ABSTRACT

Title of Dissertation: THE DOMESTIC POLITICS OF IMPLEMENTATION: A CASE STUDY OF U.S. DENUCLEARIZATION AGREEMENTS WITH NORTH KOREA

Naoko Aoki, Doctor of Philosophy, 2018

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The United States has employed a wide range of foreign policy tools to try to stop North Korea's nuclear weapons program, including two cooperative agreements that ultimately failed to produce the desired outcome. The breakdown of the 1994 Agreed Framework and the Six Party Talks process in the 2000s has led many to conclude that North Korea's nuclear weapons program cannot be constrained through cooperation. According to this view, Pyongyang violated its previous commitments once it received economic and political benefits and it will do so again in any future negotiations. The underlying assumption is that Washington was fully implementing its own commitments until Pyongyang broke the deal. Is this true, or did U.S. domestic politics complicate the implementation of the agreements?

This dissertation explores this question through a four-part case study using three analytical lenses: a rational actor model, an institutional interests model, and an individual mindset model. It finds that the United States retreated from full cooperation with North Korea not just because of Pyongyang's actions, but also due to domestic

political considerations. Washington reduced its level of cooperation when tolerance for concessions weakened in the domestic system, sometimes because of institutional interests and sometimes due to political maneuvers by individuals who favored stronger coercive measures and more concessions from North Korea.

The study shows that domestic politics impacts not only the negotiation and ratification of international cooperation agreements, but also their implementation. The findings also suggest it is incorrect to assume that past engagement efforts did not succeed solely due to North Korean actions. Whether a more fully implemented engagement policy would have led to North Korea's denuclearization is beyond the scope of this study, but it indicates U.S. policy was not applied consistently to North Korea. Any future engagement strategy should aim at a more consistent approach for it to produce the desired results.

THE DOMESTIC POLITICS OF IMPLEMENTATION: A CASE STUDY OF U.S. DENUCLEARIZATION AGREEMENTS WITH NORTH KOREA

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Chapter 1 Introduction

> There was opposition to the (Agreed Framework) in the United States, which focused in the United States Senate. That made it very difficult for the administration to do the things it wanted to do. The president decided that the political price of (working toward a normal relationship with North Korea was) too high. … We did not try to build a relationship with North Korea. It's certainly arguable whether we would have succeeded, that is, whether North Korea would have reciprocated. My judgment is (it) would have.[1]

- Former Defense Secretary William Perry

> The intelligence community (IC) was coming to the conclusion that the North was actively attempting to acquire a production-scale capacity for uranium enrichment. … This was the hammer I had been looking for to shatter the Agreed Framework.[2]

- John Bolton, from *Surrender is Not an Option*

1.1 Background

The United States has employed a wide range of foreign policy tools to try to stop North Korea's nuclear weapons program. While many have been coercive in nature, the United States has also tried to denuclearize the country through two cooperative agreements.[3] In those accords, Washington, together with other regional powers,

[1] William Perry, interview with author, June 13, 2017.

[2] John R. Bolton, *Surrender Is Not an Option: Defending America at the United Nations and Abroad* (New York: Threshold Editions, 2008), 105-106.

[3] While the 1994 Agreed Framework was a single document, the Six Party Talks process in the 2000s produced a 2005 joint statement of principles agreed to by the six countries and two implementation agreements in 2007. Despite the number of documents, I refer to the Six Party

promised to provide Pyongyang with political and economic benefits in exchange for North Korea's abandonment of its nuclear weapons program. Both ultimately failed to produce the intended outcome, and North Korea continues to improve and increase its nuclear arsenal today.

The failure of the 1994 Agreed Framework and the Six Party Talks process in the 2000s has led many to conclude that threats from North Korea's nuclear program cannot be addressed through cooperation. According to this view, North Korea violated its commitments once it received economic and political benefits promised to the country, making it impossible to obtain the outcome desired by those who sought to constrain or eliminate North Korea's nuclear programs.

The underlying assumption of this interpretation is that the United States was smoothly implementing its own commitments under the agreements. This view assumes that when Washington stepped back from full cooperation, it was only reacting to Pyongyang's violations of the agreement, often characterized as willful evasion and deceit. But is this the only reason why the United States did not fully implement the cooperative commitments it had made to North Korea?

Both agreements involved other countries. The Agreed Framework was signed by the United States and North Korea in 1994 but required the cooperation of a dozen other countries in the implementation phase. The Six Party Talks - involving China, Japan, the two Koreas, Russia and the United States – produced a touchstone document in 2005, which was followed by implementation agreements reached in February and October 2007.

Talks documents as a single group of agreements stemming from the 2005 joint statement in this dissertation.

Both the Agreed Framework and the Six Party Talks were controversial in the United States.[4] Some of the sharp differences in the U.S. government were visible at the time, through media reports and Congressional testimonies. The contentious policy debate and its impact on the policy process have been subsequently described by policymakers who participated in the process as well as journalists. Different aspects of the two efforts have been analyzed by academics.[5]

The focus of analyses thus far has mainly been on interaction with North Korea during crises, the negotiation stage of the two agreements, or the impact of policy on North Korea.[6] Scholars have asked, for example, why the United States, with all its power, did not prevail in the Six Party Talks negotiations.[7] Others have concentrated their

[4] The two comments in the opening of this chapter is symbolic of the disagreements over the Agreed Framework. For such differences in the Six Party Talks, see, for example, contrasting op-eds in the Wall Street Journal by two key players Condoleezza Rice, "Diplomacy is Working in North Korea," *Wall Street Journal*, June 26, 2008, https://www.wsj.com/articles/SB121443815539505367 and John R. Bolton, "The Tragic End of Bush's North Korea Policy," *Wall Street Journal*, June 30, 2008, https://www.wsj.com/articles/SB121478274355214441.

[5] Example of policymakers' works describing the Agreed Framework include Joel S. Wit, Daniel B. Poneman, and Robert L. Gallucci, *Going Critical: The First North Korean Nuclear Crisis* (Washington, DC: Brookings Institution Press, 2004), Charles L. Pritchard, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Washington, DC: Brookings Institution Press, 2007), Victor Cha, *The Impossible State: North Korea, Past and Future* (New York: Harper Collins Publishers, 2012), 281-305. Journalists' works documenting the Six Party Talks process are Mike Chinoy, *Meltdown: The Inside Story of the North Koreans Nuclear Crisis*. (New York: St. Martin's Press, 2008) and Funabashi, Yoichi. *The Peninsula Question: A Chronicle of The Second North Korean Nuclear Crisis*. (Washington DC: Brookings Institution Press, 2007). Analytical works by academics that involve the Six Party Talks include Stephan Haggard and Marcus Noland. *Hard Target: Sanctions, Inducements, and the Case of North Korea*. (Stanford, CA: Stanford University Press, 2017) and Leszek Buszynski, *Negotiating with North Korea: The Six Party Talks and the Nuclear Issue*. (Milton Park, England: Routledge, 2013).

[6] Chinoy's *Meltdown* gives a descriptive account of the internal battles within the George W. Bush administration in the agenda-setting and negotiation stages of the Six Party Talks as well as the implementation phase until the spring of 2008. The last round of the talks was held in the winter of 2008 and work to implement the agreement continued until the spring of 2009.

[7] Buszynski, *Negotiating with North Korea*, 2013.

analyses on whether the positive and negative inducements used on North Korea were effective.[8]

But the implementation phase was as crucial as the earlier stages for countries to achieve their agreed goal. How did the sharp divisions in the United States impact the implementation of the agreements? Did government officials and Congressional members opposed to the agreements try to prevent their implementation? If so, how? Did policymakers and politicians try to shield the agreements from their opponents? If so, did that interfere with smooth implementation? These questions have not been explored in detail before.

This research studies the impact of U.S. domestic politics on the implementation of the two agreements, but it does not assume that the blame for their ultimate failure rests solely with the United States. North Korea and the actions of other countries also mattered to produce the final outcome. Focusing only on the United States, though, allows the interaction between domestic politics and the implementation of the two agreements to be studied in detail. By doing so, this research seeks to better understand the domestic political factors that contribute to the successful (or unsuccessful) implementation of security cooperation among countries more generally.

1.2 Research question

This dissertation uses the Agreed Framework and Six Party Talks agreements as a two-part case study to explore when, why and how U.S. domestic politics impacted the implementation of the terms of the accords.

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[8] Haggard and Noland, *Hard Target*, 2017.

More specifically, the research asks the following three questions.

1) When did domestic political considerations cause the United States to step away from full implementation of the terms of an agreement?
2) When this took place, was it due primarily to interests that can be explained on the institutional level, or could it be better attributed to the mindsets of individuals?
3) What was the mechanism through which domestic politics prevented the full implementation of the terms of the agreement? For example, did a key policymaker change his or her mind about the agreement, or did a group supportive of the agreement accommodate the viewpoint of the opponents to save the agreement from collapsing altogether?

1.3 Variables

The dissertation's dependent variable is the U.S. implementation of obligations under the Agreed Framework and the Six Party Talks. In other words, it is the extent to which Washington carried out what was written in the agreement or was explicitly agreed to in international negotiations. This is not a binary variable that consists of implementation of or deviation from an agreement's terms. Rather, it can differ in degrees, from full implementation to partial cooperation to complete failure in carrying out obligations.

The independent variable is the U.S. policy process and broader domestic politics. That consists of interests at the institutional level, whose influence can be determined by domestic structures that gives some agencies more power than others. It also includes

individual policymakers' mindsets, which are their fundamental assumptions about world politics.

1.4 Methodology

The benefit of conducting in-depth research using the case study method is that the causal mechanisms can be explored in detail.[9] A microscopic look into the relationships among the variables that affected U.S. implementation of obligations under the Agreed Framework and the Six Party Talks provides an explanation of greater richness compared to a study conducted from an elevated level that obscures the details of a case.[10] The in-depth analysis is particularly suited for this research as it breaks down the components to the individual level, including the impact of people's mindsets on the policy outcome.

The downside of using a case study approach is that due to its specificity, it may have weaker explanatory power for other cases that differ in context.[11] The two denuclearization agreements with North Korea were particularly contentious in the United States and are thus an extreme example of how domestic politics may interfere with the implementation of cooperative agreements. Such extreme examples, however, can still be instructive for other cases. This is because they often reveal more information as the basic mechanism in such cases is starker than in typical cases.[12] This allows for a

[9] Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005.), 21.

[10] Ibid., 31.

[11] Ibid.

[12] Bent Flyvbjerg, "Five Misunderstandings about Case-Study Research," *Qualitative Inquiry* 12, no. 2 (2006): 229-230.

close examination of deeper causes at work, and similar dynamics can present themselves in milder forms.

This dissertation uses both primary and secondary data. They include archival research including declassified memoranda on U.S. governmental meetings and policy papers as well as transcripts of interviews, speeches, press conferences and Congressional hearings. They also include legislation, government publications, scholarly journals, policy papers by think tanks, news reports and books written by those who were involved in the policy process as well as scholars and journalists who researched the topic.

It also relies on information gained through in-person and phone interviews, conversations and e-mail correspondence with 25 policymakers and experts chosen specifically for this research and many other interactions with practitioners and observers of relations between the United States and North Korea. Those interviewed include U.S. negotiators with North Korea and other government officials who were involved in U.S. policy coordination meetings as well as those tasked with the technical implementation of the terms of the agreement. To learn more about policymakers' mindsets, the questions asked included their view on the utility of the agreements and the engagement approach to North Korea.

The research uses process-tracing to examine causal mechanisms. This method seeks to identify the causal chain by tracing the process that may have led to an outcome, forcing the researcher to think about the various pathways through which the outcome could have occurred.[13]

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[13] George and Bennett, *Case Studies and Theory Development*, 206-207.

The research design focuses on two types of subcases drawn from both the Agreed Framework and the Six Party Talks. The first type of subcase is when the United States did not fully adhere to either the terms of a written agreement or explicitly stated obligations or reduced its level of possible cooperation with North Korea without the presence of a clear violation on the part of Pyongyang. The other type of subcase is when both sides stepped away from full cooperation. The first type of subcase is chosen as the impact of domestic politics was seen to be strong, while in the second type, North Korean actions had a fair chance of being the sole explanation of U.S. actions. By taking this approach, the impact of domestic politics can be observed in the two different types of conditions.

Deciding whether to declare an action by another state to be a violation of an agreement is itself a political process. In this research, North Korean actions that were defined by the United States as violations are treated as such. How the actions were defined as violations, however, will be examined in detail in the case study chapters because that is a way in which domestic politics can affect U.S. implementation.

Three analytic models are used to examine the four subcases. The models look at different levels of U.S. decision making and provide complementary explanations for U.S. behavior.[14]

[14] The use of three levels of analysis as complementary frameworks follows the analytical framework used in Fredrick Mayer, *Interpreting NAFTA: The Science and Art of Political Analysis* (New York: Columbia University Press, 1998).

Model 1: The unitary rational actor model

This model treats the state as a unitary rational actor that responds to external changes.[15] A state's actions may change in reaction to another state's activity, but domestic factors are assumed to be stable. This model is likely to provide the most compelling explanation if U.S. decisions were made in reaction to North Korean actions and not due to any domestic political factor.

Model 2: The institutional interest model

This model introduces interests, or utility-maximizing behavior, of domestic institutions into the analysis. The distribution of gains and losses within the domestic system is used to explain a phenomenon.[16] Because this study involves security matters, the institutional gains may not be as clear cut as those in economic cases, where profits can be calculated in monetary or other material terms. But the focus here is whether the actions of institutions were intended to maximize their benefits within the domestic system. Rather than treating the executive branch and the legislature as unitary entities, this study looks into groups within them. For example, the White House, the Department of State and Department of Defense are treated as separate units in this analysis. This model would provide the most compelling analysis if there were no significant internal

[15] The model is based on the rational actor model described in Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* Second edition (New York: Longman, 1999), 23-25.

[16] This model is based on the "two-level game" framework established by Robert Putnam and explored further by others such as Helen Milner. For example, Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (1988): 427–60.

divisions within the separate government units, and competition took place at the institutional level.

Model 3: The individual mindsets model

In addition to gains and losses of groups included in Model 2, this model analyses the preferences of individual policymakers, with particular emphasis on their mindsets, or fundamental assumptions about the outside world.[17]

Two types of mindsets are used as an analytical tool to interpret the outcomes of the subcases. "Cooperators" are differentiated from "Hardliners," not only by whether they prefer a cooperative or coercive method to achieve their goal, but also by the level of demand they make on the target country.

Those who prefer the cooperative approach are prepared to adjust their behavior in order to achieve a gain.[18] They are open to making concessions in exchange for the other side doing the same. Those who favor the coercive approach, on the other hand, prefer to apply pressure on an actor to persuade it to adjust its policies. They want to threaten or impose economic costs or pain to force a target country to do something it does not want to do. The implied threat is that the cost will be increased if the actor does

[17] For a discussion on how policymakers interpret the world using assumptions and worldviews, see, for example, Jack S. Levy, "Learning and Foreign Policy: Sweeping a Conceptual Minefield," *International Organization* 48, no. 02 (1994).

[18] The definition of cooperative mindset is adapted from the concept of cooperation in Helen Milner, *Interests, Institutions and Information: Domestic Politics and International Relations* (Princeton: Princeton University Press, 1997), 7.

not concede.[19] They oppose making concessions as a tool for changing the other side's behavior.

The level of demands also matters for the two types. Cooperators believe that coexistence with the target country is possible, as long as what they consider core demands as being satisfied. In the North Korean case, this means that Cooperators are prepared to live with the authoritarian North Korean regime, as long as it takes steps that mitigates or eliminates security problems for the United States and its allies. Hardliners, meanwhile, have a more ambitious goal, such as the target country's total capitulation or regime change. This may be because they find the North Korean regime distasteful or because they believe that lasting denuclearization of North Korea will only be achieved through a change in both the leadership and/or the form of the North Korean government.[20] Generally, Hardliners are more suspicious about the target country and see the world as a zero-sum game in which the target country's gain is the home country's loss.

In reality, people are not clearly divided into these two ideal types. Their positions may lie somewhere on the continuum of the two. It is also possible that some people agree on what type of method to be used – cooperative or coercive – but have different

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[19] Robert J. Art and Kelly M. Greenhill, "Coercion: An Analytical Overview," in *Coercion: The Power to Hurt in International Politics*, ed. Kelly M. Greenhill and Peter Krause, (Oxford, England: Oxford University Press, 2018), 4-5. An example of another definition of coercion is "using threats of force and limited actual force to manipulate adversary decision making," by Daniel Byman and Matthew C. Waxman, *The Dynamics of Coercion: American Foreign Policy and the Limits of Military Might* (New York: Cambridge University Press, 2002), 18.

[20] While the opposite of coercion can be termed as engagement, particularly when discussing approaches to take in order to make a country do what you want it to do, I use cooperation here since this is a study on the implementation of cooperative agreements, meaning that engagement has already taken place.

level of demands in mind for North Korea. Others may not care which method is used as long as it eventually leads to regime change in North Korea.

Policymakers can also change their minds, not only about the level of demands made to Pyongyang, but also about whether to take a coercive or cooperative measure to achieve that goal. Those who are less committed to an idea are more likely to move away from their previous position when faced with new information.[21]

Despite the variations, the two ideal types – the Cooperators and the Hardliners – are useful for highlighting the key points of contention in the domestic system and will be used as an analytical device to understand U.S. actions.[22]

As Jeffrey L. Pressman and Aaron Wildavsky have said, policy implementation is evolution. "At each point we must cope with new circumstances that allow us to actualize different potentials in whatever policy ideas we are implementing. When we act to implement a policy, we change it."[23] What appears to be a simple task of policy implementation often turns out to be a complicated task.

Implementation of international agreements can be particularly challenging. While such agreements define the parameters of a country's commitments, they can also

[21] Levy, "Learning and Foreign Policy: Sweeping a Conceptual Minefield," 302.

[22] Ideal types of worldviews are used for analysis in Nancy Gallagher, *The Politics of Verification* (Baltimore, MD: The Johns Hopkins University Press, 1999), 5-12.

[23] Jeffrey L. Pressman and Aaron Wildavsky, *Implementation: How Great Expectations in Washington Are Dashed in Oakland; Or, Why It's Amazing That Federal Programs Work at All, This Being a Saga of the Economic Development Administration as Told by Two Sympathetic Observers Who seek to Build Morals on a Foundation of Ruined Hopes* (Berkeley, CA: University of California Press, 1984), 177.

avoid specifics when they are deemed potentially controversial domestically.[24] In other words, they are sometimes purposefully written ambiguously, making it difficult to measure a country's actions against them. This can be even more problematic when unforeseen contingencies arise. Mindful of this point, this study pays particular attention to differing interpretations of written documents.

In both the Agreed Framework and the Six Party Talks process, implementation of some commitments and the negotiation of others were often carried out in parallel. This is because the United States and North Korea — and at times other countries that were involved — agreed on the basic plan first and hammered out the details later.

Vaguely written terms also leave room for interpretation, which can be interpreted in a way that serves the purpose of what policymakers perceive to be appropriate. This can be used against the other party in minimizing cooperation. But it can also save the collapse of an overall agreement by taking the harshest possible interpretation of the terms possible to satisfy domestic critics, while not abandoning the cooperative framework altogether.

Other factors that can impact the implementation process includes logistical problems unforeseen by policymakers in the negotiation stage. Logistics did indeed complicate the Agreed Framework and Six Party Talks processes. For example, multiple protocols had to be negotiated with North Korea to set the terms of work on its territory. This delayed the construction of proliferation-resistant light water reactors that were promised to North Korea in the Agreed Framework in exchange for the country's

[24] Charles Lipson, "Why are Some International Agreements Informal?" *International Organization*, No. 4 (Autumn 1991): 498.

indigenous graphite-moderated reactors and related facilities.[25] The removal of fuel rods from the graphite-moderated reactor agreed to under the Six Party Talks took longer than the agreed deadline due to concerns that it would expose North Korean workers to unacceptable levels of radiation.[26]

At times, problems stemming from the multilateral nature of the processes delayed implementation. The Agreed Framework was negotiated by the United States and North Korea, but implementation involved South Korea and Japan, along with European countries and others. The Six Party Talks negotiations, meanwhile, involved China, Japan, the two Koreas, Russia and the United States. Coordination among these countries was not always smooth, and sometimes held up progress.

This dissertation sifts through such factors and analyzes when domestic political variables explain the differences in U.S. behavior, as well as which factors were at work, and how they affected implementation.

By shedding light on how U.S. domestic politics impacted implementation of nuclear agreements between the United States and North Korea, this research aims to be useful for the implementation of cooperative security agreements in general. Without a better understanding of this aspect of international cooperation, a country may incorrectly attribute a failure of implementation of an accord solely to the other party and overcompensate in response, further worsening the situation. Moreover, when dealing with another country, the only portion of activity that is under one's direct control is

[25] Charles Kartman, Robert Carlin and Joel Wit, *A History of KEDO 1994-2006*, June 2012, Center for International Security and Cooperation, Stanford University, June 2012, https://cisac.fsi.stanford.edu/publications/a_history_of_kedo_19942006, 32-45.

[26] Interview with U.S. government official involved in the process on December 7, 2017.

one's own actions. It therefore makes sense to adjust your own behavior to make an agreement work, rather than trying to get the other party to adjust its behavior.

1.5 Current understanding

The literature on the relationship between domestic politics and foreign policy evolved from the study of bureaucratic politics. In the 1971 *Essence of Decision*, Graham Allison showed that treating a state as a unitary rational actor was not enough to explain the Cuban Missile Crisis. He demonstrated that a fuller understanding can be achieved by bringing bureaucratic politics and organizational interests into the analysis.[27]

Since then, scholars have analyzed the domestic institutional design of foreign policy-making[28] as well as the reciprocal influences between international and domestic politics[29] to better comprehend the relationship between domestic politics and foreign policy.

These analyses have focused on the internal structures of the state. When individuals are mentioned, it is usually in the context of their share of power in the domestic system that allows them to realize their policy preferences. Moreover, analyses in this field typically center on the interests of groups or individuals in the system.

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[27] While Graham Allison first published his book analyzing bureaucratic politics in 1971, references here will be from the second edition by Allison and Zelikow. *Essence of Decision.*

[28] For example, I.M. Destler, *Presidents Bureaucrats and Foreign Policy* 2nd ed. (Princeton: Princeton University Press, 1974) and Morton H. Halperin, Priscilla. Clapp, and Arnold. Kanter, *Bureaucratic Politics and Foreign Policy* (Washington: The Brookings Institution, 1974).

[29] The most influential work is Robert Putnam's "two-level game" metaphor. Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42, no. 3 (1988): 427–60.

Mindsets that determine those interests have not been given much attention, even if some works have pointed to their importance.[30] Idea-driven approaches to policy decision making have been more common in works that have foundations in psychology[31] or foreign policy learning. [32] While some studies used social beliefs[33]and other conceptual frameworks[34] to understand how policy decisions are made, the impact of mindsets on policy decisions remains an understudied field.

Another gap in knowledge concerns how domestic politics impact the implementation of international agreements. Literature on this topic in the international arena mainly consists of studies of peace agreements between warring factions in civil conflicts.[35] Other studies of politics during the implementation phase have focused on the domestic policy front, which showed that policies are transformed during the implementation process.[36]

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[30] For example, Robert J. Art, "Bureaucratic Politics and American Foreign Policy: A Critique." *Policy Sciences: Integrating Knowledge and Practice to Advance Human Dignity* 4, no. 4 (1973): 467–90.

[31] For example, John Steinbruner, *Cybernetic Theory of Decision: New Dimensions of Political Analysis* (Princeton, NJ: Princeton University Press, 1974).

[32] Jack S. Levy gives an overview of this field in Jack S. Levy, "Learning and Foreign Policy: Sweeping a Conceptual Minefield." *International Organization* 48, no. 2 (1994): 279.

[33] Judith Goldstein, Robert O. Keohane, ed. *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca, NY: Cornell University Press, 1993).

[34] Gallagher, *The Politics of Verification*, 1999.

[35] For example, Stephen John Stedman, "Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policymakers," International Peace Academy, May 2001, https://peacemaker.un.org/sites/peacemaker.un.org/files/ImplementingPeaceAgreementsinCivilWars_IPI2001.pdf.

[36] A classic work is Pressman and Wildavsky, *Implementation*.

Some scholars have studied specific aspects of the implementation process for international agreements. Allison and Philip Zelikow showed how it is affected by organizational characters and routines.[37] Morton Halperin, Priscilla Clapp and Arnold Kanter, argued that the differing preferences and tactics of domestic groups can complicate the process. They discuss how presidential decisions can vary in specificity, and that lower-level officials may not faithfully implement them because they are unsure what they are being asked to do, unable to carry out what they believe they have been ordered to do or because they refuse to do what they are told. They can resist, for example, by delaying actions or obeying the letter but not the spirit of the order.[38]

This dissertation builds on such works and explores when and how domestic politics interferes with international cooperation.

1.6 Thesis

The central claim of this dissertation is that domestic politics impacts not only the negotiation and ratification of international security agreements but also their implementation. The pulling and hauling of domestic politics continues and affects the implementation phase. As the analysis of the four subcases in the following chapters will show, the United States moved away from full implementation of the terms of its agreements with North Korea not just because of Pyongyang's actions, but also due to domestic political considerations. Even in the two subcases where North Korea and the

[37] Allison and Zelikow, *Essence of Decision*, 176-177.

[38] Morton H. Halperin, Priscilla. Clapp, and Arnold. Kanter, *Bureaucratic Politics and Foreign Policy*, (Washington, DC: The Brookings Institution, 1974), 243-272.

United States both stepped away from cooperation, U.S. behavior cannot be fully explained by the realist model alone.

U.S. domestic politics affected the implementation of nuclear agreements with North Korea in two ways. One was in determining the outer limits of what was possible to implement. This finding confirms the view of many works on bureaucratic politics which argue that domestic politics can constrain international cooperation. But domestic politics also played a more proactive role, such as when domestic political considerations partly prompted U.S. officials to pursue a more coercive strategy in implementing the country's agreement with North Korea, while not breaking the accord entirely.[39]

When a split in opinion existed mainly among institutions, institutional interests were sufficient to explain U.S. government actions. But more often, institutional interests provided only a partial explanation of the outcomes in the sub-cases. A fuller understanding of when and how domestic politics impacted the implementation process could only be achieved through an analysis at the individual level including their mindsets.

The important question is whether there were key actors who strongly preferred coercive approaches rather than cooperative ones in dealing with North Korea, and the extent of concessions they demanded from the country. When Hardliners were

[39] The need to look at domestic politics for explanations for a country's strategy on the international level has been mentioned by Helen Milner. She says the reasons for analyzing domestic politics when studying international cooperation are important because 1) it reveals how preferences are aggregated 2) it helps explain the strategies adopted to attain goals and 3) without ratification in the domestic arena, implementation will not take place in "International Theories of Cooperation among Nations: Strengths and Weaknesses." *World Politics* 44, no. 3 (1992): 463.

influential, there was less tolerance for concessions to North Korea in the domestic system. To ease the concerns of at least some Hardliners, the Cooperators, who preferred the cooperative approach and who found the level of demands in the agreements satisfactory, nevertheless scaled back cooperation with North Korea, increased the scale of demands or resorted to more coercive measures to achieve U.S. goals.

1.7 Contribution

This dissertation makes two contributions to the literature in the fields of international security cooperation and policy implementation.

First, it adds to the understanding of the impact of domestic politics on the implementation of international security agreements, an understudied area. The research shows how some of the dynamics seen in the negotiation stage continue in the implementation phase of international agreements.

Secondly, it shows the utility of using individual-level mindsets to study the interaction between domestic politics and international security agreements. While there is a body of work on the relationships between domestic politics and foreign policy, most of the literature focuses on the interests of institutions or individuals. Few researchers study the impact of mindsets that shape those interests.

This dissertation also makes a practical contribution. If domestic impediments prevented the United States from fulfilling the terms of the agreements, then the assumption that engagement did not work solely due to North Korean actions is incorrect. Whether a more fully implemented engagement policy would have led to North Korea's denuclearization is beyond the scope of this study. But if domestic politics interfered with

U.S. implementation of the agreements, it raises the possibility that the policy of engagement may not have been applied consistently to North Korea. If so, any assessment of policy should include the possibility that cooperative arrangements have failed not just because of North Korean actions, but because of inducements that were not extended fully, or in a timely manner.

There are also implications for the credibility of the United States. If the United States does not keep its word or is seen as not keeping its word, North Koreans will have less reason to believe that Washington's future promises will be credible. This could make future engagement efforts more difficult. If the United States is seen as being less than reliable in keeping its word, it could also create problems in its negotiations with other countries.

1.8 Organization of this dissertation

The dissertation consists of eight chapters.

Chapter two provides an overall framework of the topic through a brief review of the relevant literature from the fields of cooperative security, the relationship between foreign policy and domestic politics as well as policy implementation.

Chapter three provides the background of the Agreed Framework and the Six Party Talks as well as North Korea's nuclear development efforts. This is intended to put overall U.S.-North Korea relations into context.

Chapter four evaluates the first type of subcase regarding the Agreed Framework of 1994 to assess the impact of U.S. domestic politics on its actions. The question asked is: Why did the United States hold back from more generous cooperation when it lifted

sanctions against North Korea? This was the case in which when no clear violations were observed on the North Korean side. It finds that in this case, institutional interests provide a key explanation. The executive branch, which wanted to make the agreement work, adapted an approach that would be acceptable for Congress, which was generally opposed to or highly skeptical about the Agreed Framework.

Chapter five analyzes the second type of subcase regarding the Agreed Framework, in which both the United States and North Korea deviated from the agreement. The questions asked are: Why did the United States treat the intelligence community's 2002 assessment that North Korea was procuring material and equipment for an industrial-scale uranium enrichment program as a violation of the Agreed Framework when the accord did not explicitly prohibit this program? Why did the United States respond by stopping the shipment of heavy fuel oil? The study finds that an analysis involving individual mindsets best explains how this happened. The interpretation of the Hardliners that North Korea's uranium enrichment was a violation of the deal and should be punished became policy as they successfully promoted this view while the Cooperators harbored varying levels of doubt about the Agreed Framework and some were preoccupied with other foreign policy issues.

Chapter six studies a subcase in the Six Party Talks process, in which the United States did not adhere to the terms of originally stated obligations despite no clear deviations on the North Korean side. The question asked is: Why did the United States advance the schedule for the establishment of a verification protocol for North Korea's nuclear activity and expand its scope in 2008? It finds that the Cooperators faced pressure from opponents to produce results to justify the diplomatic path. When North Korea

refused to explain its uranium enrichment activity, they incorporated some coercive tactics promoted by their opponents, while trying to prevent the complete destruction of the cooperative framework.

Chapter seven analyzes a subcase in the Six Party Talks process involving violations on both sides. The question asked is: Why did the United States decide in 2008 to end the provision of economic benefits to North Korea under the Six Party Talks due to a disagreement over sampling? An analysis that uses individual mindsets shows that, faced with North Korean intransigence and domestic pressure, the Cooperators incorporated the views of the Hardliners.

Chapter eight discusses the key findings and policy implications of this study.

Chapter 2 Framing the Question – Literature Review

2.1 Overview

This dissertation aims to reveal the mechanisms through which domestic politics impacts implementation of international security cooperation, while focusing primarily on how the United States dealt with its obligations under the two denuclearization agreements with North Korea. To do so, it synthesizes and builds on existing research in a broad array of fields ranging from bureaucratic politics to policy implementation.

This chapter gives an overview of the literature this research draws on. It first defines the concept of cooperation to put the two denuclearization agreements in context, followed by a discussion on the concept of coercion which will be used in the study. It then discusses relevant literature on the relationship between domestic politics and foreign policy, beginning with the evolution of bureaucratic politics, followed by theories that focus on the design of domestic political institutions to explain a country's foreign policy behavior. This is followed by the "two-level game" model that links the international and domestic political arena by describing a framework in which negotiators bargain at both levels to obtain an agreement. It then discusses the assumption in many of the models that material interests and policy preferences drive the behavior of actors in the foreign policy process, followed by theories that deal with ideas as explanations of decision-making in diplomacy. It then moves to analyses of the implementation phase of policy decisions. It concludes with a discussion about how this research synthesizes the existing literature and deals with unanswered questions.

2.2 Defining cooperation and coercion

In the broadest sense, this dissertation concerns the interaction between domestic politics and international cooperation. Following a number of scholars who have relied on Robert Keohane's definition, *cooperation* is defined here as an adjustment of the behavior of actors to the actual or anticipated preferences of others through a process of policy coordination.[40]

Policy coordination is a process of negotiation, through which individuals or organizations are brought into conformity with one another.[41] Cooperating states modify their behavior to decrease the negative impact it will have on other parties in exchange for the other side doing the same, although the balance of benefits between the parties may vary.

Cooperation does not always have to be explicit. As Robert Axelrod shows in *The Evolution of Cooperation*, cooperation can take place without such bargaining and formal agreements. Games such as the Prisoners' Dilemma show that cooperation can evolve through reciprocity and prove to be stable.[42]

The two agreements that are the focus of this study, however, fall in the category of explicit cooperation. North Korea twice agreed to halt its indigenous nuclear program and eventually abandon it, and the United States agreed to end sanctions and improve

[40] Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 2005), 51-52.

[41] Ibid., 51.

[42] Robert Axelrod, *The Evolution of Cooperation* Revised Edition (New York: Basic Books, 2006).

relations with North Korea in return.[43] From Washington's perspective, it made policy accommodations to achieve its foreign policy goal of North Korea's denuclearization. The implementation of the agreements thus equals the implementation of international cooperation.

The United States could have taken the other road of coercion to try to achieve its goal of denuclearizing North Korea. Unlike cooperation, *coercion* applies pressure on an actor to persuade it to adjust its policies. It imposes or threatens cost or pain to a target country to get it do something it does not want to do. The implication is that the cost will increase if the actor does not concede. Coercion often involves the use of military action or military threat, although it can involve other instruments of persuasion such as economic sanctions and international isolation. It can include the use of positive inducements, although it is never carried out through such incentives alone.[44]

A key difference between cooperation and coercion is the existence of accommodation. While cooperation necessarily includes concessions by one country in exchange for the same from another country, that is usually not a part of the coercion process. The question of whether to accommodate the other state at some level to make it do what one wants it to do is a key concept used in this study.

Both cooperation and coercion are means to obtain a foreign policy goal. What is the goal to be pursued? Literature on coercion has explored various aspects of

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[43] "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea," Korean Peninsula Energy Development Organization (KEDO), accessed May 7, 2018, http://www.kedo.org/pdfs/AgreedFramework.pdf, and "Joint Statement of the Fourth Round of the Six Party Talks Beijing 19 September 2005," State Department, accessed May 7, 2018, https://www.state.gov/p/eap/regional/c15455.htm.

[44] Art and Greenhill, "Coercion: An Analytical Overview," 4-5.

concessions that a state requests of another, including what type and magnitude of demands are associated with success[45] as well as what happens when extreme demands, such as regime change, are made.[46] This study uses the magnitude of demands, in combination of the idea of cooperation and coercion, to understand policymakers' mindsets that determine policy.

2.3 Bureaucratic politics

This study looks at domestic politics, rather than relying solely on international-level explanations, to understand a country's foreign policy actions in the diplomatic arena. This is because while international-level analysis that treats domestic factors as stable provides some explanation of how the United States implemented the Agreed Framework and the deals stemming from the Six Party Process, analysis on that level leaves some unanswered questions.

Graham Allison's seminal 1971 *Essence of Decision* showed that treating a state as a rational unitary actor was insufficient to explain all aspects of the Cuban Missile Crisis. He developed two alternative conceptual models, the Organizational Behavior Model and the Governmental Politics Model, to better explain actions by the United States during the crisis.[47]

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[45] Art and Greenhill, "Coercion," 22-25.

[46] Alexander B. Downes, "Step Aside or Face the Consequences," in *Coercion: The Power to Hurt*, ed. Greenhill and Krause (Oxford: Oxford University Press, 2018) 93-114.

[47] Allison and Zelikow, *Essence of Decision*, 5.

Of particular interest to this dissertation is the Governmental Politics model. This model interprets government behavior as resulting from decisions made not by a single actor but multiple actors engaged in "the pulling and hauling that is politics." In this model, players "focus not on a single strategic issue but on many diverse intranational problems as well," and "act in terms of no consistent set of strategic objectives but rather according to various conceptions of national, organizational and personal goals."[48]

2.4 Domestic politics and institutional design

There is a long-held belief in the United States that foreign policy actions should be and are in fact bipartisan, as can be inferred from the famous statement, "politics stops at the water's edge."[49] But as any government official can attest, foreign policy in reality can be just as contentious as domestic political issues.[50]

From the 1960s and 1970s, studies have analyzed how domestic politics impacts diplomacy, with a focus on the institutional design of the government, particularly the

[48] Ibid., 255. Noteworthy critics of Allison's work are Stephen Krasner, who contends that Allison underestimates the president's power in Stephen D Krasner, "Are Bureaucracies Important? (Or Allison Wonderland)," *Foreign Policy*, No. 7 (Summer 1972), and Jonathan Bendor and Thomas Hammond, who challenge the internal logic used in Allison's models in Bendor and Hammond, "Rethinking Allison's Models." *The American Political Science Review* 86, no. 2 (1992): 301–22.

[49] The statement was made in 1947 by Senator Arthur Vandenberg. See Robert J. Lieber, "Politics stops at the water's edge? Not recently," *Washington Post*, February 10, 2014, https://www.washingtonpost.com/news/monkey-cage/wp/2014/02/10/politics-stops-at-the-waters-edge-not-recently/?utm_term=.429cecb72fa7

[50] Helen Milner and Dustin Tingley point out the deep link between domestic politics and foreign policy in Milner and Tingley, *Sailing the Water's Edge: The Domestic Politics of American Foreign Policy* (Princeton, NJ: Princeton University Press, 2015).

office of the president. In many of these studies, domestic politics acts as a constraint on coherent foreign policy.

Morton Halperin described the complexity of the process, using President Johnson's decision on the antiballistic missile system (ABM) as an example.[51] In Halperin's model, the president does not offer specific instructions but maintains ambiguity and allows the bureaucracy and Congress to engage in a tug-of-war, which, in the case of the ABM, prevented a single actor from dominating the process.

Richard Neustadt's analysis that presidential power is "the power to persuade" and that power is "the power to bargain"[52] also describes the need for give-and-take within the domestic system: the president may not always get what he desires.

The gap between what presidents intend as policy and what the bureaucracy does in reality is also the subject of I.M. Destler's analysis. He explores the question of how governments can be organized for "purposive and coherent" foreign policy.[53]

Literature in this field looked for domestic political variables to explain how a country's foreign policy is formed and carried out. It shows that the internal characteristics of a country have a significant impact on what it does in the diplomatic realm. This dissertation builds on these insights, particularly regarding the nature of the

[51] Morton H. Halperin, Priscilla. Clapp, and Arnold Kanter, *Bureaucratic Politics and Foreign Policy* (Washington, DC: The Brookings Institution, 1974).

[52] Richard E. Neustadt, *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York: Free Press, 1991), 32.

[53] I.M. Destler, *Presidents Bureaucrats and Foreign Policy* (Princeton, NJ: Princeton University Press, 1974), 4.

power of the president's office as well as how key advisors try to influence the president's decisions.

2.5 Interaction between the international and domestic levels

While foreign policy actions have been analyzed on the international and domestic levels from various angles, the interaction between them remained largely unexplored until Robert Putnam provided a link through his "two-level game" framework of analysis.[54]

Putnam's model assumes that executive branch leaders typically try to manipulate domestic and international politics simultaneously to achieve a foreign policy goal. Diplomatic moves are constrained by both the limit of acceptance by the other party, as well as what the domestic constituencies are willing to accept. The executive engages in a "Janus-faced" or "double-edged" diplomacy, in which the statesman tries to gain a bargaining advantage on the international stage while winning the support of the domestic audience.[55]

Putnam's model emphasizes the role of the executive who simultaneously calculates the constraints as well as opportunities on the domestic and international levels to determine the outcome of bargaining.[56]

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[54] Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42, no. 3 (1988): 427–60.

[55] Peter B. Evans, Harold Karan. Jacobson, and Robert D. Putnam, *Double-Edged Diplomacy International Bargaining and Domestic* (Berkeley: University of California Press, 1993), 15.

[56] Ibid., 17.

Many studies have refined the "two-level game" framework since Putnam introduced it in 1988. For example, Helen Milner takes a closer look at the domestic elements that determine decision making in her book *Interests, Institutions, and Information*.[57] In this model, Milner examines four players in a two-level game, namely the home country's executive, the foreign counterpart, the home country's legislature and interest groups. The actors all try to achieve an outcome that is as close as possible to their "ideal point" of preferred policy.[58] While the foreign government is treated as a unitary actor, the other three players represent different groups within the home country trying to maximize their utility.

This study uses the core insights gained through the two-level game framework, which is that the key executives need to obtain approval both on the international and domestic level to make an agreement work. Of particular interest to this study is the necessity for the officials to obtain the approval from key actors in the domestic system since policy agreements usually cannot be implemented without their consent.

2.6 Focus on interests

The theories and models mentioned above assume that material interests drive the preferences and choices of actors in the domestic or international system.

In her analysis, Milner separates the concepts of *interests* and *preferences*. In her definition, interests are the actors' "fundamental goals, which change little."[59] The

[57] Helen V. Milner, *Interests, Institutions, and Information: Domestic Politics and International Relations* (Princeton, NJ: Princeton University Press, 1997), 67-70.

[58] Ibid., 71.

[59] Milner, *Interests, Institutions, and Information*, 15.

interests of economic actors are maximizing income, while the interests of actors in the political field are usually winning elections and retaining office.[60]

Preferences, meanwhile, refer to the specific policy choices that actors believe will be useful in pursuing their interests. While actors in the domestic system may share the same interest, their preferences in policy may vary due to such factors as what their constituencies demand from them.[61]

Through a study of cases involving international economic cooperation, Milner concludes that cooperation on the international level is determined more by the domestic distribution of gains — in other words, who in the domestic arena gains from the cooperation — than any fear that other countries may cheat or take advantage of the home country.[62]

Another important finding in Milner's study is that while domestic politics in general makes cooperation difficult on the international stage, the division between the executive and legislative branches of the government made it even more difficult for negotiations to succeed.[63]

Milner's theory is developed further in a later book written together with Dustin Tingley, *Sailing the Water's Edge,* that includes not only interests but also the elements of ideas as determinants of foreign policy.

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[60] Milner, *Interests, Institutions, and Information*, 34.

[61] Ibid.

[62] Ibid., 234.

[63] Ibid., 235.

In this analysis, the two scholars introduce ideology as a motivation for the actions of domestic actors. They define ideology as a "set of beliefs held by an individual about politics and foreign affairs that is consistent internally, contrasts with others individuals' beliefs, is relatively stable through time and is non-expedient – that is, does not reflect their immediate, short-term material interests."[64] Ideology matters because that impacts how citizens evaluate leaders and vote in the next legislative or presidential election.[65] In this work, ideology is still a factor that contributes to the ultimate motivator, which is interest.

A notable characteristic of these works is that they treat separate branches of the government as unitary actors. Milner offers three justifications for that in *Interests, Institutions and Information*. She says that given the power of the prime minister or president, the leader can be assumed to be the executive in some cases. In others, a cabinet minister in charge of a particular issue can be considered to be the executive, as the minister is likely the most important decision maker in a specific policy question. In still other cases, the cabinet minister who holds the swing vote in a policy decision can be regarded as the executive. All of these cases lead to a single outcome and therefore, she says, the assumption of the single entity is justified.

Treating the executive and legislature as single units, however, limits our understanding of how a decision is made. Similar to the debate over treating a state as a unitary rational actor, treating a branch of the government as a single actor does not

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[64] Milner and Tingley, *Sailing the Water's Edge*, 57.

[65] Unlike *Interests, Institutions and Information*, whose case studies concerned economic cooperation, *Sailing the Water's Edge* explores non-economic aspects of foreign policy, analyzing policy instruments such as immigration, geopolitical aid and military deployments.

explain why its action at times seems irrational. For this reason, this study will look at the individual level to seek an explanation of events.

2.7 Focus on ideas

Some scholars who study bureaucratic organizations have discussed the importance of ideas and mindsets impacting foreign policy behavior.

In his *Politics of Policy Making in Defense and Foreign Affairs* originally published in 1971, Roger Hilsman develops a "political process model"[66] that treats states as an organization consisting of individuals with different degrees of power. He acknowledges that the "policy convictions" of individuals play a role in policy decisions,[67] but does not go into detail about how they do so.

Critiques of the bureaucratic politics model have emphasized the role of ideas. Robert Art contends that the fundamental assumptions of individuals, which he refers to as mindsets, may have more to do with foreign policy decisions than motivations stemming from their position in government.[68] This means that different individuals occupying the same senior position may not necessarily reach the same conclusion due to different fundamental assumptions, which he calls mindsets. He argues that the

[66] Roger Hilsman, Laura Gaughran, and Patricia A. Weitsman, *The Politics of Policy Making in Defense and Foreign Affairs: Conceptual Models and Bureaucratic Politics* 3rd ed. (Englewood Cliffs, NJ: Prentice Hall, 1993), 85-89.

[67] Ibid., 70-71.

[68] Robert J. Art, "Bureaucratic Politics and American Foreign Policy: A Critique," *Policy Sciences: Integrating Knowledge and Practice to Advance Human Dignity* 4, no. 4 (1973): 467-490.

president's preferences, the mindsets of top policy makers and domestic political pressures explain a government's decision making rather than bureaucratic politics.

Edward Rhodes also says that an "idea-driven" explanation of state behavior has more explanatory power than the "pulling and hauling" of bureaucracy.[69] He demonstrates the effect that widely held social beliefs have on decision making through a case study of the development of U.S. Navy force posture. He does not, however, develop a generalizable model that explains state behavior through ideas.

In order to explain the decision-making process of policy makers, scholars have used cognitive psychology and other disciplines to offer theories on how the human mind simplifies complex inputs to make decisions.

John Steinbruner showed that the assumption of rationality cannot explain all decision-making phenomena, and introduced the cybernetic cognitive paradigm.[70] In the cybernetic paradigm, decision makers control uncertainty by "focusing the decision process on a few incoming variables while eliminating entirely any serious calculation of probable outcomes."[71] This is supplemented further with the principles of cognitive theory, which explains how the problem is formulated in the mind so that the cybernetic mechanism can operate.

Steinbruner uses the actions of a tennis player as an example of how the cybernetic paradigm works. The tennis player does not mathematically calculate the

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[69] Edward Rhodes, "Do Bureaucratic Politics Matter?: Some Disconfirming Findings from the Case of the U.S. Navy," *World Politics* 47, no. 1 (1994): 1–41.

[70] John D. Steinbruner, *The Cybernetic Theory of Decision: New Dimensions of Political Analysis* 2nd ed. (Princeton, N.J.: Princeton University Press, 2002).

[71] Ibid., 66.

trajectory of the ball and carefully examine the alternatives each time he hits it. Rather, the tennis player uses information kept in feedback loops to make those decisions.[72]

Robert Jervis also studied how the human mind works to understand foreign policy behavior. In *Perceptions and Misperceptions in International Politics*, Jervis explores how policymakers form images of the other side based on their personal experience, pre-existing beliefs and a need for cognitive consistency. These images impact decision making. He identifies common misperceptions that impact foreign policy decisions, ranging from the tendency to see the others as more organized and centralized in their behavior to overestimating one's importance in the policies of other parties.[73]

Other scholars have researched conceptual frameworks that policymakers use to manage inputs and make decisions.

Arguing that both ideas and interests impact behavior, Judith Goldstein and Robert Keohane looked at three types of ideas based on social beliefs.[74] The first is the worldview, which defines the possibilities for action. This includes, for example, religious beliefs and the widely shared concept of national sovereignty that took hold after the 1648 Peace of Westphalia. The second is principled beliefs, which determine what we consider right or wrong. Finally, they discuss causal beliefs, which determine strategies for achieving goals. This includes, for example, scientific knowledge that guides people when trying to cure a disease.

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[72] Ibid., 49.

[73] Robert Jervis, *Perception and Misperception in International Politics* (Princeton, NJ: Princeton University Press, 1976).

[74] Goldstein and Keohane, *Ideas and Foreign Policy*, 3-30.

Nancy Gallagher uses three types of conceptual frameworks that policymakers use to process information and make decisions in her analysis of arms control verification. The Unilateralists see international relations as a zero-sum game, while Cautious Cooperators think that cooperation is possible when they can improve their situation by coordinating their behavior. Arms Control Advocates, meanwhile, believe that states and individuals have more shared interests than are identified in the other two conceptual frameworks, and thus they are enthusiastic proponents for arms control and disarmament accords.[75]

Still others have explored how policy changes as a result of a learning process by policymakers. Philip Tetlock, for example, argues that foreign policy belief systems are hierarchically organized.[76] The highest level consists of strategic policy beliefs, followed by preferences at the intermediate level and tactical beliefs at the base. He argues that most learning takes place at the tactical level, as policymakers normally do not have the time to question fundamental beliefs but are willing to make tactical-level adjustments.[77]

This study builds primarily on works that use conceptual frameworks that help policymakers deal with decision making by assisting in the processing of complex ideas and information amid uncertainty. It calls such conceptual frameworks *mindsets*, although it can be described in other ways, meaning fundamental assumptions that people have of the world, including worldviews and personal convictions.

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[75] Gallagher, *The Politics of Verification*, 5-12.

[76] George W. Breslauer and Philip E. Tetlock eds., *Learning in U.S. and Soviet Foreign Policy*. (Boulder, CO: Westview Press, 1991), 20-61.

[77] Ibid., 28.

2.8 Implementation

Many foreign policy analyses use case studies that involve the stages of policy formation, negotiation and ratification, but the implementation phase is rarely mentioned.

In the two-level game framework of Putnam, the focus is on the negotiation and ratification stages of negotiations. That is the same for the case studies in Milner's *Interests, Institutions and Information*, which builds on Putnam's model. Steven Miller divides the two main phases of arms control policymaking into the policy formulation phase, where internal bargaining is carried out to form proposals, and the ratification phase, where the U.S. Senate, rather than the president, is the decisive player in the game.[78] Frederick Mayer's political analysis on the North American Free Trade Agreement (NAFTA), which uses the domestic politics of the countries involved in NAFTA as one of the analytic lenses to understand how the treaty was negotiated and ratified, but does not go beyond the stage when a vote takes place in Congress.[79]

Existing works on policy implementation either focus on domestic issues or analyze institutional structures.[80]

On the domestic policy front, Pressman and Wildavsky showed the complexities involved in a federal agency's job-creating project in Oakland, California. Pressman and Wildavsky argue that what initially appears to be a simple task of carrying out a funded

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[78] Pressman and Wildavsky, *Implementation*.

[79] Frederick Mayer, *Interpreting NAFTA: The Science and Art of Political Analysis* (New York: Columbia University Press, 1998).

[80] There are a number of works in the international development field regarding the implementation of peace agreements that focus on the domestic politics of target countries. See, for example, Stephen John Stedman, Donald S. Rothchild and Elizabeth M. Cousens, *Ending Civil Wars : The Implementation of Peace Agreements* (Boulder, CO : Lynne Rienner, 2002).

project could actually be a complicated one involving numerous actors with different perspectives and various decision points.[81] In another study on domestic policy implementation, John Kingdon shows that agenda setting, decision-making and implementation do not necessarily proceed in a neat order.[82]

A relatively few scholars have addressed foreign policy implementation. In their *Essence of Decision*, Allison and Zelikow show that the implementation of foreign policy is affected by the predispositions of organizations and previously established routines.[83] Halperin, Clapp and Kanter argue that differing preferences and tactics of domestic groups complicate implementation.

2.9 Framework for analysis

Gaining insights from the bureaucratic politics literature, this dissertation looks inside the U.S. government to analyze the U.S. implementation of the Agreed Framework and the Six Party Talks deals. As this group of work has shown, relying on a single level to analyze important world events is not enough. While the unitary rational actor model is used to look for explanations on the international level, the other two models are used to understand events at the institutional and individual levels of domestic politics.

This study also pays attention to how the international and domestic politics interact. For this aspect, it relies on Putnam's "two-level game" framework. Policymakers

[81] Ibid.

[82] John W. Kingdon, *Agendas, Alternatives, and Public Policies* Updated 2nd ed. (Boston: Longman, 2011).

[83] Allison and Zelikow, *Essence of Decision*, 176-177.

know that unless key domestic actors approve, international agreements cannot be ratified, and consequently conduct themselves so that they can achieve a satisfactory outcome on both fronts. The logical extension of that insight is that international agreements cannot be implemented without such domestic approval.

To analyze what consists of domestic approval, this study looks at individuals in the system, rather than stopping at the institutional level. The most important actors in this particular case are the president and his key advisors.

While many studies look to interests as the motivator for its actors, this dissertation pays special attention on what it calls mindsets, meaning conceptual frameworks or fundamental assumptions that actors use to make sense of world politics. Whether key actors in the U.S. domestic system preferred cooperative or coercive measures in dealing with North Korea and the amount of concessions they wanted from North Korea are the key factors that determined whether they were Cooperators or Hardliners, the two ideal types used for analysis.

In addition, the concept of learning — particularly tactical learning that does not impact the strategic objective — is used to help explain how key policymakers changed their minds and affected the approval process in the domestic system.

The implementation stage of policy and agreements receive little attention. But as the literature on policy implementation in the domestic arena shows, implementation is not just about putting what is written on paper into action. It is a complicated process that requires overcoming logistical problems and bureaucratic hurdles that may have been unexpected in the beginning, as well as dealing with politics.

In short, this dissertation looks at the understudied area of implementation of international agreements, using not only interests but also ideas as motivators, while breaking down the unit of analysis to the level of individuals rather than focusing just on organizations and groups.

Chapter 3 Understanding the Context – Background

3.1 North Korea's nuclear efforts

North Korea's nuclear efforts began with the training of its first generation of scientists, who studied in Japan in the 1930s and moved back to the country in the 1940s. The country made its own investments in nuclear science education in the 1950s, but also turned to outside help.[84] It signed an agreement with the Soviet Union in 1959 and received assistance on basic nuclear technology.[85]

At least initially, North Korea appears to have been interested in nuclear technology for civilian use. There continue to be claims originating from South Korean sources that Kim Il Sung, the North Korean founder, sought a nuclear weapons program as early as 1950. But according to Jonathan Pollack, there is no documentary evidence to back this claim.[86]

The 1959 North Korea-Soviet Union agreement included plans for the construction of nuclear facilities in Yongbyon, about 90 kilometers north of Pyongyang. The first facilities to be built at the Yongbyon nuclear research center included a small Soviet-designed reactor for basic nuclear research and a radiochemical laboratory for extracting isotopes. This reactor reached criticality in 1965, while the radiochemical laboratory became operational in 1977.[87] These facilities were placed under International

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[84] Jonathan D. Pollack, *No Exit: North Korea, Nuclear Weapons, and International Security* (Oxford, England: Routledge, 2011), 47-48

[85] International Institute for Strategic Studies (IISS), *North Korea's Weapons Programs: A Net Assessment* (Hampshire England: MacMillian, 2004), 27.

[86] Pollack, *No Exit*, 48.

[87] IISS, *North Korea's Weapons Programs*, 27.

Atomic Energy Agency (IAEA) safeguards in 1977, when North Korea concluded an "INFCIRC/66" agreement with the IAEA.[88] This type of safeguards agreement covers specific nuclear facilities, materials and equipment for inspection.[89]

Apart from the benefits of energy generation, there are signs that Kim Il Sung saw nuclear power as a key element that would elevate the country to industrial power status. It may also have acted in response to the fact that its rival South Korea, which joined the IAEA in 1957, saw its first research reactor go critical in 1962.[90]

As the construction of the Yongbyon facilities was being carried out in the 1960s, signs that North Korea might also have been thinking of acquiring nuclear weapons began to emerge. While Pyongyang publicly stated that its goal was the peaceful use of nuclear energy, it privately began dropping hints about a desire to acquire weapons. For example, in August 1963, the East German ambassador to Pyongyang told his Soviet counterpart that North Koreans were asking East German sources about nuclear weapons technology.[91]

There is no documentary evidence that pinpoints when Kim Il Sung decided to pursue nuclear weapons in addition to the civilian program, or why he chose that path.[92]

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[88] "Fact sheet on DPRK nuclear safeguards," International Atomic Energy Agency (IAEA), accessed January 5, 2008, https://www.iaea.org/newscenter/focus/dprk/fact-sheet-on-dprk-nuclear-safeguards, and Jared S. Dreicer, "How Much Plutonium Could Have Been Produced in the DPRK IRT Reactor?" *Science & Global Security* 8, no. 3 (2000): 317.

[89] Dreicer, "How Much Plutonium," 317.

[90] Ibid., 54.

[91] Pollack, *No Exit*, 53.

[92] Some scholars, including Jonathan Pollack and Victor Cha, say it was likely in the 1970s, although some others have said efforts to build a weapons program date back to the 1960s.

However, the country's experience in the 1950-1953 Korean War and later developments in the international environment provide some clues to understanding what may have motivated the decision. North Korea suffered much destruction as a result of U.S. air and ground attacks during the Korean War, and American actions suggested that it might be willing to use nuclear weapons against the country. U.S. President Dwight Eisenhower believed that threats conveyed through aircraft and nuclear warhead movements helped bring about a truce.[93] But not everyone thinks that U.S. nuclear signaling led to the signing of the armistice in 1953. McGeorge Bundy, who looked into the events at the time, believes that other factors, including the death of Stalin and heavy losses on the communist side, were the primary reasons for North Korea and its allies to end the conflict.[94] But American nuclear signaling, including its deployment of tactical nuclear weapons to the Korean Peninsula in the late 1950s, could well have heightened North Korea's sense of vulnerability.[95]

The 1980s saw a new phase in North Korea's nuclear development. North Korea tried to obtain more civilian nuclear assistance from the Soviet Union, but Moscow was at times unenthusiastic about extending this due to Pyongyang's failure to repay its debts.[96] How much that contributed to North Korea's decision to strike off on its own remains unknown. But it is clear the country embarked on an indigenous program at the

[93] McGeorge Bundy, *Danger and Survival* (New York: Vintage Books, 1988), 238-239.

[94] McGeorge Bundy, "The Unimpressive Record of Atomic Diplomacy," in *The Use of Force: Military Power and International Politics*, 6th ed, ed. Robert J. Art and Kenneth N Waltz (Lanham: Rowman & Littlefield Publishes, 2004), 88.

[95] Pollack, *No Exit*, 45-46.

[96] Ibid., 93.

Yongbyon nuclear complex, which centered on three gas-cooled graphite moderated reactors. These included a small 5 megawatt (MW) research reactor in Yongbyon, a larger 50 MW prototype reactor, also in Yongbyon, and a full-scale 200 MW reactor in nearby Taechon.[97] Ri Hong Sop, director of the Yongbyon nuclear complex, told a delegation of Stanford University academics in one of their seven visits from 2004 that the 5MW reactor became operational in 1986.[98] The 5MW reactor was the prototype for the two larger reactors.[99]

3.2 The first crisis

The United States became increasingly suspicious of the nature of North Korea's nuclear program. While North Korea maintained that the 5MW nuclear reactor was intended for civilian energy research purposes, satellite photographs did not show power lines or other infrastructure that would be needed for power generation.[100]

North Korea signed the Nuclear Nonproliferation Treaty (NPT) in 1985 due to pressure from the Soviet Union, which held up its approval of a project to build four light water reactors in North Korea if Pyongyang did not join the international treaty.[101] North

[97] IISS, *North Korea's Weapons Programs*, 32.

[98] Chaim Braun, Siegfried Hecker, Chris Lawrence and Panos Papadiamantis, "North Korean Nuclear Facilities after the Agreed Framework," Working Paper, Center for International Security and Cooperation, Stanford University, May 27, 2016. https://fsi.stanford.edu/publication/north-korean-nuclear-facilities-after-agreed-framework

[99] Ibid.

[100] See for example, Victor Cha, *The Impossible State: North Korea, Past and Future*, (New York: Harper Collins, 2012), 250-252.

[101] Pollack, *No Exit*, 93-94.

Korea had 18 months to sign a comprehensive safeguards agreement with the IAEA under the NPT, but the IAEA discovered it had sent the wrong document shortly before the deadline, and granted North Korea another 18 months.[102] That deadline in 1988 also passed without North Korea taking action, and Pyongyang did not sign a comprehensive safeguards agreement that would allow general inspections until 1992. (North Korea agreed to IAEA monitoring of the Soviet-provided facilities in 1977 based on the facility-specific INFCIRC/66 agreement but had not allowed monitoring of new buildings.)

Meanwhile, U.S. President George W. Bush announced in 1991 the removal of all U.S. ground-based and sea-based tactical nuclear weapons worldwide, as the Soviet Union began its rapid dissolution. This included nuclear artillery from South Korea. Bush also decided to pull the remaining 60 nuclear warheads out of the country, marking the end of the deployment of the warheads there that at its peak was believed to total 763.[103]

When North Korea finally allowed IAEA inspections, inspectors found a discrepancy. While North Korea said that it had reprocessed about three ounces of plutonium in 1989, the inspections and nuclear forensics revealed that it had reprocessed plutonium on at least three occasions, in 1989, 1990 and 1991. Due to concerns about North Korea accumulating nuclear materials for weapons use, the IAEA in February 1993 called for special inspections of North Korean sites that would better inform outsiders about their nuclear activities. North Korea refused, and announced that it was withdrawing from the NPT, which prohibited it from developing nuclear weapons. This

[102] Oberdorfer and Carlin, *The Two Koreas*, 198.

[103] Ibid. 200-202.

marked the start of tensions involving the United States, the IAEA and regional powers.[104]

U.S. officials regarded the prospect of North Korea extracting enough plutonium from its nuclear complex to make five to six nuclear bombs "an unacceptable risk" and considered carrying out a conventional military attack on key components of the Yongbyon nuclear complex.[105] U.S. officials believed the benefit of a surgical military action — called the "Osirak option" after a 1981 Israeli strike against an Iraqi nuclear facility of the same name — was that it could set back North Korea's nuclear program by years, with little or no risk of U.S. casualties, while causing few North Korean casualties and little radiation contamination, if any. But the downside was that it was likely to invite North Korean retaliation, leading to war in the region.[106] This led to the suspension of the military option in favor of the United States first pursuing a diplomatic alternative, including the threat of severe sanctions on North Korea unless it stopped its nuclear program. North Korea reacted strongly against the move, threatening to turn Seoul into a sea of fire and declaring that it would consider the imposition of sanctions an act of war.[107]

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[104] Cha, *The Impossible State*, 250-252.

[105] Ashton B. Carter, and William James Perry, *Preventive Defense: A New Security Strategy for America* (Washington, D.C.: Brookings Institution Press, 1999), 128.

[106] Carter and Perry, *Preventive Defense*, 128, and Wit, Poneman and Gallucci, *Going Critical*, 210-211.

[107] William Perry, interview on Frontline, *PBS*, February 26, 2003, https://www.pbs.org/wgbh/pages/frontline/shows/kim/interviews/perry.html, and Carter and Perry, *Preventive Defense*, 129-131.

On June 14, 1994, William Perry, the American defense secretary, called a meeting of U.S. military leaders and reviewed contingency plans. This was followed by a meeting with President Bill Clinton on June 16, 1994 in which options for increasing U.S. military forces in South Korea were considered. But the administration faced a dilemma. The better prepared the United States was militarily, the more likely it would be able to defeat the North with fewer casualties should there be a war. But the larger the buildup of U.S. forces, the more likely it would be interpreted by North Korea as the prelude to an American attack.[108]

While these options were being weighed by Clinton, former President Jimmy Carter was visiting Pyongyang on his own initiative to defuse the crisis. He met North Korean leader Kim Il Sung, who promised to allow the IAEA inspectors and the agency's surveillance equipment to remain at the Yongbyon complex, as well as to work to recover the remains of Americans killed during the Korean War and to hold a summit with then South Korean President Kim Young Sam.[109] Based on this last-minute agreement, the United States and North Korea agreed on the conditions for resuming dialogue.[110]

Kim Il Sung's death, announced on July 9, 1994, delayed negotiations between the United States and North Korea that had begun a day earlier in Geneva and raised questions about the succession process and the stability of North Korea.[111] But the

[108] Ibid.

[109] Wit, Poneman and Gallucci, *Going Critical*, 227-231.

[110] Ibid.

[111] Wit, Poneman and Gallucci, *Going Critical*, 255-265.

bilateral talks resumed and culminated in the Agreed Framework, signed on October 21, 1994.

3.3 The Agreed Framework

The Agreed Framework was a short document for such an ambitious accord. In less than 1,040 words, it stipulated the terms under which North Korea would end its indigenous nuclear program and laid out a roadmap for Washington and Pyongyang to improve their historically hostile ties that would eventually lead to establishing diplomatic relations.[112]

The relatively short text of the Agreed Framework meant that there was room for interpretation. This was less so for the concrete portions of the agreement, such as North Korea's obligations to shut down its graphite-moderated reactor and the U.S. commitment to provide the country with heavy fuel oil as compensation for any loss of energy. But specific actions for improving relations, for example, were left relatively vague.

The Agreed Framework obligated the United States to carry out the following commitments in exchange for North Korea's freezing and eventual dismantling of its graphite-moderated reactor;

- Make arrangements for the provision to North Korea of two light water reactors with a total generating capacity of approximately 2,000 megawatts by a target date of 2003,

[112] "Agreed Framework."

- Make arrangements to offset the energy forgone due to the operational freeze on North Korea's graphite-moderated reactor and related facilities, pending completion of the first light water reactor unit.

Meanwhile, the two sides also agreed that they would improve bilateral relations by;

- Reducing barriers to trade and investment within three months of the date of the document,
- Opening a liaison office in each other's capital,
- Upgrading bilateral relations to Ambassadorial-level, as progress is made on issues of concerns to both sides.

The two countries agreed that to improve the security situation on the Korean Peninsula;

- The United States would provide formal assurances to North Korea against the threat or use of nuclear weapons,
- North Korea would take steps to implement the 1992 North-South Joint Declaration on the Denuclearization of the Korean Peninsula,

As for nuclear nonproliferation measures, North Korea promised to do the following;

- Remain a party to the NPT and allow implementation of its safeguards agreement,
- Allow ad hoc and routine IAEA inspections to resume with respect to the facilities not subject to the freeze, upon conclusion of the supply contract for the provision of the light water reactor project,

- Come into full compliance with its safeguards agreement with the IAEA when a significant portion of the light water reactor project was completed.
- Engage in dialogue with South Korea. [113]

U.S. policymakers in the executive branch anticipated Congressional resistance to the agreement and did not seek to make it a treaty, which would have required a two-thirds approval from the Senate.[114] The administration also used emergency funds from the executive branch to implement the first stages of the agreement, obviating the need to seek a specific Congressional appropriation.[115]

The U.S. domestic conditions for implementation worsened when the Republican Party, whose members were largely skeptical of the negotiation approach, won control of both houses of Congress at the midterm elections in November 1994.

3.4 The Agreed Framework - What the Americans implemented

Commitments by the Americans consisted of six main parts. The following is a summary of U.S actions taken to implement the cooperative measures promised in the agreement.

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[113] "Agreed Framework."

[114] William Perry interview, June 13, 2017.

[115] Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Implications of the U.S.-North Korea Nuclear Agreement: Hearing before the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, United States Senate, 103rd Congress, 2nd Session*, December 1, 1994, Washington, D.C. Government Printing Office, 5.

1) Make arrangements for the financing and construction of the two light water reactors.

The United States worked to fulfill this part of the commitment through the Korean Peninsula Energy Development Organization (KEDO), an international consortium established for that purpose. U.S. government officials raised the idea of setting up an international consortium during their negotiations with North Korea when they realized that the financing of the two light water reactors, estimated to be over $4.6 billion, was too big for the United States to shoulder alone.[116] KEDO was officially launched in March 1995 in New York by Japan, South Korea and the United States, as an international organization under U.S. law.[117] South Korea agreed to cover about 70 percent of the estimated $4.6 billion, while Japan agreed to pay 116.5 billion yen, or about $1 billion at the time.[118] The question of how to obtain the remaining funds was never resolved.

Construction work was delayed and never completed. The delays were due to both technical and political problems. North Korea's poor infrastructure and inexperience with large-scale foreign projects posed technical challenges. Political obstacles were

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[116] American Ambassador Thomas Hubbard says he was the first to come up with the idea in a meeting with then U.S. Ambassador to South Korea James Laney and Robert Gallucci, chief U.S. negotiator for North Korea, in Kartman, Carlin and Wit, *A History of KEDO*, 15.

[117]"Agreement on the Establishment of the Korean Peninsula Energy Development Organization," Korean Peninsula Energy Development Organization (KEDO), accessed April 14, 2018, http://www.kedo.org/pdfs/EstablishmentKEDO.pdf.

[118] Choi Han Kwon, Thomas Crom and John Mulligan, *"KEDO"s LWR Project: Unique Challenges in a Nuclear Power Project by Any Standard,"* Proceedings of the 10th International Conference on Nuclear Engineering Arlington VA, April 14-18, 2002, 1074.

mainly caused by the historical hostility between the main contributors to the project — Japan, South Korea, and the United States — and North Korea. For example, a supply agreement between KEDO and North Korea was concluded nine months after the date the parties had agreed to make "best efforts" to do so, partly due to North Korean resistance to a South Korean demand that the reactors be designated as South Korean.[119]

For its part, North Korea shut down its graphite-moderated nuclear facilities and allowed IAEA monitoring, and cooperated with the removal and storage of spent nuclear fuel rods from its 5MW reactor. The Agreed Framework collapsed before the process reached the dismantlement stage of the facilities whose operations had been frozen.

2) Make arrangements for the provision of heavy fuel oil to North Korea.

The United States agreed to provide North Korea with 150,000 metric tons of heavy fuel oil by October 21, 1995, the one-year anniversary of the signing of the Agreed Framework, and to deliver a total of 500,000 metric tons for each of the twelve-month period after that.[120] The deliveries were made through KEDO. The first shipment reached North Korea in January 1995, after experts from the United States and IAEA visited Pyongyang to discuss the treatment of spent fuel and the monitoring of North Korea's freeze on its nuclear facilities.[121]

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[119] Wit, Poneman and Gallucci, *Going Critical*, 360-370

[120] KEDO, *1996 Annual Report*, 9. KEDO annual reports before 2001 are no longer available on the organization's website. This was obtained from a KEDO member.

[121] Wit, Poneman and Gallucci, *Going Critical*, 414-415.

Clinton administration officials arranged for the initial oil shipments to be financed by executive branch funds that did not require Congressional approval.[122] After encountering harsher criticism than expected,[123] they also decided in a Deputies Committee meeting at the end of 1994 to cap U.S. funding for KEDO at $30 million, far below the estimated cost of the oil deliveries, which were expected to be $50 million a year. While the plan assumed that other countries would contribute to the effort, that did not occur as planned and KEDO went into debt.[124]

The financing of the heavy fuel oil deliveries posed a constant headache for the Clinton administration. Deliveries were irregular and experienced frequent delays. What was initially envisioned as a twelve-month "heavy fuel oil year" from November to October changed from year to year because of the delays. In 1997, for example, it took KEDO 15 months to deliver the promised 500,000 metric tons of oil. (See Appendix 1 for details of the pace of oil deliveries to North Korea.) However, the promised quantity of heavy fuel oil eventually reached North Korea until the United States stopped the deliveries in 2002 over a dispute with North Korea regarding its procurement of materials for uranium enrichment activities.

[122] Department of State, "Daily Press Briefing," October 25, 1994, http://dosfan.lib.uic.edu/ERC/briefing/daily_briefings/1994/9410/941025db.html.

[123] Wit, Poneman and Gallucci, *Going Critical*, 335-337.

[124] Ibid, 340.

3) Reduce barriers to trade and investment.

As part of the improvement in ties, the Agreed Framework stipulated that "Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions."[125] While the clause was meant to benefit North Korea, which was trying to unshackle itself from U.S. sanctions and improve its economy, Pyongyang took the symbolic step of lifting its sanctions against the United States first. It announced on January 9, 1995, well before the three-month deadline, that it was ending its prohibition on U.S. commodities imports and the entry of U.S ships into its ports.[126]

The United States announced the easing of some sanctions against North Korea on January 20, 1995, a day before the deadline, but said the rest depended on progress on a range of issues not limited to Pyongyang's nuclear program. The restrictions Washington lifted allowed travel by Americans to North Korea and some limited business transactions related to the implementation of the Agreed Framework.[127]

The United States announced the lifting of more sanctions on September 17, 1999, almost five years after the signing of the Agreed Framework. It said that it was allowing most North Korean goods into the United States as well as most personal and

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[125] "Agreed Framework."

[126] United Press International, "North Korea to Lift Curbs on U.S. Imports," January 9, 1995, https://www.upi.com/Archives/1995/01/09/N-Korea-to-lift-curbs-on-US-imports/6840789627600/.

[127] Jeffery R Smith, "Clinton Slightly Lowers Some Bars to U.S. trade with North Korea," *Washington Post*, January 21, 1995, https://www.washingtonpost.com/archive/politics/1995/01/21/clinton-slightly-lowers-some-bars-to-us-trade-with-north-korea/5c302879-d1b8-40af-b2e4-84f4711f5ed8/?utm_term=.db88a1910fe2.

commercial fund transfers between the two countries. In announcing the measure, Washington said that it was taking the step because of progress in bilateral missile talks that began in April 1996.[128]

U.S. actions regarding the lifting of sanctions is the first subcase for the Agreed Framework and will be discussed in detail in Chapter 4.

4) Open a liaison office in Pyongyang.

While the United States and North Korea took some preparatory steps to open liaison offices in each other's capitals, they were never established.

Officials from the two countries first met in Washington D.C. for talks on the topic in December 1994, a month and a half after the signing of the Agreed Framework. The meeting produced a draft agreement on consular issues.[129] U.S. experts visited Pyongyang to survey sites for a future liaison office on January 29, 1995, followed by a visit to Washington by North Korean experts in early April 1995.[130]

A key outstanding issue was how to move diplomatic pouches in and out of North Korea.[131] According to U.S. negotiator Robert Gallucci, North Korea was reluctant to let

[128] The American Presidency Project, "William J. Clinton XLII President of the United States: 1993-2001 Press Briefing by Joe Lockhart," September 17, 1999, http://www.presidency.ucsb.edu/ws/?pid=47687.

[129] Wit, Poneman and Gallucci, *Going Critical*, 415.

[130] Ibid, 416.

[131] General Accounting Office, *Nuclear Nonproliferation: Implementation of the U.S./North Korean Agreed Framework on Nuclear Issues* (Washington, DC: 1997), 44-45.

the United States open a liaison office in Pyongyang because of concerns that it would engage in espionage activities.[132]

The February 1995 crash of a U.S. military helicopter that strayed into North Korea, which killed one U.S. military crewman and led to the detention of another, also prevented the liaison office from moving forward.

5) Upgrade relations to the Ambassadorial level as progress is made on issues of concern to both sides.

The implementation of the agreement never reached this stage, as steps that would have laid the groundwork for it, including the opening of the liaison office, were never realized.

6) Provide North Korea with formal assurances that the United States would not threaten or attack it with nuclear weapons.

The United States envisioned this as a negative security assurance it provides to non-nuclear members of the NPT, under which it does not use or threaten to use nuclear weapons against such members who are in compliance with non-proliferation commitments.[133]

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[132] Robert Gallucci, interview with author on August 22, 2017.

[133] For the most current U.S. negative security assurance policy, see Department of Defense, Nuclear Posture Review 2018, accessed May 7, 2018, https://media.defense.gov/2018/Feb/02/2001872886/-1/-1/1/2018-NUCLEAR-POSTURE-REVIEW-FINAL-REPORT.PDF, 21. The policy has evolved over the years. The original 1978 statement on the topic made exceptions for allies with other nuclear weapons states, with the Warsaw Pact in mind. The 1995 statement modified that policy to say that exception will be made for an attack carried out or sustained by a non-nuclear weapons state in association or alliance with a nuclear weapons state.

Washington offered words of assurance in other political statements. The Agreed Framework said it upheld the Joint Declaration between the United States and North Korea issued in June 1993. The declaration included "assurances against the threat and use of force, including nuclear weapons" and promised "mutual respect for each other's sovereignty and non-interference in each other's internal affairs."[134] After a visit to the United States by North Korean Vice Marshal Jo Myong Rok — the first of its kind — the two countries also issued a Joint Communique which declared that "neither government would have hostile intent toward the other" and repeated the mutual respect for each other's sovereignty as stated in the 1993 Joint Declaration and the 1994 Agreed Framework.[135]

3.5 The second crisis

The implementation of the Agreed Framework began to unravel after President George W. Bush came into office in 2001. Shipments of heavy fuel oil promised to the North Koreans continued with delays, while work to prepare for the construction of the light water reactors continued, some in the Bush administration were adamantly opposed to the Agreed Framework.

What led to the collapse of the deal was a U.S. intelligence community analysis in 2002 that North Korea had been pursuing a covert uranium enrichment program for the

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[134] Wit, Poneman and Gallucci, *Going Critical*, 419-420.

[135] Department of State, "U.S.-DPRK Joint Communique," October 12, 2000, https://1997-2001.state.gov/www/regions/eap/001012_usdprk_jointcom.html.

past half-decade.[136] The Bush administration treated North Korea's procurement efforts for the uranium enrichment program as cheating on the Agreed Framework. This was because even though that agreement did not specify uranium enrichment as a prohibited activity, it was not allowed under the1992 denuclearization agreement between the two Koreas mentioned in the Agreed Framework and also violated the NPT safeguards agreement with the IAEA, which North Korea agreed to adhere to.

The United States confronted Pyongyang with information about its procurement efforts in a meeting in Pyongyang in October 2002 and later said that North Korea had admitted to the uranium enrichment program's existence. North Korea denied having done so. Ultimately, Washington cut off the heavy fuel oil deliveries that had been promised to North Korea as alternative energy for shutting down its nuclear facilities. Soon afterward, Pyongyang restarted the facilities it had frozen under the agreement and asked the IAEA to remove seals and monitoring equipment from them.[137]

The U.S. decision to define North Korea's procurement efforts for a uranium enrichment program as a violation of the Agreed Framework, as well as Washington's decision to terminate heavy fuel oil deliveries are the focus of the second subcase discussed in Chapter 5.

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[136] For example, Oberdorfer and Carlin, *The Two Koreas*, 362-372, Pollack, *No Exit*, 132, Pritchard, *Failed Diplomacy*, 27-30, Chinoy, *Meltdown*, 100-104.

[137] For example, Arms Control Association, *Chronology of U.S.-North Korean Nuclear and Missile Diplomacy*, Updated January 2018, https://www.armscontrol.org/factsheets/dprkchron.

3.6 The Six Party Talks - President George W. Bush's first term

The Six Party Talks process — involving China, Japan, the two Koreas, Russia and the United States — was established to defuse this new crisis. The negotiations evolved from a trilateral meeting among China, North Korea and the United States that was held in March 2003 at the request of the United States, which hoped that the inclusion of other parties would increase pressure on North Korea and make it more difficult for Pyongyang to break promises.[138]

The talks did not make progress for the first two years, as the United States refused to engage in bilateral negotiations with North Korea, believing that such talks rewarded North Korea's bad behavior. During this time, Washington avoided anything that resembled the approach taken by Bush's predecessor, Clinton. Thus, any contacts between U.S. diplomats with their North Korean counterparts that could be described as "negotiations" set off alarms in Washington, as did references to "freezing" the Yongbyon nuclear plant,[139] which were reminiscent of the Agreed Framework, which traded positive inducements for reversible steps on the part of North Korea.

3.7 The Six Party Talks – President George W. Bush's second term

This approach changed after Bush's reelection in 2004. Bush changed the national security team responsible for foreign policy partly due to U.S. failure to find weapons of mass destruction in Iraq after the invasion of that country. The personnel change was also intended to resolve the fractiousness of decision-making in the first term. That had pitted

[138]Oberdorfer and Carlin, *The Two Koreas*, 397-398.

[139] Ibid.

a group of national security advisers who preferred coercion, such as Vice President Dick Cheney, against Secretary of State Colin Powell, who emphasized diplomacy.[140]

A part of this shake-up, Condoleezza Rice was appointed secretary of state. When asked by Bush to become his top diplomat, Rice, who had been his national security adviser during the first term, convinced the president that his foreign policy approach should move away from one that was perceived as emphasizing preemption to one that included more diplomacy.[141]

This broad foreign policy change impacted the North Korea talks. This was a time when the Six Party Talks were facing yet another deadlock and concerns were mounting that North Korea was preparing to conduct a nuclear test. North Korea's Foreign Ministry said in a statement in February 2005 that Pyongyang had produced nuclear weapons, followed by an announcement in March that the country was no longer bound by its moratorium on the flight-testing of longer-range missiles.[142]

Against this backdrop, the United States decided it would try to persuade North Korea to give up its nuclear weapons in a verifiable manner in exchange for formally ending the Korean War, one of Pyongyang's stated demands.[143] Rice appointed Christopher Hill, a negotiator of the Dayton Accords that ended the Bosnian War, as the new point man for North Korea.

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[140] Peter Baker, *Days of Fire: Bush and Cheney in the White House* (New York: Doubleday, 2013), 363-366.

[141] Ibid, 363-364.

[142] Arms Control Association, *Chronology of U.S.-North Korean Nuclear and Missile Diplomacy*.

[143] Condoleezza Rice, *No Higher Honor* (New York: Broadway Paperbacks, 2011), 524.

Hill pursued a strategy of establishing a set of agreed principles that would be the basis for practical steps for North Korea, as he had done during the Dayton peace talks.[144] The strategy — similar to the approach used by the Clinton administration as well as China's vision of how negotiations should proceed[145] — eventually bore fruit in the form of a breakthrough document on September 19, 2005. In that agreement, North Korea "committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on Non-Proliferation of Nuclear Weapons and to IAEA safeguards."[146] The United States, meanwhile, "affirmed that it has no nuclear weapons on the Korean Peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons,"[147] referring to North Korea by its official name, the Democratic People's Republic of Korea, and promised to work to formally end the state of war.

The new flexibility of the second term Bush administration was evident in the agreement's reference to North Korea's right to peaceful uses of nuclear energy. The agreement said that parties other than North Korea "expressed their respect and agreed to discuss, at an appropriate time, the subject of the provision of light water reactor" to Pyongyang.[148] The reference to the light water reactor was a major concession for the

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[144] Mike Chinoy, *Meltdown: The Inside Story of the North Korean Nuclear Crisis*. (New York: St. Martin's Press, 2008), 236.

[145] Ibid.

[146] Department of State, "Joint Statement of the Fourth Round of the Six-Party Talks," September 19, 2005, https://www.state.gov/p/eap/regional/c15455.htm.

[147] Ibid.

[148] Ibid.

Bush administration, which had done everything it could up to that point to distance itself from the Clinton administration agreement with North Korea, which promised to replace the country's indigenous graphite-moderated reactor with less proliferation-prone light water reactors.

As for the manner in which implementation would occur, the document stated that parties would follow the principle of "commitment to commitment, action to action."[149] This was a promise that no one party would benefit from the agreement without corresponding steps taken by others.

The landmark agreement immediately faced problems. Opponents of the process in Washington reacted immediately, and Hill was instructed to read a unilateral statement that clarified the U.S. interpretation of the agreement. This statement was drafted in Washington by those who were displeased about the U.S. concessions. It said, for example, that North Korea would eliminate its nuclear weapons "completely, verifiably and irreversibly,"[150] a phrase that the United States had stopped using at the request of not only North Korea but the other partners in the talks. It also imposed stringent conditions on when the United States would be willing to discuss the provision of a light water reactor. The statement said that such discussions would take place when North Korea verifiably eliminated all nuclear weapons, came into full compliance with the NPT and IAEA safeguards and showed a commitment to nonproliferation.[151] In addition, it said that normalization of relations would be possible only after North Korea addressed

[149] Ibid.

[150] Chinoy, *Meltdown*, 250.

[151] Ibid.

U.S. concerns about human rights, it biological and chemical weapons programs, its ballistic missile programs and proliferation, terrorism, and other illicit activities.[152]

North Korea reacted with anger at what it saw as U.S. negation of the just-reached agreement. The following day, North Korea's Foreign Ministry said in a statement carried by the official Korean Central News Agency that Pyongyang would not dismantle its nuclear weapons program before the light water reactor was provided. "What is most essential is … for the U.S. to provide LWRs (light water reactors) to the DPRK as early as possible as evidence proving the former's substantial recognition of the latter's nuclear activity for a peaceful purpose," the statement said.[153] "The U.S. should not even dream of the issue of the DPRK's dismantlement of its nuclear deterrent before providing LWRs, a physical guarantee for confidence-building."[154]

A further blow to the agreement came on the same day the North Koreans made their statement. The U.S. government published a notice by the Treasury Department that it was designating the Macao-based Banco Delta Asia (BDA) bank as a primary money laundering concern.[155] This amounted to imposing international financial sanctions against North Korea, which had assets in the bank. This was the culmination of efforts by U.S. law enforcement agencies to target North Korea's many illegal activities. But the timing of the implementation was not coordinated with the diplomats working on the

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[152] Ibid.

[153] Korean Central News Agency, "Spokesman for DPRK Foreign Ministry on Six-Party Talks," September 21, 2005.

[154] Ibid.

[155] Oberdorfer and Carlin, *The Two Koreas*, 409-411.

nuclear issue.[156] A dispute over some $25 million in North Korean funds that were frozen as a result of the U.S. sanctions bogged down the nuclear talks that reconvened in November 2005.

As diplomacy stalled, North Korea carried out tests of seven ballistic missiles, including the three-stageTaepodong-2 in early July 2006, and followed up with its first underground nuclear test on October 9. The nuclear test was viewed by the Bush administration as a failure of its approach to North Korea,[157] which prompted another shift in U.S. policy. Washington decided that preventing its diplomats from holding bilateral meetings with North Korean officials, which had been the rule until then, was not working and that such meetings should be allowed.

This change was prompted partly by China's deft maneuvering. While Washington's initial instructions for Hill were to meet with the North Koreans only in the presence of the Chinese, he ended up holding bilateral negotiations with his North Korean counterparts as Chinese diplomats failed to arrive at one of the planned trilateral talks.[158] This initially prompted criticism from Washington as well as complaints from Rice to her Chinese counterpart, but the dispute blew over as engagement with North Korea gained momentum.[159]

A major obstacle was removed from the Six Party Talks process when the United States and North Korea resolved their dispute over BDA in March 2007, reaching a

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[156] Ibid.

[157] Oberdorfer and Carlin, *The Two Koreas*, 417, and Chinoy, *Meltdown*, 293.

[158] For example, Oberdorfer and Carlin, *The Two Koreas*, 417.

[159] Ibid.

compromise that unfroze the $25 million in North Korean funds, even if this move was criticized by those in the United States against the engagement policy.

In 2007, the six countries agreed on more detailed steps to be taken during the first two phases of the implementation of the September 2005 agreement. Specific measures in the third phase were never determined, as the process collapsed before it reached that point.

Following are the actions stipulated in the initial two phases.

- Initial phase

The initial phase, agreed to on February 13, 2007, described specific measures that were to be taken over a relatively short time period of two months. North Korea agreed to "shut down and seal for the purpose of the eventual abandonment" of its plutonium facility in Yongbyon and invite the IAEA back to the country for monitoring and verification of this step. The other parties agreed to provide North Korea with 50,000 tons of heavy fuel oil and its equivalent as energy assistance.[160]

- Second phase

Following the completion of the initial phase, the parties agreed to second phase actions on October 3, 2007. In this phase, North Korea was to "disable" all existing nuclear facilities in a way that was "scientific, safe, verifiable, and consistent with

[160] Department of State, "North Korea – Denuclearization Action Plan," February 13, 2007. https://2001-2009.state.gov/r/pa/prs/ps/2007/february/80479.htm.

international standards."[161] "Disable" was intended to mean that North Korea would be unable to restart operations at these facilities for a significant amount of time. Three core facilities at the Yongbyon complex – the nuclear reactor, the reprocessing facility and nuclear fuel fabrication plant - were to be disabled by the end of 2007.

In addition, North Korea was to provide a "complete and correct" declaration of all its nuclear programs by the end of that year. A joint statement announcing the second phase measures did not mention a timeframe for the verification of the declaration.

The United States also promised to remove North Korea from its list of state sponsor of terrorism and terminate the application of the Trading with the Enemy Act in parallel with North Korean actions. In exchange with North Korea's denuclearization activities, other countries were to complete the delivery of economic, energy and humanitarian assistance up to the equivalent of one million tons of heavy fuel oil promised to the country.

The contentious issue of whether and when to provide light water reactors was not covered in these first two phases, as it was understood that would come in the later phase where North Korea would take more permanent measures for nuclear abandonment.

While some parts of the implementation moved smoothly, others did not.

The heavy fuel oil delivery posed logistical as well as political problems. Japan refused to participate in the delivery of heavy fuel oil, citing its dispute with North Korea over Japanese citizens abducted by North Korea in the 1970s and 1980s to train

[161] Xinhua News Agency, "Full text of joint document of the second session of the sixth round six-party talks," October 3, 2007, retrieved from the website of The National Committee on North Korea, https://www.ncnk.org/sites/default/files/Second_Phase_Actions_Oct_07.pdf.

Pyongyang's spies.[162] Russia's shipment of the heavy fuel oil, meanwhile, was delayed for months.

Logistical problems delayed the disablement work at the Yongbyon nuclear complex. While negotiators agreed in October 2007 to complete the work at the three facilities by the end of that year, nuclear experts concluded in a meeting shortly afterward that could not be done in a safe manner.[163] Discharging of the 8,000 nuclear fuel rods at the nuclear reactor had been expected to take 100 days.[164]

In addition, North Korea slowed the pace of work at Yongbyon to signal its displeasure about actions by the other parties. In January 2008, North Korea , for example, reduced the pace of the discharging at the nuclear reactor, citing the delay in Russian heavy fuel oil delivery.

One bright spot was progress made in the disablement measures at the two other facilities at the Yongbyon complex; the reprocessing facility and the nuclear fuel fabrication plant. Those procedures were completed by the end of 2007.

North Korea did not submit a "complete and correct" declaration covering all its nuclear programs by the initial December 31, 2007 deadline. The country said in a Foreign Ministry statement that it had submitted a document in November of that year, but the United States said that it was not complete.[165]

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[162] Mark Manyin and Mary Beth Nikitin, *Foreign Assistance to North Korea*, Congressional Research Service, April 2, 2014, 7. Accessed at the Federation of American Scientists website on January 5, 2018. https://fas.org/sgp/crs/row/R40095.pdf.

[163] Interview by author with a U.S. government official on November 14, 2017.

[164] Ibid.

[165] Nuclear Threat Initiative, *North Korea Nuclear Chronology*, Last Updated May 7, 2012. http://www.nti.org/analysis/articles/north-korea-nuclear-chronology.

This was mainly because the report did not address the uranium enrichment program that the United States had suspected North Korea of developing. Based on materials and equipment that North Korea had sought or obtained, the Central Intelligence Agency concluded in 2002 that Pyongyang was making a major effort to shift from a small-scale experimental uranium enrichment program to an industrial-scale one.[166] The CIA, however, also said in the assessment that it was unclear whether a plant was already in operation.[167] North Korea had denied having an enrichment program, although its response to the allegation when confronted by a U.S. delegation in a meeting in Pyongyang in 2002 was interpreted by the United States as confirmation of its existence.

To deal with this contentious issue, Hill met with his North Korean counterpart Vice Foreign Minister Kim Kye Gwan in Geneva in March and in Singapore in April. They hammered out a compromise agreement, under which North Korea would account for the plutonium program in the declaration while acknowledging U.S. concerns about uranium enrichment and proliferation separately.[168]

Based on this agreement, North Korea submitted its declaration to China on June 26, 2008. While its contents have not been made public, North Korea reportedly said in the 60-page report that it had separated a total of about 30 kilograms of plutonium, which was roughly in line with assessments by outside experts. The declaration also said that

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[166] Oberdorfer and Carlin, *The Two Koreas*, 363.

[167] Ibid.

[168] Arms Control Association, *Chronology of U.S.-North Korean Nuclear Missile Diplomacy*.

Pyongyang used 2 kg of plutonium for its first nuclear test on October 9, 2006, which some analysts said was too small to be credible.[169]

In response to the submission, Bush notified Congress of his intent to remove North Korea from the U.S. list of state sponsors of terrorism after a 45-day waiting period as required by law,[170] and rescinded the application of the Trading with the Enemy Act toward Pyongyang.[171] The White House said it would "carefully assess" North Korean actions during the 45-day period, particularly regarding verification of its nuclear declaration.[172]

On July 12, negotiators of the six countries met in Beijing and agreed on a broad outline for verifying North Korea's nuclear declaration.[173] In this agreement, the countries said that a verification mechanism would be created involving experts of the six parties, and that it would involve visits to facilities, review of documents, interviews as

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[169] Hecker, Lawrence and Papadiamantis, *North Korean Nuclear Facilities After the Agreed Framework*, 9, and David Albright, *North Korean Plutonium and Weapon-Grade Uranium Inventories, Institute for Science and International Security*, January 8, 2015 (revised October 7, 2015), http://isis-online.org/uploads/isis-reports/documents/North_Korean_Fissile_Material_Stocks_Jan_30_2015_revised_Oct_5_2015-Final.pdf, 4.

[170] White House, "Memorandum for the Secretary of State," June 26, 2008, http://georgewbush-whitehouse.archives.gov/news/releases/2008/06/20080626-1.html.

[171] White House, "Executive Order: Continuing Certain Restrictions with Respect to North Korea and North Korean Nationals," June 26, 2008 http://georgewbush-whitehouse.archives.gov/news/releases/2008/06/20080626-4.html .

[172] White House, "Statement by the Press Secretary on North Korea," June 26, 2008, http://georgewbush-whitehouse.archives.gov/news/releases/2008/06/20080626.html .

[173] Japanese Foreign Ministry, "Press Communique of the Heads of Delegation Meeting of the Sixth Round of the Six-Party Talks," July 12, 2008, http://www.mofa.go.jp/region/asia-paci/n_korea/6party/press0807.html .

well as other measures that the parties agree on.[174] The agreement also said that IAEA consultation would be welcome when necessary.[175] The specifics of the mechanism and implementation, however, were to be determined by a working group under the Six Party Talks.[176]

Problems emerged after the United States presented its proposal for the specifics of the verification plan to North Korea around this time. The U.S.-proposed verification protocol sought "full access to any site, facility or location" that may have been used for nuclear purposes as well as the use of various technical tools including sampling.[177] In other words, the proposal would have given inspectors free rein to inspect for nuclear material outside of what North Korea had reported in its declaration submitted earlier to its Six-Party counterparts.

As the dispute continued over which North Korean sites should be inspected using what methods, the 45-day deadline passed without the Bush administration removing North Korea from the list of state sponsors of terrorism. In response, North Korea suspended work to disable its Yongbyon facilities, which involved removing nuclear fuel rods from the reactor. North Korea announced it had suspended work on August 14 in a statement issued through the official media on August 26. In it, a North Korean Foreign Ministry spokesman complained that the agreement had promised to remove North Korea

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[174] Ibid.

[175] Ibid.

[176] Ibid.

[177] Glenn Kessler, "Far-Reaching U.S. Plan Impaired U.S. Deal," *Washington Post*, September 26, 2008. http://www.washingtonpost.com/wp-dyn/content/article/2008/09/25/AR2008092504380.html (Accessed on April 14, 2018).

from the list of state sponsors of terrorism after it submitted its declaration of nuclear programs, not after a deal was reached on a verification mechanism.[178]

This announcement came about the same time as North Korean leader Kim Jong Il suffered a stroke, although this was not publicly known then.[179] This event most likely impacted North Korean behavior, although how it did so remains unknown to outside observers.

Resumption of disabling work at the Yongbyon plant came after Hill visited North Korea in early October and the two countries reached a compromise on the verification mechanism. U.S. officials said that under this agreement, North Korea would allow "sampling and other forensic measures" at three declared nuclear sites, as well as "access, based on mutual consent, to undeclared nuclear sites."[180] The measures were to serve as a baseline for a protocol to be approved by all six parties of the denuclearization talks. No joint written agreement was released to the public.

Following this bilateral agreement, the United States removed North Korea from the list of state sponsors of terrorism on October 11. Tensions declined temporarily, but problems reappeared in November of that year, when North Korea released a statement denying that it had agreed to sampling. It said that agreement on inspection activities was limited to "field visits, confirmation of documents, and interviews with technicians" as

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[178] Korean Central News Agency, "Foreign Ministry's Spokesman on DPRK's Decision to Suspend Activities to Disable Nuclear Facilities," August 26, 2008.

[179] Steven Erlanger, "Doctor Confirms Kim Jong Il's Stroke," *The New York Times*, December 11, 2008, http://www.nytimes.com/2008/12/12/world/asia/12kim.html.

[180] Department of State, "U.S.-North Korea Understandings on Verification," October 11, 2008, http://2001-2009.state.gov/r/pa/prs/ps/2008/oct/110924.htm.

stated in previous written agreements, and that demanding anything more would be "an act of infringing upon sovereignty little short of seeking a house-search."[181] Furthermore, in January 2009, North Korea issued a statement insisting that verification for nuclear disarmament should be carried out on both halves of the peninsula, stating, "free field access should be ensured to verify the introduction and deployment of U.S. nukes in South Korea and details about their withdrawal."[182]

Sampling was a sensitive issue for North Korea because it was one of the reasons that led to the confrontation with the IAEA in the 1990s. Sampling by IAEA inspectors in 1992 revealed a discrepancy in North Korea's claims about how much reprocessing it had conducted and how much plutonium it had extracted.

In December 2008, the United States said that heavy fuel oil shipments could not be continued without an agreement on verification. In the United States, President Barack Obama took office in early 2009, with a message that Washington would seek engagement with hostile countries. But in April 2009, North Korea launched a space vehicle that was believed to be a test of its Taepoding-2 ballistic missile. When the United Nations condemned the launch, North Korea indicated it would withdraw from the Six Party Talks. Later that month, it expelled IAEA personnel and U.S. officials from North Korea.[183]

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[181] Korean Central News Agency, "Foreign Ministry Spokesman Holds Some Forces Accountable for Delayed Implementation of Agreement," November 13, 2008.

[182] Korean Central News Agency, "DPRK Foreign Ministry's Spokesman Dismisses U.S. Wrong Assertion," January 13, 2008.

[183] Arms Control Association, *Chronology of U.S.-North Korean Nuclear Missile Diplomacy*.

The third subcase for this dissertation, to be discussed in Chapter 6, concerns the dispute between the United States and North Korea over the verification of its nuclear facilities and the decision by Washington to refuse to take Pyongyang off its list of state sponsors of terrorism until an agreement could be reached on the issue. The fourth subcase, to be dealt with in Chapter 7, deals with the bilateral dispute over sampling, a verification method that the United States demanded in its verification protocol for North Korea, which Pyongyang adamantly resisted.

3.8 Conclusion

The history of the Agreed Framework and the Six Party Talks shows that negotiations with North Korea have been a long and complex process. It also shows that the implementation of the agreements reached by the countries involved were as complicated as the negotiations.

Delays were common due to logistical as well as political reasons. At times, delays that resulted from technical matters, such as the shipment of heavy fuel oil under the Six Party Talks provided a reason for North Korea to slow the pace of work.

The next four chapters will discuss four specific episodes and analyze the impact of domestic politics on U.S. actions.

Chapter 4 Lifting of Sanctions Under the Agreed Framework (1995)

This chapter discusses the first subcase which concerns the manner in which the United States lifted its sanctions against North Korea, a commitment made under the Agreed Framework. The question asked is: Why did the United States refrain from taking a more generous posture when it lifted sanctions in January 1995, when there were no apparent North Korean violations of the agreement? This chapter first gives an overview of the events surrounding the lifting of sanctions, and then explains why this has been chosen as a subcase. That is followed by descriptions of related events in U.S. domestic politics as well as the international arena to put U.S. actions regarding sanctions in perspective. It concludes with an explanation of the event, using the three models described in Chapter 1.

4.1 The lifting of U.S. sanctions

The history of U.S. sanctions against North Korea goes back to the outbreak of the Korean War in 1950, when Washington imposed a total embargo on its exports to the country.[184] Since then, Washington has issued numerous other legal restrictions against Pyongyang. For example, the United States suspended North Korea's Most Favored Nation trade status in 1951 because it was a communist country. Washington also placed Pyongyang on its list of state sponsors of terrorism for blowing up a South Korean plane in 1987 with the intention of disrupting the 1988 Seoul Olympics.[185] Essentially no trade

[184] Suk H. Kim, and Semoun Chang, eds., *Economic Sanctions against a Nuclear North Korea: An Analysis of United States and United Nations Actions since 1950* (Jefferson, NC: McFarland, 2007), 34.

[185] Ibid., 34-36.

was allowed between the two countries at the time the Agreed Framework was signed, due to the many legal restrictions in place.

As mentioned in Chapter 3, the Agreed Framework had two main components. One concerned tangible steps that involved North Korea's promises to shut down and eventually dismantle its indigenous nuclear facilities, in exchange for less proliferation-prone light water reactors and the shipment of alternative energy to compensate for the operational freezing of the nuclear facilities. The other component concerned the improvement of relations between the historical enemies.

The lifting of sanctions belonged to the second category. The Agreed Framework signed on October 21, 1994 stated that "Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions."[186] The clause was largely meant to economically benefit North Korea by freeing it from the trade sanctions.

But Pyongyang took the symbolic step of lifting its sanctions against the United States first. It announced on January 9, 1995, that it was ending its prohibition on the import of U.S. commodities and the entry of U.S. ships in its ports.[187]

A day before the January 21, 1995 deadline, Washington took the following measures, although they were notable for what they did not include as most of the U.S. prohibitions on direct trade, financial transactions and transportation remained intact.

- The United States permitted most telecommunications, travel and news-gathering activities between the two countries. This allowed American news organizations,

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[186] "Agreed Framework."

[187] United Press International, "North Korea to Lift Curbs on U.S. Imports."

for example, to carry out financial transactions necessary to open bureaus in North Korea and North Korean media to do the same.

- The United States authorized North Koreans to use U.S. banking systems to clear dollar transactions with third countries as long as the funds did not involve the North Korean government.
- The United States allowed financial transactions for diplomatic missions, so that the two countries could open liaison offices in each other's capitals as agreed to under the Agreed Framework.
- The United States allowed U.S. imports of North Korean magnesite, a mineral used by steelmakers. North Korea and China were the only known sources of the mineral and U.S. reliance on buying it from China had given the Chinese a monopoly position to demand higher prices. This measure allowed U.S. industries to obtain the material at more competitive prices.
- The United States ceased active opposition to U.N. funding of development projects in North Korea, which paved the way for small-scale projects to proceed in the country.
- The United States lifted the "extraterritorial" application of U.S. sanctions — known as secondary sanctions — to foreign companies controlled by American investors, such as joint ventures in which American companies were partners or foreign subsidiaries of U.S. companies. The step particularly benefitted U.S. businesses in South Korea.[188]

[188] Department of State, "Lifting Sanctions Fact Sheet "(Includes concept paper, released in part), 1995.

In announcing the measures, U.S. government officials said that the further easing of sanctions would take place if progress was made not only on the nuclear issue but also on other matters of U.S. concern, such as North Korea's missile program.[189]

North Korea complained that the steps the United States announced on January 20, 1995 were merely symbolic. Pyongyang made its objections clear to the United States, making "strong, repeated pitches" for the lifting of more sanctions in a September 1995 meeting with U.S. officials[190] and complaining through its official media that the United States is "persistently trying to get political concessions from" North Korea by holding up the lifting of sanctions.[191]

Meanwhile, progress was being made in some other aspects of the agreement by January 1995. Inspectors of the International Atomic Energy Agency (IAEA) visited North Korea from November 23 to 28, 1994 and confirmed that North Korea had frozen the three operating nuclear facilities at Yongbyon and stopped construction work on the other two larger facilities.[192] Nuclear experts from the United States and North Korea met in Beijing in late November to discuss the light water reactor project, and North Korean

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[189] Smith, as well as Steven Greenhouse, "U.S. Eases Trade Limits on North Korea for First Time Since 1950," *New York Times*, January 21, 1995, http://www.nytimes.com/1995/01/21/world/us-eases-trade-limits-on-north-korea-for-first-time-since-1950.html?mcubz=3.

[190] Department of State, "U.S. Delegation's Discussions in Pyongyang, September 25-29: Non-Liaison Office Issues" (Released in Part), 1995.

[191] Korean Central News Agency, "Spokesman for Foreign Ministry of Lifting of Economic Sanctions," June 22, 1998.

[192] General Accounting Office, *Nuclear Nonproliferation Difficulties in Accomplishing IAEA's Activities in North Korea* (Washington DC: 1998) https://www.gao.gov/archive/1998/rc98210.pdf, 8.

officials visited Washington D.C. to discuss technical issues related to the proposed exchange of liaison offices.[193]

The U.S. government's own assessment of North Korean compliance was positive. On January 17, 1995, the United States said that North Korea was "in full compliance with provisions of the Agreed Framework" and that the only area where it fell short was in its commitment to engage in dialogue with South Korea.[194]

But the United States eased more sanctions only after North Korea promised in bilateral talks in Berlin in September 1999 to refrain from testing long-range missiles. Washington then allowed most U.S. consumer goods to be exported to North Korea and the import of North Korean goods into the United States. Washington also permitted most personal and commercial fund transfers between the two countries which were necessary for any trade to take place and eased transportation restrictions, allowing commercial transportation by air and sea.[195] Washington, however, kept in place prohibitions on the export of military and sensitive dual-use items and most types of U.S. foreign aid.[196]

4.2 Why is this a subcase?

This is a case in which U.S. actions cannot be easily explained given North Korea's favorable behavior. North Korea took the symbolic step of lifting its sanctions

[193] Wit, Poneman and Gallucci, *Going Critical*, 415.

[194] Department of State, "Lifting Sanctions Fact Sheet."

[195] The American Presidency Project, "William J. Clinton XLII President of the United States: 1993-2001 Press Briefing by Joe Lockhart."

[196] Ibid.

against the United States first, even if that was not of much benefit to Washington. It was also complying with its requirement to freeze its graphite-moderated facilities. If so, why did the United States take only minimal steps before the initial three-months deadline?

Unlike some of the other commitments which required multilateral funding and coordination, this episode concerned unilateral actions on the part of the United States,. This allows the analysis to minimize the impact of other countries and focus on the question of whether U.S. actions were prompted by North Korean actions or consideration for U.S. domestic politics.

4.3 Domestic political context

Clinton administration officials recognized that domestic political support was crucial to the successful implementation of the Agreed Framework. They began briefings to the media as well as the Congressional members even before the signing took place in Geneva on October 21, 1994.[197]

The initial reaction by the U.S. media was less than enthusiastic, particularly about the fact that the United States was making concessions in exchange for North Korea's actions. The headline for the *New York Times* article on the announcement of the deal read, "Clinton Approves a Plan to Give Aid to North Koreans"[198] while that of the

[197] Wit, Poneman and Gallucci, *Going Critical*, 332-335.

[198] David E. Sanger, "Clinton Approves a Plan to Give Aid to North Koreans," *New York Times*, October 19, 1994, http://www.nytimes.com/1994/10/19/world/clinton-approves-a-plan-to-give-aid-to-north-koreans.html.

Washington Post was "North Korea Pact Contains U.S. Concessions; Agreement Would Allow Presence of Key Plutonium-Making Facilities for Years."[199]

Congress also reacted negatively. Republicans were generally skeptical of the Clinton administration's engagement approach to North Korea and immediately criticized the accord. Robert Dole, the Republican Senate majority leader from Kansas, said in a statement that "It is always possible to get an agreement if you give enough away."[200] Democrats did not immediately support the deal, either.[201]

Congressional support deteriorated further when the Republicans took control of both chambers for the first time in 40 years in midterm elections held less than three weeks after the signing of the Agreed Framework. The Republican Party gained 54 seats in the House of Representatives in a landslide election and captured eight more seats in the Senate on a campaign that promised a "Contract with America," which included balancing the budget and welfare reforms.[202]

There was much criticism in Congress about the Agreed Framework and it can be categorized into four main objections.

The first that the agreement did not do enough. In Congressional hearings held in December 1994 and January 1995, the accord was attacked for not dealing with issues

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[199] Oberdorfer and Carlin, *The Two Koreas*, 280-281.

[200] Elaine Scilino, "Clinton Ups Atom Stakes," *New York Times*, October 20, 1994, https://www.nytimes.com/1994/10/20/world/clinton-ups-atom-stakes.html.

[201] Wit, Poneman and Gallucci, *Going Critical*, 336-337.

[202] Adam Clymer, "The 1994 Elections: Congress the Overview; G.O.P Celebrates Its Sweep to Power; Clinton Vows to Find Common Ground," *New York Times*, November 10, 1994, http://www.nytimes.com/1994/11/10/us/1994-elections-congress-overview-gop-celebrates-its-sweep-power-clinton-vows.html?pagewanted=all.

ranging from North Korea's missile program to failing to address the fate of the thousands of Americans missing in action or held as prisoners of war during the 1950-1953 Korean War.[203] In a January 26 hearing, Republican Senator John McCain of Arizona questioned the decision to leave the issue of North Korea's weapons delivery systems out of the Agreed Framework. Secretary of Defense Perry responded by saying that while the agreement only dealt with North Korea's nuclear program, stopping it was a worthy goal in itself.[204] Republican Senator Frank Murkowski of Alaska, meanwhile, questioned the judgment of leaving the problem of U.S. servicemen missing in action out of the agreement, a position seconded by Senator Bob Smith, a Republican from New Hampshire.[205]

The second complaint was that the Agreed Framework made too many concessions to the North Koreans. This issue figured prominently in U.S. negotiator Robert Gallucci's private sessions with lawmakers in which Gallucci tried to win their support for the accord.

> The most common critique I got of the Framework … was "What are you doing a deal with these guys for? We should tell them to stop." And I would (say), depending on what the audience was, "Ah, tell them to stop, why didn't I think of that?" I spent over a year negotiating. I should have just

[203] Senate Committee on Armed Services, *Security Implications of the Nuclear Non-Proliferation Agreement with North Korea: Hearing before the Committee on Armed Services United States Senate*, 104th Congress, 1st Session, January 26, 1995, S. Hrg.104-188.

[204] Ibid., 35.

[205] Ibid., 50-54.

> told them to stop. Of course. So, buy my next car for me. You don't have to use money, just tell them to give me the keys.[206]

The aversion to the idea of giving positive inducements to North Korea in exchange for policy adjustments featured prominently in comments by lawmakers at the time. McCain, for example, criticized the agreement saying it represented "a tendered bribe to North Korea in exchange for a limit on its nuclear weapons program."[207] Murkowski said that that it "carried a scent of appeasement."[208]

The notion that the agreement did not cover enough issues of U.S. concern and that it gave too much away led to repeated assertions that the United States should have made "a better deal."[209]

The third type of complaint concerned the nature of the North Korean regime. U.S. lawmakers referred to North Korea's past bad behavior and expressed strong skepticism that Kim Jong Il regime would honor its part of the bargain. In the January 26 session, Murkowski painted a picture of a regime on the verge of collapse due to economic hardship and a power vacuum after founder Kim Il Sung's death in the summer of 1994. He argued that the Agreed Framework will only serve to give North Korean regime a new life because of promised assistance.[210]

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[206] Gallucci, interview.

[207] Senate Committee on Armed Services, *Security Implications*, 4-5.

[208] Ibid., 52.

[209] Gallucci, interview.

[210] Senate Committee on Armed Services, *Security Implications*, 52.

While not explicitly stated in Congressional sessions, lawmakers were also unhappy that Clinton administration officials, anticipating Congressional resistance, sidestepped legislative approval for initial actions stipulated in the agreement. As mentioned above, the Agreed Framework was not defined as a treaty or an international agreement that required Senate ratification.[211] This was because Clinton administration officials doubted that even with the Democrats in control of the Senate at the time of the signing of the document, it would have gotten a two-thirds vote in favor of it.[212]

The administration also avoided a Congressional vote by using emergency executive branch funds for the initial shipments of heavy fuel oil to North Korea. The shipments were made using $5 million from the Department of Defense's emergency funds.[213] The administration also used "a couple of hundred thousand dollars" from Department of Energy funds for initial actions to deal with North Korea's spent fuel.[214] A frustrated McCain told Gallucci at one point, "Why don't you reprogram money for the rest of your life if that's what you think you are going to get away with?"[215]

Executive branch officials such as Defense Secretary Perry and Gallucci defended the agreement, arguing the accord not only dealt with the urgent problem of North

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[211] Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Implications of the U.S.-North Korea Nuclear Agreement: Hearing before the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, United States Senate, 103rd Congress, 2nd Session, December 1, 1994.* S. Hrg. ; 103-891, 5.

[212] Perry, interview.

[213] Senate Committee on Armed Services, *Security Implications*, 19.

[214] Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Implications of the U.S.-North Korea Nuclear Agreement,* 43.

[215] Gallucci, interview.

Korea's nuclear program, but also created an opening to address other issues of concern ranging from the country's missile program to conventional forces and human rights.[216]

As debate on the Agreed Framework was taking place in the United States, the relationship between the United States and North Korea was being tested in other ways. On the morning of December 17, 1994, an unarmed helicopter carrying two U.S. Army warrant officers was shot down by North Korea after traveling into North Korean airspace by mistake. Chief Warrant Officer David Hileman was killed, while Chief Warrant Officer Bobby Hall was captured.[217]

North Korea insisted that the helicopter was on an espionage mission, while the United States maintained the helicopter had lost its way.[218]

Representative Bill Richardson, a Democrat from New Mexico who was on a separately scheduled visit to Pyongyang, brought back the remains of Hileman. Hall was released only after Deputy Assistant Secretary of State Thomas Hubbard visited North Korea and agreed to a statement of regret for the intrusion of North Korean airspace.

By early 1995, the executive branch's efforts to win Congressional support for the Agreed Framework began to show results, even if criticism remained. Political moderates were in favor or were at least inclined to go along with the deal. Murkowski, once a fierce critic, toned down his opposition after visiting North Korea with Democratic

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[216] Senate Committee on Armed Services, *Security Implications,* 18.

[217] Oberdorfer and Carlin, *The Two Koreas,* 281.

[218] Steven Greenhouse, "One Aviator was Killed in North Korea Helicopter Downing," *New York Times*, December 19, 1994, http://www.nytimes.com/1994/12/19/world/one-aviator-was-killed-in-north-korea-helicopter-downing.html (accessed on February 13).

Senator Paul Simon from Illinois and meeting with General Gary Luck, the Commander of the U.S. Forces Korea, who expressed support for the deal.[219]

4.4 International context

The United Nations Security Council endorsed the Agreed Framework on November 4, 1994, after diplomatic efforts by the United States to obtain support from key countries. France was initially skeptical about the agreement due to nonproliferation concerns, including the fact that North Korea would not be complying with IAEA safeguards immediately. Russia, meanwhile, was unhappy for several reasons including the fact that under the Agreed Framework, the United States would ensure North Korea that it would be given two light water reactors. Moscow had canceled a project providing Pyongyang with similar reactors in the 1980s due to American pressure. But China said it was happy to support a U.N. Security Council statement as long as North Korea did not object to its content.[220]

In South Korea, President Kim Young Sam supported the agreement, even if unenthusiastically. Kim, who had given an interview to the *New York Times* in October expressing unhappiness about the compromises that the United States had made with North Korea, nevertheless promised funding for the light water reactors.[221]

Public opinion in South Korea was negative. This was due to concerns that the United States had agreed to establish relations with North Korea. There was also as the

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[219] Wit, Poneman and Gallucci, *Going Critical*, 356.

[220] Ibid., 342-343.

[221] Ibid., 314, 344.

perception that Washington had proceeded with the agreement without adequately consulting Seoul.[222]

In Japan, the government welcomed the agreement but worried about the reaction of the country's parliament, which was concern about the amount of money the country would contribute to the effort, particularly after Tokyo's large financial contribution to the Gulf War campaign.[223]

4.5 Explanation using the three models

When the United States eased sanctions against North Korea in January 1995, it took modest steps, leaving most of the consequential sanctions intact. Why did the United States lift some of the sanctions but not others? How did the country choose what sanctions to ease? This section analyzes these questions using the three analytical models.

Model 1: The unitary rational actor model

In this model, a state's actions may change due to another state's conduct, but domestic factors are assumed to be stable. Under this assumption, the U.S. decision to keep most major sanctions intact can be interpreted as a strategy aimed at incentivizing North Korea to implement its part of the deal. In other words, the U.S. action was aimed at gaining advantage by withholding as many rewards from North Korea as possible without violating the deal so that the incentives could be used later, if necessary, to motivate Pyongyang to comply with the agreement.

[222] Oberdorfer and Carlin, *The Two Koreas*, 280.

[223] Wit, Poneman and Gallucci, *Going Critical*, 347.

This strategy, however, ran the risk of backfiring by discouraging North Korea from further cooperation. At this point, North Korea was fully implementing its commitments under the agreement by stopping the construction of two larger graphite-moderated nuclear reactors, while holding technical discussions with the United States on the storage of spent fuel from the 5MW reactor in the Yongbyon complex. North Korea also lifted its legal restrictions against the United States, even if that was not a major benefit for Washington. There was no clear reason why the United States should have stepped back from a more generous cooperation posture.

The explanation provided by this analytical model also does not fully explain the choice of the sanctions that were eased. The commitment under the agreement was to "reduce barriers to trade and investment, including telecommunication services and financial transactions."[224] Why did the United States choose to take measures that would enable news organizations from the United States to operate in Pyongyang, for example, but not others?

Model 2: The institutional interest model

A fuller explanation as to why the United States chose to take modest steps becomes clear only when domestic politics are introduced into the analysis. This model looks at groups inside the U.S. government, using their interests, or utility-maximizing behavior, to explain government actions.

In this case, the Clinton administration and Congress were the key actors. The Clinton administration's utility-maximizing behavior was to implement the Agreed

[224] "Agreed Framework."

Framework since the administration believed that by doing so it would have a positive outcome for national security and help win public approval so that the administration would be re-elected in 1996. For the Republican-controlled Congress, the Agreed Framework fell short of providing the United States with important national security gains. Thus, it believed that implementing the agreement did not improve the electoral chances of its members. Obviously, not everyone in the two groups agreed with these viewpoints. But these generalized views reflected the mainstream opinion of the groups at the time and as such the two groups will be used as the units of analysis.

As mentioned earlier in this chapter, the Clinton administration had anticipated domestic resistance to the agreement and had taken steps to avoid Congressional approval. But criticism against the deal was stronger than the administration had anticipated.[225] It became even fiercer once the Republicans won control of both houses in midterm elections in November 1994. Members of Congress said the agreement achieved too little at too great a price for the United States. When a U.S. Army helicopter was shot down in North Korea, support for the Agreed Framework became even weaker.

Under these circumstances, the executive branch decided to ease sanctions in several stages.[226] In the first phase, it chose to do the minimum possible while following the letter of the agreement. It also picked steps that were easily reversible and did not require Congressional approval to avoid an extra layer of complication.[227]

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[225] Wit, Poneman and Gallucci, *Going Critical*, 335-336.

[226] Department of State, "Lifting Sanctions, 1995." (Released in part).

[227] Department of State, "Lifting Sanctions Against North Korea: Talking Points, January 17, 1995." (Released in Full)

The executive branch also shifted its explanation of why it was lifting sanctions against North Korea. In Congressional testimonies in December 1994 and January 1995, Clinton administration officials repeatedly emphasized that although the Agreed Framework only dealt with North Korea's nuclear program, it would provide a political opening for the United States to address other concerns such as Pyongyang's missile programs, conventional force structure, terrorist activities and human rights. Although Perry mentioned at one point said that North Korea would have to make improvements in non-nuclear areas to reap the full benefits of increased economic trade to restore its economy, the emphasis was on how other issues of U.S. concern would be dealt with later once the political process created by the agreement was established.[228]

But by March 1995, the administration's explanations emphasized that the further easing of sanctions would only take place when solutions to other issues of U.S. concerns were obtained. Assistant Secretary of State for East Asian and Pacific Affairs Winston Lord said in a Congressional testimony on March 19, 1995;

> The timing and extent of further sanctions reduction measures will in large part depend on DPRK willingness to engage constructively on the issues we care about, including missile proliferation, the return of war remains,

[228] Senate Committee on Armed Services, *Security Implications,* 18 and Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Implications of the U.S.-North Korea Nuclear Agreement,* 12.

the reduction of tensions and, most importantly, North-South dialogue.[229]

A review of declassified government documents indicated that there may have been some differences in opinion within the government on how to proceed. A note sent from the director of the State Department's Office of Economic Sanctions Policy to the Treasury Department dated October 22, 1994, a day after the accord's signing, describes a plan that is generally in line with the actual steps taken in January.[230] This indicates that the Clinton administration had planned on a phased lifting of sanctions from the beginning,

However, there are strong suggestion that some executive branch members thought it would be a good idea for the United States to lift more sanctions than it did in the initial stage.[231] Looking back at the decision made in late 1994 and early 1995, a declassified State Department background paper from January 1996 noted progress made in implementing the Agreed Framework and said;

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[229] Department of State, *Testimony: Winston Lord on Policy Toward Korean Peninsula*, March 19, 1996, http://dosfan.lib.uic.edu/ERC/bureaus/eap/960319LordKorea.html (accessed on February 15, 2018).

[230] Department of State, *Memorandum Subject: Adjustments to Embargo pursuant to U.S. Commitments in Agreed Framework of October 21, 1994*, October 22, 1994. (Released in Full)

[231] Other indications that the administration wanted to do more had there been less resistance include the number of sanctions lifted "were less than the administration had previously planned because of opposition to concessions on the part of the Republicans who were now in control of Congress," in Oberdorfer and Carlin, *The Two Koreas*, 284 as well as comments by Gallucci to the Washington Times in 1999 that "Congressional and press skeptics and critics did lead us to take the minimum interpretation of sanctions lifting," as quoted in Ted Galen Carpenter and Doug Bandow, *The Korean Conundrum: America's Troubled Relations with North and South Korea* (New York: Palgrave McMillian, 2004), 50.

> We can … point to significant progress in implementing the Agreed Framework since the lifting of the first tranche. Moreover, the climate of U.S. public and congressional opinion is significantly more conducive to sanctions lifting than at the time of the first tranche, when reaction to the Bobby Hall helicopter incident led to a scaling back of the original package of sanctions-easing measures.[232]

The U.S. selection of what sanctions to lift are also become clearer when judgments within the domestic system are taken into account. The easing of legal restrictions on U.S. news organizations establishing offices in North Korea and the North Korean media doing the same in the United States was based on a January 1994 government decision to promote measures for increased information exchanges to encourage openness in countries targeted by U.S. sanctions.[233] According to the January 1996 background paper, there were four U.S. goals for lifting the sanctions against North Korea; including bolstering societal openness and economic reform, helping U.S. businesses, helping North Koreans deal with the country's food shortages and encouraging North Korea to maintain its compliance with the Agreed Framework and cooperate more in other fields.[234]

The analysis using Model 1 showed that the U.S. decision to lift sanctions in stages represented a strategy. But how many steps that should take and what would be

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[232] Department of State, *U.S. Policy toward North Korea: Next Steps*, January 1996. (Released in part).

[233] Department of State, "Lifting Sanctions."

[234] Department of State, "U.S. Policy toward North Korea: Next Steps."

done in the initial phase was determined by what was possible in the domestic arena. The executive branch wanted the agreement it negotiated to succeed, and therefore had an incentive to cooperate with North Korea in a more generous manner. Faced with a hostile Congress, however, it worked out a package that fulfilled the minimum requirement for the agreement and yet was acceptable domestically.

Model 3: The individual mindset model

Model 3 breaks down the unit of analysis further to individuals and looks at two main types of mindsets to understand U.S. actions. It provides an additional explanation about why the sanctions portion of the agreement may have been particularly susceptible to influence from domestic politics.

In this case, the key Cooperators — or those who preferred cooperative measures and were generally satisfied with the level of concessions from North Korea — were mainly in the executive branch. They were defending the agreement from the Hardliners, or those who favored coercive steps and wanted more concessions from North Korea, who were mainly were in the legislative branch.

The key Cooperators were at the time dealing with the various problems related to the implementation of the tangible portion of the deal, such as arranging for the heavy fuel oil shipments and planning for the construction of two light water reactors. This portion of U.S. obligations involved domestic as well as international coordination. Its progress was visible and was subject to little room for interpretation.

The lifting of sanctions belonged to the "soft" part of the deal, whose terms were more ambiguous and subject to interpretation by both sides. In both the negotiation and

implementation phases of the agreement, this "soft" part of the agreement did not receive as much attention from the Congress, government officials or the media.

For example, Gallucci, one of the key Cooperators, says he realized the importance of the "soft" half of the agreement, particularly when it came to the normalization of relations, only after leaving government in 1996.

> I don't know that I understood how important normalization was when we were doing the negotiations. … (When) I left government in the spring of 1996, I remember thinking, they thought they got a new political relationship with us, and they figured out they haven't. So, I did eventually cotton to this, but I don't know that when we were doing the negotiation that I understood as I did a few years later how important it was.[235]

Perry, another important Cooperator, also noted that the promised improvement of relations was not implemented satisfactorily.

> The president decided that the political price of (working toward a normal relationship with North Korea was) too high. … We did not try to build a relationship with North Korea. It's certainly arguable whether we would have succeeded, that is, whether North Korea would have reciprocated. My judgment is they would have, because they thought those were the important parts of the

[235] Gallucci, interview.

(agreement). When people talk about whether the treaty was being implemented, they tend to leave that point out.[236]

With their attention focused on the tangible portions of the Agreed Framework — and busy defending the deal from the Hardliners in Congress — the key Cooperators did not, and likely could not, pay close attention to the implementation of the "soft" portion of the agreement, including the lifting of sanctions. Thus, the "soft" portion of the agreement was likely to be more susceptible to change stemming from domestic political considerations.

4.6 Conclusion

A close look at how the United States reduced its sanctions against North Korea as required by the Agreed Framework shows that the country only took modest steps by the deadline, despite North Korea's full compliance with the accord at that point.

The interpretation provided by the unitary rational actor model, or Model 1, shows that this was a strategy to preserve some leverage over North Korea, which U.S. officials thought might not cooperate as smoothly in the future and might need to be prompted by more incentives. But that does not explain why the United States was willing to risk the U.S. position backfiring and causing North Korea to become uncooperative, or why the United States chose some sanctions and not others.

Introducing the interests of domestic groups using Model 2 provides a fuller explanation. The executive branch, which had an incentive to make the agreement work, decided on an initial sanctions-lifting package it thought would be acceptable to critics in

[236] Perry, interview.

the legislative branch. In other words, the executive branch worked within what it perceived as limits dictated by domestic politics to form its strategy. Adding domestic politics also explains the choice of sanctions to be lifted, such as the relaxation of legal restraints on media bureaus which was part of an earlier plan to encourage openness in closed societies.

The analysis using Model 3, which introduces individual mindsets, provides an additional explanation as to why domestic politics may have influenced the lifting of sanctions rather than other parts of the deal. From the negotiation stage, the focus was on the tangible portions of the agreement, light water reactors for North Korea in exchange for the shutdown of North Korea's plutonium production. The "soft" portion of the deal, including the lifting of sanctions, did not receive as much attention from the key Cooperators who wanted to defend the agreement.

Going back to the first question, "Why did the United States refrain from taking a more generous posture when it lifted sanctions against North Korea in 1995?" It was because the executive branch, which wanted the agreement to succeed, drew up a strategy defined by what it thought were the political limits provided by Congress.

Chapter 5 The Highly Enriched Uranium Problem (2002)

What led to the end of the Agreed Framework was a series of events stemming from an assessment by the U.S. intelligence community in the summer of 2002 that North Korea had been procuring equipment and material for a production-scale uranium enrichment program.[237] The United States confronted North Korea with this information in a Pyongyang meeting in October 2002. When a senior North Korean official's remarks on the topic were interpreted as an admission, Washington urged KEDO to suspend heavy fuel oil shipments to North Korea promised under the Agreed Framework.

This chapter looks in detail at the U.S. decisions at the time. The question it asks is: Why did the United States treat North Korea's procurement of equipment for uranium enrichment as a violation of the Agreed Framework, and why did it respond by stopping the shipment of heavy fuel oil?

The chapter begins with an overview of the developments related to the issue, followed by the reasons why this incident was chosen as a subcase for this research, with a particular focus on why North Korea's uranium enriched procurement effort was being treated as a violation of the terms of the Agreed Framework. It then turns to the domestic political context of the events, followed by developments in the international arena that may have impacted the outcome. It concludes with an analysis of the developments using the three models.

[237] Pollack, *No Exit*, 132.

5.1 The highly enriched uranium problem

There are two ways to produce nuclear materials that can be used for in atomic weapons, plutonium and highly enriched uranium. The production of plutonium requires bulky facilities such as a reactor and a reprocessing plant, which can be spotted by surveillance satellites. Uranium fuel is first put in a reactor to create a controlled nuclear chain reaction. The spent fuel rods are then taken to a reprocessing plant to chemically separate the plutonium.[238]

Uranium enrichment does not require such large facilities and thus is easier to conceal. The goal in this process is to produce a concentrated form of uranium 235, which only comprises 0.7 percent of natural uranium. Fissile material suitable for a nuclear weapon must have a uranium 235 content of more than 90 percent. There are several ways to conduct this process. One of the principal methods is to convert the uranium into a gaseous form, which is then fed into centrifuges that spin the gas at high speed. By doing so, the lighter isotope, uranium 235, separates from the heavier uranium 238. The desired concentration can be achieved by repeating this process.[239] Despite the relatively simple logic of the operation, developing a uranium enrichment program is challenging as it requires the acquisition of specialized material, such as metal alloys. It also requires the mastery of difficult technology, including engineering skills needed to balance the centrifuges while spinning them at several times the speed of sound.[240]

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[238] For example, see Joseph Cirincione, Jon B. Wolfsthal and Miriam Rajkumar, *Deadly Arsenals: Nuclear, Biological and Chemical Threats*, 2nd ed. (Washington, DC: Carnegie Endowment for Peace, 2005), 45-54.

[239] Ibid.

[240] Ibid., 50-51.

The Agreed Framework stopped North Korea's plutonium program by freezing the country's graphite-moderated reactor and related facilities in Yongbyon, which had been operating since the 1980s and stopping the construction of two bigger reactors that could have produced more plutonium.

North Korean interest in uranium enrichment is believed to date back to the late 1980s, when German intelligence first detected that the country obtaining some of the necessary equipment and technology.[241] An inflection point in its pursuit of the program is likely to have come in the late 1990s, when its cooperation with Pakistan blossomed.[242]

Whether the agreement encompassed a highly enriched uranium program is a point of some contention. The document signed on October 21, 1994 does not specifically mention such a program.[243] There are three factors, however, that support the argument that the agreement nonetheless applied to a highly enriched uranium program.

First, the Agreed Framework commits the two countries to "work together for peace and security on a nuclear-free Korean peninsula,"[244] which meant that any pathway to building a bomb was prohibited. Secondly, the agreement said that North Korea "will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula,"[245] which committed the two Koreas to refrain

[241] Pollack, *No Exit*, 134.

[242] Ibid., 135.

[243] The Agreed Framework does not mention the word plutonium either, but the freezing and eventual dismantling of the existing facilities in Yongbon and Taechon covered the program.

[244] "Agreed Framework."

[245] Ibid.

from possessing nuclear enrichment facilities. Finally, it would violate North Korea's safeguards agreement with the IAEA. As North Korea promised to remain in the NPT and comply with IAEA safeguards in the Agreed Framework, it is argued that North Korea was naturally bound by the deal to refrain from developing a highly enriched uranium program.

In addition, Gallucci told the Congress in December 1994 that the United States would consider the development of a uranium enrichment program by North Korea a breach of the agreement because Pyongyang promised not to possess uranium enrichment facilities in the 1992 North-South Joint Declaration it signed with South Korea.[246]

The ambiguity regarding the treatment of a highly enriched uranium program in the Agreed Framework was not accidental. There appears to be two reasons why the agreement did not mention uranium enrichment by name.

The first reason was that the U.S. negotiating team wanted the agreement's focus to be on North Korea's plutonium program. The threat that program posed for the United States was both visible and immediate, whereas that of a highly enriched uranium program was only what one former government official called "barely the wispiest cloud on the horizon"[247] when the Agreed Framework was negotiated. Gallucci remembers a conversation with his colleagues about whether to mention uranium enrichment in the document when the team was negotiating with its North Korean counterpart in Geneva. A member of the team warned that going after the program might derail the entire deal,

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[246] Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Implications of the U.S.-North Korea Nuclear Agreement,* 35-36.

[247] E-mail exchange between author and former government official involved in the process, January 22, 2018.

adding that the program was covered in the agreement by reference to the 1992 joint declaration between the two Koreas in any case.[248]

The second reason is cited by Robert Carlin, a former North Korea analyst at both the Central Intelligence Agency and the State Department. He said that uranium enrichment was not mentioned because the United States wanted to avoid anything that could not be verified.[249] While the United States suspected North Korea's interest in uranium enrichment, it did not know the extent of that interest or any possible location of any facilities. The thinking behind this was that as verification was bound to become a crucial component of the agreement, it was wise to not complicate the issue by including items that could not be sufficiently verified.

The matter came to a head in the summer of 2002, when the Central Intelligence Agency (CIA) produced a new assessment of North Korea's uranium enrichment efforts, which concluded the country was working toward a production-scale program.[250] An unclassified CIA report to Congress in December 2002 stated;

> The United States had been suspicious that North Korea
> has been working on uranium enrichment for several years.
> However, we did not obtain clear evidence indicating that

[248] Gallucci, interview.

[249] Robert Carlin and John W. Lewis, *Negotiating with North Korea 1992-2007*, Center for International Security and Cooperation, Stanford University, January 2008, https://cisac.fsi.stanford.edu/sites/default/files/Negotiating_with_North_Korea_1992-2007.pdf , 10. Gallucci, the negotiator for the talks, does not remember this as being a conscious decision that was made. He did say in the August 2017 interview that it would have been difficult to verify, and that verification would have been an important element for the agreement to work.

[250] Chinoy, *Meltdown*, 101.

> North Korea had begun acquiring material and equipment for a centrifuge facility until mid-2002.
>
> In 2001, North Korea began seeking centrifuge-related materials in large quantities. It also obtained equipment suitable for use in uranium feed and withdrawal systems.
>
> North Korea's goal appeared to be a plant that could produce enough weapons-grade uranium for two or more nuclear weapons per year when fully operational.[251]

While there was consensus in the U.S. intelligence community on North Korea's procurement efforts to develop a uranium enrichment program,[252] there were also unanswered questions such as whether North Korea had been able to put together the components and if so, where the facility was.[253] CIA Deputy Director John McLaughlin acknowledged that there was no smoking gun and that there were "questions which could not be answered with confidence."[254]

The intelligence community's conclusion came as the administration of George W. Bush, which took office in January 2001, was finishing up its second review of its North Korea policy.[255] Dubbed the "Bold Approach," the new policy promised incentives

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[251] Central Intelligence Agency, *Unclassified Report to Congress on the Acquisitions of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2002*, accessed February 20, 2018, https://www.cia.gov/library/reports/archived-reports-1/july_dec2002.htm#north-korea.

[252] Chinoy, *Meltdown*, 103 and Pritchard, *Failed Diplomacy*, 28.

[253] For example, Chinoy, *Meltdown*, 102.

[254] Chinoy, *Meltdown*, 101.

[255] Pritchard, *Failed Diplomacy*, 25.

from the United States if North Korea took substantial steps toward denuclearization. The United States had already proposed a July 10, 2002 visit to North Korea by Assistant Secretary of State for East Asia and Pacific Affairs James Kelly to discuss this new approach. Learning of the new assessment by the intelligence community, the United States decided to postpone the trip. As a reason for the delay, Washington cited a clash between North Korean and South Korean vessels in late June in the Yellow Sea or West Sea as it is called by Koreans, which sank a South Korean patrol boat and killed several South Korean sailors.[256]

Kelly's rescheduled visit took place in October 2002. He confronted North Korea with the new U.S. assessment, without providing any supporting evidence.[257] On the second day of the meetings, First Vice Minister Kang Sok Ju acknowledged U.S. comments on North Korea's uranium enrichment program to produce nuclear weapons and declared that his country was prepared to manufacture even more developed weapons. Although Kang did not use indisputable language admitting that the country had a highly enriched uranium program, the U.S. delegation concluded that his comments signaled such an admission.[258]

In response, the United States decided to stop the heavy fuel oil shipments being made to North Korea under the Agreed Framework. While the United States was financing the heavy fuel oil deliveries, KEDO was responsible for organizing the purchasing and shipping of the fuel. At U.S. urging, KEDO's executive board issued a

[256] Ibid., 25-27.

[257] Ibid., 35.

[258] Ibid., 38.

statement on November 14, 2002 condemning North Korea's pursuit of a nuclear weapons program and suspended the shipments.[259]

On December 12, 2002, Pak Gil Yon, ambassador at the North Korean permanent mission to the United Nations sent a letter to Charles "Jack" Pritchard, special envoy for negotiations with North Korea, saying that the United States had broken the Agreed Framework and that North Korea would lift the freeze on its nuclear facilities.[260] North Korea removed all IAEA surveillance equipment on December 21, and on December 31 expelled IAEA monitors, who had been in North Korea on rotation since 1994.[261] In January, the country restarted its facilities at Yongbyon and announced plans to leave the NPT. This meant that North Korea was restarting the 90-day NPT withdrawal process, which it had suspended at the last minute in 1994 when it began talks with the United States that culminated in the Agreed Framework.[262]

5.2 Why is this a subcase?

This episode is chosen as a subcase since both sides deviated from commitments contained in the agreement. Studying such a case increases the likelihood that factors other than U.S. domestic politics had an impact on the outcome.

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[259] Ibid., 42.

[260] Ibid., 43.

[261] Funabashi, Yoichi, *The Peninsula Question: A Chronicle of the Second North Korean Nuclear Crisis*. (Washington DC: Brookings Institution Press, 2007), 104.

[262] Pritchard, *Failed Diplomacy*, 43.

Despite the ambiguity in the language of the Agreed Framework, North Korea's pursuit of the uranium enrichment program is treated as a violation of its terms in this study. This is because U.S. officials considered it to be the case. Since this research looks at how U.S. domestic politics impacted the implementation of the agreement, it accepts the U.S. definition of the North Korean activity, regardless of whether the North Koreans disputed it. The focus of the analysis is on how this official interpretation influenced American domestic politics as well as the country's actions regarding the accord.

However, the analysis portion of this chapter also looks at how North Korea's uranium enrichment program came to be defined as a violation of the Agreed Framework.

5.3 Domestic political context

The Bush administration came into office in January 2001 with a deep antipathy toward North Korea's Kim Jong Il, who the president viewed as a tyrant who inflicted suffering on his people while he enjoyed a luxurious lifestyle including expensive cars, cognac and foreign movies.[263] Early in his presidency, Bush likened interactions with North Korea to dealing with children;

> I told my national security team that dealing with Kim Jong Il reminded me of raising children. When Barbara and Jenna were little and wanted attention, they would throw food on the floor. Laura and I would rush over and pick it up. The next time they wanted attention, they'd throw the

[263] George W. Bush, *Decision Points*, (New York: Broadway Paperbacks, 2010), 422-423.

food again. “The United States is through picking up its food,” I said. [264]

In addition, the Bush administration harbored a strong dislike of the preceding Clinton administration.[265] The Bush administration’s broad policy approach in its early days was described as “anything but Clinton,” as it rejected policies solely because they had been conducted by its predecessor.[266]

When Secretary of State Colin Powell made remarks to the press early in the Bush administration that it planned to pick up where Clinton left off and engage North Korea early in Bush’s presidency, it touched off a firestorm within the administration.[267] Powell was instructed by National Security Adviser Condoleezza Rice to correct that impression and he walked back his remarks when he spoke to the media again.[268]

Against this background, policymakers who dealt with North Korea were mainly divided into two groups; those for and against the Agreed Framework. Those for the agreement — which included Secretary of State Colin Powell and Kelly — saw value in engaging North Korea, even if they recognized flaws in the accord.[269]

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[264] Ibid., 423.

[265] Chinoy, *Meltdown*, 48.

[266] See, for example, James B. Steinberg, “The Bush Foreign Policy Revolution,” Brookings Institution, accessed February 21, 2018, https://www.brookings.edu/articles/the-bush-foreign-policy-revolution/.

[267] Chinoy, *Meltdown*, 53-55.

[268] Ibid., 55. Also Condoleezza Rice, *No Higher Honor* (New York: Broadway Paperbacks), 35-36 and Bush, *Decision Points*, 90-91.

[269] See, for example, Chinoy, *Meltdown*, 45 and 61.

Those opposing the agreement included Vice President Dick Cheney, Defense Secretary Donald Rumsfeld, Undersecretary of State for Arms Control John Bolton and Robert Joseph, who was on Bush's transition team as a proliferation and defense expert and later joined the National Security Council.[270] Their argument was that the character of the North Korean regime made it untrustworthy — it would cheat on any international commitment — and that the Agreed Framework did not give the United States what it needed in terms of verification.[271]

Above all, they had a profound dislike of making concessions to adversaries. Lawrence Wilkerson, who worked in the State Department's Office of Policy Planning at the start of the administration and became Powell's chief of staff in 2002, said;

> There is a certain element, and Cheney led that element, that does not believe that any enemy of the United States of consequence can ever be dealt with. They come out of that group that appreciates … Chamberlain's appeasement of the Nazis as the primordial, indicative, seminal event of international relations in the 20th century and they refuse to repeat that. They use that template for every decision-making process, in which some sort of accommodation or diplomacy with an enemy is contemplated. That is their

[270] See, for example, Chinoy, *Meltdown*, 44.

[271] Conversation with former U.S. government official involved in the process on February 21, 2018.

> belief; Appeasing enemies is absolutely bad, there is no way you should do it.[272]

The Bush administration's first policy review on North Korea, which began in February 2001, resulted in a June 6 announcement in which Bush said his government would pursue "serious negotiations,"[273] while calling for "improved implementation"[274] of curbs on North Korea's nuclear activities in compliance with the IAEA,[275] "verifiable constraints"[276] on North Korea's missile programs, and "a less threatening conventional military posture."[277]

The U.S. government's North Korea policy was affected by larger events shortly after this. The September 11, 2001 terrorist attack on the United States conducted by militants linked to the Islamic extremist group Al-Qaeda briefly united the world on the side of the United States. This was symbolized by such events as a phone call between Rice and Russian President Vladimir Putin in which the Russian leader asked what his

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[272] Lawrence Wilkerson, interview with author on February 6, 2018.

[273] The American Presidency Project, "George W. Bush Statement on the Completion of the North Korea Policy Review," June 6, 2011, http://www.presidency.ucsb.edu/ws/?pid=45819.

[274] Ibid.

[275] Pritchard, *Failed Diplomacy*, 6.

[276] The American Presidency Project, "George W. Bush Statement."

[277] Ibid.

country could do to help[278] and the French newspaper Le Monde's editorial headline, "We are all Americans."[279]

Domestically, the attacks "lit a fire"[280] under the camp opposed to engagement with North Korea, giving the group new hope that their view would prevail. The United States embarked on a path pursuing a "war against terrorism," which was defined as a broad struggle against terrorist groups that threatened the way of life for Americans and their allies.[281] The initial focus of the administration thus was on Afghanistan as part of a larger war on terror, which will evolve into the war on Iraq.

Amid an overall hardening of the mood in the United States, Bush gave his State of the Union address in January 2002 in which he called Iran, Iraq and North Korea the "Axis of Evil."[282] Asian experts at the State Department believed the phrase complicated U.S. efforts to engage North Korea and created problems even with allies, while those opposed to engagement thought that attitude signaled disloyalty to the president.[283]

After much debate, the administration notified Congress in March 2002 that North Korea was not in compliance with the terms of the Agreed Framework as it did not provide enough information about its nuclear activities, and did not allow inspections of

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[278] Rice, *No Higher Honor*, 75.

[279] Jean-Marie Colombani, "Nous sommes tous Americains," *Le Monde*, September 12, 2001, http://www.lemonde.fr/archives/article/2001/09/12/nous-sommes-tous-americains_221610_1819218.html?xtmc=nous_sommes_tous_americaine&xtcr=2.

[280] Wilkerson, interview.

[281] Rice, *No Higher Honor*, 98-99.

[282] Text of President Bush's 2002 State of the Union Address," The Washington Post, January 29, 2002, http://www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm.

[283] Oberdorfer and Carlin, *The Two Koreas*, 357.

related facilities.[284] While that would normally have ended the $95 million in foreign assistance needed to implement the agreement, Bush issued a waiver so that funding would not be affected.[285]

At the same time, the administration began a new policy review, which culminated in the new "Bold Approach" policy advocated by Powell. As noted earlier, it was when this policy approach was being prepared that the intelligence community reported its findings about North Korea's uranium enrichment efforts.[286] Some suspected that opponents of the Agreed Framework were encouraging the intelligence community to build a case on uranium enrichment to obstruct the process.[287]

Meanwhile, domestic battles between those who preferred cooperative measures and those who favor coercive means in foreign policy were over other issues.

Among them was the Bush administration's determination to withdraw from the 1972 Anti-Ballistic Missile Treaty, which imposed limits on the United States and Russia concerning missile defenses.[288] The treaty was based on the premise that if either country increased defenses against long-range missiles, the other side would have to respond by developing more offensive capabilities, which could trigger a renewed arms race.

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[284] Ibid. For differing views on whether the decertification was justified, see, for example, "Debate Over Bush Decision Not to Certify North Korean Nuclear Compliance," *Voice of America*, March 23, 2002, http://www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm (accessed on February 21, 2018)

[285] Rice, *No Higher Honor*, 159.

[286] Ibid., 160.

[287] Prichard, interview and Oberdorfer and Carlin, *The Two Koreas*, 358.

[288] See, for example, Wade Boese, "Bush Announces U.S. Intent to Withdraw from ABM Treaty," *Arms Control Association*, January 1, 2002, https://www.armscontrol.org/act/2002_01-02/abmjanfeb02.

Proponents of withdrawal argued that this constraint on long-range missile defense systems no longer made sense because the Soviet Union was gone. They believed the United States needed to pull out unilaterally or make changes with Russia's consent, in order to protect itself from missile attacks by what they considered unpredictable regimes such as North Korea or in case of accidental launches from China and Russia.[289] Bush, Cheney, Rumsfeld, Rice and Bolton shared this opinion.[290] The State Department led by Powell was not enthusiastic about the idea, worried about the diplomatic consequences of such a move.[291]

Finally, the United States announced on December 13, 2001 that it would withdraw from the treaty within six months, and proceeded to do so on June 13, 2002.

There were other foreign policy issues that had a high priority among key administration members around this time, which made the North Korea issue of less concern for some. Chief among those problems was the question of how to compel Iraq's Saddam Hussein to cooperate with U.N. inspectors over the country's suspected weapons of mass destruction.[292] President Bush decided in 2002 that U.S. forces should be used to overthrow Saddam, a decision not made public until early the following year.

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[289] Bolton, *Surrender is not an Option*, 54-55.

[290] Ibid., also Rice, *No Higher Honor*, 159 and Dick Cheney, *In My Time*, (New York: Threshold Editions), 325.

[291] Cheney, *In My Time*, 325.

[292] See, for example, Bolton, *Surrender is not an Option*, 109 and Rice, *No Higher Honor*, 172.

5.4 International context

While the U.S. intelligence community was reaching its new assessment about North Korea's uranium enrichment procurement effort, South Korean President Kim Dae Jung was pursuing his "sunshine policy" of engagement with North Korea. He worried that the U.S tougher stance against North Korea would undermine his effort.[293] Kim and Bush had a disastrous meeting in Washington in March 2001 in Washington, six weeks after Bush's inauguration, because the South Koreans perceived the American president to be insultingly informal and apparently dismissive of Kim's deep experience in Korean Peninsula politics.[294]

The relationship between the two leaders fared better during Bush's trip to South Korea in February 2002. Despite Bush's remarks a month earlier about North Korea being part of the "Axis of Evil," the trip included a joint visit by the two leaders to the demilitarized zone between the two Koreas. This gave symbolic support to Kim's efforts to restore the rail connections with North Korea as part of his broader engagement plan.[295]

Japan, meanwhile, had been holding secret talks with North Korea to prepare for a summit meeting between Japanese Prime Minister Junichiro Koizumi and North Korean leader Kim Jong Il. The preparations had been taking place since September 2001.[296]

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[293] Oberdorfer and Carlin, *The Two Koreas*, 358.

[294] Ibid., 352.

[295] Ibid.

[296] Funabashi, *The Peninsula Question*, 8.

The diplomatic effort was aimed at normalizing diplomatic relations between the two countries. But first they needed to solve a dispute over Japanese citizens who had been abducted by North Korea in the 1970s and 1980s, some of whom were used to train North Korean spies in Japanese language and culture.[297]

Breaking with tradition, Koizumi chose not to fully inform the United States about the preparatory talks his government was holding with North Korea.[298] In fact, most of the Japanese government was kept in the dark about until about a month before Koizumi's visit to Pyongyang on September 17, 2002.[299]

The United States was informed of Koizumi's planned visit to the North Korean capital to meet with Kim Jong Il only 72 hours before a public announcement was made by the Japanese government. The information was conveyed to U.S. Deputy Secretary of State Richard Armitage, who visited Tokyo in late August to give to alert Japan about the new U.S. intelligence community assessment on North Korea's highly enriched uranium program, without providing details.[300] U.S. concerns about the North Korea's uranium enrichment program led to the Japanese beefing up a portion of the joint declaration issued by Japan and North Korea after Koizumi's visit that emphasized that both sides

[297] For example, Funabashi, *The Peninsula Question*, 7.

[298] Ibid.

[299] Ibid., 24-25.

[300] Oberdorfer and Carlin, *The Two Koreas*, 361.

would comply with all related international agreements, although it did not specifically refer to the uranium enrichment issue.[301]

5.5 Analysis using the three models

Model 1: The unitary rational actor model

Using the unitary rational actor model, the U.S. action to halt the shipment of heavy fuel oil to North Korea can be interpreted as a straightforward reaction to the discovery of North Korea's covert pursuit of a uranium enrichment program. According to this explanation, U.S. government officials learned of the program, confronted North Korea with the problem, and obtained what they interpreted as Pyongyang's admission. The U.S. action of stopping heavy fuel oil shipments was a reaction to North Korea's violation of the terms of the Agreed Framework.

Was this a rational act on the part of the United States? It was a reasonable action to take if the U.S. goal was to punish North Korea for violating the agreement by withholding benefits. The understanding between the two countries had been that while the Agreed Framework was not a legally binding treaty, if one side stopped short of fully implementing its clauses the other side could reduce the level of cooperation.[302] In addition, U.S. officials had warned their North Korean counterparts during negotiations

[301] James Kelly, interview with author on February 9, 2018, also Japanese Ministry of Foreign Affairs, "Japan-DPRK Joint Declaration," September 17, 2002, http://www.mofa.go.jp/region/asia-paci/n_korea/pmv0209/pyongyang.html.

[302] Carlin, *Negotiating with North Korea*, 15.

that some types of activity by Pyongyang would lead to political problems in Washington, regardless of any ambiguity in the language of the document.[303]

The move would be less logical if the U.S. objective was to stop North Korea's nuclear program. It was reasonable to assume that North Korea would retaliate to the halt in heavy fuel oil shipments by restarting its frozen plutonium program that was frozen under the agreement. Once it did so, Pyongyang could not only use the covert highly enriched uranium program but also its declared plutonium program to make nuclear bomb material.

In other words, leaving an agreement without replacing it with another policy for containing nuclear material production would merely give more room to allow North Korea to pursue its nuclear program. This leaves the question: Why did the United States take that decision?

Model 2: The institutional interest model

Reviewing the interests of the separate institutions within the U.S. government provides some additional insights. Unlike the first case study regarding the lifting of sanctions, however, in this case major divisions existed not only between the executive and the legislative branches of the government, but also within the administration. In this section of the analysis separate agencies within the government are treated as unitary rational actors whose views were represented by their leadership.

The State Department led by Powell had an interest in making the agreement work. This was partly a structural issue, given the department's mandate to solve

[303] Ibid.

international problems through diplomacy. As then National Security Advisor Rice pointed out, it was Powell's job to talk to unsavory regimes in order to find solutions to problems. He could hardly have done that while being committed to the regimes' demise.[304] Meanwhile, the Vice President's office and the Defense Department, led by Rumsfeld, were against the Agreed Framework and wanted the North Korean problem solved through tougher sanctions and isolation.[305]

The institutional interest model would interpret the U.S. decision as the State Department losing out to other parts of the government that were against the Agreed Framework since it was unable to defend the accord following the new U.S. intelligence assessment of North Korea's uranium enrichment procurement efforts. The president sided against the State Department decided to halt the heavy fuel oil shipments.

While this explanation gives more context, it still does not answer why the United States chose to stop the heavy fuel oil shipments knowing full well that North Korea might restart its plutonium program in response.

Model 3: The individual mindset model

A more detailed look into the individuals who played a part in the decision and their mindsets process gives a fuller explanation of what was taking place.

As mentioned above, the divisions in the government was not just among agencies. While Model 2's paints a general description of the State Department pitted against the Vice President's Office and the Defense Department, there was also a schism

[304] Rice, *No Higher Honor*, 158.

[305] Ibid.

within the State Department between those for the Agreed Framework and those against it. This was most evident in the appointment of Bolton as the undersecretary for arms control and international security, the department's number three post. Bolton was Powell's "neocon hire"[306] in the department to respect Bush's wish to have conservative views represented in the department.

Bolton was a Hardliner who believed that the Agreed Framework did not go far enough in extracting concessions from North Korea and that coercive measures rather than cooperative give-and-take should be the means in obtaining them. He called the officials in the State Department's Bureau of East Asian and Pacific Affairs "EAPeasers,"[307] a combination of the bureau's acronym EAP with the word "appeasers," for defending the Agreed Framework. His views clashed with those of Powell, who saw merit in the Agreed Framework in dealing with North Korea. In the State Department, Deputy Secretary of State Richard Armitage, the number two official in the department and Assistant Secretary Kelly led policy efforts aimed at a solution through diplomatic efforts.

Among the other agencies, officials in the Hardliner group included Cheney and his chief of staff Lewis "Scooter" Libby and Eric Edelman, Stephen Yates and Samantha Ravich, who were staffers in the Vice President's office. In the Defense Department headed by Rumsfeld were his deputy, Paul Wolfowitz, and Undersecretary of Defense Douglas Feith, who opposed the deal. In the National Security Council, Joseph, the senior

[306] Rice, *No Higher Honor*, 158.

[307] Bolton, *Surrender is Not an Option*, 110.

director of counterproliferation, and John Rood, who also dealt with proliferation issues, also belonged to this group.

Bolton was what Morton Halperin, Priscilla Clapp and Arnold Kanter describe as an "in-and-outer" in the bureaucratic system, meaning someone who joined the government from the outside and whose views were shaped mostly by his association with the groups he came from.[308] Bolton remained loyal to the group that shared his preference for coercive measures in foreign policy.[309]

The role of the national security advisor is normally to find a consensus among feuding groups. But Condoleezza Rice, who did not clearly attach herself to either of the Cooperators or Hardliners, was never able to take control and press effectively for a coherent policy.[310] Both groups blamed Rice for a lack of consistency in North Korea policy.[311]

There were three decision points in the highly enriched uranium episode that deserves a closer look. One is how the United States judged that North Korea's uranium enrichment procurement effort was a violation of the Agreed Framework. The second is the way in which the U.S. government decided to confront North Korea on the issue. The

[308] Halperin, Clapp and Kantor, *Bureaucratic Politics*, 89.

[309] Rice, *No Higher Honor*, 158. Wilkerson said in a February 6, 2018 interview that Powell rejected repeated recommendations to fire Bolton and that convinced Wilkerson that keeping Bolton in the number three spot at the State Department was in exchange for keeping Armitage in the number two stop.

[310] See, for example, Ivo H. Daaldler and I.M. Destler, *In the Shadow of the Oval Office*, (New York: Simon & Schuster, 2009), 291-293.

[311] Ibid.

third is how the government decided to respond to North Korea's reaction during Kelly's visit.

The Hardliners were convinced that North Korea clearly violated the Agreed Framework by procuring equipment and material for an industrial-scale uranium enrichment program, regardless of some ambiguities in the language of the agreement and gaps in the intelligence about the suspected program.

Their argument was that finding an actual facility was too high a bar for U.S. intelligence to detect because of Pyongyang's secretive nature, and that it was safe to assume that it had already built one given the North Korean regime's character.[312] Some in the Hardliner camp, such as Wolfowitz, argued that what was known should be regarded as the tip of the iceberg. They preferred estimates of North Korea's procurement efforts that were larger than those given by the intelligence community.[313]

Bolton describes his efforts to convince his State Department colleagues to accept his views of the development in a meeting on July 19, 2002.

> We met just after 3:30 p.m. in Powell's conference room … Kelly started by trying to table a long agenda of items to discuss, which I thought would be a waste of time. I intervened, saying we had reached a turning point in history, and that the new information we had on North Korea's uranium-enrichment activities could lead to only

[312] Conversation with a former government official against the Agreed Framework on February 21, 2018.

[313] Charles "Jack" Pritchard, interview with author on January 24, 2018.

> one conclusion, namely that the Agreed Framework was dead. … Kelly responded that there was still disagreement about exactly when North Korea would have enough highly enriched uranium to make a warhead, which was true but irrelevant to the point that the DPRK[314] was violating the Agreed Framework. He also said that the North might begin reprocessing plutonium if we announced the demise of the framework, and that South Korea and Japan would certainly be surprised. I answered that it was incontrovertible that procurement for an industrial-scope level of uranium enrichment was under way, and that any new information we obtained could only make us more concerned. … As for plutonium, I said it was a top matter for contingency planning, but not a reason to save the Agreed Framework.[315]

In his memoir, Bolton describes a network of likeminded people in the NSC and the Defense Department who told him that their respective agencies viewed the highly enriched uranium program as a fatal blow to the Agreed Framework, and that "the only issue was where State would come out, about which I made encouraging noises."[316]

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[314] Acronym for Democratic People's Republic of Korea, North Korea's official name.

[315] Bolton, *Surrender is not an Option*, 107-108.

[316] Rice, *No Higher Honor*, 109.

Against this backdrop, many of the Cooperators who supported the Agreed Framework concluded that North Korea's uranium enrichment procurement effort was a violation of the spirit, if not the word, of the accord,[317] even if some questioned how far along North Korea was in actually constructing an enrichment facility, and whether the North Korea's intention was to hedge its bets in case the agreement fell apart.[318]

The decision on how to respond to the discovery of North Korea's uranium enrichment procurement effort was debated between the Hardliners and the Cooperators. While Hardliners called for an immediate end to the Agreed Framework, the Cooperators expressed concern that confronting North Korea with the information might convince it to hide what it already had. They advocated a comprehensive settlement that incorporated the uranium enrichment issue into the Bold Approach.[319] The argument by the Cooperators — mainly in the State Department — was that the United States had previously dealt with difficult issues with North Korea through a cooperative approach, and it could do so again.[320] An example of this was the 1998-1999 dispute over an underground site in Kumchang-ri that Washington suspected was a secret nuclear reactor and reprocessing facility. North Korea eventually granted U.S. inspectors, including

[317] Gallucci, interview and Kelly, interview.

[318] Among those who think the North Koreans may have been hedging is Perry, who said in an interview that it may have been an "insurance policy" for them, and that in the 90s, they "kept the R&D program going thinking that in case things go bad, they can move off in a different direction."

[319] Funabashi, *The Peninsula Question*, 114-115.

[320] Pritchard, interview.

military personnel, access to the site which revealed that their suspicions were unfounded.

The Hardliners initially opposed a visit by Kelly to Pyongyang, with only the Cooperators in the State Department supporting that plan. But Bush authorized the visit, at the urging of Rice. She thought that it would be useful for Kelly to deliver a tough message to North Korea, and that it would help U.S. allies Japan and South Korea.[321]

Once Bush decided that an envoy should be sent, no one raised major objections to confronting North Korea with the information.[322] The only disagreement then was who should visit, with those against cooperation calling for either Joseph or Bolton to carry the message.[323]

The dispute then moved to what should be the U.S. message to North Korea. The initial draft drawn up by the Cooperators in the State Department was rejected as being too soft. Hardliners in the NSC then drew up much tougher talking points urging North Korea to completely change its policy.[324] Kelly was instructed to read the message verbatim and to refrain from any side conversations or socializing with the North Koreans during his visit.[325]

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[321] Rice, *No Higher Honor*, 161. Rice in turn was encouraged by Japanese Foreign Minister Yoriko Kawaguchi to send an envoy to North Korea, see, for example, Chinoy, *Meltdown*, 111.

[322] Kelly, interview, and Chinoy, *Meltdown*, 110-111.

[323] Chinoy, *Meltdown*, 110.

[324] Rice, *No Higher Honor*, 161 and Bolton, *Surrender is not an Option*, 112-113.

[325] Rice, *No Higher Honor*, 161.

Once North Korea reacted to Kelly's message with an apparent admission, the Hardliners pushed for a quick counter-response. They wanted to turn back a shipment of heavy fuel oil that was on its way to North Korea but were reminded that the United States alone could not make that decision because KEDO was executing the shipment.[326] The State Department informed the other principal members of KEDO — South Korea, Japan and the European Union — that the United States planned to stop payment for the deliveries.[327] The November KEDO meeting then decided to stop heavy fuel shipments to North Korea.

The struggle between the two factions involved leaks to the news media. The admission by the North Koreans of the uranium enrichment program was reported by the media before the U.S. government came up with a response. Rice believed that Hardliners leaked that information "to snuff out any hope of further negotiations."[328]

There was no substantive discussion about replacing the Agreed Framework with another arrangement to prevent the North Koreans from proceeding with the plutonium and highly enriched uranium programs to increase their stockpile of nuclear bomb material. Bolton believed a replacement mechanism was not necessary. His logic was that determining that the agreement was broken was "the only intellectually honest conclusion."[329]

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[326] Pritchard, *Failed Diplomacy*, 41.

[327] Rice, *No Higher Honor*, 162.

[328] Ibid., and regarding the leak, Oberdorfer and Carlin, *The Two Koreas*, 374.

[329] Bolton, *Surrender is Not an Option*, 115.

Looking at these three decision points in detail shows two factors that likely contributed to the actions reached.

The first factor concerns the intense coordination among the Hardliners who believed that the Agreed Framework was bad policy and needed to be discarded. As seen in Bolton's comments, they were in closely cooperated to realize their policy goals. In contrast, the key officials who saw merit in the Agreed Framework differed in their degree of support as they did not see it as a perfect arrangement.

Wilkerson, a critic of the decision-making process of the group led by Cheney, described the dynamic as follows:

> (Those against the agreement) had a strategy, furthermore they were ruthless in carrying it out. We had no strategy, we were not ruthless, they beat us, again and again and again.[330]

Related to this is the second element, which was that Powell, the highest-ranking defender of the Agreed Framework, was busy with other issues, including the withdrawal from the ABM Treaty. Powell mainly relied on Armitage and Kelly to deal with day-to-day issues regarding the North Korea nuclear problem.[331]

There are indications that Powell carefully chose his battles with his opponents in the administration. After Bolton gave a speech in Seoul disparaging the North Korean leader in 2003, Pritchard was instructed by Powell to tell the North Koreans that the only officials who could authoritatively discuss U.S. policy toward the country were the

[330] Wilkerson, interview.

[331] Ibid.

president and the secretary of state.[332] When he learned of this message, Bolton was furious. Soon afterward, Jon Kyl, a Republican Senator from Arizona and a Bolton ally, urged Powell to take "corrective action" against Pritchard.[333] According to Pritchard, Powell did not defend him, despite the fact that he was carrying out Powell's instructions and they had a good working relationship;

> Colin Powell, four star (general), secretary of state, independent minded person, was not going to step into the line of fire to do something that made it look like he was defending North Korea within that mindset, attitude, of that administration.[334]

There are some who, looking back, wonder whether another approach could have been possible. Pritchard, who was a member of Kelly's delegation on the October 2002 visit, regrets not trying to set up an opportunity for diplomacy so that option would have been available when senior officials met in Washington to discuss the next steps.[335]

5.6 Conclusion

While the U.S. intelligence community concluded in the summer of 2002 that North Korea was procuring equipment for a production-scale uranium enrichment program, some questions remained as to how far along it was in the program. In addition,

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[332] Chinoy, *Meltdown*, 183.

[333] Ibid.

[334] Pritchard, interview.

[335] Ibid.

the ambiguity of the language in the Agreed Framework left room for the United States to interpret this program as not being a clear violation of the accord if it wanted to.

But Washington concluded that North Korea violated the Agreed Framework, and elected to end the heavy fuel oil shipments, an act that predictably prompted North Korea to restart its plutonium program.

The unitary rational actor model shows that the suspension of energy shipments would have been the logical action should the U.S. objective have been to punish North Korea, but not if it was trying to prevent North Korea from developing more material for nuclear weapons. While the interests of different groups within the government provide some explanation, a fuller interpretation is only possible by looking at the mindsets of individuals in the administration.

Even before the uranium enrichment program became a focus of debate, the Hardliners believed that the Agreed Framework was unsatisfactory as it did not extract enough concessions from North Korea and rewarded the country for its bad behavior by giving the country positive inducements to change its ways.

When the U.S. intelligence community reached its conclusion about North Korea's uranium enrichment procurement activity, the Hardliners seized the opportunity to advance their view, working within the system to try to make that the official government position. The Cooperators, meanwhile, had varying levels of doubt about the accord's likelihood of success and the price that the United States was paying. Faced with new information about North Korea's uranium enrichment activities, the government chose to take the most stringent interpretation of Pyongyang's conduct.

While Bush agreed to send Kelly to Pyongyang, the talking points were scripted by the Hardliners, giving Kelly little leeway. Once North Korea's comments in the meeting were taken as an admission of the highly enriched uranium program, a halt to heavy fuel oil shipments was immediately recommended and later became policy.

The Hardliners coordinated across agencies and worked with great intensity, while the attention of the highest-ranking officials in favor of the agreement was consumed with other policy issues. As the tolerance for concessions toward North Korea deteriorated sharply, the United States moved toward coercive steps that it knew could end the agreement.

Chapter 6 The Verification Problem (2008)

The Six Party Talks — involving China, Japan, the two Koreas, Russia and the United States — were established to defuse the second North Korean nuclear crisis after Pyongyang restarted its nuclear facilities it had frozen under the Agreed Framework. While the talks did not make progress in the first term of the George W. Bush administration, that changed with the administration's new approach to North Korea in the second term.

The six countries adopted a document on September 19, 2005 in which North Korea committed to abandoning all its nuclear weapons and programs.[336] While the talks were halted for two years due to another dispute — this time over U.S. sanctions on a Macao bank accused of laundering North Korean funds — they were put back on track after the issue was solved. In 2007, participants of the process agreed on more detailed steps to be taken during the first two phases of the implementation of the September 2005 agreement. Specific measures in the third phase were never determined, as progress stopped before reaching that point.

This chapter deals with events that took place in the second phase of implementation. In this stage, North Korea was supposed to submit a complete list of its nuclear programs. While there was no agreement among the six parties that the verification of that list would take place during the second phase, the United States insisted that it be included as a requirement.

The question to be analyzed in this chapter is: Why did the United States advance the timetable for establishing the verification protocol for North Korea's nuclear activity,

[336] Department of State, "Joint Statement of the Fourth Round of the Six-Party Talks."

and why did it expand its scope, when there was no clear violation of the agreement on North Korea's part? It first discusses the dispute between the United States and North Korea over the verification of its nuclear program in detail, before explaining why this is chosen as a subcase. It then moves to a discussion of the domestic political context followed by relevant international events. It concludes with an analysis using the three models.

6.1 The verification problem

Under the second phase actions agreed to by the six countries on October 3, 2007, North Korea was obligated to "disable" its three nuclear facilities at the Yongbyon nuclear complex and submit a "complete and correct" declaration of all its nuclear programs by the year's end.[337]

Neither step was completed by the December 31, 2007 deadline, although significant progress was made in the disablement of the Yongbyon complex. Disablement work — which meant carrying out measures that would require significant time for North Korea to restart the facilities[338] — began in early November[339] and were completed at the

[337] Xinhua News Agency, "Full Text of Joint Document of the Second Session of the Sixth Round Six-Party Talks."

[338] Christopher Hill, "The Six Party Process: Progress and Perils in North Korea's Denuclearization," October 25, 2007, State Department Archive Website, https://2001-2009.state.gov/p/eap/rls/rm/2007/94204.htm.

[339] Sung Kim, "Remarks on the Visit to North Korea by a Team of Experts for the Disablement of Nuclear Facilities at North Korea's Yongbyon Complex," November 1, 2007, State Department Archive Website, https://2001-2009.state.gov/p/eap/rls/rm/2007/94476.htm.

spent-fuel reprocessing facility and the fuel fabrication plant by the end of 2007.[340] This meant that eight of the 11 disablement tasks identified by the United States were completed.[341] (Appendix 6 lists the 11 steps.)

Disablement steps remained incomplete at the nuclear reactor by the end of 2007 due to technical problems. In an October 2007 meeting in Pyongyang, technical staff from both countries decided to follow a 100-day schedule to remove fuel rods from the reactor instead of focusing on the year-end deadline, after the North Koreans informed the United States that a pace faster than that would expose North Korean workers to unacceptable levels of radiation.[342] Discharge of the 8,000 fuel rods — a key step in the disabling process as fuel cannot be reloaded into the reactor without great difficulty — began only in mid-December.[343]

North Korea also manipulated the pace of work to signal its displeasure at the other five countries. For example, Pyongyang reduced the number of fuel rods extracted from the reactor in January to 30 a day from 80 a day needed for the complete removal of 8,000 fuel rods in 100 days, complaining that a batch of heavy fuel oil that it was supposed to receive from Russia in November had not arrived.[344]

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[340] Naoko Aoki, "N. Korea cuts workers' shifts to slow nuclear disablement," *Kyodo News*, December 31, 2007.

[341] Siegfried Hecker, *Report of Visit to the Democratic People's Republic of North Korea (DPRK). Pyongyang and the Nuclear Center at Yonbgyon, Feb. 12-16, 2008*, Center for International Security and Cooperation, Stanford University, accessed April 15, 2018, https://cisac.fsi.stanford.edu/sites/default/files/HeckerDPRKreport.pdf, 3-4. North Korea counted the steps slightly differently, identifying 12 steps.

[342] Interview with U.S. official involved in the process on December 7, 2018.

[343] Aoki, "N. Korea cuts workers' shifts," December 31, 2007.

[344] Naoko Aoki, "N. Korea slows nuclear disablement to half of required pace," *Kyodo News*, January 26, 2008.

Meanwhile, developments outside of the nuclear talks signaled a general improvement in relations between the United States and North Korea. One was a visit to Pyongyang by the New York Philharmonic to perform a concert on February 26, 2008. It was the first gesture of its kind between the two countries and some observers drew parallels with cultural overtures during the Cold War.[345]

The second was the resumption of U.S. food aid to North Korea. The administration said in May 2008 that it would provide more than 500,000 tons of food to the country. The announcement followed an agreement on monitoring methods that included random inspections and allowing Korean-language speakers to participate in the monitoring teams. This was the largest amount of food assistance from the United States to North Korea in one year since 1999. While the administration denied any connection between the nuclear negotiations and food aid, outside analysts doubted that claim.[346]

Differences between the United States and North Korea over the declaration of Pyongyang's nuclear program continued to pose a problem. North Korea claimed in a Foreign Ministry statement on January 5, 2008 that it submitted a report in November 2007 to the United States that was supposed to have served as a declaration.[347] The United States, however, did not recognize that report as such. It said that the declaration,

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[345] For example, Jon Herskovitz, "Musical Diplomacy as New York Phil Plays Pyongyang," *Reuters*, February 25, 2008, https://www.reuters.com/article/us-korea-north-concert/musical-diplomacy-as-new-york-phil-plays-pyongyang-idUSSEO32875720080226.

[346] Glenn Kessler, "U.S. to Send N. Korea 500,000 Tons of Food Aid," *Washington Post*, May 17, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/05/16/AR2008051601721.html (accessed on March 10, 2018)

[347] Korean Central News Agency, "DPRK Foreign Ministry Spokesman on Issue of Implementation of October 3 Agreement," January 5, 2008.

when completed, should be submitted to China, the chair of the Six Party Talks process.[348] Washington also made it clear that wanted North Korea to make a credible effort in explaining what it had in terms of materials, facilities and programs.[349]

North Korea's nuclear declaration was also a topic in a letter by Bush sent to the North Korean leader, which was handed to the North Korean Foreign Minister Pak Ui Chun by Hill on his visit to Pyongyang in December 2007.[350] The letter was respectful in tone, a change from the U.S. president's uncompromising position earlier in his administration as represented by his "Axis of Evil" comment. In it, Bush offered to normalize relations between the two countries in return for Pyongyang disclosing and abandoning its nuclear program.[351]

A major sticking point was the question of how to treat North Korea's uranium enrichment procurement efforts. The U.S. insisted that North Korea address the issue for several reasons. The first was because Washington had evidence from 2002 that Pyongyang purchased equipment necessary for the program and that it had received assistance from Pakistan.[352] Suspicions deepened further when items the North Koreans provided to the United States as evidence during discussions was found to be contaminated with traces of highly enriched uranium. The first time this happened was in

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[348] Christopher Hill, "Evening Walk Through at Six Party Talks," January 10, 2008, State Department Archive Website, https://2001-2009.state.gov/p/eap/rls/rm/2008/01/99100.htm.

[349] Ibid.

[350] Chinoy, *Meltdown*, xviiii.

[351] Ibid. also see 355-356 in the same book for more on why the letter was sent.

[352] Christopher Buckley, "North Korea Disarmament Steps Face Enrichment Hurdle," *Reuters*, December 5, 2008, https://www.reuters.com/article/us-korea-north-nuclear/north-korea-disarmament-steps-face-enrichment-riddle-idUSSEO3563120071206.

late 2007, after U.S. officials visited a North Korean factory to investigate Pyongyang's claim that the specialized aluminum the country purchased was not for a uranium enrichment program but was for a shipboard gun system.[353] Sung Kim, the State Department's Korea Desk Director, was allowed to return to the United States with samples of the aluminum tube, which, when tested in the United States, showed traces of highly enriched uranium.[354] The second time was in 2008, when traces of enriched uranium were found among the 18,000 pages of documents that North Korea turned over to the United States in May of that year.[355] The documents contained information about past campaigns to reprocess plutonium at Yongbyon. They were given in seven boxes to a group led by Sung Kim to verify how much plutonium was made at the facility.[356]

Another issue that the United States wanted North Korea to clarify was its nuclear cooperation with other countries. Since 2007, the United States had intelligence that North Korea had helped build a nuclear plant in Syria.[357] This became particularly salient after Israeli forces attacked and destroyed the plant in September 2007. While

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[353] Christopher Hill, *Outpost: Life on the Frontlines of American Diplomacy*, (New York: Simon & Schuster, 2014), 280.

[354] Ibid., also Glenn Kessler, "Uranium Traces Found on N. Korean Tubes," *Washington Post*, December 21, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/12/20/AR2007122002196.html. Hill says in his book that the material found was highly enriched uranium, while Kessler's article only identifies it as enriched uranium.

[355] Glenn Kessler, "New Data Found on North Korea's Nuclear Capacity," *Washington Post*, June 21, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/06/20/AR2008062002499.html, and Hill, *Outpost*, 285.

[356] Helen Cooper, "North Korea Gives U.S. Files on Plutonium Efforts," *New York Times*, May 8, 2008, http://www.nytimes.com/2008/05/09/world/asia/09diplo.html.

[357] Cheney, *In My Time*, 476.

neither the strike nor the North Korean link was publicly disclosed, the broad outlines of the attack leaked to the media within the week.[358]

Hill met with Kim Kye Gwan, North Korea's lead nuclear negotiator, multiple times in various locations — Beijing, Geneva and Singapore — to try to bridge their differences over what should be included in the declaration. In their meeting in Singapore on April 7-9, 2008, the two sides reached a compromise. Under this arrangement, North Korea was to provide a declaration of its plutonium program. The United States was to give North Korea a bill of specifics what Washington suspected to be the country's proliferation activities as well as procurement efforts regarding highly enriched uranium, and North Korea was to acknowledge the U.S. concerns.[359] It was as a result of this meeting that Sung Kim was able to visit North Korea to obtain the documents on the history of plutonium production in the Yongbyon facility.[360]

In late June, both the United States and North Korea took coordinated steps to fulfill their commitments. On June 26, 2008, North Korea delivered its nuclear declaration to China, the chair of the Six Party Talks. In response, Bush rescinded the application of the Trading with the Enemy Act against North Korea.[361] He also gave

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[358] Glenn Kessler, "N. Korea, Syria May Be at Work on Nuclear Facility," *Washington Post*, September 13, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/09/12/AR2007091202430.html (Accessed on March 5, 2018), For more on the Israeli strike, see, for example, David Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept it Secret," New Yorker, September 17, 2012 issue, https://www.newyorker.com/magazine/2012/09/17/the-silent-strike (Accessed on March 5, 2018).

[359] Peter Crail, *U.S., NK Seek Compromise on Nuclear Declaration*, Arms Control Association, June 11, 2008, https://www.armscontrol.org/act/2008_05/USNK (Accessed on March 14, 2018).

[360] Hill, *Outpost*, 285.

[361] The American Presidency Project, "George W. Bush XLIII President of the United States: 2001-2009, Proclamation of 8271 – Termination of the Exercise of Authorities Under the Trading

Congress 45 days of notice of his intention to take the country off the U.S. list of state sponsors of terrorism.[362]

While the United States puts countries on the state sponsors of terrorism list for their involvement in terrorist activities, there is considerable room for interpretation on what constitutes such acts. North Korea was included on the list after a bomb planted by its agents exploded on a South Korean airliner on November 29, 1987, killing 115 people on board. The State Department, however, determined that North Korea had not committed a terrorist act since then.[363] Once the administration decides to remove a country from the list, the president must notify Congress of his intention 45 days before the action is taken. If Congress wanted to prevent the administration from doing so, it must pass legislation which is subject to a presidential veto.

A day after Bush's announcement, North Korea destroyed the cooling tower at the Yongbyon complex. U.S. officials including Sung Kim traveled to Yongbyon to observe the controlled explosion, which was reported by several international media outlets including CNN. Bush watched it from the Oval Office.[364] The dramatic effect of a controlled explosion required additional spending by the U.S. government.[365]

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with the Enemy Act With Respect to North Korea," June 26, 2008, http://www.presidency.ucsb.edu/ws/?pid=77576.

[362] Hill, *Outpost*, 287.

[363] Larry Niksch and Raphael Perl, *North Korea: Terrorism List Removal?*, CRS Report for Congress, December 11, 2007, Washington, D.C.

[364] Ibid., 287-288.

[365] Interview with U.S. government official on December 7, 2017.

The contents of the 60-page declaration were not publicly disclosed, but news media and independent analysts would conclude that North Korea declared that it separated about 30 kilograms of plutonium and used 2 kg of plutonium for its first nuclear test on October 9, 2006.[366] While the total of plutonium extracted was within outside estimates, experts believe that the North Korean claim about the amount used in its first nuclear test was too small to be credible since North Korea was not believed to have mastered a sophisticated weapons design that would require only 2 kg of plutonium.[367]

North Korea, meanwhile, stepped up the pace of disablement work at the nuclear reactor in Yongbyon. In early July, it increased the number of fuel rods discharged from the nuclear reactor to 30 fuel rods a day, up from the 15 rods a day in June. But this was still far below the 80 fuel rods a day that it could safely discharge. In late June, nearly half of the 8,000 fuel rods had been pulled from the reactor.[368]

With the submission of the North Korean declaration, the focus shifted to the verification of the country's nuclear activity. China called for a six-party meeting on July 10-12, 2008 in Beijing to discuss the issue. In that meeting, the six countries agreed on a broad outline for verifying North Korea's nuclear programs. The agreement said that a verification mechanism would be created involving experts from the six countries, and that it would involve visits to facilities, review of documents, interviews and other

[366] Braun et al, *North Korean Nuclear Facilities*, 9, and Albright, *North Korean Plutonium*, 4.

[367] Braun et al, *North Korean Nuclear Facilities*, 9.

[368] Naoko Aoki, "N. Korea Restores Pace of Disablement at Nuclear Facility," *Kyodo News*, July 4, 2008.

measures that the parties agreed on. It also said that IAEA consultation would be welcome when necessary. The specifics of the mechanism and implementation were to be decided by a working group under the Six-Party Talks.[369]

On July 23, the foreign ministers of the six countries involved in the process confirmed their commitment to the denuclearization process at an informal meeting in Singapore, where they were attending a meeting of the ASEAN Regional Forum, a security dialogue to which all six countries were members. Rice had her first meeting there with her North Korean counterpart Pak Ui Chun. This was the highest level face-to-face contact between the two countries since the Six Party Talks began.[370]

Problems re-emerged that month, this time over a verification protocol draft that the United States presented to North Korea. The four-page protocol reflected the thinking of the State Department's Bureau of Verification, Compliance and Implementation that wanted an intrusive protocol to be put in place. The U.S. proposal mentioned each of the broad verification requirements agreed to in the Beijing meeting and clarified Washington's interpretation of them. For example, the protocol sought "full access to any site, facility or location" that may have been used for nuclear purposes. It also required the use of various technical tools, including sampling. The proposal also stipulated that the measures would cover all elements of a nuclear program, including plutonium production, uranium enrichment, weapons production and testing as well as any

[369] Japanese Foreign Ministry, "Press Communique of the Heads of Delegation Meeting of the Sixth Round of the Six Party Talks," July 12, 2008, http://www.mofa.go.jp/region/asia-paci/n_korea/6party/press0807.html.

[370] See, for example, Sue Pleming, "Handshakes and Smiles at North Korea Meeting," *Reuters*, July 23, 2008.

proliferation activities.[371] In other words, the proposal expanded the scope of the verification process considerably, giving inspectors free rein to inspect for nuclear material outside of what North Korea had reported in its declaration submitted earlier to its Six-Party counterparts.

The Americans insisted that the verification protocol must be agreed on before the U.S. president could take North Korea off the list of state sponsors of terrorism.[372] North Korea complained that was not the deal to which it had agreed. The 45-day notification period of notification required by Congress on the state sponsors of terrorism list missed its August 11, 2008 deadline, without the United States taking action. North Korea responded by suspending its disablement activity at the Yongbyon nuclear reactor and threatening to restore the facilities at the nuclear site to its original state.[373] A statement by the North Korean Foreign Ministry spokesman, carried by the official Korean Central News Agency said:

> No agreements reached among the six parties or between the DPRK and the U.S. contain an article which stipulates the verification of the nuclear declaration of the DPRK as

[371] Glenn Kessler, "Far-Reaching U.S. Plan Impaired U.S. Deal," The online article previously included the actual U.S.-proposed protocol. This was no longer available on March 5, 2018 but was downloaded in 2014.

[372] Christopher Hill, "North Korean Six-Party Talks and Implementation Activities," State Department archive website, July 31, 2008, https://2001-2009.state.gov/p/eap/rls/rm/2008/07/107590.htm.

[373] Korean Central News Agency, "Foreign Ministry's Spokesman on DPRK's Decision to Suspending Activities to Disable Nuclear Facilities," August 27, 2008.

> conditionality for delisting it as a "state sponsor of terrorism."
>
> As far as the verification is concerned, it is a commitment to be fulfilled by the six parties at the final phase of the denuclearization of the whole Korean Peninsula according to the September 19 joint statement.[374]

A close look at the U.S. attitude toward the verification process shows that a shift took place in the spring of 2008, when the United States was negotiating with North Korea over the content of its declaration. The United States began publicly hinting that it would push the North Koreans harder on the verification of their declaration by moving the submission deadline to an earlier date. The verification of the disablement of the Yongbyon reactor in the second phase was not a major challenge given the presence of both U.S. experts and IAEA inspectors at the site. The verification of North Korea's declaration had been understood until this time to be a task for the third stage, as it was not spelled out in the second phase action plan agreed to in October 2007.

In a speech at a Washington think tank on June 18, 2008, Rice admitted to moving up the requirement:

> As to phase two, which is to end with the declaration and disablement, the parties are in agreement that the declaration must address the North Korean programs and facilities and that it must provide the means to know whether that declaration is complete and accurate.

[374] Ibid.

> Obviously, we're not going to take the word of North Koreans that what they say on the piece of paper is a full representation of what they have. We will make a judgment as to whether or not we think, in accordance with what we know, it is, but we have to go and we have to verify. Let me give you an example.
>
> In order to verify the amount of plutonium that they've actually made, you have to have records, many of which they've given us, but you also have to have access to the reactor itself and to the waste pool, and they've said they will give us that access. What we've done, in a sense, is move up from issues that were to be taken up in phase three, like the verification, like access to the reactor, into phase two.[375]

Rice indicates in her memoir that the reason for expanding the scope of the verification protocol and moving up the schedule for its establishment was because the United States found the North Korean declaration inadequate and sought to find out more about North Korea's uranium enrichment program.

> We decided to go at the problem from another angle. The North Koreans would also have to agree to a verification protocol to govern the on-site inspection of all aspects of

[375] Condoleezza Rice, "U.S. Policy Toward Asia," State Department Archive website, June 18, 2008, https://2001-2009.state.gov/secretary/rm/2008/06/106034.htm.

> their nuclear program. That protocol, if properly structured, would give us access to sites both declared and undeclared, meaning that we'd have the right to inspect a building or facility even if the North hadn't put it on the declaration. We could then trigger inspections of sites that were suspected of being associated with uranium enrichment.[376]

6.2 Why is this a subcase?

The literal reading of the October 3, 2007 document on the second phase of the implementation of North Korea's eventual denuclearization shows that this phase was to end with North Korea's disabling of the Yongbyon nuclear complex and submission of a declaration of its nuclear programs. Verification was not included.

But the United States chose to advance the schedule for establishing a verification protocol from phase three to phase two, as Rice mentioned in her speech in June 18, 2008, deviating from that understanding. In line with this policy, Washington held back the inducement it promised earlier — delisting North Korea as a state sponsor of terrorism — without first reaching an agreement on a verification protocol.

In addition, the United States expanded the scope of the verification protocol to include facilities that were outside those listed in North Korea's declaration. The U.S.-drafted protocol handed to North Korea in July proposed that the country allow verification activities anywhere, anytime.

[376] Rice, *No Higher Honor*, 708.

At the time, the United States did not cite any specific conduct by North Korea as a reason for its actions. North Korea had submitted its nuclear declaration as arranged. This is a case in which North Korean actions do not immediately explain why the United States pushed for more than was initially agreed, and thus domestic politics is likely to have played a major role.

6.3 Domestic political context

Several domestic political changes in Bush's second term from January 2005 had a significant impact on North Korea policy.

One was the ascent of Rice as the president's most important foreign affairs advisor. Bush appointed Rice as secretary of state replacing Powell in his cabinet shake-up following the 2004 presidential election. This freed her from the coordinator role she had played as national security adviser with limited success. Rice had a close relationship with the president, frequently working out at the gym with him, having meals with him and his wife Laura, and spending weekends with the couple.[377]

The second was Cheney's general loss of influence. Cheney had enormous impact on policy decisions during Bush's first term in office. Both hands-on and dynamic, Cheney put supporters in important positions throughout the administration, and made sure he obtained information from all key agencies.[378] By 2007, that had changed. Cheney came under criticism for the administration's handling of intelligence on weapons of mass destruction that led to the Iraq war. He also suffered politically when

[377] Baker, *Days of Fire*, 362.

[378] Daalder and Destler, *In the Shadow of the Oval Office*, 253.

his chief of staff I. Lewis "Scooter" Libby was convicted of lying and obstructing a leak investigation.[379] Cheney pushed Bush to pardon Libby, but, while the president commuted the sentence, he never granted a pardon.[380] Cheney was portrayed by the media as someone whose time had passed, and whose pursuit of ideological goals, love of secrecy and independent operations inside the White House did more harm than good.[381] Bush still listened to Cheney, but the vice president's views had less impact on policy by this point.

In addition, some of the key members of Bush's first term who shared Cheney's ideology had left their most influential posts by then. John Bolton was appointed to be ambassador to the United Nations in August 2005[382] and Donald Rumsfeld resigned in November 2006, after criticism over his management of the war in Iraq.[383] The departure of Rumsfeld, as well as some of other neo-conservative officials, came after the Democratic Party won both houses of Congress in the November 2006 midterm elections,

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[379] On Libby's conviction, see, for example, Carol D. Leonnig and Amy Goldstein, "Libby Found Guilty in CIA Leak Case," *Washington Post*, March 7, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/03/06/AR2007030600648.html.

[380] Baker, *Days of Fire*, 1-11.

[381] Michael Duffy, "Cheney's Fall from Grace," *TIME*, March 8, 2007, http://content.time.com/time/magazine/article/0,9171,1597516,00.html.

[382] Jim VandeHei and Colum Lynch, "Bush Names Bolton U.N. Ambassador in Recess Appointment," *Washington Post*, August 2, 2005, http://www.washingtonpost.com/wp-dyn/content/article/2005/08/01/AR2005080100436.html.

[383] For example, see Sheryl Gay Stolberg and Jim Rutenberg, "Rumsfeld Resigns as Defense Secretary After Big Election Gains for Democrats," *New York Times*, November 8, 2006, http://www.nytimes.com/2006/11/08/us/politics/09BUSHCND.html.

giving the party complete control of the legislature for the first time since 1994 against a backdrop of increased public disapproval of the conflict in Iraq.[384]

There continued to be sharp differences in Washington between those who favored cooperative arrangements with North Korea to denuclearize and those who preferred coercive methods without concessions from the United States.

This time, Rice and Hill were on the more cooperative end of the policy spectrum. Rice thought that U.S. options available for North Korea were limited. Believing that there was no perfect solution to the problem, she argued that diplomacy was the only way for the United States to stop the North Koreans from expanding their nuclear capability unchecked and unmonitored.[385] This approach was given a boost as the Rice-Hill team achieved some visible results in negotiations, particularly the September 2005 agreement and the two follow-up implementation accords.

On the more coercive end of the spectrum was Cheney's office and his dwindling number of influential allies. Cheney believed that the United States needed to negotiate from a position of strength. He argued that there was nothing the United States could offer to the North Koreans in terms of concessions that was worth as much as to them as their nuclear weapons.[386] Thus, he argued, the only way for diplomacy to work was if all parties understood that the United States was willing to back its actions with force. He

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[384] NBC, "Democrats Win Control of Senate," November 9, 2006, http://www.nbcnews.com/id/15620405/ns/politics/t/democrats-win-control-senate/#.WqbV1maZNmA.

[385] Rice, *No Higher Honor*, 713.

[386] Cheney, *In My Time*, 482.

said in a 2004 meeting, "We don't negotiate with evil. We defeat it."[387] Cheney criticized Rice's State Department in its dealings with North Korea, saying it had come to regard "getting the north Koreans to agree to something, indeed anything as the ultimate objective" and that such attitudes encourage North Korean duplicity.[388] Cheney was also strongly against bilateral negotiations with North Korea, saying that for any talks with Pyongyang to work, other parties in the Six-Party Talks must be involved.[389]

The two sides competed for the president's ear. The Rice-Hill team mainly won the internal struggle, although Cheney says in his memoir that he thought he was about to gain the upper hand at the time Hill was holding bilateral negotiations with his North Korean counterpart — a format of talks he opposed — in Geneva over how Pyongyang should declare its nuclear programs.

> There was a period in the spring when it looked as though we might be able to get off the path that Rice and Hill put us on. Hill was in Geneva negotiating what would be in the North Korean declaration, and (National Security Adviser) Steve (Hadley) brought a draft of the proposed language into the Oval Office during our morning meeting on March 14, 2008. The president said he didn't want to see it. "I'm not going to sign anything until the vice president has

[387] Baker, *Days of Fire*, 313.

[388] Cheney, *In My Time*, 490-491.

[389] Ibid., 490.

signed off on it," he said. "You go over it with Dick. When he's happy with it, I'm happy with it."[390]

However, Rice ultimately prevailed in persuading Bush to sign off on the arrangement regarding the declaration.

As was the case in 2002 near the end of the Agreed Framework, the competition between the two groups involved leaks to the media. When U.S. intelligence officials held a classified briefing for members of Congress on April 24, 2008 about the September 2007 Israeli attack on the Syrian nuclear reactor that had been built with North Korean assistance, the contents were reported shortly before the briefing.[391] Those working for a negotiated settlement strongly suspected that their opponents were trying to derail the diplomatic process, especially as Sung Kim was heading a visit to Pyongyang by an interagency delegation at the time, to follow up on the compromise agreement regarding North Korea's nuclear declaration that Hill had reached with Kim Kye Gwan in Singapore.[392]

The briefing took place after Capitol Hill applied pressure on the administration that it be more forthcoming about the Israeli attack. Representative Ileana Ros-Lehtinen of Florida, the ranking Republican on the House Foreign Affairs Committee, and Representative Peter Hoesktra from Michigan, the ranking Republican member of the House Permanent Select Committee, criticized the Bush administration for its "veil of

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[390] Ibid., 484.

[391] Robin Wright, "N. Koreans Taped at Syria Reactor," *Washington Post*, April 24, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/04/23/AR2008042302906.html?wpisrc=newsletter.

[392] Interview with U.S. government official involved in the process on November 7, 2017.

secrecy" regarding the attack and urged it to brief all Congressional members, and not just the senior officials, on the incident.[393] Rice then met with Ros-Lehtinen in a meeting which was described as tense.[394]

The disclosure that North Korea had helped construct the Syrian reactor unleashed a fresh round of criticism from Congress of the administration's more diplomatic approach to North Korea, targeting Christopher Hill in particular. To indicate his disapproval, Republican Senator from Kansas Sam Brownback placed a hold on the nomination to U.S. ambassador to South Korea of Kathleen Stephens, a former deputy to Hill.[395] A *Washington Post* report quoted Brownback's aide as saying that people were very angry with the prospect of the United States agreeing with "a regime that has repeatedly demonstrated that its word is indistinguishable from a lie."[396]

Meanwhile, Hill became a controversial figure within the administration. An experienced diplomat who negotiated the Dayton Accords ending the Bosnian War in 1995 under Richard Holbrooke, Hill pushed for latitude against those trying to constrain the engagement policy. He made enemies within the system by sidelining people when he thought it was necessary.[397] Robert Joseph, Undersecretary for Arms Control and

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[393] Pete Hoesktra and Ileana Ros-Lehtinen, "What Happened in Syria?," *Wall Street Journal*, October 20, 2007, https://www.wsj.com/articles/SB119283814073665542.

[394] Mark Mazzetti and William J. Board, "The Right Confronts Rice Over North Korea Policy," *New York Times*, October 25, 2007, http://www.nytimes.com/2007/10/25/washington/25weapons.html.

[395] Glenn Kessler and Robin Wright, "Accusing N. Korea May Stall Nuclear Pact," *Washington Post*, April 26, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/04/25/AR2008042500825.html.

[396] Ibid.

[397] Baker, *Days of Fire*, 537-538.

International Security who was against engagement with North Korea, resigned in January 2007, protesting Hill's negotiations.[398]

6.4 International context

Relations between the two Koreas deteriorated around this time. In February 2008, conservative politicians Lee Myung Bak became South Korean president. Most of Lee's supporters believed that his two predecessors – Kim Dae Jung and Roh Moo Hyun – had given away too much to the North Koreans. While Lee was not ideologically opposed to diplomacy, he steered his policy away from inducements to seeking a position of strength with respect to North Korea.[399]

Ties worsened further when a South Korean tourist at the Mount Kumgang (Diamond) resort just north of the demilitarized zone was shot and killed by a North Korean soldier on July 11, 2008 while taking a walk in an area that has been declared off-limits.[400] The South Korean public reacted angrily to the death of the 53-year-old Seoul housewife, bringing a halt to tours by South Koreans to the area, which had begun in 1998.[401]

Japan, meanwhile, was trying to settle its dispute with North Korea over the abduction of its citizens in the 1970s and 1980s, a major obstacle to normalizing diplomatic relations between the two countries. Japan refused to join in supplying heavy

[398] Ibid., 537.

[399] Oberdorfer and Carlin, *The Two Koreas*, 441-442.

[400] See, for example, Ibid., 442.

[401] History of Mount Kumgang tourism is described in Ibid., 325.

fuel oil to North Korea, an inducement in the Six Party Talks process, until this issue was solved. Japanese and North Korean officials met three times that year, but failed to bridge their differences.

Japan objected to the U.S. plan to remove North Korea from its list of state sponsor of terrorism without a solution to Pyongyang's kidnapping of Japanese citizens. Tokyo also argued that North Korea should remain on the list for harboring Japanese Red Army terrorists, who had hijacked an aircraft in Japan in 1970 and diverted it to North Korea.[402] The Bush administration took the position that it had no legal obligation to link the abduction issue with the state sponsors of terrorism list.[403] China and South Korea also apparently supported North Korea's delisting.[404]

Japan had an ally in the vice president's office, which championed its cause. Cheney, for example, forwarded a message from the U.S. Ambassador to Japan Thomas Schieffer about Japan's complaints to the president in the run-up to the delisting decision.[405]

Some Congressional members had also earlier insisted that the Japanese abduction issue — along with other illicit activities — be settled before the administration took North Korea off the state sponsors of terrorism list. Republican

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[402] Nine hijackers took control of the plane flying from Tokyo to Fukuoka on March 31, 1970 and after releasing some passengers in Fukuoka and then at Seoul, reached Pyongyang on April 3. See, for example, Japanese National Police Agency, *The Growing Severity of the International Terrorism Situation, Focus Vol. 271, Movements of the 'Yodo-go' Group,* accessed March 10, 2018, https://www.npa.go.jp/archive/keibi/syouten/syouten271/english/0302.html.

[403] Niksch and Perl, *North Korea: Terrorism List Removal?*, 8.

[404] Ibid., 9.

[405] Cheney, *In My Time*, 488.

Senators Sam Brownback from Kansas, Chuck Grassley from Iowa and John Kyl from Arizona, along with Senator Joe Lieberman from Connecticut, an independent, submitted a resolution to that effect on December 10, 2007.[406]

6.5 Analysis using the three models

Model 1: The unitary rational actor model

Why did the United States advance the timetable requiring a verification protocol, and why did it expand its scope? The unitary rational actor model shows that Washington judged that the North Korean declaration on its nuclear activity to be incomplete and tried to obtain a satisfactory explanation through these methods, even if it deviated from the original understanding of when a verification protocol would be established. In other words, the United States shifted toward a coercive tactic, in response to North Korea's inadequate declaration, so that answers it wanted could be obtained.

Rice's public comments about advancing the schedule of verification came a week before North Korea submitted its declaration. A likely explanation is that the United States had suspicions from preparatory talks that North Korea would provide what the United States considered to be an insufficient declaration. Consequently, Washington adopted a more coercive posture.

The interpretation of events given by the unitary rational actor model leaves some unanswered questions. If the United States judged North Korea to have submitted an incomplete declaration, why did it not declare this to be a violation of the agreement at

[406] Senate Congressional Record, *Senate, Vol. 153, Pt. 25, December 10, 2007*, Washington, D.C.: Government Printing Office. https://www.gpo.gov/fdsys/pkg/CRECB-2007-pt25/pdf/CRECB-2007-pt25-issue-2007-12-10.pdf.

the time? Why did it not stop implementing its own commitments, in response to that alleged violation?

Model 2: The institutional interest model

The domestic institutional model helps answer some of these remaining questions. The State Department headed by Rice, with Hill taking the lead on the North Korean issue, had an interest in making the agreement work. They succeeded in obtaining the main agreement on September 19, 2005, and the two implementation deals that were reached in February and October 2007. They continued to have the president's backing on the engagement process.

Meanwhile, the parts of the government that were against the Six Party Talks had lost their influence with the president. Cheney no longer had the clout he had in the first term due to criticism over the handling of intelligence prior to the war in Iraq and the scandal involving his chief of staff. Bolton moved away from the center of power in Washington to become the U.N. ambassador, and Rumsfeld departed as defense secretary after the criticism about his conduct of the war in Iraq, among other issues, led to the Democratic Party taking control of both houses of Congress in the midterm elections in 2006. In addition, Hill sidelined those who were against the Six Party Talks from the internal process as much as possible to ensure that the engagement policy would not be scuttled.

It is important to note that the people Hill alienated included those within his own agency, the State Department. Therefore, the institutional-level interest explanation does not necessarily divide those involved into neat groups. The bureau in charge of arms

control and verification at the State Department in particular was unhappy with the concessions the United States gave to North Korea and Hill's treatment of the department. Robert Joseph, the head of the bureau since 2005 when he succeeded Bolton, resigned in protest.

But in general, the interpretation this model provides is that the State Department tried to settle the uranium enrichment question without destroying the framework of the deal it had worked arduously to obtain, by advancing the schedule for the verification protocol and expanding its application.

Model 3: The individual mindset model

A look into the mindsets of individuals provides a further explanation of how the American strategy took shape. While the division at the time was roughly between those who preferred cooperative measures and those who favored coercive ones, there were some differences among the key individuals.

Key officials were divided into three groups when it came to whether cooperation can achieve results. On one end were those who believed cooperation with North Korea was not possible or preferable, and favored coercive measures. This group of Hardliners included Cheney, who believed that there was no concession that could convince Pyongyang to give up its nuclear weapons, and that the only way to deal with Pyongyang was from a position of strength.[407]

Bush fell into the second group, which this study will call the Uncommitted Cooperators. This group did not necessarily deny the utility of cooperative measures, but

[407] Cheney, *In My Time*, 482.

it was less committed to them than the Cooperators. The fact that he was open to cooperation made it possible for Rice to convince Bush, who genuinely abhorred the North Korean regime, that the United States should test Kim Jong Il to see if he would give up nuclear weapons if he thought Washington would let him survive.[408] Bush's change in position in early 2005 is described by Hill as a desire to move beyond the experiences of his first term. Bush did not want to be remembered as a warmonger, who always resorted to force.[409]

Rice likely fell into the Uncommitted Cooperator group. Neither Bush nor Rice believed that diplomacy with North Korea would necessarily lead to the regime's survival. Rice said in her memoir that she predicted that opening up North Korea through diplomacy would have led to its collapse. She says of Bush's decision to allow her to pursue diplomacy:

> It was *not* a softening of policy toward the North; the President was not abandoning regime change in favor of the State Department's well-known desire to negotiate with rogue regimes. Rather, it was a kind of strategic gamble — a safe one from the United States' perspective because the north would get no real benefit until it demonstrated its willingness to give up its nuclear arsenal.[410]

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[408] Rice describes the conversation in which Bush agrees to test Kim Jong Il with diplomacy in *No Higher Honor*, 524-525.

[409] Christopher Hill quoted in Baker, *Days of Fire*, 536.

[410] Rice, *No Higher Honor*, 526-527.

This indicates that for Rice — who was senior to Hill and ultimately had the ear of the president — cooperation with North Korea was a tactic. In her eyes, the goal of the policy was to end or at least tame North Korea's nuclear program, but with the possible added bonus of ending the regime altogether. Hoping that engagement would eventually undermine the North Korean regime means that Rice was willing to cooperate with North Korea, as she was not striving to reduce the gains available to the country under the agreement.[411] But it also likely means that she was not fully committed to a cooperative arrangement with North Korea, and thus was more open to adopting coercive tactics.

Such shifts in position can be explained as "tactical learning," which Philip Tetlock describes as what happens when policymakers change tactics but do not question the fundamental premises of policy. Learning of this kind is intended to cope with events without changing the fundamental assumptions of a policy.[412] Rice appears to have maintained that the root of the problem was the nature of the regime and that a truly cooperative arrangement was not possible.

Hill can be viewed as belonging to the third group, the Cooperators. Hill thought that negotiations were necessary to establish patterns of cooperation in the region and enhance U.S. security. He thought that the criticism of the diplomatic approach had little relevance to reality since it was "a kind of mirror image of the North Korean one, to the effect that security, according to North Koreans and hardline conservatives, must be 100

[411] This is from the definition of what is not cooperation in Milner, "International Theories of Cooperation," 468.

[412] Philip E. Tetlock, Learning in U.S. and Soviet Foreign Policy: In Search of an Elusive Concept," in *Learning in U.S. and Soviet Foreign Policy*, ed. Breslauer and Tetlock, 28.

percent homegrown and can never rely on the efforts or attitudes of others."[413] Hill also saw himself as a professional negotiator — a good one at that — rather than as someone who was committed to an ideological goal of any kind.

Opinion on how far along North Korea was with a uranium enrichment program and how much that mattered was divided, roughly along the positions mentioned above. As was the case during the Agreed Framework, the Hardliners believed that the procurement of equipment was enough to conclude that North Korea had an active uranium enrichment program. Rice maintained that the outside world did not know the scale of North Korea's program or what it had yielded in terms of nuclear material.[414] Hill appears to have had a similar view as Rice.[415]

The issue of what constituted sufficiently stringent verification was a major area in which the Hardliners and Cooperators fought to obtain the president's approval. In his memoir, Hill gives an example of such a scene at a breakfast with the president, vice president and secretary of state in October 2007.

> The president turned to the vice president and said, "Dick, do you have any questions for Condi and Chris?"
>
> Cheney looked up from his breakfast and responded, "Well, I'm not as enthusiastic about this as some people."

[413] Hill, *Outpost*, 236.

[414] Rice, "Diplomacy is Working in North Korea," June 26, 2008.

[415] Hill, *Outpost*, 284.

> Condi didn't seem to want to take that one on, so I did. "Mr. Vice President, I'm not enthusiastic, either. I'm doing the job I have been asked to do and trying to get home at night."
>
> The president seemed to sense the tension in my voice. "It's okay, Chris," he said. "The vice president was simply expressing some concern about what the verification regime will look like."
>
> Condi gestured to me that she would take it from there. She explained, very presciently (because the lack of an adequate verification regime ultimately was the issue that ended the process), that if we are unable to arrive at a satisfactory verification regime, we would obviously not continue. Cheney grunted and returned to his breakfast.[416]

Rice also persuaded the president to opt for cooperative measures by telling him that her efforts would ultimately produce a desirable outcome. One example of her persuasive techniques is captured in Cheney's description of a National Security Council meeting on January 4, 2008, when Rice reassured Bush that they were on their way to achieving the first stage in denuclearization.

> Directing his questions at Chris Hill, who was seated against the wall behind Secretary Rice, the president asked, "What is the status of the talks? Will they lead to the North

[416] Hill, *Outpost*, 277-278, the same meeting is described also in Baker, *Days of Fire*, 566-568.

> Koreans giving up their weapons?" Rice said, "I got this," and stepped in to respond. She emphasized the importance of getting the North Koreans to dismantle the reactor at Pyongyang (sic) and of doing whatever we could to make that happen. It was a first step she said, only a first step.[417]

Those promises, made by someone Bush trusted, may have been welcome to a president who was nearing the end of his term in office and was very likely to be concerned about his historical legacy.

Cheney, meanwhile, pressed both Bush and Rice to make an explicit commitment to obtain favorable results from the negotiations. Cheney says in his memoir that in the same meeting, he urged the president to maintain sanctions under the Trading with the Enemy Act and keep North Korea on the list of state sponsors of terrorism until Pyongyang provided a complete nuclear declaration list. Both the president and Rice agreed that was the plan. The vice president also asked Bush to confirm his position that North Korea's failure to admit to nuclear cooperation with Syria would end the Six Party Talks deal. Bush agreed, and Rice concurred reluctantly, according to Cheney.[418]

The interaction among key players with different mindsets shows that the Cooperators faced domestic political pressure to produce clear results from the negotiations, particularly to find out about North Korea's highly enriched uranium program and its nuclear cooperation with Syria.

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[417] Cheney, *In My Time*, 481.

[418] Ibid., 482.

The North Koreans did not help the Cooperators' position when they submitted a declaration which turned out to be far from satisfactory for the Americans. The declaration, which did not refer to North Korea's uranium enrichment program, was characterized by one U.S. government official as more of a snapshot of what they had done.[419]

According to Hill, the omission by North Korea in the declaration of the uranium enrichment program in its declaration convinced him that there was no other way but to push for a stringent verification protocol.

> If they had put (the highly enriched uranium program) in the declaration, we could have looked at the and decided that verification could come later but … we had no, nothing, zero, from the North Koreans on a very important subject … to many people in Washington and in the delegation because we knew they had made some purchases consistent with a highly enriched uranium program. So, when they gave us absolutely zero on that … we had to essentially get something in the verification protocol, that is, move that up.[420]

Hill also indicated that the significance of North Korea's uranium enrichment program to U.S. domestic politics meant that he could not make the argument that the

[419] Interviews with two separate U.S. government officials on November 7, 2017 and November 14, 2017.

[420] Comments by Christopher Hill to author on February 20, 2018.

value of maintaining a halt on North Korea's plutonium program justified putting off discussions on the uranium enrichment program.

> We could have slipped it, but I think the unanswered question of verification would have been too strong, would have drowned out any other issue. I must say, we wanted to get control of the plutonium situation. That was very important. That argued for maybe putting the HEU (highly enriched uranium) situation later, but when they gave us nothing, and refused even to discuss it, refused to say there was going to be something, it kind of made it impossible for us to proceed.
>
> If the North Koreans had said, "We'll take that up in phase three," that's something to work with. But they essentially claimed that there was nothing in highly enriched uranium. You know, we were prepared to think that they had not exploited it, we were prepared to think maybe they were not focused on it, but we could not ignore the purchases of equipment that was consistent with it … So, we could not just ignore that or push it off to later, when we had no reason to believe later would be better than earlier.[421]

[421] Ibid.

After the North Koreans submitted the nuclear declaration, the United States presented them with a tough verification protocol proposal, incorporating the views of experts from the State Department's Bureau of Verification, Compliance and Implementation who Hill had earlier sidelined because of their opposition to cooperative measures with North Korea. Hill was reportedly unenthusiastic about presenting the stringent U.S. proposal, but was overruled by superiors.[422]

The U.S.-proposed verification protocol included elements of a plan drafted initially in 2003 by Paula DeSutter, the assistant secretary for verification, compliance and implementation and a former John Bolton aide. DeSutter drafted the plan in the fall of 2003 for North Korea, after the first round of Six Party Talks was held during the first term of the Bush administration. She worked with officials in the intelligence community, the vice president's office and the nonproliferation office at the National Security Council to draft a document that spelled out an intrusive verification regime. According to this approach, verification activities would ignore the IAEA and put the United States in charge, with the right to investigate anywhere, anytime on demand.[423]

This model shows that the Cooperators shifted their position toward a more coercive stance, after facing domestic pressure to produce results through negotiation and North Korea's refusal to discuss its uranium enrichment efforts. There are several possible explanations for this shift. First, it could have been a tactical move to maintain support within the domestic system. Secondly, the Cooperators shifted toward the

[422] Kessler, "Far-Reaching Nuclear Deal Impaired N. Korea Deal."

[423] Chinoy, *Meltdown*, 195.

Hardliners' view by internalizing some of their arguments. The third possibility is that it was a mixture of both.

The Cooperators were, however, not ready to give up on diplomacy at this point.[424] So the framework of cooperation was maintained, while coercive elements were incorporated into it.

6.6 Conclusion

The unitary actor model shows that the United States advanced the schedule for the verification protocol from phase three to phase two, even though that was indicated in the written agreement in October 2007, because North Korea was not forthcoming about its uranium enrichment procurement activities. But this leaves the question of why the United States did not simply declare North Korea in violation of the agreement and stop implementing its commitments altogether.

The institutional interests model provides a further explanation. The State Department, which invested its time and effort to maintain the Six Party process, wanted to avoid its collapse. That, however, does not explain how the decision came about.

An analysis using the mindsets of individuals reveals that domestic political pressure played a role. The Cooperators faced pressure from opponents to produce results to justify diplomacy, particularly to convince the president, who was uncommitted to cooperation. When North Korea refused to explain its uranium enrichment procurement efforts, they incorporated some of the coercive tactics that were being promoted by their

[424] Rice talks about her thoughts on this in *No Higher Honor*, 709.

opponents, while trying to prevent the complete destruction of the cooperative framework.

Chapter 7 The Controversy over Sampling (2008)

While the United States and North Korea appeared to have reached a compromise in October 2008 over when and how to verify North Korea's nuclear program under the Six Party Talks, the agreement unraveled later that year. The remaining sticking point was sampling, which the United States determined was necessary for a reliable verification protocol, but which North Korea adamantly refused to allow.

This chapter examines this dispute and asks why the United States decided to end economic benefits to North Korea due to the disagreement over sampling. It first describes how the United States and North Korea appeared to reach a compromise over the issue, only to have the North Koreans say that they never agreed to it, and the U.S. reaction to that development. It then moves to a discussion on why this was chosen as a subcase. This is followed by an overview of the relevant U.S. domestic and international developments, and an analysis using the three models.

7.1 The sampling problem

In August 2008, the United States and North Korea continued to disagree over when and how a verification protocol should be established for North Korea's nuclear activities. The United States argued that North Korea should comply with what it termed were international standards for verification. Pyongyang complained that the U.S. demand to allow inspectors access to any facility at any time and take samples was the equivalent to the special inspections the IAEA had requested in the 1990s.[425]

[425] Korean Central News Agency, "Foreign Ministry's Spokesman on DPRK's Decision to Suspend Activities to Disable Nuclear Facilities," August 27, 2008.

Special inspections are one of three main types of IAEA's on-site inspection activity — in addition to ad hoc and routine inspections — that it can request to verify that a country is upholding its commitment not to use its nuclear program for weapons purposes.[426] Special inspections are considered to be the agency's method of last resort to obtain access to suspected nuclear sites.

The IAEA requested such inspections in 1993, after its inspectors found a discrepancy between North Korea's claims and substances the IAEA found at the site. The waste samples showed a composition of plutonium that did not match the plutonium product that North Korea produced for verification. This meant that there had to be different nuclear waste pools that produced the verified plutonium product and the IAEA samples. The sophistication of the IAEA's nuclear forensics surprised the North Koreans, who refused to comply with the IAEA's request for special inspections. The IAEA negotiated some inspections with North Korea in 1993, but Pyongyang then relinquished its IAEA membership and announced its withdrawal from the NPT in 1994, leading to the first nuclear crisis.[427]

Tensions rose over sampling in 2008 after North Korea took steps to reverse the disablement work that had been undertaken at the Yongbyon nuclear complex in order to protest the U.S. decision to keep the country on its list of state sponsors of terrorism until a verification agreement could be reached. In early September, North Korea began moving equipment back into the nuclear complex in a clear effort to restore the

[426] For example, see International Atomic Energy Agency, "IAEA Safeguards Overview," March 15, 2018, https://www.iaea.org/publications/factsheets/iaea-safeguards-overview.

[427] Mohamed Elbaradei, *The Age of Deception* (New York: Picador, 2011), 38-42.

facilities.[428] On September 24, 2008, the IAEA said in a press release that it had removed the seals and monitoring equipment from the reprocessing plant at the Yongbyon complex as requested by North Korea.[429]

Around the same time, North Korea's leader Kim Jong Il suffered a stroke. This is believed to have happened on or shortly before August 14.[430] Speculation about his health had circulated outside of North Korea in the summer, when Kim was not mentioned in the country's official media. Rumors about his health increased further when he did not appear for a military parade to mark the 60th anniversary of the country's founding on September 9.[431] A French doctor who treated him confirmed later in 2008 that the North Korean leader had in fact suffered a stroke but had recovered.[432]

While the impact that Kim Jong Il's stroke had on the Six Party Talks process cannot be precisely assessed, it was no doubt considerable, given the enormous power he had over the country's decision-making process. One analyst points out that if Kim Jong Il had taken the decision to stop the disablement work at the Yongbyon nuclear complex before suffering his stroke, it would have been impossible for his subordinates to reverse

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[428] Naoko Aoki, "U.S. Envoy Repeats Call for Verification Regime for North Korea," *Kyodo News*, September 5, 2008.

[429] International Atomic Energy Agency, "IAEA Removes Seals from Plant in Yongbyon," September 24, 2008, https://www.iaea.org/newscenter/pressreleases/iaea-removes-seals-plant-yongbyon.

[430] Oberdorfer and Carlin, *The Two Koreas*, 430.

[431] Mark Mazzetti and Choe Sang-Hun, "North Korea's Leader is Seriously Ill, U.S. Intelligence Officials Say," *New York Times*, September 9, 2008, http://www.nytimes.com/2008/09/10/world/asia/10korea.html?hp.

[432] Erlanger, "Doctor Confirms Kim Jong Il Stroke."

that decision until he recovered and decided to do so himself.[433] At the very least, major decisions would not have been taken. Given that Kim did not appear to have a clear successor at the time, North Korean domestic politics could be said to have been in a state of suspension, even if the stroke did not prove fatal.

As North Korea began to reverse the denuclearization steps at the Yongbyon nuclear complex, Hill visited North Korea from October 1-3 to try to solve the dispute over the verification protocol. The two countries reached an agreement during the visit, and the United States removed North Korea from its list of state sponsors of terrorism on October 11, 2008.[434] North Korea resumed denuclearization activities at the Yongbyon complex two days later and immediately allowed IAEA personnel access to the site, after barring them several days earlier.[435]

The United States said that the bilateral agreement on the verification protocol comprised a written portion and an oral understanding. U.S. officials did not release the written portion of the agreement, only providing a factsheet. The factsheet showed that the deal satisfied the main points that the United States had demanded earlier, with only minor modifications. It said the two sides reached:

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[433] Oberdorfer and Carlin, *The Two Koreas*, 430.

[434] Sean McCormack, "Briefing on North Korea with Envoy for the Six-Party Talks Ambassador Sung Kim, Assistant Secretary of State for Public Affairs Sean McCormack, Assistant Secretary of State for Verification, Compliance, and Implementation Paula DeSutter and Acting Assistant Secretary of State for International Security and Nonproliferation Patricia McNerney," State Department archive website, October 11, 2008, https://2001-2009.state.gov/r/pa/prs/ps/2008/oct/110926.htm.

[435] Korean Central News Agency, "Foreign Ministry Spokesman on DPRK's Will to Cooperate in Verification of Objects of Nuclear Disablement," October 13, 2008, as well as International Atomic Energy Agency, "DPRK Grants IAEA Access to Yongbyon Facilities," October 13, 2008, https://www.iaea.org/newscenter/pressreleases/dprk-grants-iaea-access-yongbyon-facilities.

- agreement that experts will have access to all declared facilities and, based on mutual consent, to undeclared sites;
- agreement on the use of scientific procedures, including sampling and forensic activities and;
- agreement that all measures contained in the verification protocol would apply to the plutonium-based program and any uranium enrichment and proliferation activities.[436]

U.S. officials explained that the next step was to formalize the verification protocol among all six countries involved in the process, based on the U.S.-North Korea agreement.[437]

One of the few compromises evident in the October agreement was that there needed to be "mutual consent" for inspectors to enter undeclared sites. This was explained at a press briefing as not posing practical problems as inspections would require access permission by the host government in any case.[438]

According to independent analyst David Albright, the agreement on sampling included a promise by North Korea to take samples from the graphite in the core of the nuclear reactor in Yongbyon, which would allow analysts to figure out how much plutonium the facility had produced in its lifetime.[439]

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[436] Department of State, "U.S.-N. Korea Understandings."

[437] Ibid.

[438] Sean McCormack, "Briefing on North Korea."

[439] Albright, *North Korean Plutonium*, 5.

But problems emerged again a month later, when North Korea said on November 13, 2008 that sampling was not part of the written agreement from the October meeting. The Foreign Ministry spokesman comment, carried by the official KCNA, also said that the written agreement from that meeting limited the scope of verification to the Yongbyon nuclear complex, and that verification would take place only after economic compensation to the country by the other five parties was concluded.[440]

In the same statement, the spokesman said that North Korea was reducing by half the pace of disablement work at the Yongbyon complex, due to delays in the economic compensation it was receiving. This meant that it was pulling 15 fuel rods a day from the nuclear reactor and putting them into an adjacent pond, down from about 30 rods a day that it had generally maintained since early 2008 and far less than the 80 rods a day that it had initially agreed could be done safely.

The United States, however, maintained that there was an oral understanding between the two countries that sampling was part of the verification protocol. Hill, who met with Kim Kye Gwan in Singapore in early December before attending the Six Party Talks in Beijing, said before the start of the multilateral meeting;

> Our view is that if one is willing to say something and give one's word on something, then one should be willing to write it down as well. Our objective is to try to have this all written down so that when we get to this very crucial phase

[440] Korean Central News Agency, "Foreign Ministry Spokesman Holds Some Forces Accountable for Delayed Implementation of Agreement," November 13, 2008.

of disablement and verification, there won't be any misunderstandings.[441]

The meeting turned out to be the last in the Six Party Talks process and it ended without an agreement on a verification protocol. China, the host of the negotiations, tried to break the deadlock by using such phrases as "scientific verification procedures" and "international standards" in referring to sampling, but North Korea did not agree to the wording.[442]

On December 12, 2008, a day after the meeting ended, a U.S. State Department spokesman said shipments of heavy fuel oil to North Korea would stop until the verification protocol issue was solved.[443] The announcement had limited practical impact in terms of ending economic benefits to North Korea, as the United States had already finished shipping its portion in December. However, the comment served a political purpose by clarifying the U.S. position that all benefits to North Korea would stop until the verification issue was settled.[444] South Korea said it was reconsidering the shipment of 3,000 steel plates it was preparing to send to substitute for North Korea as heavy fuel oil shipments. But China and Russia chose to continue to provide economic assistance.

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[441] Christopher Hill, "Evening Walkthrough in China," State Department archive website, December 7, 2008, https://2001-2009.state.gov/p/eap/rls/rm/2008/12/112870.htm.

[442] Peter Crail, *Six Party Talks Stall Over Sampling*, Arms Control Today, January 16, 2009, https://www.armscontrol.org/act/2009_01-02/sixpartytalksstall.

[443] Sean McCormack, "Daily Press Briefing," State Department archive website, December 12, 2008, https://2001-2009.state.gov/r/pa/prs/dpb/2008/113175.htm.

[444] See also, Condoleezza Rice, "Interview with Rita Braver of CBS Sunday Morning," State Department archive website, December 22, 2008, https://2001-2009.state.gov/secretary/rm/2008/12/113501.htm.

As a result, North Korea did not end its disablement work at the Yongbyon reactor until the spring of 2009.[445]

Rice confirmed that the problem involved was the issue of sampling in an interview with NBC on December 21, 2008;

> We have about 80 percent of the verification protocol agreed with the North — things like interviews with scientists, the right to go and ask questions and probe concerning various facilities, the right to look at operations records, to look at production records. We have 18,000 documents in our possession. What the North wouldn't do is go the last 20 percent, which is to clarify some of the elements of scientific procedures that might be used to sample the soil.[446]

As the Six Party Talks stalled, North Korea announced on February 24, 2009 that it planned to launch a rocket to put an experimental communications satellite into space.[447] On April 4, it launched a three-stage rocket, which used ballistic missile technology. When the United Nations Security Council condemned the launch on April

[445] Crail, *Six Party Talks Stall Over Sampling*.

[446] Condoleezza Rice, "Interview on NBC's Meet the Press with David Gregory," State Department archive website, December 21, 2008, https://2001-2009.state.gov/secretary/rm/2008/12/113412.htm.

[447] Korean Central News Agency, "Preparations for Launch of Experimental Communications Satellite in Full Gear," February 24, 2009.

13 in a statement and demanded that North Korea refrain from further launches,[448] North Korea reacted strongly. It declared that the Six Party Talks process had lost its meaning and that the country was not bound any longer by the agreements the talks had produced, adding that Pyongyang would bolster its nuclear deterrent.[449] Several days later, it expelled four IAEA officials and five U.S. experts who were in North Korea to help with the disablement process. The IAEA experts left the Yongbyon nuclear complex after taking off all the IAEA seals and switching off surveillance equipment.[450]

On April 25, North Korea said that the country has started reprocessing its spent fuel rods, and that "this will contribute to bolstering the nuclear deterrence for self-defense in every way to cope with the increasing military threats from the hostile forces."[451] A month later, the country conducted its second nuclear test.[452]

7.2. Why is this a subcase?

While the United States and North Korea appeared to have reached an understanding on a verification protocol during Hill's visit to Pyongyang in early October, North Korea denied that sampling, a key verification measure, was included.

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[448] United Nations Security Council, "Statement by the President of the Security Council S/PRST/2009/7," April 13, 2009, https://www.un.org/en/sc/documents/statements/2009.shtml.

[449] Korean Central News Agency, "DPRK Foreign Ministry Vehemently Refutes UNSC's 'Presidential Statement," April 14 2009.

[450] Kyodo News, "IAEA Inspectors out of N. Korea, U.S. Nuke Experts also Leaving," April 16, 2008 and Kyodo News, "Last U.S. Official in N. Korea Heads Back to Washington," April 18, 2008. IAEA monitors were there on rotation since July 2007.

[451] Korean Central News Agency, "Foreign Ministry Spokesman on Reprocessing of Spent Fuel Rods," April 25, 2009.

[452] Choe Sang-Hun, "N. Korea Claims to Conduct Second Nuclear Test," *New York Times*, May 24, 2009, http://www.nytimes.com/2009/05/25/world/asia/25nuke.html.

From the U.S. point of view, this was a deviation on the part of the North Koreans, as Hill had an oral agreement that sampling would be part of the protocol.

After a session of the Six Party Talks in Beijing in December failed to codify the agreement, the United States determined that economic benefits to North Korea should cease, even if practically this had a limited impact as the United States had delivered its portion of the heavy fuel oil and China and Russia decided to continue implementing their economic commitments.

This research treats this as a case in which North Korea's deviation as perceived by the United States may have led to Washington's decision to announce an end to its commitments. This means that North Korean actions, rather than any U.S. domestic political calculations adequately explains the decision process.

7.3 Domestic political context

In the spring of 2008, pressure continued to mount on the administration to produce results from negotiations with North Korea. National Security Adviser Stephen Hadley scheduled interagency meetings to allow Hill to explain his diplomatic efforts to other key members of the government. According to Rice, Hill often treated the sessions as a constraint on his freedom of action that she had won for him from the president, and he answered questions "somewhat petulantly." This bolstered the concerns of the Defense Department, Vice President Cheney's office and the National Security Council staff about Hill's approach.[453]

[453] Rice, *No Higher Honor*, 706.

Rice also notes that the media often treated every diplomatic breakthrough with North Korea as a result of Hill's negotiating skills, and his freelancing behavior did not help win support in Washington. Hill agreed with Rice that he would stop talking with the media for a while and allow some of the with North Korea to be conducted by his deputy Sung Kim and Paul Haenle, who represented the National Security Council in the Six Party Talks.[454] As a result, some of the press briefings, including the one announcing the agreement that was reached in Pyongyang in October 2008, were conducted by Sung Kim.

Opponents continued to criticize the process, including those who had left the government. Bolton delivered a blistering *Wall Street Journal* op-ed published a day after Bush's decision to remove North Korea from the list of state sponsors of terrorism, calling it "a classic case of prizing the negotiation process over substance, where the benefits of 'diplomatic progress' can be trumpeted in the media while the specifics of the actual agreement, and their manifest inadequacies, fade into the shadows."[455]

In its last months in office, the Bush administration was becoming increasingly unpopular with the public. While his approval rating had reached 86% shortly after the September 11, 2001 attacks and were given a boost when the United States deposed

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[454] Ibid.

[455] John Bolton, "Bush's North Korea Surrender Will Have Lasting Consequences," *Wall Street Journal*, October 13, 2008, https://www.wsj.com/articles/SB122385733887027383?mod=searchresults&page=1&pos=1.

Saddam Hussein in Iraq, his support subsequently declined due to such factors as the prolonged war in Iraq, reaching 24% in December 2008.[456]

In November 2008, Democrat Barack Obama was elected president.

7.4 International context

Relations between the two Koreas continued to be less than cordial in the aftermath of the North Korean shooting of a South Korean tourist at the Mt. Kumgang resort. North Korea returned the body of the victim but declined a joint investigation.[457] The conservatives in the government were against reopening the resort, as they did not want North Korea to benefit financially from it.[458] The North Koreans proposed military working level talks at the demilitarized zone, but when they met, North Korean officials only complained about South Korean civic groups sending leaflets into North Korea criticizing the Pyongyang leadership.[459]

On South Korea's relations with the United States, South Korean President Lee Myung Bak had promised to strengthen the alliance, which had become a contested issue in South Korea. But he suffered a setback after he decided to open the domestic beef market to U.S. imports. This sparked large-scale protests in Seoul. The protests, which

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[456] Pew Research Center, *Bush and Public Opinion: Reviewing the Bush Years and the Public's Final Verdict*, December 18, 2008, http://www.people-press.org/2008/12/18/bush-and-public-opinion/.

[457] Scott Snyder, *Lee Myung Bak's Foreign Policy: A 250-Day Assessment*, The Asia Foundation, March 16, 2009, https://asiafoundation.org/publication/lee-myung-baks-foreign-policy-a-250-day-assessment/, 19.

[458] Oberdorfer and Carlin, *The Two Koreas,* 442.

[459] Snyder, *Lee Myung Bak's Foreign Policy*.

began in May 2008, linked U.S. beef imports to the mad cow disease. By June protestors were targeting Lee's leadership.[460]

Meanwhile, Japan reached a breakthrough agreement with North Korea in Shenyang, China, on August 13, 2008 to settle their dispute over the North Korean abduction of Japanese nationals. Japan and North Korea had been holding talks in one of the five working groups established by the Six Party Talks process.[461] In the August agreement, Pyongyang said it will reinvestigate the abduction cases as quickly as possible and possibly complete it by autumn. Japan agreed to lift travel restrictions between the two countries and allow chartered flights once the investigation began. The two countries left some major issues unresolved — the fate of the Japanese hijackers from 1970 still residing in North Korea, for example — but the deal was the most concrete result from talks between officials of the two countries held that year.[462]

The agreement, if implemented, would have had a major impact on Japan's contribution to the Six Party Talks, as Tokyo had refused to provide economic inducements to North Korea unless the dispute over the abduction of Japanese nationals was solved. But larger political factors in Japan prevented the Japan-North Korea agreement from being carried out. The unexpected resignation of Japanese Prime Minister Yasuo Fukuda in early September for domestic political reasons prevented

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[460] Ibid, 7-8.

[461] The five working groups were established under initial phase actions for the implementation of the 2005 joint statement. They were 1) Denuclearization of the Korean Peninsula, 2) Normalization of North Korea-U.S. relations, 3) Normalization of North Korea-Japan relations, 3) Economy and energy cooperation and 5) Northeast Asia peace and security mechanism.

[462] Naoko Aoki, "Japan, N. Korea Agree Abduction Probe Should End by Fall," *Kyodo News*, August 13, 2008.

progress on the agreement's implementation.[463] As noted earlier, Kim Jong Il's stroke also paralyzed the North Korean decision-making process, further hindering the plan.

7.5 Analysis using the three models

Model 1: The unitary rational actor model

Why did the United States end its diplomatic efforts as a result of the dispute over sampling? The unitary rational model would say that it was because North Korea refused to agree in writing that this important verification method would be included in the protocol. For the United States, a verification protocol without sampling was inadequate since it would be deprived of a tool necessary not only to verify the precise amount of plutonium produced by the nuclear reactor in Yongbyon, but also its ability to obtain clues about the extent of North Korea's uranium enrichment program.

The dispute between the two countries also reflected a clash in their perceptions about the verification process in general and sampling in particular.[464] For the United States, sampling was a technical necessity and an objective process. Therefore, North Korean resistance strongly indicated that it had been cheating or was going to cheat. For North Korea, verification was a political process that could be used against it.[465] It was

[463] Martin Fackler, "Japanese Prime Minister Resigns Unexpectedly," *New York Times*, September 1, 2008, http://www.nytimes.com/2008/09/02/world/asia/02japan.html (accessed on March 16, 2018).

[464] The clash in view on verification mirrors the differences between the United States and the Soviet Union during the Cold War in Nancy Gallagher, *The Politics of Verification* (Baltimore: Johns Hopkins University Press, 1999), 215.

[465] For the North Korean view, see, for example, Korean Central News Agency, "Foreign Ministry's Spokesman on DPRK's Decision to Suspend Activities to Disable Nuclear Facilities," August 26, 2008.

particularly opposed to sampling due to its 1993 experience with the IAEA, which revealed the effectiveness of nuclear forensics.

The explanation provided by the unitary rational actor model explains the main thrust of the events, but some questions remain unanswered. Why did the United States decide that the issue of sampling was worth the risk of letting the Six Party Talks collapse and thus allowing North Korea to continue increasing its plutonium stockpile unhindered?

Model 2: The institutional interest model

If the analysis includes the institutional interest model, this leads to the conclusion that the State Department, which had spearheaded the cooperative effort with North Korea, realized that it could not justify this approach to the president or the other parts of the government without North Korea's written agreement on sampling.

Sampling is substantively important for any verification process. The IAEA routinely analyzes samples taken from facilities under its safeguards to compare the declared amounts with the isotopic composition of nuclear materials to ensure there are no significant differences between the two.[466]

Sampling was also politically important for the State Department in its bureaucratic battle with opponents of the agreement. It could not have been able to protect the agreement without including sampling due to the opposition it faced from the

[466] See, for example, Nicole Jawerth, *Revealing Facts Through Science for Nuclear Verification*, International Atomic Energy Agency, January 15, 2016, https://www.iaea.org/newscenter/news/auditors-lab-coats-revealing-facts-through-science-nuclear-verification.

Vice President's office as well as some members of the Congress. A government official involved in the process said that an agreement without sampling would not have passed the muster adding;

> (Those aligned with the Vice President's office) were trying to their best to undermine the negotiations, and in all honesty, if we were to attempt to tell the president that he should agree to a verification protocol that did not include sampling or access to undeclared sites, he would not have been able to go for it. I don't think he would have wanted to. Even if he did I don't think it would have been supportable.[467]

Time was running out for the Bush administration. The last round of the Six Party Talks was held roughly five weeks before the inauguration of President Barack Obama, which put constraints on decisions by the outgoing Bush administration.

Model 3: The individual mindset model

Introducing individual-level model provides a further explanation of how a preference for a stronger verification increased over time among those who supporting cooperative measures. As discussed in the case of Chapter 6, this was carried out by incorporating the views of those who sought more concessions from North Korea through coercive measures.

[467] Interview with U.S. government official involved in the process on November 7, 2017.

As mentioned in Chapter 6, this approach was adopted in the State Department by Rice and Hill, who were the leading Cooperators. Paula DeSutter, the assistant secretary for verification, compliance and implementation who had drafted a tough verification plan for North Korea in 2003, was a Hardliner who opposed any compromise to freedom of activity by inspectors in North Korea.

Because of her position, DeSutter was cut out of the negotiating process throughout the spring of 2008. But she was among the three key officials who briefed the media after Hill and Kim Kye Gwan reached a compromise in October, which suggested she was no longer marginalized in the State Department.

It is unclear how Rice and Hill planned to use sampling to find out about North Korea's uranium enrichment program if access to undeclared sites had remained restricted, although environmental sampling could have been one method. Since the early 1990s, the IAEA has used an analysis of materials collected from buildings and the surrounding environment to detect the presence of undeclared nuclear activity.[468] Rice indicated in a television interview on December 21, 2008 that that possibility may have been under consideration when she said that one of the differences with North Korea was "to clarify some of the elements of scientific procedures that might be used to sample the soil."[469]

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[468] Aabha Dixit, *Swipe Check: Collecting and Analysing Environmental Samples for Nuclear Verification*, International Atomic Energy Agency, January 19, 2016, https://www.iaea.org/newscenter/news/swipe-check-collecting-and-analysing-environmental-samples-nuclear-verification.

[469] Condoleezza Rice, "Interview on NBC."

Hill strongly hinted that sampling was important both substantively and politically to determining the extent of the uranium enrichment program.

> We had so much information on the (Yongbyon) reactor that with respect to plutonium, I thought we were OK. But how could we go forward when they gave us zero on the issue that many people in Washington were worried about?[470]

7.6 Conclusion

The unitary actor model would explain that the reason why the United States decided to end economic benefits to North Korea under the Six Party Talks was because North Korea refused to put in writing what it had agreed to orally in a meeting in Pyongyang between Hill and Kim Kye Gwan in early October, namely that sampling would be allowed for verification of North Korea's nuclear programs. Given that the United States would be deprived of an important tool for verification, Washington decided that this issue was worth the risk of the deal collapsing.

The institutional interest model shows that the State Department, which had led the cooperative effort with North Korea, decided it could not justify this approach to other parts of the government without the country's written agreement on sampling.

An analysis that includes individual mindsets reveals another aspect. Faced with North Korean intransigence and domestic pressure, the Cooperators incorporated

[470] Conversation with Christopher Hill on February 28, 2018.

measures preferred by the Hardliners. This could have been because they wanted to expand their support base in the domestic system by incorporating the views of those who preferred more coercive measures or a combination of the two.

While North Korea's actions were an important factor in determining U.S. actions in this case, domestic calculations also played a part in the decision to move away from the commitments made in the Six Party Talks. Both factors pushed Washington to shift from a completely cooperative position to a more coercive stance.

Chapter 8 Conclusions

This dissertation examined four episodes in which the United States stepped away from full cooperation with North Korea under the terms of the Agreed Framework and the Six Party Talks agreements to determine whether U.S. domestic politics played a role. It also explored when, why and how that took place. Two of the episodes took place when the U.S. refrained from full cooperation despite the absence of clear violations on the part of North Korea. The other two cases were when both sides retreated from their commitments.

This chapter first summarizes the four subcases studied and key findings from the cases, followed by implications for theory and policy.

8.1 Summary of subcases

Chapter 4

This chapter explored why the United States refrained from a more generous posture when it lifted its sanctions against North Korea in January 1995 as promised under the Agreed Framework. The United States took only modest steps in easing the sanctions, leaving most of the consequential measures intact, even though North Korea was in full compliance with the accord at the time.

Institutional interests provided the strongest explanation in this case. Congress harshly criticized the Agreed Framework after it was concluded in October 1994. Opposition in the legislative branch grew stronger after the Republican party, which was generally skeptical of engagement with North Korea, took control of both houses of Congress in midterm elections in November 1994. Meanwhile, the executive branch

wanted the agreement it negotiated to work. It therefore had an incentive to cooperate with North Korea in a more generous manner from the outset to encourage Pyongyang's cooperation. Faced with a hostile Congress, however, the Clinton administration worked out a package that fulfilled the minimum requirements of the agreement so that it would be acceptable domestically.

Chapter 5

This chapter discussed an episode in which both sides retreated from full cooperation in implementing the Agreed Framework. In the summer of 2002, the U.S. intelligence community concluded that North Korea had been procuring equipment and material for an industrial-level uranium enrichment program. The question asked was: Why did the United States treat North Korea's uranium enrichment procurement effort as a violation of the agreement, and why did Washington respond by stopping the shipment of heavy fuel oil?

An explanation of the U.S. response using the unitary rational actor model showed that stopping heavy fuel oil shipments was a rational response only if the objective was to punish North Korea instead of preventing Pyongyang from making more nuclear weapons materials.

An analysis of mindsets provides a more useful explanation. The Hardliners strongly made the case that the program destroyed the basis for the Agreed Framework, while Cooperators had varying degrees of doubt about the likelihood of the deal's success, even though they wanted to preserve it. The U.S. government chose to take the most stringent interpretation of Pyongyang's actions as Hardliners, including John Bolton

in the State Department, promoted that view. Once the United States confronted North Korea and interpreted comments from a senior North Korean official as an admission of the program's existence, a halt to heavy fuel oil shipments became policy since no key actor in the Cooperator camp was able to defend the Agreed Framework.

Chapter 6

This chapter examined an episode during the Six Party Talks process in which the United States advanced the timing of a required step for North Korea without citing any specific violation by Pyongyang to justify Washington's action.

North Korea submitted a declaration of its nuclear activities in June 2008 as promised under the second implementation phase of the Six Party Talks process. The United States wanted North Korea to address its uranium enrichment program as well as proliferation activities in the declaration, which North Korea did not want to do.

Around this time, the United States began saying that verification of North Korea's nuclear activities would need to take place in the second phase of implementation and not the third phase as it had been understood until then. The United States denied North Korea a key incentive — the country's removal from the U.S. list of state sponsors of terrorism — until a verification protocol could be agreed with North Korea.

An analysis of individual mindsets shows that domestic political pressure played a role. The Cooperators faced pressure from the Hardliners to produce results to justify diplomacy, particularly in convincing the president, who was not as committed to the cooperative process as others. When North Korea refused to explain its uranium

enrichment procurement efforts and proliferation activities in their declaration, the Cooperators raised the scale of demands on North Korea by advancing the requirement for the verification from the third phase to the second phase. They also denied a key inducement to North Korea, while preventing the complete collapse of the cooperative framework.

Chapter 7

This chapter looked into an episode during the Six Party Talks in which both sides retreated from their commitments. The question was: Why did the United States decide to end economic benefits to North Korea due to a disagreement over the sampling of North Korea's nuclear facilities?

While the two countries were at odds over where and how verification activities should take place, a compromise was reached in October 2008 between U.S. negotiator Christopher Hill and his North Korean counterpart Kim Kye Gwan that consisted of a written agreement and an oral agreement. According to the United States, North Korea agreed orally to the use of scientific procedures, including sampling and forensic activities.[471] But North Korea said in November that such access and measures were not part of the agreement. North Korean negotiators refused to put those terms into writing in a meeting of the six countries held in Beijing in December. Shortly thereafter, the United States announced that it would stop economic benefits.

While the unitary rational actor model shows that the U.S. decision was in reaction to North Korea's refusal to agree on sampling, an analysis of mindsets shows a

[471] Department of State, "U.S.-N. Korea Understandings on Verification," October 11, 2008.

fuller picture of why sampling was important. Faced with North Korean intransigence and domestic pressure to show that diplomacy was working, the Cooperators in the State Department incorporated some of the Hardliners' demands on the verification protocol. While sampling was substantively important for verification, it was also politically important at home.

8.2 Key findings

- **The United States reduced the level of its cooperation with North Korea not just because of North Korean actions, but also due to domestic political considerations. The broader implication of this is that domestic politics matters for the implementation of international security cooperation generally, particularly when the countries involved are adversaries.**

U.S. domestic political considerations played a role in all four subcases. In one case, North Korea's actions were not the cause at all for reducing the level of cooperation. This was the episode in Chapter 4 when the executive branch in January 1995 lifted sanctions only modestly under the Agreed Framework. The decision was not a reaction to North Korea's noncompliance, but rather due to strong Congressional opposition to the Agreed Framework. While it was the administration's strategy to delay the lifting of more consequential sanctions to later phases of implementation, this judgement was made within the limits of possibilities imposed by domestic politics.

But even in the other three subcases where North Korea's actions were a reason for reducing U.S. cooperation levels, the realist model alone could not explain U.S.

actions. Fuller explanations of U.S. conduct could only be given when domestic political considerations are added to the analysis.

While this research focused on the United States, this is hardly a uniquely American phenomenon. Japan, for example, refused to provide funding for heavy fuel oil for North Korea in the Six Party Talks process, saying that it would not do so until a settlement was reached on the issue of kidnapped Japanese. This strategy was strongly linked to strong domestic demands for a solution to that problem.

There are also indications that North Korean actions were at times dictated by domestic politics. Pyongyang's denial of an earlier oral promise to allow sampling in 2008, described in Chapter 7, cannot adequately be explained by international events. It could have been motivated by North Korea's own domestic politics, perhaps linked to its leader Kim Jong Il's stroke in the summer of 2008. We do not know, but that remains a possibility.

Thus, the central contention of this dissertation is that domestic politics matters not just in the negotiation of international security cooperation agreements but also in their implementation phase. In other words, domestic political factors continue to affect the implementation of agreements by influencing a country's interests and strategy.[472] The impact of domestic politics is particularly stark in this research as the United States and North Korea are adversaries. The competition between supporters and opponents of cooperation shaped Washington's decisions on which portions of its agreements with

[472] On domestic political factors impacting negotiations, see, for example, Andrew Moravcsik, "Introduction: Integrating International and Domestic Theories of International Bargaining," in *Double-Edged Diplomacy*, ed. Peter B. Evans, Harold K. Jacobson and Robert D. Putnam (Berkeley: University of California Press, 1993), 15. On such factors affecting international cooperation in general, see Milner, 493.

North Korea should be carried out and in what manner. Sometimes the differences between these two groups reflected institutional divisions and other times it stemmed from differing mindsets among individuals within the same branch of government or agency. Domestic political competition pulled the United States away from full cooperation with North Korea to different degrees in the four subcases.

- **The United States reduced the level of its cooperation with North Korea when tolerance for concessions to Pyongyang diminished in the U.S. domestic system.**

To understand when and how U.S. domestic politics impacted the implementation of the agreements, this research used two levels of analysis. When the policy split was mainly between the executive and legislative branches of the government, institutional-level analysis focusing on interests was useful in understanding the dynamics. This was seen in the episode that Chapter 4 examined concerning the lifting of sanctions in 1995.

But when polarization took place inside the executive branch of the government, it was helpful to analyze individual-level mindsets. Two types of mindsets were used as analytic tools. The "Cooperators" are differentiated from "Hardliners" not only by their preference for cooperation over coercive measures to achieve their goals, but also by the level of concessions they demand from the target country. Cooperators believe that coexistence is possible as long as the target country satisfies their core demands. Hardliners have a more ambitious goal, such as the target country's capitulation or regime change.

Using this method, this study showed that the United States reduced its cooperation with North Korea when tolerance for concessions toward North Korea diminished in the domestic system.

- **U.S. domestic politics constrained cooperation with North Korea, but the degree in which it did so differed depending on who was in charge. When the Cooperators were stronger, they tried to broaden the coalition of support by adopting some coercive measures. The broader lesson is that a support coalition continues to be important for agreements in the implementation phase.**

In the case of the U.S. implementation of nuclear agreements with North Korea, the ability to deal with domestic political constraints on international cooperation were dealt with differed depending on who had power in the domestic system. When those against the agreements with North Korea — Congress on the institutional level or Hardliners on the individual level — were in a relatively strong position, they were able to limit options for supporters of the agreement.

The narrowing of options was seen in the Chapter 4 case involving the U.S. lifting of sanctions in 1995, when the administration refrained from more generous cooperation. It was also apparent in the case described in Chapter 5, when the United States decided to respond to North Korean's uranium enrichment program by stopping heavy fuel oil shipments in 2002. While some Cooperators suggested that stopping the shipments without an alternative to the Agreed Framework would allow North Korea to increase its nuclear arsenal by pursuing both the uranium enrichment and plutonium programs, this

argument was not seriously considered as an option. The Hardliners won by emphasizing North Korea's untrustworthiness as they called for an end to the heavy fuel oil shipment.

When the Hardliners were in charge, pessimistic interpretations were adopted, further posing challenges to cooperation. An example of this was shown in Chapter 5, when policymakers made decisions on how to deal with North Korea's uranium enrichment procurement efforts. While U.S. intelligence convinced many policymakers that North Korea had procured enough material and equipment for an industrial-scale uranium enrichment program, there were some questions as to the extent North Korea had reached in setting up an operational program. In addition, uranium enrichment was not specifically mentioned in the Agreed Framework as it was not a major concern at the time it was signed. There was room for the United States to interpret the uranium enrichment program in a manner that would not have been viewed as a clear violation of the accord if it wanted to deal with the problem in another way. But the strong opposition toward the Agreed Framework within the U.S. domestic system made that option virtually impossible.

When Cooperators were in the driver's seat, the situation was different. They were less subject to pressure and had more freedom to form their own strategy. The flexibility the Cooperators had is similar to the larger "win-set" in two-level games theory. In the two-level games theory, the win-set poses a fundamental constraint on policymakers by limiting the potential deals that might be approved by domestic constituencies in international bargaining.[473] The wider the win-set, the more options statesmen can pursue.

[473] Moravcsik, "Introduction: Integrating International and Domestic Theories of International Bargaining," 23-24.

For example, in Chapter 6, Cooperators thought North Korea's declaration of its nuclear programs fell short of Pyongyang's commitment, but they had the freedom to avoid declaring it a violation of the Six Party Talks agreement. The United States continued to fulfill its commitments in the Six Party Talks process, and dealt with the problem in a different manner.[474] The Cooperators chose to quietly raise the level of demands on North Korea by advancing the schedule for verification of its nuclear activities and expanding the scope of verification activities. This action by the Cooperators was partly motivated by the necessity to learn about North Korea's uranium enrichment program, which Pyongyang refused to address. U.S. officials thought that a stringent verification protocol would provide an opportunity to find out about the uranium enrichment program in spite of North Korea's refusal to admit its existence. But there are strong indications that this choice was also due to political requirements at home. The Cooperators were under strong pressure from the Hardliners to prove that diplomacy was producing results. The Cooperators chose to incorporate some of the measures advocated by the Hardliners in a possible move to improve its support base at home. The Cooperators' actions echo the manipulation of domestic win-sets in the two-level games approach. In two-level games, statesmen adopt strategies such as side payments and mobilization of political groups to shape the final agreement in the negotiation stage.[475]

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[474] For example, U.S. negotiator Christopher Hill mentioned the varying opinions on the completeness of North Korea's verification in remarks to the press, but declined to go into details. Christopher Hill, *Evening Walk-Through at the Six Party Talks*, State Department archive website, July 10, 2008, https://2001-2009.state.gov/p/eap/rls/rm/2008/07/106940.htm (accessed on April 10, 2018).
[475] Moravcsik, "Introduction: Integrating International and Domestic Theories of International Bargaining," 25.

In short, administration officials dealt with constraints on international cooperation posed by domestic politics in different ways, depending on the influence of the various players. When the Hardliners had more political influence, the degree of cooperation was reduced in accordance with the limits defined by the Hardliners. When Cooperators were in control, there was an attempt to broaden the coalition of support at home to gain more freedom to keep the agreement alive. More broadly, this underscores that an alliance of support in the domestic political arena is important not only in the negotiation and ratification stages of an agreement, but also its implementation phase.

- **Implementation of the two denuclearization agreements was a dynamic, iterative process.**

Implementation of the Agreed Framework and the Six Party Talks was not simply putting written terms into action by working out technical details and making necessary logistical arrangements. It required U.S. government officials to assess what was possible domestically and to interpret the terms of the agreement so that they could be implemented in a way that fit domestic political constraints.

The terms of the agreements that tended to be affected more easily by domestic politics were those that did not involve tangible cooperation or were written in a vague manner. Thus, it was easier for U.S. government officials to adjust the lifting of sanctions as seen in Chapter 4 according to domestic political needs than to change the tangible portions of the agreement.

- **Less tangible portions of the agreement were more susceptible to the influence of domestic politics.**

While the tangible portions of agreements such as the shipment of heavy fuel oil and the construction of light water reactors were the focus of policymakers, less tangible areas affecting the improvement of relations did not receive as much political attention. The case of the sanctions lifting in Chapter 4 showed that such areas are more susceptible to the influence of domestic politics.

8.3 Limitations

A limitation of this research is its sources of information. It relies on open-source data, which may not tell the entire story. This is particularly true of the Six Party Talks, as many of the classified documents that describe U.S. decision making have yet to find their way into the public domain. The study also relies on interviews and memoirs for information, which only tell the story from individual perspectives that can be inaccurate for deliberate or inadvertent reasons. Some of the study's findings may have to be revisited once more information becomes available.

While this dissertation used individual-level mindsets as an analytical tool, it does not cover all aspects of an individual's motivations, such as personal rivalries. But personal convictions about policy — in the case of this study, a preference for cooperation or coercion and the level of concessions one demands from the target country — do matter for what actors consider to be effective policy instruments, and thus still have relevance.

This dissertation also raises new questions for further study. One is whether similar dynamics between domestic politics and international security cooperation exist when it comes to coercive measures. Whether coercive measures experience the same level of interference from domestic politics as cooperative ones is an area that merits separate research.

8.4 Implications for Theory

This study was motivated by a desire to answer empirical questions raised by the history of the U.S. implementation of its nuclear agreements with North Korea, but it offers implications for theory. While any general propositions from a two-part case study of two adversaries are offered with some humility, it shows that the interaction between the international and domestic levels as described by the two-level games model continues in the implementation phase of international cooperation agreements. In other words, the study contributes to the literature by extending the application of the concept from the negotiation phase to the implementation phase.

This dissertation also shows that individual-level mindsets, or fundamental assumptions, can be useful units for analysis. It adds to the literature on the impact of conceptual frameworks and ideology on international cooperation.

8.5 Implications for Policy

- **Assessment of North Korea's willingness to cooperate.**

This dissertation showed that the United States retreated from full cooperation with North Korea as specified in the Agreed Framework and the Six Party Talks

agreements not just in response to North Korean actions, but also for domestic political reasons. What was acceptable domestically played heavily in the calculations of the policymakers.

This means that it is incorrect to assume that past engagement efforts did not work solely due to North Korean actions. Any assessment of engagement policy with North Korea should include the possibility that cooperative arrangements failed because of the way inducements were extended. Some of the questions to be asked are: Were positive inducements extended fully in a timely manner? Did the United States use coercive tactics that backfired?

Because the four sub-cases were chosen to identify why the United States did not fully implement some of its commitments, they do not shed light on whether North Korea would have responded more positively had the United States fully carried out the terms of the Agreed Framework and the Six Party Talks agreements.

But it is true that North Korea kept the 5-megawatt graphite-moderated reactor at the Yongbyon nuclear complex frozen from 1994 to 2002 when the Agreed Framework was in place, and never resumed construction of the two larger reactors. Pyongyang also complied with its commitment to "disable" the complex under the Six Party Talks as long as it perceived the other parties to be fulfilling their commitments. North Korea only slowed or stopped disablement work when it wanted to signal its displeasure about delays in energy assistance or retaliate against the U.S. refusal to extend a key incentive, which was the removal from the U.S. state sponsors of terrorism list.

It is possible that North Korea never intended to give up its nuclear weapons or decided not to during the process due to international security considerations or its own

domestic politics. The most benign interpretation of North Korea's covert uranium enrichment procurement effort was that Pyongyang was hedging its bets so that it would have another path to a nuclear bomb should the 1994 Agreed Framework fail to produce the outcome it desired, namely increased economic development and improved relations with the United States. A less charitable interpretation would be that North Korea was willing to give up its plutonium program under the Agreed Framework while making sure it retained its uranium enrichment program.

However, it is also true that the outside world does not know what North Korea intended to do. As this dissertation showed, the test of its intentions through cooperation has not been as consistently applied as widely assumed because the United States stepped away from its own commitments for reasons other than clear-cut North Korean violations of its obligations.

- **American credibility**

This study has implications for American credibility as well. The North Koreans have accused the United States of throwing "all the agreements reached with us into a garbage can like waste paper under the absurd assumption that the DPRK would 'collapse.'"[476] Such statements through the official North Korean media are obviously calculated for propaganda effects and strategic value. But it is also true that if North Korea sees the United States as not keeping its word, this could negatively impact any engagement efforts by Washington in the future since Pyongyang will have less reason to

[476] Korean Central News Agency, "DPRK Foreign Ministry Spokesman Snipes at U.S. Report on 'National Security Strategy,'" December 22, 2017.

believe what the United States promises the country. It makes cooperation with North Korea even more difficult.

The credibility problem could extend beyond the North Korean case. If the United States is viewed as not fulfilling its promises, it could create problems in negotiations with other countries, particularly with countries with which Washington does not have friendly ties.

- **Sidelining domestic opponents in the negotiation phase may complicate implementation.**

This study showed that both the Cooperators and Hardliners tried to cut each other out of the decision process in order to win presidential approval and make their preferred policy the country's position in the implementation phase of the two agreements. The Hardliners mainly succeeded when it came to the Agreed Framework by influencing the president's decisions, while the Cooperators were more influential for the same reason during the Six Party Talks process. But even when the Cooperators were in the driver's seat, they needed to take the domestic opposition into consideration. They adopted some of the view of Hardliners as part of their implementation tactics, possibly to broaden the coalition for support at home.

The Cooperators also tried to avoid Congressional votes, anticipating hostility toward engagement with North Korea in the legislative branch. But one of the reasons why Congressional members held up funding for U.S. commitments in the Agreed Framework was because they resented being bypassed in the process.

This shows an important tradeoff. Avoiding domestic opponents in the negotiation stage to facilitate the signing of an agreement may complicate its implementation later because they could then have a say in what happens to it. Coalition building needs to take place at some point in the process.

It is impossible to take domestic politics out of the process of the implementation of international security cooperation agreements. As former Deputy Secretary of State Richard Armitage said, "Everyone has politics."[477] But efforts can be made to better the chances of their successful implementation. While the focus tends to be on the negotiation phase of international cooperation, reaching an agreement is not the end of the effort. Sustained political attention on the implementation phase as well as coalition building at home are crucial elements in that effort.

[477] Richard Armitage, interview on March 27, 2018.

Appendix 1

Agreed Framework Text

Source: Department of State Archive Website https://2001-2009.state.gov/t/ac/rls/or/2004/31009.htm

Agreed Framework Between the United States of America and the Democratic People's Republic of Korea
Bureau of Arms Control
Washington, DC

October 21, 1994

Delegations of the Governments of the United States of America (U.S.) and the Democratic People's Republic of Korea (D.P.R.K.) held talks in Geneva from September 23 to October 17, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the U.S. and the D.P.R.K. and upholding the principles of the June 11, 1993 Joint Statement of the U.S. and the D.P.R.K. to achieve peace and security on a nuclear-free Korean peninsula. The U.S. and the D.P.R.K. decided to take the following actions for the resolution of the nuclear issue:

I. Both sides will cooperate to replace the D.P.R.K.'s graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.

1) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S. will undertake to make arrangements for the provision to the D.P.R.K. of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

-- The U.S. will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the D.P.R.K.. The U.S., representing the international consortium, will serve as the principal point of contact with the D.P.R.K. for the LWR project.

-- The U.S., representing the consortium, will make best efforts to secure the conclusion of a supply contract with the D.P.R.K. within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.

-- As necessary, the U.S. and the D.P.R.K. will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

2) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S., representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the D.P.R.K.'s graphite-moderated reactors and related facilities, pending completion of the first LWR unit.

-- Alternative energy will be provided in the form of heavy oil for heating and electricity production.

-- Deliveries of heavy oil will begin within three months of the date of this Document and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

3) Upon receipt of U.S. assurances for the provision of LWR's and for arrangements for interim energy alternatives, the D.P.R.K. will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

-- The freeze on the D.P.R.K.'s graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the D.P.R.K. will provide full cooperation to the IAEA for this purpose.

-- Dismantlement of the D.P.R.K.'s graphite-moderated reactors and related facilities will be completed when the LWR project is completed.

-- The U.S. and D.P.R.K. will cooperated in finding a method to store safely the spent fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in a safe manner that does not involve reprocessing in the D.P.R.K..

4) As soon as possible after the date of this document. U.S. and D.P.R.K. experts will hold two sets of experts talks.

-- At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.

-- At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

2) Each side will open a liaison office in the other's capital following resolution of

consular and other technical issues through expert level discussions.

3) As progress is made on issues of concern to each side, the U.S. and D.P.R.K. will upgrade bilateral relations to the Ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

1) The U.S. will provide formal assurances to the D.P.R.K., against the threat or use of nuclear weapons by the U.S.

2) The D.P.R.K. will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean peninsula.

3) The D.P.R.K. will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

1) The D.P.R.K. will remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the D.P.R.K.'s safeguards agreement with the IAEA with respect to the facilities not subject to the freeze. Pending conclusion of the supply contract, inspections required by the IAEA for the continuity of safeguards will continue at the facilities not subject to the freeze.

3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the D.P.R.K. will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the D.P.R.K.'s initial report on all nuclear material in the D.P.R.K..

Kang Sok Ju- Head of the Delegation for the Democratic People's Republic of Korea, First Vice-Minister of Foreign Affairs of the Democratic People's Republic of Korea

Robert L. Gallucci- Head of the Delegation of United States of America, Ambassador at Large of the United States of America

Appendix 2

Text of Joint Statement of the Six Party Talks Issued on September 19, 2005

Source: Department of State website https://www.state.gov/p/eap/regional/c15455.htm

Joint Statement of the Fourth Round of the Six-Party Talks
Beijing 19 September 2005

The Fourth Round of the Six-Party Talks was held in Beijing, China among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation, and the United States of America from July 26th to August 7th, and from September 13th to 19th, 2005.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC, Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the D.P.R.K.; Mr. Kenichiro Sasae, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Song Min-soon, Deputy Minister of Foreign Affairs and Trade of the R.O.K.; Mr. Alexandr Alekseyev, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher Hill, Assistant Secretary of State for East Asian and Pacific Affairs of the United States attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the talks.

For the cause of peace and stability on the Korean Peninsula and in Northeast Asia at large, the Six Parties held, in the spirit of mutual respect and equality, serious and practical talks concerning the denuclearization of the Korean Peninsula on the basis of the common understanding of the previous three rounds of talks, and agreed, in this context, to the following:

1. The Six Parties unanimously reaffirmed that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner.
   The D.P.R.K. committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Nonproliferation of Nuclear Weapons and to IAEA safeguards.
   The United States affirmed that it has no nuclear weapons on the Korean Peninsula and has no intention to attack or invade the D.P.R.K. with nuclear or conventional weapons.
   The R.O.K. reaffirmed its commitment not to receive or deploy nuclear weapons in accordance with the 1992 Joint Declaration of the Denuclearization of the Korean Peninsula, while affirming that there exist no nuclear weapons within its territory.
   The 1992 Joint Declaration of the Denuclearization of the Korean Peninsula should be observed and implemented.
   The D.P.R.K. stated that it has the right to peaceful uses of nuclear energy. The

other parties expressed their respect and agreed to discuss, at an appropriate time, the subject of the provision of light water reactor to the D.P.R.K.

2. The Six Parties undertook, in their relations, to abide by the purposes and principles of the Charter of the United Nations and recognized norms of international relations.
   The D.P.R.K. and the United States undertook to respect each other's sovereignty, exist peacefully together, and take steps to normalize their relations subject to their respective bilateral policies.
   The D.P.R.K. and Japan undertook to take steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.
3. The Six Parties undertook to promote economic cooperation in the fields of energy, trade and investment, bilaterally and/or multilaterally.
   China, Japan, R.O.K., Russia and the U.S. stated their willingness to provide energy assistance to the D.P.R.K.
   The ROK reaffirmed its proposal of July 12th 2005 concerning the provision of 2 million kilowatts of electric power to the D.P.R.K.
4. The Six Parties committed to joint efforts for lasting peace and stability in Northeast Asia.
   The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.
   The Six Parties agreed to explore ways and means for promoting security cooperation in Northeast Asia.
5. The Six Parties agreed to take coordinated steps to implement the aforementioned consensus in a phased manner in line with the principle of "commitment for commitment, action for action".
6. The Six Parties agreed to hold the Fifth Round of the Six-Party Talks in Beijing in early November 2005 at a date to be determined through consultations.

Appendix 3

Text of Initial Phase Action Plan Under the Six Party Talks

Source: Department of State Archive Website https://2001-2009.state.gov/r/pa/prs/ps/2007/february/80479.htm

Initial Actions for the Implementation of the Joint Statement

13 February 2007

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

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

Vice Foreign Minister Wu Dawei chaired the talks.

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

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

1. The DPRK will shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility and invite back IAEA personnel to conduct all necessary monitoring and verifications as agreed between IAEA and the DPRK.
2. The DPRK will discuss with other parties a list of all its nuclear programs as described in the Joint Statement, including plutonium extracted from used fuel rods, that would be abandoned pursuant to the Joint Statement.
3. The DPRK and the US will start bilateral talks aimed at resolving pending bilateral issues and moving toward full diplomatic relations. The US will begin

the process of removing the designation of the DPRK as a state-sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK.

4. The DPRK and Japan will start bilateral talks aimed at taking steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.
5. Recalling Section 1 and 3 of the Joint Statement of 19 September 2005, the Parties agreed to cooperate in economic, energy and humanitarian assistance to the DPRK. In this regard, the Parties agreed to the provision of emergency energy assistance to the DPRK in the initial phase. The initial shipment of emergency energy assistance equivalent to 50,000 tons of heavy fuel oil (HFO) will commence within next 60 days.

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

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

1. Denuclearization of the Korean Peninsula
2. Normalization of DPRK-US relations
3. Normalization of DPRK-Japan relations
4. Economy and Energy Cooperation
5. Northeast Asia Peace and Security Mechanism

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

The Parties agreed that all WGs will meet within next 30 days.

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

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

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

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

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

Appendix 4

Second Phase Actions under the Six Party Talks

Source: The National Committee on North Korea website
https://www.ncnk.org/sites/default/files/Second_Phase_Actions_Oct_07.pdf

Full text of joint document of the second session of the sixth round six-party talks

BEIJING, Oct. 3 (Xinhua) -- A joint document, named the Second-Phase Actions for the Implementation of the Joint Statement, was released here Wednesday after a two-day recess of the second session of the sixth round of the six-party talks. The full text is as follows:

The Second Session of the Sixth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 27 to 30 September 2007.

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

Vice Foreign Minister Wu Dawei chaired the talks.

The Parties listened to and endorsed the reports of the five Working Groups, confirmed the implementation of the initial actions provided for in the February 13 agreement, agreed to push forward the Six-Party Talks process in accordance with the consensus reached at the meetings of the Working Groups and reached agreement on second-phase actions for the implementation of the Joint Statement of 19 September 2005, the goal of which is the verifiable denuclearization of the Korean Peninsula in a peaceful manner.

I. On Denuclearization of the Korean Peninsula

1. The DPRK agreed to disable all existing nuclear facilities subject to abandonment under the September 2005 Joint Statement and the February 13 agreement.

The disablement of the 5 megawatt Experimental Reactor at Yongbyon, the Reprocessing Plant (Radiochemical Laboratory) at Yongbyon and the Nuclear Fuel Rod Fabrication Facility at Yongbyon will be completed by 31 December 2007. Specific measures recommended by the expert group will be adopted by heads of delegation in line with the principles of being acceptable to all Parties, scientific, safe, verifiable, and consistent with international standards. At the request of the other Parties, the United States will lead disablement activities and provide the initial funding for those activities. As a first step, the US side will lead the expert group to the DPRK within the next two weeks to prepare for disablement.

2. The DPRK agreed to provide a complete and correct declaration of all its nuclear programs in accordance with the February 13 agreement by 31 December 2007.

3. The DPRK reaffirmed its commitment not to transfer nuclear materials, technology, or know-how.

II. On Normalization of Relations between Relevant Countries

1. The DPRK and the United States remain committed to improving their bilateral relations and moving towards a full diplomatic relationship. The two sides will increase bilateral exchanges and enhance mutual trust. Recalling the commitments to begin the process of removing the designation of the DPRK as a state sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK, the United States will fulfill its commitments to the DPRK in parallel with the DPRK's actions based on consensus reached at the meetings of the Working Group on Normalization of DPRK-U.S. Relations.

2. The DPRK and Japan will make sincere efforts to normalize their relations expeditiously in accordance with the Pyongyang Declaration, on the basis of the settlement of the unfortunate past and the outstanding issues of concern. The DPRK and Japan committed themselves to taking specific actions toward this end through intensive consultations between them.

III. On Economic and Energy Assistance to the DPRK

In accordance with the February 13 agreement, economic, energy and humanitarian assistance up to the equivalent of one million tons of HFO (inclusive of the 100,000 tons of HFO already delivered) will be provided to the DPRK. Specific modalities will be finalized through discussion by the Working Group on Economy and Energy Cooperation.

IV. On the Six-Party Ministerial Meeting

The Parties reiterated that the Six-Party Ministerial Meeting will be held in Beijing at an appropriate time.

The Parties agreed to hold a heads of delegation meeting prior to the Ministerial Meeting to discuss the agenda for the Meeting.

Appendix 5

U.S. Heavy Fuel Oil Shipments Under the Agreed Framework

Note: The HFO year differed from the calendar year. The United States and North Korea agreed that 150,000 metric tons would be provided in the year ending on October 21, 1995, or one year after the signing of the Agreed Framework. A total of 500,000 metric tons were to be delivered in each of the twelve-month period after that. Because of the delays, however, the twelve-month period shifted from year to year. The months shown in red and italics were the delayed deliveries

Source: KEDO Annual Reports for 2001 and 2002 on its website http://www.kedo.org/annual_reports.asp, United States General Accounting Office report "Nuclear Nonproliferation: Status of Heavy Fuel Oil Delivered to North Korea Under the Agreed Framework" published on September 1999, as well as additional annual KEDO reports and data provided by the sole remaining KEDO member in November 2017.

1995

Months of delivery	**Amount delivered in metric tons**
January to October	150,393
TOTAL	**150,393**

1996

Month of delivery	**Amount delivered in metric tons**
November	0
December	0
January	42,000
February	0
March	85,000
April	0
May	44,000
June	38,000
July	59,000
August	66,000
September	62,500
October	103,500
TOTAL	**500,000**

1997

Month of delivery	**Amount delivered in metric tons**
November 1996	0
December	0
January 1997	0
February	43,477
March	0
April	42,311
May	42,104
June	60,034
July	59,999
August	46,613
September	94.146
October	23,192
November	*0*
December	*44,031*
January 1998	*44,420*
TOTAL	**500,327**

1998

Month of delivery	**Amount delivered in metric tons**
February	0
March	86,151
April	21,995
May	21,889
June	21,842
July	64,148
August	0
September	0
October	77,396
November	44,000
December	53,758
January 1999	86,327
February	*22,404*
TOTAL	**499,910**

1999

Month of delivery	**Amount delivered in metric tons**
March	22,065
April	45,379
May	69,406
June	54,531
July	55,369
August	87,312
September	86,011
October	79,591
TOTAL	**499,664**

2000

Month of delivery	**Amount delivered in metric tons**
January 2000	21,998
February	0
March	44,072
April	22,049
May	0
June	44,765
July	53,968
August	21,981
September	85,707
October	76,993
November	23,189
December	0
January 2001	*54,319*
February	*50,959*
TOTAL	500,00

2001

Month of delivery	**Amount delivered in metric tons**
February	4,828
March	54,319
April	54,782
May	53,827
June	53,998
July	44,877
August	42,002
September	45,173
October	46,109
November	0
December	54,271
January2002	0
February	*46,003*
TOTAL	**500,189**

2002

Month of delivery	**Amount delivered in metric tons**
March	50,303
April	56,396
May	42,686
June	43,417
July	44,232
August	43,255
September	44,199
October	43,516
November	42,886
TOTAL	**410,890**

Appendix 6

Eleven Disablement Actions Identified by the United States

Source:
Siegfried Hecker, *Report of Visit to the Demorcatic People's Republic of North Korea (DPRK). Pyongyang and the Nuclear Center at Yonbgyon, Feb. 12-16, 2008*, Center for International Security and Cooperation, Stanford University, https://cisac.fsi.stanford.edu/sites/default/files/HeckerDPRKreport.pdf, 3-4.

Fuel Fabrication Facility

1) Remove and store all three uranium ore concentrate dissolver tanks.

2) Remove and store all seven uranium conversion furnaces. Store the refractory bricks and mortar sand.

3) Remove and store both the metal casting furnaces and vacuum system. Remove and store eight machining lathes.

4) Disable fresh, unclad fuel rods fabricated prior to 1994 and stored at the facility.

5MW Reactor

5) Cut and remove portions of the steel piping of the secondary cooling loop outside the reactor building. Remove the wood interior structure of the cooling tower.

6) Discharge all 8,000 spent fuel rods.

7) Remove and store the control rod drive mechanisms.

Reprocessing facility

8) Cut cable and remove the drive mechanism for trolley that moves spent fuel caskets from the fuel receiving building into the reprocessing facility.

9) Cut two of the four steam lines into the reprocessing facility.

10) Remove the crane and door actuators that permit spent fuel rods to enter the reprocessing facility.

11) Remove the drive mechanisms for the fuel cladding shearing and slitting machines.

Note: North Korea defined the tasks slightly differently, identifying 12 steps. At the reactor, it separated 5) into two actions. North Korea did not include 4) on its list, but included an additional action, which was the storage of remaining uranium trioxide powder.

Appendix 7

Timeline for Chapter 4

The first North Korea crisis and the lifting of sanctions under the Agreed Framework

1980s – North Korea begins construction of the Yongbyon nuclear complex.

December 12, 1985 – North Korea signs the Nuclear Nonproliferation Treaty but does not complete a safeguards agreement with the IAEA.

1986 – The five-megawatt reactor in Yongbyon nuclear complex becomes operational.

September 30, 1990 – South Korea and the Soviet Union establish diplomatic relations.

September 17, 1991 – North Korea joins the United States, simultaneously with South Korea.

September 27, 1991 – U.S. President George H.W. Bush announces the unilateral withdrawal of naval and land-based tactical nuclear weapons deployed overseas.

January 20, 1992 – South and North Korea sign the Joint Declaration of the Denuclearization of the Korean Peninsula.

January 30, 1992 – North Korea concludes a comprehensive safeguards agreement with the IAEA.

April 9, 1992 – North Korea ratifies its safeguards agreement with the IAEA.

May 4, 1992 – North Korea submits inventory of nuclear material to the IAEA.

May to September 1992 – IAEA holds ad hoc inspections, finds inconsistencies between North Korea's declaration and findings.

August 24, 1992 – South Korea and China establish diplomatic relations.

February 9, 1993 – IAEA seeks special inspection of two sites suspected of storing nuclear waste.

February 25, 1993 – IAEA board of Governors passes resolution calling on North Korea to accept special inspections.

March 12, 1993 – North Korea announces it is withdrawing from the NPT. (The NPT requires a three-month withdrawal notification.)

June 11, 1993 – North Korea agrees to suspend its withdrawal from the NPT after high-level U.S.-North Korea talks in New York. This was one day before the withdrawal was due to take effect.

July 1993 – U.S.-North Korea talks held in Geneva. North Korea agrees to resume talks with South Korea and the IAEA.

December 5, 1993 – IAEA Director General Hans Blix says he cannot give meaningful assurances about the continuity of safeguards in North Korea.

December 29, 1993 – The United States and North Korea hold talks. North Korea agrees to accept IAEA inspections and to resume talks with South Korea, while the United States agrees to concur with South Korea's announcement to suspend their joint Team Spirit 1994 exercises.

March 3, 1994 – As arranged, IAEA inspections begin, North-South Korea talks begin, Team Spirit exercises held jointly with the United States and South Korea are suspended and a date for the third round of U.S.-North Korea talks are set.

March 15, 1994 – IAEA inspectors leave after conducting inspections at all facilities except for the reprocessing plant.

March 16, 1994 – IAEA Director General Blix says that the IAEA inspectors were unable to conclude whether nuclear material has been diverted from the Yongbyon nuclear complex, or whether reprocessing had taken place as a result of the inspections from the inspections earlier that month.

May 19, 1994 – IAEA confirms North Korea began discharging nuclear fuel rods from Yongbyon reactor in a way that makes its inspectors unable to verify history of the core.

June 10, 1994 – IAEA Board of Governors adopts resolution concluding that North Korea is widening its non-compliance.

June 13, 1994 – North Korea withdraws from the IAEA.

June 15-18, 1994 – Former U.S. President Jimmy Carter visits North Korea and extracts North Korean commitment to allow IAEA inspectors and equipment at Yongbyon, to deal with the issue of remains of Americans killed in the Korean War and to hold summit talks with South Korea.

July 8, 1994 – The United States and North Korea begin talks in Geneva.

July 9, 1994 - Kim Il Sung's death is announced. The event postpones U.S.-North Korea talks as well as a summit of the two Koreas that were announced for July 25-27. The summit talks were never held. Kim Jong Il succeeds his father.

August 5-12, 1994 – U.S.-North Korea talks held in Geneva.

September 23, 1994 – U.S.-North Korea talks held in Geneva.

October 21, 1994 – Agreed Framework is signed in Geneva, Switzerland.

November 23-28, 1994 – IAEA experts visit North Korea, confirm freeze of North Korea's nuclear facilities.

November 8, 1994 – Republicans win in U.S. midterm elections, control both houses for first time in 40 years.

December 1, 1994 – Senate Foreign Relations Committee's Subcommittee on East Asian and Pacific Affairs holds hearing on the Agreed Framework.

December 19, 1994 – U.S. helicopter is shot down over North Korea, killing Chief Warrant Officer David Hileman. Chief Warrant Officer Bobby Hall survives but is held in North Korea.

December 22, 1994 – Representative Bill Richardson, who was traveling in North Korea, brings back body of Hileman from North Korea but Hall is not released.

December 30, 1994 – Tom Hubbard travels to North Korea to solve the helicopter incident.

January 9, 1995 – North Korea announces lifting of sanctions against the United States.

January 20, 1995 – The United States announces the easing of some sanctions against North Korea.

January 22, 1995 – The deadline for easing of sanctions under the Agreed Framework.

January 24-25, 1995 – Senate Foreign Relations Committee holds hearing on Agreed Framework.

January 26, 1995 – Senate Armed Forces Committee holds hearing on Agreed Framework

April 21-22, 1996 – First round of missile talks between the United States and North Korea take place in Berlin.

June 11-13, 1997 – Second round of U.S.-North Korea missile talks held in New York.

February 25, 1998 – Kim Dae Jung is elected president of South Korea, starting his "Sunshine Policy" toward North Korea.

August 31, 1998 – North Korea launches a Taepodong missile over Japan into the Pacific Ocean.

October 1, 1998 – Third found of U.S.-North Korea missile talks are held in New York.

March 29-31, 1999 – Fourth round of bilateral missile talks are held in Pyongyang.

May 25-28, 1999 – William Perry visits Pyongyang as envoy for U.S. President Bill Clinton, delivers letter from Clinton to Kim Jong Il.

September 7-12, 1999 – North Korea agrees to a moratorium on long-range missile testing for the duration of talks with the United States. The United States agrees to lift some of its economic sanctions in return.

October 23, 2000 – Secretary of State Madeline Albright visits north Korea, becoming the highest ranking U.S. official to visit the country.

Timeline for Chapter 5

From the inauguration of U.S. President George W. Bush to the end of heavy fuel shipments under the Agreed Framework

January 20, 2001 – George W. Bush is inaugurated president of the United States.

March 6, 2001 – U.S. Secretary of State Colin Powell says at a joint press briefing with the Swedish foreign minister that the Bush administration plans to engage with North Korea and pick up where the previous administration under Bill Clinton left off. Powell walks back his remarks a day later.

March 7, 2001 – South Korean President Kim Dae-jung visits the United States for talks with Bush.

May 3, 2001 – Swedish Prime Minister Goran Persson says that North Korean leader Kim Jong Il told him that Pyongyang will extend its moratorium on missile tests until at least 2003.

June 6, 2001 – Bush announces the completion of his administration's policy review, saying that serious discussions on a broad agenda should be carried out.

August 4, 2001 – Kim Jong Il reaffirms his pledge to maintain a moratorium on ballistic missile tests until 2003 during a meeting with Russian President Vladimir Putin in Moscow.

January 29, 2002 – Bush calls North Korea, along with Iraq and Iran, "axis of evil" in the State of the Union speech.

April 1, 2002 - Bush issues a memorandum stating that he will not certify North Korea's compliance with the Agreed Framework but waives applicable U.S. law prohibiting Washington from funding KEDO citing national security considerations and allowing the United States to continue financially supporting the Agreed Framework.

June 29, 2002 – North and South Korea clash in the Yellow Sea, killing four South Korean sailors and sinking a North Korean vessel.

July 2, 2002 - The United States cancels a planned delegation visit to North Korea, citing Pyongyang's failure to respond to a proposed July 10 meeting date, as well as the June 29 naval confrontation between North and South Korea.

August 7, 2002: Charles "Jack" Pritchard, U.S. representative to KEDO and State Department special envoy for negotiations with North Korea, visits North Korea for a ceremony making the pouring of the concrete foundation for the first light water reactor

promised to North Korea under the Agreed Framework. Pritchard is the most senior official to visit North Korea since a visit to North Korea in 2000 by then Secretary of State Madeleine Albright.

September 17, 2002 – Japanese Prime Minister Junichiro Koizumi visits North Korea for talks with North Korean leader Kim Jong Il. The two leaders sign the Pyongyang Declaration.

October 3-5, 2002 – James Kelly, assistant secretary of state for East Asian and Pacific affairs, visits North Korea and confronts North Korea with U.S. assessment of its uranium enrichment procurement efforts.

October 16, 2002 – Bush signs the Authorization for Use of Military Force against Iraq Resolution of 2002. The resolution gives him the authority to go to war to disarm Iraq.

October 26, 2002 – Chinese President Hu Jintao visits the United States for talks.

November 14, 2002 - KEDO's executive board announces that it is suspending heavy-fuel oil deliveries to North Korea in response to Pyongyang's admission to a U.S. visiting delegation in October that it has a uranium enrichment program.

November 18, 2002 - The last shipment of heavy fuel oil reaches North Korea.

November 29, 2002 – IAEA Board of Governors adopts a resolution urging North Korea to clarify its reported uranium enrichment program, but North Korea rejects the resolution.

December 12, 2002 – North Korea sends a letter to IAEA announcing that it is lifting its freeze on nuclear facilities.

December 21, 2002 – North Korea begins removing IAEA monitoring equipment and seals at its nuclear facilities.

December 31, 2002 – North Korea expels IAEA inspectors.

January 6, 2003 – IAEA board adopts a resolution in which it deplored North Korea's decision to resume operation of its nuclear facilities in the strongest terms.

January 10, 2003 – North Korea announces it is withdrawing from the NPT. North Korean view is that because it initially announced its withdrawal from the treaty a decade earlier but suspended it a day before the three-month notification requirement following talks with the United States, the new withdrawal will take effect on January 11.

Timeline for Chapters 6 & 7

From North Korea's first nuclear test to the last Six Party Talks

October 9, 2006 – North Korea conducts its first nuclear test.

November 6, 2006 – In midterm elections, Democrats regain control of both houses of the Congress.

December 18-22, 2006 – Fifth round of Six Party Talks end without agreement.

January 16, 2007 – U.S. and North Korean officials meet for first bilateral talks in Berlin.

February 8-13, 2007 – Six parties meet in Beijing, agree on initial phase actions for the September 19, 2005 joint statement on North Korea's denuclearization.

March 5-6, 2007 – Christopher Hill and Kim Kye Gwan meet.

March 7-8, 2007 – Japan and North Korea hold talks in Hanoi over normalization of diplomatic relations.

March 19-22, 2007 – The sixth round of Six Party Talks begins, but are suspended after North Korean negotiators fly home after four days and refuse to participate until funds frozen at the Banco Delta Asia (BDA) in Macao are returned.

March 25-31, 2007 – Reception, Staging, Onward Movement and Integration (RSOI), Foal Eagle joint exercises by the American and South Korean militaries take place.

May 25, 2007 – North Korea fires an SRBM.

June 7, 2007 – North Korea fires two SRBMs.

June 18-20, 2007 – Sixth round of Six Party Talks resume in Beijing, concludes with a joint communique.

June 21-22, 2007 – Christopher Hill visits Pyongyang, the first time a U.S. ambassador does so since October 2002.

June 25, 2007 – A North Korean Foreign Ministry spokesman confirms that BDA funds were transferred to Pyongyang and that North Korea would begin shutting down its Yongbyon nuclear facilities. IAEA's Olli Heinonen visits Pyongyang to discuss verification procedures of the shutdown.

June 27, 2007 – North Korea fires three SRBMs.

August 20-31, 2007 – Ulchi Focus Lens joint exercises by the American and South Korean militaries take place.

September 5-6, 2007 – Japan and North Korea hold talks in Ulan Bator over normalization of diplomatic relations.

September 6, 2007 – Israelis raid Syrian nuclear facility that was apparently being constructed with assistance from North Korea.

September 11-14, 2007 – U.S., Russian and Chinese experts visit North Korea to examine facilities in the Yongbyon nuclear complex.

September 27-October 3, 2007 – Six countries meet in Beijing and agree on second phase actions. In this phase, North Korea was to "disable" all existing nuclear facilities and provide a "complete and correct" declaration of its nuclear programs by the end of the year.

November 1, 2007 – A team of U.S. nuclear experts travel to North Korea to begin disablement work.

Early November 2007 – Disablement work begins at three facilities at Yongbyon, with American experts assisting.

November 27, 2007 – Diplomats and nuclear experts from five countries visit North Korea for three days to monitor disablement activities.

December 5, 2007 – Christopher Hill returns to Beijing from a three-day trip to North Korea, says differences remain with North Korea on its declaration of nuclear activity.

December 6, 2007 – Christopher Hill tells reporters that uranium program needs to be in North Korea's declaration.

December 7, 2007 – Christopher Hill says U.S. President George W. Bush sent letters to North Korea and other parties in the Six Party process to promote the denuclearization process.

Mid-December 2007 – North Korea begins removing fuel rods from the nuclear reactor in Yongbyon, a key element of the disablement activity there. The process is expected to take about 100 days.

December 21, 2007 – Washington Post reports that traces of highly enriched uranium was found on aluminum tubes U.S. diplomat Sung Kim brought back from North Korea as a sample.

December 31, 2007 – Deadline for submission of declaration passes. "Disabling" of the reprocessing facility and the nuclear fuel fabrication plant is completed by this time, although work on the reactor itself remained.

January 4, 2008 – North Korea says it is not to blame for the failed deadline, saying it has disabled the facilities at the quickest pace possible, and has notified the United States of the contents of a report on its nuclear programs complied in November. The United States says it does not regard the account as a final declaration.

January 2008 – North Korea cuts the pace of the discharging at the nuclear reactor, citing the delay in Russian heavy fuel oil delivery.

February 2, 2008 – Christopher Hill says after a three-day visit to Pyongyang that he did not receive North Korea's declaration. Wang Jiarui, head of the Chinese Communist Party's International department, also returns from a trip to Pyongyang on the same day.

February 19, 2008 – Christopher Hill and Kim Kye Gwan meet in Beijing to try to resolve their dispute over declaration.

February 26, 2008 – New York Philharmonic performs in Pyongyang.

March 2-7, 2008 – Key Resolve, Foal Eagle joint exercises by the American and South Korean militaries take place.

March 8, 2008 – Japan and North Korea end two days of talks in Hanoi on normalizing diplomatic ties without progress,

March 13-14, 2008 – Christopher Hill and Kim Kye Gwan meet in Geneva over declaration.

March 28, 2008 – North Korea indicates through official media that it will slow down or stop disablement activities if the United States sticks to what it called "unreasonable demands" over declaration.

March 28, 2008 – North Korea fires three anti-ship cruise missiles.

April 7-9, 2008 – Christopher Hill and Kim Kye Gwan meet in Singapore to resolve the declaration problem, reportedly reach provisional compromise.

April 22-23, 2008 – U.S. intelligence community holds briefings for U.S. lawmakers regarding evidence that North Korea was assisting Syria with nuclear technology.

April 22-24, 2008 – A U.S. interagency delegation, led by Sung Kim, director of the U.S. State Department's Korean Affairs office, visited North Korea to follow up on the provisional agreement reached by Hill and Kim Kye Gwan in Singapore.

April 24, 2008 – In its first public statement since the Israeli bombing of a Syrian site in September 2007, the White House confirms that Syria has been clandestinely engaged in building a nuclear reactor with help from North Korea.

May 9, 2008 – U.S. officials return from Pyongyang with 18,000 pages of documents regarding the Yongbyon nuclear complex.

May 17, 2008 – The United States announces it is providing 500,000 tons of food aid to North Korea.

May 30, 2008 – North Korea fires three anti-ship cruise missiles.

June 11-12, 2008 – Japan and North Korea hold talks on normalization of diplomatic relations in Beijing.

June 18, 2008 – Condoleezza Rice admits U.S. moved up verification requirement in a speech at the Heritage Foundation.

June 26, 2008 – North Korea submits a declaration of its nuclear activities to China, the chair of the Six Party Talks. U.S. President George W. Bush announces the Trading with the Enemy Act no longer applies to North Korea, and notifies Congress of his intention to take the country off the list of state sponsors of terrorism.

June 27, 2008 – North Korea blows up cooling tower (was not reported by North Korean media)

June 30, 2008 – A shipment of U.S. food assistance arrives in North Korea, marking the resumption of food aid to the country after two and a half years.

July 4, 2008 – North Korea says it is ready to cooperate with its counterparts on verification, but complains that the other five parties' economic compensation has only reached 80 percent. It also restores the pace of disablement the same week, discharging up to 30 fuel rods a day from 15.

July 10-12 2008 – Six countries meet, agree to on broad a mechanism to verify North Korea's declaration of its nuclear program.

July 11, 2008 – North Korea shoots a South Korean tourist at Mt. Kumgang resort, allegedly after the 53-year-old Seoul housewife strayed into an off-limits military zone.

July 23, 2008 – Foreign ministers of the six countries meet in Singapore on the sidelines of a regional security meeting, confirm political will to move forward with denuclearization process.

July 2008 – North Korea restores the pace of disablement activities at the Yongbyon nuclear reactor. By mid-July, it pulls 4,000 of the 8,000 fuel rods in the reactor.

August 11, 2008 – Forty-five notification period for the removal of North Korea from the state sponsors of terrorism list expires without decision from the United States.

August 13, 2008 – Japan's Akitaka Saiki and North Korea's Song Il Ho meet in Shenyang, reach agreement in which North Korea will reinvestigate abduction cases of Japanese nationals.

August 14, 2008 – North Korea suspends disablement steps to counter a U.S. decision to delay the country's removal from its state sponsors of terrorism list.

Around August 14, 2008 – Kim Jong Un suffers stroke.

August 18, 2008 – Ulchi-Focus Lense joint exercises between the American and South Korean militaries take place.

August 22, 2008 – Sung Kim meets with North Korean officials in New York to discuss verification.

August 26, 2008 – North Korean Foreign Ministry spokesman says in a statement that verification was supposed to take place in the third phase, not the second phase, and should not be a condition for the delisting as a state sponsor of terrorism.

September 2008 – North Korea starts reassembling nuclear facility.

September 6, 2008 – Japanese and North Korean officials meet in Ulan Bator to try to resolve North Korean abductions of Japanese nationals but fail to reach breakthrough.

September 9, 2008 – Reports suggest North Korean leader Kim Jong Il suffered a stroke about a week earlier.

September 24, 2008 – IAEA says it removed seals from the Yongbyon nuclear complex as requested by North Korea.

October 1-3, 2008 – Christopher Hill visits North Korea for talks and reach compromise on verification.

October 7, 2008 – North Korea fires two anti-ship cruise missiles.

October 9, 2008 – IAEA says it is no longer granted access to the Yongbyon nuclear complex.

October 11, 2008 – The United States takes North Korea off its terrorism list.

October 13, 2008 – North Korea resumes disabling work at its nuclear reactor at Yongbyon. IAEA says it is granted access to facilities again.

November 4, 2008 – Barack Obama is elected U.S. president.

Early November 2008 – North Korea slows the pace of removal of nuclear fuel rods to 15 a day from 30 a day in August, complaining about delays in the delivery of promised energy assistance.

November 13, 2008 – North Korea says it did not agree to sampling.

December 3, 2008 – Christopher Hill and Kim Kye Gwan meet in Singapore to try to resolve the sampling issue, ahead of the meeting of six parties.

December 8-11, 2008 – Six Parties meet in Beijing, but end in stalemate due to disagreement over verification.

December 12, 2008 – United States says heavy fuel oil aid to North Korea will stop unless verification protocol is put in place.

February 24, 2009 – North Korea announces it will launch an experimental communications satellite, which the international community believes is a missile test.

March 2009 – North Korea slows the pace of removal of nuclear fuel rods further, from 15 a day to 15 a week.

March 9-20, 2009 – Key Resolve, Foal Eagle joint exercises between the American and South Korean militaries take place.

March 17, 2009 – North Korea expels members of U.S. nongovernmental organizations in North Korea as part of a deal to provide 500,000 tons of food aid.

March 17, 2009 – U.S. journalists Laura Ling and Euna Lee are detained in North Korea.

March 24, 2009 – North Korea warns that it will leave the Six Party Talks and restart its nuclear program if the United States pushed for U.N. sanctions due to the missile test.

April 5, 2009 – North Korea launches a rocket, which flies over Japan.

April 13, 2009 – U.N. Security Council condemns rocket launch and announces it will broaden sanctions against North Korea.

April 16, 2009 – IAEA inspectors leave North Korea after being expelled.

April 18, 2009 – Last of the U.S. officials who were in North Korea for the disablement at the Yongbyon complex leaves the country.

April 25, 2009 – North Korea says it began reprocessing spent nuclear fuel rods to produce plutonium. When disablement work stopped at the Yongbyon nuclear complex on April 14, about 80 percent of the 8,000 nuclear fuel rods in its reactor had been removed.

April 29, 2009 – North Korea says it will carry out another nuclear test and test-launch ballistic missiles if the U.N. Security Council does not apologize for condemning the country's rocket launch.

May 25, 2009 – North Korea conducts its second nuclear test.

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