

SUCCESSFUL NEGOTIATION AND FAILED
NEGOTIATION :

ZOPA IN THE NUCLEAR NEGOTIATIONS
WITH IRAN AND NORTH KOREA

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Abstract

Despite almost identical measures taken by the United States and the international community for a denuclearization of North Korea and Iran, why are the outcomes of such measures quite contrary? The purpose of this study is to answer to this question by investigating and comparing how the zone of possible agreement (ZOPA) had changed through the negotiations and what factors have influenced that change with a theoretical framework of Robert Putnam's two-level game theory. The result of this study shows that the size of ZOPA in Iranian nuclear negotiation maximized by the time of conclusion of JCPOA while the size of ZOPA in North Korea nuclear negotiation had maximized when the Agreed Framework was struck and then shrank to none with US adoption of isolation and containment policies against North Korea. I argue that the contrary outcomes resulted from the different political-economic systems and ideologies of the two countries. I also argue that engagement and diplomatic approach are as much important as external factors surrounding a negotiation to have a state to change its problematic behavior.

Introduction

In July 2015, nuclear negotiations between Iran and P5+1 (permanent member states of UN Security Council and Germany) were dramatically concluded. Still, there is a lot of controversy over whether the negotiation is successful or failed, but it is a successful negotiation in terms of delaying Iran's progress in its nuclear weapons development. Meanwhile, with the conclusion of the Iranian nuclear negotiations, the focus of international community shifted from Iran to North Korea due to the increasing threat of North Korea's nuclear weapon and long-range missile against the United States and East Asia countries. And for those seeking ideas to persuade North Korea to abandon its nuclear weapons program, the underlying factors that resulted in such contrary outcomes in the two nuclear negotiations in which the United States and the international community adopted almost identical measures for denuclearization of Iran and North Korea. In this study, I will seek an answer to this question by investigating and comparing how the zone of possible agreement (ZOPA) had changed through the negotiations and what factors influenced that change with a theoretical framework of Robert Putnam's two-level game theory.

The result of this study shows that the size of ZOPA in Iranian nuclear negotiation maximized by the time of conclusion of JCPOA while the size of ZOPA in North Korea nuclear negotiation had maximized when the Agreed Framework was struck and then shrank to none with US adoption of isolation and containment policies against North Korea. This study also implies that engagement and diplomatic approach are as much important as external factors surrounding a negotiation to have a state to change its problematic behavior.

Literature Review

Before the analysis of the nuclear negotiations with North Korean and Iran, some questions should be answered to understand their initial intentions and changes of behaviors and strategies on the negotiation table. These questions are 1) what are the motives of their nuclear programs? Are they for nuclear weapons development or use of nuclear energy for peaceful purpose? 2) Given that a negotiation is a process to seek a common denominator of the parties participating in the negotiation by give-and-take, how is the scope of such give-and-take initially determined? Is that range fixed or changeable? If changeable by external factors, what are the factors? In this section, I will look for the answers to these questions by reviewing existing literature on states' nuclear decision and international negotiation.

Motives of State's Pursuit of Nuclear Weapons

“Why do states pursue nuclear weapons?” To answer this question is important for this study in three respects. First, to determine whether Iranian and North Korean nuclear programs initially intended to build a nuclear arsenal, seeking an answer to this question should be preceded. We cannot say their nuclear programs were for nuclear weapons until we find that their behaviors and disclosed evidence are consistent with motives envisioned in theories of a nuclear decision. Second, this question is also important in that the answer to this question would be a reference point to interpret Iranian and North Korean behaviors shown from the inception of nuclear crises to the conclusion or abortion of nuclear deal. Lastly, the answer will be a starting point to figure out how the value that Iran and North Korea sought in the nuclear negotiations has changed, which will be analyzed with the analytical framework that will be discussed in the following section.

So far, the most prominent theory to explain the state's motive to develop nuclear weapons has been neo-realism. According to neorealists, a state chooses nuclear weapons option to increase its security when it faces possible military hostility, especially threat of nuclear attack, of another state (defensive realism) or to achieve hegemonic power globally or regionally (offensive realism). This is because in an anarchic international system states have no option other than to rely on self-help and, given the fear of annihilation that nuclear weapon poses and its deterrence, states would opt for nuclear weapons especially when the conventional deterrence does not work any longer against their adversaries.

Despite its prominence, a group of case studies revealed that realists' logic of nuclearization is not consistent with the reality. For example, Solignen (2007) conducted case studies on East Asia (Japan, South Korea, Taiwan and North Korea) and Middle East (Iraq, Iran, Israel, Libya, Egypt) countries that opted for or forbore nuclear weapons and argues that existing theories-neorealism, institutionalism, constructivism and democracy peace hypothesis-cannot fully explain the diversity of motives of nuclearization in historical cases. As an alternative, he suggests domestic politics model and stresses political survival as the main motive of choosing nuclear weapons option. Sagan (1997) also argues that there exist various motives of states' nuclearization other than security concern and approaches to the nuclearization issue with three models- "security model," "domestic politics model" and "norms model." In these models, he asserted that domestic politics involving interest groups such as state's nuclear research institute and military, established international norm prohibiting proliferation of nuclear weapons such as NPT as well as states' security concerns posed by other states influence states' decision on nuclear weapons development. Mazarr (1995), in his case study of North Korean nuclear crisis, suggested that North's nuclear motives would be deterrence against military threat of the United States and South Korea, diplomatic leverage against the United States, international recognition as a nuclear state and offsetting the loss of traditional allies- the Soviet Union and China- and their nuclear umbrella. Meanwhile, some scholars who advocate fundamental logic of neo-realism but acknowledge shortcomings of neorealists' logic of nuclearization offer modified theoretical perspective. Paul (2000) suggests 'prudence realism' that when states make decision whether to opt for nuclear weapons or not, they take not only security threat by other states but also geopolitical context and security environment into consideration and when they face security threat by other states but

simultaneously undesirable externalities are expected with their nuclear weapon option, they forgo their nuclear ambition rather than develop nuclear weapons to increase their security. As noted above, we cannot assert that security concerns are not the only motive of states' nuclear weapons development. Since various factors including dynamics in domestic politics, relations with neighboring states, regime type and an economic condition can affect states' nuclear ambition, when we decide what motivated North Korea and Iran to pursue nuclear program, we should not confine our attention in security threat that proliferators face.

Bargaining scope of a Negotiator

The next step after identifying the state's motives for developing nuclear weapons is to figure out how the bargaining scopes of the parties participating in the negotiation are formed and whether such scopes are fixed or changeable, and if changeable, what factors can cause a change of bargaining scope. Neorealists assume that state is a rational single unitary actor. According to their perspective, the decision-making process of states is regarded as a black box and once the state decides to pursue nuclear weapons, the decision is assumed the most rational choice among other options and bargaining scope in a nuclear negotiation would be extremely narrow. That is, if states are threatened by other states' conventional or nuclear forces, it would be the best option for states to seek nuclear weapons for their security regardless of circumstances, and if the state participates in a nuclear negotiation, any agreement cannot be reached unless the state can gain recognition of right for nuclear weapons or get an assurance to remove the perceived security threat from the other party. However, as Allison (1971) noted, states' decision-making cannot be regarded as black-box or a process wholly dominated by rationality. Rather, considering various actors participating in states' policy-making including politicians, interest groups, bureaucrats as well as leaders in democracy and their relative influence in the decision-making process, state's policy should be viewed as a product of domestic politics. Even in autocracies, most dictators do not rule in isolation but build supporting coalitions whose loyalty is largely dependent on obtaining patronage resources or policy concessions from the dictator (Escriba-Folch, Wright 2010). In sum, any nuclear decision of states cannot be thought out of the framework of domestic politics. This logic applies to states' diplomacy as well as domestic policy since almost all democracies have institutions by which administrations are obliged to get ratification of Congress when they are to

sign treaties or agreement that are closely related to national interest and security. Even in autocracies, such treaties and agreements should accord with the interest of ruling elites. Therefore, we should consider factors that affect dynamics of domestic politics to predict how a state would behave on a negotiation table or find out underlying reasons of state's decision to concede or resist in a negotiation. External factors of domestic politics such as global economy, pressure caused by the general atmosphere of international society can also affect international negotiations. However, such factors have an indirect impact on negotiations since they affect international negotiations only when they are filtered through domestic politics to determine whether they accord with state's interest and security. As witnessed in some international sanctions cases that intended to induce desirable changes of target regimes- potential proliferator or abuser of human right- rather bring about a rally-around-flag effect, thus deteriorate the situation without reaping expected outcomes. As well presented in these cases, international negotiation or politics and domestic politics are closely interconnected and affect each other although domestic politics have the upper hand. Putnam (1988), in his "two-level game theory," well captured the dynamics between international negotiation and domestic politics. According to two-level game theory, international negotiation is a two-level game that comprises of international level (Level I) and national level (Level II). Putnam argues that the likelihood of success of international negotiation relies on the size of the "win-set" of each side and the size is determined by domestic political factors such as a distribution of power, preference of constituents, possible political coalition, institution, and negotiators strategy. He also noted foreign actors also affect domestic politics through reverberation and side payment. Mo (1995), extending Putnam's two-level game theory, argues that negotiators intentionally grant veto power to domestic agents, by which the negotiator is constrained and the size of win-set is reduced, to gain the upper hand in an international negotiation and such veto power allows the negotiator to transmit more information of domestic constraints placed on the negotiator to the foreign country involved in the negotiation. As discussed above, states' intention to develop nuclear weapons and their negotiation strategy are strongly affected by domestic politics and accordingly, to understand states' behavior and strategies in nuclear negotiations, domestic politics should be first taken into consideration.

Hypotheses and Methodology

Hypotheses

Salacuse (2003) defined a negotiation as “Negotiation is basically a process of communication by which two or more persons seek to advance their individual interests through joint action.” This definition implies that in order that negotiators strike a deal, there should be common ground that both of them perceive to be conducive to increasing their respective interest. This common ground is called “Zone of Possible Agreement (ZOPA)”. According to Sebenius and Singh (2011), a ZOPA is “a range of potential deals that are better in terms of all parties’ perceived interests than the best alternative to a negotiated agreement (or “no-deal” option) of each party.”. The concept of the ZOPA is critical to analyze the nuclear negotiations with Iran and North Korea since the likelihood of reaching an agreement depends on the size of the ZOPA, which would vary with a change of negotiation strategy or stance of state. The larger the ZOPA is, the higher the likelihood of striking a deal would be. If the negotiations that had been stalled are concluded successfully, it can be interpreted that the ZOPA was maximized to the extent that it could accommodate the positions of the parties involved in the negotiation. On the other hand, if negotiation is still stalled, it can be viewed that there exist no ZOPA, that is, negotiators cannot find common ground satisfies all the parties through negotiation.

The concept of the ZOPA is closely connected to and consistent with the “win-set” of Putnam’s two-level game theory. Putnam (1988) defines the “win-set” as “for a given Level II (domestic level) constituency, the set of all possible Level I (international level) agreement that would “win”- that is, gains the necessary majority among the constituents-when simply voted up or down.” According to this definition, we can deduce that the greater the win-set is, the larger the scope of the ZOPA would be. Therefore, if we can identify factors that affect the win-set, we can roughly predict the size of the ZOPA. As discussed in previous sections, the size of win-set is affected by the distribution of power (relative size of “isolationists” and “internationalists”), preference of constituents, possible political coalition, institution, negotiator’s strategy, reverberation and side-payment of a foreign government. These factors seem to be very variable and influenced by external factors, therefore once we identify the internal and external factors that have influenced the win-set factors in Iran and North Korea nuclear negotiations, we can trace how the ZOPA has

changed throughout the negotiations. Based on this logic, the following hypotheses are set for the conclusion of Iran's nuclear negotiations and the stalled North Korean nuclear negotiations.

H1: Through the Iranian nuclear negotiation, the ZOPA would have expanded and would have been maximized at the time of the conclusion of the nuclear deal.

H2: During the North Korea nuclear negotiation, the ZOPA would have shrunk, and as of 2017, there would exist no ZOPA.

Methodology

Assumption

In this study, I set the nuclear negotiation as one-on-one negotiation between the United States and North Korea or Iran. Actually, in both nuclear negotiations, various international including the United Kingdom, France, Germany, China, Russia, South Korea and Japan, have participated in the multilateral negotiation. However, in both negotiations, the United States has had a veto power, and Iran and North Korea should have a direct talk with the United States if they want to achieve what they want in the negotiation. Therefore, given the influence of the United States in the nuclear negotiations, it is not to exaggerate that the nuclear negotiations with North Korea and Iran have actually been a bilateral negotiation between the United States and the rogue states.

Overview of the Analytical Framework¹

To analyze how the ZOPA has changed in nuclear negotiations with North Korea and Iran, this study employs the analytical framework of nuclear negotiation developed by Sebenius and Singh (2011). This analytical framework was originally developed to analyze the Iranian nuclear negotiation, especially with a purpose to investigate whether any deal would be feasible and to devise conducive policy suggestions for the US government to create the ZOPA and progress the

¹ For more detail, see Sebenius, James K., and Michael K. Singh. 2011. *Is a Nuclear Deal with Iran Possible: An Analytical Framework for the Iran Nuclear Negotiation*. Belfer Center of Harvard Kennedy School

negotiation with Iran. Although the framework was originally developed to analyze the Iranian nuclear negotiation, given its methodology of the framework and the similarities of approaches of international community adopted to counter North Korea's and Iran's nuclear program and developments of the two cases, it would be possible to apply this framework to the North's case.

This framework initially premises that only two parties are involved in a negotiation. The two parties are assumed to negotiate with seven options- a large nuclear arsenal, weaponization, latent capability, weak restriction on enrichment, strong restriction on enrichment, freeze and roll back- put on the negotiation table. Among these options, each party tries to achieve the best that would maximize its interest through the negotiation, and if each party cannot achieve the minimum that it perceives as a red-line in the negotiation, then it would choose a no-deal option. In figure 1, the vertical axis represents a measurement of Iran's value, and the horizontal axis represents a measurement of the value of the United States. On the line EF lies seven options above-mentioned and line AB and line CD represent red-line of the United States and Iran respectively. Options within the area at the right of line AB and above line CD represent the zone of possible agreement (ZOPA) in the negotiation.

Any measurements of the United States inflict a cost on Iran or North Korea such as economic sanction represented by a shift of line CD to line C'D'. Also, any change of calculation of Iran and North Korea on their nuclear program would be represented as a shift of line CD to upward or downward. Likewise, any policy change on the US side regarding its red-line would cause a move of line AB to rightward or leftward. Importantly, any factors that is not directly related to the nuclear issue but have an impact on it would influence a shift of line EF. But, as previously mentioned, I assume that any external factors would have an impact on an international negotiation through a domestic politics of participating states, and thus this line will not shift in this analysis. Even though this framework premises two-parties setup, factors such as alliance or intervention of other states can be represented line AB, CD, EF. With the shifts of these lines, the ZOPA would expand or shrink and accordingly the ZOPA would increase or decrease. However, this framework can only show roughly toward which directions the lines will move, but it cannot tell exactly the extent of the shift. The extent to which they would move relies on the analyst's inference.

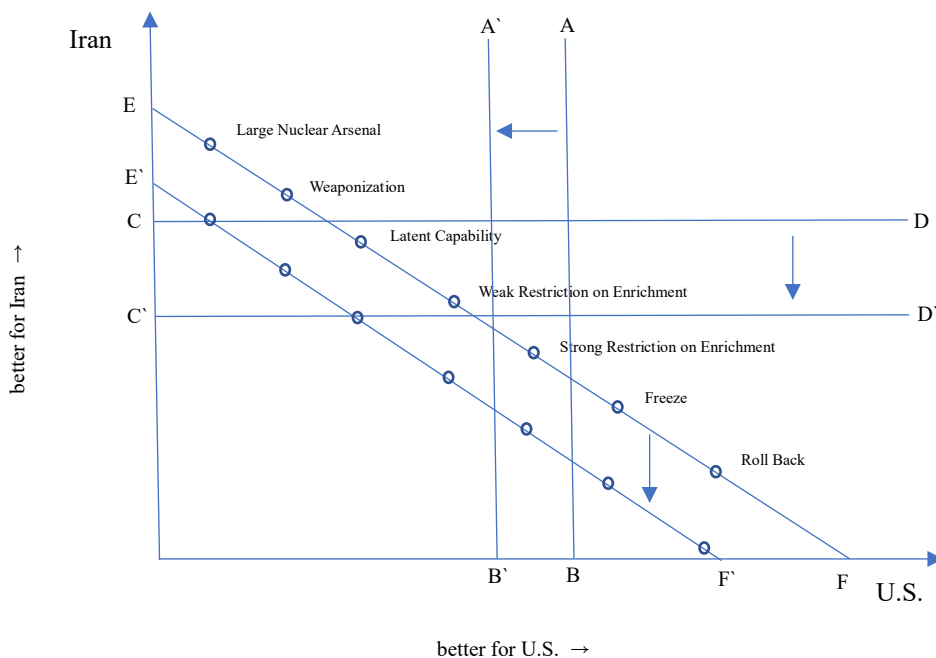


Figure 1

Variables and Data Sources

In this study, the dependent variable is the size of ZOPA. Regarding independent variables, numerous factors might influence calculations and strategies of the parties participating in the negotiation. However, as noted in the previous section, North Korean and Iranian nuclear negotiation have lots of similarity in the processes of the negotiations and measurement adopted to compel Pyongyang and Tehran to abandon their nuclear program, and it is hard to assume that small differences in both negotiations made such contrary outcomes. Thus, I assume that external factors in the negotiations are the cause of such contrasting outcomes. Among numerous external factors, I will focus on the historical experience and security situation, economic characteristics, ideological role in Iran and North Korea and partisan politics in the United States. Then, I will investigate how these factors influence the negotiation through the domestic politics of the negotiating parties and in turn, led to such contrary outcomes.

Data regarding historical facts and developments of the nuclear crises will be collected from existing literature on histories of Iran and North Korea, chronologies of North Korean and Iranian nuclear crises organized by the Arms Control Association., relevant news articles and research

paper issued by think tanks.

Analysis of the Iranian nuclear negotiation

Determination of motives of the nuclear program

To assess whether Iran and North Korea had motives to pursue nuclear weapons program or they merely pursued a nuclear program for peaceful purpose, I will investigate circumstances before the outbreak of the nuclear crises based on criteria suggested by theories on states' motives to pursue nuclear weapons. The criteria include 1) security threat by other states, 2) domestic politics that propelled nuclear weapons program, 3) Teheran's and Pyongyang's adherence to international norms for non-proliferation, 4) likelihood that they developed their nuclear program as a diplomatic leverage against the United States.

Assessment of whether Iran had motives for nuclear weapons

Iran's intention to acquire nuclear weapons before the 1979 Islamic revolutions was obvious. Iran's nuclear program began in 1950's with the help of the United States. The Eisenhower administration signed a civil nuclear cooperation agreement with Iran to support Shah regime which was conducive to the US Middle East strategy in the context of the Cold War. The United States provided Iran technical support and lease of enriched uranium. The Iranian nuclear program was initially for the nuclear energy. However, over time, Shah revealed his intention for development of nuclear weapons and the US suspicion on and concerns about Iranian intention increased. In 1975, the Shah stated that if other countries in the region were to acquire nuclear weapons, Iran would have to do likewise. And by the late 1970s, U.S. intelligence services detected a potential clandestine program.² Mousavian (2012), the former member of the Iranian Supreme Security Council and the Iranian nuclear negotiation team, asserted in his memoir that the Shah was ardent nationalist and had an ambition for nuclear weapons for the regional hegemony. However, since the 1979 Islamic revolution, given the ambivalence of Iran's behavior and rhetoric,

² Solignen, Etel. 2007. *Nuclear Logics: Contrasting Paths in East Asia & The Middle East*. Princeton University Press. pp 164

whether Iranian leadership has had the intention to pursue nuclear weapons is hard to judge. Conflicting evidence also make the judgment difficult. For this reason, I will investigate Iran's intention for nuclear weapons with above mentioned theoretical basis.

From the realists' perspective, Iran had a good reason to develop nuclear weapons. Iran perceived security threat from nuclear-armed Israel and Pakistan and it also has been in the rivalry for regional hegemony with Persian Gulf states and Iraq. What was decisive in Iran's pursuit of nuclear weapons was the prolonged war with Iraq and Iraq's use of weapons of mass destruction on Iranian territory. The speaker of Iran's parliament (Majlis) and commander-in-chief of the armed forces, Hashemi Rafsanjani, stated very explicitly that "with regard to chemical, bacteriological, and radiological weapons training, it was made very clear during the war that these weapons are very decisive. It was also made clear that the moral teachings of the world are not very effective when war reaches a serious stage and the world are not very effective when war reaches a serious stage and the world does not respect its own resolutions and closes its eyes to the violations and all the aggressions which are committed on the battlefield. We should fully equip ourselves both in the offensive and defensive use of chemical, bacteriological, and radiological weapons. From now on you should make use of the opportunity and perform this task."³ Moreover, with the inauguration of President George W. Bush, the US administration adopted preemptive attack policy against state sponsors of terrorism and proliferator of WMD and President George W. Bush, in his State of the Union address, portrayed Iran, Iraq and North Korea as "axis of evil." Subsequent US invasion of Iraq in 2003 enhanced Iran's perception of its security concern.

However, from the perspective of constructivists, that is, with criteria of the norms of non-proliferation, as the Iranian government has insisted, Iranian nuclear program is more likely to be oriented toward a peaceful use of nuclear energy. Iran signed non-proliferation treaty (NPT) in 1968 and Iranian parliament(Majlis) ratified it in 1970. Iran also signed the NPT's Safeguards Agreement with the International Atomic Energy Agency (IAEA), which allows IAEA inspection to verify that Iran's nuclear program for peaceful purpose. Although, since the outbreak of the nuclear crisis with the revelation of its clandestine nuclear facilities by MeK, Iranian dissident

³ Ibid p. 165

group, and disclosure of its undeclared uranium enrichment activities, Iran's nuclear program had been suspected of the possibility to be diverted to military purpose, investigation by IAEA inspectors couldn't find any evidence that Iran diverted its enriched uranium to nuclear weapons development, and during the initial nuclear negotiation with EU3 (Britain, France, and Germany) Iran consistently denied its pursuit of nuclear weapons and requested international recognition of its right to enrich uranium for peaceful purpose.

Regarding domestic politics prior to the crisis, President Mohammad Khatami was a reformist who advocated the need to improve relationships with the West. Although the Supreme Leader, Ali Khamenei, sided with hard-liners advocating Iran's nuclear sovereignty and confrontation with the West, in a situation that reformist held control of the administration and Majlis⁴, the Supreme Leader who has an authority of final decision on Iran's diplomacy and military policy pursuant to Iranian constitution might not be able to decide peremptorily to pursue nuclear weapons and reformists would not have risked any chance to improve relationships with the West by developing nuclear weapons. More importantly, the former Supreme leader, Ruhollah Khomeini, issued fatwa during the Iran-Iraq war which prohibited development of chemical, biological and nuclear weapons and this ruling was continued by his successor, Ali Khamenei.⁵ Considering the status of Iran's Supreme Leader as a final decision-maker and the weight of fatwa issued by the Supreme Leader in Iran's theocratic political-legal system, it is hard to imagine that any authorities in Iran would risk their political life to develop nuclear weapons. However, since the fatwas only banned using and developing nuclear weapons, we cannot say that Iran didn't have any intention of developing nuclear technology that might be diverted to military purpose in contingencies.

Concerning diplomatic leverage against the United States, it is unlikely that Iran secretly had developed nuclear weapons to have the upper hand in any diplomatic negotiation with the United

⁴ According to Inter-Parliamentary Union, in 2000 Iranian legislative election, reformist coalition won a majority (222 out of 290 seats).

⁵ Garrett, Cook, and Walt. 2014. "When the Ayatollah Said No To Nukes". *Foreign Policy*.
[http://foreignpolicy.com/2014/10/16/when-the-ayatollah-said-no-to-nukes/..](http://foreignpolicy.com/2014/10/16/when-the-ayatollah-said-no-to-nukes/)

States since according to Mousavian (2012), Iranian Supreme leader, Ali Khamenei, had prohibited any direct talk with the United State until 2005.

Taken together, Iran perceived security threat, but an international non-proliferation norm that Iran accepted, and reformists-dominant political situation had constrained Iran's active pursuit of nuclear weapons. Therefore, it would be reasonable to think that Iran would seek the right of peaceful use of nuclear energy rather than nuclear weapons under the constraints of international norms and domestic political conditions but it wanted to have the latent nuclear capacity to respond to security threats. According to this interpretation of Iran's motive, Iran's initial red-line in the nuclear negotiation would locate between latent capability (to develop nuclear weapon immediately when Iran perceives an imminent and serious threat to its security) and weak restriction on uranium enrichment (nuclear activities for peaceful purposes without constraints, which is stipulated in NPT). This Iran's initial stand in the nuclear negotiation can be represented as figure 2.

Initial Stance of the United States toward Iranian Nuclear Program

Judged by official documents and historical context, the initial stance of the United States toward the Iranian nuclear program would have been between 'strong restriction' and 'freeze'. In the U.S. Department of Defense's 1993 "Bottom-Up Review," proliferation ranks first on lists of U.S. foreign and defense policy challenges for the 1990s and beyond, and the U.S. Joint Chiefs of Staffs' 1994 "National Military Strategy" identifies the spread of weapons of mass destruction as the top military threat facing the United States.⁶ The Clinton administration opposed Iran's nuclear energy program on the ground that Iran had sufficient oil and gas reserves for power and that work on the nuclear power reactor could indirectly contribute to a weapons program.⁷ The Bush administration was stricter in any issue related to Iran. The long standing Iran's hostility against the United States since the Islamic Revolution in 1979 and lessons from the failed

⁶ Cited from Mazarr, Michael J. 1995. *Going Just a Little Nuclear: Nonproliferation Lessons from North Korea.* International Security. p.92

⁷ Cited from Wright, R. B. (Ed.). 2010. *The Iran primer: power, politics, and US policy.* US Institute of Peace Press. p.244

negotiation with North Korea would have made the United States reluctant to recognize Iran's nuclear program. Considering that in the negotiation between EU3 and Iran, in which the United States indirectly participated through the United Kingdom, EU3 only called on Iran to suspend its enrichment program, not 'freeze' or 'rollback', the initial stance of the United States would have located at somewhere between 'weak restriction' and 'strong restriction', and it is represented by line AB in figure 2.

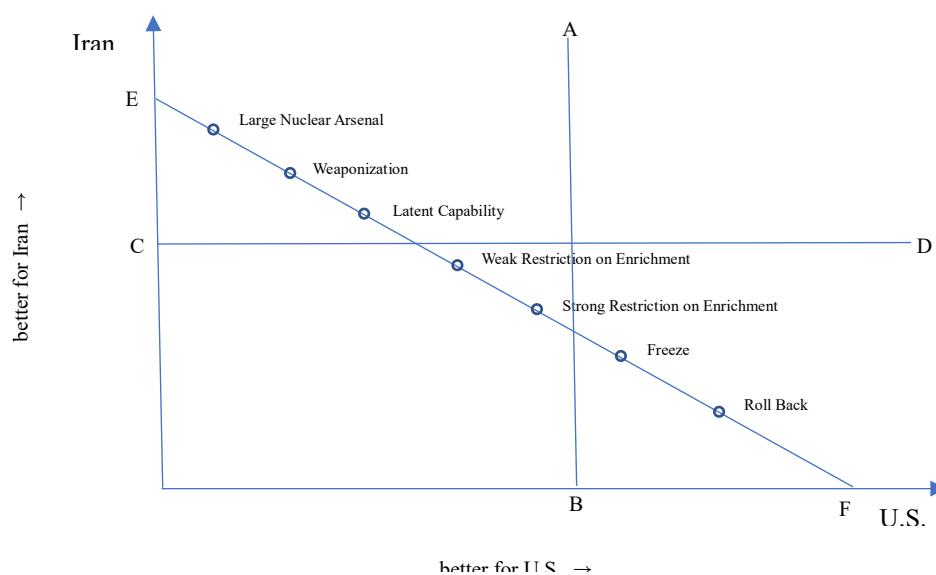


Figure 2

How has the ZOPA Changed Through the Iranian Nuclear Deal?

Initial Phase of the Nuclear Crisis

To analyze how the ZOPA of Iranian nuclear deal has changed through the negotiation, how the size of "win-sets" of Iran and the United States has changed and what factors affected the determinants of the size of win-set that Putnam suggested should be looked into first. In his two-level game theory, Putnam suggests that the size of win-set of a negotiator in an international negotiation is affected by 1) preference of constituents 2) distribution of power (relative size of "isolationist" and "internationalist" forces) 3) possible political coalition 4) political institution 5) economic interdependence 6) strategies of the level-I negotiators 7) reverberation 8) side payment to level II constituents by a foreign government.

Then, the constituents the Iranian negotiator had to satisfy in the initial phase of the negotiation should be identified to proceed a discussion. For convenience of the analysis, I define the time-span of the initial phase as from outbreak of the nuclear crisis in 2002 with the disclosure of Iran's secret nuclear activity to 2005 when hard-liners took control of Iranian politics. During the initial phase, those constituents were conservative clerics including the Supreme Leader, Ayatollah Khamenei, reformists who take control of the executive including then president, Mohammad Khatami and the legislative branch, and ordinary Iranian citizens. The Supreme leader has absolute power in state affairs since he has a final word on overall state policies including diplomacy and defense under Iranian Constitution. Meanwhile, the Supreme Leader would have prioritized the survival of Islamic revolutionary regime and consequently would have been afraid of deciding state policy peremptorily, which might trigger a backlash of reformists and ordinary citizens who had long been dissatisfied with oppressive measures of the regime, since his predecessor Khomeini passed away without heir, Ali Khamenei who ascended to the Supreme leader in controversial circumstances had to prove his legitimacy⁸. Under these circumstances, in order not to provoke reformists, the supreme leader would have intervened the negotiation at a minimum level by merely suggesting a red-line to the Iranian negotiators that they should not cross, rather than actively intervening in the negotiation led by President Khatami and pursuing his will. Considering that Iranian negotiator persistently requested EU-3(Britain, France, and Germany) of recognition of Iran's legitimate right of peaceful use of nuclear guaranteed in the NPT, the red-line that the Supreme leader suggested might be not to concede Iran's legitimate nuclear sovereignty. And this red-line might be derived from Iranians' historical grievance against violation of Iran's sovereignty and national interests by the world powers in the past, on which the Islamic Revolution in 1979 was founded. Reflecting the political topography of Iran-reformist who want to improve relations with the West took control of the executive and majority in the parliament-and the Supreme leader's red-line, in the process to reach to the Paris Agreement in November 2004, Iran's negotiators consistently denied any suspicion that Iran had an intention to develop nuclear weapons

⁸ For more details, refer to Ahmadian, Alireza. 2013. "Ahmadinejad And Khamenei: End of A Love Story? - Foreign Policy Blogs". *Foreign Policy Blogs*.

and stressed that Iran's nuclear program is for peaceful purposes and Iran's right for peaceful use of nuclear should be recognized although they finally accepted EU-3's request for temporary suspension of uranium enrichment and reprocessing of spent fuel rod. The so-called Paris Agreement shows that Iran compromised with the West partly giving their nuclear sovereignty not to be isolated from the international community and Iran's attitude was conciliatory enough to be viewed that it sincerely wanted to improve relations with the West. This Iran's attitude can be represented as a shift of line CD to C1D1 in figure 3.

On the U.S side, its attitude toward Iran became more uncompromising with the inauguration of President George W. Bush. The White House, the State Department, and the Defense Department were filled with the neo-conservatives pursuing diplomacy of power in earnest. The 9/11 terrorist attack gave a cause and legitimacy for Bush administration's unilateral foreign policy and preemptive military action against countries that the United States had designated as state-sponsors of terrorism and potential proliferator of WMD. Furthermore, in 2002 congressional election, the Republicans gained majority both in the Senate and the House⁹, which would empower Bush administration's foreign policy. The Public opinion was also in favor of Bush administration's foreign policy. According to the result of the poll conducted by CNN/USA Today/Gallup poll in 2002, Americans strongly support military action against countries that have the capability to develop WMD, including Iran, Iraq and North Korea that Bush depicted as "axis of evil."¹⁰ What is needed to point out is that although the United States had not participated in the initial phase of negotiation, according to Mousavian(2012), the United States in effect was involved in the negotiation between EU-3 and Iran by influencing negotiator of Britain. All these factors drove the Bush administration's attitude toward Iranian nuclear program more unyielding and this can be represented as the shift of line AB to A1B1 in figure 3. Consequently, no ZOPA

⁹ The Republicans won 51 seats out of 100 in the Senate (the Democrats won 48) and won 229 seats out of 435 in the House.

¹⁰ Seventy-nine percent say that preventing these three countries from developing weapons of mass destruction is a very important goal for U.S. military action. Eighty-six percent believe the United States should take military action to prevent countries that sponsor terrorism from threatening the United States or its allies with weapons of mass destruction. Gallup, Inc. 2002. "Analysis: Public Support for Bush's 2002 Foreign Policy Agenda". *Gallup.Com*.

existed at the first phase of the negotiation since no options are included in rectangle A1ID1H.

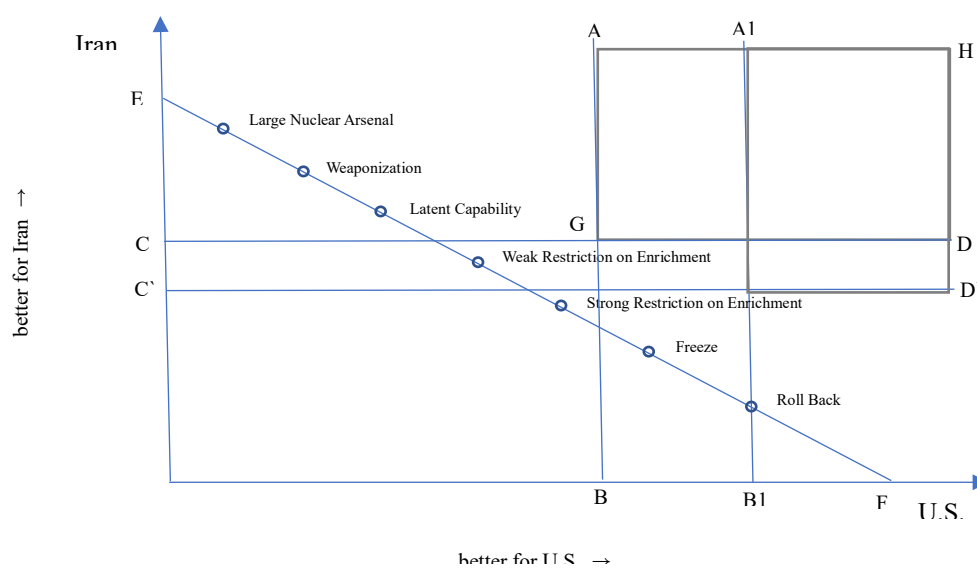


Figure 3

Second Phase of the Nuclear Crisis: During the first term of Ahmadinejad

The increasing pressure of the West on Iran and Khatami administration's decision to suspend its nuclear activity led to rally-around-flag effect in favor of the conservative faction, and US invasion of Iraq in 2003 was enough to intensify Iranians' security concern since like Iraq, Iran was one of the countries depicted as 'axis of evil'. In October 2003, 1,500 Iranian protesters poured into the street of Tehran to denounce humiliating negotiation with the EU-3. Iran's conciliatory attitude began to change as the pressure of the West on Iran increased and more importantly, with the election of hard-liner Ahmadinejad as an Iranian President in June 2005. The nuclear negotiation was the main issue in the 2004 legislative election and the 2005 presidential election. During and after the presidential election campaign, some hard-liners labeled President Khatami's nuclear negotiation team spies, traitors, and tools of the West who sold out the rights and ambitions of the country. This rhetoric was used to transform the nuclear issue into one of national pride and to sideline moderate and reformist political camps. (Mousavian 2012: 169) In those elections, Iranians raised hands of hardline conservatives. In the legislative election, right-wing hardliners

won an absolute majority (200 seats out of 290) in the parliament.¹¹ In the following presidential election, conservative hardliner Mahmoud Ahmadinejad was elected as the President, beating reformist Akbar Hashemi Rafsanjani by almost 30%.¹² Hardline conservatives in line with the Supreme leader, Ali Khamenei, took control of overall state affairs including the nuclear negotiation. From the perspective of Putnam's two-level game theory, this meant homogenous hawkish coalition formed in Iranian politics which would lead to a shrink of the win-set of the Iranian nuclear negotiating team and a negotiation strategy of "the more, the better". Unlike the previous reformists' administration and legislative that partly gave in Iran's right for uranium enrichment not to be isolated, the newcomers took quite a contrary approach to this issue. Despite growing concerns of international society about Iran's nuclear program, in May 2005, the Majlis passed a resolution to urge the government to resume uranium enrichment for peaceful purpose and subsequently Iran resumed nuclear activities at the Isfahan uranium conversion center. In November, the Majlis approved a bill requiring the government to stop voluntary implementation of the Safeguards Agreement's separate Additional Protocol, which allowed more intrusive and surprise inspections by the IAEA, if Iran were referred to the Security Council.¹³ In August 2006, Iran also inaugurated a heavy water production plant at Arak, which provoked concerns of the United States that it would be used for a production of plutonium.¹⁴ Henceforth, the Ahmadinejad administration had stood against the West by furthering its nuclear program, hostile rhetoric and intransigence. For example, in his 2012 U.N. General Assembly address denounced military threats against Tehran by "uncivilized Zionists" and derided Western leaders as "handmaidens of the devil".¹⁵ However, Iran never forgot to reassure that it had no ambition for nuclear weapons and peaceful nature of its nuclear program. In August 2005, the Supreme Leader Ayatollah

¹¹ Source: Kazemzadeh, M. (2008). Intra-Elite Factionalism and the 2004 Majles Elections in Iran. *Middle Eastern Studies*, 44(2), 189-214.

¹² Source: https://en.wikipedia.org/wiki/Iranian_presidential_election,_2005

¹³ <https://www.pbs.org/wgbh/pages/frontline/tehranbureau/2010/11/iran-primer-timeline-of-irans-nuclear-activities.html>

¹⁴ Ibid.

¹⁵ Lynch, Colum, and Colum Lynch. 2018. "Ahmadinejad Tells U.N. 'Uncivilized Zionists' Are Threat to Iran; U.S. Boycotts Address". *Washington Post*.

Khamenei issued a fatwa prohibiting the production, stockpiling and use of nuclear weapons¹⁶, which seemed to inherit his predecessor's will. Other high-ranking officials of Iranian government also consistently stressed that Iran had no nuclear ambition.

Some pundits argue that economic factors, especially energy problem contributed to Iran's intransigence during this phase. According to Paul Rivin, a Senior Fellow of The Moshe Dayan Center for the Middle East and African Studies at Tel Aviv University, rising international oil prices and ensuing economic growth created imbalance between demand and supply of energy, which was worsened by enormous subsidies on gasoline and rapidly growing automobile industry.¹⁷ He also pointed out that oil and gas were used to produce electricity that was sold to consumers at prices that did not cover costs, which resulted shortage of both oil and gas, and all above-mentioned factors gave Iran a reason for its nuclear program. Regarding Iran's energy crisis, Stern (2007) argument is noteworthy. He argues that since Iran's government is heavily dependent on oil export for its most revenue, it could become vulnerable politically if oil prices drop sharply, and then Iran's claim that its nuclear program is for energy could be genuine. If his argument right, Iranian leadership, which prioritized the regime survival, had to push ahead its nuclear program to solve the energy crisis through an efficient nuclear electricity generation, and this demand would lead to Iran's intransigence in the nuclear negotiation. This demand would affect hawkish conservatives' preference that in turn pressured Iranian negotiators to participate in the nuclear negotiation with uncompromising "the more, the better" strategy. Consequently, the size of win-set of Iranian negotiators of Ahmadinejad administration would have shrank compared to that of the negotiators of Khatami administration that partly conceded Iran's legitimate right to enrich uranium.

On the United State side, the Bush administration maintained a "no-negotiation" stance with Iranian regime during the early years of Ahmadinejad's term. It rejected Iran's "grand bargain"

¹⁶ <https://www.pbs.org/wgbh/pages/frontline/tehranbureau/2010/11/iran-primer-timeline-of-irans-nuclear-activities.html>

¹⁷ Rivin, Paul. 2007. "Iran's Energy Crisis", The Alliance Center for Iranian Studies(ACIS). <http://humanities1.tau.ac.il/iranian/en/previous-reviews/10-iran-pulse-en/118-9>.

overture and terminated Geneva channel established to discuss and cooperate with Iran for the Afghanistan issue. Instead of engagement, the Bush administration adopted policies aiming to facilitate a collapse of the Iranian regime such as funding more than \$75 million to promote democracy in Iran. According to Maloney (2008), this obstinate attitude attributed to the Bush administration's misreading of Iran's political dynamics and miscalculation that the collapse of Iranian regime was imminent as well as Iran's non-reciprocal fashion to U.S. conciliatory overtures during the Clinton administration. However, contrary to the Bush administration's expectation, the Iran regime showed its robustness and accelerated its nuclear program. Henceforth, the United State incrementally went away from its unyielding and no-direct negotiation attitude toward Iran. For example, together with other P5+1(the United State, Britain, China, Russia, France and Germany) member states, Secretary of State Condoleezza Rice offered direct negotiation with Iran on Iran's nuclear program and a set of remarkable incentives such as the end of US opposition to Iran's development of a civil nuclear program although precondition of indefinite suspension of Iran's uranium enrichment attached to it.¹⁸ There might have been various factors that affected the change of US posture, 1) prolongation and deterioration of situations of Iraq¹⁹, 2) financial crisis in 2008 and ensuing pressure on government to curtail abroad military expenditure²⁰ and 3) increasing negative public opinion on the Bush administration's Middle East policy would have been the main factors.²¹ However, such conciliatory approach was restricted by critics in the administration and the Congress.

The change of context of the nuclear negotiation can be represented as figure 4. Iran's red-line would have shifted to somewhere between 'latent capability' and 'weak restriction'. Regarding the United States, although its attitude toward Iran and its red-line in the negotiation must have

¹⁸ Maloney, S. (2008). "US policy toward Iran: missed opportunities and paths forward". *Fletcher F. World Aff.*, 32, 25.

¹⁹ Ibid.

²⁰ Drew, Thom. 2015. "Pentagon Expects Cuts in Military Spending". *Nytimes.Com*.

²¹ "Public Attitudes Toward the War in Iraq: 2003-2008". 2008. *Pew Research Center*.

<http://www.pewresearch.org/2008/03/19/public-attitudes-toward-the-war-in-iraq-20032008/>.

changed to the more mitigated way, we cannot assert how much the red-line moved until relevant documents are declassified. However, considering its strong opposition to any Iran's nuclear activity in the initial phase of the negotiation between P5+1, the US red-line would not have moved beyond 'strong restriction'. Importantly, if the US red-line was below 'strong restriction', the exact location of the red-line is not important since no ZOPA existed.

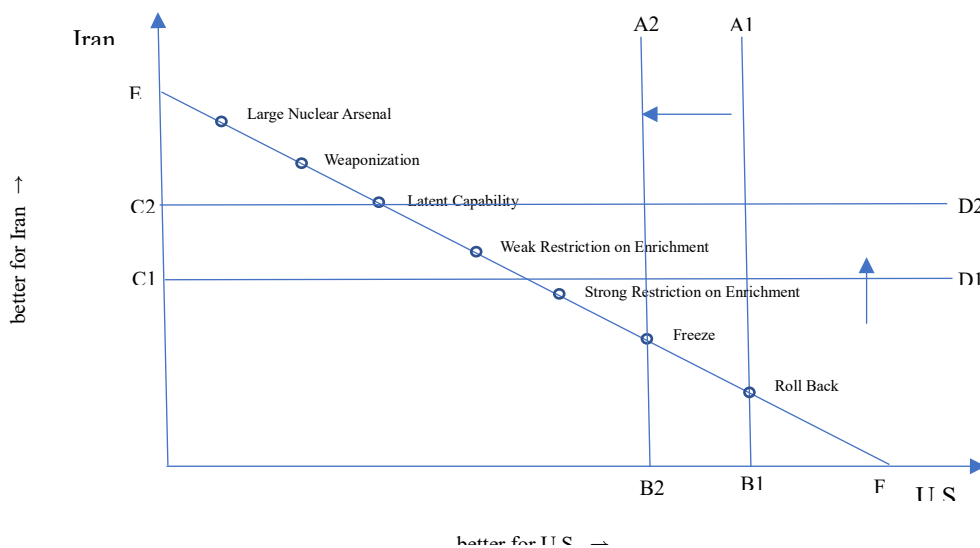


Figure 4

Third Phase: Second term of Ahmadinejad and After the election of Hassan Rouhani

The financial crisis that swept global economy was a double-edged sword for the Iranian regime. The collapse of a financial market led to an increase of investment on the commodity market, which pushed the international oil prices up to \$150 per barrel. High oil prices brought an enormous increase in oil revenue to the Iranian government. However, with the rapid economic growth brought by high oil prices, the Ahmadinejad government's extravagant spending of the oil revenue led to an inflation which deteriorated life of ordinary Iranian citizens. Unfortunately, such affluent period did not last as Iranian regime's wish. As the global economy recovered from the shock of the financial crisis, associated with a rapid increase of Shale gas production in the United States, the international oil prices rapidly dropped, which threw gloomy prospect of the Iranian economy and Iranian government's capacity to maintain such lavish spending. Furthermore, the intensifying international sanctions on Iranian economy since 2006 which limited Iranian's access

to the international financial system, export of oil and import of staples, put an enormous pressure on Iranian government as well as ordinary people. This evident economic failure of the Ahmadinejad administration led to increasing discomfort of Iranians.

The cleavage among Iranian conservative leadership was another factor that weakened Iran's obstinacy in the nuclear negotiation. When the coherence among the hardline conservatives worked, the Supreme Leader and the conservatives in the Majlis and clerical circle provided wholehearted support to Ahmadinejad in spite of his evident economic failure and increasing isolation from the international community due to Ahmadinejad's provocative rhetoric and defiant posture and this support was a main force that allowed Ahmadinejad to overcome domestic discomfort and international isolation. Ahmadinejad who was a populist in nature and from humble background ascended to the presidency in 2005 thanks to the support of the Supreme Leader Khamenei who regarded Ahmadinejad as a man of his inner circle of the conservative but his political orientation was not consistent with that of the conservative clerical establishment.²² Ahmadinejad, a populist in nature, tried to consolidate his own power by marginalizing the clerical establishment and in turn, he had to face a backlash from the establishment including the Supreme Leader to discredit him and demolish his supporting base in Majlis in the coming elections. That meant that the political coalition buttressed Iran's intransigence in the nuclear negotiation was broken. Consequently, in 2012 legislative election, the conservative faction led by Ali Larijani who was close to the Supreme Leader won 97 seats out of 225 (43.1%) and faction supported by Ahmadinejad won only 5 seats (2%), which foretold the demise of Ahmadinejad. More importantly, in 2013 presidential election, reformist Hassan Rouhani was elected beating the conservative candidate by more than 50%. This result can be viewed as an outpouring of Iranians' long accumulated grievance against the Ahmadinejad administration and their aspiration of a better economy and an improved relation with the West. The result also meant Ahmadinejad being discarded by the conservative establishment. President Barack Obama's engagement policy and

²² Ahmadian, Alireza. 2013. "Ahmadinejad And Khamenei: End of A Love Story? - Foreign Policy Blogs". *Foreign Policy Blogs*. <https://foreignpolicyblogs.com/2013/05/30/ahmadinejad-and-khamenei-end-of-a-love-story/>.

his letters sent to Iranian leadership calling for improvement in relations that showed relatively conciliatory approach to Iran issues comparing to the previous administrations might have affected Iranian's change of preference.

On the United States side, although an attempt at a direct negotiation with Iran began at the end of George W. Bush's term, the new U.S. president Barak Obama clarified his intention of an engagement with Iran and hope for an improvement of bilateral relations although there had been confusing signals and statements from high-ranking officials which cast doubt on that U.S. sincerely wanted to improve bilateral relations with Iran. In an unusual White House session with journalists in 2010, Obama stated that "It is very important to put before the Iranians a clear set of steps that we would consider sufficient to show that they are not pursuing nuclear weapons. They should know what they can say 'yes' to", which could be interpreted in a way that the United States would accept a deal that allows Iran to maintain its civilian nuclear program so long as Iran provides confidence-building measures to verify that it is not building a bomb. (Ignatius, 2010)

The Arab Spring in 2011 and ensuing civil war in Syrian and the rise of ISIS were the factors which would have enhanced Obama's engagement policy. Contrary to US expectation that anti-regime protests in the Middle East and North Africa would bring democracy to this region and would be conducive to US strategical interest, the Arab Spring brought intractable chaos in this region. Especially, in Syria and Yemen, the civil war was getting worse as they developed into a proxy war between Iran and Saudi Arabia. For the United State that hoped to recover a stability of the region and needed the cooperation of regional powers to counter the Islamic State and Al Qaeda, to improve relation with Iran was indispensable.

The inauguration of Hasan Rouhani as a new Iranian president also would have improved US perception on the Iranian regime and its willingness of a conciliatory approach. Unlike his predecessor, Rouhani was reform-minded and willing to improve the bilateral relationship with the United States. The provocative rhetoric that exacerbated the perception of the public and politicians in the United States was remarkably decreased, which partly contributed to decreasing pressure on Obama's engagement policy.

Taken together, from the perspective of the two-level game theory, the size of win-set of Iranian

negotiator and US negotiator expanded and red-line of each negotiator moved toward in favor of each other. This change can be represented in figure 5. As well presented in the part of Iran's obligation of the Joint Comprehensive Plan of Action (JCPOA), Iran's red-line would have moved to somewhere between 'weak restriction' and 'strong restriction' (line C2D2→line C3D3) and US red-line also would have shifted to the similar point (line A2B2→line A3B3). Consequently, ZOPA (the bolded part on the line EF) would have been created for the first time.

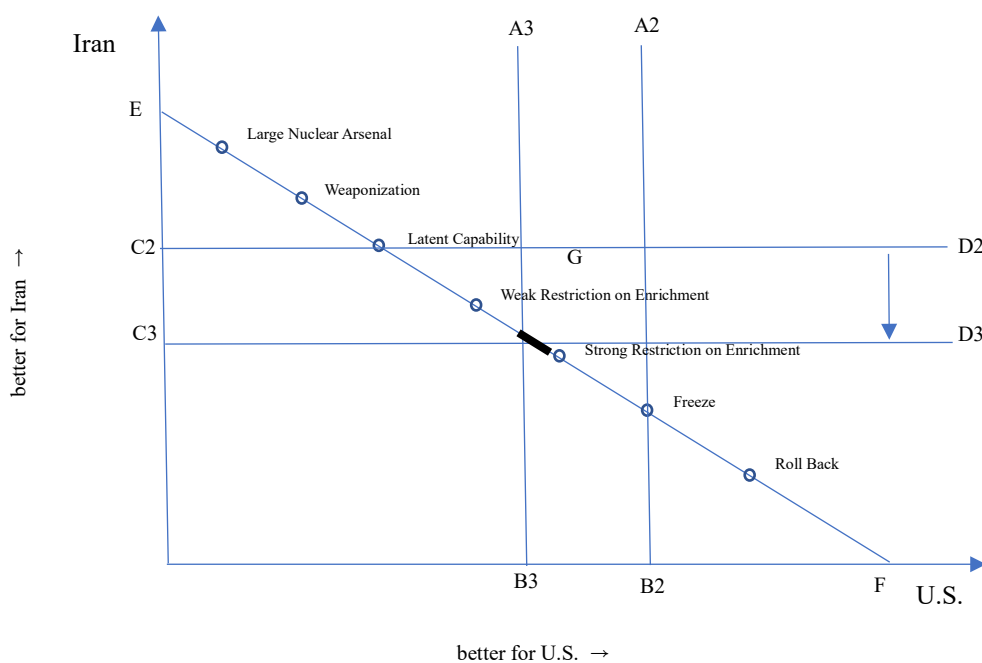


Figure 5

Analysis of North Korean nuclear negotiation

Assessment of whether North Korea had motives for nuclear weapons

North Korea, as well known as “hermit kingdom”, has been the most reclusive state in the world which have not allowed outsiders to access to its heart. Consequently, scholars and pundits who study North Korea have had difficulties in collecting information and thus have had to rely on a handful of information from media and North Korean defectors to examine North Korea's nuclear policy. For the same reason, this study will rely on theories on states' motives of nuclearization to determine whether North Korea initially had the intention to develop nuclear weapons.

First of all, regarding whether there has been a security threat compelled Pyongyang to develop nuclear weapons, the answer is definitely “yes” from the Pyongyang’s perspective. Although Korean war seemingly ended with the truce agreement in 1953, military confrontation has been continuing between South and North Korea so far and skirmishes have frequently escalated tension in the Korean peninsula. And since the establishment of the government in 1948, South Korean leadership had persistently pursued unification policy based on the idea that unification should be achieved in a way that South Korea should absorb North Korea on the foundation of liberal democracy. Furthermore, North Korea has shown its sensitivity and aversion to the presence of more than 40,000 US forces stationing and annual US-ROK joint military exercise. Most importantly, US tactical nuclear weapons forward deployed- in South Korea as a nuclear umbrella must have been perceived serious security threat by North Korea.

Second, viewed from the perspective of constructivists, it is not certain whether North Korea had an intention to conform to its obligations of non-proliferation treaty (NPT) and the Safeguard agreement. North Korea acceded to NPT in 1985 and concluded Safeguard agreement with IAEA in 1992. However, the North Korea’s acceptance of the NPT obligations was not voluntary but was due to the pressure from the Soviet Union.²³ Thus, it is uncertain that North Korea had genuine and sincere will to conform international norms of non-proliferation.

Third, domestic political factors that have compelled North Korea to pursue nuclear weapons were closely related to Korean People’s Army (KPA), the standing army of North Korea and prestigious status it enjoyed in the North Korean society. Those North Korean generals who survived the Korean war and subsequent purges pledged allegiance to Kim Il Sung voluntarily or from a fear that they might be purged otherwise. Kim, in return, gave the military preferential treatment in social status and standard of living (Oh & Hassig 2000: 106). This coalition among ruling elites became more solidified in the course of Kim Jong Il’s succession to his father. Unlike his father, Kim Jong Il didn’t have any achievement to prove his legitimacy as a next ruler and dynastic succession might have provoked a harsh criticism and potential dissidents among ruling

²³ Carrel-Billiard, François, and Christine Wing. “Nuclear Energy, Nonproliferation and Disarmament: Briefing Notes for the 2010 NPT Review Conference”. International Peace Institute, 2010. P 29

elites. In order to consolidate his position, Kim Jong Il needed a firm power base and a strong control over the ruling elites. The KPA was the most fitted entity for his purpose and thus Kim Jong Il joined hands with the KPA. The military-first policy and expansion of the role of KPA in politics and economy during Kim Jong Il's presidency confirm this reasoning. In order to maintain this privileged status, the military needed to continuously appeal its existence to the leader, and the means to do so would have been nuclear weapons and missiles.

Lastly, judged with criteria of diplomatic leverage against the United States, North Korea had a good reason to build a nuclear arsenal. North Korea has persistently requested a withdrawal of the US forces in South Korea and a signing of a peace treaty with the United States as a prerequisite for a reconciliation with South Korea. Pyongyang also has persistently stuck to a bilateral negotiation to mitigate a tension in Korean peninsula with the United States while refusing to have talks with its counterpart of the South. However, the United States has ignored such requests. In this situation, nuclear weapons capable of targeting the United States would have been a good means to bring the United States to a negotiation table and a good bargaining chip to achieve such goals.

Taken together, it is reasonable to view that North Korea had enough motives to develop nuclear weapons, and if not, it would at least have an intention to possess latent nuclear capabilities. A testimony of former North Korean diplomat defected to South Korea support my argument. He informed that North Korea had no intention to sign the IAEA Safeguard Agreement and Pyongyang was gaining time to develop its nuclear weapons program.²⁴ This North Korea's initial stand in the nuclear negotiation can be represented as line CD in figure 6.

Regarding US initial stance, considering that the United States called on North Korea to fully implement the Safeguard Agreement and allow IAEA inspectors access to its nuclear facilities, which is obligatory for all signatory to NPT and the Safeguard Agreement, and did not urge North Korea to accept more obligation than stipulated in NPT, US red-line would have been somewhere between 'weak restriction' and 'strong restriction' in the figure 6, which is represented by line AB.

²⁴ Berry, William E. 1995. North Korea's Nuclear Program: The Clinton Administration's Response. INSS Occasional Paper, Institute for National Security Studies, p 4.

Therefore, no ZOPA existed at the beginning of the crisis.

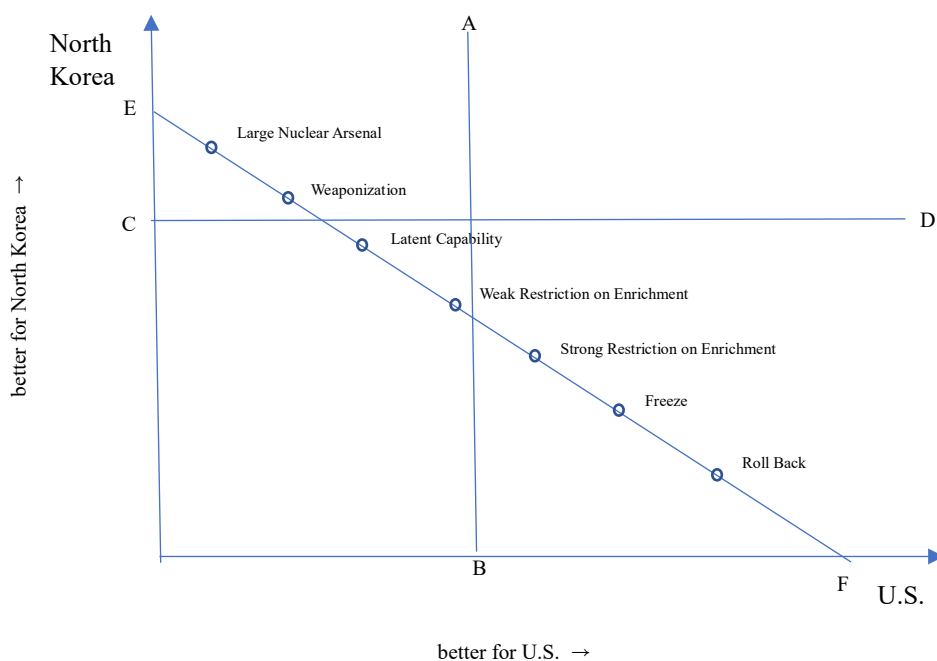


Figure 6

How has the ZOPA Changed Through the North Korean Nuclear Negotiation?

Initial Phase of the Nuclear Crisis: from Breakout to the Conclusion of the Agreed Framework

The North Korean nuclear crisis began in March 1993 with Pyongyang's announcement of its intention to withdraw from the non-proliferation treaty (NPT) and the following US intelligence agencies' estimation that North Korea might have separated plutonium enough to produce one or two nuclear weapons. This was for the first time North Korea revealed its ambition for nuclear weapons. Then, thanks to the former US president Jimmy Carter's mediation, the United States and North Korea began a bilateral negotiation to resolved the crisis. One year later, North Korea changed its stance and signed the Agreed Framework with the United States under which North Korea should freeze all its nuclear activities in exchange for US provision of 2 light water reactors and fuel oil. Although there had not been coercive measures imposed on North Korea for its nuclear weapons program, why did North Korea change its stance in such a short time? To answer this question, the reason North Korea took provocative action in March 1993 onward should be first examined since this would provide clues to the dramatic change of North Korea's stance.

North Korea's announcement of its intention of withdrawal from NPT and the following provocative rhetoric and behaviors would have been closely related to entrenched interests of the military, fears of absorption by South Korea and the necessity to enhance control on people, all of which purposed a survival of Kim's regime. In the early 1990s, regarding its security and regime survival, North Korea had been facing a complicated environment. The Soviet Union and the communist bloc that had supported North Korea's economy and security collapsed, and the following withdrawal of 100 US tactical nuclear weapon in 1991 mitigated its security concern. In 1991, South Korea president Rho Tae Woo's announcement of the 'declaration of denuclearization of the Korean Peninsula' brought a conciliatory mood between the two Koreas. However, this conciliatory mood and the ensuing likelihood of an increase of exchange between the North and the South would have been a real concern for Kim Il Sung and ruling elite of North Korea. First of all, as noted in the previous section, Korean People's Army (KPA) had enjoyed privilege during the Cold War era since Kim Il Sung relied on KPA for deterrence and control of society. Generally, military can prove its existence value when a state faces a grave security threat or needs strong control over its people. However, the conciliatory mood created in the early 1990s would necessarily lead to a reduction of KPA's role and loss of its privilege. Thus, military elites would have taken a hard line stance on the nuclear program. Second, North Korea leadership would have concerned about the possibility of absorption by South Korea. South Korea's GNP increased greatly from \$1.35 billion in 1953 to \$294.5 billion in 1992, recording a 200-fold growth whereas North Korea recorded about a 48-fold growth in the same period from \$440 million in 1953 to \$21.1 billion in 1992 (Namkoong 1995: 4). The huge gap in economic capacity would have led to Pyongyang's concern about absorption by Seoul since Pyongyang had already witnessed the result of such gap in the case of the unification of West Germany and East Germany in 1990. Third, as we can know from its epithet 'hermit kingdom' or dishonorable title 'the worst human right violator', the regime suppressed public discontent and blocked the inflow of liberal capitalistic thoughts that the regime perceived as a grave threat to its survival through information control and brutal security apparatus. Pyongyang would have concerned that détente with South Korea and the West would weaken its control on its people by instilling capitalism and liberalism into the people of North Korea. All these factors would have driven Pyongyang to raise tensions by initiating a nuclear crisis.

However, North Korea was facing a situation of a dilemma. As mentioned above, North Korea needed to take a hard-line stance against South Korea and the United States to protect the regime from external threats. At the same time, North Korea needed to escape from its political economic isolation. With the collapse of the Soviet Union and communist bloc in eastern Europe, North Korea lost support that had buttressed its economy and had no other option to rely on China. Furthermore, as South Korea normalized diplomatic relations with the Soviet Union and China, which was initiated by president Rho Tae Woo's 'Nordpolitik', which purposed the improvement of relationships with the former communist countries, North Korea fell into a situation of political-diplomatic isolation in the East Asia region. Most importantly, more than 30,000 US forces stationing in South Korea and annual US-ROK joint military exercise were perceived as a grave security threat by North Korea although the United States had withdrawn its tactical weapons from South Korea. For Pyongyang, the need to escape from isolation and security threat by replacing the Armistice Agreement signed in 1953 with a new peace treaty with the United States would have been desperate, which is reflected in the Agreed Framework with a provision that "the United States and North Korea committed to moving toward normalizing economic and diplomatic relations, including by reducing barriers to investment, opening liaison offices, and ultimately exchanging ambassadors." However, succumbing to the United States was not acceptable to North Korean leadership since it had been propagating that North Korea stood against powerful 'American imperialist' in order to unite its society and to be recognized regime's legitimacy by its people. In this situation, the former US president Jimmy Carter volunteered mediation between the United States and North Korea and his offer provided North Korea a good excuse to negotiate with the United States on its nuclear program since it could be viewed North Korea is evenly treated by the most powerful country in the world.

From the perspective of the two-level game theory, the initial phase of North Korean nuclear negotiation can be interpreted as the following. Constituents that North Korean negotiator should satisfy was only the ruling elite coalition including Kim's family since considering North Korea's extremely authoritarian political order and one-party system, ordinary people were not those who the negotiator should concern with. Long before the crisis broke out, a coalition between Kim Il Sung and military elite had formed, and their interest and preference were homogenous in that they both prioritized a survival of the regime. Initially, North Korea raised tension on the Korean

Peninsula and concerns of the international community by publicly announcing its nuclear ambition for its survival. At the same time, a diplomatic isolation and an imminent economic predicament caused by the collapse of the Soviet Union and communist bloc and remaining security threat from the United States were another problems Pyongyang's ruling elite should deal with for its survival. However, submission to the United States was not acceptable to Pyongyang since it would harm the legitimacy of Kim's regime. Carter's offer of mediation would have had a reverberation effect on North Korea's ruling elite by providing a good excuse for shifting from confrontation to negotiation. Once North Korea decided to negotiate with the United States, its preference was to gain from the United States as much as possible if it had to abandon or freeze its nuclear program, and North Korea put forward its long-standing wish list including normalizing diplomatic and economic relationship with the United States. Consequently, the win-set of North Korea's negotiator would have expanded and the red-line would have shifted to more compromising way somewhere between 'strong restriction' and 'freeze' in figure 7, which is represented by a shift from line CD to line C1D1.

On the U.S. side, the priority of security policy was placed on non-proliferation of weapons of mass destruction. Although North Korea's nuclear program, given level of North Korea's missile technology at that time, was not a direct threat to the United States since North Korea did not have technology to develop vehicle to strike the United States, Clinton administration needed to make North Korea to abandon its nuclear program since it could possibly lead to nuclear domino in neighboring countries and destabilize regional order. Preemptive attack option was excluded due to South Korea's strong opposition and in fear of all-out war which would cost a million lives. According to CNN, the former US secretary of defense William Perry had ordered the planning for the preemptive strike, ultimately rejected it since he believed the attack would result in all-out war.²⁵ In this context, the United States had no other option than to negotiate with North Korea on its nuclear program. In the negotiation, the red-line of the Clinton administration would have moved to somewhere between 'freeze' of and 'rollback' on North Korea's nuclear program and

²⁵ "CNN - Washington Was on Brink of War with North Korea 5 Years Ago - October 4, 1999". 2018. *Edition.Cnn.Com*. Accessed April 19 2018. <http://edition.cnn.com/US/9910/04/korea.brink/>.

related facilities since if US red-line remained same as it had been before the crisis, it would be criticized by opponents as ‘compensation for bad behaviors’. This red-line was clearly addressed in the Agreed Framework in that the agreement called for North Korea to freeze and eventually eliminate its nuclear facilities.²⁶ This is represented in figure 7 as a shift of line AB to line A1B1.

Taken together, ZOPA would have been created at ‘freeze’ as we can see in figure 7 and the outcome was the Agreed Framework.

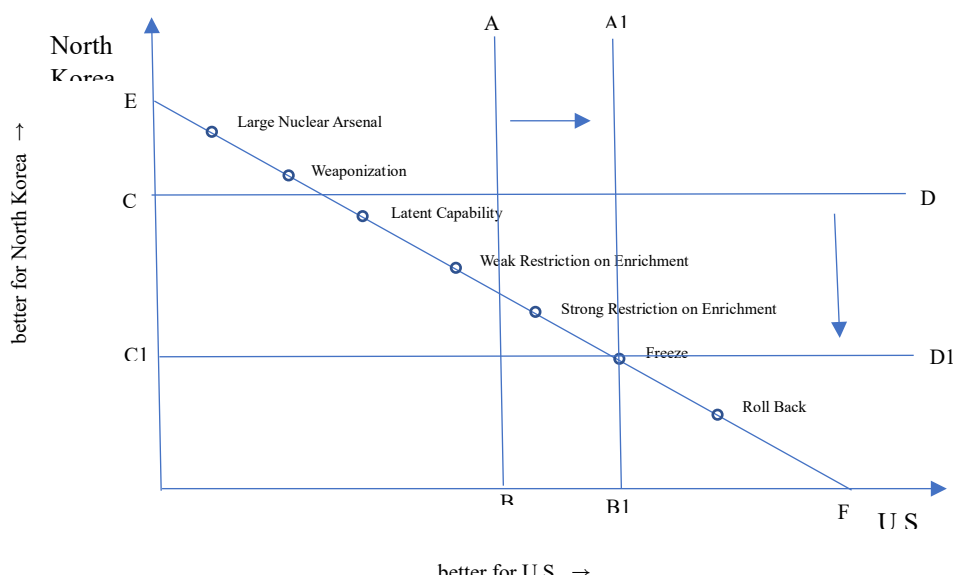


Figure 7

Second Phase: From Kim Jong Il's Ascension to Present

Some may say the nuclear deal with North Korea concluded with the Agreed Framework. However, we should understand an international deal as a continuation of negotiation between involving parties to maintain the deal effective to achieve their goal. Regarding this point, Salacuse noted that “in the life of any international deal, one may, therefore, identify three distinct stages when executives must rely on negotiation to achieve their goals: deal making, deal managing, and deal mending.” (Salacuse 2003: 3) Therefore, we can see a series of talks between the United States and North Korea after the conclusion of the Agreed Framework as a continuation of the negotiation

²⁶ Arms Control Association. 2018. *Chronology of U.S.-North Korean Nuclear and Missile Diplomacy*. Accessed 28, 2018. <https://www.armscontrol.org/factsheets/dprkchron>

including deal managing and mending.

During the early period of the second phase, refraining from provoking the United States, North Korea maintained its previous stance of gaining more reward from the negotiation while focusing on consolidation of Kim Jong Il's power and a partial market-oriented economic reform. Three months before the conclusion of the Agreed Framework, North Korea's first dictator Kim Il Sung died, and his son Kim Jong Il succeeded to his father. Unlike his father who had personal charisma and military background as a guerilla, Kim Jong Il was a weak leader regarding legitimacy. That is, from the beginning, he had to concern about regime's survival. Even worse, a year after his ascension, severe flood and drought swept away North Korea, and it had to go through a period of economic hardship called 'Arduous March,' and its ration system could not meet the demand of people. Public discontent was escalating to such an extent that the ruling elites had to worry about the survival of the regime. To deal with social unrest, Pyongyang initiated partial market-oriented reform in July 2002. However, with the introduction of the market system, a wave of capitalism prevailed in a long suppressed and controlled society, and ensuing aspiration of people for liberal society was a grave threat to the regime. In response to the threat, Kim Jong Il relied on military and security apparatus to hold control on the society and thus the military, especially hard-liners in the KPA, got the upper hand in KPA and Korean Workers' Party.²⁷ This power shift is well represented by Kim Jong Il's 'military-first ideology,' its stipulation in 2009 amendment to the Constitution and rise of high-profile military figures to important positions in the regime. The hardliners took out nuclear card again because it would revive the confrontation with the United States and a formidable enemy would have been a good excuse to tighten social control and unite people under the leadership of Kim Jong Il. The legitimacy problem reoccurred when Kim Jong Eun succeeded to his father in 2012 since the ascension of only 28 years old young man with no experience in military and administration during a hard time was not acceptable for the ruling elites and ordinary people for cultural and practical reasons. To consolidate his power, Kim replaced

²⁷ "전문가들, “북한의 강경노선은 보수강경파 득세 때문”(Experts “Pyongyang’s intransigence attribute to the rise of conservative hardliners”). 2008. *VOA*. Accessed April 21 2018. <https://www.voakorea.com/a/a-35-2008-11-27-voa4-91305424/1312406.html>.

important positions in the party and military with his people and purged those who had been loyal to his father. According to the South Korean intelligence agency, since his ascension, Kim has executed more than 70 high ranking officials and generals who had served for his father.²⁸ That is, Kim Jong Eun formed his political coalition with ruling elites loyal to him. And also, Kim Jong Eun, like his father and hard-liners under his father, would have used the nuclear weapons program to consolidate his power.

A delay in implementing US commitment of the Agreed Framework was also worsening the situation. After the resolution of the nuclear issue, the attention of the United States shifted to North Korea's missile issue, and the Clinton administration linked the missile issue to the implementation of commitment of the Agreed Framework. However, since the export of missile technology took a large portion of North Korea's revenue, North Korea persistently demanded enough compensation in exchange for its halting missile export, but the United States rejected this demand, and instead, the United States offered a partial relief of economic sanctions, but North Korea also rejected this offer. The stalemate of missile negotiation and North Korea's test-fire of a long-range missile in August 1998 affected the implementation of commitment of the Agreed Framework. For example, it took five years for KEDO²⁹ to sign a contract for light water reactor construction with provider and KEDO officials attributed the delay partly to the tense political climate generated by the North Korean missile test.³⁰ The delay of US implementation of commitment and North Korea's intransigence in the missile negotiation would have worsened mutual distrust between the United States and North Korea, which would later obstruct any meaningful progress in the nuclear and missile negotiations.

The position of hard-liners among North Korea's ruling elites would have hardened with a launch of Bush administration in 2001. Contrary to the Clinton administration which used a 'carrot'

²⁸ "김정은은 김정일보다 공포정치에 더 의존하는가? (Does Kim Jong Eun rely on reign of terror than his father)". 2018. *Sisajournal* Accessed April 22 2018. <http://www.sisajournal.com/journal/article/174928>.

²⁹ Korean Peninsula Energy Development Organization(KEDO) was a multinational consortium established in 1995 to construct two light water reactors in North Korea, which was part of US commitment in the Agreed Framework.

³⁰ Arms Control Association. 2018. *Chronology of U.S.-North Korean Nuclear and Missile Diplomacy*. Accessed 28, 2018. <https://www.armscontrol.org/factsheets/dprkchron>

to dissuade North Korea from pursuing a nuclear weapons program, the Bush administration took ‘stick’ toward the so-called ‘rogue states’ including North Korea, which seemed to be influenced by 9/11 terrorist attack. In 2002, the Bush administration’s Nuclear Posture Review listed North Korea as one country the US might have to use nuclear weapons against, while the 2002 National Security Strategy listed the north as a “rogue” regime against which the US should be prepared to use force.³¹ And the following 2003 US invasion of Iraq which aimed at toppling down Saddam Hussein’s regime would have threatened Kim Jong Il and the military hardliners that they might be eradicated in the same way. As a result, perceived security threat from the United States would have revived, and North Korea would have resumed its nuclear weapons program to protect itself from the potential military attack on the United States. This situation was not better off during the term of President Barack Obama. The Obama administration declared its ‘engagement policy’ as a foundation of US diplomacy, which was quite contrary to Bush administration’s confrontation. However, rather than negotiate, President Obama adopted a North Korean policy called ‘strategic patience,’ hoping that Pyongyang voluntarily changes its confrontational attitude and makes sincere effort to talk with the sanctions imposed on North Korea remaining intact. Unlike Obama's expectations, North Korea has escalated a level of the nuclear threat on the United States with five nuclear tests and nine missile tests during Obama's tenure.

From the perspective of the two-level game theory, the political coalition between Kim’s family and military elites have been consolidated more than ever as Kim Jong Il and Kim Jong Eun struggled to overcome their lack of legitimacy and tighten control on the society by relying on the military. The preference of the coalition shifted from an economic gain (internationalists) to military confrontation (hawkish isolationists) with the United States because 1) they feared liberalization of society brought by economic reform might threaten the survival of regime and thus needed to roll back such trend by instigating sense of danger, 2) the United States delayed to implement its commitment stipulated in the Agreed Framework and took hostile approach toward North Korea since the inauguration of president George W. Bush (reverberation), which worsened

³¹ "Why the US's 1994 Deal with North Korea Failed – And What Trump Can Learn from It". 2017. *The Conversation*. Accessed April 22 2018. <https://theconversation.com/why-the-uss-1994-deal-with-north-korea-failed-and-what-trump-can-learn-from-it-80578>.

mutual distrust between the United States and North Korea. Consequently, win-set of North Korea's negotiator would have shrunk and given the possibility of US nuclear or preemptive attack presented in the Nuclear Posture Review and National Security Strategy, the red-line would have been set between 'weaponization' and 'nuclear arsenal' to deter such threat. This is represented by a shift of line C1D1 to line C2D2 in figure 8.

On the US side, the stance of the United States has been consistent and obvious. During the first term of President George W. Bush, CVID (Complete, Verifiable, Irreversible Disarmament) was established as a guiding principle for the negotiation with North Korea and this was succeeded by Obama administration. This stance would have resulted from a self-reflection that the nuclear deal was hastily concluded without enough scrutiny and provisions to prevent Pyongyang's resumption of its nuclear weapons program. President Bill Clinton pushed ahead the conclusion of the Agreed Framework with North Korea despite strong opposition and concern of the Congress where the Republicans took a majority both in the Senate and in the House, the implementation of US commitment was to meet serious obstacles. For example, when the KEDO was in severe debt, senators accused Clinton of understating the cost while overstating how much US allies would contribute to funding them and hawkish Republicans in Congress derided the framework for supposedly rewarding aggressive behavior.³² According to Robert Gallucci, a former diplomat who negotiated the Agreed Framework, Congressional skepticism about the deal led to "the minimum interpretation of sanctions lifting".³³ The conflict between Clinton administration and the Congress led to nonfulfillment and delay of US commitment, which gave North Korea an excuse to legitimize its resumption of a nuclear weapons program. As a result, Bush administration established the principle of CVID as a precondition for further negotiation with North Korea, which aimed at reassuring the Congress that the United States would not make the same mistake again and gaining support from the Congress.

From the perspective of the two-level game theory, the lessons of the failed negotiation with North Korea and repeated provocation of North Korea moved the preference on US policy toward

³² Ibid.

³³ Ibid.

North Korea from ‘dove’ to ‘hawk’. And in terms of ‘distribution of relative power’, during the terms of President George W. Bush, hawkish conservatives, the so-called ‘neocons’, had a hold on the administration and they also had the upper hand both in the Senate and the House. This political topography in the United States would have been a huge constraint on any Bush administrations attempt to negotiate when there was no clear evidence that North Korea rolled back its nuclear missile program in a complete, verifiable, irreversible way. Although with the inauguration of President Barack Obama, distribution of relative power slightly changed in favor of resuming negotiation, Obama would have been reluctant to resume talks in a series of North Korea’s nuclear tests and missile test-fire since any talks with North Korea in an absence of North Korea’s change of posture to denuclearization and halting of its missile program would cause backlash from the Congress and the public. Consequently, the win-set of US negotiator would have shrunk remarkably and the red-line of negotiation would have been set at ‘roll-back’. This is represented by a shift of line A1B1 to line A2B2 in figure 8. Therefore, as of 2017, there exists no ZOPA between the United States and North Korea.

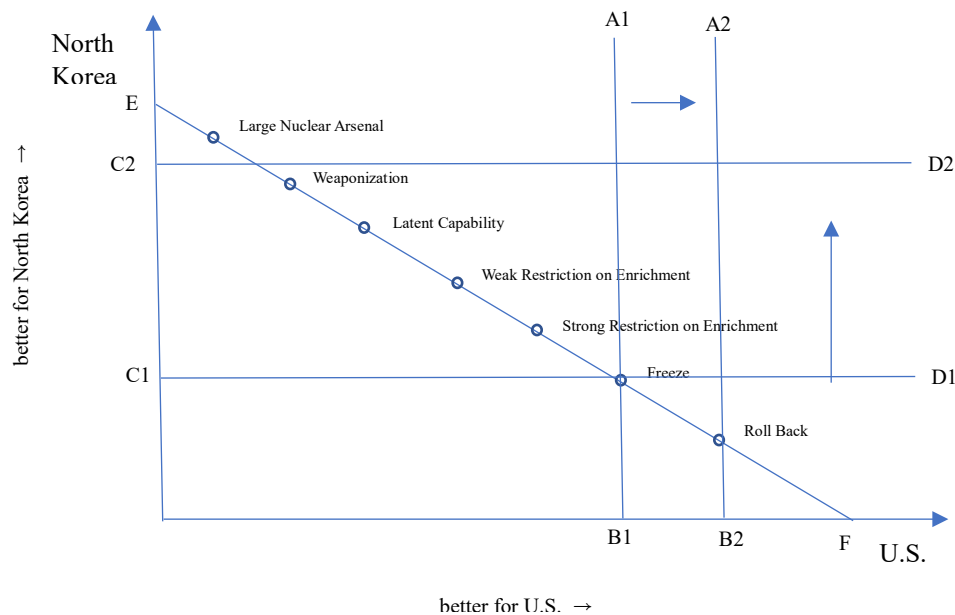


Figure 8

What Made the Difference?

As discussed above, the Iranian nuclear negotiation and the North Korean nuclear negotiation produced contrary outcomes although the United States and the international community adopted almost identical measures to persuade them to abandon their nuclear ambition. Then, what made this difference?

First of all, Iran and North Korea have political systems that seem quite similar at first glance but totally different if one looks into them carefully. According to Polity IV, both countries are authoritarian regime³⁴. This means that the ruling elites in both countries can make decision on state affairs for their interests. However, unlike North Korea, Iran has an election system which delivers public opinion to ruling elite, and more importantly, allows Iranian people to change the composition of the ruling elites. Through the nuclear negotiation, this change of ruling elites happened twice in 2005 and 2014. The first change was Iranians' anger against humiliating result of the negotiation with EU3. The second change resulted from public discontent on economic failure of the Ahmadinejad's administration. After all, public opinion expressed by the 2014 election paved the way for JCOPA. On the contrary, North Korea doesn't have any way for the public to express their concern and grievance although their quality of life has been getting worse due to the provocative and adventurous policies of North Korea leadership produces. Any change of North Korea's attitude toward the international community and its nuclear weapons program would depend on the will of Kim's family. Therefore, until more democratic election system introduced in North Korea, we cannot expect that a meaningful pressure from the bottom can be delivered to the top leadership.

Second, the contrary outcomes in the nuclear negotiations resulted from the contrary economic systems of the two countries. Like other oil-exporting countries, Iranian economy is open economy, and Iranian government is highly dependent on oil export for its revenue. Since 2006, the United States and the international community had intensified economic sanctions imposed on Iran. Iran's oil export to its major customers, European and East Asian countries, had significantly decreased,

³⁴ Marshall & Elzinga-Marshall. 2017. "Global Report 2017: Conflict, Governance, and State Fragility". Center for Systemic Peace. pp. 47-48

and its access to the international financial market had been restricted. Although thanks to the high oil prices and an abundant foreign exchange reserve during Ahmadinejad's first term, Iran could have resisted international pressure. However, with the accumulated effect of the sanction, the inflation rate significantly soared above 30%³⁵, and lavish spending of Ahmadinejad's administration worsened the situation. If Iranian economy was self-sufficient, Iran would not have influenced by economic sanctions, and thus Ahmadinejad's provocative and hostile nuclear program would have continued. Unlike Iran, North Korea's economy can be characterized as a closed, isolated and self-sufficient economy. Almost identical economic sanctions with that imposed on Iran has been imposed on North Korea, North Korea could have got through the sanctions because its economy was not interconnected with the global economy. However, without China, North Korea would have collapsed since North Korea highly dependent on bilateral trade with China for staples, oil, food and industrial materials. According to Korea Trade-Investment Promotion Agency(KOTRA), trade volume between North Korea and China increased nearly tenfold between 2000 and 2015.³⁶ Given that during this period economic sanctions imposed by the international community had significantly intensified to suffocate North Korea's regime, China has been a life line for North Korea.

Lastly, the difference of guiding principles of the two countries was the one of the causes that resulted in the contrary outcomes. Since 1979 Islamic revolution, Iran have been ruled by Islamic clerics, and Islam has been a guiding principle that defines every aspect of Iranians' life. In this theocratic society, the Supreme Leader's authoritative interpretation of Islamic law and his order based on Islam would have taken a position above any secular law and authority. Considering the prominent position that the Supreme Leader's fatwa takes, the two fatwas that prohibited a use of any weapons of mass destruction-one is the fatwa issued by Khomeini during Iran-Iraq war, and the other is the fatwa issued by Khamenei in 2005-would have deterred a progress of Iran's nuclear weapons program. However, North Korea's guiding principle, Juche ideology and Songun(military-first) ideology, promoted and accelerated North Korea's nuclear weapons

³⁵ Source: IMF Data (<http://data.imf.org/?sk=388DFA60-1D26-4ADE-B505-A05A558D9A42&sl=1479331931186>)

³⁶ Source: Korea Trade-Investment Promotion Agency (<http://dl.kotra.or.kr/search/Search.ax?sid=2>)

program. Juche ideology emphasizes a self-reliance in defense. Under Juche ideology, North Korea has pushed ahead with nuclear weapons program as well as conventional forces. This self-reliance in defense has been enhanced with the introduction of Songun(military-first) ideology during the reign of Kim Jong Il. Military sector, which has come forward in every aspect of North Korea's state affairs, has been in charge of North Korea's nuclear weapons program, and the nuclear weapons program and missile program has been means for military to prove their existence value to its leader.

Discussion

This study has three issues that need further study. First of all, in this analysis, the US domestic politics takes relatively small portion compared to their counterparts because of the time limit of this study and its complex nature. However, considering that the purpose of this study is to seek answers on what factors resulted in the change of Iran's attitude in the nuclear negotiation and to explore policy measures to induce a desirable change of North Korea in the nuclear negotiation, I believe more focus should be placed on Iranian and North Korean domestic politics. And the difference of degree of transparency of politics between the United States and its counterparts is another reason why I allotted relatively small portion for the United States in the analysis. However, given an enormous influence that the US domestic politics exert on North Korea and Iran, further study should be conducted.

Second, another issue I want to point out regarding this study is that the nuclear negotiation is so politicized that the discussion presented in this study might be wrong depending on the location of the reader on the ideological spectrum. To be neutral from ideological controversy, I reviewed the Iranian and North Korean nuclear crises and causal relation of meaningful events in a time sequence, which seems to be the best way to guarantee objectivity. However, the nuclear issue in both countries have long histories more than a half century, discussion over causal relation and who has a primary responsibility in both crises might reach totally different conclusion depending on the time-frame used for this study. Therefore, credible and neutral criteria should be set for future studies on highly politicized issues.

The last is the veracity of information and data used in this study. Unlike the United States and

other democracies, information and data regarding North Korea and Iran are quite limited due to its reclusiveness. Some data and information used in this study might be propaganda of the regimes which are far from the fact. However, until official documents declassified, it would not be possible to assert that they are consistent with the regimes' real intention and strategy.

Conclusion

As discussed above, presence and size of ZOPA determine the outcome of a negotiation and they are influenced by various external factors of a negotiation. In the Iranian nuclear negotiation, the size of ZOPA maximized by the time of conclusion of JCPOA and in North Korea's case, the size of ZOPA maximized when the United States and North Korea concluded the Agreed Framework. What is noteworthy is that both successful results came when the United States tried to solve the crises by engagement and diplomacy and when isolation and coercive measures replaced them, the result was not the one the United States and international community expected. With this in mind, I conclude this study by suggesting two policy implications.

First, as we can see in the histories of North Korean and Iranian nuclear crises and the negotiations, only when the United States tried to resolve these issues with diplomacy instead of coercive measures or military threat, United States could achieve a meaningful progress in the negotiations. As these two cases show, any policy focusing on containment and isolation of 'rogue states' without any attempt of engagement would lead to a confrontation which would worsen a situation especially when hardliners have the upper hand in those 'rogue regimes'. This does not mean that the United States should acquiesce bad behaviors or appease those regimes with reward. Certainly, punishment on bad behaviors is necessary to prevent a recurrence of those behaviors and to keep international norms and order effective. However, without effort to have a talk one can never know genuine intention or gather information conducive to making a creative policy to solve problems. Moreover, as Victor Cha (2003) noted, such effort will provide legitimacy to future coercive measures because no country would oppose to such measure after all diplomatic measures exhausted.

Second, managing a deal is as much important as striking a deal. Obviously, North Korea's nuclear weapons program, a missile test and its provocation against the United States and its close

allies are the main reasons of current tension. However, it cannot be denied that the United States has a partial responsibility. Although the Clinton administration could have expected a possible strong opposition of the Congress and its intransigence in financing and implementing of the agreement, the administration concluded the agreement in the form of presidential ‘executive agreement’, which intended to evade intervention of the Congress, and was tepid in its effort to persuade the Congress.³⁷ The ensuing conflict with the Congress led to the failure of implementing its commitment and thus increased Pyongyang’s distrust of the United States. In a sense that gathering support to maintain and implement a deal is a part of deal management, it can be said that the Clinton administration failed in deal-management. The Bush and Obama administration also cannot be exempted from the responsibility in a sense that they were tepid in diplomatic effort. Any agreement is a result of the enormous amount of time and effort, but if one does not keep up with efforts to maintain and improve it, the effort and time spent for the agreement would be meaningless.

³⁷ "Analysis | History Lesson: Why Did Bill Clinton’s North Korea Deal Fail?". 2018. *Washington Post*. Accessed April 23 2018. https://www.washingtonpost.com/news/fact-checker/wp/2017/08/09/history-lesson-why-did-bill-clintons-north-korea-deal-fail/?noredirect=on&utm_term=.2f186b7d00c1.

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