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# Is There a Need for an Update of the Theory of Deterrence? US Failure in North Korea<sup>1</sup>

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## **Abstract**

*This article will answer the question of why the United States failed in deterring North Korea from its development of nuclear weapons focusing on the basic logic of deterrence and identifying a historical deficiency. When applying the theory of deterrence to asymmetric contexts where an unprovoked punishment by the powerful actor does not automatically trigger an unacceptable response from the target of such unprovoked aggression the powerful actor does not only need to make the punishment of aggression credible. Also the non-punishment of non-aggressive action needs to be made predictable. Yet, the existing theory behind this praxis focuses on the credibility of punishment of uncooperative behaviour only, and not on the credibility of non-punishment of cooperative behaviour.*

*Focusing on this deficiency in the processes of the relationship of deterrence between the United States and North Korea, this article answers the question of why American deterrence has failed to prevent the emergence of North Korea as a de facto nuclear weapons power. The general proof of the failure of post-Cold War deterrence uses statistics of conflict, while the investigation of American deterrence vis-à-vis North Korea will use theory-guided process tracing-based on evidence from declassified, primarily American, documents.*

## **Introduction**

The United States Defence Department published a definition of its nuclear deterrence strategy in April 2020 (Esper, 2020). Echoing the Nuclear Posture Review of 2018 (Office of the Secretary of Defense, 2018) the new publication still identifies Russia, China, Iran and North Korea as the four nations to deter, along with. The existence of American nuclear weapons still proves a deterrent against nuclear and strategic non-nuclear aggression, including chemical, biological, and large-scale conventional attacks, despite calls for the limiting of nuclear deterrence solely for the prevention of aggression with nuclear weapons. However, in addition

to nuclear deterrence, the United States also deters countries with more conventional capacities, while the logic of American economic sanctions clearly and additionally works as a deterrent of undesired behaviour.

North Korea has been a clear case of deterrence failure. There the United States tried to prevent nuclear proliferation, and today North Korea has not just a considerable nuclear weapons arsenal, but also technology that could deliver nuclear weapons all the way to the American mainland. The theoretical argument of this article makes an asymmetric case of US-North Korea relationship interesting. No American politician or security official has considered symmetry between the United States and North Korean deterrence as desirable. It would be possible to claim that preventing such symmetry of deterrence between the two is the very purpose of American deterrence in Northeast Asia. Yet, this article will make a theoretical argument according to which the theory of deterrence is based on minimal symmetry, while a situation in which such symmetry is missing requires additional elements for deterrence to be functional. These additional elements will be revealed in the theoretical section of this article, while the mechanism of the failure in North Korea shows that how the theory of deterrence should be corrected in order to make deterrence more credible. As a result, a clear failure of US deterrence in a clearly asymmetric relationship of deterrence with North Korea, is an excellent case for the illustration of my theoretical argument. Since revealing the mechanism of this failure requires a very thorough analysis of the processes and discourses of deterrence, this article will need to focus on one case only, even though some references will also be made to other cases or deterrence failure.

This article will answer the question of why the United States failed in deterring North Korea from its development of nuclear weapons focusing on the basic logic of deterrence and identifying a historical deficiency. While the theory of deterrence has been developed in a symmetrical situation where both the Soviet Union and the United States were able to destroy

each other, the theory is now being used in relations with weaker states like North Korea. However, when applying the theory of deterrence to asymmetric contexts where an unprovoked punishment by the powerful actor does not automatically trigger an unacceptable response from the target of such unprovoked aggression—when deterrence is used in an asymmetrical context—the powerful actor does not only need to make the punishment of aggression credible. Also, the non-punishment of non-aggressive action needs to be made predictable. This is because, in an asymmetric situation, unprovoked aggression from the more powerful actor does not presuppose an equivalent counterstrike, as it would between parties of equal relative strength. Yet, the existing theory behind this praxis focuses on the credibility of punishment of uncooperative behaviour only, and not on the credibility of non-punishment of cooperative behaviour.

Focusing on this deficiency in the processes of the relationship of deterrence between the United States and North Korea, this article attempts to answer the question of why American deterrence has failed to prevent the emergence of North Korea as a de facto nuclear weapons power. The challenge to the existing theory of deterrence in this paper will be developed simply by following a very basic logic of game and utility theory. The general proof of the failure of post-Cold War deterrence uses statistics of conflict, while the investigation of American deterrence vis-à-vis North Korea will use theory-guided process tracing (Collier, 2011; Falletti, 2016) based on evidence from declassified, and primarily American, documents. Thus, the reconstruction of the game setting follows the American understanding of the situation and shows how the theoretical deficiency compromises the rationality of the United States' approach even if we construct the deterrence game as American officials themselves did.

There is no reason to assume or conclude that the only reason for the development of North Korean nuclear weapons capability is the result of the failure of American deterrence. Certainly, the main reasons were elsewhere. Yet, one could have expected that the United

States would have been capable to prevent it, since it certainly intended to do so. This paper will neither claim that the failure of deterrence is solely due to this theoretical deficiency, especially since other factors and their impact are not considered in this paper. Other actors, and other realities, must have had their impact, but this paper focuses on the impact of the theoretical deficiency that will be defined below.

### **Existing literature**

There exists a lot of analysis of what is often seen as a failure of American diplomacy towards North Korea. Most research and insider accounts (Aum, 2020; Ford, 2018; Olsen, 2007; Pritchard, 2007; Sigal, 1999), including studies that utilise historical documents (Dalton & Kim, 2021; Martin, 2007; Moore, 2008; Pollack, 2017), assume that the intention was to persuade North Korea to abandon its plans to develop its nuclear capacity, and yet, such capacity was developed. This near consensus has been used as the foundation of one element of this paper's premise: there is a need to explain something that can be interpreted mostly as a failure, rather than as a success. Furthermore, even most of the insider accounts seem to agree with another premise of this paper, that the failure to prevent nuclear developments in North Korea has been related to various American strategic moves that were considered by North Korea as unreasonable, harsh, and thus provocative (Chinoy, 2008; Ford, 2018; Harrison, 2005; Martin, 2007; Mira Rapp-Hooper, 2018; Moon, 2018, 2019; Olsen, 2007; Pritchard, 2007; Sigal, 1999; Wit et al., 2004).

Following the processes of US–North Korean negotiations during the post-Cold War era has been made possible due to excellent analyses of the historical processes, as well as relatively open access to American documents, partly due to the National Security Archive's requests and work using the Freedom of Information Act to declassify and open access to originally classified documents. Furthermore, there are the detailed accounts of the processes of

diplomacy by some core actors of negotiations, such as those of Leon V. Sigal (Sigal, 1999) and Robert L. Gallucci (Wit et al., 2004) on the developments related to the Agreed Framework of the 1990s, Edward Olsen (Olsen, 2007) and Moon Chung-in (Moon, 2012) on the later processes during George W. Bush administration, and by Glyn Ford (Ford, 2018) and Moon Chung-in (Moon, 2018, 2019) on the diplomacy of President Donald Trump.

In addition to this primary material by insiders of North Korea negotiations, there are invaluable studies based on documentary material and interviews. Hastings, Holloway, Mazarr, and Bajanov offer detailed, document-based narratives of the early days of the North Korean problem and its relationships with the adversarial Cold War relationship between the US and the Soviet Union (Bajanov, 1995, 1995; Hastings, 1988; Holloway, 1994; Michael J. Mazarr, 1995) Berry and Pollack offer a detailed chronology of events and decision-making processes during the last years of the Cold War and early years of the post-Cold War era (Berry, 2011; Pollack, 2017). The account by Wit, Poneman, and Gallucci analyses the processes of the 1990s (Wit et al., 2004) and Chinoy, Funabashi, Hur, and Kwak represent the best analysis of the processes and developments of the Six-Party Talks of the George W. Bush and Barack Obama presidencies (Chinoy, 2008; Funabashi, 2008; Hur, 2018; Kwak, 2007). The analysis of President Donald Trump's nuclear diplomacy in North Korea has been helped by the analyses based on interviews and scholarly contacts in the policy community by John Delury (Delury, 2019; Grover, 2019), and the experts in the several symposiums of the National Interest, edited by Harry J. Kazianis and John Dale Grover.

Additionally, the processes of negotiations have become more transparent due to exceptionally informed journalists.

Finally, there are special analyses of various aspects of the negotiation processes. Jung and others have revealed the effect of aid in the North Korea bargain (Jung et al., 2021), while

Kwak and Joo study the effect of financial coercion (Kwak & Joo, 2007). Grzelczyk (Grzelczyk, 2018) analyses the impact of North Korean domestic policies and Kim Dong Jin (D. J. Kim, 2019) the role of civil societies for the nuclear issue. Paltiel, Glaser, and Wang show how the US–China relationship affects American nuclear diplomacy in North Korea (Glaser & Wang, 2008; Paltiel, 2007), while Dennis Gormley (Gormley, 1992), Justin McCurry (McCurry, 2020), Moon Chung-in (Moon, 2021a), Dan Oberdorfer (Oberdorfer, 1992), Seoc Woo Kim, Jungmin Kang, Frank von Hippel (S. W. Kim et al., 2020), Peter Makowsky, Frank Pabian, and Jack Liu (Makowsky et al., 2021), all reveal the impact of various military developments on the nuclear bargain. The effects of North Korea’s nuclear capacity on the likelihood of Japanese and South Korean developments have been analysed by Sokolovski and Moon (Moon, 2021a, 2021b; Sokolski, 2016). Finally, there are also analyses of contingencies in case deterrence leads to the collapse either of the North Korean regime or the state (O, 2016).

All these analyses make possible the theory-guided tracing of the United States’ processes of negotiation and enable us to see whether the illogic of current practical applications of the theory of deterrence actually account for part of the failure of the American bargain with North Korea. While detailed and informative accounts of these processes may help clarify reasons for the failure of the United States’ efforts to prevent the emergence of a de facto nuclear state in North Korea, the theoretical intervention of this article adds an aspect to the understanding of the Korean case and allows for some more generic conclusions to be made based on the failure of the United States’ theory of defence regarding North Korea.

Park and Peh make a theoretical argument that comes close to the one argued here. They argue that the most viable way to put an aspiring nuclear weapons state on a reversal pathway is by allowing it to fulfil its core interests at the bargaining table. (Park & Peh, 2020, p. 5) This way Park and Peh go against the standard deterrence argument that rejects appeasement and emphasises the consistency of punishment for bad behaviour. Somehow, the weaker party in

asymmetric coercive bargaining situation, needs to be secured against a “sucker’s payoff” even at the expense of rewarding for bad behaviour. This article adds to this argument by linking it to the classical theory of deterrence and by showing why Park and Peh are right and the theory that has been developed in the symmetrical context of the US-Soviet nuclear standoff needs new elements in order to bring about success in asymmetrical settings. If we can show that the logical failure of traditional deterrence theory has gestalt consequences for the success of deterrence policies globally, then we can assume that such generic failures of logic should be corrected not just in the historical, possibly irreversible process of US–North Korean bargaining, but in all application of deterrence.

### **The illogic of the current practical application of the theory of deterrence**

According to the US Department of Defense, deterrence is “The prevention of action by the existence of a credible threat of unacceptable counteraction and/or belief that the cost of action outweighs the perceived benefits.”(US Department of Defense, 2015, p. 67) In this definition the credibility of deterrence is based on adversary’s belief that the US will punish the target of deterrence if it does not cooperate. This is also the premise of classical theory of deterrence. According to Zagare and Kilgour and many others, deterrence is credible when the threat is believed (Freedman, 1998; George & Smoke, 1974; Schelling, 1960; Zagare & Kilgour, 2000, p. 66), while the main challenge of credibility lies in the fact that while deterrent may be rational and credible as an overall (super game) strategy, it involves moves that are irrational, since going to war as a punishment to the target of deterrence, is often a suboptimal move also for the agent of deterrence (Morgan, 2003, p. 17; Selten, 1975; Zagare & Kilgour, 2000, p. 76). Morgan summarises this thinking by claiming that credibility of US deterrence depends on US willingness, ability and commitment to punish its opponents for non-cooperation (Morgan,



2003, p. 17). This is what this article considers as the existing, illogical, definition of deterrence. It is based on the threat of punishment if the target does something that has been defined as undesired beforehand. Compellance, again, in this article is a broader concept where not only undesired changes in behaviour, or stepping over a red line, will be punished, but also the failure to change behaviour.

However, credibility of deterrence consists of something more than just the credibility of punishment. Deterrence aims to reduce the desirability in the calculations of other actors, of unwanted actions compared to the desirable ones. Thus, the credibility of non-punishment is also a crucial part of the credibility of deterrence. Simple utility theoretical logic suggests that this manipulation of the desirability of undesirable/illegitimate actions will have to be based on how American deterrence affects the utility of desirable and undesirable actions. This is done by promising:

1. the destruction of value for the other actors in case they decide to choose such actions, and;
2. that such a destruction of value will not follow, should they choose the legitimate, desirable type of action.

This is the definition of deterrence prescribed in this article. In accordance with this logic, deterrence is persuasive if and only if it creates a sufficient difference between the perceived utilities of provocative and non-provocative action and skews this difference in favour of the non-provocative action. While the strategy of the United States stipulates that “Our nuclear posture demonstrates to any adversary that nuclear strikes will result in far greater costs than any benefits the adversary could achieve” (Esper, 2020, p. 5) this demonstration does not just require that American punishment is credible if the enemy does not comply, but also that the “costs” the strategy refers to are conditional and cannot be imposed on the opponent if they do

not provoke the United States. There must be credibility of such commitment not to offer its opponents a sucker's payoff in case they yield to the kind of behaviour desired by the United States. Unless such credibility inspires confidence in itself, the utility of deterrence is illusory. The credibility of the promise of not dealing the opponent a sucker's payoff is especially crucial if the desired behaviour limits the relative power of the United States' opponent, as is the case with North Korea, which they seek to persuade away from developing nuclear weapons.

There is a historical reason specific to the bipolar setting of the Cold War that makes the theory of deterrence focus on the first of these two conditions. All the seminal scholarly thought based on game theory that started to emerge after Schelling's books (Schelling, 1960, 2008; Schelling & Halperin, 1961) were always based on the idea of interaction and "symmetry", which here, and throughout this article, refers to the mutual ability to inflict unacceptable destruction of value on the opponent, and does not refer to a balance of power or any equality of coercive assets. For Schelling and Halperin, deterrence aimed at strategic balance, "a situation in which the incentives on both sides to initiate war are outweighed by the disincentives..." (Schelling & Halperin, 1961, p. 50). In political practice, the assumption of symmetry was demonstrated in the 1972 Anti-Ballistic Missile Treaty, which acknowledged that stability can be built on the basis of the threat of mutually assured destruction (Ronald L. Spiers, 1970).

In a symmetric setting of strategic balance, both parties have the same understanding of that which neither party should have an opportunity to do. Furthermore, both parties know of their opponent's capacity to retaliate in a way that would cause unacceptable damage. Morgan, Lebow, and Stein suggest that deterrence during the Cold War was based on the assumption of an opportunity for the opponent to launch a surprise nuclear attack—if it were possible to do that without the fear of a similar retaliatory strike (Lebow & Stein, 1987; Morgan, 2003). Since each superpower had accepted that they could not use nuclear weapons as leverage to compel the other to political concessions, both powers accepted it as natural to keep a distinction

between compelled compliance and deterrence. Nuclear deterrence was reserved only for the prevention of a catastrophic nuclear first strike, never purely for blackmail. As a result, the only two pillars that both sides needed for effective deterrence were the guarantees that they were:

1. seen as willing and able to launch a second strike after the other had attacked, and;
2. not themselves interested in gaining a military advantage by launching a nuclear attack in the absence of a hostile first strike.

The Soviet development of an automatic system that could launch a retaliatory strike, even in the event that the incoming first strike had wiped out the entire leadership and the command system, emphasises the focus on the first of the two requirements of the credibility of deterrence. If retaliation could be programmed and did not require any manual, human consideration, then the enemy would have no doubt of the inevitability, and therefore credibility, of punishment following their own first strike. The assurance of non-hostility, in the event that the enemy did not plan a first strike, was based on the symmetry of the structure of deterrence. The Soviet Union could always trust that the United States would not launch a first strike, because Americans knew that the Soviet Union could destroy the country if they did. Thus, the credibility of the second pillar of effective deterrence was self-evident.

The game setting in US–North Korean relations is different. No one would suggest that the United States seeks or should be seeking symmetrical deterrence with North Korea. Indeed, the fundamental idea behind preventing North Korea from gaining nuclear weapons capacity is to prevent such symmetry. However, this lack of symmetry changes the dynamics of deterrence. It allows the questioning of the second pillar of effective deterrence. North Korea cannot be sure whether a desired action can save them from retaliation. Instead, retaliation can stem from the general hostility of the United States, rather than from clear conditions for

retaliation. This makes the mechanism of deterrence less credible from the perspective of North Korea.

Before proceeding to the theory of asymmetric deterrence, it is necessary to make one concession with regards to the critique of the classical theory of deterrence. Herman Kahn distinguishes three types of deterrence with somewhat different theoretical logics. Type I deterrence is the deterrence of a direct attack while Type II deterrence he defines as using strategic threats to deter an enemy from engaging in very provocative acts, other than a direct attack on the United States itself. Kahn's Type III deterrence is more of a tit-for-tat, graduated or controlled deterrence (Kahn, 1960, p. 126). It is possible to imagine situations where a country fears attack and makes a pre-emptive strike to reduce the severity of such an attack. In such a case the lack of credibility of non-punishment is to blame. Yet, in the case of US-North Korean relationship, it would still be impossible to imagine such a scenario where North Korea would imagine being better off attacking the US: a weakened US all-out attack would nevertheless destroy North Korea completely. Thus, this article will deal with the second and third type of deterrence against North Korean development of nuclear weapons, while it seems the classical theory of deterrence has mostly been focused on the first type (obviously, Kahn excluded).

### **Asymmetry and The Problem of Provocation**

Asymmetry in US–North Korean relations has made the rules of deterrence unclear; it has blurred the distinction between compelled compliance and deterrence. Deterrence is still used by the United States as a measure to prevent its enemies from choosing aggressive strategies with impunity—as the Department of Defense definition of deterrence suggests (US Department of Defense, 2015, p. 67). In addition, American military force is used more freely

than before to compel and bring about positive changes. The threat of punishment is being used not just to prevent changing policies, but also to force such changes. According to the new United States Department of Defense's definition of its mission from July 2, 2018, American military power is to "provide a lethal Joint Force to defend the security of our country and sustain American influence abroad." (US Department of Defense, 2018) Compelled compliance, rather than deterrence, takes precedence.

The United States has hinted that provocative North Korean actions and its continued nuclear weapons developments could provoke retaliation. The refusal to rule out a first strike against North Korea and talk of a "bloody nose" offensive military strike are examples of probabilistic deterrence with no clear definition of the trigger.

Looking at the current situation game theoretically, we can see that a well-defined logic of deterrence has been replaced by flexible, probabilistic deterrence. Instead of changing the opponent's behaviour by attaching rewards to desired behaviour and, similarly, attaching punishments to undesirable behaviour, the American strategy of deterrence is now based on probabilistic deterrence, where North Korea must calculate how far they can go in an unwanted direction to justify the increasing expected disutility that a possible retaliation brought about by their noncompliance brings. A nuclear attack against the United States would certainly invite maximum punishment. However, an attack against an ally of the United States, a limited attack, a conventional military aggression, a non-military violation of American sovereignty, an attack where the perpetrator is not directly connected to a state, a continuing development of weapons of mass destruction, or a failure to limit or destroy nuclear capacity would all trigger a retaliation of a particular strength and of a particular probability. The intensity and probability of retaliation could all be measured as expected disutility and thus modelled game theoretically. However, the lack of symmetry affects the probabilistic deterrence by weakening the credibility of the conditionality of punishment.

The lack of symmetry has created a situation in which the credibility of retaliation is guaranteed even if one cannot know exactly the severity of punishment in this framework of probabilistic deterrence. However, the credibility of non-retaliation is not guaranteed in cases where North Korea has not acted in an undesirable manner or when it has complied with American demands in one agreed issue area but has still left something to be desired in another that has not been explicitly agreed upon. Thus, North Korea cannot know for certain that they will avoid retaliation if they choose a line that the United States considers desirable and legitimate. Instead, it may be left with a sucker's payoff. Giving up nuclear technologies would weaken North Korea's own standing against the United States and, to that end, the United States might simply demand new concessions with greater relative bargaining power due to the now-weakened North Korean position. In the absence of symmetry, compromises to the United States may lead not to lenience but to further demands, regime change, or perhaps occupation.

After the end of Cold War, and the symmetry between the Soviet Union and the United States no longer made the unprovoked punishment unimaginable, the ability of the United States to deter unwanted behaviour seemed to have eroded. Instead of unwanted behaviour being deterred, an actual military punishment has become more common. While, in the 1990s, the average annual number of conflict operations that the United States was involved in was 0.2, in the 2000s it was 2.5, rising to 5.4 in the 2010s. If we look at all allied operations with United States, the United Kingdom, and French participation, the growth is almost equally extensive: from 0.6, to 2.7, to 5.5. (Calculated from data in Pettersson et al., 2021).

North Korea's Foreign Minister, Mr. Ri Yong Ho, exemplifies the logic of provocation explicitly: "While the nuclear weapon states have never been under any military attack, non-nuclear states such as Grenada, Panama, Haiti, Former Yugoslavia, Afghanistan, Iraq, Libya and Somalia underwent regime change by the military attack and interference of the US...

Our nuclear force is a war deterrence to put an end to the nuclear threat of the US and prevent the military invasion of the US.” (Yong Ho, 2017, p. 3). In an asymmetrical situation, North Korea can observe that Iraq did get rid of its weapons of mass destruction and as a result became easier to invade, while Iran has kept its promise in the *Joint Comprehensive Action Plan* of July 2015 and is now facing new demands for new concessions.

Thus, it seems that, at least in North Korean discourses the lack of American leniency even in circumstances where they behave as is asked and expected of them, provokes North Korean policies. This may prove that the risk of punishment that could still be forthcoming, despite compromises, is being used for the justification of violence. Thus, it would be fair to assume that American deterrence may actually help opponents of the United States to mobilise against it. Whether the lack of credibility then actually specifically provokes uncooperative North Korean action requires further process tracing. The question to that end is whether actions that undermine the credibility of American principles of non-punishment have led to North Korean actions that themselves threaten the security interests of the United States. To test this, we will investigate the key junctures of North Korean nuclear developments to see if negative developments have been connected to the North Korean perception that compromises will lead to a sucker’s payoff where the United States continues to punish even after North Korean makes concessions.

### **Does American Asymmetrical Deterrence Provoke North Korea?**

In September 1991, President George H.W. Bush announced that the U.S. would withdraw all its short-range nuclear weapons from abroad and return them to the United States either for destruction or storage. Bush was influenced by other negotiations ongoing with the Soviet Union and additional initiatives underway in Asia, but his announcement had a definite effect

on the Korean peninsula. There, it was seen as a quid-pro-quo for North Korea's halting of its nuclear activities and to the negotiations on North Korean acceptance of International Atomic Energy Agency's (IAEA) safeguards agreement (Berry, 2011; Wit et al., 2004, p. 10). North Korea was being pushed into compliance with the IAEA monitoring regime by making compliance a condition of withdrawal for American missiles.

A month later, in October 1991, President Bush announced the withdrawal of all nuclear weapons from South Korea (US Embassy in Seoul, 1991) after negotiations with South Korean government (US and Republic of Korea Governments, 1991). Yet parts of the bureaucracy of the United States, especially the Departments of Defense and State resisted the decision (US Department of State, 1991). The Department of Defence and especially the neo-conservative Under-Secretary of Defence Paul Wolfowitz were strongly against this concession by the President and worked to reverse and reinterpret the President's commitment, once it had been made (US Embassy in Seoul, 1991). Furthermore, President Bush also wanted to reduce the number of American troops in the region, but Secretary of Defense Dick Cheney delayed the implementation of the troop withdrawals (Wit et al., 2004, p. 10). This unpredictability was due to the commitment of the administration to a stronger American standing internationally, in terms of power and dominance, the so-called Wolfowitz doctrine (Tyler, 1992). The role of the Department of Defense alerted North Korea to the risks involved in nuclear diplomacy, but those risks were downplayed by the fact that, already in late November, South Korean officials announced that the United States had indeed begun withdrawing its nuclear weapons, and that the withdrawal was finished by mid-December (Berry, 2011). As a result, negotiations on the joint South and North Korean declaration on nuclear-free Korean peninsula was concluded (This process ended up with a joint Korean declaration soon after the US de-escalatory measures, see Government of North Korea & Government of South Korea, 1992a), and the Agreement on Reconciliation, Non-



Aggression, and Exchanges and Cooperation between South and North Korea came into being in the following months (Government of North Korea & Government of South Korea, 1992b). Furthermore, in January the following year, North Korea signed an agreement with the IAEA that provided for international inspections of its nuclear facilities after ratification of this agreement by its legislature (Berry, 2011). By November 1992, North Korea had already ratified the Safeguards Document with the IAEA and a verification team from the nuclear watchdog had already visited North Korea three times (Pendley, 1992).

The strength of the president vis-à-vis the hard-line faction of the bureaucracy contributed to the success of American deterrence against North Korea's nuclear weapons development. Despite differences within the administration of the United States on policies of deterrence towards North Korea, the ability of the President to resist the hardline positions of Cheney and Wolfowitz led to an outcome where the risk of a sucker's payoff for North Korea was low. Consequently, the perceived difference in the utilities of cooperative and non-cooperative behaviour was sufficient to persuade North Korea to adopt cooperative behaviour. Later, in many instances, North Korean concessions were discouraged by a difference in the interpretation of what American non-nuclear status meant and whether it implied also that visiting American naval vessels were not to carry nuclear weapons. Furthermore, there were differing interpretations on whether reconciliation and non-aggression with South Korea meant both would cease further military exercises that were targeted at each other. What the IAEA inspections in North Korea were to cover was also interpreted differently soon after the breakthroughs of 1991–92.

The next crisis in the US–North Korea relations emerged when the practice of the peace process forced definition of what good relations and the verification of non-development of nuclear weapons technology meaningfully entailed. North Korea's energy situation required it to seek new ways of producing energy. At the same time, the United States was worried

these new methods, particularly the use of graphite reactors, could also offer North Korea an opportunity to enrich nuclear fuel to a level that might enable the production of nuclear weapons. Modalities had to be found for the safe development of nuclear energy in North Korea without the risk of its enabling the development of secret weapons. In March 1993, it became clear that the United States, IAEA, and North Korea had differences in the interpretation of what should be allowed to be inspected (US Department of State, 1993). The IAEA demand for the special inspection of two suspect sites created a conflict between North Korea and the IAEA/US. North Korea suspected that the United States had influenced officials of the IAEA Secretariat and Member States at the IAEA Board of Governors meeting to adopt a resolution requiring North Korea to open military sites that are unrelated to nuclear activities to inspection. This North Korea felt constituted a risk for national defence as it opened sensitive information to leaking to the United States for a potential offensive military operation.<sup>2</sup> North Korea accused the IAEA of violating North Korean sovereignty and interfering in its internal affairs, attempting to stifle its socialism, and of being a “lackey” of the United States (International Atomic Energy Agency (IAEA), 2014).

Additionally, a major crisis developed from disagreement of what good relations, as was agreed upon in 1992, entailed in terms of military exercises. North Korea’s leader Kim Il Jong felt that the US–South Korean military exercise, *Team Spirit*, was a “nuclear war game preliminary to invasion of North Korea.”<sup>3</sup> This was seen by North Korea to be in violation with the idea of non-aggression. As a response, North Korea threatened to withdraw from the Non-Proliferation Treaty and end the IAEA inspections of North Korea’s nuclear energy sites.

Again, the situation surrounding the *Team Spirit* exercise revealed a rift between the then-President Bill Clinton and his cabinet, and the United States Department of Defense. While the president saw the merits in ending the exercise that North Korea saw as provocative, the

Department of Defense saw it as necessary for the continuing deterrence of North Korea. In May 1993, deputies of the main security related secretaries<sup>4</sup> decided on the suspension of the 1994 *Team Spirit* exercise (Wit et al., 2004, p. 48). However, the Ministry of Defense then continued and expanded another annual exercise—Reception, Staging, Onward Movement and Integration of Forces, later called *Key Resolve*. This was continued to enable “rapid deployment of U.S. troop reinforcements to Korea in the event of war on the Korean Peninsula.” (Digital Chosunilbo (English Edition), 2008). North Korea perceived it as the same “war game aimed at a northward invasion.” (Digital Chosunilbo (English Edition), 2008).

Similar tensions arose in negotiations on the modalities of North Korean nuclear energy production. United States chief negotiator Robert L. Gallucci and Secretary of State Warren Christopher felt it was useful to offer help in the development of alternative methods of nuclear energy production to tackle the North Korean argument for and policy of nuclear-derived energy generation, and ease sanctions against North Korea in case progress was made to end the risk of the development of North Korean nuclear weapons. However, hawkish elements wanted to combine pressure and sanctions regardless of North Korean compromises (Wit et al., 2004, p. 62).

While President Clinton’s negotiating team managed to enter into agreement with its North Korean counterpart on a solution that, according to Clinton’s words, “[the] U.S. had agreed to arrange for the provision of light water reactors to North Korea, as well as interim energy resources, in exchange for which Pyongyang would freeze construction of its nuclear reactors, halt reprocessing of its spent fuel, and seal its nuclear facilities, all of which would be monitored by the IAEA. In addition, the two governments were ready to improve diplomatic relations, the U.S. would provide the Communist nation assurances against the threat of nuclear attack, and North Korea would affirm its commitments under the NPT.”

(Clinton & Kim Yong Sam, 1994). This consensus was sealed first with a joint declaration in August 1994 and then with an Agreed Framework in October 1994 (Department Of State. The Office of Electronic Information, 1994).

In this deal, North Korea was, however, left with a sucker's payoff. Documents from the United States itself suggest that Americans had no problems with North Korean compliance with the Agreed Framework. In 1998, documents from the United States Embassy to South Korea testified to the perception that North Korea had stuck to its commitment even in terms of verification (US Embassy in Seoul, 1998b, p. 6). Robert Gallucci, the Assistant Secretary of State, who spearheaded the 1994 agreement, characterized the North Korean compliance with the deal in the following manner: "If we didn't do a deal, either we would have gone to war or they'd have over 100 nuclear weapons." (Behar & Cherry, 2009) William Perry, the United States Secretary for Defense, (February, 1994 – January, 1997). described the effect of the agreement on North Korea's behaviour in the following manner: "The Agreed Framework of 1994 succeeded in verifiably freezing North Korean plutonium production at Yongbyon. It stopped plutonium production at that facility so that North Korea currently has at most a small amount of fissile material it may have secreted away from operations prior to 1994; without the Agreed Framework, North Korea could have produced enough additional plutonium by now for a significant number of nuclear weapons. Yet, despite the critical achievement of a verified freeze on plutonium production at Yongbyon under the Agreed Framework, the policy review team has serious concerns about possible continuing nuclear weapons-related work in the DPRK. Some of these concerns have been addressed through our access and visit to Kumchang-ni." (Perry, 1999, p. 3).

Yet the American commitment to the agreement was limited. According to Stephen Bosworth, the first executive director of the Korean Peninsula Energy Development Organization (KEDO), the main implementor of American provision of light water reactors

to North Korea, “The Agreed Framework was a political orphan within two weeks after its signature.” (Behar & Cherry, 2009). This was due to the fact that new elections had brought a conservative Congress into power, and such a Congress did not grant the economic means for American compliance with its commitments to North Korea. Two years after the Agreed Framework, the United States was still only negotiating with South Korea and Japan about the funding for the light water reactors that the United States had promised to North Korea (US Department of State, 1996b). Funding from the United States for oil replacements had run into trouble and political problems already in 1998 (US Department of State, 1998) as “Congress failed to approve the second tranche of U.S. funding earmarked for heavy fuel oil to send to North Korea” (US Embassy in Seoul, 1998a). The compensation of the graphite reactors was needed to supply energy in North Korea as the country had serious energy concerns in 1996 (US Department of State, 1996a) and in 1999–2000 (Albright, 2000). Furthermore, the United States was not able to reduce even unilateral executive sanctions, as Congress resisted (Albright, 1999).

The problem with the strategy of the United States of deterrence subsequent to the Agreed Framework was that the hawkish opponents in the American political system applied the theory of deterrence incorrectly. They assumed that deterrence could be most successful if the government insisted on tough measures even when North Korea cooperated: only a bloody nose might persuade North Korea. This wrong application was most clearly exemplified by Lally Weymouth, a columnist for the Washington Post who sympathised with the forces that opposed Clinton’s compromises. Lally Weymouth urged, while the Agreed Framework was being negotiated, that the administration should set a “timetable for the North to come into compliance with the Non-Proliferation Treaty, demand Pyongyang to allow the IAEA inspection and still meanwhile encourage the UN to impose sanctions.” (Weymouth, 1993). Such a strategy was punishing if North Korea did not comply, but nonetheless punished the

country even for its compliance with its commitments and cooperative behaviour. This was the line that the United States eventually took with the Agreed Framework: it continued sanctioning North Korea and failed to live up to its own commitments in fear of being too lenient on its adversary. However, in doing so, the United States did not manage to create a difference between the utility of preferred and unpreferred North Korean behaviour. As such, deterrence did not create incentives for their cooperation.

The Clinton administration managed to keep North Korea to its commitments in the Agreed Framework but failed to add new commitments related to North Korean missile technology partly because of the administration's compensation for its non-compliance in the form of considerable food aid at the end of the 1990s (US Embassy in Seoul, 1998b, p. 6). Without such compensation, North Korea would have felt it was left with a sucker's payoff (Lord, 1996), and it would probably have given up its nuclear freeze, something it eventually did once the agreement finally unravelled under the administration of President George W. Bush in 2002. The process from the promise of the Agreed Framework to the failure to provide alternative energy resources, despite North Korea's freezing of its nuclear weapons program, could be considered crucial for the failure of American deterrence to prevent the development of North Korean nuclear weapons capability. Charles L. Pritchard, an American official who served both the Clinton and Bush Jr. Korea administrations, considers 2002 as the final turning-point after which North Korea no longer considered bargaining an option, that such activity would inevitably leave North Korea with a sucker's payoff (Pritchard, 2007). The analysis of Curtin H. Martin, a specialist of game theoretical logic of coercion and sanctions, suggests that what this paper calls the "illogic of the theory of deterrence" played an important part in this failure. While punishment through sanctions within the Agreed Framework was reserved for the discouraging of the development of nuclear weapons, it was also used quite suddenly to punish the development of delivery systems as well. As a result,

the old consensus was unilaterally renegotiated by the Bush administration, and consequently, North Korea was left with a sucker's payoff (Martin, 2007). However, Martin argues that the appeasing setup of the Agreed Framework would not have worked even if the United States could have stuck with its original commitments. Positive sanctions are applicable only if there is enough of trust to work efficiently to remove, not just freeze, the development of North Korea's nuclear weapons technology (Martin, 2002).

Despite the unravelling of the Agreed Framework and the eventual continuation of North Korean development of nuclear weapons technology, President Bush's State Department did advance its own negotiations to end the North Korean nuclear threat. As a result of the multipolar Six-Party Talks, a Joint Statement was issued on 19 September 2005 by China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation, and the United States. The agreement established "verifiable denuclearization of the Korean Peninsula [...] North Korea's dismantlement of nuclear weapons programs and the corresponding provision of economic aid, diplomatic relations, and other incentives for the DPRK" (Government of the People's Republic of China et al., 2005). This time, however, it was the United States Department of the Treasury that undercut State Department efforts by involving some of the same sanctions that the Joint Statement had agreed to remove into another bargain, this time related to an issue that little relation with nuclear weapons diplomacy. The United States Department of the Treasury designated Banco Delta Asia in Macau as a financial institution of "primary money-laundering concern" under Section 311 of the Patriot Act. The claim was that Banco Delta Asia enabled North Korean illicit financial activities through Macau. North Korea was also accused of counterfeiting 100-dollar bills. As a result, North Korean accounts totalling \$24m were frozen and new sanctions were imposed. In the process, it became clear that the Treasury had the president's support despite the fact that new sanctions sabotaged the progress achieved by the Six-Party Talks that the State

Department had participated in. Furthermore, the United States now also claimed that North Korea was involved in drug trade (Kwak & Joo, 2007, p. 76). As a consequence, “[the] US imposed new financial sanctions against North Korea in the same month [as it had participated in the Joint Statement that promised to remove them] [...] to prevent money laundering and other illegal activities and should be separated from the nuclear talks.” (Joo & Kwak, 2007, p. 2). While the Joint Statement of the Six Parties was sabotaged by this new attack on North Korea, it did not end the Six-Party Talks. Yet the mechanism never produced any substantial effective curtailments against the North Korean development of nuclear weapons. Consequently, on the 9<sup>th</sup> of October 2006, North Korea finally conducted its first nuclear test. The structure of the nuclear deterrence game changed, and despite the fact that North Korea has not been recognised as a nuclear state, it now had methods for nuclear deterrence that needed to be taken into account. Asymmetrical deterrence that had aimed at preventing such a change had failed. The lack of credibility of the second element of deterrence, the non-punishment after cooperative performance clearly, played a crucial role in this failure.

## **Conclusions**

Rational prescriptions are still relevant for American policies of nuclear deterrence. The basic logic of game theoretical thinking on deterrence still manages to prescribe the security policies of the West. Undoubtedly, the United States will still need to be able to make a credible threat of an assured unacceptable punishment to those that fundamentally threaten the safety of Americans.

However, in an asymmetric situation, power can also imply weakness. The theory and the policy of deterrence must now be more sensitive to the risk of potential enemies assuming that



punishment will be forthcoming regardless of what they do. Assurance of the opposite has become crucial for the effectiveness of deterrence in the post-Cold War era.

In an asymmetrical setting, the United States does not fear that North Korea can bring it to bear an unacceptable punishment if the United States attacks them out of general hostility rather than after a provocation. As a result—unlike in the US-Soviet relationship where the United States had no scope to consider an unprovoked nuclear attack on the Soviet Union, for the Soviet second strike would have inflicted unacceptable destruction on the United States—North Korea can rationally fear an unprovoked American punishment. Thus, asymmetry can mean that deterrence becomes less credible as it cannot be convincing in its conditionalities. If there is not a stalemate between the sender and recipient of deterrence as was the case between the two nuclear superpowers during the Cold War, but instead deterrence is used not just to prevent change but also to effect it, it becomes increasingly difficult for the United States to convince its enemies that there will be no punishment if they comply with American demands.

In the post-Cold War world, American deterrence has become less credible and more provocative, as in the absence of symmetry unprovoked American aggression is no longer unimaginable. This was shown both with game theoretical modelling of the game setting, and by references to the rhetoric of opponents of the United States and statistics of the association between rhetoric and conflict fatalities. The main challenge to the effectiveness of deterrence in a world lacking in symmetry is one of how to convince opponents of the United States that they will be safe if they avoid provocations. Surprisingly, to that end, the United States power has become a source of weakness.

In the post-Cold War history of American deterrence of North Korea's nuclear weapons development, there seems to have been three kinds of reasons for why North Korea has

perceived that the difference between utilities from American reactions as negligible. North Korea feared a sucker's payoff due to

1. the non-commitment of presidents of the United States to the commitments of their predecessors,
2. the bureaucratic divisions of the United States,
3. differences in the interpretation of American and North Korean commitments.

The lack of commitment from each successive President of the United States to agreements and promises made in the name of the country by their predecessors may have been the main reason for the North Korean fear of being left with a sucker's payoff.<sup>5</sup> This was clearest in the turning point of the deterrence relationship of the United States when the Agreed Framework finally collapsed. After this turning point, North Korean development of nuclear weapons was never completely halted again. For American deterrence to be credible in situations where the United States does not punish the target of its deterrence, governments should respect commitments their predecessors have made in the name of the country. This may mean that American foreign policy should create rules for what governments can and what they cannot commit to. Governments should not make commitments that are not in line with the democratic will behind their successor governments. At the same time, international predictability over election periods is at the core of credible deterrence.

The other mechanism that increased the fear of sucker's payoff were the different approaches from, and occasional lack of coordination between, separate units of the government of the United States. While one promised trade-offs against North Korean concessions, others forced the country to continue with the punishments that North Korea was subjected to before its concessions. The clearest example of this problem with respect to American deterrence was the difficulty of keeping to the commitments of the Agreed Framework during the

Clinton presidency, and after the Joint Statement of the 19th of September 2005. To be effective in the aim for nuclear non-proliferation, economic sanctions should have been made conditional only to North Korean compliance with the Joint Statement. Using the same sanctions for all kinds of grievances made the United States promise not to punish North Korea less credible in the game of nuclear deterrence. As a result, North Korea did not experience any utility difference between compliance and non-compliance: the country was punished regardless of its behaviour on nuclear issues.

Thirdly, North Korea interpreted the terms of agreement differently from the United States and then consequently viewed itself as having been cheated into compromises without the intended American measures of reciprocity. North Korea's interpretation of cordial relations was a case in point: Were military exercises in contradiction to such relations? Furthermore, the question of what different agreed monitoring regimes covered created frustrations in North Korea. Finally, the issue of a nuclear-free Korean Peninsula created disputes between the United States and North Korea: did that rule out American nuclear naval visits or not? To be effective, deterrence should define more explicit rules of what triggers a punishment, and what does not. In many cases, however, agreement is possible only if it is somewhat vague, and thus, effective deterrence also may require even lengthier negotiations on the terms of agreements on non-proliferation.

These three ways in which North Korea could feel being left with sucker's payoff motivated uncooperative North Korean behaviour by reducing the perceived difference between the utility of American response to North Korean cooperative and uncooperative behaviour: if North Korea assumed American hostility regardless of what it did, it had no reason to make power-reducing compromises. More generally, when a country tries to deter aggression, nuclear proliferation, or any undesirable behaviour, its strategy of deterrence needs to be

united, consistent, and explicit. Only this way is the target of deterrence incentivised to compromises.

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## Endnotes

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<sup>2</sup> (International Atomic Energy Agency (IAEA), 2014) US Chief Negotiator still admits that insistence on a declaration of full list of North Korean nuclear installations constitutes, for North Korea, “a request for a target list for a preventive strike.” (Gallucci, 2021, p. 104)

<sup>3</sup> Order No. 0034 of the Supreme Military Commander, referred to by the US chief negotiator (Wit et al., 2004, p. 24)

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<sup>4</sup> The Deputies Committee of the National Security Council consisting of Deputy Secretaries of State, Defense, Energy, Office of Management and Budget, the Treasury and Attorney General as well as the deputy National Security Advisor.

<sup>5</sup> This has sometimes been an explicit complaint in North Korean political discourse. In 2016 the state media Uriminzokkiri complained about this in the context US inability to commit to a promise of not using nuclear weapons first: “Even though Obama includes in the policy of no-first use of nuclear weapons the reduction of some projects under the nuclear weapons modernization plan, there is no guarantee for its consistent implementation. Republican Party-dominated U.S. Congress is standing against the Obama's policy. What Obama can do best under this situation is to issue a presidential executive order. Obama's term of office has about five months.” (Uriminzokkiri (En), 2016)