

Rewarding North Korea: Theoretical Perspectives on the 1994 Agreed Framework*

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This article tests theoretical propositions of sanctions theory against a 'crucial case study' of the US–DPRK Agreed Framework, which since 1994 has employed incentives to influence North Korea to abandon its nuclear weapons program. By electing an incentives-based strategy, the Agreed Framework appears to invalidate the proposition that positive sanctions are unlikely to be employed between adversaries. However, the choice can be explained in part by the unique political and security environment on the Korean peninsula, by the absence of viable policy alternatives for the USA and its allies, and by the relatively low cost to the USA. The subsequent history of implementation, however, amply confirms a number of theoretical caveats and leaves in doubt the ultimate success of the Agreed Framework. The case illustrates how diplomatic and political pressures on both sender and recipient have altered the baseline of expectations away from a pragmatic and partial improvement in relations and toward the sweeping and more problematic goal of an 'all or nothing' transformation of the adversarial relationship. Positive sanctions were caught between the perceived advantages of de-linking proliferation concerns from other contentious security issues and the domestic political advantages to the sender of greater linkage. The latter tendency is illustrated by the 1999 Perry plan, which abandoned 'limited engagement' in favor of a 'comprehensive and integrated approach'. While this policy shift may have bought time for administration policy, it did not resolve the contradictions inherent in a low-trust relationship. As it reassesses US policy towards the DPRK, the new US administration is likely to draw on the more skeptical view of positive incentives found in sanctions theory. The case of the Agreed Framework challenges several assumptions of sanctions theory, but it is too soon to claim that it invalidates them.

Introduction

Positive sanctions, or incentives, as a means of economic statecraft have received increasing attention in the scholarly and policy-making communities in recent years. An especially intriguing and relevant subset of this subject concerns the use of positive sanctions between adversaries – states whose relations are conducted in the absence of common regimes and their attendant rules

and norms (Long, 1996: 15).¹ This article examines the 1994 Agreed Framework between the Democratic People's Republic of Korea (DPRK) and the USA as a 'crucial case' (Eckstein, 1975: 118), which tests important tenets of the theory of positive sanctions as they apply to adversarial relations. Sanctions theory predicts that positive sanctions will generally be less likely

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¹ Krasner (1983: 2) defines regimes as 'sets of implicit or explicit principles, norms, rules and decisionmaking procedures around which actors' expectations converge in a given arena of international relations'. See Keohane's (1984: 57–63) discussion of regimes.

to be chosen and less likely to be effective between adversaries than between friends. US relations with the DPRK for the first 40 years after the Korean War constituted a 'most likely case' (Eckstein, 1975: 118–119), confirming this proposition. Notwithstanding their long estrangement, and in the midst of an acute military crisis, however, the USA elected to employ positive sanctions to bring about an end to the DPRK's nuclear weapons program. This dramatic and controversial decision contradicted both theoretical expectations and the prevailing preference in the USA for negative sanctions as the policy 'tool of choice' in dealing with arms control and other issues with what are now called 'states of concern' (Haass, 1997: 74; Bernauer, 1999: 158).

The analysis is limited principally to the perspectives and motivations of the sender, the USA, while acknowledging the importance of the perspectives of the recipient and other actors.² Accordingly, it will employ Bernauer & Ruloff's (1999: 2) definition of positive sanctions as 'transfers of valued resources, such as money, technology, or know-how from one actor to another with the aim of driving the behavior of the recipient in a direction that is desirable from the point of view of the provider'.³

It is still too soon to judge whether the Agreed Framework will serve as an example of successful use of positive sanctions between adversaries or as confirmation of the

futility of appeasement. A few tentative conclusions may, however, be offered about how the Agreed Framework case conforms to or fails to conform to theoretical expectations. First, the experience of the Agreed Framework confirms the pressures on the sender, anticipated in theory, to demand transformation of an adversarial relationship as a condition for providing positive sanctions. Absent a credible overall thaw in relations, the USA has been constrained in its ability to reward North Korea for partial improvements in its behavior, however beneficial on their own merits. Second, while issue linkages can (by appearing to the recipient state as blackmail) undermine a positive sanctions attempt, the linkage strategy proposed by former US Defense Secretary William Perry in 1999 was successful in the short term in holding together domestic support while forestalling defection by North Korea. Even though considered a unique case by many observers, the policy of 'limited engagement' with North Korea has already provided ammunition for the 'oxygen or asphyxiation' debate (Lavin, 1996) among scholars and practitioners of statecraft.

The 1994 North Korean Crisis and the Agreed Framework

North Korea is what Bernauer & Ruloff (1999: 11) have called a 'critical state', that is a state whose compliance is essential to the success of an arms-control regime. In the early 1990s, evidence was mounting that the DPRK was preparing to become a nuclear weapons state. It threatened to withdraw from the Nuclear Non-Proliferation Treaty (NPT), and US intelligence speculated that it might already have enough plutonium to make, if not to have, several bombs. The USA saw North Korea's threat as alarming on several counts. First, a nuclear North Korea threatened to destabilize not only the Korean peninsula, but also the entire Northeast Asia

² In this article, the term 'recipient' is used (Long, 1996) rather than 'target' (Hufbauer, Schott & Elliott, 1990), to indicate the object of the influence attempt undertaken by the 'sender' of the positive sanction.

³ Foran & Spector's (1997: 24) definition, as applied to nuclear proliferation issues, is also apt: 'a benefit or promise of benefits offered by senders to a state thought to be considering the acquisition or development of nuclear weapons, in exchange for that state's decision to halt its progress toward proliferation or for its dismantling or elimination of the weapons it already possesses'. In his classic formulation, Baldwin (1989: 63–64) defines positive sanctions as 'actual or promised rewards to B', that constitute 'actual or promised improvements in B's value position relative to B's baseline of expectations'.

region. Second, in the light of the prevailing view that North Korea was in the process of economic collapse, US policymakers feared that the leadership might lash out in desperation against South Korea (ROK, or Republic of Korea). Third, the North's defection would discredit the international non-proliferation regime on the eve of the conference on extending the NPT and possibly lead to the export of nuclear materials to other rogue states (Rosegrant, 1995: 1). With the stakes so high, the USA concluded that preventing a nuclear North Korea was a *sine qua non* of its diplomacy (Drezner, 1999: 298). 'Doing nothing' was not an option.

Despite a reflexive preference for taking a hard line, in the autumn of 1994 the USA offered a state perceived as hostile, aggressive, and volatile – perhaps the most dangerous of what were called 'rogue states' – a menu of diplomatic and economic incentives to freeze and eventually dismantle its nuclear weapons program. This was not an offer of broad diplomatic and economic engagement aimed at transforming relations (Davis, 2000: 19). It was rather what Long (1996: 3) refers to as 'a specific short-term benefit exchanged for an explicitly delineated response from the recipient'. In fact, the 'carrots' in the Agreed Framework are better understood as part of a 'limited engagement' policy that still relied principally upon the 'sticks' of 'containment and isolation' (Litwak, 2000: 5; Oh & Hassig, 2000: 196). The most tangible of the private benefits on offer to the DPRK – at an estimated cost of over \$4 billion at the time – was two more 'proliferation-resistant' light water reactors (LWRs) to replace its older graphite-moderated nuclear plants. The provision of heavy fuel oil to compensate North Korea for energy production foregone as the result of shutting down or not completing their new graphite reactors was another significant incentive, amounting to hundreds of millions of dollars since 1995. The much-weakened DPRK was in need of far more than a couple

of reactors and oil shipments, however. It needed economic resuscitation and security assurances to compensate for a deteriorating security balance in the region. The North placed great value on the pledge in Article 2, Section 1, that 'within three months of the date of this document, both sides will reduce barriers to trade and investment', which the North took as a pledge to end economic sanctions (Harrison, 1998: 63; Manning, 1998: 156). Likewise, it attached great importance to the US reiteration a year previously of the negative security assurances first offered by the Bush administration (Sigal, 1998: 65).

Implementation of the Agreed Framework was from the beginning a collaborative effort of the USA and its allies, even though the USA was the lone interlocutor with the DPRK during the negotiations. South Korea and Japan underwrote a large majority of the direct costs, with the bulk of the US contribution limited to the provision of fuel oil. Arrangements for the LWR planning and construction were to be negotiated, funded, and overseen by a consortium called the Korean Peninsula Energy Development Organization (KEDO). Such a consortium arrangement was an essential feature of the agreement in terms of cementing alliance relations, obtaining domestic support in the USA, and legitimizing the package in the eyes of the North Koreans.⁴

Obstacles to Adopting Positive Sanctions

The option of positive sanctions, even as a component of US policy, faced a myriad of

⁴ As early as 1993, the United States had refused to consider the North Korean proposal to trade its nuclear weapons program for LWRs because of cost considerations (Drezner, 1999: 280). Bernauer & Ruloff (1999: 92) explain South Korean and Japanese willingness to pay the lion's share of the costs as a combination of their fear of conflict in the region and a recognition that, when substantial US contributions to dismantling Russian nuclear weapons were taken into account, security burden-sharing among the allies was on balance fair.

obstacles at the individual, state, and international levels (Martin, 1998). Much of the opposition to the Agreed Framework was rooted in a realist preoccupation with the security dilemma and the resulting predisposition for conflict (Long, 1996: 8). While incentives may be used between friends and allies, governments in the anarchic state of world politics generally prefer self-help to cooperation (George, 1988a: 643). Foreign policy elites are wary of the political risks of appearing to lack resolve or of being labeled 'appeasers' (Davis, 2000: 21; Drezner, 1999). In Galtung's view (1965: 245), an attempt to seek 'common enterprises' with an adversary is regarded as 'treason, deeply embedded in people as the idea is that only the negative approach is appropriate in conflict situations'. US experiences with appeasement in the 1930s and the breakdown of Allied cooperation after World War II, according to Davis (2000: 2), 'produced widespread rejection of negotiation and conciliation as routes to conflict management'. Aware of this political minefield, the Clinton administration for some time opposed anything that smacked of 'rewarding the North' (Mazarr, 1995: 102-103; Rosegrant, 1995: 16). From the human rights point of view, too, rewarding North Korea raised troubling moral questions about engaging what was widely viewed as a 'reprehensible' regime (Cha, 2000: 858).

Even scholars sympathetic to positive sanctions admit that they may encourage blackmail, or worse, aggression (Baldwin, 1989: 78). David Cortright, at the same time that he makes the case for the 'relevance and increasing importance of incentive strategies', nevertheless concludes that 'such an approach should not be employed when dealing with outlaw states' (Cortright, 1997a: 4, 16n.). Likewise, Long (1997: 109) concludes:

In relationships characterized by an atmosphere of hostility, mistrust, and misunderstanding, ambitious incentives may be a

premature, if not dangerous, policy choice. In popular parlance, confidence-building measures may be necessary before a programmatic incentive is possible or warranted.

Bernauer & Ruloff (1999: 30) contend that 'extortion and moral hazard' are more likely to be employed by the recipient in an adversarial relationship, having a dampening effect upon efforts to bring positive sanctions to bear. While not opposed in all cases to using positive incentives to reward adversaries, Davis cautions that the adversary's motivation may be crucial. 'When aggression is motivated by perceived opportunity to make gains at reasonable costs and risk', he writes, 'threats, not promises, are the appropriate means of influence' (Davis, 2000: 5).

The Adversarial Habit

US policy toward North Korea, indeed toward most of its Cold War enemies, was cast in a mold of military and economic containment (Oh & Hassig, 2000: 195). That policy had the support of many constituencies in the USA, South Korea, and Japan. When the crisis over North Korea's nuclear program brought the USA and the North 'to the brink of war' (Carter & Perry, 1999: 131), Cold War habits pulled the USA toward a tough response, despite the risk of a conflict involving weapons of mass destruction (WMD). Memories of war, murderous confrontations in the Demilitarized Zone, the capture of the *Pueblo*, and support for international terrorism constituted the database from which many in the US foreign policy elite operated. North Korea's leader, Kim Il Sung, was routinely described as 'irrational' and was frequently demonized or scorned (Manning, 1998: 141). The 'inertia of past policy and mindsets' had important implications for the ability of the USA to pursue the limited security objective of the Agreed Framework (Litwak, 2000: 10). Once a state has been relegated to the status of enemy or rogue, it is difficult to change that image (Litwak, 2000: 9).

An Unfavorable Domestic Political Climate for Positive Sanctions

Given 'the vagaries of domestic politics', note Bernauer & Ruloff (1999: 32), the sender may experience problems in mobilizing domestic support for positive sanctions. In the USA, the climate for positive sanctions, never favorable, has been adversely affected by three recent developments: the rise of congressional assertiveness in foreign policy, Republican control of Congress after 1994, and eroding support for all forms of foreign aid. Since the end of the Vietnam War, Congress has been increasingly active in defining foreign policy goals, enacting sanctions, and even conducting diplomacy that conflicts with administration policies. Since 1995, Congress has regularly sought legislatively 'to impose conditions on assistance authorized for North Korea', as prescribed in the North Korea Threat Reduction Act of 1999. Reflecting the Republican Party's pronounced skepticism toward engagement with North Korea and toward positive sanctions in general, the new Bush administration quickly and very publicly made clear its intention to depart from the policies of the previous administration (see US Congress, House, Policy Committee, 2000).

Because of the need to overcome a skeptical Congress, administration spokespersons have been compelled to sell the Agreed Framework in ways that soft-pedaled its cooperative aspects and understated US financial and other obligations. Hence, the administration continued to stress the 'stick' of military containment in East Asia. Both academicians and policymakers argued that by opening up North Korea, the Agreed Framework would hasten the demise of the regime (Cha, 2000: 860; Harrison, 1998: 63–64). The more proponents of positive sanctions felt compelled to stress that aid would *weaken* North Korea or to point out the regime's inadequacies and shortcomings, the more reason the North had to suspect

that positive sanctions were really tools of subversion and dominance (Ball, Friedman & Rossiter, 1997: 250). Deterrence policies may undermine a positive sanctions strategy by calling into question the sincerity of the motives of the sender state (Morgan, 1998b: 59). Furthermore, North Korea's political elite dreads political 'convergence' and cultural 'contamination', and regularly expresses the view that "reconciliation and cooperation" which they [the USA and South Korea] tout whenever an opportunity presents itself are nothing but hypocrisy intended to cover up their anti-north confrontation policy' (KCNA, 2000).

Fungibility Matters

Particularly where trust is low, the sender state invariably will be concerned that the recipient not divert aid to hostile purposes. Yet almost all goods are fungible, and as Baldwin tells us, 'fungibility matters' (1985: 304). Even if aid is confined to non-military purposes, there is a risk that it may be diverted to the military or that it may free up domestic resources for military use. To maintain support in the sender state, it is essential to verify that funds provided under positive sanctions are being spent only on approved activities. Such verification requires transparency – the ability of the sender to observe and monitor the recipient's security activities and the flow of targeted aid (Duffy, 1997: 38). However, from the recipient state's viewpoint, the more fungible the incentive, and the more readily it may be applied to activities that 'bring the highest benefit to the target', the more desirable it is (Crumm, 1995: 316). Further, the recipient is likely to resist transparency measures that are unilateral rather than reciprocal, and it may be reluctant to surrender the advantages that secrecy offers (Morgan, 1998a: 176). The decision to postpone verification of North Korea's nuclear past has been an obstacle to congressional support since the Agreed

Framework was negotiated, and a 1999 congressional report (US Congress, House, North Korea Advisory Group, 1999) asserted that diversion of US fuel oil deliveries had indeed taken place. Legislation has mandated improved transparency in order better to detect such diversions and other secret North Korean nuclear activity. Even national technical means have not always been sufficient in light of the North's reliance on a nationwide network of tunnels and caves. Congress would not have renewed funding of the Agreed Framework in 1999 if North Korea had not agreed to highly intrusive inspection of its underground site at Kumchangni.

Cost of 'Carrots' to the Sender

In the case of negative economic sanctions such as embargoes and boycotts, the main costs to the sanctioning state are opportunity costs imposed on private commercial interests and consumers. As Cortright observes (1997a: 8), though they may be important to the interests affected, these costs 'do not show up as a line item in the national budget'. For certain positive sanctions, however, often-significant costs of the incentives and program administration must be borne by public and/or private entities. From a 'two-level game' perspective, payment for and delivery of incentives must be negotiated not only between the sender and the recipient, but also among government agencies, legislatures, and other domestic constituencies within the sender and recipient states (Foran & Spector, 1997: 33).

Although South Korea and Japan bore most of the costs of implementing the Agreed Framework, by the end of 1999, total US expenditures had exceeded \$200 million. This sum would have been even greater but for congressional resistance that compelled the US government to 'pass the hat' to make up KEDO shortfalls (Noland, 2000: 153–154). The drawn-out delivery schedule of incentives also exerted upward pressure on

project budgets. Delays and other factors have increased estimates of the final costs to KEDO of the LWRs to between \$5 and \$6 billion. Even before the dramatic increase in the price of crude in the summer of 2000, rising freight and petroleum prices had led to a \$10 million increase per year in the expected annual costs of heavy fuel oil deliveries to North Korea (General Accounting Office, 1999). After promising Congress in 1995 that the annual cost of fuel oil deliveries would not exceed \$30 million, the administration was forced to request \$60 million annually.

Negotiating and Delivering Incentives

Positive sanctions, to a greater extent than negative sanctions, may require direct negotiation between sender and recipient – possibly over the content of the offer itself, but almost certainly over implementation. While this necessity may encourage further dialogue, it may multiply the chances for misunderstanding and deadlock. Positive incentives, unlike negative sanctions, may also require the sender to administer the reward inside the recipient's national territory. The sender lacks control over whether the recipient will accept what is offered or will demand more. In negotiating the US–DPRK Agreed Framework, not only did the incentives themselves have to be negotiated, but, once agreed upon, months of negotiation were required to spell out the terms of and timetable for delivery as well (Snyder, 2000: 117). The technical nature of the issues involved made it even more difficult to enlist 'broader support for the agreement' in the sender country (Snyder, 1997: 75). KEDO and North Korea have engaged in years of 'post negotiation negotiations' to arrange details, resolve disputes, and clear bottlenecks (Wit, 1999: 60). The North has continued its hard bargaining on these matters (Mansourov, 2000: 170), giving critics ammunition to question its real intentions (see Downs, 1999: ch. 9).

Once agreed upon, 'incentives . . . require action and implementation by the sender' (Long, 1996: 79). They may require new administrative arrangements for their delivery within the recipient state, and these in turn must be monitored and controlled. This responsibility has been the charge of KEDO, whose past and planned activities include site surveys, preparation of the LWR reactor sites, and construction. The effectiveness of these arrangements may be critical to establishing credibility in the recipient state, and confidence in the sender state, that program objectives are being met. Because incentives must be delivered, they are vulnerable to a host of bureaucratic and logistical obstacles in the sender and recipient states (Wit, 1999: 65). Fuel oil deliveries required by the Agreed Framework were often held up at the point of delivery in North Korea.

Linkages

In relations between adversaries, negotiation over a specific issue tends to become enmeshed in the wider webs of the bilateral relationship, and even in the larger strategic context. The solution of one problem comes to depend on the solution of one or more other problems. The result is what Alexander George calls 'cross-issue linkages' (1988c: 692). Linkages may be either explicit or unintended. They may be the result of deliberate strategies of influence pursued by governments during negotiations. Or they may be pursued by domestic bureaucrats and legislators in an attempt to influence the diplomatic agenda of their own government. The general form of these explicit linkages has been, 'You won't get your reward for good behavior on issue (A) unless you also show good behavior on issue (B)'. Linkage strategies are hardly new, but they have played a central role in the negotiation and implementation of the Agreed Framework.

Because they raise the price of compliance for the recipient, however, linkages can be

expected to meet increased resistance, even where positive sanctions are offered. In such a case, the recipient might, as indeed the DPRK has repeatedly done, demand a more lucrative carrot (Drezner, 1999: 52). To avoid the risks of linkage and to facilitate at least limited cooperation, George (1988b: 671; and see Axelrod, 1984: 132) advocates decomposing a complex problem into smaller components. With this in mind, US policymakers opposed holding cooperation on the nuclear problem hostage to improvement in the overall relationship and pursued a strategy of what Skinner (1987: 276) calls 'delinkage'. The Clinton administration was relatively successful from 1994 to 1999 in delinking the Agreed Framework from other issues, such as missile development and export, chemical and biological weapons, recovering remains of US service personnel, and terrorism. The US government did insist that progress be made in the North-South dialogue, but it cautioned against 'linking KEDO funding to substantial progress on North Korean/South Korean dialogue' (Christopher, 1995). Even when North Korea's famine subsequently gave the USA the opportunity to link food aid to overall improvement in the North's behavior, it chose not to do so (at least publicly). The US administration argued that *whether or not* the North might be secretly pursuing nuclear weapons by other avenues, keeping the Yongbyon site shut down precluded a rapid restart of the North's plutonium-producing capacity and was therefore of value (Perry, 1999). As recently as the 1998 crisis over North Korea's test-launch of a Taepo-dong missile over Japan, the US administration insisted that even if North Korea proceeded with a second launch, the USA should nevertheless continue its policy of engagement and meet its obligations under the Agreed Framework (US White House, Press Briefing, 2 July 1999).

Despite the theoretical and practical advantage to insulating the nuclear issue

from other bilateral and regional security issues, it has been exceedingly difficult to sustain such a strategy. As much as the Clinton administration attempted to pursue a strategy of de-linkage, Congress has sought to 'recouple' the North's implementation of the Agreed Framework to its performance in other issue areas.⁵ It has even threatened a total cutoff of funding for KEDO over missile exports to certified 'terrorist' governments, and later over discovery of North Korea's 'mammoth underground' complex at Kumchangni. A 1999 congressional report concluded that US policy had failed to address the threats posed by North Korean weapons of mass destruction, narcotics trafficking and support for terrorism; that it was sustaining a 'repressive and authoritarian regime'; and that it did not effectively 'encourage the political and economic liberalization of North Korea' (North Korea Advisory Group, 1999).

Congress' behavior has been far more consistent with theoretical expectations regarding positive sanctions for an adversary than official US policy. As Raymond Cohen has observed, 'cooperation between sovereign states will ultimately depend on the quality of the relationship and not simply the terms of the contract' (1997: 213). Positive sanctions and other confidence-building measures may only become effective after 'fundamental problems in the relationship' have been overcome (George, 1988b: 667) and significant 'shifts in political judgment' about the overall relationship have already occurred (Morgan, 1998a: 176). Therefore, it may become

necessary to transform relations among adversaries *before* [emphasis added] specific security concerns can be addressed successfully (Davis, 2000: 19). Indeed, US-Soviet détente foundered in part over failure of overall Soviet behavior to meet expectations in the USA.

The consequence of such pressures for transforming relations is that, while making sense from a confidence-building standpoint, rewards for partial improvements in relations will be seen by some actors in the sender as risky. According to Galtung (1965: 245, 253), the polarization of conflict situations makes it very difficult for the sender to agree upon a demand for 'actions that are positive short of complete conversion'. To demand such limited actions 'is seen as an indication that less than complete conversion is needed, and as a temptation to relax the efforts to drive home a complete victory. Consequently, no gradual path of conversion is pointed out'. As a result, there will be pressures for an 'all or nothing' conversion – a transformation of the relationship from adversarial to cooperative, from 'predator' to 'reformed predator' (Mazaar, 1998: 92). This has indeed been the pattern with the Agreed Framework. These theoretical observations help explain why US-DPRK diplomacy has focused increasingly on transforming relations and less on the North Korean nuclear program alone. Confirming Galtung's predictions, congressional and other critics of policy toward North Korea believed that a more favorable overall relationship, including but not limited to specified non-proliferation cooperation, should be a condition for providing aid. The argument was that if North Korea continued to act like an enemy – modernizing its military, planning for war with the USA, selling missiles and nuclear technology to 'rogue' states, suppressing the human rights of citizens – then it should not be rewarded for other behaviors, however positive.

⁵ The consortium arrangement that made the Agreed Framework possible also tended to multiply demands for linkage, as it held the agreement hostage to the interests of each of the coalition members (Cortright, 1997b: 282). For a year after North Korea's August 1998 missile launch over Japan, for example, the Japanese government suspended its cooperation with KEDO. By the same token, of course, Kim Dae-jung's accelerated sunshine policy has put pressure on the Japanese and US governments to move ahead more precipitously than they, or their domestic critics, otherwise might.

Congress enjoyed considerable success in pressuring the Clinton administration to expand linkages (Martin, 1999: 46–47). Not long after the 1994 Republican congressional victories, a State Department official linked US removal of economic sanctions, provided for in Article 2 of the Agreed Framework, to progress ‘on other areas of interest to us’ (Harrison, 1998: 65). The 1999 Perry report, which Congress had required the administration to undertake, formally abandoned the de-linked approach to the Agreed Framework in favor of ‘a comprehensive and integrated approach’ that explicitly linked the lifting of sanctions to *both* the termination of the North’s nuclear program and ‘the complete and verifiable cessation of testing, production and deployment of missiles exceeding the parameters of the Missile Technology Control Regime [MTCR]’. Perry concluded that the status quo with respect to the Agreed Framework was ‘not sustainable’ (1999). To sell administration policies to Congress, the administration also felt compelled to brandish a much larger ‘stick’ if North Korea failed to take the ‘opportunity’ offered to it. Acknowledging the impact of the neorealist critique of a ‘bribery policy’, Perry pointedly, if perhaps disingenuously, rejected the option of ‘buying our objectives’ on the grounds that ‘such a policy of trading material compensation for security would only encourage the DPRK to further blackmail, and would encourage proliferators worldwide to engage in similar blackmail’ (Perry, 1999). Recent US diplomacy toward the North has focused on securing a pledge to abandon production and sale of missiles and missile components, but these objectives are bound to require payments, whatever they may be called. To the degree that such payments are perceived as strengthening the DPRK, Oh & Hassig (2000: 204) observe, ‘they will therefore prove unpopular among democratic donor states’. The North Korea case illustrates the difficulty of sustaining an

issue-specific program of positive sanctions when dealing with the complex and volatile relationships among hostile states. The Council on Foreign Relations was correct to observe in 1995 that the Agreed Framework ‘cannot prosper or possibly even survive in isolation’ (cited in Litwak, 2000: 199).

In addition to developments in bilateral relations, there are many factors exogenous to the relationship that may undermine cooperation and create unintended linkages. Asia’s financial crisis delayed final agreement on funding for KEDO, while the roller coaster of US–Chinese relations affects how North Korea plays into the calculus of both powers. It can be argued that Indian and Pakistani nuclear weaponization, and the extent of other WMD programs around the world, indicate that the proliferation ‘horse is already out of the barn’, and that the USA needs to turn its attention and resources more toward counter-proliferation or adaptive strategies. Should the much-feared ‘anti-hegemony’ alliance of ‘multipolarists’ take a more concrete shape, cooperation could become a less attractive option for both its members and the USA. Recent arms transfers between Russia and China, and a new friendship treaty between North Korea and Russia add uncertainties to the equation (Platkovskiy, 2000: 100).

Motives and Perceptions of the Recipient State

‘What’, asks Elliott (1997: 99), ‘do North Korea’s leaders want?’ The ultimate prospects for positive sanctions to survive the skepticism within the sender states, and to achieve a peaceful Korean peninsula, depend upon the answer. Unfortunately, the motives of the secretive state remain speculative and a source of controversy. North Korea is either ‘a porcupine in the forest’ obsessed with ‘repelling aggression’, or it is ‘a tiger rapaciously hunting in the jungle’ (Noland, 2000: 350). Many scholars regard the DPRK

regime as the latter – obsessed with holding on to power and unrepentant in its aggressive designs on South Korea (e.g. Downs, 1999: 281; Manning, 1997/98: 30; Niksche, 1998: 55; US Institute of Peace, 1998). Others, however, regard it as the former (e.g. Cha, 2000: 855–856; Dorn & Fulton, 1997: 30; Hoare, 1997: 190; Park, 1997: 5; Mazaar, 1998: 76; Xizhien & Brown, 2000: 537). They believe the weakened DPRK regime earnestly desires admission into the international community and relief from what Defense Secretary Perry (1999) calls ‘pressures . . . that it perceives as threatening’, even if its behavior and tactics strike West-erners as both alarming and perplexing.

Theory would lead us to expect that the more the ‘tiger’ North Korea’s behavior, the less likely it is that positive sanctions can be a sustained and effective strategy. As Smithson (2000: 95) observes: ‘North Korea did not fit the model of a country where positive incentives were likely to elicit the desired outcome.’ Elliott (1997: 109) states a common view when she concludes that if the North sees an economic opening-up as a threat to regime control and weapons of mass destruction as essential to its security, ‘neither carrots nor sticks will be effective’. In this scenario, positive sanctions may appear to North Korea as a ‘Trojan horse’ or ‘poison carrot’, masking sinister ulterior motives of the other or highlighting the incompetence of the regime to provide for its people, and hence be negatively valued (e.g. Eberstadt, 1999: 11; Fisher et al., 1997: 212; Snyder, 2000: 37). Bernauer (1999: 178; and see Foran & Spector, 1997: 34) similarly observes that the dominance of security concerns, coupled with the inward-looking, suspicious nature of its elite, worked strongly against the prospects for positive sanctions to pry the North from its weapons of mass destruction. In Davis’s analysis (2000: 31–32, 36–41), the success or failure of positive sanctions depends on whether North

Korea is a vulnerable aggressor (porcupine) or an opportunistic aggressor (tiger in the forest). In prospect theory, if the North is motivated by the desire for increased advantage, then negative sanctions may be more appropriate and effective than positive sanctions (Davis, 2000: 5). It could be hypothesized that the US *perception* in 1994 that the DPRK sought increased advantage made it more probable that negative sanctions would be used.

Much of the debate about North Korea’s ultimate intentions revolves around how it sees its nuclear program: as bargaining chip or indispensable deterrent. Nuclear weapons may have been the ‘quick fix’ that North Korea needed to address the alarming deterioration in its security position at the end of the Cold War, providing it with ‘alternatives to a negotiated settlement’ and leverage with its much stronger interlocutors (Bandow, 1998: 131; Snyder, 2000: 69). The Gulf War and its aftermath, US delays in heavy fuel deliveries, the ROK’s continued military modernization, joint ROK–US military exercises, NATO actions in Bosnia and Kosovo, and threats of a Theater Missile Defense (TMD) all have intensified the North’s insecurity and increased the potential value of a nuclear deterrent (Bandow, 1998: 131; Xizhien and Brown, 2000: 540).⁶ As Foran & Spector (1997: 47) have noted, ‘the more security dominant the motivation for proliferation, the greater the incentive required to terminate the program’.

Rejecting Counter-Proliferation and Sanctions

As the above discussion suggests, the theoretical and practical obstacles to employing

⁶ Contrary to the view that a TMD would be destabilizing, Cha (2000: 864–865) argues as part of his ‘enhanced engagement’ strategy, that an Asian TMD would actually make engagement more credible by communicating to the DPRK that positive sanctions were ‘a choice of the strong and not the expediency of the weak’.

positive sanctions to influence the DPRK were daunting. It remains to be explained, then, why the USA chose and has continued along such an unconventional path. The explanation lies to a large extent in the perceived unsuitability of the alternatives: military counter-proliferation and economic sanctions.

Military Counter-Proliferation

A coalition of interests inside and outside government was pressing in 1993 and 1994 for a military approach to dealing with North Korea. A few prominent US legislators, former officials, and media commentators called openly for conventional airstrikes against nuclear facilities (Bandow, 1998: 126; Sigal, 1998: 102–103). Any delay in order to allow sanctions or negotiations to work, it was argued, could allow the North to increase its cache of weapons. The Defense Department prepared plans for pre-emptive military counter-proliferation employing 'smart' conventional weapons to destroy North Korea's nuclear facilities. Proponents argued that such surgical strikes could achieve their objective with minimum collateral damage or nuclear threat to South Korea, and little or no risk of US casualties (Carter & Perry, 1999: 128).⁷

Despite its putative technical feasibility, the Clinton administration concluded that such an attack 'was very likely to incite the North Koreans to launch a military attack on South Korea' (Carter & Perry, 1999: 128; Litwak, 2000: 214). As Cha (2000: 851) observes, there was a danger that the North would 'see war as a wholly rational and optimal choice even when there [was] little or no hope of victory'. There were other drawbacks as well. By resorting to a military solution, the USA would have been sure to provoke a diplomatic backlash, and would in

effect have admitted the inadequacy of the very NPT regime it claimed to be defending (Pilat, 1994: 283). Further, such an operation would have required extraordinarily effective intelligence about a most secretive regime. Even a second military option, a more substantial buildup of US forces in East Asia, was feared to risk pre-emptive military action against US and ROK forces. In theoretical terms, by reinforcing the North Korean 'expectation of future conflict', US military responses were more likely to provoke resistance and even pre-emption (Drezner, 1999: 283). Finally, the money costs to the USA of a new and victorious war in Korea would have been greater than those to the North (Drezner, 1999: 299). In the light of these considerations, the US government therefore concluded that the potential costs of each of the military options were unacceptable. Sorokin's (1996: 16) conclusion that 'as long as the cost of the reward is relatively low, then states should be expected to prefer the low-risk strategy to the uncertainty and often high costs of military conflict' applies to the US decision to reject counter-proliferation.

Economic Sanctions

The preferred policy of the US administration was tough sanctions, or at least the threat of sanctions, if North Korea did not agree to inspections by the International Atomic Energy Agency. Prospects for United Nations action were unclear, but with some reluctance, Japan and South Korea had publicly committed to joining the USA in sanctions even without a Security Council Resolution. While the proven ability of authoritarian regimes to withstand the effects of sanctions (Bandow, 1998: 135; Oh & Hassig, 2000: 196) boded ill for the US sanction plan, the Clinton administration was confident that sanctions could be effective, and there was some evidence that the threat of sanctions played a role in moderating the North's position in the Spring of 1994 (Drezner, 1999:

⁷ For a discussion of new 'disabling technologies' that inflict minimal physical damage and casualties, see Pilat (1994).

281). Elliott (1997: 109) concludes that despite the regime's isolation, and despite the United States' lack of direct leverage, economic sanctions might have worked provided China complied. Drezner (1999: 291) goes even farther, concluding that North Korea's 'court economy would have been extremely vulnerable to economic coercion regardless of Chinese participation'. In any case, however, North Korea proclaimed that it would consider sanctions an act of war. If US policymakers believed that sanctions would hurt the DPRK, Secretary of Defense William Perry considered the prospect of economic sanctions 'unpredictable', and concluded that it was 'unlikely' the North would have acquiesced (cited in Drezner 1999: 298). US policymakers were also concerned about the potential effects on South Korea and the whole region of a 'hard landing' for North Korea's economy, an eventuality that sanctions might precipitate (Bracken, 1998: 2).

Reflecting concern for what Axelrod has called the 'shadow of the future', North Korea's high expectation of future conflict with the USA made it unwilling under pressure to comply with demands which, if met, would weaken it in any future confrontation (Drezner, 1999: 283; and see Axelrod, 1984). Under these circumstances, it calculated that 'the costs of stalemate were less than those of conceding' (Drezner, 1999: 284). Because issues of 'face' and relative status ranked high on its agenda, North Korea was especially reluctant to yield to US or international pressure (Carlin, 1994: 134). The difficulty the US government was having mobilizing international support for sanctions may also have undermined the credibility of the threat (see Baldwin, 1989: 51). In a strange twist on the 'Weinberger' or 'Powell' doctrines, which assert that the use of military force should be a last resort, the USA chose positive sanctions as a last resort, when force and sanctions appeared foreclosed. 'The only option left was economic inducements', writes Drezner

(1999: 300), while Litwak (2000: 198) calls US policy 'limited engagement by necessity'.

Positive Reasons for Choosing Positive Sanctions

To some extent, the US decision to employ positive sanctions was dictated by the conclusion that both military counter-proliferation and negative sanctions carried unacceptable risks. The USA concluded that it lacked a satisfactory BATNA – or best alternative to a negotiated agreement (Fisher et al., 1997). But it was not just a matter of rejecting coercion. Despite sanctions theory's generally negative view of employing positive sanctions with adversaries, the Agreed Framework did meet several important theoretical criteria for successful use of positive sanctions.

Low Cost to the Sender

For the USA, at least, the Agreed Framework met Drezner's condition that 'the bribe must be nearly costless for the sender' (Drezner, 1999: 252). In the choice between military counter-proliferation and an economic inducement, he concludes, 'given the costs associated with all-out conflict, and the cost-free nature of the carrot, [the US government] chose the latter' (Drezner, 1999: 315). If the other KEDO members had not assumed the lion's share of costs, the Agreed Framework would not have been acceptable to the US Congress. The urgency of the 1994 war crisis may also have made the costs of incentives appear even smaller in comparison with the prospective costs of war (Davis, 2000: 17). The question of whether the domestic political costs to the USA were relatively high or relatively low has been debated (see Dorussen, 2001: 259). Drezner (1999: 300, 304) believes that reputational costs to the USA were quite high, but may have been mitigated by the general lack of public debate over policy toward Korea.

Though congressional elites strongly opposed the Agreed Framework, opinion polls in 1994 indicated very high percentages supporting improving diplomatic and trade relations with North Korea *if it would not build nuclear weapons* (Powlick, 1998: 214).

The DPRK's Stake in Cooperation

While the motives of the DPRK remain in doubt, its government continues to have a powerful economic incentive for accommodation with the USA and its allies, and therefore to stand by agreements already concluded. The USA is in the best position to offer what Cortright (1997b: 268) calls 'access to the emerging system of political cooperation and economic development among the major states', and what Long (1996: 21) calls the advanced technology 'integral to a state's overall productive capability'. If North Korea views its economic situation as the key to regime maintenance, Elliott (1997: 109) argues, 'a combination of carrots and sticks will probably be effective'. Indeed, Bernauer (1999: 181) concludes that while several factors militated against the North being willing to bargain away its nuclear option, the 'extremely severe economic situation of North Korea' was decisive in its opting for cooperation 'in spite of other factors that would normally make their successful use unlikely'.

It was noted above that if North Korea remains motivated by the desire for gains in power, prospect theory would suggest that positive sanctions may not be effective. On the other hand, Davis (2000: 5, 38) writes that if the North has been motivated more by 'fear of losses' than by 'perceived opportunity to make gains' to change the status quo, then a strategy of assurances and promised rewards may be – in fact he argued that it should be – the best path to influence. If Cha (2000: 853) is correct that the North has framed its calculations 'in the domain of losses', then

positive sanctions may be an efficient strategy to ameliorate 'pre-emptive and preventive situations'.

Furthermore, nuclear weapons 'may promise survival, but they offer nothing else' (Cha, 2000: 848; and see Maull, 1994: 362). If the nuclear weapons program were, as some contend, a bargaining chip to gain economic benefits and security, it would hardly be likely that the North would jeopardize those benefits by reneging on its obligations (Smithson, 2000: 95). In light of the country's reduced straits, DPRK elites may well have calculated that, at least for the time being, it was necessary to trade self-reliance in defense (one of the key components of Juche) for economic assistance and potential future security guarantees. The country's weakness has so far made such a bargain with the devil a necessary, but not necessarily permanent, expedient. For North Korea, the absence of a better deal on the open market of world politics may also reduce their incentive to defect (Cortright, 1997a: 9; Crumm, 1995; Long, 1997).

Favorable Effects of Time

While, as noted above, a lengthy time period for implementation leaves an agreement vulnerable to a variety of events and pressures, it may favorably affect implementation. Repeated face-to-face contacts have improved mutual understanding and been an essential ingredient in defusing crises and resolving disagreements (Snyder, 1997: 74). Any number of developments, such as South Korea's 1998 election, may positively affect the preference schedules of the parties and make cooperation more attractive (Bernauer & Ruloff, 1999: 18–19). Baldwin's (1985: 308) contention that, 'the greater the donor's gain from the aid relationship, the more dependent he is on maintaining the relationship and the less able he is to make credible threats to forgo it', also suggests a reinforcing effect for the passage of time. Benefits to US

and South Korean actors will increase as LWR construction proceeds and as sanctions are lifted. Despite what it saw as provocative acts, the Clinton administration (if not Congress) was reluctant to threaten or impose sanctions over other disputes – such as missile launches – for fear of jeopardizing existing nuclear agreements (see Long, 1997: 111). Time should also increase the DPRK's stake in the status quo, as well as making it increasingly vulnerable to threats of withdrawal of benefits later on (Cha, 2000: 859; Drezner, 1999: 302). At the end of six years, despite near-fatal crises, Yongbyon remains inactive and the political thaw between the North and the outside world continues.

The Role of Deterrence

A final and important factor permitting the USA to elect a path of positive sanctions is that the USA and its allies have maintained a very substantial 'stick' in the form of US–South Korean military forces and preparedness, thus reducing the risks associated with 'appeasing' the North (Quinones, 1998: 107). Despite its continuing ability to turn Seoul into a 'sea of fire', North Korea's relative military position continues to decline in the face of both South Korea's and Japan's military modernization, and the degrading of its own military (Kang, 1998: 169; Olsen, 1998: 149). In theory, the USA's negative security assurances have reduced the threat that North Korea would be obliterated by US 'massive retaliation' (Morgan, 1998b: 58). The USA and the ROK rely instead on the threat that North Korea would decisively lose any conventional confrontation. It was noted above that deterrence may undermine engagement, but as long as the USA is careful not to alarm the North by a rapid buildup, conventional deterrence may continue to be an indispensable complement to the 'carrots' now enjoyed by the DPRK. When and if North Korea becomes a peaceful neighbor,

the debate can begin on whether carrots, sticks, or both, were responsible.

Conclusions

In important respects, US non-proliferation diplomacy toward North Korea has defied the expectations of sanctions theory. The USA offered positive sanctions to one of its most feared adversaries despite a strong domestic aversion to perceived appeasement and a preference for coercive diplomacy. Both countries (as well as Japan and South Korea) had high expectations of future conflict and low levels of trust; reputational costs to both sender and recipient were high; both sender and recipient viewed incentives from differing and not entirely compatible perspectives; and both linkages (from the North's viewpoint) and the lack of them (from the USA's viewpoint) threatened to undermine the original, stand-alone goal of a non-nuclear DPRK.

In theoretical terms, both the secretive nature of the regime and the high priority it gave to security considerations militated against successful use of positive sanctions. In addition, pressures from within the sender for transformation of the relationship as a precondition of cooperation conflicted with the prescription for de-linkage as the most promising strategy for dealing with adversaries. In practical terms, the sender state had to offer contradictory reassurances to its own constituencies and those in the recipient state. On the one hand, to overcome domestic mistrust of positive sanctions, the US government had to demonstrate to its domestic audience that (a) positive sanctions would lead to a significant, verifiable security gain for the sender [no nuclear weapons for North Korea], (b) fungibility would be foreclosed, (c) the recipient state would discontinue threatening behavior in other issue-areas, (d) the costs of the incentives to the USA would be limited and shared by allies,

(e) domestic interests would not be short-changed, (f) other alternatives were not attractive or available, and (g) containment would not be abandoned. On the other hand, the USA had to convince North Korea that (a) it would not attempt to gain unilateral advantage, (b) positive sanctions would not undermine the regime or the political system, (c) the incentives would be worth more than the goods forgone [nuclear weapons and missiles], and (d) issue linkages would not threaten sovereignty or vital national interests.

Despite such contradictions and obstacles, however, and despite chronic crises that threatened to unravel the agreement, the USA chose and has stayed loyal to, its positive sanctions strategy. Ironically, the survival of the Agreed Framework can be attributed in some measure to the same lengthy and complex process of implementation that has occasionally been so threatening to it. It has only been because of the extended time-frame for implementation that the USA has had time to adapt the 'single issue' Agreed Framework to realities both domestic and international that required a more comprehensive deal. Without time to negotiate a more complete transformation in North Korea's relationships with the outside, a South Korean 'sunshine policy' might not have developed when it did. Furthermore, without the benefit of time, it would have been impossible to forge the implicit and tacit linkages among the Four Party, missile, MIA, and other talks that have permitted the Agreed Framework to survive politically.

In the final analysis, the Agreed Framework was possible for several reasons, not all of which may be replicable in future cases. First, both coercive alternatives presented unacceptable risks to the USA and its regional allies. Second, the offering of a carrot, while allowing some risk that the DPRK would gain breathing space or even revive its nuclear program, achieved at least a partial success, opened the door to negotiation on other

issues of concern, and held out the hope that the North's desperation would be channeled into increasing interdependence rather than into military desperation. Third, by abandoning the strategy of de-linkage and by admitting that the Agreed Framework could not survive as a stand-alone agreement, the Perry plan addressed at least some of the concerns of domestic opponents and succeeded in buying some additional time. Fourth, North Korea's desperate economic straits and lack of security options in the international marketplace were sufficient to overcome negative factors in electing to accept positive sanctions from its erstwhile enemies. Fifth, by not relinquishing the stick implicit in the US-ROK-Japan deterrent posture, the USA kept a hedge against defection by the North and against mutiny by Congress. Even with these conditions, the policy remains tenuous, facing opposition within all of the principals. The skepticism born of 50 years of antagonism is difficult to dispel, and unless and until the North's relations with the outside world are transformed and the DPRK becomes a normal country, fear of appeasement in the sender countries will remain high. It remains to be seen whether the final stages of completing LWR construction will survive inevitable disagreements; and it remains to be seen how loyal a Bush administration, which has already embarked on a re-evaluation of policy on the Korean peninsula, will be to the current framework for relations.

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