

**CAN NORTH KOREA BE DENUCLEARIZED?  
THE IRAN CASE AND AN ANALYTICAL  
FRAMEWORK FOR THE SIX-PARTY TALKS**

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## **Abstract**

Negotiations with Iran and North Korea over the previous several years have failed to produce an agreement over their nuclear programs. Mutual distrust, preconditions and ultimatums, and poor negotiation strategy has likely been the cause. But a new multilateral framework agreement on Iran's nuclear program could offer an insight on how the Six-Party Talks can denuclearize North Korea. To analyze this potential, a framework created by James K. Sebenius and Michael K. Singh conceptualizes a visual "zone of possible agreement" by graphically placing each parties' interests in order to show if and how a deal can be designed. The focus is on finding overlapping interests, no-deal points, and where a deal might exist. Applying the Iran negotiations to the assumed interests and no-deal options of North Korea, it appears a nuclear agreement is possible. A value-enhanced, focused deal for the North Korean regime is preferable over a no-deal option. However, this success would require a new negotiation strategy by the United States. A continued focus on "at-the-table" issues and tactics will produce the same failures. Simultaneously worsening a no-deal outcome and increasing the value of the agreement will follow the success of the Iranian negotiations. Contrary to what past talks have done, negotiating the nuclear issue and not the people is the best strategy for opening a zone of agreement. Growing off the Iran framework, a sophisticated deal for a manageable program creates a path for a successful nuclear deal with North Korean.

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## Introduction

The last three United States presidents have tried to pressure, sanction, and negotiate with North Korea and the previous three Kim dictators in order to roll back and freeze a North Korean nuclear weapons program. Neither a 1994 Agreed Framework nor five rounds of the “Six-Party Talks” (SPT)—China, Japan, North Korea, Russia, South Korea, and the United States—between 2003 and 2007 have halted Pyongyang’s capabilities. Since the end of the framework in 2002, North Korea covertly produced more plutonium and enriched more uranium, leading to the Bush administration proclaiming it as part of an “Axis of Evil”. And since 2009, when North Korea formally withdrew from the talks and further resumed its nuclear program, it has grown to roughly twenty weapons and is projected to have an arsenal of fifty to one-hundred weapons by 2020.<sup>1</sup> While Pyongyang’s economy is under heavy international sanctions and Washington and Seoul claim to keep all military options on the table, North Korea continues to advance its weapons program while negotiations remain at an impasse.

Meanwhile, earlier this year, another former “Axis of Evil,” in Iran reached an agreement along with the five permanent members of the United Nations Security Council (China, France, Russia, the United Kingdom, and the United States) plus Germany (or P5+1) to prevent Iran from developing nuclear weapons for up to ten to fifteen years. But the agreement and the negotiations themselves have received staunch domestic opposition. Forty-eight U.S. Senators signed a letter to Iran warning them of reaching a deal, threatening, additionally, to pass legislation that would derail aspects of an agreement with Iran.

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<sup>1</sup> For more on North Korea’s current arsenal and 2020 projections, see David Albright’s “Future Directions in the DPRK’S Nuclear Weapons Program: Three Scenarios for 2020” (Institute for Science and International Security, February 26<sup>th</sup>, 2015). [http://isis-online.org/uploads/isis-reports/documents/North\\_Korea\\_Nuclear\\_Futures\\_26Feb2015-Master-ISIS\\_Final.pdf](http://isis-online.org/uploads/isis-reports/documents/North_Korea_Nuclear_Futures_26Feb2015-Master-ISIS_Final.pdf). For differences between SAIS projections and projections by Chinese experts, see Jeremy Page and Jay Solomon’s “China Warns North Korean Nuclear Threat Is Rising” (Wall Street Journal, April 22<sup>nd</sup>, 2015). Page, Jeremy, and Jay Solomon. “China Warns North Korean Nuclear Threat Is Rising.” *The Wall Street Journal*. April 22, 2015. Accessed April 25, 2015. <http://www.wsj.com/articles/china-warns-north-korean-nuclear-threat-is-rising-1429745706>.

Although the letter didn't have much effect, it showcases a widely held belief that negotiating with outlier regimes on nuclear weapons is unacceptable. Henry Kissinger and other former diplomats criticized the deal as essentially appeasement, one that allows for managing an Iranian program rather than stopping it, a similar criticism of previous negotiations with North Korea.<sup>2</sup>

Contrary to the criticism, the Iran framework can have substantial impact on renegotiating with North Korea. A survey of the literature for negotiations with both nations will show a range of explanations as to why there were failures. But it fails to show a preference for a complex "deal design" over tactics and "at-the-table" issues. Due to this, the diplomatic process has over-analyzed the minutiae of the events during negotiations and has not put enough focus on the value and incentives of the deal which could create overlapping interests. The focus has been too heavy on how to get to a yes and not on what made Iran say yes—and what could have made North Korea consider it.

At the present moment, with the SPT down but not out, the most basic questions is the most crucial one: is there a chance for a successful agreement between North Korea and the United States that denuclearizes North Korea? What were the failure and how can an agreement be designed? The previous failures with North Korea might suggest impossibility since the SPT involves actual weapons, a regime with a war-like posture even at the negotiating table, and has a much more sophisticated multilateral composition.<sup>3</sup> What this article intends to do is use Iran as a case-study for a successful approach and strategy, to show whether a framework deal with North Korea is a likely achievement by looking at, and not dive into the muddy waters of the diplomatic process and tactics in order to forge, undo,

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<sup>2</sup> Kissinger, Henry and George P Schultz. "The Iran Deal and Its Consequences." *The Wall Street Journal* 7 Apr. 2015. Web. 18 Apr. 2015.

<sup>3</sup> All of the issues (e.g. economy, reunification, historical grievances, and regional security cooperation) of all of the players are beyond the scope of this essay. This essay will focus on the U.S. side of the talks with both North Korea (and Iran). For a look on the phases of each negotiating party and the complexity of the current stalemate, see: Park, John S. "Inside Multilateralism: The Six-Party Talks." *Washington Quarterly* 28, no. 4 (2005): 73-91.

and mend an acceptable deal between all the players.

Hawks believe that neither Iran nor North Korea had the intention to give up their weapons and use negotiations and deals on paper as a way to covertly advance nuclear programs. But while these skeptics generally lead to the conclusion that the United States and its allies should consider military options in lieu of agreements, they only speculate that an agreement won't happen or have real value, while ignoring the underlying issues which create value and incentive for an agreement.

The Iran and North Korea negotiations have similar characteristics: regional security concerns that are simultaneously global concerns; regional proliferation anxieties; decades of tension and hostility with the U.S.; domestic politics barriers for each side; and poor strategies, bad timing, missed chances, and sudden 'about-face' approaches that have derailed promising efforts.

There is a certain "Tolstoy Explanation" to the nuclear talks, that *all successful negotiations are alike; each unsuccessful negotiation is unsuccessful in its own way*. The former are all alike because the end of result is the same. Regardless of the details of the agreement, there were common interests which, firstly, meant there was the possibility of agreement and, secondly, that a deal was struck, the terms of the deal more in the interests of the parties involved than prospect of walking away. When negotiations break down and parties opt for a no-deal, as was the case often with North Korea and Iran, different causes are at fault. It is beyond the simple idea that no longer negotiating was better than continuing. The atmosphere leading to the negotiations, the terms and preconditions for going to the table, the brinkmanship, the perception of sinister intentions and deceptions, the "home politics" that undermined (or torpedoes) what the lead negotiators worked towards, are often individually played out and create both real and imaginative blockades to a mutually acceptable deal, even if overlapping interests superior to a no-deal were still on the table.

The 2005 Joint Statement at the SPT, which among other things announced a North Korean commitment to abandon its program, and the 2015 Iran Framework received the same criticism of not having a strong enough hardline, of trusting the negotiations too much, of not pursuing a world dedicated to full nonproliferation.<sup>4</sup> The Iran agreed framework is agreement and not merely a Joint Statement, and the new deal can be seen as a way to fix the broken SPT by offering a tangible example for a multilateral solution, showcasing the proper approach and preparation for renewed talks. This deal design works regardless of the differences between the negotiations.<sup>5</sup> The quality and success of the Iran framework and how to approach both the issue and North Korea has been, and will continue to be, one of the most contentious topics in foreign policy.

Clearly, the parameters of the current deal and a new deal with North Korea would be different. Mainly this is because Iran was considered to be as close as two to three months away from developing a weapon, while North Korea has a rapidly growing arsenal. This analysis is not composed of speculation for future talks. Since past negotiations are not to be thrown out, and since the issues that lead to a breakdown in negotiations will undoubtedly need to be resolved in future negotiations, showing why the past failures happened and what could have been done to avert them is also the answer to if and how the negotiation can be successful.

The concern over the breakdown in negotiations is rooted in questions of instability and escalation. Since the end of the SPT, North Korea has been suspected of torpedoing a South Korean (ROK) naval vessel, the Cheonan, killing forty-eight sailors; and just months

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<sup>4</sup> For more on Iran and North Korea proliferation worries and the need for a “Nuclear Zero” option, see Sagan, Scott, and Kenneth N. Waltz. *The Spread of Nuclear Weapons: An Enduring Debate*. WW Norton & Company, 2013. 200-219. In regards to a nuclear zero foreign policy, see: Shultz, George P., William J. Perry, Henry A. Kissinger, and Sam Nunn. "A World Free of Nuclear Weapons." *The Wall Street Journal*. January 4, 2007. Accessed April 5, 2015

<sup>5</sup> For a detailed analysis on the differences (and similarities) between the terms of the 1994 and 2015 agreed frameworks, see: Perkovich, George. "Why the Iran Nuclear Deal Is Not the North Korea Deal." Carnegie Endowment for International Peace. April 28, 2015. Accessed April 29, 2015. <http://carnegieendowment.org/2015/04/28/why-iran-nuclear-deal-is-not-north-korea-deal/i7wa>

afterwards launched an artillery attack on Yeonpyeong Island, killing four, creating a reassessment of bilateral relationships within the talks.<sup>6</sup> The death of Kim Jong-il brought in his youngest son, Kim Jong-un, who has created concerns of being more of a hard-liner. Analysts, particularly in the U.S. State Department, have continuously expected the Kim regime to collapse with the death of Kim Il-sung and Kim Jong-il, which not only failed to happen but didn't change the trajectory of the nuclear program. As seen with Iran, the only way to stop or manage North Korea's nuclear issue is by designing a well-developed and sophisticated negotiation strategy prior to the talks.

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<sup>6</sup> Snyder and Byun. "Cheonan and Yeonpyeong," 74-81.



## Chapter 1 - Setting Up an Effective Negotiation

The negotiation strategy is a more formidable and familiar approach than the diplomatic one. The correct perception heading into the negotiations is essential for creating a “zone of possible agreement” (ZOPA). As James K. Sebenius states, “A ZOPA is the range of potential deals that are better in terms of each party’s perceived interests than the best alternative to a negotiated agreement (or ‘no deal options’) of each party.”<sup>7</sup>

When we see these negotiations put into monetary value, which weapons don’t inherently have,<sup>8</sup> it is more easily understood. As Sebenius shows us, we can try to see this in the form of haggling at a bazaar. Let’s say you are negotiating the price of a Persian rug, which is listed at \$1000. If the buyer starts by announcing that he won’t pay a penny over \$800, then the seller will have no choice but to walk away, and it is over without a negotiation, even if the seller was willing to sell it for a lower price. With a hardened line at \$800, the no-deal option for the owner makes it better not to sell the carpet for such a low value, perhaps lower or equal to the cost itself. On the other hand, the hardened position not only left the buyer without the carpet he wanted, but he wasn’t even involved in a negotiation. Additionally, if the seller has an offer at \$1000, then no negotiation strategy will allow the buyer to make a deal for below that value. But let’s say in such a case that there is no such offer, and the carpet can be had for \$900. It is \$100 more than the buyer was willing to pay, but it was also a deal that the rug’s owner would be willing to accept—a mutual concession. But it’s still not likely or even impossible in reality since the \$900 does not enter into the ZOPA of the buyer, whose maximum price was at \$800. For the seller, he doesn’t have an incentive or interest in lowering his price just for the sake of negotiations. Moreover, if the

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<sup>7</sup> Sebenius and Singh. “Is a nuclear deal with Iran possible?” 53.

<sup>8</sup> For further reading on the political economy of nuclear weapons, see Solingen, Etel. “The Political Economy of Nuclear Restraint.” *International Security* (1994): 126-169. For North Korea weighing the economic consequences of keeping its program and its economic options, see Haggard, Stephan M., and Marcus Noland. “Sanctioning North Korea: The Political Economy of Denuclearization and Proliferation.” Peterson Institute for International Economics Working Paper 09-4 (2009).

seller sees his lowest acceptable value at \$750, then a deal is undoubtedly possible, since the ZOPAs overlap. Where the final price ends (between \$750 and \$800), and how close it is to the buyer's minimum value and the seller's maximum, is a matter of the negotiating skills by both sides.

In the hard case of Iran and North Korea, the no-deal option has alternatives and consequences. A no-deal means taking unilateral actions or supporting ally response, moving away from negotiations completely because the strength of an alliance and bilateral action is better than an agreement outright, better than alternative negotiations, whether it be further bilateral or wider multilateral talks. In the case of nuclear weapons programs and inward-looking states, the perception of what is gained from an agreement must be higher than having the program, either at all or in its current state.

With the new agreement, for Iran and the US (among others) to agree on a framework, a positive perception was first reached. In 2011, then Sen. John Kerry, and lead negotiator of the current deal, was sent by President Obama to Qatar to meet discreetly with Iranians to see if an agreement was possible.<sup>9</sup> Less than four years later, Kerry was the lead negotiator as Secretary of State and he struck a deal in the face of strong domestic opposition and undermining. The current atmosphere is similar to the one in Tehran before Kerry's visit. Like Iran, as a precondition, North Korea wants sanctions lifted, U.S. joint military exercises with South Korea ended, and guarantees that there is no attention on regime change. For the U.S., the precondition is also the very point of the negotiation: stop the program and allow the International Atomic Energy Agency (IAEA) inspectors back in. Creating a sound atmosphere, similar to Kerry's visit, is not only a means for getting to the talks, but the means for allowing *for* a deal.<sup>10</sup> Since 2009, the atmosphere has been bipolar at best, a willingness

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<sup>9</sup> Bender, Bryan. "How John Kerry Opened a Secret Channel to Iran," *The Boston Globe*, Nov. 26, 2013.

<sup>10</sup> In April and August 2012, two visits by White House officials to Pyongyang stayed secretive until after Obama's reelection and inauguration. One former official said the first visit was a failed attempt to stop North Korea from testing a long-range rocket. Dilanian, Ken, and Barbara Demick. "Secret U.S.-North Korea

to talk but not to strike a deal, a bilateral breakdown where both sides set contentious preconditions.

The perception of the process towards a deal is essential for creating a ZOPA, since a ZOPA must first have the likelihood to overlap in order for the negotiations to be worthwhile. What the Iran framework offers is an example of a ZOPA between the United States and a hardliner, which is also in an area with major regional security concerns. The P5+1 framework deal with Iran can show North Korea a deal can be achieved in a way that makes it sufficient to a no-deal (i.e. solves the crisis with a deal and not an ultimatum). It shows the party's willingness to get create a ZOPA. For the Kim regime, not returning to the table after an Iran deal gives off security concerns about escalation and creates a perception of unwillingness for resolution, one that creates little leverage for a fully isolated North Korea, who would be without a no-deal option if full international pressure leads to regime collapse. In order for each party's ZOPA to intersect at any point, there must be a shift from the current, "not a penny more" (as shown above in the haggling) to a perception of overlapping interests.

To find this overlap, this essay expands from Sebenius and Wright's essay on Iran and uses their analytical framework to visualize the ZOPA qualitatively and graphically, showing a range of deals. It will use the ZOPA in order to show how different choices in previous SPT could have allowed for an agreement, and how this was done in Iran. This framework shows how the zones can overlap and how it allows for each side to reach a deal that is better than their Best Alternative to a Negotiated Agreement (BATNA). What this article contributes is using this framework in looking at the Iran deal as a way to show the distinct ways in which the failed SPT can be fixed. This does not suggest that the purpose is policy

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Diplomatic Trips Reported." Los Angeles Times. February 23, 2013. Accessed April 5, 2015. <http://articles.latimes.com/2013/feb/23/world/la-fg-us-north-korea-20130224>. It can be speculated that the second visit was an attempt to stop a third underground nuclear test, which was carried out in February 2013. However, these visits are unlike the Kerry visit to Qatar, which was done in the spirit of not merely for resuming talks but because the U.S. considered it a ripe time for an agreement. Visits to Pyongyang and outreach efforts have the atmosphere are de-escalation and getting off the ledge, but not one of overlapped interests or ripeness.

suggests, but instead an analysis of how to create room for an agreement or reach a successful negotiation. It assesses the elements of both negotiations, more so with the latter, and analyzes how the elements within and between each negotiation case could make for a more effective outcome with North Korea. An essential part of this essay is geared towards the elements of a successful negotiation with North Korea. Furthermore it goes a step further than the previous scholars linkage of the Middle East and East Asia proliferation and looks at two specific negotiations—one with an agreement, and one no longer at the table—and makes a valid case for how to fix past failures with North Korea by evolving from the Iran negotiations.

I will first look at the logic behind approaching and preparing for the negotiations. Next, we will explore the kinds of caveats, interests, and no-deal options that the U.S. and North Korea have, bringing in Iran when necessary, though not ignoring the differences between the two cases. I will look at a graphical representation of the ZOPA between the U.S. and North Korea, and then turn to the Sebenius and Wright analysis of the Iran ZOPA, adding in the current framework that took place long after publication. With this framework and comparison, I will show there is a much wider ZOPA than each side perceives, and aspects of the Iran framework could and should be used as a path to success. But I will find it is unlikely to follow this success if the United States doesn't focus on the issues, as it did in Iran, and opts for a larger ideological approach gear towards regime and position due to the difference in nature and region. However, looking at the Iran deal and U.S. policy further, I will show where the cost-imposing and value enhancing moves likely exist, and that there are incentives and costs than can make a ZOPA with North Korea mutually achievable. The final section looks at recent U.S. policy toward North Korea (and Iran) and shows how the Iran deal can alleviate the North Korea problem, concluding with recommendations.

## Chapter 2: A Qualitative Introduction to the Analytical Framework

As with Iran, the nuclear negotiations with North Korea tend to focus on the headlining issues and the tactics that can draw North Korea into an agreement. These include issues such as whether or not to enhance a Chinese lead as a mediator, whether or not to apply all-out pressure to North Korea, whether to seek a multilateral security institution or strengthen bilateral security agreements and assurances, to go at the North Korean problem as an isolated one or treat the negotiations as a regional situation, build relationships and confidence or use muscle and might, use experienced negotiators or one's that are culturally familiar, push for an immediate end or a time frame.

These issues are indeed important but miss the depth needed for successful negotiations. Those issues can be described as a one-dimensional approach, an aspect to the negotiations, the "at-the-table" issues that are hugely relevant but don't encompass the full spectrum. The second dimension is a more "lowest common denominator" approach that uses a deal designed to find a potential agreement where each party gets the most out of it and is long lasting. This can quickly prove allusive and complicated in negotiations, bringing out peripheral issues ranging from North Korean kidnappings of Japanese to Iranian financial support for Hezbollah. The proper approach is to fully apply Sebenius's "Three Dimensional" (3D) negotiation strategy and analysis.<sup>11</sup> The 3D strategy works as an "architectural dimension" that Sebenius describes as "the parties, their interests and no-deal options, the sequence of approach, and actions to shape those factors to increase the likelihood of a

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<sup>11</sup> This can be further broken down as follows: a one dimensional approach is on tactics, or people and process; a two-dimensional focuses on deal design in terms of value and substance; a three-dimensional approach focuses on the set-up, or scope and sequence. While this article uses deal design, and to a lesser extent the tactics to impose the deal, the focus throughout is on the setup as laid out in the graphical analysis. For more, see, Lax, David A., and James K. Sebenius. *3-D Negotiation*. For the complete literature on Sebenius, and more closely to international relations, see Sebenius, "Negotiation Analysis: Between Decisions and Games." In Ward Edwards, Ralph Miles, and Detlof von Winterfeldt, eds., *Advances in Decision Analysis: From Foundations to Applications* (2007): 469-488.

successful outcome once the parties arrive at the table.”<sup>12</sup> It is an analytical setup that is less concerned with tactics and deal design and more concerned with interests, BATNA, and the ZOPA for potential deals.

I will use this framework to first analyze the main issue facing the resumption of talks: Looking at the current perceptions between the US and North Korea, is there an overlapping ZOPA for a potential deal, or is the no-deal option greater? More specifically, after the agreement with Iran, is it possible to come to an agreement with an even more formidable negotiating opponent in North Korea? Since this seems unlikely, what can be done to alter the “red and green lines” that allow for there to be an intersection in interests? And can the Iran agreement alter this setup in order for each side to perceive a ZOPA?

In order to apply this architectural design, we must see where the limitations, where the interests line, and where the no-deal options exists before we dive into the deal options. We can take a look at the limitations, interests, and no-deals that existed before the Iran agreement, and bring them in to show that even these caveats and no-deal options cannot outweigh true mutual interest if the perception is true and mutually agreeable.

## **2.1 Caveats with a Nuclear North Korea and Iran**

First it is important to look at some caveats in order to bridge the gap between the complexity of multilateral negotiations in its nature and the intentional simplicity of the framework advanced from Sebenius and Singh. Even more so than the P5+1, the SPT members each have their own interests and no-deal options that can move goal posts or fail to capitalize on a ZOPA. They carry personal and historical grievances, not only in regards to North Korea but with each other. To complicate the negotiations further, the United States, North Korea, and Iran have internal aspects in the negotiation process that can create a sudden reversal or block a deal. This could explain why North Korean and Iranian

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<sup>12</sup> Sebenius and Singh. "Is a nuclear deal with Iran possible?" 57.

negotiators have seemed to give the allure of accepting a deal only to portray a “schizoid foreign policy” by walking away.<sup>13</sup> For Washington, Thomas Hubbard, the U.S. ambassador to South Korea at the initiation of the SPT, sums up the feelings of many involved in past negotiations: “There’s nothing less popular than any sign of cozying up to North Korea.”<sup>14</sup> This probably holds true for Iran as well. Although analyzing internal negotiations is not the focus, and nearly impossible in the North Korea case, it is important to understand the value of the nuclear program, and therefore the cost or value, in regards to regime security.

The frustration in both negotiation efforts has led to the questions of “*qui bono?*” when assessing the possibility that Iranian or North Korean willingness to give up their program or weapons. On the one hand, negotiations came to impasse when the U.S. sees a wasted effort on negotiating with a rogue or outlier regime. But on the other hand, understanding the nuclear weapon as the main means for regime *survival* is not fully understood. As Etel Solingen argues, nations seeking nuclear weapons are not looking outward or seeking internationalized economies.<sup>15</sup> “Thus, inward-looking political survival entails policies that are mutually enhancing or synergistic across domestic, regional, and global levels. Nuclear aspirants are more likely to emerge from domestic political landscapes dominated by inward-oriented coalitions than from their alternatives.”<sup>16</sup> That’s not to say the either country doesn’t want a more developed economy, but it is to say a highly integrated economy, according to Solingen, would threaten regimes if they become too internationalized and foreign investment dependent. This can explain why sanctions have a sway on getting to the table, but don’t play a direct role in curbing nuclear production. The 1994 agreed

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<sup>13</sup> Solingen, *Nuclear Logistics*. 43-44.

<sup>14</sup> Sigal, *Disarming Strangers*. 203.

<sup>15</sup> Solingen, *Nuclear Logistics*. 2011.

<sup>16</sup> Ibid. 42 Further comparing North Korea to Iran, it would make sense to understand the Kim regime as more Middle Eastern in nature (if one is liberal enough to take out the oil factor or sanctions on oil) than East Asian. Its *juche* (“self-reliance”) and *songun* (“military first”) policies are closer to methods of maintaining domestic political order, state-entrepreneurship, and lack of incentives for foreign investment in the Middle East than in East Asia. Richards, Alan, and John Waterbury. *The Political Economy of the Middle East*. Westview Press, 2009.

framework, regardless of its criticism as appeasement, did hold back the Kim regime's program for eight years. But under international sanctions since 2003, North Korea has grown its program to near *de facto* state. If the approach consists of sticks and carrots, regional and global economic integration, diplomatic ties, and a regional security nexus, then the limitations and barriers to negotiated success are significantly increased.

The outlined deals and incentives are vague but can only be seen outside of the above mentioned complexities by looking at the perceptions. This means the perceptions offered in this article build of the success of the Iran talks—in that they have an agreement on a verifiable and managed program—and how to use that with the information from past SPT to find the incentives and no-deal options.

I assume North Korea views its weapons as more than bargaining chips and one of a cost-benefit analysis, similar to Sebenius and Singh's approach to Iran. Potential agreements require an analysis of the interests and no-deal options as well as a wide-range of creative deals, but it does not assume both sides see the same value nor have a consistent and rational approach to their gains and losses. Imagining the potential outcomes, moving from the most beneficial for North Korea (regardless of the program's current status) to the most beneficial for the United States, the potential outcomes are nuclear expansion (e.g. *de facto* state, miniaturization, long-range); a limited nuclear arsenal; weaponization capabilities; latent capability; restrictions on enrichment; a full nuclear freeze; and a complete rollback without the ability to restart.

As in the Iran deal, monitoring is essential, but it doesn't mean the best North Korean agreement would require a full supply monitoring chain, which is in the Iran agreement, but it also doesn't mean the most basic deal would have any less monitoring. The issues of monitoring and verifiability are essential but also adjustable and would be in "closed brackets" and to be finalized in technical detail after an agreement while the current, main



issues (such as stockpile reduction, exporting used material, and replacing facilities with low-enrichment plants) would be needed first. There are a wide range of options, including nonnuclear deals and other so-called “linkage issues”, with a regional security institution introduced by the Chinese as the most prevalent. These issues will be added in the analysis section.

## 2.2 North Korean and U.S. Interests

Clearly, a deal design calls for overlapping interests between both sides. Combining American strategy with the assumption of regime security, along with this framework, reflects what makes up these interests. After the Bush Administration let the 1994 deal dissolve in 2002, the North Koreans acknowledged the existence of a Highly Enriched Uranium (HEU) program and started reprocessing for plutonium and therefore moved their interests from selling their program to having a tool for continued investment for both the regime and its status. It has showed a willingness to slow its program when bilateral interaction with the United States increases,<sup>17</sup> while Washington sees the SPT as a means to carry out bilateral talks within the negotiations.<sup>18</sup> However, a greater leveraged North Korea—who has withdrawn from the Nuclear Nonproliferation Treaty (NPT), expelled IAEA inspectors, and continues testing nuclear and ballistic weapons in the face of heavy sanctioning—can only be dealt with multilaterally, which the United States wants in order to create international pressure on China to make progress.

Here, more domestic North Korean interests surface. The North Korean attitude of *juche* (“self-reliance”), *songun* (“military first”) and *sadaejui* (“serving the great”, puppet) create such a strong self-interest in the outcome of a deal that U.S.-favored internationally negotiated design for forward moving regional security cooperation have less meaning than

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<sup>17</sup> Hecker, “Lessons Learned From the North Korea Nuclear Crises,” 54.

<sup>18</sup> Snyder, Scott. “North Korea’s Nuclear and Missile Tests and Six-Party Talks: Where Do We Go from Here?” Testimony before the House Committee on Foreign Affairs Subcommittee on Asia, the Pacific, and the Global Environment.” (2009).

looking back at individual nuclear cases. In earlier phases of the SPT, when looking for a model for solving the nuclear issue, North Korea preferred to use a potential Ukraine model, whereas the United States suggested the Libyan case, which gave up its program in December 2003, not long before the second phase of the SPT.<sup>19</sup> However, Libya's program, which North Korea had been suspected of supplying with a precursor to HEU, was in infancy compared to North Korea, who was looking for a large-scale deal in return for giving up its program.<sup>20</sup> Those models are no longer on the table for North Korea (or Iran), which means neither is Washington's security assurance chip. As Robert Litwak, a former director of nonproliferation on the National Security Council, puts it: "Essentially, by taking down regimes in Iraq and Libya, Washington priced itself out of the security assurance market in Pyongyang and Tehran."<sup>21</sup>

As North Korean scholar Victor Cha theorizes, their goal is to be recognized as a *fait accompli* nuclear state much like India or Pakistan, in order to create a bilateral arms control negotiation with the United States, and then aim to get a deal similar to US-India negotiations, which would involve IAEA<sup>22</sup> safeguards and monitoring for a civilian nuclear program.<sup>23</sup> As Cha mentions, this has only been a reference to its nuclear status and not a tabled option, but it represents a North Korea interest in stronger bilateral ties, even if within the SPT. Even though the United States doesn't see unilateral (i.e. without China) pressure working, a North Korea who is interested in working within the talks directly with the United States on an exceptional but peaceful nuclear deal aligns with a US interest in leading a regional security cooperation that forms out of an agreement, one that will undoubtedly link up with other issues as wide as its role in East Asia to capping Chinese territorial aggression.

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<sup>19</sup> Park, "Inside Multilateralism," 79. South Korea, China, and Russia also supported the Ukrainian model. Japan joined the United States in supporting a Libyan model.

<sup>20</sup> Ibid. 79-80.

<sup>21</sup> Litwak, Robert. "Living With Nuclear Outliers." *New York Times*. June 25, 2012

<sup>22</sup> It is not a prerequisite for IAEA applicants or members to be part of the NPT. India, Israel, and Pakistan are members of the IAEA but not signatories of the NPT.

<sup>23</sup> Cha, "What Do They Really Want?" 123-124.

### 2.3 North Korean and U.S. No-Deal Perceptions

Just as much as calculating the deal, it's just as important to calculate the no-deal options, or the BATNA, the superior alternative representing a better course of action than reaching an agreement. Since North Korea walked away from the SPT in 2009, the United States has developed a better alternative to *negotiating*: "strategic patience." One could speculate this policy is based on the administrations conclusion that the best course of action is no action at all, while a higher priority (possible due to its higher potential or destabilized region) was negotiating Iran's program.<sup>24</sup> With either program, absent a nuclear deal the United States would either need to decide to accept the program and build a coalition of sanctions, or strike. Under the Clinton Administration, the no-deal option of striking North Korea came alarmingly close.<sup>25</sup> However, the military consensus is that there are not clear nuclear targets and most facilities are deep underground where they are moved via tunnel.<sup>26</sup> In Iran, a strike would likely only delay the program. Unlike Israeli strikes on Syria in 2007 and Iraq in 1981, a strike will not end the program, but only entrench positions.

The September 2005 Joint Statement at the SPT, which was a more robust version of the 1994 framework the Bush Administration originally scrapped, creates a shallow perception that the United States, among others, believes what North Korea really wants is security insurance, aid, energy, a better economy, and normalized relations. The North Koreans demanded a written statement and not words, and it got one that even went back to an assurance by Clinton in 2000. They renounced it as mere paper. The nuclear tests in 2006,

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<sup>24</sup> Sanger, David E. "U.S. Confronts Consequences of Underestimating North Korean Leader." New York Times, April 24, 2014.

<sup>25</sup> Stossel, "North Korea: The War Game."

<sup>26</sup> First-strike nuclear tactics or bombing of sites would be pointless since there is essential a lack of targets, with North Korean weapons reportedly being moved underground via tunnels. However, in the course of verification and setting monitoring and stockpile reduction (or removal), the North Koreans run the risk of making these sites known. However, denying access to major sites would violate the agreement and spirit of the negotiations, perhaps derailing talks forever. But can also show just how serious and capable the North Koreans are and give the region and the West the clear message it is not a subordinate or vassal state. Additional, some reports have shown that under Kim Jong-un, North Korea has created bunkers strong enough or deep enough to avoid U.S. bombing damage, perhaps even nuclear missile damage.

2009, and 2013 shows just how little value that joint statement was in relation to the value of a nuclear weapon that may be on its way to miniaturization for missiles. The no-deal option then for Kim Jong-il was that the *juche* policy superseded the agreement. Cha claims it was regime security assurances it was seeking, one that would protect the third generation Kim from “collapse as Pyongyang partially denuclearizes and goes through a modest reform as it goes through the economic assistance and opening to the outside world that would come with a grand deal.”<sup>27</sup> This would explain North Korea nuclear and missile testing at the height of the negotiations, most of which have offered very little for an inward-looking state.

The consensus in the Obama Administration is one where all alternatives are hopeless and look worse than doing nothing.<sup>28</sup> Contingent war plans show fears that even if North Korea has not developed a miniaturized warhead to fit on a *Nodong* missile, it still leaves the possibility of delivery by ship or boat.<sup>29</sup> North Korea, like Iran,<sup>30</sup> was a candidate and had support during the Clinton and Bush administration for a strike if their programs turned rogue or hostile. However, during the Obama Administration striking North Korea (or Iran) has not been widely considered a feasible plan, although hawks like Ashton B. Carter and William J. Perry, assistant secretary and secretary of defense under Clinton, advised it to prevent a (failed) long-range missile test—nearly four months before North Korea successfully tested its first nuclear weapons.<sup>31</sup> With the negotiations at an impasse, and with Kim Jong-un agreeing to and then breaking the 2012 “Leap Day Deal” (to halt nuclear and missile testing for aid and inspections just weeks) after agreement, the North Korean nuclear program continues progressing in the face of US, UN, and EU sanctions.

Since the United States has never been willing to allow the North Koreans to keep any

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<sup>27</sup> Cha, “What Do They Really Want?” 126.

<sup>28</sup> Sanger, David E. “U.S. Confronts Consequences of Underestimating North Korean Leader.” *New York Times*, April 24, 2014.

<sup>29</sup> *Ibid.*

<sup>30</sup> Sebenius and Singh, 64.

<sup>31</sup> Carter, Ashton B. and William J. Perry, “If Necessary, Strike and Destroy,” *New York Times*, June 22, 2006.

sort nuclear status, the leverage their nuclear weapons has is far beyond any offer on the table in the past. Previously negotiated state models for leaving nuclear programs are either no longer relevant or remain out of the question. The only framework left is the most recent US, China, and Russia experience with Iran. But with a nuclear weapon stockpile, the negotiations for North Korea would likely *start* with those conditions, leaving their no-deal option, or BATNA, much more in their favor than past talks.

### Chapter 3: A Graphical Analysis of the Negotiations

These interests, incentives and no-deal options can be put into a graphical development in order to better visualize and therefor understand the range of deals and potential overlapping ZOPAs. By analyzing the issues, reservation points, and ZOPAs between Iran and the United States, and then looking at what the agreement entails in relations to those issues, this framework can show how an unlikely deal became a reality.

The model, taken from Sebenius and Singh's essay analyzing the feasibility of a nuclear deal with Iran, is purposefully simplistic. Naturally, the wide range of players and interests is more complicated than a hierarchy of issues place on a dotted on a line. But for this analysis, the framework between the U.S. and Iran, in this chapter, and North Korea, in the second chapter, is set up as

two monolithic parties facing a range of simplified nuclear-related deals and the no-deal options that currently prevail—and moves to incorporate the effects of sanctions, military threats of varying credibility, and other cost-imposing moves, as well as the effects of incentives and inducements embodied in potential agreements. As an output, the framework illustrates the existence and location of the zone of possible agreement, and the range of deals that fall within that ZOPA, given a particular combination of costs, incentives, and no-deal options. Going forward, we can manipulate the framework to represent different combinations of no-deal options, include other potential deals, and consider how other policy decisions affect the ZOPA and range of feasible agreements.<sup>32</sup>

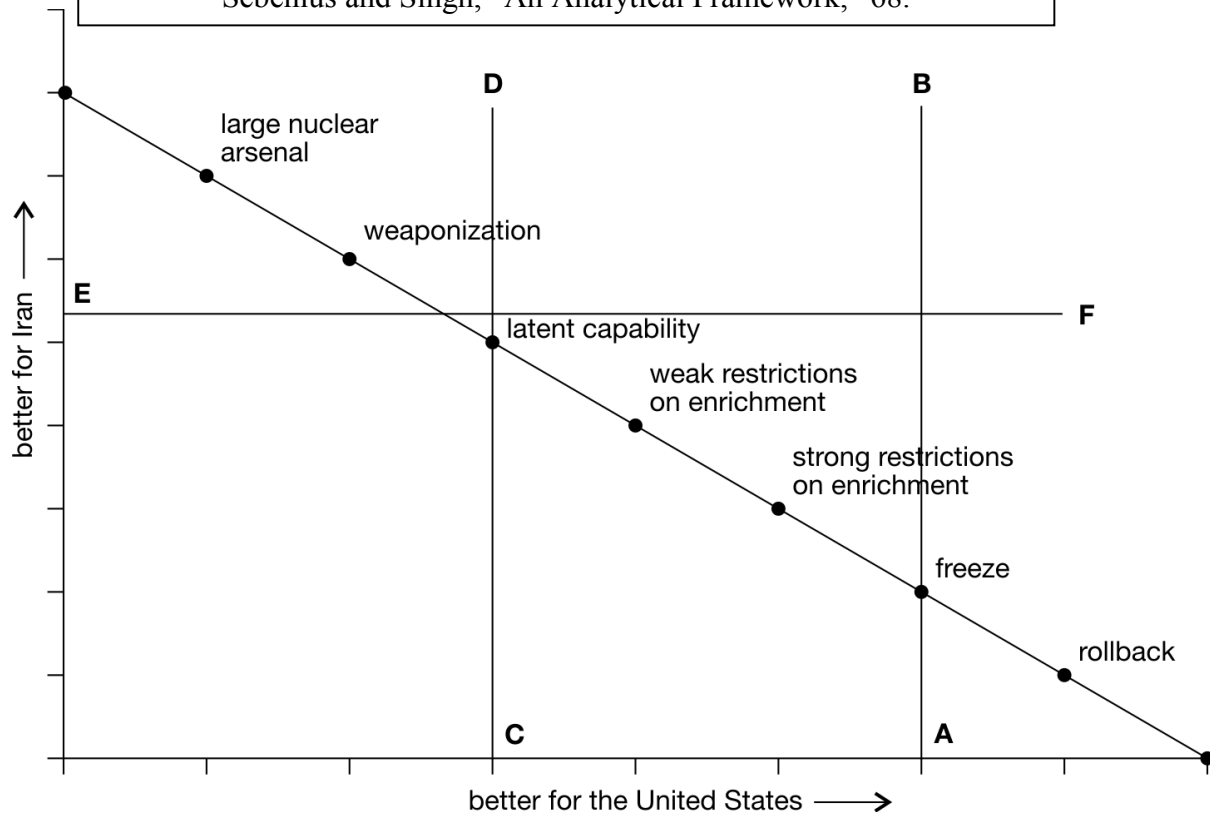
Visually, the graphical development gives an understanding to how the perceptions and lines shift in order to break the stalemate and get closer to a yes. It can shed light on comparable negotiation difficulty with North Korea, if only in the sense that the SPT follows a similar skepticism or question regarding the likelihood of a deal.

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<sup>32</sup> Sebenius and Singh, 66.

Figure 1. Selected Negotiating Positions and Likely No-Deal Outcomes

Sebenius and Singh, "An Analytical Framework," 68.



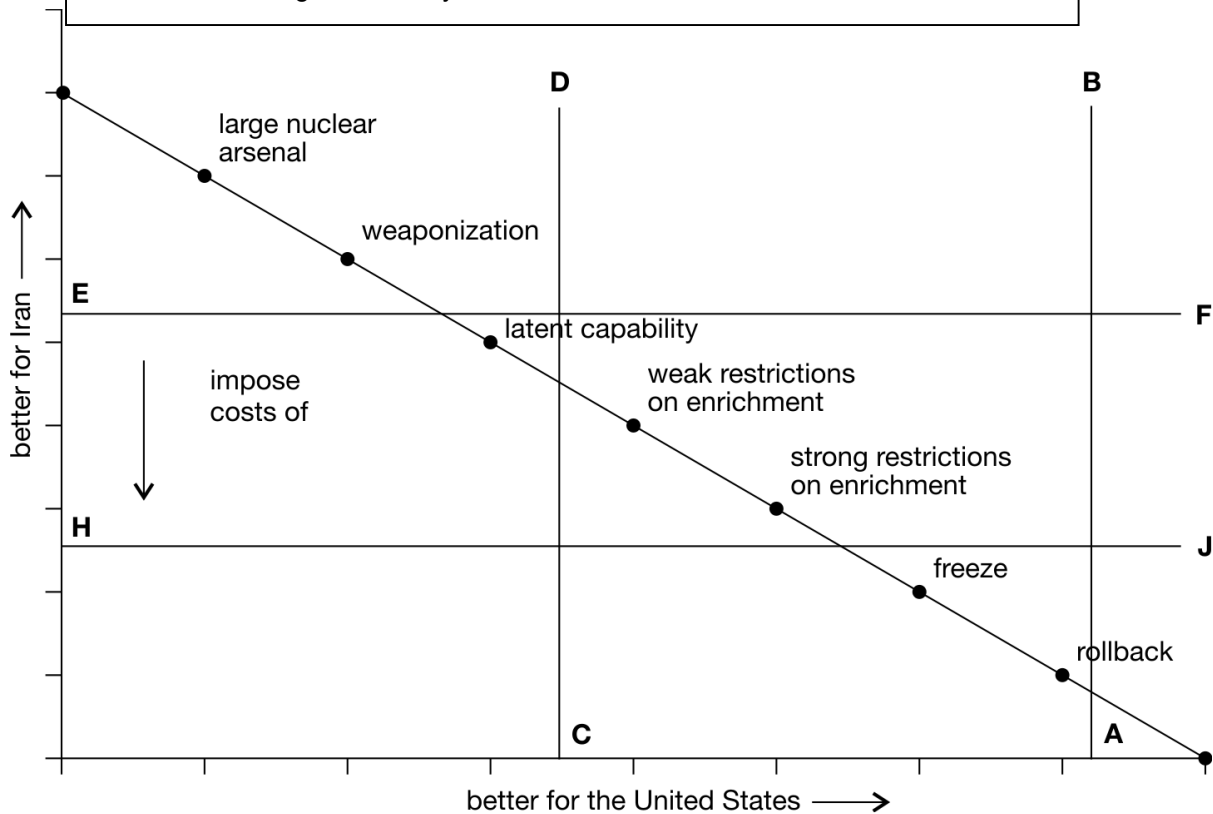
### 3.1 The Iran Case

The framework is represented on a basic X (horizontal) and Y (vertical) axis. The horizontal axis represents the interests for the United States—with the issues furthest to the right being the most preferable or favorable outcomes the further they move away from the origin—and the horizontal axis representing the same for Iran as it moves up (see Figure 1). In other words, moving “north” means the issues have a higher value for Iran and are therefore more beneficial. Moving “east” depicts values with increasing worth for the United States, moving closer to its ideal outcome. Between the X and Y is a diagonal line moving on a downward slope with each point naming possible outcomes for Iran’s nuclear program, starting with the most ideal for Iran in the “northwest” to the most ideal for the United States in the “southeast” of the graph. The issues, from left to right, move in a decreasing nuclear capability capacity.

The issues depicted on the line from the most evolved to most restricted—a large nuclear arsenal, weaponization, latent capability, weak restrictions and strong restrictions on

Figure 2. The Effect of Sanctions of Magnitude (EH) on Expanding the Zone of Possible Agreement

Sebenius and Singh, "An Analytical Framework," 72.



enrichment, a freeze, and a roll back to “day one” of the program—are not necessarily of equal distance or weight. In fact, in this basic figure, it would take only a short glance to see why having a one-dimensional strategy of a poor BATNA (or poor perception of the other party’s BATNA) would place each party’s preference points at polar opposites and therefore leave no room for a ZOPA. Additionally, if the United States sees a weaponization and latent capability as practically inseparable issues and unacceptable outcomes, then the two points could be in the same place or much closer. But this is simply a matter of mapping the line differently. As positions, no-deals, preconditions, incentives and sanctions are portrayed graphically a clearer vision of overlapping ZOPAs for likely deal areas will emerge. Taking Sebenius and Singh’s pre-agreement analysis and comparing it to the actual outcome reached after publication, we can then see what was achieved and how it was achievable.

In their graphical development, the authors’ frameworks adds perpendicular lines showing both parties’ position and red line, a “reservation point” which is the least acceptable



outcome before walking away is a better outcome (see Figure 2). The U.S. line to right, line AB, is Washington's most preferable position, that there should be nothing more than nuclear "freeze" on Iran's program, a reservation point that is a similar position (and often precondition) for restarting the SPT. Line CD, between restrictions on enrichment and latent capability, represents the "most nuclear" the United States is willing to accept without weighing military options, yet keeping with some sanctions.<sup>33</sup>

Sebenius and Singh's pre-agreement analysis was that the true minimum acceptance for the United States was likely somewhere between these two lines (which turned out to be true). The authors also assumed that for Iran, believing a no-deal point would not mean a military strike or threaten the Iranian regime, meant there wasn't a likely hood for a deal, which proved untrue. However, a change in Washington's behavior, from tactics to deal-design, opened up a ZOPA. In past negotiations, the U.S. has a number of "retired" red lines: no uranium conversion plant (2004), no enrichment to five percent (2006), no enrichment mastery (2007), no bomb quantity enriched up to five percent (2009), no secret facilities (also 2009), no enrichment greater than five percent (2010), and no "zone of immunity" (2012).<sup>34</sup> From the surface, this looks more like an unsure and wavering negotiating effort than one composed of a clear BATNA or well-calculate no-deal option. But, once the ZOPAs widened by enhanced value and incentives, and the shifts and strategies are re-analyzed, Washington's moves show this time there was a *perception* a mutually acceptable agreement with incentives and trade-offs was designed, rather than a hawk-like approach with demands.

For the more hard-lined Iranian perspective, line EF shows the absolute minimum deal Iran is willing to accept, or the most deterred they will allow their program to become. Simultaneously, it also works as their red line. Anything "east" or "southeast" of this line

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<sup>33</sup> Ibid. 68. Sebenius and Sing's position that a nuclear Iran doesn't mean a likely U.S. strike is furthered by research put forth by Kenneth M. Pollack showing the difficulties with strikes and the widely held belief that bombardment would only be a set-back for Iran, particularly regarding the underground Fordow facility or other unknown facilities. Pollack, Kenneth. *Unthinkable*, 233-235.

<sup>34</sup> Samore, Gary, "Decoding the Iran Nuclear Deal," 33.

would mean the Iranians believe their current nuclear situation and development is preferable to any deal, even if sanctions tighten.<sup>35</sup> This makes sense if we, as noted above, perceive keeping a nuclear program as a vital aspect for the survival of Iranian regime—and if we believe that the Iranian hardliners have learned from Pakistan and North Korea cases “that the West may try to pressure Iran to desist...but once it crosses the nuclear threshold, the West will be forced to accept reality and lift the sanctions.”<sup>36</sup>

Two extremes on the Iran position would force the U.S. starting lines to shift. Taking Kenneth Waltz’s approach that “every new nuclear country discovers that nuclear weapons have only one conceivable purpose—deterrence—and there is no reason to believe Iran will be different,” then line CD would move to the far right (and further away from Iran’s deal point), since a failed outcome wouldn’t yield negative results, but might be a positive.<sup>37</sup> The perspective of John R. Bolton, a former United States ambassador to the United Nations, that “President Obama’s approach on Iran has brought a bad situation to the brink of catastrophe,” would also move line CD to the most extreme right, since a only a fully abandoned Iranian program would be beneficial over an attack.<sup>38</sup>

With this foundation laid out, it is possible to find whether or not a negotiated deal is possible by trying to map out each country’s ZOPA. In order for a ZOPA to exist, the most acceptable outcome for the United States (line CD) must intersect with the minimum outcome of Iran (EF) below the “frontier” line. From that intersect, anything north and east of that intersect represents a ZOPA and potential deal outcome, as seen in the shaded area of Figure 3. If more than one issue is in this overlapping ZOPA, how favorably the deal leans

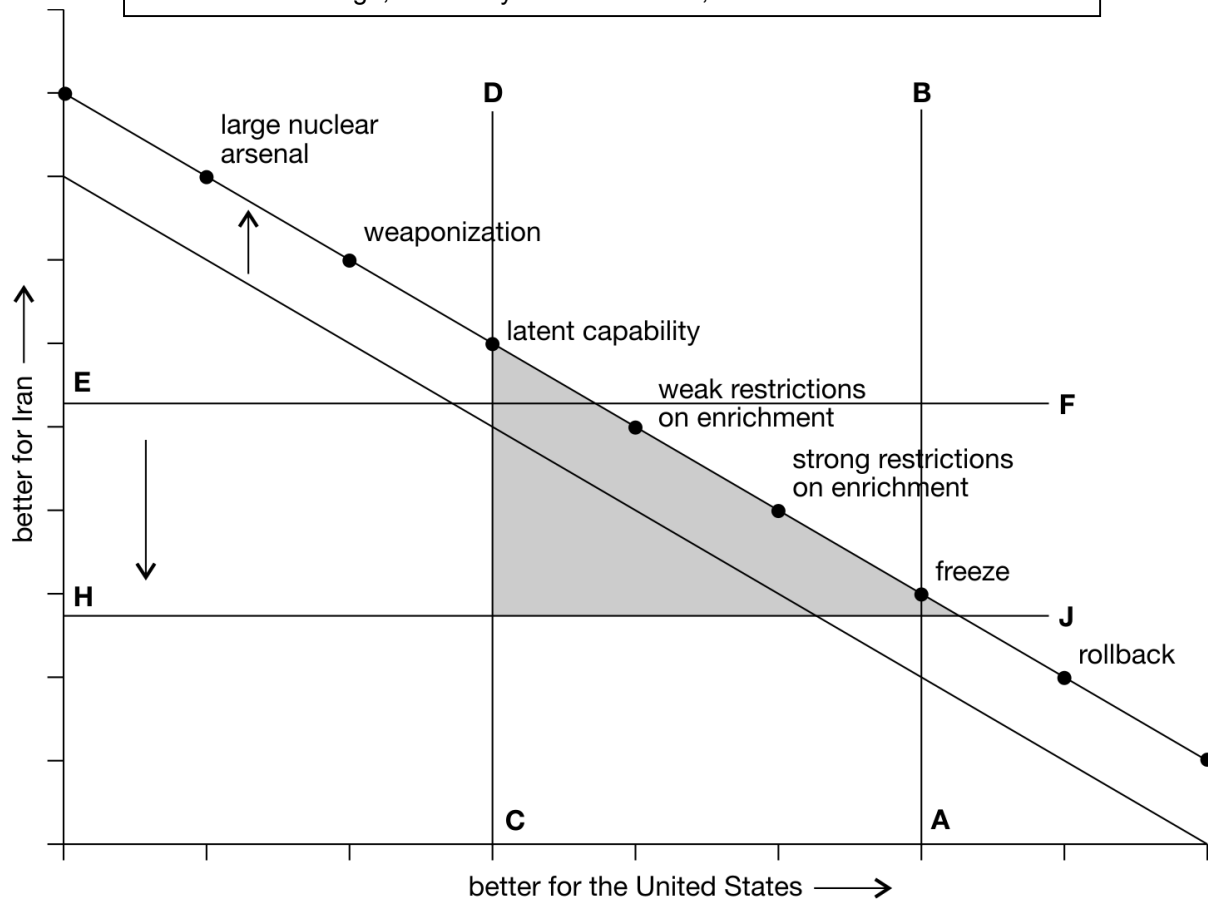
<sup>35</sup> This is highlighted by the fact that Iran has significantly increased its LEU since UNSC Resolution 1929 enacted in 2010, calling for a reduction on the stockpile and enforcing the heaviest sanctions up that point. By the time the framework was finalized, Iran has increased its stockpile from 5000 kg to 7000 kg.

<sup>36</sup> Pollack, 138.

<sup>37</sup> Sagan and Waltz, *The Spread of Nuclear Weapon*, 194.

<sup>38</sup> Bolton, John R. 'To Stop Iran's Bomb, Bomb Iran'. *New York Times*. 2015. Web. 25 Mar. 2015. The hawk view means any form of nuclear negotiation would involve some sort of nuclear trade-off, suggesting the need to manage and verify, even if technically and truly for peaceful purposes, which the NPT allows any non-nuclear state to do.

Figure 3. The Effects on the Zone of Possible Agreement of Combining Sanctions and Incentives  
Sebenius and Singh, "An Analytical Framework," 75.



for either party<sup>39</sup> is up to the negotiation strategy of either party, as we saw in the car dealer analogy earlier. (Implicitly, the other P5+1 members, or even outside influences like Israel, can shift this, as well as issue linkage to non-nuclear aspects, such as human rights.) Where the issue falls on the frontier is determined by the technical details of the program, access, verification, sanction timing, security assurances, and other value-enhancing aspects.

This simplistic and monolithic structure has room to be redrawn as well, just like in negotiations where issues are revisited and—since in most cases the other party does not have full information on the interests and BATNA of the other side—new priorities can emerge. If

<sup>39</sup> This strategic bargaining can be seen in the form of the “dual concern model”. If the graph is broken down into four equal rectangular sections between the two axes, each space would have a rough correlation to each party’s cost-benefit at the outcome of the deal. Going counter-clockwise, for the entity representing the Y-axis, the top left area would be a “high reward, low risk” deal; while the bottom left would be a “low risk, low reward” outcome; for the X-axis entity, the bottom right area would be a low risk, high reward outcome; while the top right, or northeast region would be the section representing the overlapping ZOPA, and therefore a high reward, high risk agreement for both sides, which plays to their interests more than a no-deal. It is only in that northeast sector where an agreement is better than either’s no-deal option. For more on this model, see: Rubin, Jeffrey Z., Dean G. Pruitt, and Sung Hee Kim. *Social conflict: Escalation, Stalemate, and Settlement*. McGraw-Hill Book Company, 1994.

Iran feels, say, the weight of sanctions and determines this as a hefty cost, and sees a benefit to a negotiated deal which in turn lifts those sanctions, then EF can move south, creating a wide range of deals. But if Iran develops a new perception that a negotiated outcome does not solve regime security concerns and weaponization is essential, then EF moves north, which makes a ZOPA impossible. Just from the agreed outcome, we can assume the latter was true.

Another method for creating a poor ZOPA is by unflattering preconditions, like a nuclear freeze before going to the table, which in turn moves the frontier line south and far from the possibility of an agreement, rendering the talks useless.

On the contrary, packaging the right deal and creating incentives for an agreement keeps EF at its original place but shifts the entire frontier line to right, thus moving a portion of it into a ZOPA with the original position lines (EF and CD). Most effectively, and in tune with a three-dimensional deal design, crafting a well-coordinated architecture for the talks can combine both the incentives of a package with the costs of sanctions, thus moving EF south and the frontier line north, creating a fully maximized ZOPA and the greatest probability for a negotiated solution. Again, where the deal ends up depends on the tactics at the table.

### **3.2. How the ZOPAs Shifted**

The announcement in April 2015 that the P5+1/Iran negotiations reached key parameters of a Joint Comprehensive Plan of Action (JCPOA) came as a surprise to many who thought a ZOPA didn't exist without Iran walking away without some kind of weaponization. In Figure 3, Sebenius and Singh graphed Iran's minimum (EF) somewhere above weak restrictions on its enrichment, but below latent capability, which is where the most likely ZOPA existed in their estimates. However, Iran's program was much more restricted. In fact, it turns out that Iran was much closer to weaponization (possible one to

two months) and had enough plutonium to two bombs, but dipped much lower on the frontier line.

Enrichment levels previously near twenty-percent had been dropped even below retired U.S. red-lines, to 3.67%, moving Iran's capabilities back out of the so called "red zone" of bomb capability, and pushing their program near its 2005 levels, when the United States failed to reach an even more favorable agreement against Iran's pursuit. The deal is far from perfect but it is successful in the sense that it not only found a ZOPA and made an agreement, one that had similar conditions to previous failures, but maximized a deal as Sebenius and Singh designed in Figure 3. What was different ten years later? Iran agrees to give two-thirds of its enrichment centrifuges, removing all advanced centrifuges at its Natanz facility. Where is Iran's benefit? Iran's breakout time, that is the time it can go from restrictions to resuming a program and acquiring a bomb, will be at most one year to weaponization, which is defined under a conservative U.S. view as the time it takes to have fuel *for* a bomb, and not the bomb itself. New enrichment is prohibited for fifteen years, and its stockpile, which expanded *after* UN sanctions, is lowered to 300 kg, with spent fuel to be exported. Iran's facilities will be subject to active IAEA inspections and the Additional Protocol, an expanded access measure that examines declared and undeclared sites.<sup>40</sup> How is Washington sure the same Additional Protocol that Iran agreed to during the 2003-2005 negotiations will hold up this time? With these measures, based on previous assumptions and failed negotiations, this means it is likely Iranian minimum interests (EF) had been shifted south, at or near the intersection of AB, by a combination of incentives for oil sales and lifting sanctions, as well as creating the proper perception for a deal by dropping tough preconditions on enrichment, which was an issue to be negotiated not demanded.<sup>41</sup>

So why the sudden success and how can it be momentous for the SPT? We can see

<sup>40</sup> For more on the IAEA's Additional Protocol see: <https://www.iaea.org/sites/default/files/infocirc540.pdf>

<sup>41</sup> Sanger, David E. "U.S. May Drop Key Condition for Talks with Iran," *New York Times*. 13 April, 2009.

this by looking into the process of designing a proper negotiation strategy; by looking at what made Iran feel a deal wouldn't hurt the regime's security; by analyzing how the United States approached the deal in terms of preconditions, red lines, and sanctions; and by seeing how the U.S. moved beyond tactics and at-the-table issues to get to a yes.

Unlike previous Iran (or North Korean) talks, the Obama Administration went in with a clear and obtainable goal: restrict Iran's nuclear program to a break-out time of no more than one-year. It sounds simple yet detailed, but it falls within a larger architectural structure that can be defined as "negotiating on the merits", by separating the Iranian regime and foreign policy from the nuclear problem; focusing on the value-enhancing and cost-inducing interests and not larger nonproliferation issues or a personal *Weltanschauung*; creating the widest possibility of options for monitoring and verifying Iran's program, timetables for sanctions (simultaneous or showing faith), and flexible options on nuclear restrictions based on "at-home" analysis and replication of Iran's nuclear potential (e.g. crunching numbers and then making trade-offs based on the outcome); and using a criteria that is based on an objective standard, such as a UNSC resolution, while tying Iran heavily into both NPT and IAEA standards and norms.<sup>42</sup>

According to Secretary of Energy Ernest Moniz, who has been nicknamed "Obama's secret weapon" in the Iran Talks, the United States was "always adhering to the president's direction of at least one year" away from the bomb in all of the technical talks on the program, and the United States entered the negotiations with "a very strong set of restrictions on the program" that gradually built to a long term compliance with the NPT and uses the Additional Protocol to "provide added transparency" on the program.<sup>43</sup> Moniz used all information from technical talks, including extensive one-on-one sideline talks with Atomic

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<sup>42</sup> Fisher, R., Ury, W., Patton, *Getting to Yes*, 10-11.

<sup>43</sup> Moniz, Ernest. Interview with Charlie Rose. *Charlie Rose*. WNET, PBS, May 8th, 2015.

Energy Organization of Iran Chief Ali Akbar Salehi<sup>44</sup>, to send information back overnight to one seven U.S. labs and two nuclear sites that worked as replicas for Iranian capabilities. This is important because unlike failed talks with Tehran and Pyongyang in the past, the U.S. was now dealing with the interests to manage and prevent an Iranian program through real, tangible measures and not rhetoric or promises for diplomatic ties that don't correlate directly with the issue of managing or monitoring or verifying nuclear weapons. Playing with scenarios overnight in U.S.-based labs created a variety of possibilities that wouldn't be available if the issues were primarily "at the table" actions.

Moniz, and several U.S. officials, agree that in 2003 to 2005 there was a "very different set of facts on the ground," clearly ones that wouldn't be able to take into account calculated technical costs like the true number of advanced centrifuges that cleared the way for more tradeoffs and incentives. Some critics, like expert analyst David Albright, have criticized the deal for not taking away all twenty-percent enriched uranium or not waiting for the IAEA's report on the history and past violations of the program, which is a pre-requisite for the signing.<sup>45</sup> This issue, along with a very contentious topic of Iranian military sites like the one at Parchin,<sup>46</sup> which, had it need to be addressed directly, could have moved the frontier south or the Iran minimum north.) The argument *against* the negotiated deal is simply that Iran can continue convert action until IAEA inspectors catch them and then kick them out. This goes back to issues about 'deceit at the table' and doesn't deal with calculated technical aspects of the program or widening of interests and possibilities or separating the problem from the people. Negotiating a goal of nuclear nonproliferation, or even regime type

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<sup>44</sup> As an additional asset, Moniz and Salehi were both students at MIT during the same period, though Moniz claims they didn't cross paths. However, Salehi, who is a former Iranian foreign minister and therefore trusted in one-on-one negotiations unlike North Korean experts, was a skilled diplomat, though the personal dimension and shared educational background likely had an underlying atmosphere of trust.

<sup>45</sup> For an analysis of the deal as a whole, see ([http://isis-online.org/uploads/isis-reports/documents/Assessment\\_of\\_Iran\\_Nuclear\\_Framework\\_April\\_11\\_2015-final.pdf](http://isis-online.org/uploads/isis-reports/documents/Assessment_of_Iran_Nuclear_Framework_April_11_2015-final.pdf)). For concerns about calculations, see ([http://isis-online.org/uploads/isis-reports/documents/LEU\\_20\\_percent\\_update\\_May\\_4\\_2015\\_Final.pdf](http://isis-online.org/uploads/isis-reports/documents/LEU_20_percent_update_May_4_2015_Final.pdf)).

<sup>46</sup> For suspicions about increased activity and modernization at the Iranian military base at Parchin, see ([http://isis-online.org/uploads/isis-reports/documents/Parchin\\_May\\_26\\_2015\\_Final.pdf](http://isis-online.org/uploads/isis-reports/documents/Parchin_May_26_2015_Final.pdf)).

as a whole, or going for a deal that is meant merely for the duration of the regime, only creates further impediments by using positional bargaining tactics and ignoring the underlying issues: the program's scientific details, the supply chain, the tradeoffs *for* verifiability (like sanctions), legally binding international organizations, grace periods for living up to one's end, and stop gaps for JCPOA withdrawal. These important issues need addressing, both here and in the SPT, but the proper negotiation strategy in this case allowed for a less contentious way to ensure the trustworthiness of the deal. It makes P5+1 interests meet Iranian ones, thereby surpassing no-deal options. An example of dealing with sensitive topics that have the possibility to pull negotiators into positional entrenchments, but avoiding that tendency, is how Washington got Iran to agree to allow the whole supply line, including mines and mills, to be subject to constant evaluation. This goes above sensitive issues like military base inspection and suspicion about present and future covert facilities, and widens the scope of the interests and options, using a larger but less personally (to the Ayatollah) intrusive monitoring of the supply line, rather than force Iran into a defensive posture or in an atmosphere of constant concession.

Such road bumps have the ability to deter the deal that Moniz claims was always moving past unnecessary deals and towards negotiating the issues and not the process. To avoid getting bogged down in small squabbles or domestic politics, the framework was designed so one or two countries cannot block the process. These are *each* enhancing moves that allowed for Iran to agree on even contentious subjects, like a ten-year restriction on research and development and a breakout period defined only by the time it takes to acquire the fuel for the bomb and not the bomb itself.

In regards to past frustrations during negotiations, Moniz said Iranian Foreign Minister Mohammad Javad Zarif continually referred to negotiations in 2003 to 2005, when "Iran was prepared to implement unrestricted inspections" and allowed for the



implementation of the Additional Protocol, but claimed the U.S. didn't hold up to its bargain.<sup>47</sup> In a discussion at New York University not long after the agreement, Zarif said, "There is a lot to be desired in the way the United States, particularly the Treasury Department, has implemented its part of the negotiations." The quick mention of the Treasury Department possibly hints at the role sanctions had on lowering Iran's minimum line. Zarif continued, "If people are worried about 'snapback' [the return of sanctions if a deal is not faithful], they should be worried about the U.S. violating its obligation and us snapping back." Zarif was less hard-lining or provoking than he was recalling how U.S. negotiation behavior turned away from a potential ZOPA under the Bush Administration. Moniz echoed a common criticism of Washington's role in past Iranian—and North Korean, for that matter—negotiations during those years: "The United States government, at that time, unfortunately chose the path of confrontation and torpedoed the possibilities."

So how was a premature Iranian program harder to stop than a sophisticated one? Even with all the drama of a Congressional speech invitation to Israeli President Benjamin Netanyahu, followed by a letter signed by forty-eight U.S. Senators to Ayatollah Khomeini warning of the futility of negotiating shortly before the Agreed Framework, it could only cause a hiccup in the process, since the U.S. negotiation architecture was too well designed and balanced to collapse. However, even if Iran bounces back in fifteen years or has a "sneak out" with a bomb, President Obama and Secretary of State John Kerry maintain all options, military or in support of a strike, in response to dangerous behavior, since a significant noncompliance in the deal would not constitute more negotiations.

However, looking at the U.S. (and regional) lack of action to a near *de facto* North Korean nuclear state, Iran may not be finished weighing its cost-benefit approach. To a certain extent, perhaps the failed negotiations and heavy sanctions on North Korea, along

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<sup>47</sup> Zarif, Mohammad Javad. Interviewed by David Ignatius. New York University, April 29, 2015.

with a stronger focus on the survival of the Kim regime than on the nuclear issue, was a motivating factor for Iran to seek selling or renting its program. And, whereas the P5+1/Iran Agreed Framework can be a blueprint for success in the SPT, a North Korean agreement may also have an impact on the regime security perceptions and long-term nuclear program ambitions in Tehran.

## Chapter 4: North Korea and the Six-Party Talks

Looking at the failure of the SPT up until now, one can see similar negotiation failures, in the same year span, under the same administration with a similar outlier regime and program. If we can assume that it is similar in perceived difficulty, perhaps it is candidate for success the same way it was once also the result of torpedoing and positional bargaining. The existence of weapons complicates the matter, but the end result can only be the same: a regime with a managed and verifiable program. Negotiations between the U.S., whether bilateral in the past or at the SPT, have a tendency, in the details, to focus on each other's perceived outcome rather than the issue of managing a nuclear problem.

An example of this sort of breakdown due to distrust, which was once a hindrance to an Iran deal, can be seen in a simple negotiation breakdown between the United States and Soviet Union. During the Kennedy Administration, when discussing how many on-site nuclear inspections would be required in the comprehensive ban on nuclear testing agreement, the Soviet Union agreed on three inspections whereas the United States wanted no less than ten. The negotiations broke down over that disagreement, even though there wasn't a definition on inspections, with neither side discussing if it meant "one person looking around for one day, or a hundred people prying indiscriminately for a month. The parties had made little attempt to design an inspection procedure that would reconcile the United States's interest in verification with the desire of both countries for minimal intrusion."<sup>48</sup>

It's rather difficult for negotiators to approach North Korea, regardless of which generation of Kim is in charge, without bringing to the table the tactic of at one the one hand negotiating weapons away from a rogue regime and without calculating the longevity and sturdiness of the regime into the deal. The problem therein lies in Ole Holsti's dated yet

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<sup>48</sup> Fisher, Ury, Patton, 8

relevant “inherent bad father model.”<sup>49</sup> The likelihood of a stable Korean peninsula relies in the same calculated and well-designed deal that Iran agreed too, regardless of whether you think the Kim regime uses the program as badge, sword, or shield.<sup>50</sup> Although the existing program would require a more incentive-lased deal than ten years ago, downplaying the incentives in a deal will not work to open a deal with North Korea, regardless of its nuclear identity. Moreover, during the SPT implicit issues tend to have emotional “legs”, and may work to enhance North Korean brinkmanship and blur deal perceptions.

Graphing the past talks and locating the incentives and preconditions by taking into account value enhancers, costs, strategies and packaging, we can assess whether a nuclear deal with North Korea is possible. Furthermore, after going into a more thorough analysis than the basic explanation and approach to the Iran graphs offered by Sebenius and Singh, I can offer a graphical framework with an analysis on how to find the best Zone of Possible Agreement for a potential negotiated agreement even after several failed rounds of past SPT. Many scholars and policy-makers thought the Iran deal was elusive. There is possibly even more pessimism towards the SPT from former negotiators, current diplomats and international relations theorists. But the untested key is a significant change in strategy *for the United States* and not an over analysis of North Korean behavior, China’s role as mediator, or a larger search for a regional securitization as an essential outcome.

In North Korea, there is a circular pattern to the negotiations, even in the pre-negotiation stage. As Litwak found, “A senior US Asia hand once observed that ‘the North Koreans do not respond to pressure. But without pressure, they do not respond.’”<sup>51</sup> The preconditions for past and future talks have, like with Iran, been to stop all enrichment and freeze the program. The response, like with Iran, has been to lift the sanctions. In the history of both negotiations, this created an impasse. Essentially, there are two poorly drawn

<sup>49</sup> Holsti, Ole R, "The Belief System and National Images," 244-252.

<sup>50</sup> Cha, “North Korea's Weapons.”

<sup>51</sup> Litwak, “Living With Nuclear Ambiguity,” 109.

preconditions that immediately create distant ZOPAs, since the preconditions *are an essential part of the negotiation* and not terms that are decided *before* the negotiation, though lifting sanctions and stopping enrichment are likely red lines for North Korea and the United States respectively. In order for costs and incentives to work in the eyes of North Korea, they must be credible with actions, be of the right currency, and be strong enough that worsens and no-deal option and therefore moves the bottom line south.<sup>52</sup>

#### 4.1 Costs

Imposing costs on North Korea has been difficult since its neighbors and the United States have allowed North Korea to cross several lines red lines. Though it comes with reservation to rationalize the Kim regime behavior, it's entirely possible that North Koreans nuclear progression since withdrawing from the NPT in 2003 was highly influenced by the poor costs and incentives it was offered. Washington's red lines in the early phases of the talks were hardly negotiations. They sought to completely wipe out the program, which by 2004 already had enough plutonium for several bombs, with a policy of Complete Verifiable Irreversible Dismantlement (CVID).<sup>53</sup> The perception was that these negotiations were meant to buy North Korea time, a criticism aimed at the Iran talks over a decade later.<sup>54</sup>

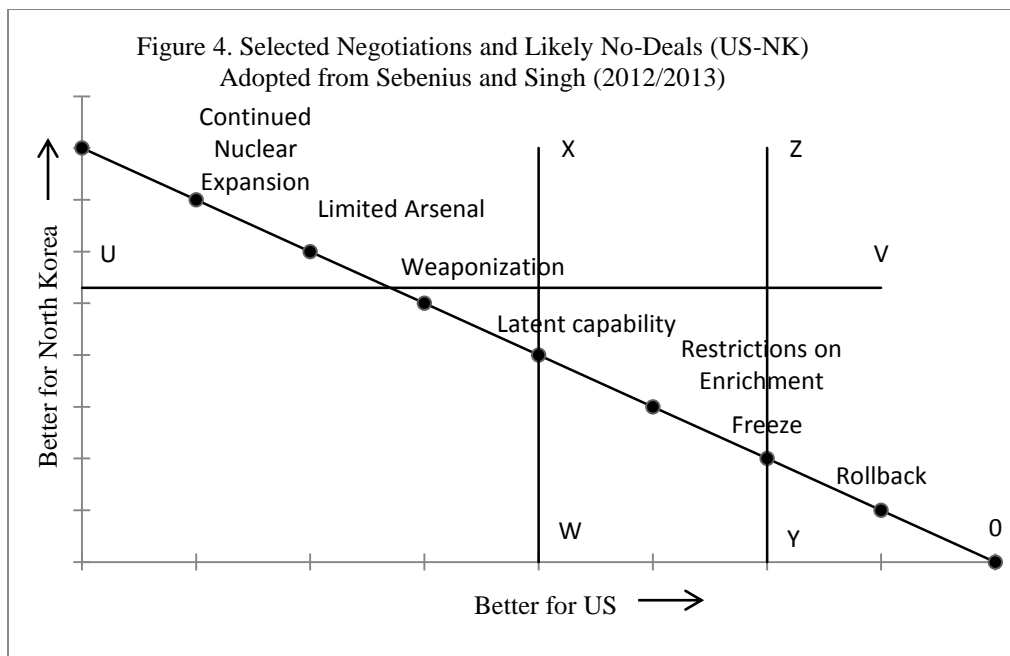
Even as those strategies shifted, the U.S. strategy was still designed to reward North Korea for implementing parts of the agreement, similar to how a parent rewards a child for doing his chores. At a ripe time for halting the program from becoming a disarmament negotiation, the United States ignored the important issue of light-water reactors (LWRs), an object in the right currency, and instead insisted on returning to the NPT, which did nothing

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<sup>52</sup> Sebenius and Singh, "Is a Nuclear Deal," 76-77.

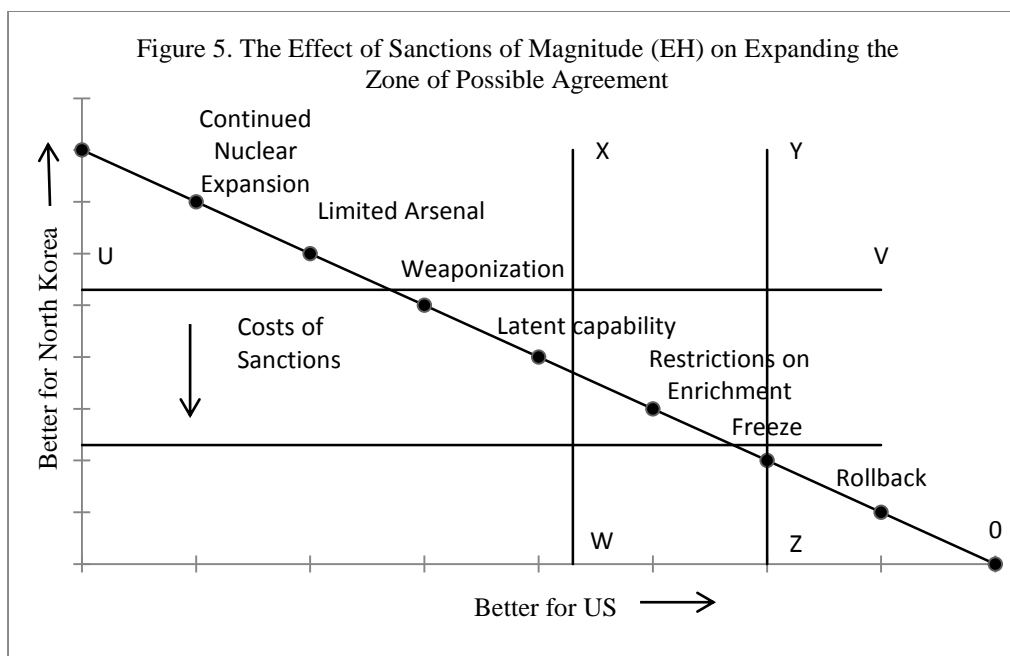
<sup>53</sup> Niksch, "North Korea's Nuclear Weapons Program."

<sup>54</sup> As former IAEA chief Mohamed ElBaradei said looking back at the Bush engagement with Iran: "They thought that if you threatened enough and pounded the table and sent Cheney off to act like Darth Vader the Iranians would just stop. If the goal was to make sure that Iran would not have the knowledge and the capability to manufacture nuclear fuel, we had a policy that was a total failure." (Sanger, "U.S. May Drop Key Condition"). Additionally, the number one strategy of the CVID was to terminate the 1994 Agreed Framework with North Korea. Robert Gallucci, the chief U.S. negotiator for that deal, was quoted in 2005 as saying, "When the Clinton folks went out of office, the North Koreans only had the plutonium they had separated in the previous Bush administration. Now they've got a whole lot more." (Stossel, "North Korea: The War Game.")



to stop its nuclear development in past. A zero-option approach doesn't even allow for ZOPAs to be imagined, let alone met. When the U.S. imposed sanctions on the Macao-based Banco Delta Asia (BDA), a key bank for North Korean elite and weapons smugglers, North Korean withdrew from the talks for eighteen months. Had Washington designed a deal up, one that point that offered Pyongyang something better than walking away, the sanctions and LWRs could have been packaged in a way that halted or delayed the program. Now, having avoided a ZOPA in favor of a zero-option approach, the United States faces the same question of what can be done about North Korea's nuclear program and how, and whether and not it is even possible. However, the issues on the frontier are more complex at the end of the SPT in 2009 than at any other point.

The graph I have evolved from Sebenius and Singh is based on the assumptions of what North Korea and the United States see as their interests and likely outcome as well as their no-deal options at the end of the SPT *and in light of the Iran framework*. The United States, as show in Figure 4, has a current position at a freeze (line ZY), but its true red-line is likely to eventually sit somewhere below weaponization, probably accepting a latent capability (line XW) at this stage in North Korea's development. This is the most nuclear it



will allow North Korea to be while still leaving room to impose sanctions or coerce further international reaction. (It is also entirely possible, looking at Iran's agreement on reduced stockpile, that it lies somewhere between these two lines.)

The North Korean perspective of its minimum level (UV) of nuclear capability is likely somewhere between weaponization and a limited arsenal, which is based on the regime's need to maintain capability as a factor of regime security, but also to leverage itself in other ways, such as if the conditions of a deal doesn't follow through or it loses Chinese support. This becomes credible further if we view the North Korean behavior as one composed of "crisis diplomacy" which would require a certain level of nuclear development.<sup>55</sup>

This base shows, as we stand now, a ZOPA is far from achievable without further credible costs to shift North Korea's reservation point south. In order for this to be achieved, the United States much move past a focus on at-the-table measures like enhancing a Chinese role or reaching a lowest common denominator deal for all members.

The effect of important sanctions has the potential to shift the North Korean

<sup>55</sup> Snyder, *Negotiating on the Edge*, 69.

reservation point south (Figure 5). If sanctions are credible and wide-spread, this would likely contribute to North Korea shifting its reservation point south (TU). As this intentionally simple model shows, if the United States and other parties can impose enough multipolar pressure to get North Korea to disarm, then it seems possible for a ZOPA to open up somewhere near where Iran deal of restrictions on enrichment and a controlled break-out time seems feasible. But in reality the UN, EU, and US sanctions haven't done enough. As Marcus Noland shows in his robust study, the cost of UNSC sanctions hasn't been significant enough to alter North Korea's economy, particularly in its foreign trade with China and South Korea.<sup>56</sup> With Iran, the UNSC can stop Iranian oil, but with North Korea there isn't a clear approach. In this case, China has a large role but has been unwilling to fully implement sanctions to the point where a negotiated outcome and the potential for regime and state collapse are blurry.

Former lead negotiator Christopher Hill claims the United States sees the North Korean issue as its test with China.<sup>57</sup> This further highlights the poor ideological approach to the SPT where the people and tactics are the focus more than the underlying issue. In order to open a ZOPA with North Korea, the U.S. strategic architecture—one focusing on nuclear issues and issue linkage in order to gain support from other parties—that worsens North Korea's no-deal option while also creating incentives for an agreement.

#### **4.2. Adding Incentives**

The value of incentives shows where North Korea keeps its non-nuclear interests, and can open a ZOPA in places where costs alone cannot. Sanctioning slush funds, arms dealers, or limiting the amount of cognac into the country is unlikely to make the Kim regime reassess its nuclear program. The United States either overvalued what isolation and sanctioning means for North Korean in regards to its nuclear program, or that North Korea doesn't deem

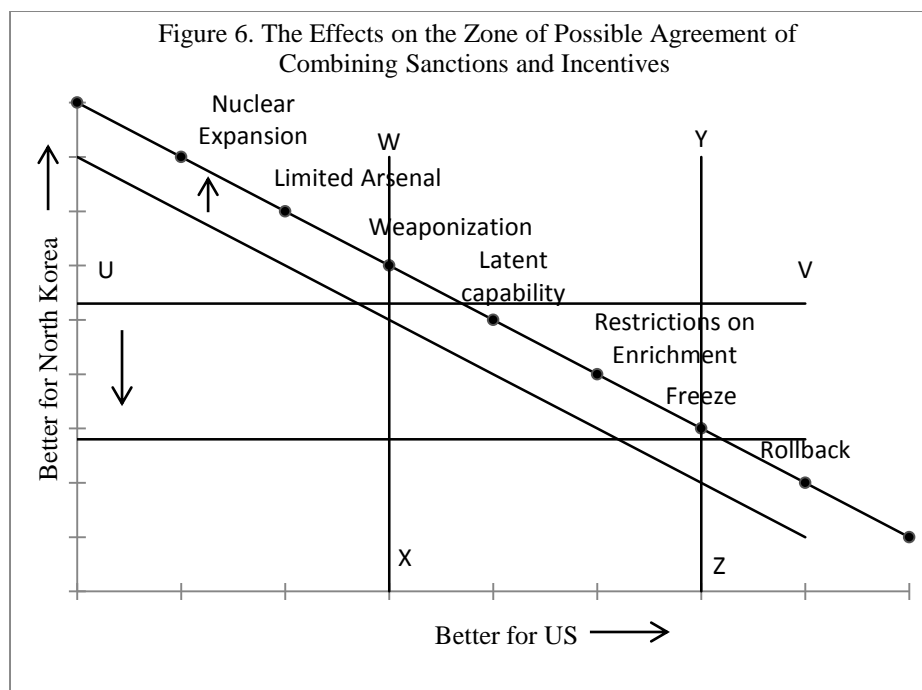
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<sup>56</sup> Noland, "The (Non-) Impact."

<sup>57</sup> Hill, "The Elusive Vision," 16.



Figure 6. The Effects on the Zone of Possible Agreement of Combining Sanctions and Incentives



its position worse enough to give up its program.

Figure 6 shows a fully maximized plan where a combination of aggressive and widely implemented sanctions could tie-in with other issues, such as South Korea acquiring a THAAD (Thermal High Altitude Area Defense) system. If North Korea is dealt a more widely imposed sanction structure while also sensing a slightly more developed program measurement than what Iran got, then it's minimum line shifts as does the frontier. If the United States adds side payments for nonnuclear issues that don't subtract from its own value—an energy grid, the long-awaited LWRs, large-scale humanitarian assistance, and a legally binding peace agreement to the Korean War—than the likelihood for a ZOPA opens up. What exactly the technical parameters are of the program and how and when sanctions are lifted in regards to disarmament and verification timing is up to other parties who add or subtract the “net-value” of a deal or tack on “side payments” to keep a ZOPA open.<sup>58</sup>

However, the United States still has not entirely grown out of its zero-option game with North Korea, like it did with Iran. There are still poor perceptions in Washington about

<sup>58</sup> Sebenius and Singh, 81.

what the long-term value of giving concessions and trade-offs to a North Korean state who may not outlive its program anyway. As Barak Obama explained, “The kind of authoritarianism that exists there, you almost can't duplicate anywhere else. It's brutal and it's oppressive and as a consequence, the country can't really even feed its own people. Over time, you will see a regime like this collapse.”<sup>59</sup> This hardly sounds like a ZOPA will open or an Iranian deal with enhanced incentives will be a serious offer.<sup>60</sup>

Since previous estimates have been made regarding imminent collapse after Kim Il-sung and Kim Jong-un, and since the Iran's regime has raised the same question, it's not sufficient to take such ideas to mean a deal is any less likely, but instead shows a need for multilateral cohesion on combination of enthusiastic sanctions that can tie energy and domestic economic benefits and side payments in exchange for a manageable nuclear program. Outcomes like the 2005 Joint Statement which reaffirm commitments and make statements and commitments are not multidimensional and hold no value for keeping or breaking them.

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<sup>59</sup> *Yonhap News Agency*, “Obama: North Korea is Bound to Collapse.” January 24, 2015.

<http://english.yonhapnews.co.kr/national/2015/01/24/26/0301000000AEN20150124000251315F.html>

<sup>60</sup> (This could be why the North Korean denuclearization is commonly referred to in many circles as a denuclearized Korean Peninsula, especially when South Korea has not seriously considered acquiring its own weapons or placing U.S. weapons back on its soil.)

## Chapter 5: Analyzing the Efforts and Application

Since an agreement with Iran was successful under Obama but not Bush, the question becomes if this was because a ZOPA opened up under Obama or did it exist all along but was never fully pursued? The answer is probably that it was both, but the latter developed a deal that actually made it possible. So could this also be true for North Korea? Since Obama hasn't fully engaged with the Kim regime—outside of a quickly failed “Leap Day” deal—the answer is unclear, but looking at the graphical analysis, it is dealt with the same difficulties, but can use its success in Iran as paradigm for North Korea.

Within the SPT, the Obama Administration is slowly falling victim to the same focus on positions over interests that the Bush Administration, particularly in relation to its clandestine operations. Hill notes the Bush Administration “pulled the plug on the process” when, in June 2008 (by which time North Korea had already conducted a nuclear test), North Korea declared its nuclear assets, and while an incomplete declaration was acceptable, it failed to mention uranium enrichment and North Korea refused to use international standards.<sup>61</sup> The Obama strategy in Iran was of using a wide range of international inspectors and “national means” with at-home replications in order to calculate if and how much cheating was going on. (It's assumed that if a little cheating does occur it is not enough to have a “sneak out”, since the Iran framework manages a short-term break-out time but a long-term compliance period.) However, the precondition of no North Korean nuclear activity has eluded negotiations of a potential agreement and consequently created a potentially *de facto* nuclear state.

No-deal military options were viable options under Bush and Clinton. However, such a strike like the one's Israel carried out in Iraq and Syria (North Korea built) were clear

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<sup>61</sup> Hill, “The Elusive Vision,” 13.

targets and knocked out programs (but led to regime change). Today, the no-deal options are not available *pre-deal* since the targets are unclear or the program will only be dented, thus creating escalation or retaliation and a point of no return to negotiations. A negotiation approach that moves away from a “disciplinarian” approach towards both North Korea and Iran the takes away the threat of regime change and the “all options on the table” consequence towards non-compliance is possibility.<sup>62</sup> But it would limit cost perceptions of no-deal options for those outliers during negotiations, creating a shrunken or rigid ZOPA. It would also lower the value of the verification incentives for the United States, who trust that Iran or North Korea would adhere to the verifications in return for a managed nuclear program. An irrevocable non-compliance after a binding multilateral agreement would either lead to a UNSC authorization of force or unilateral action, since there is hardly any value in renegotiation.

When perceiving the nature behind the talks, the underlying tensions of sitting down at the table with both Iran and North Korea, but especially the latter, too much focus and undue criticism has been squarely on the belligerent. For North Korea, the confusing and *juche* ideology ties in nicely with an overblown preconception that the North Koreans have deceptive and sinister intentions, a player not at the table for deal but for recognition, an emotionally immature group on the wrong side of history and one that must be squashed rather than reasoned with. This has been a hawk-like mentality for those who would rather put together a plan for bunker buster bombs and covert operations than devise a proper timing with a well-prepared and ready negotiating team. Whether the U.S. was engaging in bilateral negotiations, in the Four-Party or Six-Party talks, the North Koreans have been perceived as a team pursuing a “dual-track” approach to negotiations, one where direct state actors and party actors mix and weave with experts in technical discussions like nuclear energy details and

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<sup>62</sup> Ogilvie-White, “The Defiant States,” 127.

issues dealing with, for example, repatriation and search for MIA soldiers from the Korean War. But the nature of the situation for all negotiating parties is that there are always cycles: hard-lining followed by easing and willingness for a deal; linkage and revisiting nonnuclear issues; redefining terms and the wording of the draft. (The last part can be dealt with more effectively by bracketing language for the drafting parties rather than breaking it down at the table. But that undoubtedly requires revisiting and leads to the adage, “the devil is in the details.”)

Threatening to walk away and seeking more concessions after some have been given are common tactics in any negotiation, especially in the complexity of multilateral negotiations. But these are precisely the kinds of first dimensional negotiation analysis that leads to poor conclusions and creates unnecessary no-deal outcomes and breakdowns. No matter the tactic or the perception of intentions, as seen in the Iran agreement, a deal with North Korea only matters if there is an overlapping ZOPA and if there is something for each party to perceive a better alternative to a negotiated deal.

Although Washington negotiators don’t exhibit the same brinkmanship as North Korea, the United States is prone to a wide-range of domestic influence. The difference is that North Korea doesn’t have to face political opposition to a deal. At times, parts of U.S. deals with both North Korea and Iran have been delayed and ultimately undermined the deal due to political squabble and bureaucratic delays in unfreezing bank accounts, lifting sanctions, delivering fuel and aid, and (in the case of North Korea for both the Clinton and Bush Administration) carrying out large measures like delivering light-water reactors.

Neither does the U.S. work towards a more clearly planned and defined stage. It is neither a linear process nor one where the North Koreans are strapped to their bombs any more than the America negotiators are strapped to the idea that Pyongyang is a regime change or unification away from being more rational and less threatening.

The lead negotiator for either side is the face of the negotiation, which no doubt leads to media representation and the dangers of negotiating in public. As Scott Snyder states, “Although the lead negotiator appears to have little flexibility at the negotiating table, some observers have suggested that North Korean negotiators are on a ‘longer leash’ than their American counterparts.” That can be clear in the ZOPA itself. If the United States has a red-line at weapon development (as with Iran) or in a continued program and stockpile (as with North Korea), and is working to coerce and move the other team into a U.S. ZOPA, than surely the negotiation team that is expanding their ZOPA and moving furthest away from the status quo of the program is on a longer leash. In the successful approach to Iran, perhaps the simple red-line—no break-out time for weaponization for at least one year—left Washington on a longer leash than it has been with Iran or in the SPT. The duration of that one-year breakout, the size of plutonium and enrichment stockpiles, the safeguards and Additional Protocol measures, and even the analysis or verification of the program were all terms to be negotiated and where exactly those terms would end up depended on side-table technical details and how other parties pressured and enhanced the deal on linkage and nonnuclear issues. This is precisely why poor preconditions, poor pre-negotiation red and green lines, and poor BATNAs can derail a ripe moment or even the perception of ripeness.

A 3D approach would require the technical aspects to be worked out. IAEA inspection, or the ‘Additional Protocol’ measures, are the facilitators of the agreement that are hashed out by technical experts, both at the table in the form of one-on-one and team negotiators going over wording to the U.S. laboratories calculating what North Korea technical capabilities would mean for restarting the agreement and if or when they have passed a nuclear threshold where freezing the program is futile. North Korea having weapons doesn’t mean a renewal of the SPT would be any different than past negotiations. The nuclear issues at the SPT focused largely on the ideological and institutional aspects of

nonproliferation, as one can see by the calls for security assurances, an end to hostilities on the peninsula, and other issues that would either provoke an advanced program or lead to even the threat of use. Issues about reprocessing fuel, replacing heavy-water reactors, and disabling the 5-megawatt reactor at Yongbyon were a central focus; but the kind of technicalities and clear reservation point on break-out times and verification took a back-seat to solving a North Korean threat and tensions in East Asia once and for all.

The case with a North Korean arsenal that is both rapidly evolving and miniaturizing to missile level is much different. On the one hand, the double track and side-table negotiations are essential. In the Iran case, the monitoring agreement includes the entire supply chain, from uranium mines and mills to storage facilities, including accepting of future U.S. developed technology that can send sensors when storage seals have been broken. In order for the North Korean negotiations to work effectively, there needs to be more emotional control in order to avoid the typical one-dimensional brinkmanship and tit-for-tat tactic that comes about after negotiators return to Pyongyang. Another key from the Iran negotiations is not to overwhelm the North Koreans with a report on the complete history and violations of the program. Under the P5+1 talks, the negotiating teams left this to be finished after the agreed framework since it was more important to move forward than to complicate matters with past lies and violations, or show what once was a pursuit and once a deception. This case requires at first a halt, second a reduction, and then an enrichment freeze and reprocessing. How that is reached and addressed depends on how dynamic is the pre-negotiation process design. We can see this by analyzing the success of the Iran agreement and the pointing out the failures of the SPT.

## Conclusion

As the limited analysis here has shown, the United States is in a similar impasse on the North Korean nuclear problem as it was before the Iran agreement. In both cases, an underlying agreement zone didn't seem likely and no-deal or "non-negotiated means" could only exacerbate the situation. But in order to open and access an agreement zone, the U.S. must avoid the pitfalls of past negotiations by learning from the success with Iran. By seeking that, an agreement would be possible the program would be maintainable in three ways.

First, a deal with North Korea must be built directly around the nuclear issue. Fixations on regional security or institutionalization only end up debating ideology while uranium continues to be enriched and plutonium bombs continue to be tested. The SPT can only be about North Korea and be based on verifiable aspects of its program if the sole issue is the technical parts of the program and the trade-offs for full supply verification and close assistance with a civilian nuclear grid and other energy or fuel matters.

Second, the SPT should use the Iran negotiations, if only for the lack of better precedent for success, as a compass when searching for a ZOPA. To add a final theory, as Hopmann shows, while a simple problem-solving model or paradigm cannot replace a comprehensive approach, identifying a specific approach to bargaining can create flexibility and confidence in the negotiators, which "entails an effort to invent solutions to problems that produce joint, absolute gains."<sup>63</sup> The SPT, if it follows the Iran approach, has the ability to make that theory come to life twice.

Third, the United States should create a multidimensional architecture in order to design a deal with the widest ZOPA (and therefore the widest range of value-enhancing and

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<sup>63</sup> Hopmann, "Two Paradigms of Negotiation."



cost-imposing “booby traps”, and strategically use it to combat North Korean circular negotiation tactics, deceit, and brinkmanship that would otherwise create impatience and false perceptions of a no-deal. It should learn from its failures with Iran and North Korea when seeking straight-forward approaches that focused on the process, non-binding joint declarations, and overarching ideologies.

The SPT failed to get as technical as the P5+1, and opted for ideological. With Iran, the negotiation was not a validation of the Ayatollah or Iran's place in the Middle East (or what is meant for its international clout). It created a practical outcome in solving a scary issue in a volatile area by setting costs, values, and technical standards. If we take Paul Bracken's notion of living in the “second nuclear age”,<sup>64</sup> where proliferation does not relate to superpowers, then perhaps a world of multilateral negotiated agreements that maximizes a cost-benefit approach for managing programs is a third age of nuclear weapons issues. As this moves in this direction, too often negotiators and leaders refer to negotiations on one nation's program as being preventive for managing outbreak and the pursuit of nuclear technology for non-peaceful means or under false-pretenses. Such concerns not only ignore the negotiation at hand, but they revert back to the first nuclear age of George Kennan's containment strategies, not to mention undermining the NPT clause that provides for the pursuit of a peaceful nuclear program. Moving away from overarching nonproliferation arguments and towards a new age, there is little reason to believe an Iran deal does not create a solid roadmap for creating an incentive enhanced deal with North Korea. Outright rejecting the unending pursuit to a successful deal with North Korea is likely masked in feelings about the regime more than the safety of the region or setting a large precedent.

The goal towards securitization in East Asia is not only radical for the region, but also was not part of the previous successful agreement—again, in that it was an agreement—with

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<sup>64</sup> Bracken, *Fire in the East*.

Iran. American soldiers in South Korea and Japan, Chinese and North Korean aggression, the history of Russian aggression, concerns over Taiwan and territorial disputes, even confrontation with Vietnam and Indonesia, is hardly the foundations for the beginning of an institution that would all but force nations to react and confront. If a security institution or cooperation were to develop in East Asia, it has a better chance of maintaining an agreement and regional stability if only called into action against North Korean indisputable, irrevocable violations of a nuclear agreement. Essentially, it should be less like NATO and more like a rapid reactionary force on (indefinite) stand-by. A multinational reactionary force would be less of a threat to regime security due to the complications and costs for SPT members.

The main concern will be on IAEA's ability to verify or have access and the door is open for the North Koreans or Iranians to have a covert program, eventually with ICBMs. But it is not the wrongdoing before the deal, but after the deal is broken, that the full wrath of cheating will be shown in this nuclear age, either in the form of international strike or a wide-coalition of international sanctions. But if we assume that the "North Korean regime is the North Korean nuclear problem"<sup>65</sup> then the negotiations wouldn't only fail due to the focus on the regime (the people) and not the issue, but they wouldn't invoke proper negotiations outright because the focus would be on ideology and not underlying issues.

Since the United States has passed the moment of "non-negotiated military means" to coerce North Korea into opening a zone for agreement, it doesn't have a policy to shift to outside of engaging in the same multilateral and sophisticated negotiation approach it did with Iran. However, as in past negotiations with North Korean, if the United States continues with the tiresome pursuit of a clear and simple ideology towards regime-based programs, bad behavior, and outlier proliferation—Instead of sophisticated negotiation architecture—then any perceived opening for agreement will be irrevocably lost.

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<sup>65</sup> Eberstadt, "Hastening Korean Unification", 88.

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