The North Korean Nuclear Issue and the Six-Party Talks: The Logic of Regime Failure

Sangtu KO (Yonsei University)

Introduction

The objective of the Six-Party Talks is the denuclearization of the Korean Peninsula. But the talks have failed to achieve this goal, although four participating countries surrounding the Korean Peninsula, namely the United States, China, Russia, and Japan are among the strongest countries in the world in terms of military and economic power. They are also the biggest countries in terms of population and territory. The fact that the great powers could not prevent the small and impoverished nation of North Korea from becoming a nuclear power represents a failure of collective action.

In April 2003, after North Korea revealed its highly enriched uranium (HEU) weapons program, China convened trilateral talks to stabilize rapidly escalating tensions between the US and North Korea. It expanded these talks, evolving them into Six-Party Talks to encompass Japan, South Korea, and Russia.¹ The Bush administration agreed to a multilateral framework for resolving the North Korean nuclear issue. In May 2009, Pyongyang eventually walked out of the Six-Party Talks, in which six countries had held six rounds of negotiations over six years. In 2005, the negotiations succeeded in coming to an agreement, called the September 19 Joint Statement, in which the North committed to abandon its nuclear program and return to the Non-proliferation Treaty (NPT) in exchange for food and energy assistance. However, a series of obstacles hindered the implementation of the agreement. The delivery of light-water nuclear power plants to the Democratic People’s Republic of Korea (DPRK) was delayed due to opposition from the US Senate. In July 2006, the DPRK responded by test firing ballistic missiles over the Sea of Japan and staged an underground nuclear test in October. After the resumption of the Six-Party Talks in 2007, implementation was agreed upon anew. In July of that year, International Atomic Energy Agency (IAEA) inspectors were allowed into North Korea to monitor its nuclear facilities, and in November North Korea began to disable its nuclear facilities at Yongbyon.

In response, US President George W. Bush suspended sanctions on North Korea applied under the Trading with the Enemy Act in June 2008 and removed North Korea from the list of state sponsors of terrorism in October. However, this was a largely symbolic act as President Bush reinstated many of the restrictions against North Korea at the same time. The United States criticized North Korea for its incomplete declaration of nuclear facilities. North Korea accused the Bush administration of being reluctant to remove sanctions and later protested that Japan and the ROK had not fulfilled their commitments to deliver one million tons of heavy fuel oil as promised in the agreement. In 2008, the talks were deadlocked when

the North conducted a second nuclear test.

Despite the failure of the Six-Party Talks, most of the concerned countries still consider the talks the only way to address the long-standing nuclear crisis on the Korean Peninsula. China and Russia have consistently demanded that all concerned parties resume negotiations without any preconditions. The former North Korean leader, Kim Jong-il, showed his readiness to rejoin the Six-Party Talks. The US wants to maintain dialogue with North Korea because there seems to be no other option for dissuading North Korea from pursuing a nuclear weapons program without the Six-Party Talks. The US, Japan, and South Korea want to return to the negotiating table once North Korea takes the key steps agreed upon. Because the Six-Party Talks have not lost their practical usefulness, it is worth finding the cause of the failure and elaborating on ways to improve the talks. The Six-Party Talks are a multilateral arrangement and a kind of international institution, specifically, an international security regime. In this context, this article aims to examine the reason why the talks failed from the perspective of regime theory.

The existing literature deals mostly with the Six-Party Talks from the perspective of the actors, and attributes their failure to China’s support of North Korea or the fact that North Korea insists on sticking to its nuclear weapons development program. In contrast to the actor approach, this article tries to find the root causes of the failure of the Six-Party Talks from the institutional approach. The logical ground for selecting this approach lies in the fact that the Six-Party Talks represent an institutional attempt to solve the North Korean nuclear problem. International problems can hardly be solved by a single country. Even a super power often resorts to a multilateral institution to increase the effectiveness of its problem-solving capability. In this context, the United States started the Six-Party Talks to secure the collaboration of the Northeast Asian countries. This means the US sought a multilateral approach after the Geneva Framework had failed as a bilateral approach. The United States realized it alone could not tackle the North Korean nuclear problem and tried to gain the greatest possible assistance from the concerned countries.

Regime theory will provide a significant framework for analyzing the Six-Party Talks. It is worth noting, however, that the existing research on international regimes focuses on how to reach an agreement. The Six-Party Talks are a key case in which participants reached an agreement that was not fulfilled. In this instance, the problem has been non-compliance with the terms of the agreement. Against this background, this article seeks to distinguish between two stages of regime formation and regime implementation, and argues that the Six-Party Talks succeeded in regime formation but failed in regime implementation. Thus, this

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article’s goal is to find the obstacles of regime implementation and suggest effective ways to make agreements fulfilled in the case of the Six-Party Talks.

This article’s research question is: What institutional failure did the Six-Party Talks confront with. Specifically, what prevented the Six-Party Talks from successful implementation of their agreement? To answer this question, this article is constructed as follows. The first section will review the existing literature about the Six-Party Talks and regime theory. This analysis of previous research works will help develop a framework that suits the research aim of this article. The second section will investigate the institutional deficiencies that caused non-compliance with the Six-Party Talks agreement. The concluding section highlights the important factors influencing the fulfillment of regime agreement.

Literature Review and Framework

During the Cold War the dominant concept of security was balance of power expressed in military alliances. Alternative security concepts or security regimes created since the end of the Cold War have attracted much attention in the academic world. Krasner defines a regime as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations. An international regime has several strengths. First, it is an efficient method because it lowers intervention costs and, according to Jervis, a security regime is perceived to better foster peace and stability than individual states do. The individualistic pursuit of peace is too costly and too instant compared to the regime approach.

Second, an international regime is an effective method because it can achieve results more speedily than an international organization, which is too big and sluggish. International politics is becoming complex and the magnitude of global issues demands a variety of tailored solutions. In these circumstances, an international regime is better suited to solving such issues than an international organization. An international regime seeks to build legal constructs and realize its institutional expression in rules and regulations, whereas an international organization needs formal institutions such as budgets, staffs, offices, etc. In terms of its institutionalization level, a regime is in a position between dialogue and organization. From this viewpoint, a regime can be more or less easily built if it is required to tackle a specific problem such as trade, peace, human rights, environment etc.

Third, an international regime is a decentralized method of achieving a solution. Regime theory shares the assumption that the international system is composed of national states without a world government, which can enforce international rules and norms. In this circumstance, sovereign states need to cooperate to replace the central authority lacking in

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international politics. In a sense, an international regime is a product of inter-state efforts to assemble powers used to maintain international peace.

International regimes are, however, intrinsically a weak and fragile construct. Like contracts, international regimes represent agreements among states, and the liabilities of the agreements are subject to alteration or abrogation by sovereign states. The arrangements lack any enforcing or executing agencies, unlike international organizations. They are designed not to implement the centralized enforcement of agreements, but rather to establish patterns of behavior that will allow the parties to adapt their practices to the agreed consensus. The principal significance of international regimes lies in their legal construction. The parties concerned try to establish an order by making rules and laws in anarchic international politics. Thus, the denouncement of the legal system leads to the collapse of the relevant regime. Therefore, it can be argued that the success of regimes depends on how to establish institutional constraints on the behavior of sovereign states. Institutional constraints will help induce all parties to comply with the agreed rules.

In this context, regimes need to arrange some mechanisms for their viability and effectiveness. Cooperation is possible, even among self-interested actors if an international institution facilitates cooperation. The question is whether the institution can apply sufficient pressure to bring about cooperation. First, it needs a mechanism that improves the asymmetry of information. Informational functions of regimes are the most important of all. The actors have to reveal information and their own preferences fully to one another. Otherwise, the actors have to worry about being deceived and double-crossed. Asymmetrical information is a problem not merely of insufficient information, but also of distorted information. Thus, asymmetries of information are not rectified simply by communication. The required information is not merely information about other governments’ resources and formal negotiating positions, but also accurate knowledge of their future positions. In a sense, upgrading the quality of available information can help ensure commitments are kept and deceptions avoided. To reduce information asymmetry, regimes usually involve international organizations. The Nuclear Non-proliferation Regime (NPT) incorporates the International Atomic Energy Agency (IAEA), which monitors suspicious nuclear development programs. International organizations provide forums for meetings and secretariats that evaluate the quality of information and provide reliable information equally to all members.

Second, the effectiveness of collective action depends on the incentive structure. Incentives usually mean economic benefits such as financial aid or economic cooperation. Providing exclusive information can also be involved in the incentive. According to the logic of collective action, individual incentive is important for providing collective goods. Self-
interested individuals will not necessarily comply with their common or group interests without special incentives. Collective goods have different characteristics from private goods. They are available to all individuals. This means access to collective goods cannot be restricted and the use of the goods does not reduce their availability to others. This causes a free-ride tendency in which each member of the group wants other members to pay the costs of providing collective goods because every member will benefit from them, regardless of whether or not he pays for them.\textsuperscript{10}

![Figure 1 Framework of Analysis on the Effectiveness of the Six-Party Talks](image)

Issue linkage raises the effectiveness of incentives insofar as the clustering of issues increases the readiness of recipients to comply with an agreement. Therefore, linkages among issues create additional mechanisms for making actors implement mutually beneficial agreements. The nesting patterns of international regimes help link particular issues and arrange side payments, giving someone something on one issue in return for help on another. Linkages among particular issues within the context of regimes further strengthen the effectiveness of regimes since the consequences of such behavior as deception and irresponsibility are likely to extend beyond the issue on which they are manifested. Successful regimes organize issue areas so that productive linkages are facilitated, while destructive linkages inconsistent with regime principles are discouraged.

Third, sanctions as negative incentives contribute to overcoming the limitations of incentives. Incentives have limitations because some actors may be irresponsible, making it difficult or impossible to carry out commitments they may make. In these circumstances, the regime’s effectiveness will suffer without external coercion or engagement. Sanctions

mitigate problems of moral hazard. They include diplomatic isolation, economic embargo, and military action. Sanctions supplement the incentive structure in such a way as to discourage less cooperative behavior and prevent irresponsible behavior.

As reviewed above, the quality of information, incentives, issue linkage, and sanctions are important contributing factors to the effectiveness of international regimes. These factors can be classified into three groups: power-based, interest-based, and cognitive-based factors. The research question in this article is why the Six-Party Talks did not achieve their desired goal of implementing the agreement. We will try to find explanations to this question based on the three factors. Thus, we will examine each factor to fully appreciate the functioning and effectiveness of the Six-Party Talks.  

Institutional Deficiencies of the Six-Party Talks

Asymmetrical Information

When China launched the Six-Party Talks in August 2003 it became a crucial player in dealing with the North Korean nuclear crisis that began in October 2002. China accepted the Six-Party Talks as a multilateral arrangement because the North Korean nuclear issue is vital to China's security and cannot be left to the sole mandate of the US. This raised hopes for a resolution of the nuclear dispute between the US and North Korea because China is believed to have the potential to impose and enforce a denuclearization.

The degree of cooperation in collective action depends on the quality of knowledge available. With regard to informational function, China should have reduced the asymmetry of information among participating countries by thoroughly examining and distributing the position and strategy of North Korea in its nuclear development issues. However, China has always tried to devote its leadership to genuine mediation and confine itself to the role of honest broker. In the Asian tradition, mediation is often regarded as meddling. In this context, China sought to serve as a neutral and harmonious mediator in the Six-Party Talks. The Chinese diplomatic style of the talks, characterized by reconciliatory and open-ended leadership, cared for the positions of all the parties, including North Korea, whose breach of agreement merited punishment and dampened down the effectiveness of the Six-Party Talks.

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In addition to China’s passive role, there was a structural constraint on information sharing and distribution. First, there was a line-up of five countries opposed to North Korea’s possession of nuclear weapons. Thus, the five parties had to explore the differences of their positions and how they could be narrowed. Instead of solidifying their cooperation, this process deepened existing divisions. During the Six-Party Talks period, relations among the parties have deteriorated and become less conducive to reaching a favorable outcome. US ties with Russia deteriorated rapidly from 2003 to 2007 as Putin succeeded in rapidly invigorating the Russian economy. The Iraq War in 2003 alienated Beijing and Moscow and emboldened them to fortify their mutual security ties. In 2005, Japanese-South Korean relations suffered from Japan’s claims over the Dokdo Islands and its handling of past history. This prevented the five from reaching consensus on a strategy for solving the nuclear crisis.  

Second, the participating countries were divided into two groups: China, Russia, and North Korea on the one side, and the US, Japan, and South Korea on the other side. Information sharing in the Six-Party Talks suffered from a confrontation between the two sub-groups. Collective action in the Six-Party Talks was especially difficult because the actors had different access to information. The two groups have met and exchanged their views and strategic positions separately. These two separate trilateral information flow systems consolidated asymmetry of information. Washington relied on its consultations with Seoul and Tokyo, as well as on trilateral coordination, to spur cooperation within the group. After their trilateral consultation, the US, Japan, and South Korea agreed to a set of principles to dismantle the North Korean nuclear program, calling for “coordinated steps.” They presented their joint proposal to China, which delivered it to North Korea.

Another factor raising the quality of information is utilizing international organizations. The Six-Party Talks expected monitoring assistance from the IAEA of the North Korean nuclear development program. However, the IAEA was not fully utilized for information gathering.

North Korea has always tried to circumvent the IAEA’s monitoring activities. It signed the Nuclear Non-Proliferation Treaty (NPT) in 1985 and a safeguards agreement with the International Atomic Energy Agency (IAEA), which requires North Korea to report all nuclear programs to the IAEA. The agreement also gave the IAEA the right to conduct a range of inspections of North Korean nuclear installations and programs in 1992, although the safeguards agreement was scheduled to be signed within one year after signing the NPT. Even after that, North Korea continued to refuse IAEA inspections of facilities designated

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under the safeguards agreement. The IAEA could visit North Korean nuclear sites only when all parties in the Six-Party Talks agreed to its technical mission.

Narrow Incentive

The problem of incentives in the Six-Party Talks lies in the unequal readiness to shoulder the burden of providing incentives to North Korea. The US, Japan, and South Korea are major participants. South Korea and Japan promised to provide incentives such as food and heavy fuel oil deliveries, while the US offered security assurances and release from trade restrictions etc. This difference comes from divergent solutions the parties have pursued in dealing with North Korea. South Korea preferred a Ukrainian model and was ready to provide large-scale financial assistance, whereas the US insisted on a Libyan case approach and just promised to help North Korea integrate into the international community.

Although these initiatives contributed to reaching the denuclearization agreement, China and Russia escaped from providing any incentives. Russia possesses little of its once formidable political and economic power. In contrast to Russia, China has been willing to supply food and oil. But it did not offer to help as an incentive in exchange for nuclear dismantlement, but to prop up the North Korean regime. China views the threat from the North more as a failed state and humanitarian disaster that can trigger a flood of refugees into Northern China. In sum, they have scarcely participated in the incentive system, which was a prerequisite for all parties in implementing the September 2005 Agreement.

Issue linkage is generally considered to catalyze consensus by enlarging the win-set size and allowing for agreement between conflicting parties who would otherwise not achieve a resolution. North Korea demanded the normalization of its relationship with the US in exchange for giving up its nuclear development. Contrary to this expectation, the US made it clear that diplomatic normalization and the dismantling of the nuclear program were two different subjects. Full diplomatic normalization could be possible only after other pending issues such as ballistic missiles, biological and chemical weapons, and conventional forces were addressed. Thus, the US refused to link a peace treaty with nuclear issues and provide it as an incentive.

Issue linkage can lead to constructive and destructive effects in negotiations. Linking

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an intractable issue can lead the negotiation to deadlock. In this case, issue linkage would result in an issue spillover and unravel an agreement. In the Six-Party Talks it was found that some issue linkages were not aimed at resolving the nuclear issue. Japan linked the abductions issue with the nuclear issue. This adversely affected the implementation process in the Six-Party Talks. Japan has participated in the Six-Party Talks because it has been very concerned for a long time about how to respond to North Korea's development of nuclear weapons and ballistic missiles. However, the Japanese Government started to address the issue of Japanese citizens abducted by North Korea in the 1970s and 1980s. The Japanese public demanded that the abduction issue be resolved, a demand that drove the government into a negative position in the context of the talks.

Limited Sanctions

Sanctions are regarded as critical to the viability of the Six-Party Talks. North Korea has endured economic sanctions by the US for the past half century. This means economic sanctions have not worked with North Korea, which has maintained an autarkic economic system. Therefore, the implementation of an agreement in the talks could be effective only when the issue of sanctions was not limited to the economic area. However, the parties in the talks could not go beyond it.

China is believed to have considerable leverage as the largest trade partner and supplier of aid to North Korea and has reiterated that it does not want a nuclear-armed DPRK. However, it has always been reluctant to pressure the North to give up its nuclear program. In response to the US demand for China to use its influence over Pyongyang, China has often shown a dubious attitude, claiming its influence is minimal. This does not mean China is necessarily happy with the Kim regime though. China only wants the DPRK to initiate economic reform after the Chinese model.

Having successfully hosted the Six-Party Talks, China pushed to institutionalize them. Such an initiative was surprising, because China has long maintained a passive, negative, and defensive posture against multilateral cooperative security arrangements. It has had

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28 Jaewoo Choo, “Is Institutionalization of the Six-Party Talks Possible?” *East Asia: An International Quarterly*,
reservations both about institutions that could undermine its narrow notion of sovereignty and norms that are often used to impose long-feared universal values by Western countries. China’s active support for the Six-Party Talks does not necessarily mean it is ready to endorse strong regional organizations in Northeast Asia.

While China has expressed permissive support for United Nations Security Council measures, it has avoided excesses that might lead to a regime collapse in North Korea.\(^{29}\) China does not want the North Korean regime to collapse under US military and economic pressure and prefers the continued existence of the two Koreas, with the North acting as a buffer state. China wants to avoid instability or even a military conflagration in its backyard. Political leaders in China have emphasized peaceful foreign policies that empower sustained development based on integration in the world economy. This indicates China is more concerned about sustaining the North Korean regime and preventing a second Korean War than eliminating the North's nuclear capability.

Besides geopolitical interests, there are several reasons for China’s indecision over North Korea’s nuclear issue. These include China's emotional ties with North Korea and empathy with its position as the weakest party in the talks, conflicting attitudes within the Chinese Government itself towards the North, and competing interests with, and lack of trust in the US.\(^{30}\)

South Korea has taken the nuclear issue very seriously because of its direct ramifications for South Korean security. However, the South Korean Government maintained a policy of reconciliation toward North Korea until 2008 under the Roh Moohyun administration. It was convinced the only chance of transforming the DPRK was through a policy of engagement that did not have any consideration for coercive tools that imposed costs on North Korea.

On the contrary, the United States even considered a military attack. However, the South Korean public was worried the US might launch a pre-emptive strike without consulting the Government of South Korea and that US military strikes would provoke a devastating North Korean reprisal. This was manifested in South Korean poll data that revealed 39 per cent of the respondents perceived the United States to be the greatest threat to South Korea, whereas only 33 per cent saw North Korea in the same light.\(^{31}\) A survey in 2005 showed that in the event of a war between the United States and North Korea, 47.6 per cent of the respondents believed the South Korean Government should side with North Korea, and 31.2 per cent indicated that it should support the United States.\(^{32}\) These survey results indicate the serious difficulties involved in military intervention against North Korea.


\(^{31}\) Chosun Daily, January 11, 2004

\(^{32}\) Munhwa Daily, May 12, 2005
The Bush administration took a highly divergent position on how to approach the North’s nuclear program. Unsure that the nuclear crisis could be resolved without a regime change in the North, the US adopted a policy of isolating, containing, and transforming the North. It is clear that China, the US, and South Korea adopted different strategies concerning sanctions, none of which had any chance of achieving their objectives. There was no prospect that the Bush administration’s goal to isolate and contain North Korea could be achieved, given that its regional partners resolutely refused to implement such an approach.

Conclusion

This article examines the failure of the Six-Party Talks from the perspective of regime theory, and identifies the critical factors that led to the failure of the talks. After reviewing the existing literature on regime theory, we identified three groups of factors influencing the effectiveness of a regime. They include the cognition-based factor, the interest-based factor, and the power-based factor. Because the Six-Party Talks failed rather in their implementation than in their agreement, we selected asymmetrical information, narrow incentive, and limited sanctions as significant deficiencies in the talks.

Regarding asymmetry of information, China launched the talks and played an indispensable role, but limited its role to that of an honest broker. It was reluctant to take an active mediator role. As a result, the parties of the multilateral arrangement were unable to acquire quality information about North Korea’s real position and strategy. The distribution of information was structurally obstructed by the division of the participating countries into two groups: the US, Japan, and South Korea; and China, Russia, and North Korea. Each trilateral group cooperated closely, but this served as an obstacle to the distribution of unbiased information. Regimes can reduce asymmetry of information by utilizing international organizations. For the Six-Party Talks, the IAEA played a limited role because it could engage in nuclear monitoring when all parties agreed to it.

The flaw in the incentive system of the Six-Party Talks lies primarily in the fact that some of the participating countries were ready to offer incentives to North Korea. China and Russia were exempt from the burden of providing incentive, which was so important for implementation of the agreement. Issue linkage can contribute to increasing the amount of incentive in the sense that it opens new possibilities for incentives. But the US refused to link the normalization of diplomatic relations with the successful denuclearization of North Korea. Japan made a destructive issue-linkage by linking the abductions issue with the nuclear issue. This issue spillover hindered the progress of the Six-Party Talks.

There was a wide divergence among parties concerning the issue of sanctions. China supported the denuclearization of North Korea, but feared excessive sanctions could cause a collapse of the regime in the North. South Korea eagerly wanted to prevent the nuclear development program but was opposed to any military option. It pursued at best regime
transformation through an opening and reform policy in the North. The US adopted the toughest position and sought the isolation of the North, and even considered a possible military attack on nuclear sites among its strategic options. However, the other participating countries did not support these considerations.