Pakistani model."¹⁴² Conservative commentator Nicholas Eberstadt goes further, arguing that the Bush administration's approach has given North Korea every reason to believe it could retain its capabilities: "the North Koreans are well aware that they have just faced down the most implacably hostile American president to confront them since Harry S. Truman – and have not only bested him diplomatically, but have practically made him eat his own Bush Doctrine in front of the world."¹⁴³

The proposal to accept partial denuclearization represents a controversial revision of U.S. objectives on the peninsula. For most U.S. policymakers and scholars, this revision is unacceptable. The official U.S. stance, as well as the majority of recent literature continues to operate from the

assumption that full denuclearization should and will continue to be the U.S. objective with North Korea. Some scholars, however, have suggested that perhaps a revision of U.S. objectives toward regional stability and partial denuclearization might be an acceptable option. Chris Bluth has argued that if partial denuclearization could result in a “stable deterrence relationship” on the peninsula, this outcome might be relatively unproblematic in the short term.¹⁴⁴ Selig Harrison has also recently proposed that the U.S. consider accepting an outcome that would prevent North Korea’s proliferation of nuclear technology and limit its existing arsenal to a relatively low number of weapons.¹⁴⁵

While these proposals are unlikely to be accepted, they highlight the difficult and limited options the U.S. now faces in its negotiations with North Korea. In his response to the Atlantic Council’s 2007 report, “A Framework for Peace and Security in Korea and Northeast Asia,” current Deputy Secretary of State James Steinberg argued, “there is, in my judgment, very little prospect of complete denuclearization by North Korea absent a dramatic change in the political environment both in North Korea itself and in the region.”¹⁴⁶ Steinberg further suggested that the Bush administration’s all-or-nothing approach to denuclearization had contributed to a deteriorating security situation in Northeast Asia, and the U.S. should more carefully consider the difficult policy tradeoffs that it now faced.¹⁴⁷ The increasing openness of these discussions highlights the urgency with which the new Obama administration will have to choose its desired path in order to retain some diplomatic freedom of action.

Negotiation Calibration: Game-Changing Carrots

For many individuals who object to a minimalist revision to U.S. aims in North Korea, the fundamental problem with our negotiations lies not in our strategy but in our tactics. For many

scholars, there is still a sense that the U.S. has not yet designed a tactical approach that addresses and tests Pyongyang’s true objectives. Mitchell Reiss, a former official of both the Clinton and Bush administrations has advised that “the real failure has been Washington’s inability, after three years of on-again, off-again negotiations in Beijing, to learn whether North Korea is actually willing to surrender its nuclear weapons program, and if so, at what price.”¹⁴⁸

Accordingly, there continues to be a plethora of literature suggesting a broader, more comprehensive approach to negotiations with North Korea.¹⁴⁹ For Joel Wit, any proposal must include four organizing principles to address American and North Korean concerns: demilitarization (the verifiable end to Pyongyang’s nuclear and missile programs, and a reduction of conventional forces), normalization (of relations North Korea and the rest of the region, including a permanent peace agreement to replace the 1953 armistice), modernization (direct economic assistance to promote modernization of the North Korean economy), and humanization (improved conditions for the North Korean populace and addressing kidnappings of Japanese and South Korean citizens).¹⁵⁰ Peter Beck characterizes such a comprehensive approach as game-changing diplomacy, an “irresistible offer” that will provide the only effective way to test the DPRK.¹⁵¹

For those who oppose such an approach, game-changing diplomacy has two significant drawbacks. First, there is increased skepticism that North Korea will respond in a positive manner. Bruce Klingner of the Heritage Foundation recently argued that suggesting U.S. policymakers should offer North Korea an even larger diplomatic agreement is “akin to urging a farmer who has lost every hand of poker against a wily dealer to go all in.”¹⁵² The second objection, which follows naturally from the first, is that a North Korean refusal to cooperate will then force the U.S. to either submit to further accusations of weakness vis-à-

vis Pyongyang, or to pursue a much harder line of sanctions and possibly military action.¹⁵³

Bilateralism Redux?

The significant concessions made by U.S. negotiators over the past two years have drawn both praise and ire. The Bush administration's willingness to make concessions represented a significant turn toward a more pragmatic stance, a move applauded by many who grew frustrated with the administration's original belligerent stance toward the DPRK. Scott Snyder has argued that North Korea's nuclear test actually served as a net benefit for U.S. negotiators by uniting international opinion in support of a firmer stance against North Korea. However, Snyder also acknowledged that greater unity of purpose will not guarantee success in the Six-Party Talks. Instead, he argued that in order for the Six-Party process to be successful, all of the parties would have to exhibit a willingness to make greater compromises on issues of individual concern than they had been willing to provide in the past.¹⁵⁴

Former Assistant Secretary of State James Kelly offered similar support for the Six-Party process. While acknowledging that the talks have been difficult and haven't always delivered movement, Kelly posits that the talks can still achieve U.S. objectives and, given the paucity of other alternatives, remain the best option available.¹⁵⁵

However, many scholars now suggest that the U.S. approach is putting tactics ahead of strategy by placing too much emphasis on the importance of maintaining the Six-Party Talks.¹⁵⁶ Yoichi Funabashi suggests that the Six-Party Talks are now impeding the U.S. ability to achieve its objectives and have become a "double edged sword" for U.S. diplomats. According to Funabashi, North Korea had come to see the Six-Party Talks as a "safety net." As long as the Six-Party talks remained in place, the North Korean regime can continue to exist. As a result, Funabashi suggests, "North Korea will be less inclined to dismantle its nuclear programs, because to do so will deprive it

of the six-party talks."¹⁵⁷

Joel Wit's assessment of the Six-Party talks concurs with Funabashi's finding, leading Wit to argue that the U.S. must place its emphasis once again on bilateral negotiations. In addition to formal bilateral negotiations, Wit suggests the U.S. seek multiple diplomatic channels including utilizing the UN and bilateral discussions between multiple senior officials. A multiplicity of diplomatic channels could provide broader engagement with North Korea. Claiming that bilateral talks would not mean abandoning engagement with our allies, Wit states that a multilateral approach has not proven any more successful in preventing disagreements between regional partners. He suggests instead that regional concerns can be handled just as easily by consulting with partners in addition to bilateral talks and convening a regional "plenary group" composed of the Six-party partners to periodically meet and discuss priorities and progress.¹⁵⁸

Ironically, both ends of the political spectrum have been unified in their critique of the existing Six-Party mechanism, although their prescriptions for solving this problem have been drastically different. Former Undersecretary of State John Bolton offers a scathing assessment of the Six-Party talks: "The talks have failed, are failing, and will fail to achieve the 'complete, verifiable, irreversible dismantlement' of the North's nuclear program."¹⁵⁹ However, unlike Wit, Bolton's remedy for the Six-Party failures retreads the tailored containment and globalist arguments of the early Bush administration. Bolton suggests that the failure of the Six-Party talks should compel a renewed emphasis on regime change through a vigorous enforcement of sanction mechanisms. Additionally, Bolton argues for treating the North Korean problem as a global, rather than a regional, problem and emphasizing greater enforcement of mechanisms such as the Proliferation Security Initiative.¹⁶⁰ Some conservative scholars have offered a more moderate solution to the need for a

better multilateral process. Bruce Klingner of the Heritage Foundation suggests that the U.S. should consider a flexible approach that allows for both bilateral and multilateral talks in which the participants are determined based on the issues at hand. Klingner's approach is similar to the existing use of working groups within the Six-Party Talks, but Klingner suggests that instead of attempting to cover all issues of concern within the Six-Party mechanism, the U.S. and its partners can allow for parallel negotiation tracks that disaggregate the various issues such as human rights, a peninsular peace process, and kidnappings of foreign citizens.¹⁶¹

CONCLUSIONS

The Obama administration will now be the third administration to inherit negotiations with Pyongyang, but the first administration to inherit nuclear negotiations with a de facto nuclear state. While the situation on the peninsula has undoubtedly evolved since the U.S. first engaged in reluctant negotiations, many of the fundamental questions about how to negotiate with North Korea remain the same.

First and foremost, U.S. policy toward North Korea has been undermined by fundamental disagreements within the U.S. government over the nature of the North Korean threat, the aims of our negotiations, and how to achieve these ends. Although fueled by the difficulty of negotiating with Pyongyang, these disagreements underscore larger internal divisions over global arms control and nonproliferation, U.S. diplomacy, and the U.S. role in the Asia-Pacific region that continue to plague policymakers. At the broadest level, these debates reflect complicated disagreements within and between executive agencies as well as contending priorities between the executive and legislative branches. This internal dissension has produced a policy paralysis that has at various times tied the hands of U.S. negotiators, frustrated allies and partners, and completely derailed the design of a unified U.S. strategy. It is unlikely that these issues will completely fade from the policy discourse, but the success or failure of U.S. negotiations will be significantly influenced by the degree to which the Obama administration manages these disagreements.

From the early and contentious squabbles between North Korea and the IAEA to the more recent difficulties of the 2007 Six-Party denuclearization agreement, the question of verification continues to be a significant stumbling block to successful negotiations. North Korea's reluctance to submit to negotiations and evidence of its previous

proliferation activities have only increased the need for immediate and complete verification in the eyes of many observers. However, our negotiation history suggests we will have to proceed in gradual steps toward this goal. The U.S. will therefore need to begin by determining achievable near-term objectives.

The question of how to balance the twin objectives of denuclearization and outward proliferation also remains unanswered and will be an integral component of any assessment of near-term objectives. While many policymakers believe outward proliferation poses a more immediate threat to U.S. national security, others argue that any tacit acceptance of a nuclear North Korea risks undermining regional stability and the global nonproliferation regime. The disagreements between those who support a global nonproliferation approach or a regional stability approach are long-standing and have often undermined the development of a coherent U.S. policy. North Korea's 2006 nuclear test and its status as a *de facto* nuclear state make this question both more pressing and more difficult to resolve.

Beyond the question of near-term objectives, tactical sequencing continues to challenge policymakers. Previous agreements have been modeled on a phased implementation framework, but have often stalled on the question of "who moves first". The U.S. has tried various approaches, including demanding up-front compliance from North Korea, providing initial carrots to incentivize negotiations, and calibrated reciprocal tit-for-tat actions. For the past decade, most of the scholarship on North Korea has supported a "comprehensive approach" to the myriad issues on the peninsula. Yet there is still profound disagreement about the manner in which additional issues such as missiles capabilities, a lasting peace agreement on the peninsula, the status of conventional forces, and human rights, will be folded into a nuclear agreement.

Finally, the problem of collaboration with allies has repeatedly undermined our nuclear negotiations. The Clinton administration learned early on through its efforts to allow South Korea and the IAEA to manage negotiations that the U.S. will have to be an integral part of any negotiations. However, the administration's failure to actively consult with our Asian allies and the U.S. Congress in the process of negotiating the Agreed Framework highlighted the necessity of including essential partners. The Bush administration pursued a multilateral approach through the Six-Party talks but soon discovered the difficulty of balancing the competing priorities of the various partners. It has become evident that the question of collaboration is not only about getting the right people to the table, but also requires balancing their interests once they are there. The U.S. must carefully determine the proper structural framework to move forward with negotiations.

The lessons of previous negotiations highlight the interconnectedness of process-oriented decisions and larger strategic imperatives, and underscore the challenging nature of negotiating with North Korea. Through an analysis of these lessons, this review has demonstrated that even as the scope and range of our concerns about the DPRK have expanded, the fundamental questions about our strategy have remained consistent. More importantly, many of these questions remain unanswered. The Obama administration will have to struggle with the challenges highlighted above to succeed in dealing with North Korea.

ENDNOTES

1. John Deutch, "The New Nuclear Threat," *Foreign Affairs*, Fall 1992, p. 120. Deutch describes how the fall of the Soviet Union exacerbated concerns over outward proliferation.
2. *Ibid.*, p. 127.
3. Andrew Mack, "North Korea and the Bomb," *Foreign Policy*, No. 83 (Summer, 1991), p.89.
4. Bruce Cumings, "Spring Thaw for Korea's Cold War" *Bulletin of the Atomic Scientist*, April 1992, 48, 3
5. John Deutch, "The New Nuclear Threat" *Foreign Affairs*, Fall 1992, p. 120.
6. Andrew Mack, "North Korea and the Bomb", *Foreign Policy*, No. 83 (Summer, 1991).
7. Joel Wit, Daniel Poneman and Robert Gallucci, *Going Critical*, p. 7.
8. *Ibid.*
9. Andrew Mack, "North Korea and the Bomb", *Foreign Policy*, No. 83 (Summer, 1991). Andrew Mack describes the American policy of neither confirming nor denying the existence of its nuclear weapons in South Korea as "extremely shortsighted." President Bush himself signaled the removal of weapons when he announced the unilateral withdrawal of all naval and land-based tactical nuclear weapons deployed abroad.
10. *Ibid.* *Team Spirit* was canceled in September 1991, but would later be reinstated in 1993 to provide additional leverage to the incoming Clinton administration.
11. Joel Wit, Daniel Poneman and Robert Gallucci, *Going Critical*, (Washington, D.C.: Brookings Institution Press, 2004), p. 8.
12. John Deutch, "The New Nuclear Threat" *Foreign Affairs*, Fall 1992, p. 125. Deutch argued that the "experience with Iraq makes the United States and other nations more concerned about what North Korea is actually doing and more prone to take serious steps to stop it from acquiring nuclear weapons."
13. Bruce Cumings, "Spring Thaw for Korea's Cold War," *Bulletin of the Atomic Scientist*; Apr 1992;Vol. 48, No. 3
14. Joel Wit, Daniel Poneman and Robert Gallucci, *Going Critical*, p. 12.
15. Michael Mazarr, "Going Just a Little Nuclear" *International Security*, Vol. 20. No. 2 p. 95.
16. *Ibid.*, p. 108. Mazarr largely concurs with Sigal's argument that the U.S. needed to take a leadership position.
17. Leon Sigal, "The North Korean Nuclear Crisis: Understanding the failure of the crime-and-punishment strategy," *Arms Control Today*; May 1997, Vol. 27. No. 3. Sigal writes, "The United States was not about to pay for North Korea to do what it had already agreed to do by signing the NPT."
18. The interests of the IAEA were championed by the "Arms Controllers" within the U.S. Likewise, the "Security Pragmatists" were focused on the same goals as South Korea.
19. Andrew Mack, "North Korea and the Bomb," *Foreign Policy*, No. 83 (Summer, 1991).
20. Leon Sigal, "The North Korean Nuclear Crisis: Understanding the failure of the crime-and-punishment strategy," *Arms Control Today*; May 1997, Vol. 27. No. 3.
21. *Ibid.*,
22. *Ibid.*
23. *Ibid.*
24. The Team Spirit exercises went forward in February 1993. Meanwhile the IAEA board of governors passed a resolution giving the DPRK one month to comply with its safeguards obligations.
25. United Nations Security Council Resolution 825 condemned North Korea's actions and said that concerned states were responsible for helping find a solution to the impending crisis.
26. Andrew Mack, "The Nuclear Crisis on the Korean Peninsula," *Asian Survey*, Vol. 33. No. 4 (April 1993) 351. "Until the end of 1992, most of the controversy over inspections had focused on the negotiations to create an agreed North-South inspection regime, but in early 1993, the North's repeated rejection of IAEA requests to inspect two suspicious facilities at Yongbyon became the central issue."
27. Leon Sigal, "The North Korean Nuclear Crisis: Understanding the failure of the crime-and-punishment strategy," *Arms Control Today*; May 1997, Vol. 27. No. 3, p. 6.
28. *Ibid.*, p. 3.
29. Andrew Mack, "The Nuclear Crisis on the Korean Peninsula," *Asian Survey*, Vol. 33. No. 4, April 1993, p. 355.

30. Leon Sigal, "The North Korean Nuclear Crisis: Understanding the failure of the crime-and-punishment strategy," *Arms Control Today*; May 1997, Vol. 27 No. 3, p. 8.
31. Brent Scowcroft and Arnold Kanter, "Korea: Time for Action," *The Washington Post*, June 15, 1994.
32. Michael Gordon, "Korean Talks: Looking for Options," *The New York Times*, June 2, 1994. Gordon wrote, "The issue of how much emphasis to put on past diversion of plutonium already divides Pentagon officials, who are most concerned with preventing the North Koreans from making new bombs, and State Department officials, who stress the need to strengthen the Nuclear Nonproliferation Treaty by uncovering the exact state of the North Korean program."
33. Andrew Mack, "The Nuclear Crisis on the Korean Peninsula," *Asian Survey*, Vol. 33. No. 4, April 1993, p. 356.
34. Ibid.
35. Ibid.
36. Michael Mazarr, "Going Just a Little Nuclear" *International Security* 20:2 p. 111. Mazarr also notes that some countries, including North Korea, have been pushed toward accommodation in a desire to avoid the international stigma of sanctions.
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