

Decade of Diplomacy: Negotiations with Iran and North Korea and the Future of Nuclear Nonproliferation

Emily B. Landau



Memorandum 115

Decade of Diplomacy:
Negotiations with Iran and North Korea
and the Future of Nuclear Nonproliferation

Emily B. Landau



The Institute for National Security Studies (INSS), incorporating the Jaffee Center for Strategic Studies, was founded in 2006.

The purpose of the Institute for National Security Studies is first, to conduct basic research that meets the highest academic standards on matters related to Israel's national security as well as Middle East regional and international security affairs. Second, the Institute aims to contribute to the public debate and governmental deliberation of issues that are – or should be – at the top of Israel's national security agenda.

INSS seeks to address Israeli decision makers and policymakers, the defense establishment, public opinion makers, the academic community in Israel and abroad, and the general public.

INSS publishes research that it deems worthy of public attention, while it maintains a strict policy of non-partisanship. The opinions expressed in this publication are the author's alone, and do not necessarily reflect the views of the Institute, its trustees, boards, research staff, or the organization and individuals that support its research.

Emily B. Landau

Decade of Diplomacy:
Negotiations with Iran and North Korea
and the Future of Nuclear Nonproliferation

Memorandum No. 115

March 2012

אמילי לנדאו

**עשור של דיפלומטיה:
המשא ומתן עם איראן וצפון קוריאה
ועתיד המאמצים למנוע תפוצת נשק גרעיני**

Graphic design: Michal Semo-Kovetz

Printing: Elinir

Cover photo – Courtesy: Image Bank / Getty Images

Institute for National Security Studies

40 Haim Levanon Street

POB 39950

Ramat Aviv

Tel Aviv 61398

Tel. +972-3-640-0400

Fax. +972-3-744-7590

E-mail: info@inss.org.il

<http://www.inss.org.il>

© All rights reserved.

March 2012

ISBN: 978-965-7425-33-6

Table of Contents

Executive Summary	7	
Preface	11	
Introduction	15	
Chapter 1	Setting the Stage: Post-Cold War Nuclear Challenges and Responses	21
	New Proliferators, New Arms Control Directions	21
	The NPT: Cracks in the System	23
	Diplomacy: The Strategy of Choice after Iraq	26
Chapter 2	Confronting Iran	33
	Iran's Nuclear Drive	34
	International Efforts to Stop Iran	39
	Assessing the International Strategies	47
	Iran's Nuclear Strategy	53
Chapter 3	Confronting North Korea	63
	North Korea's Nuclear Drive	63
	International Response to North Korea's Nuclear Program	64
	Assessment: US Prominence in a Regional Setting	73
	North Korean Negotiations Strategy	81
Chapter 4	Iran and North Korea: Comparative Analysis	87
	When Strong States Meet Proliferators: The "Diplomatic Dance"	88
	The Relative Value of a Regional Approach	93
	Can Diplomacy Succeed?	96
Chapter 5	Nonproliferation Down the Road: The Lessons of Diplomacy and the Outlook for the Future	99
	Negotiating with Determined Proliferators	99
	The Implications for Future Nonproliferation Efforts	102
	The Need for Early Detection and Reaction	105
	Selecting a Strategy: Military Force or Negotiations?	106
Notes	109	

Executive Summary

The overall purpose of this study is to contribute to the understanding of diplomatic strategies as a means for confronting determined nuclear proliferators: what is desirable, what is realistically feasible, and what strong states must pay attention to in order to increase their prospects for success.

The specific case studies examined here in a comparative framework are the nuclear programs of Iran and North Korea. Diplomacy emerged as the strategy of choice for dealing with these two prominent proliferators following the military campaign launched in Iraq in 2003, especially when WMD were not found. The analysis focuses on the diplomatic strategies and initiatives that have been devised and implemented by strong international actors in their attempts to curb the military intentions of both Iran and North Korea over the past decade, beginning in 2002 – when both crises erupted almost simultaneously – through the end of 2011.

The assessment of the diplomatic strategies that were tailored to each of the two proliferation challenges includes a comparison of the proliferators' motivation and the nuclear games they have played; the strategies and skills of the strong powers that confronted them (their degree of commitment to negotiations, their degree of influence over the proliferators, and the goals they were seeking to advance); the degree of leverage that the proliferators themselves have had over the strong powers in the negotiations framework; and the impact of the specific regional realities in each case, especially the respective threat perceptions as well as regional politics and balances of power.

In the case of Iran, the analysis reveals how Iran managed to gain the upper hand in the negotiations dynamic – steadily pursuing its program according to the principle of progress at maximum speed, but at minimum cost to itself in terms of harsh measures from the international community. While four rounds of UN sanctions were put in place over the period under

review, they suffered significant delays and were all watered down in order to accommodate the positions of all members of the Security Council. Iran began the process of dealing with the international community in 2002 from a relatively weak position, and gained strength as the process unfolded. The analysis focuses on the conditions that enabled Iran's success: the inability of the international community to bring its tremendous collective power into play in an effective manner to confront Iran, and the skillful manner in which Iran played the nuclear game.

With regard to North Korea, further along the road to a nuclear weapons capability than Iran, the pattern that emerged over the past decade is one of North Korea creating crisis situations in order to gain the attention of the US in particular, followed by attempts to pressure the other side into concluding a deal on North Korean terms. North Korea sought these deals for their economic benefits, with the nuclear program fulfilling the role of a reliable milking cow. North Korea has gained a reputation for backtracking and renegeing on deals that commit it to a process leading to disablement of its nuclear capability, and then coming back to the negotiations table; the prospect that it will give up this ongoing source of revenue is low. Although Pyongyang has set its sights on bilateral negotiations with the US – “nuclear state to nuclear state” – the latter has insisted on a regional framework in order to increase its leverage over North Korea. Indeed, since 2003, the regional context became part and parcel of efforts to curb its nuclear ambitions through the Six-Party Talks. However, regional talks have proven less effective than the US had hoped – additional concerns from neighboring states have overburdened the nuclear agenda, and the dynamic inevitably returns to the bilateral sphere.

The comparison of these two cases reveals two determined proliferators that have proven capable of keeping the international community at bay while advancing their programs, resisting all attempts to convince or coerce them to back down. The constraints on effective international action have played out differently in each case, due to differences in the international constellation of states as well as the behavior of each proliferator. The regional frame that was chosen for North Korea – a weak state surrounded by stronger neighbors – would be unthinkable as the context for dealing with Iran, which is a strong power surrounded by weaker adjacent states.

The study concludes with some lessons for dealing with future cases of nuclear proliferation. Among them: strong states are cautioned that when carving out a negotiations strategy, they should avoid regarding the diplomatic approach as “engagement” and “confidence-building,” or equating it with a “soft” approach. When the challenge is tough – as it necessarily is in the case of advanced and determined proliferators who have cheated on their international commitments – negotiations will be an exercise in hardball. A major structural imbalance in the negotiations setting that works to the advantage of the proliferator must be overcome by the strong states. This refers to the fact that the strong state negotiators are dependent on a negotiated outcome to achieve their goal, whereas the proliferators have no need for negotiations, and can proceed unilaterally to their goal of nuclear weapons. Steps must be taken by the international negotiators to make the proliferator more dependent on a negotiated outcome, to ensure that it is negotiating for the purpose of actually reaching a deal. This will most likely require strong pressure on the proliferator, and the negotiators must recognize that such pressure – sanctions, threats of military force, and similar measures – are not a separate track from diplomacy, but rather have a crucial role to play in the overall negotiations strategy. It must be recognized that time is on the side of the proliferator. The longer it takes to get to serious negotiations, the more progress will have been made that will then be difficult to reverse. Time wasted by the international community cannot be regained, and what yesterday was viewed as “inconceivable” is today the new starting place for talks.

The final section assesses more general implications for the future of nonproliferation efforts, especially in light of the exposed weakness of the NPT as a tool for stopping a determined proliferator. It assesses what has emerged over the past two decades as the real choice for states that wish to stop a determined proliferator that is cheating on its NPT commitment: military force or diplomacy. It looks at some implications, including the question of who decides which road to pursue.

Preface

This study of the decade-long diplomatic processes of trying to induce both Iran and North Korea to back away from their military nuclear programs and intentions covers the period from summer 2002 until late 2011. However, developments on both fronts continue to unfold, and with regard to Iran, at an accelerated rate. Therefore, as this manuscript goes to press, some additional comments on the most recent developments are in order.

As the prospect of a new round of negotiations between Iran and the P5+1 creeps back onto the agenda, there is a question whether this is an indication of Iran's intent to finally enter into a serious negotiation over its military nuclear ambitions, or whether it will prove to be a further instance of the recurrent pattern that has played out so many times over the past decade. Iran's offer to talk in fact looks very much like previous instances in which it displayed a more cooperative stance with the sole aim of warding off harsh measures, and with no intent to become seriously engaged in order to carve out a deal. At the same time, the level of pressure that Iran is currently experiencing from the international community is unprecedented. The US recently put in place sanctions that target its Central Bank, and the EU took a decision in January 2012 to impose an embargo on Iranian oil, to be fully implemented this coming July. As it moves its uranium enrichment activities to the underground facility at Fordow, Iran is also facing a new and greatly enhanced level of threats regarding possible military attack if it continues on the route of nuclear defiance.

Indeed, the dynamic vis-à-vis Iran since early 2012 may be entering a new phase, with Iran now operating under severe pressure. Some indications of how Iran behaves in this new setting have already surfaced, but their full impact remains to be seen. So far, Iran has been lashing out, making hasty threats and then pulling back, and found to be backing some sloppy and self-defeating operations, such as the plot to assassinate the Saudi ambassador to

the US on American soil, and the implicit support provided to the storming of the British embassy in Tehran in late 2011. Iran is asking for talks with the P5+1 while at the same time rebuffing cooperation with the IAEA.

Where these dynamics are leading is not yet clear, but some of the current commentary on the situation reflects the kind of skewed analysis that can result when the process of dealing with Iran is not considered in its entirety. Those highlighting the dangerous implications of the current situation, where threats could lead to entrenched Iranian positions and escalation, normally omit from their analyses that it was the poor handling of the Iranian crisis over the past ten years that enabled matters to reach the current level of tensions. Experts who claim that Iran's leaders will not back down in the face of pressure and should rather be shown a diplomatic path out of the crisis, forget the role that pressure has played in bringing Iran to this point. Before serious pressure came into play, Iran was steadily moving its program forward, and was showing no propensity to negotiate in good faith. This is the problematic dynamic that engendered the move to harsher pressure in the first place, without which Iran would never have agreed to a serious negotiation. Indeed, without pressure, it would not have been in Iran's rational interest to negotiate seriously, as its goal is to become a nuclear capable state, and negotiations will necessitate forfeiting that goal.

North Korea's nuclear program also came into sharper focus in late December 2011 with the death of leader Kim Jong-Il, and questions that emerged regarding the ability and intention of his son and successor Kim Jong-Un to continue on a similar path. But in late February 2012 initial concerns that the new leader might carry out some act of defiance – in the nuclear realm or in conventional terms – as a means of basing his leadership credentials, gave way to greater optimism, when the US and North Korea announced that they had reached an understanding in the nuclear realm. North Korea announced its willingness to suspend uranium enrichment and place a moratorium on nuclear and long-range missile tests, and the US pledged 240,000 tons of food aid. Significantly, a similar understanding was almost secured with North Korea just before Kim Jong-Il died. While this development is thus a positive sign of North Korean interest in possibly moving back to nuclear disarmament negotiations in the Six-Party format, much significant progress is required before that happens, including improvement in relations with Seoul. North Korea's concessions to the US

in return for food aid are not surprising, considering Pyongyang's consistent desire to negotiate directly and bilaterally with the US, the reversible nature of the commitment it made, and the economic basis for the understanding, which has been the linchpin of every deal that North Korea has made so far in the nuclear realm. Moreover, Pyongyang announced in mid-March that it intended to launch a satellite the following month to celebrate North Korean founder Kim Il-Sung's 100th birthday. The US and its regional allies believe that the launch is masking a ballistic missile test, and North Korea's going ahead with the launch could jeopardize the deal.

This memorandum aims to provide the basis for continued and informed assessments and analysis of the unfolding developments in both the Iranian and North Korean arenas.

* * * * *

A draft of this study was discussed at an INSS staff meeting in early November 2011 and I would like to thank the researchers for their comments. Special thanks go to Prof. Yair Evron, Dr. Anat Kurz (Director of Research at INSS), and Dr. Tamar Malz-Ginzburg, as well as to Dr. Alon Levkowitz for his detailed reading of the North Korean chapter. My thanks also go to Joseph Costa, who interned in the Arms Control and Regional Security Program at INSS in 2008. Finally, I am grateful to Merav Datan for her careful editing of the manuscript, as well as for some substantive comments on the text, and to Dr. Judith Rosen, INSS editor, for seeing it through to publication.

Emily B. Landau, March 2012

Introduction

The past two decades have seen the emergence of new nuclear proliferation challenges and exposed the weakness of the international instruments available to stop them. The threats associated with nuclear proliferation have been concretized by a number of Nuclear Non-Proliferation Treaty (NPT) violators, including Iraq, Libya, North Korea, Iran, and most recently, Syria. In parallel, it has become increasingly apparent that controlling the spread of nuclear weapons is no longer the exclusive domain of the international arms control and nonproliferation regime, with the NPT as its centerpiece. As a result of the failure of international instruments to provide effective means for stopping dangerous proliferators, nonproliferation efforts have by default moved to a new sphere. These efforts have become increasingly dependent on the ability of strong, self-appointed international actors to step in and intervene on a case-by-case basis in order to confront the nuclear ambitions of specific proliferators.¹

This development, with its far reaching implications for arms control thinking and practices, has demonstrated starkly that dealing with nuclear proliferation is at heart a political – rather than technical or legal – challenge for the international community.² Indeed, states' attempts to attain nuclear weapons pose dilemmas for the international community that are similar in nature to the dilemmas that would result from any manifestation of seriously threatening state behavior and thus, not surprisingly, have induced strong, self-appointed international actors to intervene in an attempt to respond to the threat. In other words, following the demonstrated weakness of the NPT as a tool for confronting a determined proliferator, the emerging reality is that each case of nuclear proliferation is confronted as a security challenge in its own right. While the NPT continues to provide important international justification and legitimization for states to take action against determined

proliferators, the action itself is occurring increasingly outside the NPT framework.

In their efforts to confront and control determined proliferators effectively, the states that choose to intervene must take into account an entire range of context-related factors of political and strategic nature in order to increase the likelihood of success. These include the profile of the proliferator – its motivations, goals, level and rate of nuclear development, and behavior in international forums – as well as the regional realities within which the proliferating state exists and operates. Equally important are factors relating to the intervening powers: their interest and determination to step in and commit to this goal over the long term, and their ability to gain the upper hand in the dynamic that unfolds vis-à-vis the proliferator.³

A critical question for states that decide to confront proliferators is which course to pursue in order to be most effective. From the range of strategies available to these states, this study focuses on the diplomatic track, understood as various forms of dialogue and negotiations, including offers of inducements as well as pressure through economic sanctions and even attempts to delay the program through covert acts of sabotage. In short, diplomacy comprises all measures short of overt military force that might convince or coerce the proliferator to reverse course, and it therefore necessitates a thorough understanding of the proliferator's motives and potential points of leverage. Failure to adopt this comprehensive concept of diplomacy might lead to ill-informed decision making and ineffectual measures that the proliferator can easily exploit or dismiss as toothless.

The overall purpose of this study is to contribute to the understanding of diplomatic strategies as a means for confronting determined proliferators: which approaches are both desirable and realistically feasible. The specific case studies of Iran and North Korea will be examined in a comparative framework, with attention to the diplomatic strategies and initiatives that were devised and implemented by strong international actors in their attempts to curb the military intentions of these two prominent proliferators over the decade beginning in 2002 – when both crises erupted almost simultaneously – through the end of 2011. While North Korea experienced a significant crisis and ensuing negotiation with the United States in the early 1990s as well, this will not be at the forefront of the present analysis. At the time of this writing, the diplomatic process in both cases is ongoing.

The grounds for a comparative analysis are strong. Both North Korea and Iran emerged as major nuclear proliferation concerns in the post-Cold War years. Significantly, both were members of the NPT at the time that they began to draw serious international concern as nuclear proliferators, and both were, and still are, strongly suspected of (if not assumed to be) conducting secret nuclear activities in violation of their commitments. In both cases strong international actors stepped in and assumed the role of primary negotiators in light of growing indications that the NPT was proving to be an ineffective tool for dealing with the ambitions of determined proliferators. The strong states' goal was to convince these proliferators to reverse course and reinforce adherence to their NPT commitments.

In addition to the similarities, however, analysis of each case exposes important differences as well. North Korea was further along in the nuclear game, having already achieved a small nuclear capability, and at times an agreement seemed to be within reach. Military force was not on the agenda in light of severe regional implications,⁴ not to mention North Korea's acquisition of enough fissile material to produce a number of nuclear devices. In contrast, a bargain with Iran remained a distant goal, even though Iran did not achieve a military capability during the period under review. The highly adverse implications of Iran actually becoming a nuclear state have been amplified by ever-increasing evidence that it is approaching its goal and by the unsuccessful outcome of several rounds of negotiations between Iran and various combinations of strong states. As a result, the military option continued to feature in debates over how to proceed in this case, albeit with shifting degrees of prominence and an overall low probability of action by either the US or Israel during the decade under review.

The strong powers involved in the effort to stem the nuclear ambitions of both Iran and North Korea have repeatedly declared their preference for dealing with these proliferators through diplomacy rather than military force, which (at least in the case of Iran) they maintain is a last resort only. Successful diplomacy and negotiations, however, require more than merely stating a preference for talks over military action. Actual success would require these powers to formulate a clear strategy for conducting negotiations, with the understanding that diplomacy is anything but "soft" or "easy." Indeed, it is probably the most difficult policy to pursue when facing a determined proliferator. The intervening states must appraise their

own interests and goals in relation to the interests and negotiation strategies of the proliferators. They must have a clear idea not only of what they would like to achieve, but also of what they can realistically achieve. Any genuine effort requires initiative and resolve, coordination of approach among the strong actors, and a firm and lasting commitment to nonproliferation as the primary aim. These goals are by no means easy to achieve.

This study examines and assesses the efforts of the past decade by focusing on the diplomatic strategies that were tailored in response to each of the two proliferation challenges. It compares the negotiation processes, with attention to the proliferators' motivation and the nuclear games they played; the strategies and skills of the strong powers that confronted them (their degree of commitment to negotiations, their degree of influence over the proliferators, and the goals they were seeking to advance); the degree of leverage that the proliferators themselves had over the strong powers in the negotiations framework; and the impact of the specific regional realities in each case, particularly the respective threat perceptions, regional politics, and balance of power.

The comparison is designed to demonstrate that even under similar conditions with regard to the proliferators' activities, each case of proliferation emerges as a unique security challenge that must be confronted on its own terms, with diplomatic strategies fashioned accordingly. Nevertheless, perhaps some general guidelines for approaching determined proliferators can be derived from these respective experiences. Ultimately, the goal is to draw on the lessons that can be gleaned from these two salient cases in order to assess how the prospects for successful negotiated outcomes might be enhanced. Conversely, a question that remains open throughout is whether the structural advantages that determined proliferators enjoy in dealing with the international community through diplomatic processes inherently undermine negotiation efforts to the extent that they become an exercise in futility. The implications for the future of nonproliferation efforts will be assessed in this light.

Efforts to understand and improve diplomatic strategies for confronting determined proliferators are important not only in order to enhance the prospects of ultimately curbing the nuclear ambitions of Iran and North Korea. The relevance of these efforts stems from the assessment that until new and more effective arms control and nonproliferation mechanisms are

devised and implemented (at the global and/or regional level), what occurred in the cases of North Korea and Iran will likely be repeated in future cases of nuclear proliferation. Moreover, with Iran's advancing nuclear program, motivation among additional states in the Middle East to pursue their own nuclear capabilities in the near future cannot be discounted.

Chapter 1

Setting the Stage: Post-Cold War Nuclear Challenges and Responses

New Proliferators, New Arms Control Directions

The end of the Cold War signaled the end of a period of more than 40 years during which the primary focus of nuclear arms control was the stabilization of the US-Soviet superpower mutual deterrent relationship. Any concerns about proliferation to additional states were raised within the overriding conceptual framework of the Cold War. In the post-Cold War years, the US-Russian context undoubtedly continues to constitute an ongoing challenge for arms control efforts, as evidenced by the Strategic Offensive Reductions Treaty (SORT) agreement of May 2002, the ongoing controversy over US and North Atlantic Treaty Organization (NATO) plans for missile defense in Europe, and the prolonged process of renegotiating the 1991 Strategic Arms Reduction Treaty (START) agreement, which expired in December 2009 and was renewed only in April 2010. Simultaneously, the bilateral framework actually lost much of its centrality because threat perceptions regarding nuclear weapons have changed. Focus has shifted to new, dangerous, and determined proliferators, with increasing concerns over the prospect of nuclear terrorism.

In the post-Cold War world, three recurring proliferation challenges have assumed center stage: Iraq, Iran, and North Korea. In the early 1990s Iraq was the primary source of concern, joined briefly by North Korea until the Agreed Framework was concluded bilaterally with the US in 1994. Iran emerged as a more significant nuclear proliferation concern in the mid to late 1990s among Western intelligence services and Israel, but it took some time before the wider international community showed a similar degree of

concern. Libya arguably became a generally recognized nuclear proliferation concern primarily only after the threat was successfully contained. Libya agreed to give up its weapons of mass destruction (WMD) programs in a deal concluded with the US and Britain in December 2003. Until then it had not been in the public eye to anywhere near the extent of the other three cases, and its nuclear threat was the least developed aspect of its WMD activities.¹ To these state proliferators, one must add the challenge posed by the secret and illicit nuclear network run by A. Q. Khan. This black market for nuclear information, plans, and technologies – exposed in the wake of the deal reached with Libya, with further information thereafter provided by Iran – assisted North Korea and Iran as well as Libya in the nuclear realm, and has added significantly to the danger of nuclear proliferation worldwide.²

Shortly after 9/11, North Korea, Iraq, and Iran were explicitly named by US President George W. Bush in his State of the Union address of January 2002 as states that constitute an “axis of evil” and pose a threat because of their WMD ambitions and activities.³ These three cases indeed became the primary focus of proliferation concern in the new millennium, and it soon became clear that the nonproliferation rules of the game from the Cold War years were no longer relevant in the face of these new challenges.

The response to Iraq’s suspected WMD activities and ambitions, which were addressed by military force in 2003, played a major role in shaping the strong preference for diplomacy that prevails in confronting the nuclear ambitions of both Iran and North Korea, especially since the latter half of 2003. Although President Bush in his January 2003 State of the Union address, well before the Iraq War, already laid out his rationale for pursuing different strategies with regard to each of the three suspected proliferators,⁴ the decision to go to war in Iraq starkly exposed the divergent (almost diametrically opposed) views of the US and Europe as to the best way of dealing with suspected WMD programs. Later interpretations of the war as a failure – based on faulty intelligence regarding WMD in Iraq – reinforced the case for pursuing diplomatic rather than military strategies in the remaining two cases. Indeed, since 2003, following the developments in 2002 that triggered international concern regarding both Iran and North Korea, the approach adopted in each case has been diplomacy, which has consistently and overwhelmingly been regarded as the preferred means for convincing each state to reverse course.

The NPT: Cracks in the System

During the Cold War years, when the major concern was vertical nuclear proliferation in the context of the US-Soviet superpower relationship, horizontal nuclear proliferation concerns (namely, the spread of nuclear weapons to additional states) were addressed through international treaties, most importantly the NPT, which entered into force in 1970. The limitations of the NPT as a tool for stemming proliferation came into sharp focus only much later, in light of the ongoing and intensive international attempts over the past decade to curb the nuclear ambitions of Iran and North Korea. However, in retrospect, it is apparent that the treaty was structurally handicapped from the outset.⁵ Because the NPT, given the very different international realities that prevailed at the time, was not designed with dangerous proliferators like Iran and North Korea in mind, its provisions were not geared to seeking out and stopping suspected defectors.

This interpretation can be inferred from the treaty's lack of precise criteria for dealing with these suspicions when they arise.⁶ In fact, the prevalent assumption during the late 1960s was that non-nuclear-weapon states (NNWS) would simply accept that it was in their interest to maintain this status. If a country did decide to pursue nuclear weapons, the assumption apparently was that it would have legitimate security reasons (in the form of "extraordinary events" that "jeopardized the supreme interest" of the country), and would then legally and legitimately withdraw from the treaty.⁷ The treaty's formulators appear not to have seriously considered the possibility that years later, having benefitted from the access to nuclear science and technology guaranteed by the treaty, states with illegitimate aims could exploit the right they were given to work on the nuclear fuel cycle as well as the treaty's withdrawal mechanism, in order to develop a dangerous and threatening nuclear weapons program. While the failure to predict such potential for abuse of the treaty is logical in the context of the perceptions and reality of the time, it nevertheless had adverse implications down the road.

Any critique of the NPT as an effective tool for preventing proliferation should not be understood as a negation of the treaty itself. In fact, the NPT has had tremendous normative value over the years, especially in creating a standard to which states can aspire in the nuclear realm. However, for about 30 years, the NPT depended to a large extent on the de facto acceptance of

the states parties that nuclear weapons are an inherent cause of insecurity in the international arena; much less attention was devoted in general to the prospect that states may nevertheless develop an interest in developing nuclear weapons.⁸ It is not clear what role the NPT actually played in keeping the number of nuclear proliferators relatively low over the years, and this question has been the subject of some debate. Yet the very fact that only a relatively small number of states developed nuclear weapons in the years since the treaty came into force appeared to provide circumstantial evidence that the NPT was working. This situation helped deflect attention away from the treaty's inherent deficiencies in detecting and confronting a determined and dangerous violator if and when one emerged.

Generally speaking, when an arms control agreement or treaty focuses exclusively on the denial of capabilities, a state that decides that it does want such a capability – in this case nuclear weapons – will almost invariably find a crack in the system to serve its needs. Because the NPT never focused on proactively minimizing the motivation to proliferate, the cracks in the treaty are rather wide. Arguably, therefore, in addition to weakening the NPT with their activities, the new proliferators have in fact exposed preexisting weaknesses.⁹

Even if improvements to the NPT were introduced at this time, it is difficult to envision that they would successfully address and repair the basic weakness in its logic and transform it into an effective nonproliferation tool, especially in time to deal with Iran and North Korea.¹⁰ Moreover, US President Obama's nuclear disarmament agenda has encouraged a tendency to place blame on the nuclear-weapons states (NWS) parties to the NPT for the new proliferation problems that have arisen to challenge the treaty. The reasoning behind this approach is that the NWS have not done enough over the years to uphold their own NPT commitment to disarm, thereby creating an unsustainable double standard in the nuclear realm.¹¹

However, arguing that the NWS have little moral standing to make demands of the non-nuclear-weapon states has had the unfortunate side effect of reinforcing a misleading argument, whereby if the NWS would only do more to reduce their own arsenals, they would be better equipped to confront determined proliferators. The idea is that such an act would somehow reduce the proliferators' motivation to pursue nuclear weapons, or at least increase the support of other NNWS for efforts to confront the few rogues more

harshly. This reasoning is flawed on both counts. The new determined proliferators, while happy to employ the double standards argument rhetorically to ward off pressure, in reality have other, more significant, reasons for pursuing nuclear weapons, unrelated to disarmament trends among the NWS. Moreover, the motivation of states to face proliferators with determination does not depend on the degree of support these efforts enjoy on the part of the non-nuclear states. Rather, as this study demonstrates, the states that have actually intervened in order to confront determined proliferators – which primarily have been nuclear-weapons states – are constrained by the effects of their own conflicting strategic and economic interests. Dealing more effectively with the new proliferators means dealing with these realities directly, which has proven virtually impossible through the NPT in its current form. At present, therefore, while many states readily adhere to the nonproliferation goal, the actual tools to achieve this goal remain sorely insufficient.¹²

In light of the inherent and ongoing deficiencies of the NPT, the question of who will ensure that nuclear weapons do not continue to spread is of utmost importance and still lacks an answer. Who should take charge if international treaties cannot meet the challenge? The answer to this question has been evolving over the past 15 to 20 years, as the world struggles to confront some very determined proliferators. In the absence of any clear decisions on this issue, the dynamic developing on the ground is that strong powers appoint themselves and assume a leading role in confronting the proliferators. Some states have become involved by virtue of being permanent members of the UN Security Council, but not in a consistent manner, and with varying degrees of commitment. Nevertheless, the strong world powers – mainly, the US, some European states (especially France, Britain, and Germany, collectively known as the EU-3), Russia, and China – are very likely to continue playing a prominent role in forging new diplomatic strategies for compelling states to step back from the nuclear brink.

The reduced reliance on the nonproliferation regime as the primary tool for confronting proliferation problems underscores a similar move away from a “one strategy fits all” approach to nonproliferation and disarmament. As such, it is a sign not only of the weaknesses of the particular international treaties in question, but indeed of the very logic that underlies them: namely, that all states can be dealt with effectively by the same disarmament

commitment, without regard to the specifics of each case. Once strong states began to step in to fill the void, their behavior and ongoing interaction with the proliferators serve to highlight the unavoidable priority of addressing the unique context of each case.

As the complexity of new proliferation challenges increases, the need to forge new arms control and nonproliferation approaches will become increasingly pressing. If additional states shun their NPT commitments, handling new proliferators will become increasingly difficult. These important topics will be considered further in the concluding chapter of this study.

Diplomacy: The Strategy of Choice after Iraq

When strong states take it upon themselves to intervene to prevent a determined proliferator from acquiring a nuclear weapons capability, they have a choice between two basic approaches: diplomacy/negotiations or military force. Each broad term in turn encompasses different options. Diplomacy can be weighted more in the direction of inducements (carrots), or it can emphasize punishment in the form of sanctions (sticks). Military action also covers a wide range of possible steps, from blockades to limited strikes and all the way to war. The focus of this study is the entire range of diplomatic tools short of any manifestation of military force.

This section describes the atmosphere within which diplomacy emerged as the dominant approach for confronting suspected nuclear proliferators following the war in Iraq. The specifics of that case, which involved massive military force employed by the US in what was widely perceived as unilateral aggression, proved to be highly significant in influencing the nature of future efforts, especially when no WMD were found in Iraq. Given the central role that the US has played in both the Iranian and North Korean cases, a critical assessment of the predominant perceptions of US unilateralism during 2002-2003, in the lead-up to the Iraq War, provides a fuller backdrop for understanding the context of subsequent US policies vis-à-vis Iran and North Korea.

The framing of the situation leading up to the US decision to take military action against Saddam Hussein's Iraq pitted the US and Europe against each other regarding the best strategy for addressing the strong suspicions of WMD in Iraq, which at the time the Europeans tended to agree was a real threat.

Central to this debate were the notions of unilateralism and multilateralism. Academics and media commentators alike often hinged their analyses of the situation on a dichotomous portrayal of US determination to advance unilateral action, as opposed to Europe's commitment to multilateralism, anchored in international institutions and United Nations decisions. The US under the new Bush administration was regularly accused of blatant disregard for the views and positions of other states in the international system and its propensity to exploit its vast military power in ruthless pursuit of its own unilateral agenda.

The discussion at times took the unilateralist tendency ascribed to the US to the next level, and portrayed the US as a full-fledged neo-imperialist entity. US attempts to confront global terrorism and non-conventional threats, especially after 9/11, contributed to this perspective. Moreover, the notion of preemption in particular – as formulated in the US National Security Strategy (NSS) of September 2002 – was perceived by many as the emerging organizing principle for US security policy in the new administration. It became a key component underpinning attempts to portray the imperialist interpretation of the ostensible new US direction as an outgrowth of its dealings with WMD proliferation threats.¹³

However, in their rush to characterize these new trends, proponents of this view missed some important nuances in the US approach. For example, the multilateral tendencies of the Bush administration were already apparent before the Iraq War and became even more pronounced in the aftermath of the initial military campaign.¹⁴ Moreover, they overlooked the important distinction between unilateralism and leadership. Differentiating between these concepts could have engendered a more balanced consideration of the new US approach, acknowledging US action as taking the lead in confronting new post-9/11 security threats, rather than as uncontrolled attempts to dominate the international agenda. Leadership would certainly ascribe prominence to US positions on arms control. However, rather than implying blatant disregard for the positions of others, it implies that the US also seeks to convince others to join its efforts. The US Proliferation Security Initiative (PSI) announced by Bush in late May 2003 supports such an interpretation: the US led the initiative, which was multilateral in nature, and tried to encourage as many states as possible to participate. Moreover, Europe's own bid for multilateralism was not necessarily less

of a play for international influence than positions assumed by the US. Support for multilateralism could be interpreted as Europe's way of carving out more space for itself on the international scene. In other words, the unilateral/multilateral debate might actually have been an expression of the US/European rivalry over global influence.

In addition, the US position, even as formulated in the NSS, was more nuanced than suggested in neo-imperial analyses, and while it could be interpreted as providing justification for an attack on Iraq, it was certainly not a green light for waging war in all cases. In fact, US behavior during the pre-war period was characterized more by confusion over the best way to address new challenges to its security than by any clearly developed unilateralist or imperialist tendency. This confusion is evident in the lack of consistency within the US approach and changes of policy as the US sought to identify the new rules of the game in dealing with nuclear proliferation in the post-Cold War world.

Three examples help illustrate this point. The first dates back to the pre-9/11 period when Bush decided to withdraw unilaterally from the Anti-Ballistic Missile (ABM) Treaty because it interfered with his plans for a national missile defense program (NMD). While this was clearly a unilateral step, there was no indication of emerging imperialist intentions; if anything, it was a move in the direction of US isolationism. The second example regards a stark shift in US policy that took place within a single year: in his 2002 State of the Union speech Bush aligned Iran, Iraq, and North Korea together on an "axis of evil" – implicitly underscoring only their overriding similarities – whereas in his State of the Union address the following year, he offered a more nuanced rationale that explicitly spelled out a different approach to be taken to each of the three cases. Finally, the various documents that presented the new US approach to WMD proliferation over the course of 2002 lacked internal consistency. While the NSS argued the case for preemption and prevention, the National Strategy to Combat Weapons of Mass Destruction – released a mere three months later, in December 2002 – established a three-pillar approach, with the second pillar entitled "nonproliferation." The content of this pillar was strongly grounded in the traditional global nonproliferation tendencies and principles of the time.¹⁵

Overall, important evidence exists of US efforts during the Bush presidency to secure wider international legitimacy for the new directions

that these administrations believed must be pursued in light of the changing nature of proliferation and terrorism threats. In retrospect, it seems that accusations of aggressive unilateralism were based more on fears of the potential of the US to act unilaterally in light of its overwhelming military strength than on a sober analysis of its actual behavior and emerging policy choices.

Yet despite the grounds for a far more nuanced assessment of US policy, the overwhelming perception in the West at the start of the new millennium was of US unilateralist and militaristic tendencies, and the public outcry against this perceived posture was quite strong. When no WMD were found in Iraq, those who had argued against the use of force felt vindicated. Their case instantly gained more legitimacy, and the unequivocal rejection of military force became the dominant public sentiment.

Indeed, the case for diplomacy as opposed to military force emerged virtually unchallenged as the strategy of choice after the invasion of Iraq. The international atmosphere following this invasion left little room for debate within the US and Europe over the best approach for dealing with Iran and North Korea. The US position was likely strengthened by the lessons of its military intervention in Iraq, although, as noted, from the start Bush had not been predisposed toward military force beyond Iraq and had envisioned different strategies for each of the major proliferation challenges. The EU, for its part, already held diplomacy as its longstanding strategy of choice. Moreover, the US and Europe apparently concurred that the military option should be left “on the table” regarding Iran, in order to give the diplomatic approach some teeth.

Interestingly, the situation was quite different from the perspective of the proliferators themselves. For these states, the impact of the war in Iraq was very strong, and combined with the prevailing rhetoric regarding Bush’s proclivity toward military force, the Iraq experience elicited fears that they could be the next target of US aggression. Indeed, this fear probably explains the alleged Iranian offer of negotiations that was relayed to the Bush administration via the Swiss ambassador to Iran in May 2003¹⁶ and contributed to Libya’s decision to declare and renounce its WMD program at the end of the same year. If Iran indeed made such a gesture, the US presumably rejected the offer because at the time it was not interested in a grand bargain with Iran; its goal was, rather, to compel Iran to uphold its

NPT commitment not to develop nuclear weapons. The US did not, however, reject the diplomatic track per se. As for North Korea, during the course of 2002 it also voiced concrete fears of a more hostile US stance that could lead to attack.

The public fervor surrounding the Iraq War contributed to a rather one-sided nonproliferation debate that engendered skewed assessments of the US approach to proliferation challenges for the next six years of the Bush presidency. With all of his support in practice for diplomacy with regard to both Iran and North Korea, President Bush could not shake the hard line unilateralist image. However, the analysis of US decision making in the following chapters reveals that policy decisions actually reflected the administration's ongoing search for the proper response to the dangerous new proliferation trends that emerged after 9/11. Rather than pursuing a well-developed unilateralist or neo-imperial global agenda, the US, together with Europe, was very much groping in the dark.

Although Bush's hard line image remained steadfast, by about 2005 the unilateral/multilateral discourse that was so prominent prior to the Iraq War had for the most part disappeared. Moreover, it became clear that despite negative European attitudes toward Bush, the US and Europe held similar views regarding the danger posed by Iran, including the most appropriate way to address its nuclear activities. Finally, after the US allowed the EU-3 to take the clear lead on negotiating with Iran from 2003 to 2005, it would have been more difficult to accuse the US of unilateralism.

Interestingly, the conceptual framework of unilateralism vs. multilateralism that proved so central to policy debates regarding Middle East proliferators was not transported to Northeast Asia. Indeed, except for its participation in the Korean Peninsula Energy Development Organization (KEDO), Europe declined any involvement in this case and seemed perfectly content to allow the US to pursue whatever course it desired. There was little to no wider public debate on the best strategy for confronting North Korea. Indeed, it was the US that insisted on a multilateral regional framework for discussions with North Korea, thereby rejecting North Korea's keen desire to negotiate with the US bilaterally.

After mid-2007 a shift occurred with regard to the military option as well. The question of military force began to creep back into discussions on Iran following the failure of negotiations and the realization that Iran

had continued to push ahead full force with its nuclear program, even in the face of (at the time) two separate UN Security Council resolutions on sanctions. While diplomacy remained the firm strategy of choice, as it became increasingly clear that Iran was advancing toward a military nuclear capability – and the choice increasingly appeared to be between “bombing Iran” and “accepting Iran’s bomb” – the military option was no longer rejected out of hand.

A final point is that the long shadow that the Iraqi case cast over nonproliferation efforts means that it will remain in the background of every new case of suspected proliferation that emerges in the foreseeable future. This effect, however, is attributable less to the use of military force per se, and more to the use of the Iraqi example as the ultimate intelligence failure regarding evidence of nuclear proliferation. Since the experience with Iraq, it has become much more difficult to make a strong case that a state poses a clear proliferation concern without evidence of a smoking gun. Nevertheless, the more time that passes, the less potent this image will become. By 2011 indications emerged of a more balanced approach that noted improvements in US intelligence assessments following the failure in Iraq, thereby rendering new intelligence estimates more reliable.¹⁷

The following two chapters depart from the debate over Iraq and shift attention to the primary focus of this study: assessment of the actual negotiations and diplomacy that were pursued over the past decade with regard to Iran and North Korea. Developments in these two case studies will be traced from 2002, when the two crises erupted in close temporal proximity (in August and October, respectively) and each proliferator was confronted with evidence of its undeclared nuclear activities.

Chapter 2

Confronting Iran

While the roots of Iran's nuclear program date back to the late 1950s, work on the program began in earnest in the 1970s under the rule of the Shah, Mohammad Reza Shah Pahlavi. Following the 1979 Islamic Revolution, the regime that came to power and established the Islamic Republic of Iran initially rejected the program on the grounds that it was inconsistent with the precepts of Islam. However, the war with Iraq that erupted in 1980 convinced the regime otherwise, and the program was restarted in the mid-1980s with the help of A. Q. Khan, the "father" of Pakistan's nuclear program. Presumably, Iran's goal was to advance quickly toward the development of nuclear weapons in order to be better equipped to face its primary nemesis, Iraq.¹

While Western intelligence services, the US, and Israel began expressing increased concern in the 1990s regarding the possible military dimensions of Iran's nuclear program – with attention directed mainly to the dangers that could emanate from the facility at Bushehr – broader international interest and concern was sparked only in the summer of 2002. In August 2002 the exiled Iranian opposition group National Council of Resistance of Iran (NCRI) revealed at a press conference in Washington, DC that they had evidence of the existence of two undeclared nuclear facilities in Iran: at Natanz (a uranium enrichment plant) and Arak (a heavy water production plant). These revelations led to an investigation by the International Atomic Energy Agency (IAEA) beginning in February 2003, and following that, to the intensive international attempts to curb Iran's nuclear ambitions that have unfolded since then.

Iran's Nuclear Drive

Why is Iran striving to achieve a military nuclear capability? The answer to this question has evolved over the years, as shifts have occurred in the perceived need for a military nuclear program. In the 1980s the program was aimed at enhancing Iran's ability to confront the Iraqi enemy in the longstanding Gulf rivalry, but the current crisis has revealed additional motivations, from security-based concerns that shifted primarily to the US (especially after it defeated and occupied Iraq) to issues of national pride. Indeed, Iranian national pride over mastering uranium enrichment technologies and completing the nuclear fuel cycle has become an important issue in itself. This (not necessarily military) aspect of Iran's nuclear program, which enjoys widespread public support, has become virtually non-negotiable for a broad political and public spectrum in Iran, and gains external support primarily from non-aligned movement (NAM) states that are happy to see Iran defy the West.

However, the factor that has risen to the top of Iran's agenda since the current nuclear crisis erupted in 2002 is Iran's regional hegemonic aspiration. Iran seeks regional primacy and the greatly enhanced status that comes with nuclear weapons. Nuclear status would help Iran cement its ability to strongly influence if not to dominate regional politics. Despite the extremely harsh rhetoric directed toward Israel, the latter is most likely not Iran's primary concern in the nuclear realm. Israel is better understood as part of Iran's broader regional designs, with anti-Israel muscle flexing providing a well-established means of finding favor with large segments of Arab public opinion.

Iran's hegemonic tendencies are manifest not only in its dangerous meddling in regional affairs, as evidenced by Hizbollah activities in Egypt, Iran's arms supplies to Syria, Hizbollah, and Gaza, and its behind-the-scenes role in the Second Lebanon War and Operation Cast Lead. Indications of its regional aspirations are also discernible in its concerted efforts in recent years to improve relations with other regional players, especially Egypt and Arab Gulf states, in an attempt to gain their support and cooperation. Iran's coalition-building efforts, which extend beyond the Middle East as well, reflect the leadership's understanding that ruling the region requires more than hostile displays of power; regional prominence also depends on a measure of regional acceptance of Iran in this role. In this respect, however,

Iran's achievements have been limited. While opposition to Israel constitutes a minimal common interest on which to build better Iranian-Arab relations, there is little evidence that the Arab states of the Middle East (at least until the upheavals of 2011 and most likely in the new Middle East as well) would be willing to accept Iran in a hegemonic leadership role. Moreover, the less benign expressions of Iran's regional designs as these affect Arab states – namely, its ongoing squabble with the United Arab Emirates over the sovereignty of three small islands, sporadic references to Bahrain as part of Iran, and perceived attempts to arouse Shiite sentiments from the Persian Gulf to the Maghreb (Morocco severed diplomatic ties with Iran in March 2009 on this basis) – have demonstrated the kind of resistance that Iran will face from many states in the region.

The analysis presented here of Iran's nuclear goals assumes that Iran indeed harbors military ambitions in the nuclear realm and that it has advanced the military dimension of its program since at least the mid-1980s. This assumption has, of course, been a highly disputed and contentious issue for much of the current crisis, and the inability to present clear-cut evidence in this regard has had a profoundly negative impact on the effectiveness of international efforts to check Iran's nuclear advances. Attempts to expose indisputable evidence that Iran indeed has military intentions – namely, finding the proverbial “smoking gun” – have featured prominently in the diplomatic process since 2002. But lack of success in this regard, especially early in the process, slowed down the pace of efforts to confront Iran and undermined international determination. Doubts were also fueled by Iran's own adamant and persistent assertions that its program is for civilian purposes only – primarily for generating electricity – and that it has never intended to develop nuclear weapons.

Because the focus of this study is the set of strategies that have been employed in dealing with Iran, rather than in-depth assessment of the nature of its program, it is not the place for a detailed examination of the relevant evidence that has surfaced over the years regarding Iran's potentially military nuclear activities. Nevertheless, given the impact of this question on the nature and effectiveness of international efforts to prevent Iran's acquiring a nuclear weapons capability, certain developments must be considered. In particular, a review of significant events that either increased the certainty or generated doubts regarding Iran's pursuit of nuclear weapons is essential

for understanding the positions adopted by the strong international players involved in this process.

Estimates of Iran's intentions and progress in the military realm over the years have not been devoid of political considerations, which further complicate this inquiry. In fact, there is nothing absolutely "objective" about these assessments,² even in the case of the IAEA (as reflected in the Director-General's reports and numerous statements), despite this organization's purely technical and apolitical mandate.

In its role as the "nuclear watchdog," the IAEA has never announced that it has definitive evidence that Iran is pursuing the development of nuclear weapons. Although Iran's ongoing uranium enrichment activities have aroused serious and steadily increasing concern within the international community since the beginning of the current crisis, former IAEA Director-General ElBaradei resisted this conclusion. At times he even displayed a tendency to play down incriminating evidence, such as the razing of Lavizan-Shian in 2004, before the IAEA could inspect the site.³ In early 2006, the IAEA finally decided to refer Iran to the UN Security Council with the recommendation that Iran cease its uranium enrichment activities, which were arousing concerns within the international community. This referral drew on the September 24, 2005 Board of Governors resolution, which found that Iran's failures and breaches of its obligation to comply with its Safeguards Agreement indeed constitute "noncompliance." Nonetheless, a firm message of noncompliance was certainly not a prominent refrain in IAEA reports over the years.⁴

Although no smoking gun evidence of Iran's nuclear activities was produced, increasingly incriminating evidence mounted rapidly – especially since 2008 – indicating that there was a military dimension to Iran's nuclear program. Indeed, by late 2011 there were firm grounds for the assessment that Iran intends either to produce nuclear weapons or to achieve the capability to proceed quickly in that direction whenever it perceives the need.⁵ Iran was working on the three main components of a military nuclear capability: production of fissile material (compiling stocks of low enriched uranium at Natanz that can later be enriched further and pursuing plutonium production at Arak), a delivery system (its ballistic missile program), and weaponization (strong indications of research and tests relevant to the development of a nuclear warhead).

Significantly, since 2008 strong indications of the military nature of Iran's activities have come from the IAEA itself. The initial evidence that was made public in early 2008 exposed an internal disagreement within the organization between former Director-General ElBaradei and his deputy at the time, IAEA Director-General for Safeguards, Olli Heinonen. On February 25, 2008, Heinonen convened a special closed-door meeting of the 35-member board of the IAEA to present new evidence that the IAEA had acquired in the preceding months from the intelligence services of a number of states. In an unusually strong statement, Heinonen was quoted in the media as saying that the research carried out by Iran, according to the newly acquired documents, was not consistent with any application other than research into the development of a nuclear weapon.⁶ During the summer of 2009, the existence of a so-called "secret annex" to the IAEA reports on Iran, which ElBaradei had refused to include in his published reports, came to light. Apparently, this secret annex contained all of the evidence that the IAEA had compiled over the years regarding Iran, including the evidence referenced by Heinonen in his report in early 2008.⁷

The revelation in September 2009 that a uranium enrichment facility exists near Qom was another strong indication of Iran's intentions. With room for only 3000 centrifuges, this well-hidden facility could not replace the activities at Natanz if indeed this larger facility were attacked (which was Iran's initial explanation for the construction of a second facility), but could logically serve as a site for clandestine high-level uranium enrichment for the purpose of producing nuclear warheads.⁸ Toward the end of 2009 there were additional reports that Iran had a four-year plan for working on a neutron initiator, a significant hurdle on the road to developing a nuclear warhead.⁹ In early February 2010, Iran began enriching uranium to a level close to 20 percent, and in its February 18 report on Iran – the first one produced under the new IAEA Director-General, Yukiya Amano – the IAEA, on the basis of all the evidence at its disposal, for the first time asserted its suspicions not only of past weapons-related work carried out by Iran, but also possible current undisclosed activities to develop a nuclear payload for a missile. This strongly worded report effectively overturned the conclusions of the controversial November 2007 US National Intelligence Estimate (NIE), according to which Iran had most likely ceased weapons-related work in the nuclear realm in 2003.¹⁰ After several additional relatively harsh

periodic reports on Iran, in September 2011 Amano announced his intention to circulate to IAEA member states some of the latest data suggesting that Iran was developing a nuclear warhead.¹¹ Another significant development in 2011 was Iran's decision to move production of its 20 percent enriched uranium to the underground fortified facility near Qom, while pronouncing that it would increase the output by threefold.¹²

All of these developments supported the conclusion that an Iranian military nuclear capability – whether it was to remain threshold or fully weaponized, explicit or ambiguous – was a *fait accompli*. While some commentators continued to emphasize lingering doubts, claiming that Iran might not be as advanced as it seemed, for many others the level of certainty was nearly absolute.¹³

On November 8, 2011, certainty about Iran's military nuclear ambitions received additional reinforcement. In line with the statement he had released in September, the IAEA Director-General included in his periodic report on Iran a comprehensive 12-page annex on “possible military dimensions to Iran's nuclear programme.” It included all of the information the organization had received from more than ten states – information it had checked, examined, verified, and found to be generally credible.¹⁴ While much of the information in the annex had already been included in previous IAEA reports or reported in the media, the manner in which it was presented in this report was significant, making it a watershed event and an irreversible point of reference regarding Iran's military ambitions.

The information that the IAEA presented came from multiple sources: state intelligence, data from scientists' visits to Iranian facilities, publications from open-source research, interviews and discussions with individuals who had helped Iran (including a leading figure in the secret nuclear supply network), interviews with defectors, and satellite imagery. The report also mentioned work carried out at Parchin, a military facility located about 30 km from Tehran, which Iran had not permitted IAEA inspectors to visit since 2005. Additionally, Iran had conducted experiments and computer simulations related to detonation systems and explosions. Around the time of the release of the IAEA report, the media reported that Iran had received help from a key Russian expert, Vyacheslav Danilenko, as well as North Korea and A. Q. Khan, who had supplied design plans for the neutron initiator. According to a summary provided by David Albright, President

of the Institute for Science and International Security, IAEA officials had concluded that Iran had “sufficient information to design and produce a workable implosion nuclear device,’ using highly enriched uranium as its fissile core.”¹⁵

International Efforts to Stop Iran

The international community’s response to Iran’s nuclear activities since 2002 comprises a complex set of dynamics in which different actors have taken the lead at various junctures, relying on different types of evidence, pursuing different routes, and even having somewhat different goals in mind.

In line with NPT stipulations, the IAEA took the lead at the initial stage in an attempt to assess the information revealed in 2002, and it remained the dominant player until the summer of 2003, when Director-General ElBaradei concluded that Iran had failed to meet the obligations of its Safeguards Agreement. Significantly, reports indicated that shortly after the US invasion of Iraq, in May 2003, Iran approached the Bush administration (through the Swiss ambassador) with an offer to negotiate a grand bargain with the US on the nuclear file. Although the validity of these reports is unclear, the US at the time was not interested in such an offer in any event.

Concern over Iran’s lack of cooperation was strongly evident in the report of the IAEA Board of Governors of September 12, 2003. An ultimatum was issued to Iran to cooperate fully with the IAEA, cease all activities related to uranium enrichment, and join the Additional Protocol by October 31. At this point, with the threat of referral to the UN Security Council clear to all and to Iran in particular, the EU-3 stepped in and initiated a negotiation with Iran, with which they had a previous history of dialogue. The result of these initial talks was that on October 21, ten days before the IAEA ultimatum was to expire, the Europeans were able to conclude a bilateral agreement with Iran whereby Iran would adhere to the conditions of the ultimatum. Iran’s acquiescence to a process with the three European states was based on its expectation that this process would help ease the pressure it was experiencing in dealing with the IAEA. However, the Iran-EU-3 agreement broke down eight months later, in June 2004, against the backdrop of Iran’s claim that the EU-3 had not upheld what Iran perceived as their commitment to remove the Iranian case from the IAEA Board of Governors agenda. A second period of Iranian suspension of nuclear activities was secured in

November 2004 through the Paris Agreement, when the Europeans were on the verge of acquiescing to the US preference for referral of Iran to the UN Security Council. This period lasted until May 2005 when Iran declared its intention to resume uranium conversion activities at the Isfahan uranium conversion facility (UCF).¹⁶

The EU-3 process, backed by the US, lasted two years, while the Europeans strove to secure a more lasting agreement with Iran with respect to its nuclear program. Although the European negotiators offered Iran a series of attractive incentives packages, they were still not successful in negotiating an agreement with Iran that would guarantee that it would not undertake activities of a military nature. It became evident that no offer was attractive enough to persuade Iran to stop working on the nuclear fuel cycle, which enjoyed widespread domestic support.

Each side had complaints about the other. A major issue from Iran's point of view was that its attempts to demonstrate a cooperative stance, or confidence-building through suspension of uranium enrichment activities, were not appreciated. Iranian negotiators pointed out that while the EU-3 spoke of "suspension," they actually sought termination, and were therefore never satisfied with Iran's gestures. Iran had in fact been very clear about its willingness to suspend uranium enrichment activities, but not terminate its nuclear program indefinitely. The EU-3, in turn, was frustrated that none of the economic inducements they offered sufficed to persuade Iran to reach a deal curtailing its nuclear program. Moreover, the Europeans faulted the US for its unwillingness to add security inducements to the already-impressive array of economic "carrots" that the Europeans were offering. The three European states were clearly glad to take the lead on Iran, but this did not stop them from blaming others for their failure. Thus, while they enjoyed having the US take a backseat, they nevertheless complained that US passivity severely hampered their efforts to provide the necessary inducements to Iran.

In early May 2005, EU-3-Iranian relations reached an impasse with Iran's announced intention to resume sensitive fuel production-related activities, which the EU-3 considered a breach of the November 2004 Paris Agreement. Rather than triggering automatic referral of Iran to the UN Security Council for possible sanctions, however, the announcement met with renewed European willingness to negotiate. It was only with the June 2005 election of Ahmadinejad that they abandoned this round of talks.

The extreme and dangerous course adopted by the new Iranian president immediately upon coming to power, including fiery rhetoric and an August decision to restart uranium conversion activities at Isfahan, redirected relations between the international community and Iran toward a path that ultimately led to a series of UN Security Council resolutions beginning in mid-2006. Two of the significant steps on this path were the September 2005 IAEA Board of Governors finding that Iran was in noncompliance with the NPT and the January 2006 statement by Iran of its intention to continue enrichment activities, following a failed attempt in late 2005 to advance the so-called “Russian proposal.” This proposal was a Russian offer to enrich uranium on Russian rather than Iranian soil and then ship low enriched uranium (LEU), suitable for civilian uses only, back to Iran. After drawn-out deliberations, Iran eventually refused to relinquish any enrichment activities on its soil, thus effectively killing the deal.¹⁷

Discussions in the Security Council began in March 2006, but it took until July to conclude the first resolution (Resolution 1696), demanding that Iran cease all uranium enrichment activities. Russian and Chinese reluctance to agree to sanctions was a major reason for this initial delay. They requested proof that Iran’s activity in the nuclear realm was not solely for peaceful purposes. In light of these two permanent Security Council members’ resistance to the sanctions “stick,” negotiations were renewed in June 2006. Iran was offered new incentives, including the much sought-after US agreement to participate, which Secretary of State Condoleezza Rice had announced in May, conditional on Iran first suspending its uranium enrichment activities. Iran responded with typical hesitation and then announced that it would postpone its response until August, while clarifying that it would under no circumstances accept the US precondition. Nevertheless, several weeks before Iran’s self-proclaimed deadline, the July 2006 Security Council resolution was passed.

Iran disregarded the July resolution, but it took an additional five months before the first resolution on sanctions (Resolution 1737) was issued, in December 2006, followed soon thereafter with agreement on another round of sanctions (Resolution 1747) in March 2007. Yet these developments had no effect on Iran. Thereafter, even though Iran remained in defiance and openly advanced its uranium enrichment activities, an entire year passed before agreement was reached on a third round of sanctions (Resolution

1803) in March 2008. The delay was again attributable primarily to reluctance on the part of Russia and China, which preferred first to give a chance to the IAEA's renewed efforts to clarify the nature of Iran's nuclear activities. Only after the IAEA report of February 2008 confirmed the organization's lack of satisfaction with Iran in clearing up the outstanding questions about its past nuclear activities, did the Security Council approve the third round of sanctions.

While each of the first three rounds of sanctions boosted the previous decision, none of these measures was particularly compelling due to Russian and Chinese unwillingness to consider harsh measures. The sanctions that passed focused mainly on a list of people and companies directly involved in Iran's WMD programs. Most importantly, the process was plagued by repeated and lengthy delays in taking action, reflecting the lack of unity among the permanent members of the Security Council. While the US and the EU-3 seemed eager to increase pressure on Iran in light of its ongoing defiance, Russia and China repeatedly questioned whether Iran's program was in fact as dangerous as the US claimed, and consistently favored giving further talks another chance, whether through the IAEA or Western negotiations with Iran.

Efforts by the US Department of the Treasury during this period to apply financial sanctions outside the framework of the UN Security Council were more effective than the UN-based sanctions. These efforts were led by then-Under Secretary for Terrorism and Financial Intelligence Stuart Levey, and the idea behind them was to sever the lines of financial support for Iranian WMD activities. The US informed foreign financial institutions that doing business with Iran risked jeopardizing access to US financial markets if the Iranian companies were found to have ties to Iran's WMD programs.¹⁸

During the period of heightened tension with Iran over the course of 2007 – with ongoing Security Council deliberations and Iranian defiance of every decision taken – the threat of US military force became a more salient factor, although it was never raised as an imminent option. Moreover, the situation changed dramatically with the release of the NIE in November 2007, including publication of an unclassified abridged version. The reduced sense of urgency conveyed by this document, with its estimate that Iran's weapons-related activities were most likely halted in 2003, rendered US military action against Iran a more remote possibility. At the same time, the

option of direct US-Iranian negotiations took on new significance against the backdrop of the perceived US need to pursue bilateral dialogue with Iran over the situation in Iraq. While this dialogue could have been helpful, many advocates of direct negotiations between the US and Iran erroneously assumed that once the US agreed to engage, the desired results would be forthcoming, which was not the case.

Indeed, from May 2006, a major constraint to the pursuit of negotiations over the nuclear issue was the precondition set by US Secretary of State Condoleezza Rice, namely, that the US would agree to enter into direct negotiations with Iran only on condition that Iran first cease all uranium enrichment activities. Iran refused, but the precondition remained and was subsequently adopted by the Europeans as well, which effectively precluded negotiations from mid-2006 until January 2009, when Barack Obama entered the White House and directly announced his policy of engagement without preconditions.

Obama's policy yielded the most serious US attempt at negotiations with Iran since the crisis began. His interest in negotiating with Iran was actually not so much a natural outgrowth of dynamics with Iran as it was part of his overall outreach to America's enemies. His policy was to extend his hand to all US adversaries, in the hope of a positive response in return. His Iranian agenda also dovetailed with his decision to embrace a new disarmament agenda, one that was advocated in articles published by Kissinger, Shultz, Perry, and Nunn in the *Wall Street Journal* in January 2007 and 2008, and that he set out in his April 5, 2009 speech on the topic in Prague.¹⁹ In devising his approach, Obama was also clearly setting himself apart from President Bush, as reflected in his decision to negotiate immediately and without preconditions, in his intention to "engage" rather than to "talk tough," and in shunning any hint of unilateralism by pursuing his goals in a multilateral framework composed of the permanent members of the UN Security Council.

Over the course of 2009, this initiative bore no fruit. Obama's offers of engagement were met with suspicion, delays, and ultimately rejection on the part of Iran. The reply to Obama's outstretched hand was that the US must first prove that it had truly changed its approach, beginning with US policy on Israel. The Obama administration did not respond, preferring to wait for the results of the June elections in Iran, which they expected would

bring more moderate leaders to power. Thus five months passed with no movement on the diplomatic front. The elections resulted in Ahmadinejad maintaining power, and their aftermath – brutal repression by the regime of mass demonstrations over accusations of election fraud – provided the basis for a renewed US decision of non-action. The reasoning was that nothing could be attempted in light of the internal political confusion.

Nine months into the new administration and following an opportunity that presented itself, the US made its only focused attempt to negotiate. Over the summer, Iran submitted a request to the IAEA for uranium enriched to 20 percent for its small nuclear research reactor near Tehran (TRR). In early October a deal was proposed by the P5+1 (brokered by the IAEA) whereby 75-80 percent of Iran's low enriched uranium (1200 kg) would be transferred to Russia and subsequently to France to be fabricated into fuel rods for the research reactor. The logic was that not only would the size of Iran's LEU stockpile be reduced significantly, but that the proposal to use Iran's enriched uranium for solely civilian purposes would be a test of Iran's true intentions in the nuclear realm. After weeks of stalling, Iran finally rejected the proposal. Even if Iran had accepted the deal, at most it would have succeeded in delaying the program, while implicitly legitimizing Iran's uranium enrichment activities rather than censuring them. But with Iran's refusal, 2009 ended with no tangible results.²⁰

The new decade began with efforts to garner international support for agreement on a fourth round of sanctions. Over the course of 2009, Obama had issued numerous threats of harsh measures if Iran did not cooperate with his diplomatic initiative. In light of the clear failure of these efforts, carrying through on the threats was the unavoidable next step, but it took six months to achieve. As part of the efforts of the Obama administration to secure broad multilateral support for harsher (“crippling” and “biting”) sanctions on Iran, US relations with both China and Russia, the adamant holdouts, came into sharper focus. Relations with Russia were particularly difficult to navigate because three nuclear-related issues dominated the agenda over the course of 2009: US missile defense plans in Europe; renegotiation of the US-Russian START, which expired in early December; and discussion of measures to curb Iran's nuclear ambitions. The three issues became intertwined, with suggestions for multifaceted conditional terms and linkages. Russia's major concern was the US plan to deploy missile defense systems in East

European states. Russia viewed these as a direct potential threat and was not convinced by US assertions that its sole concern was with future nuclear threats from rogue states such as Iran. This issue greatly complicated START negotiations and played an implicit role in the Iranian dynamic as well. These additional strategic interests and concerns overburdened the already complicated nonproliferation agenda on Iran and undermined US efforts to persuade Russia to adopt its agenda with determination.

Nevertheless, in July 2010 the fourth round of UN sanctions, more far reaching than the previous round,²¹ was finally passed, paving the way for additional states to implement their own unilateral sanctions. The multilateral UN-based sanctions, alongside the measures imposed separately by the US, EU, Canada, Australia, Japan, and South Korea, made this the harshest round of sanctions on Iran, which – it was hoped – would make Iran a more serious negotiating partner. These hopes were not met, however, and two additional brief rounds of negotiations – in early December 2010 in Geneva, and in late January 2011 in Istanbul – likewise failed to produce any results. During this period, a new and different tactic for confronting Iran was exposed (most likely driven by the unsuccessful negotiations): sabotage of Iran's nuclear program through cyber warfare, such as the computer worm Stuxnet, and targeted killings of Iranian nuclear scientists.²² A series of explosions that occurred in Iran from mid-November to mid-December 2011 – at a missile base, near the Isfahan uranium conversion facility, and at a steel plant – increased the sense that these events may be part of a secret sabotage campaign against Iran's nuclear program.²³

An additional significant development took place soon after the July 2010 decision on sanctions, when Russia rather abruptly changed its position, asserting that these sanctions were the most severe measures it was willing to take because anything harsher would hurt the Iranian people, which was not the intent. This position underscored that Russia's willingness to join the US in formulating the July UN sanctions was not an indication that Russia accepted the US agenda. Russia's approach softened further in the summer of 2011, when Foreign Minister Sergei Lavrov proposed a new deal to Iran: Iran would begin answering the IAEA's outstanding questions on its nuclear activities, and for every instance of cooperation, the international community would reward it with an easing of sanctions.²⁴ Iran vacillated on the proposal and then responded positively, but the other members of the P5+1 did not

greet the proposal with enthusiasm, which would basically neutralize the only stick it has vis-à-vis Iran – economic sanctions.

When IAEA Director-General Amano made known over the summer of 2011 the high quality of evidence he had indicating that Iran had worked on development of a nuclear warhead, Iran once again moved in the direction of cooperation with both the IAEA and the international community. It invited an IAEA inspector, Herman Nackaerts, who heads the IAEA safeguards division, to two nuclear-related sites that the IAEA had not been able to access in years. In addition, Iran's nuclear negotiator Saeed Jalili wrote to Catherine Ashton, the EU's High Representative for Foreign Affairs and Security Policy, expressing Iran's readiness to resume talks but not to relinquish its right to enrich uranium. There was nothing new in Iran's offer.²⁵ For his part, the head of Iran's Atomic Energy Organization, Abbasi, responded with a proposal of his own: allow the IAEA inspectors "full supervision" of Iran's nuclear activities for five years in return for lifting of the sanctions.²⁶

Following the release of the November 2011 IAEA report on Iran, a new impetus to increase pressure on Iran through sanctions became evident among key states in the international community, including the US, Canada, Britain, and France, but excluding Russia and China. Within weeks, the US took a series of firm steps, identifying Iran's entire financial sector as a jurisdiction of "primary money laundering concern" under the Patriot Act, in order to discourage companies from doing business with Iranian banks, and expanding sanctions to target Iran's petroleum resources development and petrochemical industry. Canada, France, and Britain took similar and in some cases harsher steps. France and Britain both targeted Iran's Central Bank.

A move toward the harshest type of sanctions – namely, completely cutting off the Central Bank and placing an embargo on Iran's oil exports – did not occur as of the end of 2011, primarily because of fears of significantly driving up the price of oil worldwide. In this context, according to media reports, the US, France, and Britain attempted to convince Saudi Arabia to increase oil output significantly in order to provide an alternative source to Iranian oil and help curb Iran's leverage over the international community.²⁷

Assessing the International Strategies

A major constraint to international efforts from the outset was the constant doubt regarding the degree of danger that Iran actually posed in the nuclear realm. What concrete evidence was available that Iran was pursuing a military program, and if it was, how long would it take before it achieved an operational capability? How determined was Iran, and what was the real threat to the region and beyond?

The persistence of these questions throughout the process weakened the ability of those states confronting Iran to present clear goals, sometimes even to themselves. At one level they genuinely contemplated whether their goal was primarily to build and/or reinstate confidence that “Iran’s intentions are indeed peaceful” and repair relations with the Islamic regime, or whether there was an urgent need to carve out a more effective strategy to stop Iran’s deceitful march toward a military nuclear capability. At another level, however, the doubts expressed were at times politically motivated. In this sense, voicing doubts and playing down the threat served other interests of the strong intervening states. Even during the Bush years, the US made some attempts to play down the emerging threat because otherwise – for example, in light of the failed sanctions route – military force might appear to be the inevitable next step, an option the administration hoped to avoid. This logic in part explains the conclusions of the November 2007 NIE and the decision to publish an unclassified abridged version highlighting the doubts. Russia and China consistently emphasized the doubts in order to legitimize their unwillingness to bear the consequences of harsh sanctions in light of their economic and strategic interests vis-à-vis Iran.

The political use of doubts regarding Iran’s military plans in the nuclear realm was possible because of the lack of clear criteria for determining the existence of a nuclear smoking gun. This problem originated with the NPT, which lacks precise benchmarks for pronouncing a state to be in noncompliance with its obligation not to develop nuclear weapons. In confronting Iran, almost everything hinged on interpretation, and interpretations in turn were heavily influenced by assessments of Iran’s degree of cooperation with the IAEA. As such, when it was determined that Iran was adopting a more cooperative stance, evidence of noncompliance tended to be played down, if not overlooked. Moreover, when the EU-3 became involved, diplomatic efforts also became critically dependent on

assessments of Iran's degree of cooperation. In the absence of operational definitions for pronouncing meaningful cooperative behavior, however, almost any gesture could qualify – it was a political call. This enabled the process to drag on in an open-ended mode that created the space for an entire range of additional interests of the strong states to come into play and complicate the process. The problem was compounded by Iran's ability to manipulate for its own purposes the propensity of the international community to grant it leeway following any display of cooperative behavior.

The strong international actors that intervened to curb Iran's nuclear ambitions had different reasons for involving themselves in the process. Whereas the EU-3 and the US assumed their roles early in the process as a function of their expressed interest to stop Iran, Russia and China – with the exception of the 2005 Russian proposal – became heavily involved only as a consequence of Iran's referral to the UN Security Council in 2006 and their status as permanent members.²⁸ The commitment of the US and Europe has been consistently and significantly stronger than that of Russia and China. Moreover, the inclusion of the latter, while providing a semblance of multilateralism to the international effort, has in fact complicated matters considerably by expanding the matrix of conflicting state interests that fed into the process of confronting Iran.

Beyond their shared nonproliferation agenda, the six parties' cross-cutting economic and strategic interests played out over the years both vis-à-vis Iran and each other. The complex set of interests created a situation in which the international team that faced Iran was more divided than unified, often working at cross-purposes. This was evident during all the rounds of sanctions. In addition to the difficulties resulting from Russian and Chinese economic ties with Iran, the economic factor played into European calculations as well, albeit in a less explicit manner. The Europeans joined the US in imposing sanctions, but were hesitant to give up markets that would be taken over by the Russians and Chinese. Strategic calculations also came into play, with all actors interested in increasing their role and influence in the Middle East. Iran understood these international divisions well and exploited them in order to manipulate the states through the tactic of “divide and conquer.”

Two specific sets of rivalries among the strong parties themselves had a particularly adverse impact on their ability to deal effectively with Iran:

the US-EU rivalry in the period prior to 2005, and the US-Russian rivalry from 2009. When the EU-3 began negotiations with Iran in 2003, the US was licking its Iraq wounds, and the European states were eager to take on a significant global challenge. However, while the EU-3 had the economic clout to negotiate a deal, they lacked any influence in the security realm or potential impact on the strategic picture in the Gulf – two important issues for Iran. Rather than finding a way to work together, each party, while intent on confronting Iran, was at the same time not unhappy with the divide: the EU-3 sorely needed a distinctly European foreign policy success, and the US was not prepared to bail them out, especially given the criticism it had received for the war in Iraq.

In the framework of the P5+1, the US-Russian rivalry was equally debilitating. Obama insisted on moving forward solely in the framework of this multilateral group, in hopes of strength through unity, but he was not successful in working cooperatively with Russia. While both powers had a common interest in stopping Iran, they were also strategic rivals. Russia overburdened the Iran agenda with tough strategic issues, most significantly by placing US plans for missile defense in Europe at the top of its agenda vis-à-vis the US. Over the course of 2009-10, Obama made great efforts to “reset” relations with Russia, but his rhetoric about “getting Russia on board” seemed to ignore Russia’s prioritization of its rivalry with the US over Iran’s pursuit of the bomb. Ironically, the most severe split between the US and Russia on Iran came on the heels of the November 2011 IAEA report, which was regarded as the most clear-cut indication that Iran was pursuing a military capability in the nuclear realm. Following the release of the report, Russia refused to accept the severity of the findings and declared that sanctions had been exhausted and proven ineffective. At this critical juncture, both Russia and China refused to join other states in imposing harsher sanctions on Iran.

Diplomacy: Not a Magic Word

As the strongest international actor involved in curbing Iran’s nuclear ambitions, the US was also probably the most consistently determined to achieve this goal. Lack of unity at the international level, especially in garnering support for sanctions, is an often-mentioned constraint that hampered US efforts. Less well documented are indications that US

policymakers did not apply certain principles of negotiations that might have facilitated more effective diplomacy: measures that can help a negotiator gain the upper hand, especially when facing a sophisticated opponent like Iran.

Problems in this regard were apparent from previous attempts during the Bush administration but became much more pronounced and prevalent from 2009 when Obama adopted an explicit policy of engagement. These problems included an ongoing tendency to relate to sanctions as an alternative to negotiations rather than a necessary first step in order to persuade Iran to take these efforts more seriously. This tendency, which characterized all attempts to negotiate with Iran during the past decade, found expression in the maxim that “if negotiations or engagement fail, there will then be a move to sanctions.” The more effective stance, especially as it became increasingly clear that Iran was exploiting negotiation efforts to buy time, would have been to demonstrate the capacity and resolve to pressure Iran, and on this basis to advance toward more focused and serious negotiations.

A related problem was the lack of resolve projected by the international community and the US in particular. When negotiations faltered, the move to sanctions was always slow, and the sanctions themselves were relatively weak. The US was the only actor that could project a credible threat of military force against Iran’s nuclear facilities, but while it continued to pay lip service to the refrain that “all options were on the table,” by 2007 – even before publication of the NIE – Iran understood that this was a hollow mantra. Additionally, in the summer of 2008, the Bush administration underscored that it was not granting Israel a green light to attack, and the string of statements by high-level Obama administration officials on the dangers of military attack strengthened the message that this is not a realistic option.²⁹ Ongoing absence of resolve conveyed to Iran the message that even when threats are frequent, actual consequences are rare.

Toward the end of the second Bush administration, international resolve was undermined in another sense as well, with the failure to recognize that the 2006 precondition for negotiations – namely, Iran ceasing all uranium enrichment activities – had for all practical purposes been rendered meaningless by 2008. Not only had it been exposed as an unrealistic precondition, but it actually became a liability for the West because it tied its own hands while leaving Iran free to pursue its goals. Iran continued

to enrich uranium and advance its nuclear program as the international community watched from the sidelines and waited for Iran to comply. While the West was critically dependent on negotiations to advance its goal of stopping Iran, Iran itself had no need of these negotiations. The result was that precious negotiations time was lost due to this “own goal” behavior on the part of the US and Europe.

Although Obama came into office intent on negotiating a deal with Iran, there is little indication that his administration understood the essentials of negotiation any better than the previous administration. In addition to the lack of resolve that became the hallmark of Obama’s first year, illustrated starkly in the long line of empty threats issued against Iran, at least two central features of Obama’s approach complicated the pursuit of effective negotiations. The first is reflected in his use of the term “engagement” rather than negotiation or bargaining, and the second is his demonstrated preference for proceeding multilaterally rather than on the basis of US leadership.

The connotations of “engagement” encouraged a framing of the diplomatic dynamic as one that places a premium on the very act of interacting with Iran in a positive manner. Such framing is more appropriate for confidence building and improving relations than for the hard work entailed in negotiating a deal in the nuclear realm. By the time Obama entered the scene, the only possible effective use of diplomacy to stop Iran was by means of hard bargaining. Confidence building measures (CBMs), while often helpful in inter-state relations, were not the correct diplomatic tool. The need for CBMs arises when two states have identified a common interest in cooperating, but find they are unable to act on this interest because of a long history of enmity and distrust. This was not the US-Iranian dynamic with respect to Iran’s nuclear program. While there was no lack of mistrust, what was missing was the common interest. Negotiators had to find common space in order to carve out a possible deal. Instead, Iran cynically used the rhetoric of confidence building as one more delay tactic vis-à-vis international attempts to curb its nuclear ambitions.³⁰

The concept of multilateralism, like engagement, has a positive, attractive, and perhaps even liberal ring to it, implying that everyone is on board and in agreement regarding the policy for confronting Iran. Like engagement, however, multilateralism proved to be more a handicap than a help. It became starkly apparent that the states facing Iran were simply

not on the same page, and this lack of unity undermined efforts to negotiate with Iran. Russia and China have always had their own strategic interests, which often had a stronger impact on their approach to Iran than the goal of nonproliferation.³¹ As a strategic rival of the US, accepting the US agenda was counterproductive for Russia even if ultimately it had no interest in seeing Iran become a nuclear state. The multilateral approach was therefore not helpful in advancing the kind of hardball negotiations needed in the case of Iran. Rather, a direct US-Iranian negotiation with the US firmly in the driver's seat would have had a better chance of success.

An assessment of the problems that international actors faced when trying to convince or compel Iran to change course by diplomatic means should focus on assessments of the negotiations dynamic, taking care not to fall prey to explanations for failure that hinge on the impact of prominent external developments. Two examples – the election of Ahmadinejad and the publication of the 2007 NIE – demonstrate that while such developments may have had a huge impact on the efforts underway, they were not in themselves an explanation for the difficulties encountered.

When they occurred, both developments were interpreted by many as the main reason for the inability to move forward on Iran. Both developments no doubt caused additional problems for the particular diplomatic path being pursued at the time: with Ahmadinejad, the relevant path was EU-3-Iranian negotiations, and with the NIE, it was the UN sanctions process. Yet in neither case was the external development the actual source of trouble. Indeed, in both cases the signs of trouble predated the development, and understanding the limitations of diplomacy means understanding the dynamic in its entirety, rather than placing the blame on isolated events.

The seeds of Iran's ability to gain the upper hand in negotiations with the EU-3 were firmly planted throughout the two years of talks. Iran learned that EU-3 ultimatums and threats of "consequences" were easily dismissed because the EU-3 gained a reputation for not following through on its threats. Indeed, the Europeans demonstrated a consistent willingness to soften their approach anytime Iran indicated that negotiations might still be an option. Thus, contrary to the common wisdom at the time – that not enough carrots were being offered to Iran, especially US security guarantees – it was meaningful and credible sticks that were in fact sorely lacking. Indeed, in all the diplomatic efforts undertaken through the end of 2011,

Iran never felt pressured enough to conclude that serious negotiations with the West would be preferable to biding its time, namely, resisting pressure and pushing its program forward.

With regard to the NIE, while the effect of this document was no doubt to render the military option less likely and create difficulties for carrying out determined diplomacy vis-à-vis Iran, it did not actually change the basic positions of the various parties or their perception of the threat Iran posed. No one who believed before the 2007 NIE that Iran was a threat came forward afterward and said “we have made a grave mistake. We have pursued an erroneous policy on Iran based on flawed intelligence.” That this did not happen is even more noteworthy against the backdrop of the Iraqi case, which was still a fresh memory. Therefore, the explanation for failed attempts to deal with Iran cannot be directly attributed to the NIE. If anything, the NIE merely provided a cover for the basic weaknesses that characterized the international community’s approach to Iran.

Iran’s Nuclear Strategy

Beyond analysis of the behavior of the prominent international actors that confronted Iran in the nuclear realm, a full understanding of the process also requires an assessment of Iran’s behavior – namely, how it has played the nuclear game. Every international failure in confronting Iran was matched by an Iranian gain. Iran was anything but a passive player in the ongoing diplomatic process; indeed, it proved to be a formidable opponent. It skillfully managed each situation in order to capitalize on the weaknesses of the international community and maximize its gains whenever possible. Iran’s position evolved over the years as it successfully thwarted international pressure and advanced its program; its regional and international strength increased with every diplomatic victory over the West.

In assessing Iran’s nuclear negotiations strategy, focus will be on the official positions taken and statements issued by key figures. The working assumption is that ultimate authority lies with Supreme Leader Ali Khamenei, but the president is certainly a key figure in the dynamic, as are the Revolutionary Guards, especially since Ahmadinejad came to power. The intricacies of Iran’s internal decision making processes are difficult to assess, and while the internal dynamic is significant, it is beyond the scope of this study to presume to penetrate it in a meaningful way.³²

At the strategic level there is ample evidence that for years Iran has labored to achieve a military nuclear capability, or at least position itself to be able to achieve such capability in short order. Given this goal, its actions in dealing with the international community occurred primarily at the tactical level – namely, moves geared to advancing its nuclear aims while to the best of its ability neutralizing the effects of international efforts to stop it. In light of intense international scrutiny, Iran proceeded very carefully in advancing its nuclear program, in line with a simple guiding principle: taking action to advance its program with maximum speed but at minimum cost to itself in terms of international pressure (in response to its more blatant displays of defiance). Indeed, in a very rational, cost-benefit manner, after each major move to advance its program, Iran’s tendency was to appraise the international response and then calibrate its approach accordingly.

The history of negotiations with Iran reveals that whenever Iran expected the international community to react to its nuclear advances in relatively weak fashion – including stronger statements from Western states that were regarded as empty rhetoric not backed up by deeds – it would typically adopt an even more recalcitrant and defiant approach, using the opportunity to further its program. However, anytime Iran sensed that a stronger display of determination with potentially harsh repercussions was likely, it had no problem taking a small step back and displaying some form of cooperative behavior to appease the international community.

Iran also proactively tried to minimize the West’s ability to take harsh action against it. Iran took measures to neutralize the impact of the two major sticks available to the international community: sanctions and military force. With regard to the threat of military attack, Iran issued repeated threats of massive retaliation against US interests in the Gulf and Israel if its nuclear facilities were attacked. In combination with the preexisting US reluctance to take military action, first during the Bush administration and even more so during the Obama administration, Iran succeeded in creating a deterrent against attack, as reflected in US statements advising against military action precisely because of the severe implications of an Iranian response. Iran also fortified its nuclear facilities and moved them deeper underground, and it took steps to strengthen its defenses against attack. With regard to sanctions, Iran adopted measures such as lessening its dependence on imports of gasoline for internal consumption, which had been identified as a

major Iranian vulnerability. Moreover, it worked to increase the dependence of Europe and Asia for the supply of natural gas.³³

For their part, the international players, desperate for any indication of movement that would validate their chosen path of diplomacy, tended to pounce on even minimal indications of a cooperative Iranian stance and highlight them as a sign of confidence building and improved cooperation that was likely imminent. From Iran's point of view, however, these displays of a more cooperative attitude over the years are better understood as a "necessary evil" that Iran would at times accept in order to ward off harsher pressure. Only with the two rounds of talks in December 2010 and January 2011 did the P5+1 demonstrate that it was no longer willing to fall into the familiar trap; once it became clear to them that Iran had no intention of making serious progress, both rounds of negotiations ended very quickly, accompanied by pronouncements of failure.

Key Iranian figures have provided interesting evidence of Iran's attitude toward negotiations and tendency to use them to play for time, as applied to negotiations with the EU-3 in the initial 2003-5 period. In an August 2005 interview, a former high official involved in the Iranian nuclear negotiations, Hossein Mousavian, explained how moving to negotiations with the EU-3 in 2003 actually bought Iran more time to advance its uranium enrichment activities and enabled it to reach a critical stage that would have been impossible had the case remained in the hands of the IAEA. In his words, in 2003 Iran adopted a twofold policy, working intensively with the IAEA and in parallel conducting negotiations on the international and political levels:

The IAEA gave us a 50-day extension to suspend the enrichment and all related activities. But thanks to the negotiations with Europe we gained another year, in which we completed [the UCF] in Esfahan.... We suspended the UCF in Esfahan in October 2004, although we were required to do so in October 2003. If we had suspended it then, [the UCF] in Esfahan would have never been completed. Today we are in a position of power: [the UCF] in Esfahan is complete and UF4 and UF6 gases are being produced. We have a stockpile of products, and during this period, we have managed to convert 36 tons of yellow cake into gas and store it. In Natanz, much of the work has been completed.³⁴

A similar assessment can be found in a speech delivered by Hassan Rohani, Iran's chief nuclear negotiator from 2003 to 2005, to the Supreme Cultural

Revolution Council in late 2004.³⁵ Rohani explained that negotiations with the EU-3 were geared toward delaying referral to the Security Council, that Iran only agreed to suspension in areas where it did not have technical problems, and that the UCF had been completed during the negotiations period. He emphasized the importance for Iran of reaching the critical stage of enrichment to 3.5 percent, thereby giving it the ability to enrich to 90 percent as well. He noted that completing the fuel cycle would create an irreversible *fait accompli* that the world would have no choice but to accept, adding that beyond buying time, Iran had little to gain from negotiating with the EU-3.³⁶

Over the years Iran continued to perfect its delay tactics and became an expert at playing for time. On numerous occasions it employed what could be called the “yes, no, maybe” tactic when offered various proposals by international negotiators. Iran followed a pattern of saying “yes,” then “no,” and then variations of “maybe,” all with an eye to playing for time. Iran would typically say that it needed more time to study the proposal and assess its implications. Often it responded by saying that it would submit a proposal of its own, generally projecting a “don’t call us, we’ll call you” attitude, thereby exercising control over the pace of events while the international community was left waiting and guessing. One prominent example was Iran’s reaction to the Russian proposal of late 2005, when Iran vacillated for months, alternately rejecting and agreeing to consider this proposal numerous times, never making its position entirely clear. A second example was the attempt to conclude a nuclear fuel deal in October 2009, when again Iran vacillated for weeks.³⁷ Both proposals ultimately met with Iranian rejection. Iran behaved in a similar fashion in response to the packages of incentives offered to it over the years, primarily from Europe.

A final common Iranian tactic has been the classic “divide and conquer.” Once the P5+1 became the dominant framework of states facing Iran, Iran began blatantly applying this tactic in dealing with its six interlocutors. It was keenly aware of the divisions among these six powers – with Russia and China usually in the more lenient camp and the US, France, Britain, and Germany advocating harsher measures – and took steps to exacerbate the divisions in order to hamper the ability of the six states to carry out coordinated, determined action.

Iran adopted a variation of the “divide and conquer” tactic in relation to the different possible frameworks for pursuing negotiations: with strong powers or with the IAEA. Iran easily moved from one context to the other, trying to play one against the other, depending on where it sensed the approach would be more lenient. In 2003, when the IAEA issued an ultimatum and was on the verge of referring Iran to the UN Security Council, Iran quickly abandoned that framework in favor of negotiations with the EU-3. Later, when the sanctions process began, Iran complained about the “politicization” of the process and expressed a keen desire to return to what it then claimed was the only logical framework for discussing the nuclear issue: the IAEA. When Amano became Director-General of the IAEA, Iran again reversed its order of preference and set its sights back on the P5+1, now led by Catherine Ashton.

All of these tactics were used to stall and avoid costs, and most of all, gain valuable time in order to push Iran’s program forward. Throughout the past decade a serious negotiation geared toward achieving a genuine deal with Iran never took place for the simple reason that Iran was not interested in a deal that would require reversing its nuclear aims. Iran engaged only for the purpose of using dialogue as a tool to gain time with minimum cost to itself and to its program.

Iran’s various delay tactics served its nuclear goal in another sense as well: the time that elapsed conditioned the international community to Iran’s nuclear advances to a certain extent. Over time the strong states facing Iran indeed adjusted their expectations to accommodate new developments in Iran’s nuclear program, which resulted in the goalposts shifting in Iran’s favor. These shifts reflected the international community’s perceptions of what could realistically be expected from Iran in the framework of a deal. Iranian awareness of this advantage was expressed, for example, in Ali Larijani’s 2007 statement that “new conditions require new initiatives.”³⁸ He was referring to the fact that in light of Iran’s advances to a new stage of uranium enrichment, international negotiators could no longer demand suspension as a precondition for talks. In parallel, media reports indicated that Western, mainly European, diplomats had indeed begun to consider formulating a new definition of suspension that would enable a restart of negotiations, a definition that did not demand complete dismantlement of Iran’s uranium enrichment program but would permit part of the program

to remain intact.³⁹ Unofficially, commentators increasingly opined that there was no longer a possibility of reaching a deal with Iran that would put an absolute stop to Iran's uranium enrichment program. In other words, what Iran had achieved could not be completely reversed. By 2009, Iranian officials were saying that the nuclear issue is "closed" and that the US was coming to terms with Iran's nuclearization process.⁴⁰

A final point is Iran's attention to issues of framing, namely, the setting of preconditions for talks, agenda items, and determining the time and venue of negotiations. Iran recognized the opportunity that framing provided for gaining an advantage in negotiations, as illustrated in the two brief rounds of negotiations in late 2010 and early 2011. Iran determined the timing for the initial meeting in December, after repeated delays, and tried to take the lead in setting the agenda as well. Iran was not successful the first time in determining the venue of the negotiation, which was held in Geneva, but succeeded in ensuring that the second round took place in Istanbul. Early in the process Iran also established preconditions for the talks, including that the West must provide its perception of Israel's nuclear capability.⁴¹ Employing the language of preconditions was another means by which Iran sought to position itself as the party with the upper hand in the negotiations dynamic.⁴²

Pride and Dignity, and Demands for Equality

Complementing – and indeed, feeding – Iran's skillful deflections of serious negotiations are salient features of Iran's self image. Pride, dignity, and demands for respect and equal treatment factored heavily into Iran's attitude toward its nuclear program and had an overall negative impact on attempts to negotiate. Iran was preoccupied, sometimes to the point of obsession, with questions of procedural and legal equality, which derived from its insistence on being treated with dignity and respect and placed on equal footing with Western nations.

In facing the US, Iran's nuclear agenda was overshadowed by the Islamic Republic's longstanding adversarial relationship with the superpower and self-perception of past humiliation. Iran is preoccupied with images of its former glory and is driven by a desire to return to that status, which it perceives as its natural state. Indeed, demands for equality with the US derived from Iran's propensity to view itself as the natural leader of the Middle East as well as the deep-rooted tenets of its strategic culture, in

particular its self-perception as a state resisting imperial domination and humiliation. Negative images of the US date back to a period before the upheaval of 1979, to perceptions of US domination in the post-World War II period.⁴³ Iran considered itself to have been humiliated by the West, especially the US, and was therefore constantly struggling to regain and maintain its dignity. It was at pains to present itself as having equal standing with the superpower in any negotiation, as evident in both its rhetoric and its actions.

One manifestation of this self-perception is the manner in which Iran relates to its nuclear program: as an indication of its scientific and technological advancement.⁴⁴ Similarly, Iranian officials often argued that the reason the West, and the US in particular, did not want Iran to enrich uranium was not because of the dangerous implications of developing a military capability, but because they wanted to bully Iran, tarnish its dignity, and keep it in a position of technological and scientific inferiority, with negative implications for its regional and global standing.⁴⁵

In the negotiations framework, on various occasions Iran tried to underscore its equality with the US by tactically adopting certain US phrases and formulae used to confront Iran, and employing them in a mirror-image manner – in effect turning the tables on the US. For example, Ahmadinejad responded to Bush’s stated conditions for holding talks with Iran in 2007 in the following manner:

Mr. Bush has recently announced that he is prepared to negotiate with Iran on the condition that Iran waives its right to nuclear technology. My answer is: First of all we never asked for negotiations with America. Negotiations with America will happen when the American government makes a fundamental change in its behavior and approach. Secondly, if there is going to be someone setting conditions for negotiations, it should be us because we are concerned about those atomic bombs and the war-mongering individuals who are in charge of those bombs.⁴⁶

Ahmadinejad was clearly echoing, and most likely mocking, Western statements that Iran is not only a threat to the region but to the entire world. Another example, from the early days of the Obama administration, is Iran’s response to the President’s outreach, when he offered his “outstretched hand” in the hope of being answered by an “unclenched Iranian fist.” Iran’s Supreme Leader Khamenei said that if the US has really changed its approach, then

words are not enough. It would have to prove it in deeds, including altering its policy on Israel.⁴⁷ Finally, in a letter to Catherine Ashton in September 2011, Iranian nuclear negotiator Saeed Jalili wrote that talks could resume “as soon as you are ready.”⁴⁸

Iran’s unwavering insistence on what it regards as its inherent legal right to enrich uranium under the provisions of the NPT, and on being treated exactly the same as other non-nuclear-weapon NPT members that have accumulated stockpiles of enriched uranium, is another manifestation of Iran’s respect-based demand for equal treatment. Iran has not budged from this position, which it repeats frequently in published material and in discussions with officials;⁴⁹ Iran rejects out of hand differential treatment on the basis of what others view as relevant and meaningful differences in circumstances. Iran also disregards the fact that UN Security Council resolutions demanding that Iran cease uranium enrichment override the rights granted by the NPT.⁵⁰ Iran is not moved by this argument, claiming that the Security Council resolutions present a discriminatory and unacceptable demand.⁵¹

From 2009, Iran was also more vocal and adamant about another expression of its demand for technical and legal equality: its insistence on focusing on Israel’s nuclear program. This Iranian agenda item gained momentum over the course of 2010-11 in the context of deliberations over a prospective conference scheduled to take place in 2012 on the establishment of a WMD-free zone in the Middle East.⁵²

What are the implications of these Iranian positions? Iran’s perception of its uranium enrichment program as a matter of scientific and technological achievement complicated the negotiations with the West by making uranium enrichment a matter of national pride, which then drew across-the-board support in Iran. Even factions in the country that might otherwise have opposed the development of nuclear weapons found themselves supporting the controversial uranium enrichment program for this reason. Because a civilian nuclear program can serve as a cover for a military one, however, the strong states confronting Iran had to challenge the uranium enrichment program.

The matters of strategic culture discussed in this section suggest that two conversations on the nuclear question have taken place in parallel, and the result was often a dialogue of the deaf. The West was rightly focused on

the security dimension of Iran's nuclear program and its progress toward a military capability, but Iran's agenda included a very different dialogue with the US and the West, one that embodies years of perceived humiliation and repeated affronts to Iran's sense of dignity and pride.

In conclusion, Iran began the process of dealing with the international community on its nuclear program in 2002 from a relatively weak position and gained increasing strength as the process unfolded. In 2003 Iran had feared being the next target of attack by the US, but by 2009 it was defying the new US administration – the very administration that had been most willing to engage, which included its willingness to back away from the demand that all uranium enrichment activities cease as a precondition for negotiations. Ironically, the gains that Ahmadinejad made by breaking all the rules and advancing Iran's nuclear program with relative impunity, beyond the economic sanctions, were enhanced by the dynamics of the unfolding diplomatic process itself, underscoring Iran's upper hand in its dealings with the international community.⁵³ When considered at face value – namely, in terms of the balance of military, economic, and political power between Iran and the P5+1 – this Iranian success would seem to defy all the odds. An in-depth analysis of the dynamics, however, reveals the conditions that enabled this success: the inability of the international community to bring its tremendous collective power into play in an effective manner to confront Iran, and the skillful manner in which Iran played the nuclear game – fueled by its pride and its demand for equality.

Chapter 3

Confronting North Korea

North Korea's Nuclear Drive

North Korea is a very different case from Iran in many respects, even within the context of the generally comparable campaigns to achieve a military nuclear capability. By the end of 2011 Iran had not yet crossed the nuclear threshold, but North Korea already had enough fissile material for approximately six to eight (and according to some estimates as many as twelve) nuclear devices.¹ Indeed, unlike Iran with its ambiguous posture, North Korea made no secret of its military nuclear ambitions, as highlighted by its withdrawal from the NPT in January 2003, during the early days of the crisis. In 2009 North Korea finally admitted to having pursued a uranium enrichment route in addition to stockpiling plutonium extracted from its reactor at Yongbyon, after years of having denied the existence of a uranium enrichment program. This was the issue a US representative had raised in October 2002 when he confronted North Korea with evidence of such a program, and it was that conversation that triggered the current crisis and the efforts of the following decade to end it.

The overriding rationale for North Korea's pursuit of a military nuclear capability is regime survival. Its leaders have emphasized time and again the defensive and security nature of its activities vis-à-vis the United States, and the perceived hostile stance of the US toward North Korea.² North Korea has taken special note of US nuclear weapons and its nuclear umbrella for South Korea, US military cooperation with the South and the military presence in that country, and the hostile US positions toward North Korea, especially by the Bush administration.³ The major function that Pyongyang explicitly attributes to its nuclear weapons capability is deterrence of a US attack. When the crisis began in October 2002, shortly after Bush had

included North Korea in the “axis of evil,” North Korea indicated that it would consider relinquishing its nuclear potential only in return for a nonaggression pact with the US and normalization of relations between the two states. North Korea seeks stability in Northeast Asia, with implications for its relations with South Korea and Japan, and wants to secure clear assurances from the US that it would respect North Korea’s sovereignty and grant it diplomatic acceptance.

In its statements, North Korea typically does not mention another aspect of regime survival that has become strongly linked to the nuclear issue: its dire need for massive economic and energy aid and food supplies in order to keep its population alive, especially after the famine of the mid-1990s. Although the economic calculation was not mentioned as a motivating factor in the nuclear realm,⁴ in practice pledges of economic assistance were the central linchpin of every understanding reached with North Korea within the Six-Party Talks during the past decade. It is also the primary factor motivating North Korea to move back to the Six-Party Talks after having emphatically declared them “over” in April 2009.⁵

The economic rationale for North Korea’s nuclear and missile programs is also reflected in its role as provider of nuclear and other non-conventional wares to additional proliferators.⁶ North Korea is willing to sell any and all technologies, plans, or components related to WMD to anyone willing to purchase them with hard currency, consistent with the strong economic rationale underlying all of its WMD activities. Some analysts have even gone so far as to suggest that the nuclear and missile tests carried out by North Korea since 2006 were motivated at least in part by the implicit message conveyed to potential buyers that they could rely on North Korean wares.⁷

International Response to North Korea’s Nuclear Program

The recent crisis with North Korea over its nuclear program, which originally erupted in the early 1990s, can be traced to October 2002, when US Assistant Secretary of State James A. Kelley confronted the North Koreans with evidence of a secret uranium enrichment program that North Korea was operating in violation of the October 1994 Agreed Framework. The Agreed Framework had been reached in the wake of a crisis that erupted in 1993, during the first Clinton administration, when the IAEA analyzed samples taken from the Yongbyon nuclear facility and discovered that North Korea’s

reporting was not accurate. The 1994 agreement, which averted the crisis, stipulated that North Korea would cease all nuclear weapons development programs. It would initially freeze and thereafter dismantle its facilities in return for economic assistance (heavy fuel oil) and the construction of two light water reactors to be carried out by the Korea Peninsula Energy Development Organization (KEDO).⁸

The day after denying the accusation that it had a uranium enrichment program in 2002, North Korea reversed its stand and, after Kelley underscored that the US knew the program existed, acknowledged the situation. Shortly thereafter, however, North Korea reversed course once again and denied any such admission, claiming a mistake in the translation of what it had said at the meeting. Pyongyang continued to deny the existence of this program until September 2009 when, in an act of defiance, it finally admitted its existence by proclaiming that it was in the final stages of an experimental highly enriched uranium program.⁹

This initial exchange over the evidence of a uranium enrichment program quickly led to escalation on the nuclear front. In November 2002 KEDO announced that it would suspend the supply of 500,000 tons of heavy fuel oil to North Korea under the terms of the 1994 Agreed Framework. North Korea responded in late December by removing the IAEA seals and monitoring equipment from its nuclear facilities at Yongbyon, and several days later, by ordering the IAEA inspectors to leave the country, which they did on December 31. On January 10, 2003, North Korea went a critical step further and announced its withdrawal from the NPT by invoking Article X of the treaty, asserting that its withdrawal would become effective the following day.¹⁰

In April 2003, almost two years before a Foreign Ministry announcement of February 2005 that it possessed nuclear weapons (the first official admission of its nuclear status), North Korea informed a US delegation that it had nuclear weapons. It also told the delegation that it might consider relinquishing these weapons and halting its missile proliferation activities, but wanted something considerable in exchange for these concessions.

The Six-Party Talks

At a meeting in Beijing in August 2003, the regional multilateral Six-Party Talks for confronting North Korea's nuclear activities were launched, with

the participation of North and South Korea, the US, Russia, China (host of the talks), and Japan.¹¹ It was hoped that within the context of these talks, a deal could be reached whereby North Korea would dismantle its nuclear program in return for political and economic security. From 2003 to late 2008, six rounds of these multilateral talks took place. The latter three rounds consisted of more than one set of meetings, sometimes with months going by between the sets. Two additional meetings took place during 2008 (table 1).

Table 1. The Six-Party Talks

Round	Meetings	Remarks
1	Beijing, August 27-29, 2003	
2	Beijing, February 25-28, 2004	
3	Beijing, June 23-26, 2004	
4	Beijing, July 2005; resumed September 2005	September 19, 2005: "joint statement" on Declaration of Principles
5	Beijing, November 9-11, 2005; resumed December 18-22, 2006; resumed again February 8-13, 2007	Concludes on February 13, 2007 with an action plan for carrying out the 2005 "joint statement"
6	Beijing, March 19-22, 2007; resumed July 18-20, 2007; resumed again September 27-October 3, 2007	Concludes with a joint statement on October 3, 2007: North Korea to provide a "complete and correct" declaration of all its nuclear programs by December 31, 2007
Meetings in 2008	Beijing July 10-12, 2008; and December 8-11, 2008	Last meeting was December 2008: could not reach agreement on a verification protocol

The initial three rounds of the talks saw very little in the way of concrete progress, and a significant breakthrough occurred only when the fourth round, which began in July 2005, was restarted in September of that year. On September 19, the six parties announced a significant achievement: they issued a "joint statement" whereby North Korea committed to abandon all nuclear weapons and existing nuclear programs and return at an early date to the NPT and to IAEA safeguards. In exchange, North Korea would receive economic and energy assistance. Denuclearization was to lead to

diplomatic normalization of relations with Japan and the US, negotiations to establish a permanent peace regime in the Korean Peninsula, and peace and security in Northeast Asia.¹²

The fifth round of talks was convened relatively quickly thereafter, in November 2005, but developments did not proceed smoothly after that. A major stumbling block was the assets of the Banco Delta Asia (BDA) in Macao, which had been frozen by the US because the bank had assisted North Korea in carrying out illicit financial transactions and other activities, including counterfeiting US currency. The government of Macao then froze approximately fifty North Korean bank accounts. In response to this US action, on July 4, 2006 – Independence Day in the US – an angry North Korea carried out a series of seven rocket and ballistic missile tests (the seventh occurred on July 5). The symbolic nature of this date was no accident, but rather a message to the US to pay attention.

On October 9, 2006, North Korea took a more serious step undermining the agreement that had been reached the previous year, when it stunned the world with its first nuclear test. This quickly led to UN Security Council Resolution 1718 of October 14, imposing a series of economic and commercial sanctions on Pyongyang; demanding that North Korea not conduct any further nuclear test or launch a ballistic missile and that it abandon its nuclear programs and suspend activities related to ballistic missile developments; and banning the transfer or sale of missiles or nuclear related products to North Korea.¹³ The resolution also called upon North Korea to return immediately and without preconditions to the Six-Party Talks. By the end of October, North Korea expressed its willingness to renew the multilateral talks, and the next stage of the fifth round of talks, which had been stalled for over a year, took place December 18-22, 2006, albeit with no results.

In early February 2007, the fifth round of the Six-Party Talks was resumed for the third time, following a bilateral US-North Korean meeting in Berlin the previous month that proved to be a crucial turning point. The US-North Korean bilateral dynamic was highly salient at this time, as each side also had a strong interest in closing a deal that would revive the process: Kim Jong-Il needed quick cash (perhaps to celebrate his birthday) and Bush needed to demonstrate progress on an important international front. The result was progress: the six parties succeeded in securing agreement on February 13

on an action plan to begin the process of dismantling North Korea's nuclear program, in line with the September 2005 "joint statement."

While the February deal seemed to spell success, it elicited questions about the significant economic assistance promised to North Korea in return for its cooperation, which seemed to undercut the effect of the Security Council sanctions imposed only four months earlier. Moreover, the deal failed to address certain key issues, including the lingering doubts about North Korea's uranium enrichment program and the question of its existing nuclear arsenal. Most troubling perhaps was the agreement's reference to initiation of a process of dismantlement that would take place over time, thereby providing an opportunity for further setbacks down the road.¹⁴ The agreement did, however, set a 60-day deadline for North Korea to shut down and seal its main nuclear facilities at Yongbyon. The US and Japan made general commitments to normalize relations with North Korea as part of the comprehensive effort to improve the security atmosphere of Northeast Asia.

The sixth round of Six-Party Talks began in Beijing in March 2007, and in parallel the denuclearization process was initiated with a visit by IAEA Director-General ElBaradei to Pyongyang for discussions on how to proceed. On July 14, 2007, days before the second meeting of the sixth round, an IAEA team confirmed that North Korea had shut down five main nuclear facilities. In early October, the parties concluded a second-phase action plan, and North Korea agreed to disable key facilities at Yongbyon that had previously been shut down and sealed in accordance with the February agreement. The October action plan included a joint statement stipulating that North Korea must deliver a "complete and correct" declaration of all its nuclear programs, stockpiles, and activities by December 31, 2007. The (by now familiar) deal was that the steps North Korea took toward denuclearization would be rewarded with economic assistance. The US also pledged to remove North Korea from the list of state sponsors of terror.¹⁵

At this point, the talks began to face further setbacks. First, North Korea failed to meet the December 31 deadline and produced its declaration only six months later, on June 26, 2008, with the result that talks were stalled in the interim. The Bush administration nevertheless stood by its pledge to remove North Korea from the list of state sponsors of terror, which took effect in October, and eased sanctions. North Korea, in a dramatic move symbolizing its commitment to the process, destroyed the cooling tower

at Yongbyon one day after submitting its declaration. But Pyongyang was already expressing dissatisfaction with the rate at which it was receiving the promised energy assistance and threatened to decelerate the process of disabling its facilities at Yongbyon, a trend that continued into the latter months of 2008.¹⁶ For its part, the US had a number of concerns about the substance of North Korea's declaration: it did not specify the status of North Korea's uranium enrichment program; it did not address North Korea's role as a proliferator to other states of concern, such as Syria;¹⁷ and it reported a plutonium stockpile of approximately 38 kg, which was significantly smaller than US estimates of 40 to 50 kg.¹⁸

The major source of tension that surfaced at this time, however, was the US insistence on better means by which to verify North Korea's declaration of nuclear activities, programs, and stockpiles, as well as the process of denuclearization.¹⁹ Verification was discussed at the next meeting of the Six-Party Talks in Beijing on July 10-12, 2008, and on the sidelines of the annual Association of Southeast Asian Nations (ASEAN) meeting on July 23 in Singapore. At the Beijing meeting, the US presented a program for fairly intrusive verification measures that included regular on-site inspections of North Korea's nuclear facilities, a mechanism for short-notice inspections at suspected facilities, and permission to extract soil samples near nuclear sites. While North Korea expressed general willingness to cooperate on verification of the declaration, it wanted to proceed according to the principle of "action for action." It also wanted to speed up the provision of economic aid.²⁰ North Korea adamantly resisted verification that would include intrusive on-site inspections of the sort that had been conducted in Iraq in the 1990s.

According to a US State Department fact sheet, in early October 2008 a US negotiating team on behalf of the six parties visited North Korea to discuss the verification problem, and the two sides reached agreement on a number of measures that were to serve as the baseline for a verification protocol to be finalized and adopted by the six parties "in the near future."²¹ However, at the final meeting of the Six-Party Talks on December 8-11, 2008, North Korea backtracked, and the parties were unable to reach agreement on a verification protocol. The US accused Pyongyang of retracting certain verbal agreements that it had made in October.²² At this stage, however, the

North Koreans presumably had their sights set on the new US administration and the concessions they might extract from it in future negotiations.

2009- 2010: Escalation of Provocations and Defiance

Far from advancing the nuclear talks with North Korea, the first two years of the Obama administration were marked by a stalemate in the talks, a relapse in the nuclear understandings previously reached, and a deterioration in the security situation on the Korean peninsula. While Barack Obama began his presidency by extending an offer of direct talks to North Korea, Pyongyang rejected the offer, most likely sensing that the new US president was not demonstrating the seriousness of purpose with regard to North Korea that the latter sought. Obama made no secret of the fact that his priorities lay elsewhere, as expressed in statements emphasizing more pressing challenges such as Afghanistan and Pakistan, and in the appointment of a special representative for North Korea policy, Stephen Bosworth, who only worked on North Korean issues part time while maintaining his previous job as well.²³ Moreover, the new administration emphasized that it was committed to negotiations within the Six-Party framework and that it would be tough on North Korea if it were to backtrack on its commitment to denuclearization.

Two and a half months into the new Obama administration, in early April 2009, North Korea launched what it claimed was a peaceful satellite, though it was widely interpreted as a long range missile test. A quickly issued UN Security Council presidential statement of April 13 condemning the missile test led North Korea to announce that as far as it was concerned, the Six-Party Talks had terminated and all deals were off. It also expressed the intention to reverse the denuclearization process, namely, to reconstitute the nuclear facilities that it had begun to disable in accordance with the Six-Party agreements.²⁴ In late May it further escalated the situation by carrying out its second nuclear test. This test was met with greater international condemnation than the first and triggered UN Security Council Resolution 1874 of June 12, which imposed additional sanctions against North Korea. On July 4, once again using the symbolism of US Independence Day, North Korea fired seven Scud-type ballistic missiles into the Sea of Japan.

Significantly, the day after the nuclear test, South Korea announced it was joining the US-led Proliferation Security Initiative. North Korea had warned that it would view such a step by South Korea as a declaration of

war and threatened that it would respond militarily to any attempt to inspect its ships. South Korea had resisted joining the PSI until that time so as not to provoke North Korea. Taking this step was therefore an indication of the deterioration in bilateral Korean ties that had begun with the change of government in South Korea in early 2008 and was to continue to find expression in significant clashes between the two states over the course of 2010. One of the explanations posited for the clashes of 2010 attributes them to the dynamic of succession following the leader's death: Kim Jong-Il, already seriously ill, was paving the way for his youngest son, Kim Jong-Un, to take over the leadership of the country, and his defiant posturing was intended to ward off an image of weakness during the delicate period of transition. However, these clashes can also be explained in terms of the nuclear dynamic.

The first incident occurred on March 26, 2010, when a South Korean naval war ship, the 1200-ton corvette *Cheonan*, was nearly split in half by an explosion, killing 46 sailors in what is widely, though not universally, believed to have been a North Korean torpedo attack. North Korea denied any role in the incident, but strong suspicions that it could only have been a North Korean action exacerbated North-South relations. South Korea demanded an apology, which Pyongyang refused to grant.

In mid-November 2010, in another attempt to draw US attention, North Korea exposed its uranium enrichment facility to Siegfried S. Hecker, a US scientist and leading expert on North Korea's nuclear program who had visited the Yongbyon facility in the past. The North Koreans specifically invited Hecker to visit the Yongbyon nuclear complex in order to display the modern and sophisticated uranium enrichment facility they had constructed. They also informed Hecker that they were constructing a light-water nuclear power reactor at Yongbyon.²⁵

On November 23, 2010, shortly after the uranium enrichment plant was revealed, the situation between North and South Korea escalated dangerously. The dynamic began when North Korea carried out an artillery attack on the South Korean island of Yeonpyeong, killing two South Korean marines and two civilians. The attack took place in a region subject to dispute between the two Koreas. North Korea does not recognize the maritime border delineated by the UN after the Korean War, and bloody skirmishes between the navies of the two states took place in the disputed waters in 1999, 2002, and late

2009.²⁶ North Korea claimed that it fired in self-defense, accusing South Korea of provoking the attack by firing at it from the island, but South Korea asserted that theirs had been test shots and had not been fired in territory recognized as belonging to the North. South Korea then canceled a set of live-fire drills scheduled for late November. North Korea threatened massive and catastrophic retaliation if any more firing occurred, warning that if war broke out it could spread worldwide. South Korea nevertheless conducted another military drill in December and, despite its threats, North Korea ultimately refrained from responding militarily.²⁷

Parallel Progress toward Renewed Talks

When North Korea initially quit the Six-Party Talks in April 2009, it announced that it would never return. However, not surprisingly, ongoing economic hardship due to increased sanctions gradually led to a change in its position. In the months after its nuclear test it began hinting that it would consider returning to the talks, although initially it posed preconditions: in the latter half of 2009 the precondition was a high-level bilateral US-North Korean meeting. Such a meeting took place in early December, when Stephen Bosworth traveled to Pyongyang to meet with government officials. Both sides described the meeting as resulting in a common understanding of the need to restart international negotiations, but North Korea still gave no guarantee that it would return to the Six-Party Talks. Indeed, January 2010 brought with it new North Korean preconditions for regional talks: an end to UN sanctions and the initiation of talks with the US on a peace treaty formally ending the Korean War of the early 1950s.²⁸

During the remainder of 2010 and through the end of 2011 all sides attempted to resume negotiations amidst a dizzying series of shifting conditions and concessions on the part of North Korea and the US, as well as the other regional parties.²⁹ When the other five parties rejected North Korea's preconditions for restarting the talks, Pyongyang readjusted its position, and in its increasing desperation to return to the negotiating table and thus receive economic benefits, it continually tempered its demands until eventually, following its provocations of November 2010, North Korea was reportedly offering concessions.³⁰ In July 2011, North Korea called for quickly re-launching the Six-Party Talks on an unconditional basis. Over the course of 2010, the US for its part was waiting for an indication

that Pyongyang would finally demonstrate its seriousness of purpose with regard to negotiations by ceasing its provocations and committing to a path toward denuclearization. The administration adopted a policy of “strategic patience” and refused to continue the dynamic of “talk for talk’s sake,” only to find itself back where it began.³¹ Nevertheless, the US position gradually shifted toward expressed willingness to resume negotiations as well. This shift occurred even though a return to “business as usual” following North Korea’s 2009 provocations might have seemed unlikely,³² and notwithstanding growing doubts in the US that North Korea would ever agree to denuclearize.

At the North-South Korea bilateral meeting that took place in July 2011, both sides agreed to re-launch the Six-Party Talks “as soon as possible,” but a US-North Korean bilateral meeting later that month did not yield any concrete results.³³ In August 2011, Kim Jong-Il made his first trip to Russia since 2002 to discuss energy deals. The North Korean leader reportedly told President Medvedev that he was prepared to renounce nuclear testing and spent fuel reprocessing in the context of renewed Six-Party Talks.³⁴ In late October 2011 the US and North Korea held another bilateral meeting in Geneva, but once again, despite some softening of the approaches as noted by the negotiators, no agreement was reached to resume the multilateral talks. The US and South Korea agreed that North Korea must take certain steps before these talks can resume, including halting its uranium enrichment program under IAEA verification and ceasing missile and nuclear tests. North Korea indicated some willingness to consider a moratorium on nuclear and missile testing.³⁵ Kim Jong-Il’s death on December 17 (which was reported only two days later) put nuclear matters on hold until the close of 2011.

Assessment: US Prominence in a Regional Setting

The attempts of the past decade to address North Korea’s nuclear ambitions took place in a regional framework, but as the above analysis reveals, negotiations with North Korea remained heavily influenced by the bilateral US-North Korean dynamic.

The Clinton administration had dealt with North Korea through ongoing diplomatic efforts. In 2000, towards the end of this administration, a prospective presidential visit to North Korea generated high hopes of normalized relations. The visit never materialized, however, and the Bush

administration began in early 2001 with a notable change in tone toward North Korea. While it displayed some willingness to continue the previous administration's discussions, the new administration strongly suspected some degree of North Korean noncompliance with agreements that were reached in the early 1990s. Even before 9/11, there were indications of new tensions in the bilateral relations, but after the massive terror attack, North Korea was placed squarely on the "axis of evil," alongside Iraq and Iran.

Over the course of 2002 the situation deteriorated, and North Korea began to react to what it claimed was a very hostile US stance that it feared might foreshadow a military attack. After the crisis that erupted in October 2002 and the subsequent steps taken by North Korea, culminating in its withdrawal from the NPT, the US administration refused to negotiate directly with North Korea. The adamant US stance in this regard laid the ground for shifting the Northeast Asia dynamic toward a multilateral regional mechanism for negotiations hosted by China. The US preference for a regional setting, according to Michael Green, a former US official involved in the deliberations, stemmed from its desire to increase leverage on Pyongyang, especially in the absence of military threats. The Bush administration wanted the other regional states to participate fully rather than to mediate on the sidelines, in the hope that the regional parties would adopt and advance a joint stance on North Korea using their combined weight. It was important to the administration that the situation not be viewed as a US-North Korean problem, rather as a regional problem requiring a regional solution.³⁶

The Six-Party Talks remained the primary framework for negotiations thereafter, although bilateral US-North Korean meetings took place at various junctures over the past decade. During these years North Korea continued its efforts to focus on the US exclusively, with repeated demands for bilateral nuclear negotiations with the superpower. Most if not all of its provocative actions over the years can be attributed to its attempts to gain the attention of the US in particular. While the US insisted that regional talks remain the primary framework for negotiations, it nevertheless conducted many bilateral meetings with North Korean nuclear negotiators on the sidelines and during the interim periods. In a number of instances these meetings proved critical for restarting the stalled regional dialogue, as demonstrated in early July 2005, when after a meeting between US and North Korean negotiators Christopher Hill and Kim Gye-Gwan, North Korea notified

that it would return to the Six-Party Talks. The US promised to recognize North Korea's sovereignty, not invade, and hold bilateral talks alongside the regional dialogue. The next Six-Party meeting held in late July to early August was notable for the record number of bilateral US-North Korean discussions that took place. The second instance was in February 2007, when again North Korea returned to the talks only after a bilateral meeting with US representatives in Berlin the previous month.

In line with its policy of "strategic patience," the Obama administration waited for North Korea to demonstrate its seriousness of purpose, and signaled that it would hold talks with North Korea only under the right circumstances. It was no longer willing to engage in talks purely for the sake of talking, nor would it reward North Korea for its provocative behavior by agreeing to dialogue unless the latter changed its stance. Nevertheless the administration gravitated toward renewed talks because, despite its insistence that talks be substantive and serious,³⁷ it lacked the leverage to ensure such talks. Military force was not an option as far as the administration was concerned, economic pressure posed a risk of dangerous collapse, and thus a return to negotiations remained the only, almost inevitable, option. Moreover, when North Korea increased its provocations in 2010, the US concluded that negotiations should resume sooner rather than later. None of this was good news in terms of US leverage over North Korea or its bargaining power in the negotiations setting. On the contrary, it proved that North Korea had the upper hand in this dynamic. A *Washington Post* editorial had this to say about the prospect of the US returning to the negotiations table (after the second nuclear test and before the 2010 provocations): "If [dialogue] occurs without a decisive change in North Korean behavior, Mr. Kim's crude but effective diplomacy will have triumphed again."³⁸

Overall, the US approach to North Korea was primarily reactive and ad hoc, with scant evidence of any clear, comprehensive policy for achieving what it described as its major goal, namely, putting an end to all of North Korea's nuclear activities, dismantling its facilities, disarming it of any nuclear arsenal, and terminating its role as a proliferator of nuclear technologies, plans, and components to other states.³⁹ Washington attempted to stand firm in its demands from North Korea, but was often manipulated by the latter. On more than one occasion the US fell into the trap of believing it had reached an understanding with North Korea that Pyongyang then

retracted or simply denied ever occurred. Finally, the US was not consistent in its approach to the negotiating framework. It insisted on upholding the regional format, but it could not, or perhaps would not, abandon its role as the pivotal point of reference for any understandings carved out with Pyongyang. This approach, compounded by North Korean pressure, pulled the US toward bilateral talks.

The US displayed no plans for encouraging North Korea to be a serious negotiator, save the added leverage it had hoped to gain through the Six-Party framework. Time and again the US agreed to resume negotiations even when the prospects of making headway were slim. The overall dynamic exposed the dearth of US bargaining tools and North Korea's successful use of provocations and crisis-making behavior to continue to squeeze economic benefits from the US and regional states.

The Regional Context

The Six-Party format for dealing with North Korea is unique in the sense that it derived its legitimacy not from UN institutions, as is the case with the multilateral P5+1 format for negotiating with Iran, rather from the logic of integrating the relevant regional players into the process of North Korean denuclearization. However, this US initiative for regional talks was plagued not only by constant tension between the multilateral approach and North Korea's desire to deal with the US bilaterally, but also by additional regional interests that became part and parcel of the overall dynamic.⁴⁰

Indeed, each of the regional players – South Korea, Japan, China, and Russia – had its own take on North Korea and the dialogue, as well as its own stakes in the process as a function of its regional and bilateral interests and concerns. The advantage of conducting regional dialogue was that it took the broader security environment into account and had the potential of creating various opportunities for cooperation. Moreover, multilateral nuclear talks can help create a framework for states to discuss and work on other regional disputes.⁴¹ Indeed, one of the goals of the US in setting up the Six-Party framework was to “lay the groundwork for a lasting institution in Northeast Asia that builds confidence among the major powers.”⁴² The downside, however, was that the interests of the various players often operated at cross-purposes or burdened the nuclear discussion with the additional problematic aspects of regional relations. At times these dynamics introduced further

complications and delayed pursuit of the primary goal of the Six-Party Talks, which was to stem and reverse North Korea's nuclear programs and activities. The US insisted on the Six-Party framework in order to increase its leverage over North Korea, but the latter also succeeded in manipulating the regional dynamic in its favor, for example by insisting at times on dealing directly with the US as a means of snubbing South Korea.

What follows is a brief review of the main interests and positions of the four additional regional players, which impinged on the multilateral nuclear negotiations.⁴³

South Korea: Although relations between North and South Korea are tense and threats are periodically issued on both sides, the two nations nevertheless regard themselves as one people, which has the effect of tempering fears of concrete (nuclear or massive conventional) attack.⁴⁴ As such, even when there was a shift in policies or an actual military clash, as occurred over the course of 2010, the two states demonstrated an impressive ability to back away from the brink and defuse crisis situations.

Efforts to improve Korean relations through the “sunshine policy” that was adopted in the late 1990s faltered with the change of government in South Korea in early 2008, which brought to power a conservative government with a more hardline approach to North Korea and less tolerance for continuing to bail out the North economically. While in October 2007 then-South Korean President Roh Moo-hyun and Kim Jong-Il signed the “Declaration on the Advancement of South-North Relations, Peace and Prosperity,” which promised expanded economic cooperation, confidence building, and reduction of tension in bilateral relations, by 2010 the two Koreas were again experiencing more open conflict, to the point that North Korea pronounced that it was severing all relations with Seoul. By mid-2011 this tension was reduced considerably, and South Korea was once again in a position to discuss aid to North Korea. It was also able to agree with the North on the need to reconvene the Six-Party Talks, even before receiving an apology from Pyongyang for the *Cheonan* affair and the firing on Yeonpyeong, as it had demanded the previous year.

South Korea, driven by its desire to punish North Korea for its dangerous policies while simultaneously not wanting to take action that might provoke a war, has displayed an ambivalent attitude toward the North, discerned, for example, with regard to the Kaesong Industrial Complex (KIC) project

that was initiated in 2003. This joint North-South Korean economic project aimed to enhance relations between the two states, building on the strengths of each: South Korea's economic strength and technological advance, and North Korea's land (Kaesong is in North Korea, just north of the demarcation line) and labor force. North Korea benefits from the KIC economically, and it would seem to be a prime target for sanctioning the North for its nuclear activities. But South Korea was reluctant to suspend the project, even when conservative President Lee declared in 2008 that he would link future large-scale economic programs with North Korea to progress on the nuclear front. In fact, the KIC grew from late 2007, when there were about 50 medium-sized South Korean companies employing approximately 20,000 workers, to June 2009, when the number of companies and employees had doubled. Moreover, the event that led to suspension of the project in late May 2010 was not the nuclear issue, rather the sinking of the *Cheonan*, and in October 2011 a decision was taken to restart construction, at least on a limited basis.⁴⁵

While they were able to stop short of escalation to war, the on-again off-again tensions between North and South Korea have placed a burden on the nuclear talks, especially within the triangular US-South Korea-North Korea dynamic, when North Korea tried to interfere with the close ties between the US and South Korea and play one state against the other.

China: China is North Korea's longtime ally and diplomatic, political, and economic lifeline. As such, China is widely recognized as the state best positioned to influence North Korea on the nuclear issue, but China has not been forceful in confronting North Korea in this regard. On the one hand, China does not want to see another nuclear state in its region, especially one like North Korea that could very well provoke others such as Japan or South Korea to pursue the nuclear route as well or to build up their military defenses. On the other hand, China has been unwilling to adopt too hard a stance on North Korea, including through the UN Security Council and discussions on sanctions, for fear that the fragile North might collapse, sending a flood of refugees over the border into China. China is also concerned that the scenario of collapse could produce a unified US-aligned Korea that would bring the US and its troops to its doorstep.

China's position on North Korea hardened somewhat in 2009, when both China and Russia reacted more forcefully and with displeasure to North Korea's second nuclear test, especially in contrast to their reaction to the

first test in 2006. Both states noted that North Korea was in clear violation of the Security Council resolution passed after the first nuclear test that had explicitly barred Pyongyang from carrying out another test.

In a piece published in 2009, a noted nonproliferation expert urged that China reassess its interests vis-à-vis North Korea and stop fearing the scenario of collapse:

The priority China places on stability perversely allows North Korea to destabilize the entire region in ways that seem wholly contrary to China's national interests....By employing its latent economic leverage, China could seek to force Pyongyang to make a choice between economic collapse and the irreversible dismantling of its nuclear weapons and facilities.⁴⁶

China has not chosen this route, however, and the rivalry between China and the US over regional influence encouraged them to maintain their particular approaches to the North Korean issue, with negative implications for effectively confronting this proliferator within the regional framework. China tends to regard North Korea as a buffer and as a point of leverage vis-à-vis the United States. Interestingly, the regional dynamics can be even more complex. For example, although China and the US are rivals, they have both resisted signing a peace treaty to end the Korean War until North Korea denuclearizes. In this regard, it is Seoul that has taken a different approach and advocated that peace and denuclearization on the Korean peninsula are inextricably linked, and therefore efforts should proceed in parallel.⁴⁷

Russia: Like South Korea and China, Russia prefers engagement with North Korea and opposes the use of harsh economic pressure that might lead to collapse. Russia too is wary of an influx of refugees across its border with North Korea. Moreover, Russia has sought to reassert itself in Northeast Asia, and like China, is a strategic rival of the US and would like to see US influence in the region tempered and reduced. However, Russia is also wary of China. According to one analyst, "the worst-case scenario for Russia would be a nationalist unified Korea closely aligned with China. Such a scenario would significantly limit Russia's influence and hinder its ability to develop oil and gas pipelines throughout the region."⁴⁸

Russia is aware of the economic potential of better ties with North Korea, as reflected in the bilateral meeting between Kim Jong-Il and Medvedev in the summer of 2011. Russia has sought to lay pipelines through North

Korea in order to bring natural gas to South Korea and possibly Japan as well. This would also be a lucrative deal for North Korea, which could earn as much as \$500 million a year from transit fees. However, the nuclear issue is a complicating factor for such a deal.⁴⁹

Japan: Japan and North Korea have a long history of mistrust, and Japan seems to be the most fearful of the direct security implications of North Korea's nuclear and missile activities, especially as missile tests have been launched in Japan's direction. Japan has been the most willing of the six parties to apply bilateral sanctions against North Korea in a more coercive approach to pressure Pyongyang to denuclearize, and it resists normalization before this happens. Japan is also set on using the talks as an opportunity to settle the issue of the abduction of Japanese citizens by North Korean spies in the 1970s and 1980s. Japan wants North Korea to admit its guilt for this crime as a move to address Japan's concerns.

In sum, although a regional format was established to deal with North Korea in the hope of thereby increasing the prospects for success, it remains unclear whether the regional dynamics have indeed been helpful or detrimental to resolution of the nuclear issue. The interests of the relevant states were not uniform and often operated at cross-purposes, which undermined their ability to present the unified front and leverage needed to face a determined proliferator. Moreover, the history of the past decade demonstrates that the US-North Korean bilateral dynamic remained at the forefront, due in no small part to North Korea's persistent focus on the US.

Most of the setbacks to the Six-Party Talks can be traced to US and North Korean actions directed at each other, or to mutual accusations about noncompliance with prior agreements and commitments. Examples include the US freezing of bank assets in late 2005; the prolonged period of time that it took North Korea to produce a full report on its nuclear activities in late 2007, followed by US disappointment over the lack of comprehensiveness of the report eventually submitted and its demand for more intrusive on-site verification of North Korea's activities; North Korea's demand that the US remove its name from the list of state sponsors of terror; and the 2010 revelation to a US scientist of an operating uranium enrichment plant, in contravention of North Korea's commitments. Indeed, notwithstanding US resistance to bilateral talks, the US-North Korean relationship is the key factor for understanding developments and assessing the prospects for

curtailing North Korea's nuclear ambitions.⁵⁰ The regional parties want North Korean denuclearization, but they have other goals as well. Stability on the Korean peninsula is at the forefront for China, Russia, and South Korea, although Seoul has been the most determined of the three to stop North Korea's nuclear activities. Lacking unity of purpose and determination, the regional approach has not been as effective as the US had hoped.

North Korean Negotiations Strategy

Serious questions emerge at both the strategic and tactical levels regarding North Korea's own conduct vis-à-vis the nuclear issue: What does North Korea want, and how has it tried to advance its goal? What are the implications for negotiations on nuclear disarmament?

Strategic Goals

Over the decade under review, Pyongyang unambiguously demonstrated its strong desire to maintain a nuclear weapons capability. Yet what also emerges quite clearly from the analysis is that North Korea has an interest in bargaining on this issue and even in making deals, although it interprets these deals according to its own interests. The recurring question in light of North Korea's behavior is what its ultimate aim really is. Should the actions of the past decade be understood primarily as a tit-for-tat strategy intended to convince the US to conclude a nonaggression deal with it and ultimately bring lasting peace to the Korean peninsula, or is it more in the nature of ongoing nuclear blackmail in pursuit of economic benefits? The answer depends on whether one believes the overriding rationale for North Korea's nuclear program is to secure a final peace agreement with the US and stability in Northeast Asia, or to secure ongoing economic assistance, with the nuclear capabilities fulfilling the role of a reliable milking cow. Most likely it is a mixture of both. North Korea would like to conclude a deal with the accompanying security benefits, but it has come to realize that it can manipulate the international community and basically "sell Yongbyon" over and over again to the US and regional states, which also has a strong appeal.⁵¹ It is difficult to assess which aspect of regime survival – sovereignty, security from attack, or economic viability – plays the strongest role in the thinking of North Korea's leadership.

Having said this, the conclusion that North Korea probably wants both diplomatic and economic security is not sufficient, because the different possible goals of the bargaining process have very different implications in assessing the prospects for ever concluding a final deal, as opposed to making interim deals that can later be overturned and then renewed.

If security, US nonaggression, and peace in the Korean peninsula are uppermost in North Korea's calculations, it might be possible to inch forward to a final deal at some point, at least as far as North Korea is concerned,⁵² although the talks would still remain hostage to an irresolvable dilemma of sequence. North Korea and the US have created a zero-sum setup whereby North Korea demands normalization first and only then completion of the denuclearization process, whereas the US demands the exact opposite: first denuclearization and only then normalization of relations. Moreover, the game includes additional players such as China and South Korea.

Meanwhile, on the ground and between these two zero-sum goals, the Six-Party Talks have become a framework for North Korea to gain short-term economic benefits. If this massive economic assistance is actually the key to understanding North Korea's maneuvering, the logical approach for North Korea would be to keep the process alive and avoid reaching a final deal. North Korea's missile and nuclear programs are a source of revenue for the impoverished state in another respect as well: beyond the economic gains achieved every time negotiations are restarted in the "one step forward and two steps back" dynamic, the black market is a potential source of significant economic gains through sales to Iran, Syria, and others. These can only continue if North Korea maintains its program. Moreover, North Korea is also influenced by issues of pride and equality. Like Iran, North Korea wants the US to negotiate with it as an equal. For North Korea this means facing the US as a nuclear weapon state. Pyongyang has made it clear on several occasions that it would like to hold bilateral negotiations with the US on denuclearization, but that such negotiations must be between equals: nuclear state to nuclear state.

Perhaps the better way to address the question of which goal holds more overall importance to North Korea is to differentiate between the short and the long term. Economic issues dominate the short term, and they preclude a one-time solution not only because economic assistance must be continually replenished, but also because institutionalizing such assistance in the long

term would go against the grain of North Korea's culture of self-reliance. Moreover, there is a basic lack of trust, and North Korea would most likely be wary of entering into a long-term economic deal, even if one were offered, in case the US and others were to change their minds at some point down the road. The nuclear issue ensures that they keep coming back.

Peace and normalization of relations are important long-term goals to North Korea that could be finalized in one deal, but at great cost to Pyongyang, not only because it would first have to relinquish all of its capabilities, which it is loath to do, but also because it would lose the option of intermediate economic deals. Merely talking about normalization of relations with the US, however, apparently appeals to North Korea as it places it on equal footing, at least rhetorically, rather than in a relationship of dependency. Thus North Korea is likely to continue to discuss the nuclear issue in these terms. Ultimately, it is the economic calculation that seems to be paramount and provides a strong motivation for North Korea to resist making a final deal in the foreseeable future.

Another question is how long the international community will tolerate North Korea's strategy. While the US claims that it refuses to continue to do so, most likely it does not have much choice, as it has been proven to be powerless to alter the dynamic. It is quite revealing that while none of the negotiating parties currently believe that the regime in North Korea will ever fully relinquish its nuclear arsenal, they nevertheless continue to talk about renewing negotiations.⁵³

Tactics

At the tactical level, North Korea's unique style no doubt makes it an extremely challenging interlocutor in the negotiations setting. Victor Cha has written that "negotiating with North Korea is all about contradictions."⁵⁴ North Korea's behavior over the course of, and prior to, the past decade seems erratic and unpredictable: Pyongyang has recanted commitments, denied previous statements or understandings, and blatantly reversed positions and backtracked. It seems that no deal, agreement, or understanding that is reached with North Korea is ever final, and almost every achievement can be revisited and reversed, sometimes in the space of days, other times months or years later.

At times North Korea was in fact reacting to (much less publicized) backtracking on the other side. This was the case in 2002, when North Korea complained that it was the US that had not upheld its commitment to build two light-water reactors according to the terms of the 1994 Agreed Framework. Possible backtracking on the other side was also an issue in the verification dispute of 2008, when North Korea claimed that the US had previously agreed that the topic of verification would be left to a much later stage of the talks.⁵⁵

Moreover, the difficulties that North Korea poses as a negotiating partner do not mean that its tactics cannot be understood. When considered in the context of its security and economic interests at the strategic level, North Korea's tactical behavior makes more sense.⁵⁶

One of the questions often raised about North Korea is why it provokes the international community with nuclear and missile tests when it knows that it will be punished with economic sanctions. If its aim is to resume nuclear talks for the sake of economic assistance, would it not make more sense to skip the provocations? One explanation is that the real audience for these provocations is the domestic population, as a means of bolstering the regime internally. One observer has noted that "confrontations with the outside world are manipulated by Kim to legitimize his near-absolute authority and explain away chronic poverty."⁵⁷ A different explanation for this behavior is that if North Korea's goal is economic assistance, then the deal must be renewed repeatedly. Without the "crisis-punishment-reconciliation-economic reward" dynamic, there would be no reason to grant Pyongyang more assistance before it advanced significantly toward denuclearization. North Korea's blatant reversals, denials, and backtracking are part of its tactic for ensuring a continuing dynamic that never reaches the point of conclusion. In addition, the nuclear and missile tests were not merely provocations: they helped cement North Korea's status as a nuclear capable state.

Provocations are also attention-grabbing moves. When the attention of the US is directed elsewhere, North Korea has tended to generate crisis situations intentionally in order to refocus attention on itself and try to pressure the other side into concluding another deal on North Korean terms.

A final point about the use of provocations, especially the military type witnessed in 2010, is that they clearly entail risks. One danger is that they

might generate a dynamic that escalates out of control. A related risk is that North Korea might become dangerously bold in this regard, relying on its status as a nuclear-weapon state, which would make it relatively immune to counter-attack. A top advisor on North Korea from the Bush administration, Michael Green, warned of this danger following the *Cheonan* affair.⁵⁸ Interestingly, however, the island shooting incident that occurred later that year demonstrated something different. Although the situation was tense, it was North Korea that eventually backed down after threatening to attack South Korea severely if the latter conducted an additional firing drill. This seems to indicate that North Korea's aim was indeed to provoke the parties to resume negotiations and perhaps to pressure South Korea to provide more aid, but that its action was neither reckless nor meant as an indication that it felt immune to counter-attack. Moreover, a mere six months later, at a bilateral meeting between the two Koreas, South Korea agreed to return to the Six-Party Talks, even though North Korea had not apologized for the 2010 incidents as the South had demanded. This was not highlighted as a South Korean surrender to the North, rather featured as a low-key gesture in an attempt to restore stability on the peninsula. The overall dynamic underscores the vast differences between the regional conditions and dynamics of Northeast Asia and those of the Middle East.⁵⁹

Chapter 4

Iran and North Korea: Comparative Analysis

Although the case of Iran's nuclearization and the international efforts to confront it are perceived as a more pressing global concern than the parallel case of North Korea, each holds many important insights that are of value in studying negotiations strategies for stopping a determined proliferator. Yet while this study focuses on the two cases and clarifies the rationale for comparing the efforts to control these two determined proliferators, it must nevertheless be kept in mind that because of geostrategic factors, the cases are not equivalent in terms of the international interest they have generated over the years or their coverage in the media. The different levels of international concern find expression, for example, in the way the US and Russia regard these cases. While the two powers have been involved in both crises for years, Iran's nuclear activities have become an explicit and prominent feature of the US-Russian strategic rivalry, as played out in the debate over missile defense in Europe, whereas North Korea does not elicit anywhere near the same degree of great power concern or level of activity.

Similarly, Europe was very much involved in confronting Iran's nuclear ambitions, to the extent that during 2003-5, when it assumed the lead in negotiations with Iran, the issue became a flash point for trans-Atlantic relations. At the same time, however, these European states were quite content to let the US deal with North Korea however it saw fit. This trend is also reflected by the IAEA, whose former Director-General, Mohamed ElBaradei, was also noticeably more interested and active in Iran's nuclear file than North Korea's. At times this reached a point where he assumed a role suited more to a political player than a representative of an international organization with a purely technical mandate, such as when he withheld data from the "secret annex" on Iran, preventing its inclusion in his public

reports. Additionally, it is hard to imagine the Obama administration's policy of "strategic patience" for North Korea being explicitly adopted with regard to Iran.

Moreover, when commentators have been encouraged to compare the two cases – due to their chronological proximity and the parallel progression of events since 2002 – all too often these comparisons have been superficial or based on over-simplified similarities. A common method of comparison has been to focus on the supposed lesson that one of the proliferators might draw from a specific action taken by the other. A relevant example is provided by reactions to the North Korean nuclear test of October 2006. Many analysts remarked that if the test were to go unpunished, it would send a clear message to Iran that it could safely follow suit. Another common assumption was that the nuclear test would serve as a wake-up call for the international community, impressing upon it the need to take more determined action vis-à-vis Iran before it reached the stage of North Korea. According to this line of thinking, recognition of the severity of one state's nuclear ambitions would apparently make the international community instantly better equipped to deal with another. Similarly, in July 2007, when both Iran and North Korea displayed an inclination toward cooperation with the international community, some analysts were quick to lump them together and check the international reaction to what was described as a "new cooperative mode among proliferators," not appreciating that each case must be assessed in terms of its own particular dynamics and context.¹ Indeed, in each case the factors surrounding the cooperative gestures, as well as the gestures themselves, were entirely different, which should have supported different assessments of the respective natures and degrees of cooperation.

Comparisons can and should be made, but it is important that they take into account both similarities and differences between the two cases; most importantly, the comparisons must be carried out in a comprehensive and in-depth manner, resisting simplistic conclusions.

When Strong States Meet Proliferators: The "Diplomatic Dance"

In the cases of both Iran and North Korea, the international community, heavily influenced by the war in Iraq, opted for diplomacy. At the same time, there was no clear definition of what that meant, or how diplomacy would be carried out in moving toward the goal of blocking each determined

nuclear proliferator. Opting for diplomacy has produced very different modes of negotiations: bilateral or multilateral; tough or lenient; focused on the nuclear issue specifically or including a broader range of issues; with attention to NPT obligations or with attention to regional dynamics. Under the umbrella of “diplomacy,” the strong states have also included implementation of sanctions, but have not been clear about the role they assign to these measures or what they expect sanctions to achieve.

Likewise, both case studies reveal the lack of a defined goal for the diplomatic efforts undertaken: What was the international community actually seeking, complete reversal in the nuclear realm or an arrangement that it could “live with” by managing the situation? What message was being conveyed to the proliferator? Often it seemed that the states confronting the proliferators were groping in the dark, carving out their approach in an ad hoc manner in response to actions taken by the proliferator. While negotiations necessarily involve a degree of mutual concession and modification of positions in accordance with the reaction of the other side, it was evident – in both cases, although through a different dynamic – that the proliferators had the ability to turn the tables on the strong states and even assume the upper hand, which in turn enabled them to gain valuable time and concrete benefits without making significant concessions affecting their nuclear programs.

Indeed, what emerged most strikingly in both cases is that a determined proliferator proved capable of keeping the international community at bay while it advanced its nuclear program. To be sure, Iran and North Korea both suffered (sometimes severe) economic hardship along the way, but both essentially succeeded in resisting all attempts to convince or coerce them to back down.

Major Structural Imbalance: Who Needs Negotiations?

The major structural imbalance that constrained and undermined the ability of the strong states to negotiate effectively with each determined proliferator is a function of the two sides’ differing degrees of dependence on negotiations as the means to their respective goals. Strong states were completely dependent on a successfully negotiated outcome in order to achieve the international community’s goal of stopping the nuclear programs of the proliferators. For the proliferators, however, negotiations were more a nuisance than a necessity – something to be overcome or dismissed as

they proceeded unilaterally toward their goal. In short, the proliferators did not need or particularly want the engagement, whereas the strong state negotiators were critically dependent on it. This dependence of the strong states on a successfully negotiated outcome is the source of their relative weakness when facing each determined proliferator.

This basic structural constraint was exacerbated by the strong state negotiators' demonstrated inability to take the steps necessary to strengthen their hand vis-à-vis the proliferators by presenting a unified front and applying effective pressure. The proliferators, in turn, proved adept not only at strengthening their own hand in negotiations, but also at weakening that of the strong states. As long as the strong states proved incapable of altering the proliferator's cost-benefit calculation so to make a negotiated deal preferable to the status quo, the proliferator could maintain the upper hand and continue perfecting its tactics of delay and "divide and conquer."

Within these generally comparable dynamics, there are specific differences between the two proliferators. Iran has not demonstrated any interest in reaching a deal that would entail relinquishing its nuclear program and emerging capabilities. A negotiated settlement terminating its nuclear program would have undermined its primary goal and was therefore not in Iran's rational interest. The same has held for North Korea in relation to its nuclear capability, but Pyongyang has an additional interest in deals that would bring it economic assistance. Thus, while Iran's game was to use negotiations primarily to play for time, North Korea's game was slightly more complex. Pyongyang's maneuvers have been designed to secure economic benefits while forestalling a deal that would require it to relinquish its nuclear capability. This complicated negotiations strategy was supplemented by Pyongyang's avoidance of tough spots by simply denying that certain understandings had ever been reached or otherwise blatantly backtracking on what had been achieved.

International Levers of Pressure?

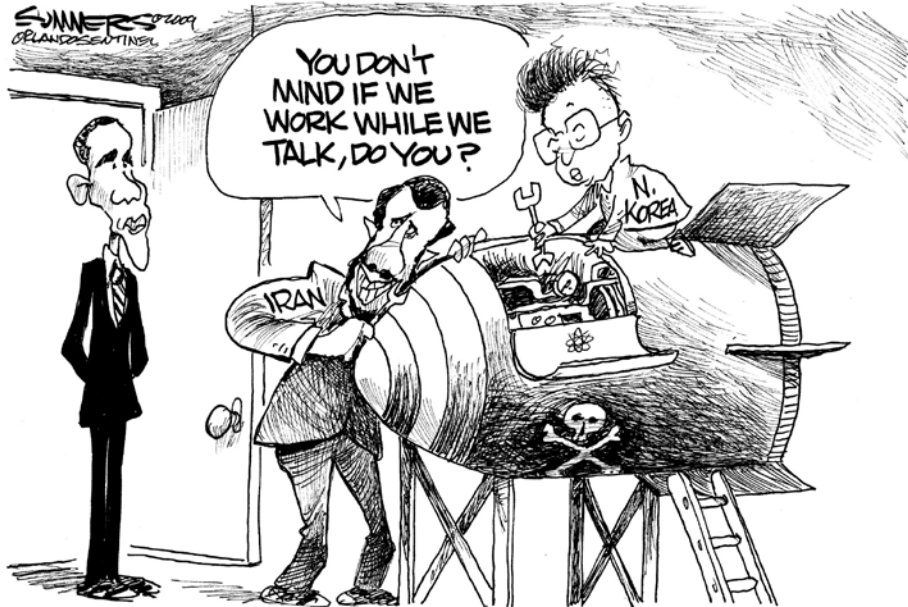
By 2009, the strong parties were becoming aware that they were being manipulated by the two proliferators in the respective negotiations processes: Iran through its play for time and North Korea through its provocations aimed at resuming talks and securing new deals that benefitted Pyongyang economically. Yet the strong parties also realized that they were essentially

powerless to alter the dynamic because of the limited means at their disposal for applying strong pressure on the proliferators and compelling them to take the negotiations more seriously. Not only did the strong state negotiators have very few cards to play, but they were also poorly equipped to use the few cards they did have effectively.

Indeed, the only cards that international actors have at their disposal to express displeasure, punish, or otherwise pressure another country in response to its misbehavior are economic or diplomatic sanctions, and military threats or use of force. However, these tools are double-edged swords: while they can impose significant costs on the targeted states, they can also adversely affect those that employ them, thus undermining their potency. Generally speaking, states today prefer to sanction other states economically rather than to use military force, but sanctions also hurt those that employ them. Indeed, the international community has found it most difficult to employ economic sanctions with unity of purpose and determination because states are not willing to suffer the consequences to their own economies that result from curtailing trade relations, especially in the long term.

These constraints played out differently in the two cases under review. In facing Iran over the years, the US neutralized and undercut its own ability to apply military pressure, even in the form of credible threats, because of its aversion to military confrontation with this country. Iran was also proactive in driving home the message that military force would be an extremely risky gamble for the US. The economic stick was used, through UN Security Council resolutions as well as unilateral US financial sanctions, but many of these decisions were long in coming and not very harsh. UN sanctions were slowly implemented, but every decision was watered down in order to reach a common denominator that would ensure the collective support of the Security Council members. It was a case of too little, too late. The pace and severity of the sanctions route was not rigorous enough to present a daunting challenge to Iran, especially as Iran took action to reduce its dependence on the West.

The case of North Korea was even more difficult: the options of military force and economic sanctions were both undermined by the strong states themselves. Military force was off the table from the outset, and economic pressure was inapplicable when economic assistance was the basis of the very deals pursued. The absurdity of this situation was highlighted when, four



© Tribune Media Services, Inc. All Rights Reserved. Reprinted with permission.

months after sanctions were implemented following North Korea's October 2006 nuclear test, a deal was reached that promised economic assistance to Pyongyang. Whereas the UN sanctions on Iran in the summer of 2010 served as a prelude to additional unilateral sanctions, the case of North Korea was the polar opposite: UN sanctions were followed by a regional deal that undercut their potency. The reason for this different treatment of North Korea is that all of its neighbors fear the scenario of the country collapsing and therefore have a strong interest in ensuring its – at least minimal – economic viability.

The ability of the international community to place effective pressure on the proliferators was also weakened by differences among the strong states themselves. The P5+1 facing Iran and the five regional states facing North Korea do not see eye to eye on an entire array of interests that, in turn, affect their approach to the proliferators. These differences often weakened their collective resolve to stop the proliferator.

In the Iranian case in particular, uncertainty about its military intentions in the nuclear realm was a further impediment to application of strong pressure. Severe economic measures were hard to justify when some states were continually questioning the very rationale for such measures. Whereas the question of a smoking gun was not an issue in the North Korean

dynamic, preoccupation with this question in confronting Iran complicated international efforts for years. Indeed, only when Obama attempted to negotiate with Iran in 2009 did the international community finally reach the point of near consensus that Iran was striving to achieve a military capability in the nuclear realm. By this time, however, Iran had gained critical strength in the negotiations setting.

One of the striking differences in the dynamics of each case relates to the respective propensity of each proliferator to display provocative behavior and its goal for doing so. For North Korea, purposely bringing the situation to the brink through provocative behavior and crisis making has been a linchpin of its negotiations strategy. Its actions have been designed to rouse the strong actors, especially the US, and interest them in returning to the negotiations table in order to make a deal. This tactic led US State Department spokesman Philip Crowley to observe, after North Korea disclosed its uranium enrichment facility in 2010, that the North Koreans “have an agenda which...would presume that we will be required to react and potentially to reward this new development.”²

Iran has of course also taken some risky action in the nuclear realm, especially under Ahmadinejad as president, but its goal has been very different. Iran has shown no interest in any deal with the West, rather, in advancing its program as quickly as possible while keeping the international community at bay. Therefore, when it took risky action, such as progressing to 20 percent uranium enrichment, its motivation was in fact the more rapid advancement of its program, not the provocation of a crisis. Indeed, its concern has been the exact opposite of North Korea’s: ensuring that the international community accepts the next stage of program development and does not react harshly to or otherwise interfere with attempts to further the program. Iran’s strategy is thus better described as occasionally risky but aimed at crisis avoidance.

The Relative Value of a Regional Approach

From 2003, a regional approach was adopted as a means of dealing with North Korea. The US was hoping to gain more leverage in its dealings with Pyongyang and to create an ongoing framework for working on regional relations. The six parties were able to establish this mechanism with relative ease, indicating that while relations might be tense in Northeast Asia, they

were not so negatively charged as to preclude sitting together and discussing sensitive regional issues.

Although the chapter on North Korea has highlighted that regional negotiations are not necessarily the preferred framework for confronting and stopping North Korea's nuclear program, the regional approach does have value as a means of improving the regional atmosphere. Even though the prospects for reversing North Korea's nuclear course are slim, improving the regional context would render nuclear weapons less of a regional threat. As one expert on Northeast Asia at the Council on Foreign Relations has noted, the Six-Party Talks are viewed in the region less as a format for solving the problem of North Korea's nuclear ambitions, and more as "an opportunity to create habits of cooperation among...countries that have such antagonisms and such diverse security interests. These are countries that did not have habits of cooperation or dialogue on security issues, so this idea...is very valuable."³

This type of regional approach has not been considered with regard to Iran, and it is hard to imagine that it could be applied either in the immediate Gulf region or in the broader Middle East. One severe and obvious constraint is Israel's presence in the region, which would preclude regional dialogue in the broader Middle East framework. An additional constraint stems from the impact that Iran's regional hegemonic designs have had on other states in the Middle East. Iran's ambition to be the strongest force in the region in combination with its nuclear advances has generated a regional dynamic characterized by a clash between Iran's attempts to foster a regional coalition of supportive states and growing resistance to Iran's nuclear program among its Arab neighbors.

Until late 2005 the Arab states did not voice their concerns over Iran's nuclear activities, but it would be a mistake to interpret their relative silence as lack of concern. Rather, it more likely reflected their perceived sense of weakness in standing up to their strong regional neighbor, as well as an inherent normative resistance to highlighting the potential nuclear threat emanating from a Muslim state while Israel's nuclear program was not being similarly targeted. Moreover, they undoubtedly hoped that the EU-3 and the US would succeed in their efforts to curtail Iran's nuclear ambitions.⁴

Over the course of 2007-8, however, the Arab Gulf states became more vocal in this regard. Though not standing up to Iran directly, they were

deliberating between an expressed desire to stand up to the regional power and the impulse to appease it and move closer to its camp.⁵ For its part, Iran skillfully played on the Gulf states' vulnerabilities, hoping to influence them to abandon any intention of collectively confronting it, which had evidently been an implicit agenda of the Annapolis gathering of late November 2007. Iran also worked to gain their support. Indeed, one of the less analyzed aspects of Iran's behavior over the past years has been its regional political coalition building efforts in the Middle East, and especially in the Gulf, as a means of shoring up support for itself as a stronger regional presence.⁶ For example, at various intervals Ahmadinejad sent out feelers to Egypt, such as offers to restore relations and open an embassy in Cairo if Egypt would do the same in Tehran.⁷ In the Gulf region, Iran offered help to the other states in advancing their nuclear programs. These efforts did not lead to any concrete results, and the resistance to Iranian hegemonic ambitions in the Gulf and wider Middle East has been strong. The revelations of Wikileaks in 2010 underscored the extent to which these states feared Iran and its meddling in their internal affairs.⁸

There is currently no realistic basis upon which to create either a positive regional dynamic with regard to Iran, or a framework for putting true pressure on this state to stop its nuclear activities. In the Gulf region Iran has sought to impose its leadership and influence, and while the Arab states dislike these developments and have resisted them somewhat, they are wary of opposing Iran too openly and determinedly. The developments of 2011 in the Middle East, i.e., the turmoil rocking some of the Arab states, have exposed a more determined Saudi stance vis-à-vis Iran (in their dispute over the protests that took place in Bahrain), but have also generally turned the attention of Arab states inward, and most likely further diminished any prospect for collectively confronting or pressuring Iran in the regional setting.

In sum, a comparative analysis of the two regional settings reveals that North Korea is a weak state in an environment of strong states, and there is a strong regional interest in dealing with it. Nuclear weapons are basically the only card that North Korea has to play, and therefore it has used nuclear blackmail par excellence. In one sense, regional talks have a better likelihood of success because North Korea is weaker than its neighbors, and it does have an interest in closing deals. Nevertheless, because the threat posed by North Korea is not intolerably high and North Korea itself also benefits from

the continued crisis dynamics, there is a concurrent strong pull away from reaching a deal. Two additional factors work against a deal in the regional setting: first, different state interests and grievances burden the talks by injecting additional sources of conflict and grounds for condition setting; and second, the bilateral US-North Korean relationship remains the key framework for negotiating a deal.

Iran, in contrast, is a strong state in an environment of weaker adjacent states. The strong states that have been negotiating with Iran (the P5+1) are external to the region. With regard to its weaker regional neighbors, Iran has been trying to build a political coalition that accepts its leadership, but it is not fearful of these neighbors. On the contrary, it is these states that fear Iran. They hope that strong international negotiators will succeed in putting an end to Iran's problematic nuclear program, but they do not want to upset Iran in case these efforts fail. For Iran a military nuclear capability is not even a temporary bargaining chip, but rather an asset that is vital to achieving its broader goal of regional hegemony. Whatever it cannot achieve through political coalition building, Iran hopes to accomplish on the basis of a military nuclear capability.

Can Diplomacy Succeed?

The paradox of negotiating with a determined proliferator that is also a NNWS member of the NPT is that negotiations have a better chance of succeeding at the initial stage, yet the evidence at this stage will most likely be tenuous and the proliferator can still hide behind the dual-use excuse, claiming that it is advancing a civilian program. When the evidence becomes more concrete and credible, the proliferator will most likely be too advanced to be stopped. Moreover, the proliferator gains strength from the very process of defying the international community's efforts to stop it over the course of years of drawn-out negotiations.

The chances of successfully ending North Korea's military nuclear program through negotiations are close to nil. Nevertheless, the cyclical dynamic of brinkmanship, recurring crisis, and inevitable resumption of negotiations has created a rather predictable pattern of behavior. Although the nuclear issue has not been resolved, the recurrent pattern has, ironically, created a measure of stability for the immediate region. It has demonstrated that while denuclearization may not be achievable, the North Korean nuclear crisis might

be manageable. However, the repetitive pattern has an inherently escalatory element because grabbing international attention requires that North Korea continually “up the ante” by creating increasingly extreme crisis situations. As of the end of 2011, North Korea has been careful not to push the envelope too far when projecting potential threats to its neighbors and demonstrating its resolve by revealing and testing nuclear and missile capabilities. Yet events that occurred over the course of 2010 in the context of North-South Korean relations proved that this is nevertheless a dangerous game.

Whether this regional dynamic can be managed or not, an additional facet of North Korea’s behavior demands attention, namely, the role it plays in spreading nuclear technologies, know-how, and components to other states, both near and far. The economic benefits that North Korea gains from selling its wares give it tremendous incentive to continue these activities. This dangerous and mostly unchecked behavior has not been at the forefront of international efforts to confront North Korea, and very few measures have been taken to address the significant threats posed by this nuclear black market.⁹ One cannot speak of management of the North Korean nuclear crisis as long as this situation continues unchecked.

The Iranian dynamic reveals a clearly recurrent pattern as well. Iran has maneuvered back and forth between accommodation and confrontation in line with its assessment of the positions taken by the strong states facing it. Yet in the case of Iran, the option for actually reaching a deal has not been exhausted, although it would require a major change of approach on the part of the strong states that are negotiating with it. They would have to concentrate efforts on persuading, or most likely coercing, Iran to revise its cost-benefit calculation such that reaching a deal would become preferable to pursuing the current route. The chance of success at this point is very low and weakens with every passing day, while Iran gains strength.

Although strong states have been negotiating with Iran for nearly a decade, the terms of an actual deal were never seriously considered because Iran was not serious about negotiating. Assuming that the international community proved capable of taking the necessary steps to pressure Iran to the point that it became serious about negotiations, the question arises whether they could then reach a broader deal with Iran that would cover a range of topics beyond the nuclear issue but that both sides would still have an interest in upholding. Such a deal would almost certainly have to

recognize limited enrichment activity on Iranian soil, with strict provisions for inspections, and would most likely have to address Iran's desire for enhanced regional influence.¹⁰

Iran today is not interested in any package of "goodies" in the form of economic assistance and security guarantees. Rather, it seeks recognition of its power, influence, scientific and technological development, and regional, perhaps even global, significance. The parameters of a negotiated deal would have to take this aspiration into account. Iran has in fact already gained considerable regional influence, as reflected in its ability to "play" the international community, including maneuvers in Lebanon, Iraq, and vis-à-vis the Palestinians. It is unclear whether the Arab turmoil of 2011 will ultimately work to Iran's favor or not. In any case, for Iran to enter into a serious negotiation, even one that includes discussion of its regional position and influence, the necessary precondition would be that it feels tremendous pressure: economic, diplomatic (isolation), and the very real fear of military attack. Otherwise Iran has little incentive to alter its current course.

Chapter 5

Nonproliferation Down the Road: The Lessons of Diplomacy and the Outlook for the Future

Negotiating with Determined Proliferators

As noted at the outset of this study, because the nonproliferation regime and related instruments (most importantly, the NPT) are ill-equipped to confront and stop a determined proliferator, each case of nuclear proliferation in the current international sphere must be treated as a security challenge in its own right and addressed accordingly. The sooner the debilitating limitations of the NPT as a tool for stopping a determined proliferator are recognized, the better. Such recognition is essential for progressing as quickly as possible toward potentially more effective negotiations.

There are some tentative lessons to be learned for strong powers that step into the nonproliferation vacuum and assume the role of primary negotiators in an attempt to stop a determined proliferator. Self-appointed states seeking to enhance the prospects for successful diplomacy and negotiations might consider the guidelines that emerge from the foregoing analysis that touch upon the content, as well as bargaining strategies, of negotiations. It is evident from these guidelines that the challenge is considerable. The hope is that it is not insurmountable.

1. In carving out a negotiations strategy, strong states should avoid referring to the diplomatic approach as “engagement” and “confidence-building,” or equating it with a “soft” approach. When the challenge is tough, as it is in the case of advanced and determined proliferators that have cheated on their international commitments, negotiations are a game of “hardball.” Negotiations strategy and tactics must be carefully devised and executed in accordance with the negotiations setting.

2. Strong states must overcome a major structural imbalance in the negotiations setting that works to the advantage of the proliferator. Strong state negotiators are dependent on a negotiated outcome to achieve their goal, whereas the proliferators have no need for negotiations and can proceed unilaterally to their goal of nuclear weapons. The international negotiators must take steps to make the proliferator more dependent on a negotiated outcome, thereby ensuring that the proliferator is negotiating seriously, namely, for the purpose of actually reaching a deal.
3. Being serious about negotiations requires that the proliferator regard the prospect of a negotiated deal as preferable to the status quo, which is no small matter when a state is highly motivated to acquire nuclear weapons. Reaching this point will most likely require tremendous pressure on the proliferator in the initial stage by means of diplomatic and/or economic sanctions. It will also involve conveying to the proliferator that there are very real consequences for tactical games, disingenuous delays, and a lack of seriousness. The strong states must be able to convey a credible threat of force for not negotiating seriously.
4. The negotiators must recognize that pressure – in the form of sanctions, threats of military force, and similar measures – is not a separate track from diplomacy, but rather has a crucial role to play in the overall negotiations strategy. Strong states must pursue negotiations with well-informed determination, taking time to understand the proliferator, especially its negotiating style and tactics, in order to gain the upper hand in the talks. These states should avoid issuing threats that can be easily challenged. Declaring red lines or setting deadlines that can be easily crossed or ignored only makes the strong state seem weaker in the eyes of the proliferators. In short, strategically applied pressure is part of diplomacy. Not only is the “gently, gently” concept of consensual diplomacy ineffective against determined proliferators, but it also galvanizes them and buys them time to establish facts on the ground.
5. The positions of all the states and organizations involved in confronting the determined proliferator must be coordinated. If these actors are clearly not on the same page in their assessment of the proliferation threat, its implications, and the appropriate means to confront it, then they weaken their own hand. In this case, the primary negotiating state should not include them on the negotiating team.

6. In a serious negotiation – namely, when the proliferator has come to regard a negotiated deal as preferable to the status quo – the goals must be tailored to the specific security challenge that is posed, rather than solely to the objective of NPT compliance per se. A necessary condition for ultimate success is the existence of a basis for formulating a win-win solution, which will most likely require incorporating additional interests beyond the nuclear issue.
7. Regional realities must also be taken seriously. The proliferator will likely be considering its own regional context as it advances toward a military nuclear capability. Therefore, those attempting to confront it should be doing so as well. The proliferator’s neighbors are very likely to be a central component in any deal being considered, so regional strategies should be included in the “diplomatic toolbox” of the strong states.
8. In the process of dealing with the nuclear proliferator, the international community might find itself adjusting the baseline for conducting diplomacy and negotiations to accommodate the new reality dictated by irreversible gains that the proliferator was able to achieve. It must be recognized that time is strictly on the side of the proliferator. The longer it takes to begin serious negotiations, the more difficult it will be to reverse the proliferator’s progress. Time wasted by the international community cannot be regained, and what was regarded yesterday as “unacceptable” becomes today’s starting point for talks.
9. Finally, it must be taken into account that all parties participating in the nonproliferation effort inevitably become political actors by virtue of the political nature of this endeavor. The claim of total impartiality is not realistic, and it should not come as a shock that the head of the IAEA issues political statements at times. However, despite the political nature of the process, the IAEA nevertheless has a purely technical task, in which politics have no place. There must be zero tolerance for political interests in preparing the director-general’s periodic reports. Withholding incriminating information about a proliferator is not acceptable.

These lessons have perhaps been better applied in the case of North Korea than Iran, due in part to the regional approach of the North Korean dialogue. Moreover, in the case of North Korea, its own interest in the negotiations was more genuine than was evident in the case of Iran, which used negotiations almost exclusively in order to play for time. Even though

North Korea's interest was primarily in the economic assistance it could gain and it has demonstrated almost no inclination to denuclearize, there is still a slim chance of securing a deal that it would have an interest in upholding if the price is right. To date, there is no parallel situation with Iran.

However, in both cases serious mistakes were made and are still being made, and neither case is near resolution. Moreover, the more time that goes by, the more entrenched the nuclear programs become, and the more confident the proliferators become that they can overcome the attempts to stop them. This means that there is less and less chance of success without a dramatic change of approach on the part of the strong state negotiators. Finally, these demanding lessons would have to be applied when facing additional determined proliferators down the line; otherwise the prospects for successful negotiations will remain very limited.

The Implications for Future Nonproliferation Efforts

If diplomacy and negotiations face such daunting challenges and constraints, then the question that emerges is how best to approach nuclear nonproliferation in today's world. Can the international community still hope to put a stop to nuclear proliferation, or is damage control, crisis management, and stabilization of relations the best that can be hoped for? What is the future for disarmament approaches that seek to instill uniform norms and principles designed to apply equally to all states regardless of their policies and actions and the dynamics of the region within which they exist? Is it inevitable that proliferation be handled on a case by case basis in the future? What will be the role of military force in future nonproliferation efforts? Perhaps most important: who will decide how to deal with a determined proliferator? These are the challenges that the international community faces in the realm of WMD arms control, and it is far from being coordinated and committed enough to be able to devise good answers.

One possible direction for future arms control efforts is to pursue the goal of global nuclear disarmament that has been prominent on the international agenda over the past three years, as spearheaded by US President Obama. Obama embraced a broad disarmament agenda several months into his presidency and expressed his intention to follow through on it in the coming years.¹ The year 2010 proved to be an important moment for this agenda, when Obama pushed forward a number of disarmament initiatives, including

the renewal of the START treaty with Russia and the convening of a nuclear security conference.²

This shift in nuclear arms control thinking that is now playing out at official levels began to take shape a couple of years before Obama entered the White House, sparked by articles written by four prominent and former high-ranking US officials, George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn. Their initial piece was published in the *Wall Street Journal* in January 2007 under the title “A World Free of Nuclear Weapons.”³ The article, which sought to give new life to the vision of abolishing nuclear weapons set forth by Ronald Reagan and Mikhail Gorbachev back in 1986, gained almost immediate high public profile and has since evolved into a widespread movement for “global zero.”⁴

The rationale of the new disarmament trend is that the world has changed, and new global threats demand new arms control approaches. In the first place, both the US and Russia can afford to move closer to zero nuclear weapons because the bilateral threats they pose to each other have changed since the end of the Cold War. More importantly, however, these cuts are essential in order to not only reduce the threat of these most dangerous weapons falling into the hands of the most dangerous entities, namely, terrorists, but in order to demonstrate that the nuclear-weapon states are working in good faith to uphold their own disarmament obligations in accordance with Article VI of the NPT. As discussed in the opening chapter, it is with regard to the latter point that the disarmament agenda, via circular logic, touches upon the issue of improving nonproliferation efforts. The logic is that by demonstrating the good faith of the nuclear states in upholding their own disarmament obligations, they will be better positioned to confront dangerous proliferators such as Iran and North Korea because they will approach the proliferators with “clean hands.” Having clean hands will undermine any attempt by other states to accuse them of supporting a double standard in the nuclear realm when they demand that proliferators stop their nuclear activities.⁵

As the above analysis has shown, however, the problems encountered in the efforts of strong states (many of them NWS) to negotiate effectively with determined proliferators have little if anything to do with the issue of double standards or clean hands.⁶ Therefore, the logic of the disarmament agenda as applied to prevention of nuclear proliferation is detached from the

important experiences gained vis-à-vis Iran and North Korea. Moreover, the priorities of the Obama administration's disarmament agenda are ratification of the Comprehensive Nuclear Test Ban Treaty and negotiation of a Fissile Material Cutoff Treaty; it has accorded these global disarmament efforts priority over stopping Iran and bringing North Korea into line, although the latter are the pressing challenges for the nonproliferation regime.⁷

Another idea currently on the agenda with relevance to Iran is the convening of a regional conference in 2012 to discuss a WMD-Free Zone (WMDFZ) in the Middle East. While this idea has roots dating back to the early 1990s, it is also a regional manifestation of the new disarmament impetus because it advocates disarmament of WMD in all states in the region, across the board and equally. It is not clear what the format, content, or precise mandate of this conference will be, or indeed whether it will actually take place in 2012, although that is the intention of the Finnish facilitator, appointed in October 2011. With the very identity of some of the key Arab participants in flux, it is unclear how such regional security dialogue can even begin.

Significantly, it has not been determined whether the conference will adopt the logic of the Arms Control and Regional Security (ACRS) talks of the early 1990s – namely, working to improve regional security relations as a necessary prelude to weapons control – or whether it will focus solely on the weapons and the need to eliminate them. If the conference adopts the latter perspective, without the necessary attention to substantive contextual dynamics (threats, regional behavior, and so on), then it would dangerously serve Iran's interest in deflecting attention away from itself and onto Israel instead. It would in fact enable both Iran and Egypt to pursue their common agenda of singling out Israel, not Iran, as the obstacle to creating a WMDFZ in the region.⁸ In any event, a regional discussion of this nature is not a framework that can replace determined efforts to directly confront Iran's NPT-violating nuclear weapons program. Nor should it be regarded as a framework for dealing with any other Middle Eastern state that chooses to follow in Iran's footsteps if Iran becomes a full-fledged nuclear weapons state.

In sum, while the new disarmament agenda presents a worthy long-term global aspiration, it will not be realized anytime soon. It is certainly not an arms control plan that can replace determined efforts to confront specific

states determined to develop nuclear weapons in the near future. Moreover, a regional dialogue that takes its cue from this agenda could end up providing Iran with the means for deflecting attention away from itself with the veneer of legitimacy (an NPT-sanctioned process), instead of providing a framework for confronting it with determination.

The Need for Early Detection and Reaction

The cases of Iran and North Korea have emphasized the crippling limitations of the NPT, which was not designed with dangerous and determined proliferators in mind. At the time it was negotiated, the possible threshold states included Germany, Japan, and Sweden, not Iran, Iraq, Libya, or North Korea. Therefore, the NPT lacked the tools for coping with proliferation challenges from states that had no qualms about cheating on their commitments and posed severe security threats to their neighbors. In turn, the treaty's main operational arm, the IAEA, was ill equipped to confront a state suspected of noncompliance. The IAEA lacks the essential intelligence-gathering capabilities and enforcement mechanisms necessary to meet today's challenges. Moreover, its organizational ethos is not to seek out violators, but rather to "ensure" that states are abiding by their commitments, that is, to detect rather than to prevent proliferation.⁹ The result is that states will always enjoy the benefit of doubt in their nuclear activities, a dynamic that can and does engender investigation processes that take years to execute. In the meantime, a proliferating state can abuse the cover of civilian nuclear development – an "inalienable right" affirmed and assisted in practical terms under the NPT – to mask its true military intentions and activities.

In light of the enabling features of the current nonproliferation regime, the best way to stop a determined nuclear proliferator in today's world is to prevent its becoming an advanced determined nuclear proliferator. The longer the confrontation process takes, the more difficult it will be to negotiate a settlement. Therefore, efforts must be carried out at an early stage, when the proliferator is still vulnerable to various forms of pressure and inducement. The further it advances, the stronger it becomes. This is due not only to the advances it makes in terms of nuclear science and technology, but also to the influence it gains from successfully standing up to the international community over time and exposing the latter's impotence.

The main catch in applying this approach, however, is uncertainty about whether a state is indeed moving in a dangerous direction when its program is still in an embryonic stage. In order to increase the ability to respond in due time to a determined proliferator, an essential component of the current nonproliferation agenda must be revisited, namely, the concept of the smoking gun. Waiting for the appearance of a so-called smoking gun can mean waiting until it is too late to deal effectively with a proliferator's developing military program.¹⁰ Indeed, Israel's reported attack in Syria in September 2007 is better understood as the lesson that Israel learned from the drawn-out and ineffective process of dealing with Iran than as a warning of what Israel could do to Iran's facilities in a future military operation.

Delaying action until one has acquired "clear evidence of military intentions" is a recipe for failure. Therefore the basis for making an early call must be sound strategic analysis based on the best intelligence available. The debate about intelligence assessments of nuclear activities is beyond the scope of this study, but the fate of the 2007 NIE is very telling for anyone inclined to rely on so-called "objective" intelligence assessments. There will always be a measure of uncertainty, and political assessments are an inevitable feature of the judgment call underlying the finding of a smoking gun.

Selecting a Strategy: Military Force or Negotiations?

If global disarmament trends and treaties such as the NPT are not the answer to today's nuclear proliferators, and if instead strong states step in to confront each proliferator as it surfaces, then the relevant question is what policy these states should adopt in each case. Which works better: military force or negotiations?

In the aftermath of the war in Iraq military force appeared a bad choice, but the primary reason that this war was viewed negatively is that WMD were not eventually found. Had they been found and destroyed during the war, the criticism would most likely have been much more muted. Indeed, the major lasting lesson from the Iraq War is that intelligence assessments cannot be trusted. This uncertainty has also been a constraint in dealing with Iran. The unavoidable conclusion from observing close to a decade of diplomacy and negotiations with both Iran and North Korea is that the alternative policy of negotiations has not fared much better. In fact, negotiations have

utterly failed as a strategy for persuading these determined proliferators to reverse course.

In looking back over the past decade, there were only two nonproliferation success stories: the US/British deal with Libya from December 2003 that led to rollback of all Libya's WMD programs¹¹ and the September 2007 military attack on Syria's nuclear facility. Negotiations most likely worked in the Libyan case because, after years of sanctions, there were strong economic considerations at work, and because Libya feared being next in line for US military attack after Iraq. Apparently evidence of a smoking gun also existed: Judith Miller reported in 2006 that Qaddafi's decision to relinquish WMD was reinforced when the US provided him with evidence of conversations between a Libyan nuclear official and the A. Q. Khan nuclear network.¹² In addition, the nine months of negotiations were kept secret. Military action worked in Syria because it was focused on a single facility, and Syria most likely wasn't expecting an attack at a time when all international attention was focused on Iran.

On the basis of this evidence, it is difficult to determine which policy has the better chance of stopping the next proliferator. What stands out in the Libyan and Syrian cases, however, is the common denominator of a nuclear program at a very early stage, and a relatively short process of resolution. Moreover, in the case of Libya, negotiations did not involve the IAEA, with lengthy deliberations about Libya's activities and intentions in the nuclear realm.

It is not clear that the experience of Libya can be replicated, especially after the precedent set by the cases of Iran and North Korea, which illustrate to potential future proliferators the considerable power they have in the negotiations setting. Both proliferators demonstrated that a long and drawn out process provides the time and space to cheat the nonproliferation system and deceive their negotiating partners while advancing toward a nuclear weapons capability, with inconvenient but tolerable political and economic consequences. Conveying a different message to future proliferators will necessitate putting the military option squarely back on the table as a credible threat, if not a real possibility.

Finally, who decides how to deal with the next determined proliferator? This is a thorny question, and accusations of bias will likely prevail in any theoretical discussion that attempts to suggest an answer. Nonetheless, there

are some insights to be gleaned from experience on the ground. The fact is that the states that have stepped up to the plate with regard to both Iran and North Korea have not been seriously challenged by others, including when they have imposed harsher sanctions, whether through the UN or unilaterally. A move to military force could change that, but the lesson of Syria is that an attack reportedly carried out by Israel was actually silently welcomed in the region. Excluding perhaps Iran, no state in the region wanted to see Syria acquire a military nuclear capability. This at least reflects a common assessment that the internationally agreed-upon NPT is not stopping proliferation, and that the stakes with regard to dangerous proliferators are indisputably high.

Notes

Notes to Introduction

- 1 See comment by Gerald Steinberg, "Examining Israel's NPT Exceptionality: 1998-2005," *Nonproliferation Review* 13, no. 1 (2006): 122.
- 2 A common argument put forth over the past years by the Iranians when they felt the international community was assuming a more determined stance is that the West was seeking to politicize the Iranian nuclear issue, whereas in their view it is a technical and legal issue to be deliberated and determined solely in the framework of the IAEA. See, for example, "Iran, IAEA to Continue Talks Today," *Fars News Agency*, August 20, 2007. In response to the failure of the P5+1 to agree on sanctions in mid-January 2010, Iran's Foreign Ministry spokesman claimed the failure was to be expected because Iran's nuclear program is the responsibility of the IAEA, and the P5+1 is a political group, in Dudi Cohen, "Iran: Failure of West's Sanctions Discussion – Natural," *Ynet*, January 17, 2010. Similarly, an Iranian MP in September 2011 accused the P5+1 of having politicized the atmosphere for nuclear negotiations, "5+1 Group Seeking to Compel Iran to Abide by UN Resolutions," *Mehr News Agency*, September 7, 2011. However, the dynamics of attempts to confront Iran since 2002 have clearly demonstrated that the challenge is no doubt a political one. Indeed, the Iranian claims of politicization are themselves part of the political dynamic; when in late 2003 Iran believed that its interests would be better served by negotiating with the EU-3, it jumped at the opportunity to be released from what at the time was the more demanding framework of the IAEA.
- 3 See Harold Brown, "New Nuclear Realities," *Washington Quarterly* 3, no. 1 (2007-8): 20-22.
- 4 The major concern is South Korea. Seoul is easily in range of North Korean rockets and artillery deployed near the border, and if attacked, North Korea could respond by causing extensive damage to South Korea's capital city.

Notes to Chapter 1, Setting the Stage: Post-Cold War Nuclear Challenges and Responses

- 1 Libya is a case of successful negotiation of a grand bargain with a WMD proliferator, and could therefore provide the basis of further analysis into the conditions for curbing nuclear proliferation through diplomacy. The present study, however, will focus on the two more dangerous and determined proliferators, Iran and North Korea.
- 2 For an overview of the A. Q. Khan nuclear trade black market, see Gaurav Kampani, "Proliferation Unbound: Nuclear Tales from Pakistan," CNS Research Story, Monterey Institute of International Studies, February 23, 2004, David Albright and Corey Hinderstein, "The A. Q. Khan Illicit Nuclear Trade Network and Implications for Nonproliferation Efforts," *Strategic Insights* 5, no. 6 (July 2006), and David Albright, *Peddling Peril: How the Secret Nuclear Trade Arms*

America's Enemies (Free Press, 2010). For a general overview and analysis of the new proliferation challenges, see Emily B. Landau and Ram Erez, "WMD Proliferation Trends and Strategies of Control," in Shai Feldman and Yiftah Shapir, eds., *The Middle East Strategic Balance, 2003-2004* (Brighton: Sussex Academic Press and Jaffee Center for Strategic Studies, 2004) pp. 59-76.

- 3 Bush maintained that "states like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger." See <http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>.
- 4 This idea is developed in Emily B. Landau and Ram Erez, "The Nuclear Dimension of 'Axis of Evil': Different Strategies for Different Threats," *Strategic Assessment* 6, no. 1 (2003): 8-14.
- 5 See Henry Sokolski, "Taking Proliferation Seriously," *Policy Review* No. 121 (2003).
- 6 This lack of clarity also enabled former IAEA Director-General Mohamed ElBaradei to adopt positions with regard to Iran that went far beyond the purely technical (and assumedly impartial) role that was his mandate as head of the IAEA. ElBaradei's positions on this issue ultimately made it difficult to distinguish between his own role and that of the other political actors that became involved in the process.
- 7 Avner Cohen points out that the thinking in the US in the late 1960s included the notion of "nuclear pregnancy," meaning that as a member of the NPT a state could still proceed with a nuclear program that had "implicit military objectives," developing the option of a bomb that could be realized within a short time after withdrawal from the treaty. On this basis, according to Cohen, "the expectation in 1968 was that Israel would sign the treaty." See Avner Cohen, *Israel and the Bomb* (NY: Columbia University Press, 1998), p. 299. The fact that the NPT was purposely designed in this way indicates that the states they were thinking about were certainly not Iran and North Korea, but the loopholes established in the late sixties were abused by these proliferators years later.
- 8 Emily B. Landau, "A Nuclear Iran: Implications for Arms Control in the Nuclear Realm," in Ephraim Kam, ed., *Israel and a Nuclear Iran: Implications for Arms Control, Deterrence, and Defense*, Memorandum No. 94 (Tel Aviv: Institute for National Security Studies, 2008), pp. 36-37.
- 9 See also Emily B. Landau, "The NPT and Nuclear Proliferation: Matching Expectations to Current Realities," *Strategic Assessment* 6, no. 4 (2004): 32-36, and Emily B. Landau, "Approaching a Nuclear Iran: The Challenge for Arms Control," in Zvi Shtauber and Yiftah S. Shapir, eds., *The Middle East Military Balance 2004-2005* (Brighton: Sussex Academic Press, 2006), pp. 59-60.
- 10 For a different view from several years ago, which advocated that it was not too late to introduce essential improvements to the NPT, see Pierre Goldschmidt, "The Urgent Need to Strengthen the Nuclear Non-Proliferation Regime," *Policy Outlook*, Carnegie Endowment for International Peace, January 2006.
- 11 This line of thinking has gained much ground in the past few years. For an attempt to restore some balance by highlighting important steps that the NWS

have taken over the years to advance disarmament, see Michael Krepon and Samuel Black, “Good News and Bad News on the NPT,” *Arms Control Today*, March 2010. This is an important reminder in light of the tendency to blame the NWS almost as much as the new proliferators themselves for dangerous new cases of proliferation.

- 12 For a view that criticizes not only the lack of effectiveness of the nonproliferation regime, but questions the relevance of the nonproliferation norm as well, see Andrew O’Neil, “Nuclear Proliferation and Global Security: Laying the Groundwork for a New Policy Agenda,” *Comparative Strategy* 24 (2005): 343-59.
- 13 A particularly concise formulation of this approach appears in an article by G. John Ikenberry published in late 2002: “In the shadows of the Bush administration’s war on terrorism, sweeping new ideas are circulating about U.S. grand strategy and the restructuring of today’s unipolar world. They call for American unilateral and preemptive, even preventive, use of force, facilitated if possible by coalitions of the willing – but ultimately unconstrained by the rules and norms of the international community. At the extreme, these notions form a neoimperial vision in which the United States arrogates to itself the global role of setting standards, determining threats, using force and meting out justice..... America’s nascent neoimperial grand strategy threatens to rend the fabric of the international community and political partnerships precisely at a time when that community and those partnerships are urgently needed.” See G. John Ikenberry, “America’s Imperial Ambition,” *Foreign Affairs* 81, no. 5 (2002): 44-45. See also Jack Snyder, “Imperial Temptations,” *National Interest*, spring 2003. For an analysis of the new element of preemption in the Bush administration approach, see Robert S. Litwak, “The New Calculus of Pre-emption,” *Survival* 44, no. 4 (2002-3): 53-80.
- 14 For a discussion of the important nuances in the US approach in the early years of the first Bush administration that challenge notions of unilateralism, excessive interventionism, or imperialism, see Emily B. Landau, “The US Approach to Arms Control,” in Shai Feldman, ed., *After the War in Iraq: Defining the New Strategic Balance* (Brighton: Sussex Academic Press, 2003), pp. 35-44.
- 15 The sentence that opens the section on “nonproliferation” in the National Strategy to Combat Weapons of Mass Destruction document reads: “The United States will actively employ diplomatic approaches in bilateral and multilateral settings in pursuit of our nonproliferation goals.” The next paragraph begins: “Existing nonproliferation and arms control regimes play an important role in our overall strategy.” In addition to setting out a different course from preemption, this is surely not an indication of unilateralism. For the full text see *Arms Control Today*, January-February 2003.
- 16 Michael Rubin says that the offer is a myth, and notes that commentators and former officials have ceased mentioning it for this reason. See Michael Rubin. “Is Nicholas Kristof the New Dan Rather?” *Commentary*, September 22, 2011. See also Steven J. Rosen, “Did Iran Offer a ‘Grand Bargain’ in 2003?” *American Thinker*, November 16, 2008. Rosen gives the background for the claim that a grand bargain was offered.

- 17 See Barbara Slavin, “As Iran Edges Closer to Nukes,” *Politico*, September 16, 2011: “More rigorous U.S. intelligence practices since the Iraq fiasco of 2003 give confidence that analysts are neither underestimating or exaggerating Iran’s progress.”

Notes to Chapter 2, Confronting Iran

- 1 For a comprehensive description of the origins of Iran’s nuclear program, see Ephraim Kam, *From Terror to Nuclear Bombs: The Significance of the Iranian Threat* (Tel Aviv: Ministry of Defense Publishing House and Jaffee Center for Strategic Studies, 2004), pp. 176-233. For the early activities see also Emanuele Ottolenghi, *Under a Mushroom Cloud: Europe, Iran and the Bomb* (London: Profile Books, 2009), pp. 17-28, and Bruno Tertrais, *The Black Market for the Bomb: An Investigative Report on Nuclear Proliferation* (Buchet-Chastel, 2009; published in French, with an abridged version focusing on the origins of Iran’s military program published by *Le Monde* and translated into English, September 2009). Additional evidence of Iran’s dealings with the A. Q. Khan network – with claims that Iran sought to purchase ready-made nuclear weapons in the late 1980s – was revealed in March 2010. See R. Jeffrey Smith and Joby Warrick, “Pakistani Scientist Khan Describes Iranian Efforts to Buy Nuclear Bombs,” *Washington Post*, March 14, 2010.
- 2 See Emily B. Landau, “Iran’s Nuclear Advances: The Politics of Playing with Time,” *Strategic Assessment* 10, no. 1 (2007): 12-14.
- 3 See ISIS report, “Destruction at Iranian Site Raises New Questions about Iran’s Nuclear Activities,” June 17, 2004.
- 4 See Ephraim Asculai, “After the IAEA Resolution: Iran’s Road to Nuclear Weapons Remains Open,” *Tel Aviv Notes* No. 160, February 8, 2006.
- 5 Iran might also decide to remain ambiguous about its nuclear status, following the example set by Israel.
- 6 “UN Says Iran May Not Have Come Clean on Nuclear Past,” *Washington Post*, March 2, 2008.
- 7 See ISIS report, “Excerpts from Internal IAEA Document on Alleged Iranian Nuclear Weaponization,” October 2, 2009. For reference to the ongoing debate at that time, with US officials not willing to depart from the NIE assessment that Iran most likely stopped work on weaponization in 2003, see “A Nuclear Debate: Is Iran Designing Warheads?” *New York Times*, September 28, 2009. By the end of 2009, the NIE was rendered for the most part obsolete.
- 8 For a fuller explanation see Nima Gerami and James Acton, “What Else is Iran Hiding?” *Foreign Policy*, September 28, 2009.
- 9 See Joby Warrick, “Evidence of Iran’s Nuclear Arms Expertise Mounts,” *Washington Post*, December 15, 2009.
- 10 David Sanger and William Broad, “Inspectors Say Iran Worked on Warhead,” *New York Times*, February 18, 2010.
- 11 Amano described the data as being “plausible, extensive and comprehensive,” in “IAEA to Air More Details on Purported Iranian Warhead Activities,” *Global Security Newswire*, September 13, 2011.

- 12 “Iran Seen Ready for Operations at Second Uranium Enrichment Site,” *Global Security Newswire*, July 13, 2011.
- 13 For examples of commentary that minimize Iran’s advances or say that the US is overstating the likelihood of an Iranian nuclear weapon, see Ali Vaez and Charles Ferguson, “On Iran’s Nuclear Program, Science Contradicts Rhetoric,” *The Atlantic*, September 15, 2011; and Seymour M. Hersh, “Iran and the Bomb: How Real is the Nuclear Threat?” *New Yorker*, June 6, 2011. For the perspective of *fait accompli*, see Greg Jones, “No More Hypotheticals: Iran Already is a Nuclear State,” *New Republic*, September 9, 2011.
- 14 As noted in the report, the annex consists of three sections: “Section A, which provides an historical overview of the Agency’s efforts to resolve questions about the scope and nature of Iran’s nuclear programme, in particular regarding concerns about possible military dimensions; Section B, which provides a general description of the sources of information available to the Agency and its assessment of the credibility of that information; and Section C, which reflects the Agency’s analysis of the information available to it in the context of relevant indicators of the existence or development of processes associated with nuclear-related activities, including weaponization.” See Report by the Director General, IAEA Board of Governors, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran*, GOV/2011/65, November 8, 2011.
- 15 Joby Warrick, “IAEA Says Foreign Expertise Has Brought Iran to Threshold of Nuclear Capability,” *Washington Post*, November 7, 2011. See also David E. Sanger and William J. Broad, “UN Agency Says Iran Data Points to A-Bomb Work,” *New York Times*, November 8, 2011; and Yossi Melman and Zvi Barel, “Western Experts to Haaretz: Iran Able to Build Nuclear Bomb within Months,” *Haaretz*, November 8, 2011.
- 16 Landau, “Approaching a Nuclear Iran: The Challenge for Arms Control,” pp. 60-64, and Emily B. Landau and Ephraim Asculai, “Iran’s Nuclear Program and Negotiations with the EU-3,” *Strategic Assessment* 8, no. 3 (2005): 13-18.
- 17 Emily B. Landau, Ephraim Asculai, and Noam Ophir, “Stepping Up the Pressure? The International Community Faces Iran,” in Zvi Shtauber and Yiftah Shapir, eds., *The Middle East Strategic Balance, 2005-2006* (Brighton: Sussex Academic Press, 2007), pp. 30-49.
- 18 On independent US financial measures taken against Iran from late 2006 and their impact, see “Special Report: Financial Controls Emerge as Powerful Nonproliferation Tool; North Korea and Iran Targeted,” *WMD Insights*, April 2007. For a more recent assessment of the effectiveness of financial and energy sanctions over the past three years, see Mark Dubowitz, “The Sanctions on Iran Are Working,” *Foreign Policy*, February 10, 2010.
- 19 See two articles by George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn: “A World Free of Nuclear Weapons” and “Toward a Nuclear-Free World” in *Wall Street Journal*, January 4, 2007 and January 15, 2008, respectively. For Obama’s Prague speech, see http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/.

- 20 In May 2010, as the US was on the verge of introducing a proposal for a fourth round of UN-based sanctions in light of Iran's rejection of diplomacy, Turkey and Brazil announced that they had brokered a new fuel deal with Iran. While some view the P5+1 rejection of this deal as a missed opportunity (Trita Parsi, "How Obama Should Talk to Iran," *Washington Post*, January 14, 2012), in fact, it was simply a bad deal. In the first of ten clauses it explicitly legitimized all of Iran's uranium enrichment activities (which at that point included enrichment to 20 percent), and the amount of LEU to be shipped out (1200 kg) was only 50 percent of Iran's stockpile by that time. The three states tried to quickly push forward the deal at the last minute, in the hope of undermining international determination to move to sanctions. See Emily B. Landau, "Too Confrontational on Iran?" *Jerusalem Post*, February 6, 2012.
- 21 See Colum Lynch and Glenn Kessler, "UN Imposes Another Round of Sanctions on Iran," *Washington Post*, June 10, 2010.
- 22 For more detail on these developments see Emily B. Landau, "The International Community vs. Iran: Pressure, Delays, No Decisive Results," in Anat Kurz and Shlomo Brom, eds., *Strategic Survey for Israel 2011* (Tel Aviv: Institute for National Security Studies, 2011), pp. 93-104.
- 23 For some of the advantages of sabotage against the backdrop of failed international efforts to negotiate seriously with Iran, see Yoel Guzansky and Emily B. Landau, "The Trick to Sabotaging Iran," *The Diplomat*, December 9, 2011.
- 24 "Russia Proposes 'Phased' Resolution of Iran Nuclear Standoff," *Global Security Newswire*, July 14, 2011.
- 25 Fredrik Dahl, "Alarmed West Dismisses Iran Nuclear 'Charm Offensive,'" *Reuters*, September 14, 2011.
- 26 "Iran Nuke Chief to Attend IAEA Meeting," *UPI*, September 13, 2011.
- 27 Paul Richter, "West Seeks Saudi Arabia's Help on Iran Oil Sanctions," *Los Angeles Times*, December 13, 2011.
- 28 The term "P5+1" is a reflection of both types of intervention: the P5 due to their global role and responsibility, and the "+1" – namely Germany – which is included in every discussion as an expression of its decision to participate in the self-appointed EU-3.
- 29 See, for example, Defense Secretary Robert Gates, who in April 2009 warned about the dangerous consequences of an attack, saying that a strike on Iran's nuclear facilities would unify Iran, "cement their determination to have a nuclear program, and also build into the whole country an undying hatred of whoever hits them," in Paul Richter, "Gates Warns against Israeli Strike on Iran's Nuclear Facilities," *Los Angeles Times*, April 16, 2009. In mid-February 2010, the head of the US Joint Chiefs of Staff, Mike Mullen, when referring to the possibility of an attack on Iran's nuclear facilities, said that "the outbreak of a conflict will be a big, big, big problem for all of us, and I worry about the unintended consequences of a strike." *Global Security Newswire*, February 16, 2010.
- 30 Emily B. Landau, "Time to Be Tough," *Haaretz*, December 25, 2009.
- 31 While Russia's strategic interests have been widely discussed, China's independent stance on Iran has received far less attention and largely been

viewed either as dependent on the Russian position or driven only by its need for oil. For a fuller explanation of China's independent calculation, see Yoram Evron, "Iran, China, and the Israeli Stick," *INSS Insight* No. 150, December 22, 2009.

- 32 For an attempt to assess "who holds the keys to decisions" on the nuclear program, see Mustafa El-Labbad, "Iran's Masterly Gamble," *al-Ahram Weekly*, November 8-14, 2007. For a more recent and comprehensive probe of the internal decision making process in Iran, especially as it is influenced by leadership dynamics, see David E. Thaler et al., *Mullahs, Guards, and Bonyads: An Exploration of Iranian Leadership Dynamics* (RAND Corporation, 2010).
- 33 See Ilan Berman, "Thinking Beyond Petroleum," *Forbes*, January 19, 2010.
- 34 MEMRI Special Dispatch Series, no. 957, August 12, 2005 (note that in this publication his name is spelled Hosein Musavian). For more on Iran's negotiating style with the EU-3, see Landau, "Approaching a Nuclear Iran: The Challenge for Arms Control," pp. 60-64; and Landau and Asculai, "Iran's Nuclear Program and Negotiations with the EU-3."
- 35 The speech, entitled "Beyond the Challenges Facing Iran and the IAEA Concerning the Nuclear Dossier," was published only approximately a year after it was delivered, in September 2005. For details see Chen Kane, "Nuclear Decision-Making in Iran: A Rare Glimpse," *Middle East Brief* No. 5, Crown Center, Brandeis University, May 2006, and El-Labbad, "Iran's Masterly Gamble."
- 36 Kane, "Nuclear Decision-Making in Iran: A Rare Glimpse."
- 37 Many interpreted Iran's "yes, no" approach to the nuclear fuel deal as evidence of clashes among different political factions in the internal political scene. However, it was a familiar dynamic that had occurred before. For a full explanation see Emily B. Landau, "Analysis: Dangerously Misreading Iran," *Jerusalem Post*, November 27, 2009.
- 38 Quoted in: "Europe Seeks Negotiation with Iran on Nuclear Issue," *Arabic News.com*, April 23, 2007.
- 39 "Larijani, Solana Report Progress in Iran Nuclear Talks," *Jerusalem Post*, April 25, 2007.
- 40 Sources quoted in MEMRI, *Inquiry and Analysis* No. 521, June 4, 2009.
- 41 See "Iran Ready to Resolve Dispute over Nuclear Program, with Conditions," *CNN Wire Staff*, July 28, 2010.
- 42 Landau, "The International Community vs. Iran: Pressure, Delays, No Decisive Results," pp. 93-104.
- 43 See chapter on Iran's strategic culture in Thaler, et al., *Mullahs, Guards, and Bonyads: An Exploration of Iranian Leadership*, pp. 5-20.
- 44 See, for example, "MP Lauds Iran's Genius Scientists for Mastering N. Technology in Short Time," *Fars News Agency*, October 4, 2011.
- 45 See "Larijani Calls on US to Admit Iran's Regional Role," *Fars News Agency*, June 1, 2008: "The US is at loggerheads with Iran over the independent and home-grown nature of Tehran's nuclear technology, which gives the Islamic Republic the potential to turn into a world power and a role model for other third-world countries." See also "Ahmadinejad: Iranian Nation Will Never

Yield to Bullying Powers,” *IRNA*, May 30, 2009: “Western powers, by making baseless allegations against Iran, tried to tarnish the dignity of Iranian nation and declaring that a nation, which had resisted the big powers for 27 years, has come to its knees....Any country with access to advanced scientific and technological know-how is considered a developed country.” Finally, see “Iran Has Become Regional ‘Superpower’ – Vice President,” *Aftab-e Yazd Online*, January 13, 2009: “Iran’s enemies have tried hard to prevent Iran from accessing the knowledge and technology of nuclear energy for peaceful purposes, but by virtue of God’s will they were forced to accept nuclear Iran.”

- 46 “Ahmadinejad Says Iran Should Set Conditions for Negotiations, Not US,” *Fars News Agency*, October 8, 2007. For a letter with the same message sent by Iran’s ambassador to the UN Secretary General, see “Iran Guards Warn US against Attack,” *Washington Post*, October 31, 2007.
- 47 Thomas Erdbrink, “Iran’s Supreme Leader Rebuffs Obama Vow of Better Ties but Doesn’t Rule Out Talks,” *Washington Post*, March 22, 2009.
- 48 “Iran Stresses its Nuclear ‘Rights’ in Letter to EU,” *Reuters*, September 13, 2011.
- 49 For a recent comprehensive portrayal of the Iranian position from a former high level Iranian official heavily involved in the nuclear file, see “Hossein Mousavian: Iran Is Ready to Negotiate – If,” in Semira N. Nikou, interview with Seyed Hossein Mousavian, *USIP*, August 15, 2011.
- 50 Amy Reed, “UN Resolution 1696 Moots Iranian Legal Claims,” *Proliferation Analysis*, Carnegie Endowment, August 21, 2006; and a continuation of this debate in “Continued Analysis of 1696,” *Carnegie Endowment*, August 24, 2006.
- 51 “Iran Stresses its Nuclear ‘Rights’ in Letter to EU.”
- 52 For the position and its implications, see Emily B. Landau and Shimon Stein, “The 2012 WMDFZ Conference: Assessments from Track II Discussions,” *INSS Insight* No. 270, July 24, 2011.
- 53 Note, for example, analysis by Ahmed Murshid: “Every postponement that occurs on the implementation of any western-US pledge to succeed in imposing international sanctions on Iran leads to an implicit increase in the strength of the authority in Iran. The dates announced by US President Barack Obama and his aides are crumbling and end up with nothing,” in “The Nuclear Chess Game,” *a-Sharq al-Awsat*, April 18, 2010.

Notes to Chapter 3, Confronting North Korea

- 1 Before the May 2009 nuclear test, North Korea had declared possession of 30 kg of plutonium, enough for about 4 to 5 bombs. However, Siegfried Hecker and William Perry, on the basis of visits to North Korea, have noted that the declaration fell short of their estimation of 40 to 50 kg. On this basis, the usual estimates have been that North Korea had enough plutonium for 6 to 8 bombs. Siegfried S. Hecker and William J. Perry, “The Right Path with North Korea,” *Washington Post*, May 13, 2008. For more detail, see Siegfried S. Hecker, “The Risks of North Korea’s Nuclear Restart,” *Bulletin of the Atomic Scientists*, May 12, 2009. The higher estimate reportedly comes from the ISIS; see “North Korea Hands over Nuclear Dossier,” *AFP*, June 26, 2008.

- 2 Leon V. Segal, "North Korea Is No Iraq: Pyongyang's Negotiating Strategy," *Arms Control Today*, December 2002.
- 3 In countering this North Korean position, Victor Cha documents all the statements of US non-hostile intent toward North Korea from 1989 through June 2009, including 15 such statements by George W. Bush. See Victor D. Cha, "What Do They Really Want? Obama's North Korean Conundrum," *Washington Quarterly* 32, no. 4 (2009): 131-38.
- 4 In a typical statement, in early 2010 North Korea said it would never give up its atomic arsenal in return for economic aid. Instead, it demanded an end to US hostility, claiming that its nuclear capability was solely for defensive purposes. See "North Korea Vows Not to Swap Nuclear Weapons for Aid," *AFP*, February 19, 2010.
- 5 See, for example, Blaine Harden, "N. Korea Says Talks 'Narrowed' Differences with U.S.," *Washington Post*, December 11, 2009, and "Envoys Go to North Korea for Nuclear Talks Push," *New York Times*, February 8, 2010. For an analysis that develops the economic perspective on North Korea's nuclear program through the idea of the *Songun* political system, see Benjamin Habib, "North Korea's Nuclear Weapons Programme and the Maintenance of the *Songun* System," *Pacific Review* 24, no. 1 (2011): 43-64; for an explanation of the system, see pp. 46, 51.
- 6 According to a UN report from 2010, North Korea has sold nuclear technology to Iran, Syria, and Myanmar. "North Korea Has Technical Motive for New Nuke Test, Expert Says," *Global Security Newswire*, September 13, 2011.
- 7 "Amanpour: Why Did North Korea Launch Rocket?" *CNN World*, April 6, 2009.
- 8 On the initial deal, see Emily B. Landau and Ephraim Asculai, "Developments on the North Korean Nuclear Axis: Parallels with Iran?" *Strategic Assessment* 9, no. 4 (2007): 42-47.
- 9 "N. Korea Says it Produced More Bomb-Making Plutonium," *AFP*, November 4, 2009.
- 10 According to the exit clause, a state must give 3 months notice before withdrawal goes into effect, but North Korea claimed that it originally gave notice back in 1993, only to reverse its decision one day before it went into effect. See "Chronology of U.S.-North Korean Nuclear and Missile Diplomacy," Arms Control Association, www.armscontrol.org/factsheets/dprkchron.
- 11 "Chronology," *WMD Insights*, November 2007; Insook Kim, "The Six-Party Talks and President Obama's North Korea Policy," NTI Issue Brief, February 2009; and Jayshree Bajoria and Carin Zissis, "The Six-Party Talks on North Korea's Nuclear Program," Council on Foreign Relations Backgrounder, July 1, 2009.
- 12 See Cha, "What Do They Really Want? Obama's North Korean Conundrum."
- 13 Landau and Asculai, "Developments on the North Korean Nuclear Axis: Parallels with Iran?"
- 14 For more on the agreement, see Emily B. Landau, "Confronting North Korea's Nuclear Ambitions," *INSS Insight* No. 12, February 27, 2007.
- 15 Kim, "The Six-Party Talks and President Obama's North Korea Policy."

- 16 Hyung-Jin Kim, "North Korea Demands Aid Guarantee for Disarmament," *Washington Post*, June 12, 2008.
- 17 This aspect of North Korea's activities was high on the US agenda at the time the declaration was submitted because in late April 2008 a US report had cited intelligence indicating that the Syrian reactor bombed in 2007 was the product of cooperation between North Korea and Syria in the nuclear realm. See "US Says it Does Not Trust North Korea," *AFP*, April, 26, 2008, and David Albright and Paul Brannan, "The Al Kibar Reactor: Extraordinary Camouflage, Troubling Implications," *ISIS Report*, May 12, 2008.
- 18 Sue Fleming, "Rice Says North Korea Must Answer All Nuclear Questions," *Washington Post*, July 21, 2008.
- 19 As stated by then-US Secretary of State Condoleezza Rice, "I believe there will be a very strong message that the obligations need to be met and that the verification protocol really needs to be completed and that it has to be a verification protocol that can give us confidence that we are able to verify the accuracy of the North Korean declaration." Fleming, "Rice Says North Korea Must Answer All Nuclear Questions."
- 20 Richard Weitz, "Six-Party Talks Move towards North Korea's Denuclearization," *WMD Insights*, August 2008.
- 21 "US-North Korea Understandings on Verification," US Department of State Fact Sheet, Office of the Spokesman, October 11, 2008.
- 22 The major point of contention centered on the question of scientific sampling. On this issue, see Peter Crail, "Six-Party Talks Stall over Sampling," *Arms Control Today*, January-February 2009. On the overall problematic nature of the October understandings, including the issue of verbal agreements that might have been understood differently by the two sides, see Bruce Klingler, "North Korea Nuclear Verification: Has the US Blinked?" *Heritage Foundation*, WebMemo, October 31, 2008.
- 23 The Obama administration's approach to North Korea has been described as a "hands-off approach." See Blaine Harden, "North Korea Severs All Ties with South," *Washington Post*, May 26, 2010. For a different take on what Obama projected at the start and puzzlement at North Korea's rejection of his offer for talks, see Cha, "What Do They Really Want? Obama's North Korean Conundrum," p. 121, interpreting the appointment of Bosworth as a gesture toward North Korea and signal of Obama's interest in high-level negotiations with Pyongyang, to which the Bush administration had been averse.
- 24 By late 2009 there was evidence that North Korea had resumed reprocessing plutonium from spent reactor fuel at Yongbyon. See Lee Jong-Heon, "North Korea Pushes for Direct U.S. Talks," *UPI*, November 2, 2009.
- 25 Hecker was shown over 1000 centrifuges at the uranium enrichment plant that the North Koreans said were operational, although this could not be verified. "US: N. Korea's Nuke Claim Provocative, Not Surprise," *New York Times*, November 22, 2010.
- 26 Choe Sang-Hun, "North Korea Threatens to Fire into Disputed Waters," *New York Times*, December 22, 2009.

- 27 Sharon LaFraniere and Martin Fackler, "South Korea Prepares for Military Drill as Tensions Rise," *New York Times*, December 19, 2010.
- 28 For a report on the Bosworth visit, see Harden, "N. Korea Says Talks 'Narrowed' Differences with U.S." For new North Korean conditions, see Blaine Harden, "U.S. Rejects North Korea's New Conditions for Progress in Nuclear Talks," *Washington Post*, January 12, 2010.
- 29 For some of the conditions raised by the other parties, see "North Korea Threatens Attack on South if Drill Takes Place," *Global Security Newswire*, December 17, 2010, and Douglas H. Paal, "North Korea: Seeking Stability," Carnegie Endowment Asia Pacific Brief, December 30, 2010.
- 30 The two concessions that North Korea was reportedly willing to make toward reopening the talks (on the basis of talks held by Governor Bill Richardson while on a visit to North Korea, not as an official US envoy) were: agreement to allow IAEA inspectors back into Yongbyon to ensure that it was not enriching uranium for nuclear weapons, and willingness to renegotiate the sale of 12,000 plutonium fuel rods to South Korea, removing them from the North. See LaFraniere and Fackler, "South Korea Prepares for Military Drill as Tensions Rise."
- 31 "N. Korea Tests U.S. 'Strategic' Patience," *AFP*, July 15, 2010.
- 32 This is how the matters seemed at the time to Mark Fitzpatrick: "Stopping Nuclear North Korea," *Survival* 5, no. 4 (2009): 5.
- 33 "U.S. to Receive North Korean Diplomat for Nuclear Talks," *Global Security Newswire*, July 25, 2011, and Bill Varner, "U.S.-North Korea Talks End with No Announcement of Results," *Bloomberg*, July 29, 2011.
- 34 "Medvedev Wins Nuclear Pledge at Rare N. Korea Talks," *Jordan Times*, August 25, 2011.
- 35 For more on these positions, see Kathleen E. Masterson and Peter Crail, "US Envoy Sees Progress in N. Korea Talks," *Arms Control Today*, November 2011.
- 36 See comments on the US rationale by Michael Green in the context of a panel on "Six-Party Talks: New Roles and Purposes," Carnegie International Nonproliferation Conference, Washington, DC, June 25, 2007, http://www.carnegieendowment.org/files/six_party_talks.pdf.
- 37 This message was reiterated by the White House after learning of the operating uranium enrichment plant in North Korea, in direct contravention of North Korean commitments to denuclearize. See "N. Korea Accused of Breaking Nuclear Pledges," *AFP*, November 22, 2010.
- 38 "A Familiar Pitch," *Washington Post*, September 2, 2009.
- 39 For a plea to the Obama administration to develop a "comprehensive approach" and "an active plan to bring under control and eventually eliminate the nuclear weapons program," see "Need for 'Robust' Tack on North Korea," interview with Charles L. "Jack" Pritchard, Council on Foreign Relations, June 15, 2010.
- 40 My thanks to Joseph Costa for his helpful research assistance in mapping out the interests of the regional players in Northeast Asia (Russia, China, South Korea, and Japan) when he was an intern at INSS during 2008. Thanks also to Dr. Alon Levkowitz for his comments.

- 41 For a description of how regional interests were woven into the February 2007 deal, see Landau, “Confronting North Korea’s Nuclear Ambitions.”
- 42 Remarks by Green, “Six-Party Talks: New Roles and Purposes.”
- 43 A full description of regional interests is well beyond the scope of this monograph. This broad-stroke portrayal presents general trends that are of direct relevance to the nuclear issue and that illustrate the impact of regional complexities on the process.
- 44 In this sense, South Koreans view a nuclearizing North Korea with a very different and much less severe threat perception than Israelis, for example, view a nuclearizing Iran.
- 45 See Moon Ihlwan, “North Korea’s Kaesong Clamor,” *Bloomberg Businessweek*, June 11, 2009; Dick K. Nanto and Mark E. Manyin, *The Kaesong North-South Korean Industrial Complex*, CRS Report for Congress, February 14, 2008; and Jeong Hyung-gon, “North Korea’s Economic Development and External Relations: Economics of the Kaesong Industrial Complex,” Korea Economic Institute, October 20, 2011, pp. 69-73, <http://www.keia.org/sites/default/files/publications/16.Jeong.pdf>. On the most recent development, see Kim Yong Hun, “‘Political Flexibility’ as Felt in Kaesong,” *DailyNK*, October 11, 2011.
- 46 Fitzpatrick, “Stopping Nuclear North Korea,” pp. 10-11.
- 47 Insook Kim and Jing-dong Yuan, “Six-Party Talks and Inter-Korean Summit Raise Hopes for Denuclearization and Peace, but Conflicts Remain,” *WMD Insights*, November 2007.
- 48 William Boik, “Understanding the North Korea Problem: Why it has Become the ‘Land of Lousy Options,’” Letort Paper, Strategic Studies Institute, US Army War College, July 2011, p. 33.
- 49 Choe Sang-Hun, “Russia Trip Hints North Korea is Ready to Do Business,” *New York Times*, August 21, 2011.
- 50 See Emily B. Landau, “Dismantling Yongbyon: Continued US-North-Korean Brinkmanship,” *INSS Insight* No. 71, September 3, 2008.
- 51 On selling the same bill of goods several times, see *Washington Post* editorial “A Familiar Pitch.”
- 52 Victor Cha presents a slightly different perspective on the security rationale. He argues that what North Korea wants from the US is “regime security assurance.” Cha, “What Do They Really Want? Obama’s North Korean Conundrum,” p. 126.
- 53 See Harden, “U.S. Rejects North Korea’s New Conditions for Progress in Nuclear Talks”: “Although North Korea says it might rejoin disarmament talks, it has also said repeatedly in the past year that it has no intention of giving up nuclear weapons, which make it a player on the international stage.”
- 54 Cha, “What Do They Really Want? Obama’s North Korean Conundrum,” p. 120.
- 55 In addition, Leon Sigal argues that while the world focuses on North Korea’s provocative behavior, it does not realize how uncooperative South Korea is. Leon V. Sigal, “Primer – North Korea, South Korea, and the United States: Reading between the Lines of the *Cheonan* Attack,” *Bulletin of the Atomic Scientists* 66, no. 5 (2010): 35-44.

- 56 This point is reinforced by Alon Levkowitz, who maintains that the deals can be interpreted in different ways and that often Washington's logic does not work in Pyongyang, such as when North Korea carried through on its promise to fire missiles, even though the US, Japan, and others had tried to prevent it from doing so. From North Korea's point of view it gained points in the negotiation setting. "When you think the Korean way it makes some kind of logic." Private communication with the author, November 2011.
- 57 B. R. Myers, quoted in Harden, "North Korea Severs All Ties with South."
- 58 He noted "the danger that Pyongyang may now think it can use force with impunity backed by a nuclear deterrent," in Harden, "North Korea Severs All Ties with South." In contrast, as Alon Levkowitz points out, South Korea's President Lee was criticized by the conservatives for not responding (as the Israelis would) in the *Cheonan* case. Private communication with the author, November 2011.
- 59 In the Middle East, for example, a disagreement between Israel and Turkey over the question of an apology relating to a significantly less blatant attack led to a serious deterioration in bilateral relations in 2011.

Notes to Chapter 4, Iran and North Korea: Comparative Analysis

- 1 See Howard LaFranchi, "Will Iran, Korea Really Back Off Nukes?" *Christian Science Monitor*, July 18, 2007.
- 2 "N. Korean Nuclear Claims Contradict Pyongyang Pledges: US," *AFP*, November 22, 2010.
- 3 Interview with Sheila A. Smith, "Security in Northeast Asia," Council on Foreign Relations, February 1, 2010.
- 4 Emily B. Landau, "Taking a Stand on Nuclear Iran: Voices from the Persian Gulf," *Tel Aviv Notes* No. 157, January 16, 2006.
- 5 This dynamic was emphasized surrounding the Gulf Cooperation Council annual summit in Qatar in December 2007, which was attended by Iranian President Mahmoud Ahmadinejad. See "GCC Divided Over Policy Toward Iran," *Middle East Newslines* 9, no. 453, December 3, 2007; Martin Walker, "Iran's New Gulf Friends," *UPI*, December 5, 2007, on the GCC hedging its bets with Iran; and Sherine Bahaa, "Facing 'Serious Threats,'" *al-Ahram Weekly*, December 6-12, 2007. See also Mohamed Darwish's explanation that over the course of 2007 the Gulf states were seeking a third way: not too close to the US and not too friendly with Iran, *al-Ahram Weekly*, December 27, 2007-January 2, 2008.
- 6 See Emile Hokayem, "To Counter Iranian Ambitions, the Gulf Needs Greater Self-Confidence," *The National*, August 14, 2008: "Contrary to conventional wisdom, Iran's hard power is less threatening than its soft power: its ability to sweet-talk the Arab street into a radical agenda that promises Israel's demise, America's defeat and many other wonders."
- 7 See "Larijani in Egypt, Seeking Normalization," *Jerusalem Post*, December 27, 2007.
- 8 Keinan Ben-Ezra, "Egyptian Perspective on Iran's Nuclear Program," in Emily B. Landau and Anat Kurz, eds., *Arms Control Dilemmas*, INSS Memorandum, forthcoming 2012.

- 9 See Siegfried S. Hecker, "From Pyongyang to Tehran, with Nukes," *Foreign Policy*, May 26, 2009.
- 10 See Emily B. Landau, "Now is the Time to Talk," *Haaretz*, July 11, 2008.

Notes to Chapter 5, Nonproliferation Down the Road: The Lessons of Diplomacy and the Outlook for the Future

- 1 See Obama's disarmament program as outlined in a speech in Prague, April 5, 2009. See note 19 to Chapter 2, p. 113.
- 2 See articles in Emily B. Landau and Tamar Malz-Ginzburg, eds., *The Obama Vision and Nuclear Disarmament*, Memorandum No. 107 (Tel Aviv: Institute for National Security Studies, 2011).
- 3 The piece was published January 4, 2007. The vision was affirmed a year later by the same four authors in a second piece published in the *Wall Street Journal* under the title "Toward a Nuclear Free World," January 15, 2008.
- 4 The website for this movement is: <http://www.globalzero.org/>.
- 5 Emily B. Landau and Noam Ophir, "Unraveling the New Nuclear Disarmament Agenda: Between Vision and Reality," *Strategic Assessment* 11, no. 1 (2008): 60-67.
- 6 Additionally, there is a discrepancy between what Obama advocates and actual continued US reliance on nuclear weapons for deterrence against threats, including requests for a large increase in spending on nuclear warheads for 2010. See Greg Mello, "The Obama Disarmament Paradox," *Bulletin of the Atomic Scientists*, February 4, 2010. Mello's explanation is that there is no evidence that Obama has ever had a nuclear disarmament vision.
- 7 Emily B. Landau, "Obama's Nuclear Disarmament Agenda: Blurred Aims and Priorities," in Landau and Malz-Ginzburg, eds., *The Obama Vision and Nuclear Disarmament*, pp. 15-26.
- 8 As far as Israel is concerned, the relevant terms of the final document of the 2010 NPT Review Conference stipulate that progress with regard to organizing this conference will be in consultation with states in the region, and any arrangements will have to be "freely arrived at" by these states. See *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document*, NPT/CONF.2010/50 (Vol. I), May 28, 2010.
- 9 For an in-depth study of these limitations, see Ephraim Asculai, *Rethinking the Nuclear Non-Proliferation Regime*, Memorandum No. 70 (Tel Aviv: Jaffee Center for Strategic Studies, 2004).
- 10 See Emily B. Landau, "Assessing Nuclear Activity in Syria and Iran: The Elusive Smoking Gun," *INSS Insight* No. 54, May 4, 2008.
- 11 This is what was believed at the time. Following events in 2011, it has been reported that Libya might have retained some of its chemical weapons. Ian Black, "Libyan Rebels Discover Gaddafi's Chemical Weapons," *Guardian*, September 22, 2011.
- 12 Eben Kaplan, "How Libya Got off the List," Council on Foreign Relations Backgrounder, October 16, 2007.

INSS Memoranda 2010 – Present

- No. 115, March 2012, Emily B. Landau, *Decade of Diplomacy: Negotiations with Iran and North Korea and the Future of Nuclear Nonproliferation*.
- No. 114, March 2012, Yoel Guzansky and Mark A. Heller, eds., *One Year of the Arab Spring: Global and Regional Implications* [Hebrew].
- No. 113, March 2012, Yoel Guzansky and Mark A. Heller, eds., *One Year of the Arab Spring: Global and Regional Implications*.
- No. 112, Uzi Rabi and Yoel Guzansky, eds., *The Gulf States: Between Iran and the West* [Hebrew].
- No. 111, December 2011, Benedetta Berti, *The Ongoing Battle for Beirut: Old Dynamics and New Trends*.
- No. 110, November 2011, Meir Elran, Owen Alterman, and Johannah Cornblatt, eds., *The Making of National Security Policy: Security Challenges of the 21st Century – Conference Proceedings*.
- No. 109, June 2011, Shmuel Even and David Siman-Tov, *Cyber Warfare: Concepts, Trends, and Implications for Israel* [Hebrew].
- No. 108, May 2011, Emily B. Landau and Tamar Malz-Ginzburg, eds., *The Obama Vision and Nuclear Disarmament* [Hebrew].
- No. 107, March 2011, Emily B. Landau and Tamar Malz-Ginzburg, eds., *The Obama Vision and Nuclear Disarmament*.
- No. 106, November 2010, Yehuda Ben Meir and Olena Bagno-Moldavsky, *Vox Populi: Trends in Israeli Public Opinion on National Security 2004-2009*.
- No. 105, August 2010, Meir Elran and Yoel Guzansky, eds., *Vision and Reality in the Middle East: Security Challenges of the 21st Century – Conference Proceedings*.
- No. 104, June 2010, Gallia Lindenstrauss, *Mediation and Engagement: A New Paradigm for Turkish Foreign Policy and its Implications for Israel* [Hebrew].
- No. 103, May 2010, Tamar Malz-Ginzburg and Moty Cristal, eds., *A Nuclear Iran: Confronting the Challenge on the International Arena* [Hebrew].

