



Policy Forum 04-24A: Lessons From The Agreed Framework



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Lessons From The Agreed Framework

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Lessons Learned: The Road Ahead " from Going Critical: The First North Korean Nuclear Crisis

by Joel Wit, Dan Poneman, and Robert Gallucci

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I. Introduction

The following is an excerpt from the book, Going Critical: The First North Korean Nuclear Crisis published by the Brookings Institute and reprinted here with permission of the Brookings Institution Press. Joel Wit, Daniel Poneman, and Robert Gallucci lay out seven lessons from the 1994 Agreed

Framework negotiations that bear directly on the current six party talks in Beijing.

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II. Essay by Joel Wit, Dan Poneman, and Robert Gallucci

" Lessons Learned: The Road Ahead " from *Going Critical: The First North Korean Nuclear Crisis* by Joel Wit, Dan Poneman, and Robert Gallucci

What lessons do the crises of 1993 and 1994 hold for the impasse of today? Now, as then, the critical issue is North Korean access to bomb material, this time highly enriched uranium as well as plutonium. Now, as then, the consequences of failure would be grave: an untethered North Korea would be able to churn out bomb-making material each year for use in threatening its neighbors---or for export to terrorists or others. (The fastest route to Al Qaeda would seem to run through Pakistan, North Korea's active trading partner in illicit arms and the likely source of the technology North Korea used to enrich uranium.) Now, as then, a difficult relationship with a newly elected South Korean president further complicates an already daunting diplomatic mission. Now, as then, the other regional powers---South Korea, Japan, China, and Russia---have important roles to play in resolving the crisis.

Mark Twain once observed that by sitting on a hot stove, his cat learned not to sit on a hot stove again. But the cat also learned not to sit on a cold stove. Even if one considered the Agreed Framework a hot stove, the question is whether the government could design a cold stove that could support a lasting and effective diplomatic solution to the North Korean nuclear challenge. To do so, it would have to consider what kind of agreement would advance U.S. interests and how the United States should go about negotiating such an arrangement. The 1994 crisis has relevance for today on both counts.

Lesson 1.

Set strategic priorities; then stick to them. It may seem too obvious to dwell on this lesson, but setting and maintaining priorities is easier said than done. During the first North Korean crisis, the Clinton administration placed the highest strategic priority on blocking North Korean access to additional stocks of separated plutonium. Clarity on that point enabled decision makers to resist pressures inside the administration to press other (admittedly important) objectives---curbing Pyongyang's ballistic missile program and its threatening conventional force posture---to the point where they would jeopardize the resolution of the nuclear crisis.

Setting priorities and sticking to them has a number of advantages. First, it provides for discipline

within one's own government and signals clarity of purpose to friendly and hostile nations alike. Second, a government that remains focused on its strategic priorities is less likely to waste precious time and bargaining leverage on objectives of little if any intrinsic importance (such as the timing of the exchange of North-South envoys). Third, setting priorities allows a modular approach to resolving a series of outstanding issues, picking them off in order of urgency. By contrast, the comprehensive approach in which all issues are linked to one another is prone to bog down and leave all issues, including the most important ones, unresolved.

Failure to set priorities quickly leads to stalemate. For example, the Bush administration proposed a comprehensive approach in dealing with North Korea, a "bold initiative" that would offer energy and other carrots if North Korea verifiably dismantled its nuclear program and satisfied other U.S. security concerns. Such an approach runs the risk of failure because it seeks full North Korean performance on all U.S. demands before offering significant U.S. performance on any North Korean demands. There was never any chance North Korea would accede to such a position, especially since time played in Pyongyang's favor as each passing day it enhanced its own nuclear capabilities. Since the president has made clear that the United States seeks a diplomatic resolution to the current crisis, some parallelism in performance will need to be negotiated if the parties are to achieve agreement on the core issues.

Failure to choose the right priorities can be equally damaging. For example, in 2003 the administration emphasized rejection of bilateral talks more than containment of North Korean plutonium, appearing to betray at least an initial preoccupation with form over substance. True, multilateral engagement will be indispensable in resolving the current North Korean nuclear crisis, as it was the last time, particularly in adding pressure on the North to abide by a settlement enforced by several governments. In particular, American success in promoting an active Chinese diplomatic role should be commended. But inflexibility on a matter of pure form may easily derail the broader strategy and lose sight of the strategic priority: stopping North Korea from having access to nuclear weapon material. The strategic point here is that any successful settlement must command multilateral support (see Lesson 3), but that is far different from insisting on who sits at which table in a specific negotiating session.

Lesson 2.

Integrate carrots and sticks into a strategy of coercive diplomacy. If offered only carrots, the North Koreans will conclude that the other side is more desperate for a deal than they are and will likely continue on a path of defiance and increasing negotiating demands. Offering only sticks will tell the North Koreans that there is no benefit from complying with international demands, except avoidance of pain. They might as well continue down a dangerous path of defiance until their acts become so threatening that the international community will have to respond, by which time Pyongyang may have substantially strengthened its bargaining leverage. That is essentially what occurred after Assistant Secretary of State James Kelly challenged the North Koreans in October 2002 regarding their secret enrichment program.

The Clinton administration relied on both carrots and sticks to try to resolve the 1994 crisis, integrating them into a negotiating position that presented a clear choice. If Pyongyang returned to full compliance with international nonproliferation norms, then the international community would respond favorably, reassuring North Korea that compliance would enhance its national security, and even prosperity. It was easier to define the acceptable end state than to define a viable diplomatic path to reach it. Once the North Koreans were prepared to back down and comply with their nonproliferation obligations, they still sought a face-saving way to do so. This was the "escape valve"

that President Clinton kept prodding his advisers to embed into the U.S. negotiating position and, *deus ex machina*, finally appeared in the form of Jimmy Carter.

At the same time, Pyongyang had to know that if it passed up the face-saving exit and continued to defy the international community, it would experience increasing isolation and hardship. In 1994 this coercive side of diplomacy came to the fore through a gradual military buildup on the peninsula and efforts to seek global support for economic sanctions. Ominous signals from Beijing at the time must have undermined the North Koreans' confidence that China would intervene to insulate North Korea from the effect of UN Security Council sanctions. These efforts put pressure on North Korea to back down when the crisis crested in June 1994. Arriving in Pyongyang at the critical moment, former President Jimmy Carter gave the North Koreans a face-saving way out. They took it.

Some have criticized Washington for taking too long to unfurl its diplomatic strategy during the first North Korean nuclear crisis. In particular, the United States has been blamed for not demonstrating more quickly to North Korea the benefits of a negotiated solution by meeting Pyongyang's demand in the summer of 1993 for light-water reactors. Looking back, one can indeed find evidence to support the view that the elements of the Agreed Framework could be discerned long before the October 1994 signing. Practically speaking, however, it is unlikely that the United States could have short-circuited the tortuous road to the Geneva signing ceremony of the Agreed Framework. First, given the half-century enmity between the United States and North Korea, it was understandable---indeed, inevitable---that U.S. officials responded skeptically to such an unprecedented request from Pyongyang. Indeed, U.S. officials remained unconvinced well after the July 1993 round of bilateral talks that Pyongyang was serious about its proposal to give up its gas-graphite nuclear program in exchange for light-water reactors. Second, the project presented enormous challenges---political, legal, and financial---that took time to resolve. Third, regardless of whether Washington wanted to move forward on the LWR project or not, it needed multilateral support---particularly from South Korea and Japan---that needed to be painstakingly secured.

In the Wizard of Oz, Dorothy turned out to have had the power all along to return to Kansas just by clicking the heels of her ruby slippers; but first she needed to go through the Emerald Forest to appreciate why she even wanted to return to Kansas. Similarly, the Agreed Framework could not have been achieved on day one of the crisis; the parties first had to traverse the Emerald Forest of exhaustive negotiations, threats of UN Security Council sanctions, military buildups, and mounting global pressure in order to lay the groundwork for closing the deal.

Lesson 3.

Use multilateral institutions and forums to reinforce U.S. diplomacy. Each of North Korea's neighbors has unique equities and assets that must be brought into the settlement. South Korea is the most directly affected, sharing the peninsula and innumerable ties of blood, culture, and history. The United States---a neighbor by virtue of the 37,000 American troops deployed across the Demilitarized Zone---has an unshakable security commitment to South Korea and broader political and economic interests in the region. Japan shares a complex history with Korea---including its occupation of the peninsula ending with Tokyo's defeat in World War II, the painful issues of Japanese abducted by the North Korean regime, and ties between ethnic Koreans living in Japan and their relatives in the North. It also has the economic resources likely to be an essential part of any settlement with North Korea.

China---traditionally as close to North Korea as "lips and teeth"---has loosened its ties but remains more closely involved with Pyongyang than any other regional player. It also retains the most

leverage of any outsider, as the provider of the majority of North Korea's fuel and food, without which Pyongyang's economy could not survive. While Russia does not approximate that degree of influence, it is bound to the North by treaty and historical ties dating back to Josef Stalin. It can still contribute significantly to a diplomatic settlement of North Korea's differences with the world.

The Clinton administration worked closely with all of the other regional players in the quest for a solution to the nuclear crisis. It also made full use of all available multilateral institutions to bring pressure to bear upon North Korea in the effort to persuade it to comply with international nonproliferation norms. Toward that end, at the United Nations, Washington secured passage of UN Security Council Resolution 825, several presidential statements, and even a resolution from the unwieldy General Assembly. The IAEA board of governors was almost continuously engaged throughout 1993 and 1994 both in discussing the North Korea nuclear problem and in issuing multilateral pronouncements.

When the Clinton administration engaged in bilateral discussions with North Korea, it did so with multilateral backing---encouraged initially by South Korea and China, authorized by the UN Security Council. These bilateral talks in no way detracted from the administration effort to secure broad multilateral support for a negotiated solution if possible, and for the use of coercive measures if necessary. To the contrary, the showing of its good-faith bilateral efforts helped the United States make its case in multilateral forums.

Indeed, Washington sometimes might have put too much emphasis on multilateralism, by being too deferential to Seoul and Vienna. A case in point was the collapse of Super Tuesday over Seoul's insistence that the proposed North-South exchange of special envoys had to precede U.S.--North Korean negotiations. Washington's concerns over allied solidarity led it to accept that particular sequencing as a negotiating objective, even though it did not relate to the ticking clock on possible plutonium separation, or to U.S. security or, indeed, to anything else beyond a matter of political pride. Little surprise, then, that Super Tuesday unraveled; it was held together by political expedience, not national security imperatives.

As for the International Atomic Energy Agency, at times "safeguards theology" created practical problems in blocking plutonium separation. In late 1993, during the implementation of the "tugboat strategy" of pulling Seoul and the IAEA toward Pyongyang, the agency kept shifting the goalposts by adding new conditions for "continuity of safeguards" inspections, making it difficult for the United States and North Korea to return to the negotiating table. Some U.S. officials felt the IAEA was piling on, that ensuring no diversion of North Korean nuclear material required fewer activities than it was demanding. But Washington had to be careful not to appear to muscle the nonproliferation watchdog, lest it inadvertently undermine the agency's international credibility and reputation for impartiality. Fortunately, IAEA excesses were often kept in check through the skillful leadership of Director General Hans Blix who, in spite of North Korean intransigence, successfully walked the fine line between upholding IAEA standards and applying them flexibly enough to address real-world safeguards problems. His support would prove important after the 1994 agreement was signed.

Lesson 4.

Use bilateral talks to probe diplomatic alternatives. While multilateral diplomacy is indispensable, involving more governments---with varying motives, interests, and objectives---at best complicates and at worst dilutes or even undermines U.S. efforts. The United States should therefore use multilateral diplomacy but not be locked into it exclusively. As a sovereign nation, the United States must be free to use any mechanism---including bilateral talks---to advance its unique interests and

objectives. In that sense, bilateral talks are not merely a "gift" to be conferred on other governments, but a vector to convey U.S. perspectives unalloyed and undiluted by multilateral involvement.

Thus, after Super Tuesday collapsed, the administration to some degree eased its lockstep approach with other governments and allowed itself greater latitude to explore diplomatic solutions through bilateral discussions with North Korea. Nor did the United States allow the continuing friction between the IAEA, North Korea, and South Korea in the summer of 1994 to derail the Gallucci-Kang talks.

The use of the bilateral channel did not alter U.S. objectives; it just provided another policy instrument in a pretty empty toolbox. Use of the bilateral channel allowed the Americans more leeway in exploring possible solutions informally with the North. It also provided an opportunity for the United States to focus especially on unique American concerns in a venue uncluttered by other considerations. At the end of the day, the bilateral channel provided a mechanism to promote solutions that the U.S. government considered to be in its own interests as well as those of its multilateral partners and the rest of the international community. American negotiators sometimes envisaged outcomes that would satisfy its multilateral partners' needs, even if the partners were unwilling or unable (because of their negotiating constraints or domestic political factors) to approve certain negotiating positions in advance. Of course, the trade-off is that although reducing the number of parties in direct negotiations can facilitate reaching a deal, it can complicate implementation to the degree that the arrangement does not adequately address the concerns of the governments whose cooperation is essential to success.

Today the Bush administration faces the same dilemma. It has relied almost entirely on multilateral talks, rejecting any but fleeting bilateral contacts with Pyongyang. This approach may give the key governments a greater stake in ensuring that an agreement is fully implemented, create greater pressure on Pyongyang by presenting a unified front, and provide an avenue for others to bring carrots or sticks to bear in the service of the collective diplomatic effort. The disadvantages include an inevitable muffling of U.S. positions in relation to Pyongyang, while also subjecting Washington to greater pressure to modify its own positions.

Most important, placing so much weight on the multilateral format of the discussions with North Korea allows Pyongyang to dictate the pace of the crisis. Pyongyang already makes the decisions on its own nuclear activities. Letting it off the hook of "confronting its accusers" also gives it the upper hand in deciding the pace of the diplomatic effort. Rigid insistence on specific formats or conditions (as opposed to an "anytime, anywhere" offer for talks) permits the North Koreans---now liberated from the cameras, seals, and inspectors of the IAEA that they ejected in 2002---to continue their pursuit of nuclear weapons while sidestepping international pressure. (Of course, the United States could force the issue through such measures as IAEA board of governors' statements and UN Security Council actions, but the absence of actual negotiations with the North Koreans weakens U.S. efforts to show that diplomacy has been exhausted and that stronger measures are therefore required.) Since time is on North Korea's side, the United States and its allies should seek to force the issue by reasserting control over the pacing of the crisis.

In the Civil War, it was not enough for Abraham Lincoln to refuse to recognize the Confederate States of America. He had to take affirmative action to interfere with the Confederacy, which would have realized its strategic aims simply by carrying on its activities independently from---and unmolested by---the Union. Similarly, North Korea can realize its strategic objectives simply by continuing its current path until someone stops it. The longer real negotiations are delayed, the greater the nuclear capability---and bargaining leverage---the North will have accumulated. So whether a particular round of talks with North Korea is bilateral or multilateral is less important

than that they occur sooner rather than later. (This is where setting priorities correctly comes into play.)

Lesson 5.

South Korean support is crucial to any lasting solution of the North Korean nuclear problem. The role of South Korea is as complex as it is central to resolving the North Korean nuclear crisis. Seoul's support is critical, since any action or solution, whatever form it takes, will be on its peninsula. To that end, in 1993 and 1994 the United States and South Korea spent enormous amounts of time and energy working together to forge a common strategy. Contrary to popular belief in South Korea, time after time Washington deferred to Seoul or explicitly took its views into account. The record shows that South Korea had a remarkable degree of influence, even though its positions frequently changed.

Two notable exceptions merit separate mention. The first occurred when Seoul resisted the October 1994 decision to delay implementation of special inspections, in order to get a deal that would address the real and continuing threat of plutonium production by the North. The other exception occurred in 1995 when the United States cut a deal that finessed the name of the reactors to be built in North Korea. The theory was that this issue was far too trivial to justify destroying the Agreed Framework and far too obscure to ensure support for sanctions in the UN Security Council.

Some South Koreans have complained about being harnessed to an ally ready to sacrifice their interests on the altar of nuclear nonproliferation. The most notable example is President Kim's recent claim that he stopped President Clinton from starting a second Korean War. In fact, there were no eleventh-hour phone calls to the White House. President Kim was solidly behind the American drive for sanctions, and his government was well informed about the gradual military buildup on the peninsula as well as the more extensive deployments that were about to be considered. Seoul did not know about American consideration of a preemptive strike against Yongbyon, but it is clear from the record of the Principals Committee meetings that Washington would never have authorized an attack without prior consultation with Seoul. That consultation never became necessary after the June breakthrough that returned the nuclear issue to the negotiating table.

In important respects, the challenge of maintaining U.S.-South Korean solidarity is more difficult today than it was a decade ago. Then the majority of South Koreans, and their government, had personal memories of the Korean War and its aftermath as well as serious doubts about Pyongyang's intentions. Now a younger generation has taken the reins of power, after years of a Sunshine Policy that has left many South Koreans feeling greater sympathy toward their brethren in the North and greater concern that their peace is more likely to be disturbed by Americans than North Koreans. For Americans, the deference once accorded to Seoul as facing the more imminent threat from the North has since September 11 been displaced by its own sense of vulnerability to the export of nuclear technology to adversaries and, to some, the prospect of North Korean ballistic missiles ranging the continental United States.

Unfortunately, the myth that the United States was willing to sacrifice the interests of its close ally in 1994 is widely accepted in South Korea and has colored Seoul's dealings with the current Bush administration. It reflects a long-standing Korean fear of abandonment dating back to the Taft-Katsura treaty of 1905, which essentially handed Korea over to Japan. When combined with the demographic changes just discussed, it is easy to see why the North Korean nuclear crisis can stress the U.S.-South Korean alliance. It will be important for U.S. and South Korean decisionmakers to

recognize this reality as they chart a course for the alliance through the shoals of the current crisis.

Lesson 6.

Take full advantage of China's continuing sway over North Korea. As the driving force behind the six-party talks in 2003, China assumed a much higher profile as a diplomatic player on the world stage. Its importance in addressing the North Korean nuclear crisis was already apparent in 1994. The first crisis broke during China's transition from unalloyed dedication to its alliance with Pyongyang to a more even-handed relationship between the two Koreas. That timing left China more open to work cooperatively with Seoul, while giving Pyongyang greater reason to fear abandonment by its prime benefactor. Beijing understood both its own leverage as well as the grave consequences of a North Korean nuclear program and repeatedly, but quietly, nudged Pyongyang toward compliance with its nonproliferation commitments. Beijing's most important effort unfolded in the spring of 1994, when it tried its hand at mediation after North Korea's unloading of the fuel rods from the 5-megawatt reactor at Yongbyon and appeared to signal that Pyongyang could not count on China blocking the imposition of UN sanctions against North Korea.

Although Chinese officials have traditionally sought to downplay their influence in Pyongyang, they clearly retain greater leverage over the Kim Jong Il regime than any other player. Fortunately, China and the United States agree on two key objectives: (1) the Korean Peninsula should remain stable and secure, and (2) it should be free of nuclear weapons.

But this convergence of views between Washington and Beijing has limits. Specifically, China has a strong interest in avoiding political disruption in North Korea, which argues in favor of seeking a negotiated solution to the nuclear challenge and against taking steps that could induce regime change in North Korea. By 2003, however, some U.S. officials had apparently concluded that the North Koreans were inveterate cheaters with whom no agreement could be reached that would protect American interests. Under this view, agreements should therefore be eschewed in favor of the only practical way to head off North Korean possession of a growing nuclear weapon stockpile: regime change. Whether this would occur by force or by inducing a social collapse through encouraging massive refugee flows out of the North, the bottom line is that pursuit of this objective would drive a wedge between China and the United States.

China would not only object to steps intended to induce regime change in North Korea, it would actively oppose such efforts and likely step in to prevent the collapse of the Kim Jong Il regime. Thus, sharing the same broad strategic aims regarding nuclear proliferation on the Korean peninsula does not necessarily translate into shared approaches. When those approaches differ, the U.S. efforts to encourage China to take the diplomatic lead in dealing with North Korea becomes a double-edged sword, increasing U.S. exposure to Chinese pressure at the same time that it increases Chinese influence over the broader direction of the multilateral approach to North Korea. Since, as this book has concluded (for different reasons), forcing regime change is a losing nonproliferation strategy, the United States should continue to work with China in curbing North Korea's nuclear activities on the basis of the two objectives Washington and Beijing do share.

Lesson 7.

Negotiated arrangements can advance U.S. interests even if the other party engages in cheating. Of course, it is possible to construct a deal that would leave the United States in a worse position if the other side cheated. An example would be an agreement that left the other side well positioned to

break out of a treaty in a manner that would put the United States at an instant military disadvantage. Nazi Germany's rearmament in violation of the Versailles Treaty, combined with Europe's failure to respond, comes to mind. But it is also possible to construct a treaty that leaves the United States better off every day that the other party is compliant, and not significantly disadvantaged if the other party cheats.

Certainly, it would be a mistake to base a deal on trust. But as every American president concluded throughout the cold war, it is possible to construct a deal whose provisions, including those creating transparency, benefit the United States no matter what an aggressive and untrustworthy adversary does in the course of implementation. It is also possible to do so without submitting to "blackmail," if that term is meant to refer to a government's insistence on (1) being "paid" not to do harm, and (2) being "paid" more than once in order to keep commitments made through earlier agreements. That lesson is no less true today with respect to North Korea.

U.S. negotiators will always need to make hard choices. It would be desirable if any new deal includes comprehensive limits on North Korea's nuclear program, extending beyond known plutonium production facilities to encompass not only uranium-enrichment activities but also any nuclear weapons Pyongyang may have already built or obtained, as well as its research and development efforts. Such a commitment would be impossible to verify with confidence, even with "anytime, anywhere" inspections in North Korea. It is just too easy to cheat.

Should U.S. negotiators pass up stronger commitments if they cannot be confidently verified? What if a new deal imposes greater restrictions on Pyongyang with more extensive inspections than the 1994 accord but still leaves uncertainties? Would such a deal serve U.S. interests? Similar questions confronted the United States in 1994, when the president had to decide whether to seek more immediate limits on North Korea's threatening plutonium production program in lieu of immediate special inspections.

Reaching a deal is not always the best option. As noted earlier, the alternatives to engagement--military action or containment--were unattractive for most of the previous crises and may be unattractive today. But in June 1994 U.S. decisionmakers were on the verge of seriously considering a preemptive strike against the Yongbyon nuclear facilities, even in view of potentially dire consequences, out of concern that the North might be about to begin producing bomb-making material. Today, what would happen if North Korea ceremoniously unveiled a nuclear-tipped missile that was clearly threatening to its neighbors, the United States, and the world? Under certain circumstances, no deal may be the best option, leaving only acquiescence (masquerading as deterrence and containment) at one extreme and confrontation (possibly including military action) at the other. Extreme circumstances may leave only extreme options.

One way to try to avoid falling into a situation in which the president faces only extreme options is to set "red lines" for North Korea. Initially, the Bush administration seemed leery to do that on the assumption that "if you draw it, they will cross it." There is always a danger that Pyongyang will cross these lines, either deliberately or through miscalculation. In the spring of 1994, North Korea did cross a red line by unloading the 5-megawatt reactor and destroying important historical information contained in the spent fuel rods, triggering the march toward confrontation. But one month later, Pyongyang did not expel the IAEA inspectors monitoring the Yongbyon facility, perhaps in part because of Jimmy Carter's trip but also because it knew that could trigger an American preemptive attack. In short, picking a clear boundary for acceptable behavior can prove a successful deterrent, but only if it is backed by the credible threat of force. The United States should not be bluffing, and it must be clear that it is not.

III. Nautilus Invites Your Responses

The Northeast Asia Peace and Security Network invites your responses to this essay. Please send responses to: napsnet-reply@nautilus.org . Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

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