

ABSTRACT

This paper seeks to answer the following questions: What are the conditions which either promote relatively peaceful relations or prompt the escalation of hostile diplomatic and military confrontations over the NLL (Northern Limit Line) between the two Koreas? More specifically, what are the conditions which have led North Korea, as a contender state that is dissatisfied with the current status quo of the NLL, to engage in high versus low levels of diplomatic and military confrontation over the NLL in the West Sea of the Korean Peninsula? Even though the two Koreas have been embroiled in an enduring dispute over the NLL for more than half a century, their relations over the NLL have not always been characterized by competitive and hostile interactions. Relations between the two Koreas over the NLL have been characterized by relatively stable and peaceful periods with low levels of diplomatic and military confrontation as well as relatively hostile periods featuring high levels of diplomatic and military confrontation.

This thesis is an effort to understand the dispute over the NLL from a more theoretical and practical perspective. For this purpose, it explores the conditions which make the territorial dispute over the NLL enduring. It also attempts to differentiate between the conditions which trigger North Korea as a contender state to pursue relatively stable and peaceful relations and those that prompt it to pursue territorial claims in an aggressive and confrontational manner. I examine whether North Korea's unfavorable external environment affects its threat perception which in turn motivates North Korea to send signals via challenging foreign policies. Since the end of the Korean War, the United States and South Korea have constituted the main external threats to North Korea. In this context, this thesis explores how the US and South Korean foreign

policies toward North Korea have affected the diplomatic and military behavior of North Korea over the NLL during three South Korean administrations: Kim Daejung from 1998-2002, Roh Moohyn from 2003-2007, and Lee Myungbak from 2008-2012.

For this purpose, this study conducts a plausibility probe to test the validity of the proposition that there is a positive correlation between North Korea's threat perception and its use of escalatory or challenging foreign policies against perceived threats. I conclude that the plausibility probe in this study justifies the utility of further systemic research using similar cases. Additionally, given these findings this study argues that North Korea's foreign policy behavior is logical and coherent rather than irrational.

**ENDURING TERRITORIAL DISPUTE OVER
THE NORTHERN LIMIT LINE (NLL) BETWEEN
THE TWO KOREAS IN THE WEST SEA OF
THE KOREAN PENINSULA**

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DISSERTATION

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LIST OF ACRONYMS

CBM	Confidence Building Measures
CFC	Combined Forces Command
CONPLAN	Concept Plan
CPA	Commander of the Chinese People's Volunteers
CPX	Command Post Exercise
CVID	Completely, Verifiably, and Irreversibly Dismantle
EEZ	Economic Exclusive Zone
DMZ	Demilitarized Zone
DPRK	Democratic People's Republic of Korea
EEZ	Exclusive Economic Zone
FE	Foal Eagle
FTX	Field Training Exercise
GNP	Grand National Party (ROK)
ICJ	International Court of Justice
JCS	Joint Chiefs of Staff
KINU	Korea Institute for National Unification
KPA	Korean People's Army (DRPK)
KTO	Korean Theater of Operations (ROK)
MAC	Military Armistice Commission
MDL	Military Demarcation Line
MND	Ministry of National Defense (ROK)

NLL Northern Limit Line
NM Nautical mile
OPCON Operational Control
OPLAN Operation Plan
PSI Proliferation Security Initiative
ROK Republic of Korea
RSOI Reception, Staging, Onward Movement and Integration
TAL Tactical Action Line (ROK)
TS Team Spirit
UFL Ulchi Freedom Guardian
UNCLOS United Nations Convention on the Law of the Sea
UNC United Nations Command
USFK U.S. Forces Stationed In Korea

CHAPTER ONE

INTRODUCTION

I. Security Dilemma¹ in the West Sea of the Korean Peninsula

The Korean Peninsula is one of the most worrisome zones of conflict in the Post-Cold War era. The security environment on the Korean Peninsula has remained unstable even after the end of the Cold War. In spite of provisional mutual steps for reconciliation and cooperation throughout the Cold War and the post-Cold War eras,² the two Koreas have experienced sporadic tensions which could lead to full-fledged military disputes or even war. Even when the mutual relationship seems to be improving, deep-rooted mistrust and misperception have interrupted its momentum. Intermittent militarized disputes have resulted in the death of hundreds of soldiers and civilians on both sides. North Korea's challenging behavior and pursuit of nuclear weapons have also damaged inter-Korean relations and increased tensions on the Korean peninsula. A relationship rooted in mistrust and animosity has led the two Koreas to worry about each other's political-military developments.

In such an environment, actions taken by one side trigger misperceptions and counter-reactions from the other side. In particular, military actions taken by one party are viewed as aggressive and threatening to the other. For instance, North Korea has criticized South

¹ Tension and crises created between the two Koreas can be explained by the notion of the security dilemma- the notion that the efforts of one side to increase its own security reduce the security of the other side. South Korea fears that the North Korea might undertake a surprise attack against the South. Similarly, North Korea worries that South Korea and the United States aim to attack or undermine the North by taking advantage of their superior economic and military powers. Under such concerns, the security dilemma perspective posits that the actions taken by each Korea to strengthen its own security often threaten the other side's security and consequently provoke a hostile response. For the basic notion of the security dilemma in IR, refer to Robert Jervis, 1978, "Cooperation Under the Security Dilemma," *World Politics, Vol. 30, No.2*, pp. 167~214; Glenn H. Snyder, 1984, "The Security Dilemma in Alliance Politics," *World Politics, Vol. 36, No. 4*, pp. 461~495.

² Even though there were mutual efforts for reconciliation and cooperation between the two Koreas, seemingly significant progress has often lost its momentum due to the sporadic political and military tensions. For instance, two summit talks were held in 2000 and in 2007; South Korea has invested billions of dollars in North Korean industries; Millions of South Korean people travelled to the North under the Kungang project. However, these seemingly positive projects have been occasionally interrupted and halted due to the sporadic political and military tensions.

Korean military doctrine as being offensive while South Korea argues that it was formulated as deterrence against North Korea. North Korea further argues that the annually held combined military exercises between the United States and South Korea in the West Sea are offensive in nature, while South Korea claims that they are defensive-oriented exercises. It is obvious that current security environment of Korean peninsula reflects the basic realist notion of security dilemma which relies on the ambiguity of offensive and defensive postures taken between rival states. Under the circumstances where the two Koreas regard each other as main enemies and threat to their national security, uncertainty and misperception over the intentions of the other side have resulted in several critical occasions which led to actual military conflict. Whenever such tensions and conflict occurred, the two Koreas blamed each other for causing the conflict.

Noticeably, during the past fifteen years, a security dilemma rooted in mistrust and animosity between the two Koreas has become a salient feature in the West Sea of Korean Peninsula where a series of actual military engagements occurred.

II. Military Disputes near the Northern Limit Line in the West Sea of the Korean Peninsula

From the end of the Korean War in 1953 to 2012, there have been a total of 1,020 instances where North Korea used challenging behavior against South Korea through diverse military means. Among 1,020 cases, a total of 221 cases are classified as the critical ones which could have led to an all-out war between the two Koreas.³ Then, among the 221 cases, a total 26 cases are categorized as the instances in which actual

³ A total number of the cases of North Korea's challenging behaviors against South Korea have been neither verified nor agreed by North Korea. However, they were charged by the United Nations Command, ROK Ministry of Defense, 2012, *The Chronology of North Korea's Challenging Behaviors*, Seoul; Song Youngsun, 2011, "Hugeon-ihuwi Bukhanui Daenamdobalhangwi [North Korea's Provocations since 1953]," *ROK National Assembly Report*, pp. 1~7.

military means were used, resulting in the death of military and civilian personnel and damage to facilities on each side. Among these 26 cases, more than 42 percent (11 cases: 8 in the West Sea and 3 in the East Sea) of the military engagements occurred at sea since the early 1990s to 2012.⁴ These empirical findings demonstrate that most of the critical challenging behavior by North Korea has occurred near the MDL on land from 1953 to the early 1990s while its challenging behavior has frequently taken place at sea since the late 1990s.

From 1999 to 2011, the two Koreas have engaged in a total of five naval engagements in the West Sea (see Table 1.1). The main root of the naval engagements lies in different and competing views on the NLL held by the two Koreas.⁵ The NLL is the maritime demarcation line which was drawn by the US-led United Nations Command at the end of the Korean War. Since then, South Korea has regarded the NLL as a *de facto* legal maritime demarcation line while North Korea has considered it as an illegal line which was unilaterally drawn by the US-led United Nations Command.⁶

A series of the naval engagements near the NLL since 1999 demonstrate that the security dilemma has become a salient feature in the West Sea of Korean Peninsula. As a result of several naval conflicts, the two Koreas have been beefing up their levels of military alertness and heightening their military readiness postures in the West Sea,

⁴ Song Youngsun, 2011, "Hugeon-ihuwi Bukhanui Daenamdobalhangwi [North Korea's Provocations since 1953 Armistice]," *ROK National Assembly Report*, pp. 1~7.

⁵ North Korea has regarded the NLL as illegitimate and void while South Korea has maintained the position that it is a *de facto* maritime demarcation line between the two Koreas. North Korea lodged its first formal protest of the NLL at the December 1st, 1973 Military Armistice Commission(MAC) meeting., ROK Ministry of Defense, 2007, *The Chronology of the Inter-Korean interactions over the NLL*, Seoul.

⁶ There are several reasons why the NLL in the West Sea has been the source of inter-Korean confrontations compared to the NLL in the East Sea. The maritime demarcation line in the East Sea of the Korean Peninsula was relatively easy to draw because the coast line of East Sea is comparatively straight and there are not islets located near the coast line. However, the issue over the maritime demarcation line in the West Sea was complicated by the number of islands, a jagged coast line, and the strategic and economic value of the area. The West Sea also has some important implications in terms of strategy. The fact that many of the two Koreas' naval bases and forces are located and concentrated along the coast line of the West Sea reflect that the two Koreas consider the West Sea to be an important strategic area.

deepening animosity and mistrust. South Korea reconfirmed the importance of enhancing their combined military exercise with the United States in the West Sea and recently began to consider the shift of their military doctrine from a defensive to an offensive posture which would allow for preemptive military action against North Korea.⁷ The national leaders of South Korea also announced and reconfirmed that the NLL is the de facto legal maritime boundary and merits no further discussion.

The current situation between two Koreas demonstrates the potential that they could engage in another military clash at any moment in the future, making it more difficult for the two Koreas to escape from the security dilemma.

Table 1.1. Naval Engagements between North and South Korea in the West Sea since 1999

Occurrence of Naval Engagements	Date	Result	Location of the incident
1 st Naval Engagement (Seohae Kyogeon)	June 15, 1999	South Korea : 2 military personnel wounded North Korea : More than 30 military personnel dead or wounded, two navy vessels severely damaged	south of the NLL
2 nd Naval Engagement (Yeonpyoung haejeon)	June 27, 2002	South Korea : 6 military personnel dead, 18 wounded, one patrol ship destroyed and sunk North Korea: More than 20 military personnel dead or wounded / one navy vessel severely damaged	south of the NLL
3 rd Naval Engagement (Daecheong haejeon)	Nov 10, 2009	South Korea : No casualties, no damage on military assets North Korea: 4 military personnel would or dead , 2 navy patrol ships were damaged	south of the NLL
The sinking of ROK Navy destroyer "Cheonan"	March 26. 2010	South Korea : 46 military personnel dead (44 found dead , 2 missing) , one destroyer destroyed and sunk North Korea: Unknown	south of the NLL
The shelling of Yeonpyung Island	Nov. 23. 2010	South Korea: 2 civilian and 2 military personnel dead, marine base and civilian villages damaged North Korea: Unknown	south of the NLL

* Source : ROK Ministry of Defense , 2012, The Chronology of the Military Dispute, Seoul.

⁷ Secretary of Defense of South Korea pointed out the necessity of shifting the military doctrine from defensive to offensive ones in 2011 and 2012 in the hearing of ROK National Assembly.

III. Research Question and Its Significance

Despite many opportunities for the two Koreas to engage in the low intensity military disputes, from the time of Korea's division until the late 1990s, they avoided direct military conflicts in the West Sea. Even though there were several occasions in which North Korea criticized the legal status of the NLL and conducted several military challenges both in the East and the West Sea, those challenging behaviors did not escalate into direct military engagements.

Table 1.2. Major Incursions by North Korea from 1953 to 1998 in the West and East Sea

Provocation	Date	Result
North Korean Navy vessel fired weapons toward South Korean Navy vessel Near the NLL in the West Sea	Jan 29. 1967	South Korean Navy ship partly damaged
North Korean Navy patrol ship's transgression into "Baekryeoung Island" in the West Sea	April 13. 1991	North Korean Navy ship destroyed by South Korean Navy
North Korean submarine's transgression into East Sea	Sep. 18. 1996	Among 9 north Korean crew members, 8 killed and one arrested
North Korean Navy vessel fired weapons toward South Korean Navy vessel Near the NLL in the West Sea	June 5, 1997	Damages on South Korean Navy vessel
North Korea's submarine's transgression into East Sea. Stranded in the fishing net.	June 22, 1998	Salvaged by South Korean Navy
North Korean special operation spy's transgression into East Sea via midget submarine	July 12. 1998	Crew members Killed and midget sub was salvaged by South Korean Navy
North Korean midget submarine detected in the South Sea	Dec 17. 1998	Destroyed by South Korean Navy
*North Korean fishing or cargo ships traversed the NLL many times causing tensions which could be escalated into the military engagements.		

* Source: ROK Ministry of Defense, 2012, The Chronology of the Military Dispute, Seoul

However, a number of the naval engagements since the late 1990s have made South Korea worry about another possible naval conflict in the near future. More fundamentally, the issues over the NLL which have been seemingly dormant have reemerged as the worrisome sources of the direct military conflicts in the West Sea. Given that military conflicts near the NLL have caused serious loss of the personnel and assets to the two Koreas and worsened mutual animosity, settlement of the disputes over the NLL must be the most critical priority to both Koreas to prevent the recurrence of military conflicts.

Furthermore, even if the eventual settlement of the dispute over the NLL is difficult to be achieved soon, the efforts to manage the dispute peacefully are necessary to deter the escalation of the dispute into another military engagement.

Even though the two Koreas have been embroiled in the enduring territorial dispute over the NLL for more than half a century, the relations over the NLL between the two Koreas have not always been characterized by hostile and aggressive diplomatic and military confrontations. There were also periods during which they could keep relatively stable and peaceful relations over the NLL. In this context, the central research question for this thesis is when and why do the two Koreas experience relatively peaceful interactions (low levels of confrontational interaction over the territorial dispute) while they sometimes suffer from hostile and aggressive ones (high levels of confrontation) over the NLL? More specifically, what are the conditions which either trigger North Korea as the contender state to seek relatively stable and peaceful relations or prompt it to pursue territorial claims in an aggressive and confrontational manner? Given that the NLL is the source of increasing the stakes of diplomatic and military confrontation, what is the nature of the NLL over which competing claims arise between the two Koreas? Moreover, were there any effort and willingness between the two Koreas to resolve the competing claims over the NLL? If so, why did not such efforts work out enough for both parties to strike peaceful bargains to achieve territorial compromise? What factors and conditions led such efforts in a stalemate? To answer these questions, this thesis traces the underlying logic of the disputes over the NLL with a focus on the factors which are considered to impact the interactions of the two Koreas over the NLL.

Answering above research questions is important in terms of scholarly and policy

dimensions. With regard to the scholarly dimension, extant IR and area studies on territorial dispute can build on the study on the Korean case. Most of the extant IR studies on the territorial dispute focus mostly on some structural factors such as geographical proximity, economic and security salience of the disputed territories, and the roles of the third parties which are believed to affect the dynamics of the dispute between states. In the similar vein, the area studies which analyze the inter-Korean disputes over the NLL also follow similar steps by just focusing on the salience and legal aspects of the NLL. More problematically, many regional studies which analyze the issues over the NLL tend to attribute the main reasons for the escalation of the dispute into hostile diplomatic and military confrontation to the unique behavior of the one side based on the assumption that such behaviors stem from its inborn provocative domestic political culture.

Even though the extant international relations or regional studies literature provide some insights on the general intractable nature of the inter-Korean confrontations over the NLL, they cannot fully explain the fundamental reasons for the fluctuation of the inter-Korean confrontations over the NLL. The Korean case has unique features which make the territorial dispute enduring. Even though the inter-Korean dispute over the NLL also involves historical, economic, security and legal dimensions unique in Korean peninsula, it is not necessarily all about the territorial issue itself. The dynamics of the inter-Korean disputes over the NLL should be understood within the larger political and strategic context. The rival relationship which has been consolidated for more than half a century defines the broader strategic and political context in which the disputes over the NLL occur. The dispute over the NLL has functioned as a lightning rod for the mistrust and competition associated with the enduring antagonism between the two Koreas.

Understanding the unique characteristics of this case study can add to extant IR and area studies on territorial disputes.

Second, analyzing the unique conditions which make the inter-Korean dispute over the NLL enduring can provide us with some lessons and insights on the theoretical debates over the future of East Asian region. Lots of area and regional scholars whose interests are in the Northeast Asia seek to discuss and predict geo-political dynamics in the region where the competing interests of the regional powers such as United States, China and Japan are increasingly salient.⁸ Interestingly and importantly, territorial disputes between these regional powers have recently again become important feature in the Northeast Asian region. For instance, recent disputes over the Senkaku/Diaoyu Island between China and Japan, dispute over Dokdo/Dakeshima Island between Japan and South Korea and other territorial disputes between regional powers (see Table 1.3) have become a concern and a potential source of the inter-state conflict and instability in the region. Thus, the lessons learned from the study of the NLL dispute can contribute to understanding the dynamics of other regional territorial disputes and predicting the future of the region.

Table 1.3. The Ongoing Territorial Disputes in the East Asian Region

Disputed Territory	Claimant
Senkaku/Diaoyu Tai	Japan, China
South Kuril islands	Japan, Russia
Dokdo/Dakeshima islets	Japan, South Korea
Okinotori islands	Japan, China
Macclesfield Bank	China, Philippine, Vietnam and Taiwan
Ieodo Island/Suyan Rock	China, South Korea

* Source : Chosun Daily, 2012

⁸ Taisaku Ikeshima, 2008, "Peace in Northeast Asia: Resolving Japan's Territorial and Maritime Disputes with China, Korea and the Russian Federation," *Waseda Global Forum*, No6, pp.361-368; Park cheolhee, 2006, "Nationalism, Historical legacies and territorial disputes as obstacles to cooperation in Northeast Asia," In *Toward an Ideal Security State for Northeast Asia 2025* edited by L. Gordon Flake, pp. 32~45.; Pak huigwon, 2000, "The Law of the Sea and Northeast Asia: A challenge for cooperation," *The Hague; Boston : kluwer law international*. pp. 3~24; Lee Choonkun, 1997, *Hankookui Haeyang Moonjae [Maritime Issues of South Korea]*, Seoul, ROK Maritime Strategy Institute..

This study also has an important policy dimension. Insights and lessons gained from this study can contribute to finding peaceful and efficient ways to resolve and manage the disputes over the NLL which in turn will benefit both Inter-Korean relations and the stability of Northeast Asia region. First, the dispute over the NLL is one of the most serious flashpoints involving military conflict between North and South Korea. Even if the disagreement over the NLL cannot be resolved in the short term, it is important for the two Koreas at least to make efforts to manage their disputes in order to prevent the occurrence of another military engagement. The cyclical military engagements that result from the failure to manage and resolve the dispute over the NLL can also negatively affect other areas of inter-Korean relations. This means that the management or settlement of the dispute over the NLL could exert a positive impact on other issues in inter-Korean relations and could serve as a model for successful dispute-resolution. Thus, the lessons learned from this case can shed light on how to deal with other ongoing controversial issues between the two Koreas. Some may argue that given the fact that the two Koreas are still in a state of semi-war, it is natural for the two Koreas to experience diverse disputes over many issues and provisional efforts to resolve the NLL dispute will be unlikely to bear any meaningful fruit. Such arguments might sound plausible; however, such pessimistic arguments based on the current state of affairs cannot and should not be a justification for not attempting to peacefully manage and resolve this territorial dispute. Ideally, the reunification of the two Koreas would be a sufficient condition for resolving the NLL dispute. No one can be sure of when this reunification will come about, however, because the reunification of the two Koreas is a complicated process with numerous actors and issues involved. Until reunification is achieved, the two Koreas should attempt

to manage and resolve the dispute over the NLL in order to prevent the deterioration of the inter-Korean relations.

Second, the West Sea of Korean Peninsula is the area where the strategic interests of regional powers such as China, United States and Japan are involved. China, as a growing regional hegemon, will seek to compete with the US and challenge its influence in the region while the US will try to balance China by enhancing its alliances with other regional states like Japan and South Korea. China will also try to keep close ties with North Korea to strengthen its leverage so that it may counter the regional influence of the US. The recent shift of US strategic focus from the Middle East to Northeast Asia makes this scenario more likely. The US and China, both influential actors which can impact inter-Korean relations, can complicate the settlement of the NLL dispute. These regional powers, however, generally do not want this issue to escalate into a regional conflict that might involve them. In addition, due to the unique nature of the NLL dispute, there are limitations in the role that regional states can play in resolving the conflict over the NLL. This implies that the two Koreas' mutual efforts to resolve the dispute over the NLL are important. The maintenance of stability in the West Sea between two Koreas must be one of the necessary conditions for the stability of the region. In this context, understanding how to manage and resolve the dispute over the NLL can help us better understand and predict the future of the Northeast Asian region.

CHAPTER TWO

LITERATURE REVIEW AND ANALYTICAL FRAMEWORK

I. Literature Review

This chapter reviews the extant scholarship on North Korea's foreign policy toward the NLL. The pitfalls of extant studies will be identified based on this review. The main aim of this literature review is to shed light on a more comprehensive theoretical framework that can be used to develop a set of testable hypotheses. Theories taken from the existing literature are used as a basic foundation for the comprehensive framework used by this thesis. In addition, the pitfalls identified in the literature help inform the comprehensive framework. First, this chapter reviews the literature on the territorial dispute in IR. Then, this chapter examines four approaches that have been applied specifically to the dispute over the NLL.

1. Territorial Dispute as the Causes of the Inter-state Conflicts

A number of scholars have argued that territorial disputes have been a central cause of crisis and armed conflict between states since the inception of the modern international system.⁹ Scholars such as Charles and Russell observe that territorial disputes are prone to higher levels of conflict than disputes centered on economic or ideological issues.¹⁰ Vasquez also notes that territorial issues are the central feature of inter-state conflicts. He further argues that territorial disputes are unique in their propensity to escalate to military conflict and he concludes that war is highly unlikely if there is not a prior conflict

⁹ Stephen Kocs, 1995, "Territorial Disputes and Interstate War, 1945-1987," *Journal of Politics*, Vol 57, No 1, pp. 159-175; Alan Day, 1982, *Border and Territorial Disputes*, Longman

¹⁰ Charles Gochman and Russell Leng, 1983, "Realpolitik and the Road to War," *International Studies Quarterly* 27, no 1 pp. 97-120; J.R.V. Prescott, 1987, *Political Frontiers and Boundaries*, Boston: Allen & Unwin.

between states over territory.¹¹ Scholars commonly emphasize territorial disputes as a distinct theoretical cause of inter-state conflicts because territorial disputes are more likely to escalate to the threat or use of military force compared to other types of conflict between states.¹² For instance, Brecher and Wilkenfeld have found out that among 280 international crises between 1946 and 1998, territorial issues were the direct causes of crises between states in more than 50 percent of these cases.¹³ Huth also argues that while the superpower rivalry between the US and the Soviet Union during the Cold War period was not driven by competing territorial claims but by ideological conflict, long-standing disputes over territory have been an important cause of other inter-state conflicts since the end of the Second World War.¹⁴ The Arab-Israeli conflict, Indo-Pakistani conflict over Kashmir, and Iran-Iraq conflicts over the disputed Shatt-al-Arab Waterway are good examples of territorial disputes.

In the field of international relations, studies that treat territory as an important source of interstate conflicts can be divided into four broad categories. In the first category, territorial issues are studied in terms of the impact that geographic proximity can have on the likelihood that states become embroiled in conflict or that conflicts between states diffuse across national borders. Several studies find that proximate states experience more of crises and wars than do more distant states because they can easily

¹¹ John Vasquez, 2001, "Territorial Dispute and the Probability of War 1816~1992," *Journal of Peace Research*, Vol. 28, No. 2, pp. 123~138.

¹² For good overviews of the conflict potential in territorial disputes, refer to Paul R. Hensel, 2000, "Theory and Evidence on Geography and Conflict," In John A. Vasquez, ed., *What Do We Know About War?*, Boulder, CO: Rowman and Littlefield, pp. 57~84.

¹³ Michael Brecher, Jonathan Wilkenfeld, and Sheila Moser, 1988, *Crises in the Twentieth Century*, Vol. I, New York: Pergamon Press.

¹⁴ Huth found out that there have been more than 100 territorial dispute between states since the end of the Second World War and there were more sixty territorial disputes which are unresolved in the international system by 1995, Paul Huth, 1996, *Standing Your Ground*, The University of Michigan Press.

interact due to geographic proximity.¹⁵ In a similar vein, other studies regard geographic proximity as the central cause of the diffusion of international conflicts.¹⁶ By focusing on when the bilateral disputes escalate into multiparty disputes, these studies indicate that proximity is significantly correlated with the diffusion of conflict.¹⁷

The second category of studies focuses on the salience of territory. By analyzing the degree of importance attached to contested territory by the states involved, these studies argue that states tend to have a strong resolve to control territory when this grants control over important economic and security resources.¹⁸ These studies further argue that territory tends to be more contentious when it allows access to a place that is useful for attacking or defending a homeland or a trade route because these security issues usually trump the economic salience of the disputed territory.¹⁹ Territory can increase states' perceived security by providing advance warning of an impending attack and eventually contribute to national defense, particularly to the extent that the territory contains geographic features beneficial for defense.²⁰ While these studies focus on the tangible salience of the territory, other studies heed to the intangible salience of the territory.²¹ Beyond physical (tangible) elements attached to the territory, territory is

¹⁵ David Garnham, 1976, "Dyadic International War 1816-1965," *Western Political Quarterly* 29, no2 pp 231-42.

¹⁶ Randolph Silverson and Harvey Starr, 1990, "Opportunity, Willingness, and the Diffusion of War," *American Political Science Review* Vol 84, No1 pp 47-68; Harvey Starr and Benjamin Most 1983, "Contagion and Border Effects on Contemporary African Conflicts," *Comparative Political Studies* Vol 16, No1, pp.92~117; Harvey Starr and Benjamin Most, Diffusion, 1980, "Reinforcement, Geopolitics and the Spread of War," *American Political Science Review* 74, no4., pp932-946.

¹⁷ For an in-depth discussion on when bilateral disputes become multiparty conflicts, refer to Harvey Starr, 1991, *The Diffusion of War*, University of Michigan Press.

¹⁸ Gary Geertz and Paul Diehl, 1992, *Territorial Changes and international conflicts Studies in International Conflict*, Routledge.

¹⁹ Ibid.

²⁰ Paul Diehl, 1992, "Geography and War: A Review and Assessment of the Empirical Literature", *International Interactions* Vol 17, no 1, pp. 1~27.

²¹ Alexander Murphy, 1990, "Historical Justifications for Territory Claims", *Annals of the Association of American Geographers*, Vol 80, no. 4, pp.531~648.; Isaiah Bowan, 1946, "The Strategy of Territorial Decisions," *Foreign Affairs* vol. 24, no. 2, pp. 177~194. ; Evan Luard, 1970, *The International Regulation of Frontier Disputes*, New York:Prager, ; John Vasquez,1993, *The War Puzzle*, Cambridge University Press.; Max Hastings and Simon Jenkins, 1983, *The Battle for the Falklands*, New York: W.W. Norton and Company.

important for intangible reasons. These studies commonly argue that territory lie at the heart of national identity and cohesion.²² Territory is regarded to have a psychological significance which surpasses its economic or strategic value. Due to its intangible value, territorial dispute tends to ignite sentiments of pride and honor more rapidly and intensively than other types of issues between states.²³ In the similar vein, Bowman also argued that there exist profound psychological differences between the transfer of territory and other types of interstate interactions.²⁴ These studies commonly emphasize the symbolic importance of the territory.

In the third category, scholars focus on third-party mediation in their analysis of territorial disputes between states.²⁵ These studies usually focus on the effectiveness of specific mediation techniques by third parties and provide historical accounts of territorial disputes while also providing practical recommendations for resolving disputes and preventing conflict escalation.²⁶

Lastly, some studies explain territorial disputes within the context of rivalries.²⁷ These scholars can be subdivided into two categories. The first group contends that territory is likely to lead to inter-state conflicts and that if territorial disputes persist long enough they can lead to interstate or enduring rivalry and war.²⁸ The second group

²² Alexander Murphy, 1990, "Historical Justifications for Territory Claims", *Annals of the Association of American Geographers*, Vol 80, no. 4, pp.531~648.

²³ John Vasquez, 1993, *The War Puzzle*, Cambridge University Press

²⁴ Isaiah Bowan, 1946, "The Strategy of Territorial Decisions," *Foreign Affairs* vol. 24, no. 2, pp. 177~194

²⁵ Saadia Touval, 1982, *The Peace Brokers*, Princeton University Press; Parker Hart, 1990, *Two Nato Allies at the Threshold of War*, Duke University Press.

²⁶ For a more detailed discussion on the third-party mediation, refer to Vivienne Jabri, 1990, *Mediating Conflict*, Manchester University Press; John Campbell, 1976, *Successful Negotiations*, Princeton University Press.

²⁷ Paul K Huth, 1996, "Enduring Rivalries and Territorial Disputes, 1950-1990," *Conflict Management and Peace Science* 15 (1), pp. 7-41

²⁸ William R. Thompson, 2005, "Explaining Rivalry Termination in Contemporary Eastern Eurasia with Evolutionary Expectancy Theory," *Montreal: REGIS Working Paper No. 17*; James P. Klein, Gary Goertz, and Paul F. Diehl, 2006, "The New Rivalry Dataset: Procedures and Patterns," *Journal of Peace Research* 43, no. 3 ; Paul R. Hensel, Gary Goertz, and Paul F. Diehl, 2000, "The Democratic Peace and Rivalries," *The Journal of Politics* 62, no. 4, pp.1173-88; Paul K. Huth, 1996, *Standing Your Ground: Territorial Disputes, 1950-1990*, Ann Arbor: University of Michigan Press.

argues that territorial disagreements and disputes are embedded within the context of rivalry.²⁹ In other words, they argue that rivalries tend to lead to territorial disputes and such disputes make the rivalries more enduring.³⁰ They do not regard the rivalries as the result of the territorial disputes. Rather they consider that rivalries define the broader context where territorial disputes occur. Territorial disputes can be better explained and understood within the context of rivalry because territorial disputes between rival states serve as lightning rods for the mistrust and competition that stem from the protracted antagonism.³¹ Within the context of rivalry, territorial disputes can be a convenient means for challenging the opponent state and rivalries can be a good predictor of territorial disputes and conflict escalation.³² States in a rivalry relationship like the two Koreas are more likely to engage in conflict over territory not only because of the intrinsic value attached to it but also because of the antagonism and mistrust they hold towards each other. Due to the competitive nature of this rival relationship, there is a psychological tendency by the parties to view the territory in a biased way that magnifies the value of the territory.³³ Thus, it is argued that the most dangerous territorial disputes occur within the context of rivalry.

Overall, the literatures on territorial disputes in international relations regard the territorial disputes as one of the important sources of inter-state conflicts and as a relatively constant feature of international relations. These studies do not, however, fully explain when and why some territorial disputes escalate into crises and military conflicts

²⁹ Karen Rasler and William Thompson, 2006, "Contested Territory, Strategic Rivalries, and conflict Escalation," *International Studies Quarterly*, pp. 145-167.

³⁰ Paul K. Huth, 1996, *Standing Your Ground: Territorial Dispute and International Conflict*. The University of Michigan Press.

³¹ Karen Rasler and William Thompson, 2006.

³² Stuart Bremer, 1992, "Dangerous Dyads," *Journal of Conflict Resolution* 36, no2, pp 309-41.

³³ Paul Diehl, 1992, "What Are They Fighting For?," *Journal of Peace Research*, pp.333-44.

between states. To be more specific, given that there is always the potential for states to become embroiled in crises over territorial disputes, these studies have limitations in answering the question of when and why state leaders choose to escalate territorial disputes.

2. Extant Study on the Dispute over the NLL

In general, extant studies on North Korea's challenges over the NLL can be divided into three broad categories depending on their focus on the issues at stake in the NLL dispute.

A. Salience of the NLL

The first group of scholars pays heed to the salience of the NLL in terms of economic and security gains. They focus on the importance of the NLL in terms of its economic and strategic value and regard these salient elements as the main cause of North Korea's challenging foreign policy behavior toward the NLL.³⁴ The economic and security importance of the NLL provides the two Koreas with more incentives to interact, disagree, threaten and resort to military means to resolve the dispute.

Under such conditions, North Korea, as a contender state who is not satisfied with the status of the NLL, tends to adopt challenging diplomatic and military policies in an attempt to gain control of the NLL which is significant for its national security and economy. Given the security and economic gains achieved by controlling the NLL, North Korea should be more inclined to reject compromise and escalate disputes to higher

³⁴ Kim Kangnyung, 2007, "NLL Jubyeonhaeyeogui Bukhandobalhaengwiwa Gyohun [The lessons from the North Korea's provocative behaviors near the NLL]," *ROK Naval War College*; Ministry of Defense, 2002, The purpose of North Korea's provocative behaviors near the NLL, Seoul; Kim Jeongkon, 2010, "Bukhanui NLL Wibanuido [Intention of the North Korea's violation of the NLL]," *Freedom Magazine*, Version 324.

levels of confrontation in an attempt to force South Korea to concede. The scholars in this group argue that the advantageous control of the border line, which is situated in a strategically important location, is a policy priority to the two Koreas for their national security.³⁵ In this context, the state that assumes control of border line can achieve an advantageous military position in several ways.³⁶ For instance, state can enhance power projection capabilities for either defensive or offensive military operations, establish a military presence in close proximity to narrow chokepoints or major trade routes on the sea or land, extend a defense perimeter around important military bases, or deny their opponent the ability to project their military forces.³⁷ Given these significant security benefits and gains, the two Koreas should have strong resolve to reject compromise when they are involved in dispute over such a valuable border.

In addition, North Korea has a strong incentive to try to gain control over the NLL for economic reasons because the NLL is located close to valuable natural resources, fishing grounds, and major export and import cargo-ship routes.³⁸ The development of natural resources and fishing grounds benefit specific industries and economic sectors, generating political support for the leadership.³⁹ Moreover, income provided by the export sales of natural resources and fish would contribute to higher levels of state revenue, which could support expenditures on various domestic programs as well as

³⁵ John Barry Kotch and Michael Abbey, 2003, "Ending Naval Clashes on the Northern Limit Line and the Quest for a West Sea Peace Regime," *Asian Perspective*, Vol 27, No. 2, pp. 175-204.

³⁶ Choi Jonghwa and Kim Youngku, 2004, " Bukbanghangyeseongwa Seohaeeodo Geurigo Haeyangbeop [The NLL and the five islands and maritime law]," *Susan Haeyang Kyo-yook no 16*, pp. 13~28.

³⁷ You Nakjoon, 1999, "Seohaehodoui Jeonryakjeog Gachihyangsanggyehoege Gwanhan Yeongu [A Study on Plan to improve the Strategic Value of the Five Islands in Western Sea]," *ROK National Defense Univ.*

³⁸ Van Dyke, Jon M, and Mark C. Valencia and Jenny Miller Garmendia, 2002, "The North/South Boundary Dispute in the Yellow Sea," *Marine Policy*. No. 27, pp. 143-157.

³⁹ Gary Geortz and Paul Diehl, 1992, Territorial Changes and International Conflict, Studies in international conflict, *Routledge*; Brad Glosseman, 2003, Crab Wars: Claiming the Waters in the Yellow Sea, Asia Times accessed at <http://www.atimes.com/atimes/Korea/EF14Dg03.html>; Park Heekwon, 2000, The Law of the Sea and Northeast Asia: A challenge for cooperation, *Ocean Development V. 35.*, Springer 1st edition.

defense needs. Thus, these scholars argue that the control over the economically valuable NLL is an important policy priority for North Korea.

B. Legal Approach to the NLL

The second category of scholarship examines the NLL dispute from a legal perspective. These studies focus mainly on how well-grounded and convincing the two Koreas' contending positions are in terms of formal agreements and international law, and on how the absence or lack of the provisions and terms regarding the NLL in inter-Korean agreements and international law affects inter-Korean interactions over the NLL.⁴⁰ They commonly argue that the lack of documents, the imprecise delimitation of a border line in a previous agreement, or the lack of the terms in international law that are detailed enough to solve the conflicting claims over the NLL make the inter-Korean dispute more enduring and conflictual.⁴¹ Such ambiguities regarding the NLL in formal agreements and international law lead the two Koreas to rely on different interpretations and applications of the provisions in agreements and international law to make sure that the border is defined on terms favorable to themselves

A territorial dispute usually begins with the contender state questioning the legal status of the current border line. If a contender state has signed an agreement that clearly delimited the border line when it was drawn, it will not challenge the status of the line. The contender state, questioning the legitimacy of current status of the borderline, will try

⁴⁰ Cheong Kyunghwan, 2003, Bukbanghangyeseonui Seonggyeokgwa Beopjeogwichi [The nature of the NLL and its legal status], Dong-eui University; Lee Changhee, 2007, The legalistic approaches to the status of five islands in the West Sea, Korean Foreign Language University, 2007; Lee Changhee, 2002, Yugwor Isipguir Seohaegyojeongwa Beopjeog Daeung [The sea battle of the June 29 and legalistic reaction], Korean Foreign Language University; Ministry of Defense, 2006, 2009, 2010.

⁴¹ Jae Seongho, 2005, "Bukbanghangyeseonui Beopjeok Jiwi [Legal status of the NLL]," Choongang Beophak, Vol 7, no 2, pp. 12~36.; Lee younghee, 1999, Bukbanghangyeseoneun Hapbeopjeog Gunsabungyeseoninga? [Is the NLL a legal military demarcation line?], Tongil-Seoron, pp. 1~21.

to nullify a previously signed agreement to recover the past losses by arguing that it has the right to extend its political rule over the territory of the status quo state.⁴² The contender state's claims challenging the legitimacy of the status of the disputed territory can take several forms. First, the state may argue that the earlier agreement was signed under the conditions of coercive pressure. Such treaties or agreements are imposed on a defeated state at the conclusion of a war and do not represent the state's willingness to enter into the conditions of the contract and abide by its provisions.⁴³ Basically, one of the basic principles of an inter-state agreement is the commitment of two states to abide by and respect the formal agreement that was concluded. However, this principle can be kept and followed only when both states agree that such agreement was fairly and legitimately concluded. For instance, North Korea argues that the NLL was drawn unilaterally by the US-led United Nations Command without considering North Korea's opinions. As another example, China disputes its border with Soviet Union on the grounds that previously signed agreements are not valid because they were unequal treaties imposed on China by an imperialistic Russia. Second, the contender state may argue that the disputed border was not clearly defined when it was drawn in the previous agreement.⁴⁴ As a result, the contender state can seek to justify its territorial claim by questioning the legitimacy of the original agreement while the status quo state tries to keep current status of the border line by justifying the previously signed agreement. Between the two Koreas, the Armistice Agreement signed in 1953 and the Basic

⁴² Kim Jeongun , 2007, Reflections on the Attitude of North Korea toward the Law of the Sea Treaty UNCLOS II, in C. Park and J. Park, 1987, "The Law of the Sea: Problems" in the *East Asian Perspectives*, Honolulu: Law of the Sea Institute, University of Hawaii, pp. 219-223.

⁴³ Paul K. Huth, 1996, *Standing Your Ground: Territorial Disputes and International Conflict*, The University of Michigan Press; Alan Day, 1982, *Border and Territorial Dispute*, London: Longman.

⁴⁴ John Barry Kotch and Michael Abbey, 2003, "Ending Naval Clashes on the Northern Limit Line and the Quest for a West Sea Peace Regime," *Asian Perspective* 27, no. 2.

Agreement signed in 1992 are the main regimes which stipulate the guidelines, rules, and vision the two Koreas agreed to share to resolve many conflicting issues on the peninsula to develop the inter-Korean relations. However, these two agreements are largely silent concerning the NLL. The ambiguously written provisions regarding the NLL led each party to apply different interpretations of the status of the NLL. Third, the lack of provisions in international law or changes in provisions in international law over time can allow contender states to develop different interpretations of the legitimacy of the boundary lines drawn in the past.⁴⁵ Moreover, many of the provisions in the international law are not detailed enough to provide clear cut decisions and settlements over the disputed territory which satisfy both parties. As a result, international organizations such as the UN and the ICJ play a limited role in mediating conflicts. In this context, the contender state who disputes territory does not receive active and forcible opposition from international organizations.⁴⁶ Typically, international organizations such as United Nations or ICJ are not actively or intentionally involved in the dispute. They usually take a neutral stance consistently encouraging both parties to negotiate settlement respecting the rights of each state. With regard to the NLL, the two Korea rely on different provisions of international law or even apply different interpretations of the same provisions to justify their positions.

To sum up, the studies which approach the NLL from a legal perspective argue that the absence or the lack of the provisions on the NLL in the inter-Korean agreements and international laws renders the dispute over the NLL enduring between the two Koreas and

⁴⁵ Terence Roehrig, 2008, "Korean Dispute over the Northern Limit Line: Security, Economics, or International Law?," *Maryland Series in Contemporary Asian Studies*, no. 3, pp. 25-27.

⁴⁶ Paul K. Huth, 1996, *Standing Your Ground*; Lee Janghee, 2002, "Yuwor Isipguir Seohaegyjeongwa Bukbanghanyeseonui Beopjeok Jiwi Gochal [6.29 west sea military skirmish and the review of the legal status of the NLL]," *Waebeop Nonjip* no 12, pp. 12 ~ 27.

provides conditions under which North Korea behaves in a more aggressive manner.

C. The Innately Provocative Nature of the Contender State

Lastly, in addition to above three types of studies, one common feature in these studies is that most of them tend to attribute North Korea's challenging behavior over the NLL to the unique nature of North Korea as a innately coercive contender state.⁴⁷ They commonly explain that the unique domestic nature of North Korea is crucial to the increasing tensions over the NLL.⁴⁸ With a focus on North Korea's challenging foreign policy behavior, these studies regard North Korea as an innately rogue state that simply engages in provocative behavior. What is common in these studies is that North Korea is regarded as monolithic and the cause of all evils.

D. Attempts to Provide an Impromptu Remedy for the NLL Issue

Some studies suggest prescriptions to resolve the NLL issue by pointing out the complicated conglomeration of salience and the legal issue over the NLL. Rather than arguing whether or not the NLL is valid, these studies focus on finding limited but reasonable solutions for managing and preventing possible tensions over the NLL. For instance, these studies commonly propose that the South should abolish the NLL and that the North should eliminate its military zone.⁴⁹ They stress that the two Koreas need to take one step back simultaneously. They even emphasize a mutual guarantee of innocent passage to prevent unnecessary conflict in the West Sea. Other studies suggest the

⁴⁷ Park Changkwon, 2003, "Bukbanghangyeseongwa Nambukgwangye [The NLL and the inter-Korean relations]," *Strategy 21, No 12*, ROK Maritime Strategy Institute. pp. 13~31; Yoon Taeyoung, 2000, "Yeonpyeonghaejeongwa Hanguui Daebukhan Wigigwanri [The First Sea Battle in the West Sea and ROK Conflict Management against North Korea]" *Haeyanggeonrak [Maritime Strategy], Vol 109*, pp. 114~141.

⁴⁸ Kim Kangnyeong, 2002, "Seohaegyogeongwa Uriui Anbojeog Daeung [West Sea Conflicts and the Necessity of the Strong Countermeasures]," *Chohwajeongchi Yeongoowon [Harmony Politics Institute]*, pp. 9~34.

⁴⁹ Jeong Taewook, 2013, "Bukbanghangyeseonwi Beopjeokmoonjaewa Pyeonghwajeok Haepeob [Legal Issues and Peaceful Solutions on the Northern Limit Line]," Law Institution, Chosun University, Vol 20, No 2, pp. 835~837.; Kim Taejoon, 2010, "Bukbanghangyeseon Boonjaenggwa Nambookhan Haeyangshinreo Goochookbangahn [The NLL issues and Ways to Strengthen the Trust Building]," ROK National Defense University, Vol 18, No. 53, pp. 131~159.

establishment of common area such as a fishery and a peaceful cooperation zone.⁵⁰ Jang, in his study, suggests the establishment of a peaceful cooperation zone near the NLL in the West Sea by first assessing the legal status of the NLL and the ecological environment, economic resources and historical inheritances. He even attempts to enlarge the design of this peaceful zone to encompass a regional cooperation project. He argues that this new peaceful cooperation zone can serve as a catalyst which paves a new way for common-prosperity and trust-building not only on the Korean Peninsula but throughout Northeast Asian region.

While aforementioned studies commonly try to provide a limited but positive remedy for tensions over the NLL between the two Koreas, other studies make aggressive arguments and even justify the current status of the NLL.⁵¹ They take somewhat practical approaches in an attempt to sustain the current NLL. A number of studies in this category argue that the NLL should be given credit for doing its part in fulfilling the spirit of the Armistice Agreement, even though international laws such as the UNCLOS provisions on the delimitation of maritime boundary cannot be applied to the NLL case due to the fact that UNCLOS applies in peacetime.⁵² This research commonly asserts that South Korea needs to set up measures to strengthen its sovereignty over the NLL by tightening its

⁵⁰ Jang Yongseok, 2013, "Seohae Bukbanghangyeseongwa Pyeonghwagyeopreokteokbeoljidae Jaeron [The NLL in the West Sea and Special Zone for Peace and Cooperation Revisited]," Institute for Peace Matter, Vol 25, pp. 181~212.; Lee Jaemin, 2008, "Bukbanghangyeseongwa Gwanreondaen Kookjaebeopgeokmoonjaewi Gaegeomto[Review of the International Law over the NLL]," Institute for Studies on International Law, Seoul. Vol 15, pp. 41~71.

⁵¹ Jeong Minjeong, 2013, "Bukbanghangyeseon Moonjaegwanhan Gookjaebeopjeok Geomtowa Daeungbangahn [International Law Issues and Challenges of the Northern Limit Line]," Institute for Chosun International Law, Vol 58, No 2, pp. 63~94.; Jeong Taewook, 2009, "Bukbanghangyeseoneun Nugooreolwihangeoginga [Who is The NLL for?]," Studies and Critiques on History, Seoul, Vol 88, pp. 115~124.

⁵² Ha Taeyoung, 2003, "Bukbanghangyeseone Daehan Bukhan Joojangui Heogooseonggwa Uriuiipjang[Ambiguity of North Korea's Assertion about the Status of the NLL and South Korea's Position]," Institute for Security Matters, Vol 31, pp. 36~62.; Kim Taewoon, 2013, "Seohae Bukbanghangyeseonwi Siljilgeok Bungaeseoneouroseowi Jeongdangseong [The Legitimacy of a Practical Demarcation Line of the Western Sea, Northern Limit Line]," Institute for Regional Studies, Geongbo Dongui University, Vol 30, No 1, pp. 1~33.

effective control of the NLL.⁵³ Other studies extend this line of reasoning, suggesting policies to counter North Korea's challenging military behavior around the NLL. Some of those measures include; 1) South Korea should strongly maintain the view that the NLL is not a territorial sea or EEZ(Exclusive Economic Zone) but a military demarcation line, 2) South Korea should appeal to the UN Secretary General to create a permanent panel to investigate North Korea's sporadic challenging behaviors near the NLL and to pressure the North to respect the NLL until the two Koreas conclude a new maritime demarcation line, 3) South Korea should be clear about its position that the current status of the NLL should be maintained unless military tensions eased and trust is built between the two Koreas, 4) South Korea should not hesitate to use military means when North Korea challenges the NLL.

While studies which attempt to provide ways to manage the tensions over the NLL provide broad and plausible prescriptions to cope with the issue, they still lack details on how to implement their suggestions. Moreover, there are controversies over whether such suggestions could be successful without considering the context of complicated inter-Korean relations. These studies commonly acknowledge the reality that it is hard to find solutions for the NLL issues, that can satisfy the two Koreas simultaneously, given that the NLL issue between the two Koreas is not a purely territorial issue. Moreover, studies which focus on justifying the current status of the NLL tend to lead to extreme arguments which abandon efforts to find positive and constructive ways to resolve the NLL issue. Their policy prescriptions do not hesitate to adopt stronger deterrence measures and military means to maintain the current status of the NLL.

⁵³ Kim Hochun, 2013, "Seohae Bukbanghangyeseonui Beopjeokseongkyeokegwahan Yeongu [Study on Legal Status of the Northern Limit Line]," Institute for Korean Information, Vol 13, no. 5., pp. 19~26

3. Pitfalls of the Extant Studies on the NLL

All the extant studies on the NLL provide some convincing and plausible arguments explaining the elements which influence North Korea's foreign policy behavior over the NLL but still have some shortcomings in several respects. First, the first group of studies which focuses on the salience of the NLL does not explain how the salience of the NLL is perceived differently by the two Koreas. They just explain the intrinsic importance of the NLL from an absolute perspective rather than a relative perspective. It should be noticed that the two Koreas may hold different views on the importance of the NLL. What may be considered an important aspect of the NLL to one side may not be particularly important to the other side. This point is important because different perceptions of the salience of the NLL will lead the two Koreas to pursue different policies toward the NLL. How the salience of the NLL is perceived by domestic political actors such as the elite, military and public can affect the state leader's policy decision on the NLL. For instance, with regard to the economic value of the disputed territory, the economic value of the disputed territory can be more salient to the state which is suffering from declining conditions.⁵⁴ Given the unstable economic condition in North Korea where its industry and exports were often concentrated in the production of the natural resources, minerals and weapons, economic development is of critical concern to state leaders.⁵⁵ As a result, when the area around the bordering line has an abundance of such resources state leaders have strong incentives to lay claim to NLL in the hope of benefiting economically and politically from the development of the resources. In addition, economic development of

⁵⁴ Jeong Youngtae, 1999, Seohaebukbanghangyeseone Gwanhan Bunjaeng Yeongu [The controversial issues over the NLL in the West Sea], *Kookjae Moonjae*; Gary Geertz and Paul Diehl, 1992, Territorial Changes and international conflicts Studies in International Conflict.

⁵⁵ Lee, Choon-Kun(ed.),1998, *New Ocean Era & Maritime Security*, Korea Institute for Maritime Strategy.

resource rich in territory can contribute to the military capabilities of a state which heavily prioritizes the military in its policy agenda. The income and revenue generated by export sales could be used in part for the costs of arms development and imports. In this context, the access to natural resources that might serve as critical inputs into an industrial base for defense production can be a primary concern of leaders.⁵⁶ On the contrary, to an economically developed state like South Korea, the economic value of the NLL is not such an important interest and does not have provide enough of an incentive to affect its foreign policy behavior toward the NLL.

In addition, there is no reason for us to believe that the economic value of the NLL necessarily leads the two Koreas to interact in an aggressive manner all the time. Both parties can settle a dispute over an economically salient NLL without necessarily losing the economic, political, and security benefits of controlling the territory. For instance, even if North Korea as a contender state does not have direct control over the areas near the NLL, joint projects for developing fishing grounds or natural resources near the NLL can be agreed upon by both parties. In such a situation, the divisible nature of the benefits which are associated with the NLL might be able to weaken the likelihood of high levels of dispute escalation and to promote the likelihood of the dispute being resolved. However, if both parties perceive that the strategic and security issues of the disputed territory are at stake, they will believe that the issues are indivisible, and therefore compromise may be a less attractive policy option than escalating the dispute. When the economic value of the NLL is at stake, accommodative policy could be a better policy

⁵⁶ Lee Seokyoung, 2001, "Bukhanhamjeongui Yeonghaechimbeomgwa Gukgaanbo [North Korean vessel's transgression into South Korean maritime territory and National Security]", *Koonsanondan[Military Analysis]*, Fall:Vol 29, pp. 124~152; John Barry Kotch and Michael Abbey, 2003, "Ending Naval Clashes on the Northern limit Line and the Quest for a West Sea Peace Regime," *Asian Perspectives Vol 27*, pp. 175-204.

choice to be sought by the two Koreas. However, settlement through compromise is not easy when the NLL is valued not only in terms of economic value but also in terms of strategic importance. The 2007 joint project between the two Koreas might be a good example. The two Koreas agreed to the joint project in the 2007 inter-Korean summit meeting.⁵⁷ In that meeting, the two leaders of the two Koreas agreed to set up a joint fishery area around the NLL as the way to prevent the escalation of tensions and accidental clashes. However, at a staff level meeting which was held one month after the summit meeting, the two sides failed to reach an agreement over the details on the location of the joint fishing zone.⁵⁸ This was because each side considered the location proposed for the fishing zone by the other side as having a negative impact on their own security. For instance, South Korea viewed North Korea's demand for the fishing zone to be created south of the NLL as aimed at nullifying the NLL. As a result, both sides failed to reduce the difference in their views on the location of the fishing zone without security guarantees. In addition, in case of South Korea, the Roh Moo Hyun administration was confronted with criticism and pressure from conservative domestic political groups such as the military and opposition parties. They criticized the Roh administration's policy to set up a joint fishery zone as undermining national security.⁵⁹ This episode shows that the enduring confrontation over the NLL is not simply due to the economic salience issue itself. For the two Koreas, security concerns overwhelm economic calculations about

⁵⁷ Baek seongjoo, 2007, *2007 Nambukjeongsanghoedamgwaq Anbomumje [2007 Inter-Korean summit meeting and security issues]*, ROK Security Study Institute.

⁵⁸ ROK Ministry of Unification, 2011, *The chronology of the inter-Korean dialogues*, Seoul.

⁵⁹ Kim Taejoon, 2008, *Pyeonghwaguyeog Geonribeurtonghan Seohaeseoui Gijangwanhwa Bangan*[Measures to reduce tensions in the West Sea through the Establishment of Peace Zone], *Anbo Yeonggu Series Vol9 no3*, ROK National Defense University; Kim Keunsik, 2007, *Icha Nambukjeongsanghoedamgwa Nambukgwangye Pyeongga* [Assessment of the second inter-Korean Summit meeting and inter-Korean relations], *Korean Unification Institute*; Kim Yeoncheol, 2007, *Nambook Pyonghwa Chaejae Yeongoo* [Study on the inter-Korean peace process], ROK Security Study Institute.

possible mutual benefits.

Second, studies based on the legalistic approach tend to be biased in that they seek to focus on the certain provisions of inter-state agreements or international law to justify their interpretation and position on the legal status of the NLL. A more fundamental problem regarding these studies is whether international law and the formal agreements can be objectively and fairly applied and enforced to resolve the dispute over the NLL, given that the formal agreements between the two Koreas are silent on the NLL and that there are not detailed provisions in international law that can provide a verdict that is agreeable for both parties.⁶⁰ Thus, the ambiguity and limitation in interpretation and application of international law and the formal agreements raise the question of whether the two Koreas will respect decisions based on international law or agreements.⁶¹ The attempt to resolve the disputes over the NLL through a legal approach can only result in the further deterioration of the competing claims over the NLL between the two Koreas.

A legal perspective may provide some insights into the behavior of the two Koreas involved in the dispute over the NLL, but it seems unlikely that agreement can be reached between the two Koreas to take their dispute to arbitration before international law or an international organization such as the International Court of Justice (ICJ) and the UNCLOS. In addition, even if they agree on mediation by a third party, the two Koreas will not agree on the solutions suggested by third parties and it is doubtful whether solutions proposed by a third party could be binding for the two Koreas. Thus, the legitimacy of the two Koreas' territorial claims, based on international law or an

⁶⁰ Jae Seongho, 2004, *Bukbanghangyeseonui Hyeonanegwanhan Beopjeogjeopgeun [The legal approach to the issues over the NLL]*, Kookbang Jeongchaek, Seoul National University.

⁶¹ Jon Van Dyke, 2006, *The Republic of Korea's Maritime Boundaries*, Korean Maritime Institute.

agreement, could be one piece of the puzzles in understanding the management or resolution of territorial dispute.⁶² Even when legal factors seem to play an important role in a territorial dispute, the independent effects of such factors must be considered in a context of the broader political and strategic context that may be influencing the decisions of state leaders. In this sense, while the legal approach might be able to provide suggestions to prevent conflict escalation and promote resolution, it is unlikely to provide a powerful explanation for the fluctuation in inter-Korean confrontations over the NLL.

Lastly, some of the extant studies just focus on the pattern of the foreign policy and behavior of North Korea. The cause of North Korea's challenging behavior over the NLL is attributed to the policy pattern of North Korea which is usually depicted as aggressive and unpredictable. The reason for this theoretically biased focus on the behavior of North Korea is that it is North Korea as a contender state that first issues a claim to the NLL and decides whether to pursue its claim aggressively, while the South Korea, as a status quo state, responds to these actions. Thus, it tends to be accepted that the theoretical and empirical analyses of the territorial disputes which focuses on the behavior of North Korea provide substantial insights into the dynamics of territorial dispute over the NLL. However, just looking at North Korea as having an inborn provocative nature has a risk of leading us to assume and conclude that North Korea is bad and a source which always causes trouble when it does something it is not supposed to do.⁶³ Such approach could prevent us from understanding the causal mechanism of North Korea's foreign policy behavior from a more objective and practical perspective. We need to approach North

⁶² Kim Youngkoo, 2008, *Hangukjeongbuui Dokdowa Bukbanghangyeseon Gwanrijeongchaegegwanhan Siljeungjeog Yeongu [An Empirical Analysis on Korean Government's Policies managing the Dokdo island and NLL Issues]*, Pusan Kwangyonsi:TAsom Chulpansa[Pusan:Tasom Press].

⁶³ Hazel Smith, 2000, "Bad, Mad, Sad or Rational Actor? Why the securitization paradigm makes for poor policy analysis of North Korea," *International Affairs Vol 76, No. 3*, pp. 593~617.

Korea's behavior based on the assumption that the pattern of North Korea's foreign policy behavior is affected by the external environment it faces.

To sum up, the previous studies on the NLL have not been conducted based on a firmly grounded theoretical and practical perspective. Most of those studies just have approached the issues over the NLL from the legal perspective or in terms of economic and security salience. In addition, most commonly, many studies have tended to focus on the unique foreign policy pattern of North Korea. Even though those studies provide some convincing explanations for the intractable nature of the inter-state conflicts over the NLL, they cannot fully explain why sometimes the two Koreas maintain relatively peaceful relations over the NLL while they sometimes do not. Thus, it is necessary for us to approach the issues over the NLL based on a well-grounded theoretical and practical perspective to better understand the fundamental causes of the fluctuation of the inter-Korean confrontations over the NLL. It seems clear that economic and security values attached to the NLL and legal issues over it make the inter-Korean dispute over the NLL enduring. However, the fundamental structure of the inter-Korean conflict over the NLL is much more complicated than simple economic/strategic salience or legal-based explanations maintain. The pattern of the inter-Korean conflicts over the NLL cannot be fully explained just by its salience or legal perspective because it is not purely all about the territorial dispute itself.

Given that there is always the potential for the two Koreas to be embroiled in a territorial dispute, we need to pay heed to the particular structural conditions to better understand when and why a state leader chooses to make territorial issues a point of dispute based on the assumption that a state leader initiates territorial disputes as a

strategic or tactical response to the changing external security environment. To be more specific, we need to focus more on the larger political and strategic external conditions within which state decisions on territorial disputes.

II. Theoretical Framework

1. New Approach to the Dispute over the NLL: Toward a New and Practical Model

As discussed, prior studies on the dispute over the NLL only provide partial explanations of why and when the North Korea as a contender state has engaged in high levels versus low levels of confrontation over the NLL. The larger political and strategic context within which state policies are made should be considered to explain the particular structural dynamics that impact the confrontations over the NLL between the two Koreas. For this purpose, consideration of both domestic as well as international conditions is required because the foreign policy decisions of states are made based not only on strategic priorities in a changing international environment but also on domestic conditions. In this regard, for a more theoretical and practical analysis, I present a theoretical framework that integrates basic insights and assumptions from international relations theories which rely on the role of the international and domestic level factors as well as the role state leaders play in state's foreign policy behavior. In this chapter, with a reference to these international relations theories, I present the underlying assumptions and the logic of a theoretical framework. Then, I lay out testable hypotheses that are derived from that framework for empirical testing.

2. Theories of State's Foreign Policy Behavior

What features of the domestic and international environment of the contender state⁶⁴ are most important in shaping its policies over territorial dispute? How do the features of the domestic and international environment affect state's policy choices over the territorial dispute?

In the international relations scholarship on the causes of war, the conventional realist framework has been largely applied to analyzing the behavior of states in the anarchical international system.⁶⁵ For instance, structural realist arguments explain that main purpose of the state policy is to secure national security for survival under anarchy.⁶⁶ Thus, for survival, a state should consider and evaluate its relative military strength compared to its opponents because relatively superior power is the most credible means for guaranteeing state survival.⁶⁷ The balance of power is a function of both the overall capabilities of the state and its capability to exploit opportunities.⁶⁸ A favorable military balance exists when a state has the capabilities as well as the opportunity to use it to change the status quo. States always consider the relative power balance before they

⁶⁴ In the inter-state conflict, especially in a dyadic rival relationship, there is a difference between the contender and the status quo state in terms of their capabilities and their respective roles in the initiation, perpetuation or termination of the conflicts. The relative parity in capabilities is important most for the contender state in a rivalry. This is because the role of the contender state is important for explaining a rivalry dynamics in terms of its escalation or de-escalation. The contender state which is usually dissatisfied with the disputed issues have high resolve to challenge the target state over the disputed issues and it assumes the initiatives at the stages of the emergence, escalation and resolution of the disputes. For a more detailed discussion of the role of the contender state in the inter-state conflicts, refer to T.V. Paul, 2006, Why has the India-Pakistan Rivalry been so enduring?, *Security Studies* 15, no4, pp, 609-630.

⁶⁵ Kenneth Waltz, 1979, *Theory of International Politics*, New York Random House ;Hans Morgenthau, 1987, *Politics among Nations*, New York, 5th ed.

⁶⁶ Stephan Walt, 1987, *The Origins of Alliances*, Cornell University Press; John Mearsheimer, 1994, "The False Promise of International Institutions," *International Security* 19, no3, pp. 5-49.

⁶⁷ Kenneth Waltz, 1979; Daniel S. Geller, 1993, "Power Differentials and War in Rival Dyads," *International Studies Quarterly* 37, no. 2, pp. 173~193.

⁶⁸ Kenneth Waltz, 1979; Geoffrey Blainey, 1973, *The Causes of War*, New York Press; Paul, James Wirtz, and Michel Fortman, eds., 2004, *Balance of Power: Theory and Practice in the 21st Century*, Stanford, CA: Stanford University Press.

decide whether to militarily escalate conflicts.⁶⁹ A favorable shift in the military balance increases the incentives to escalate the conflicts, and conversely an unfavorable military balance increases the incentives to deescalate the conflict. In this context, military security is the first and foremost policy concern for the state leaders.⁷⁰ If we extend this logic to the territorial dispute between states, we can argue that territorial integrity of state and its continued existence is a prerequisite for the pursuit of all the domestic policy goals, because territorial integrity is directly related to the national security. Maintaining sovereignty over the disputed territory is critical to ensuring national security. As a result, military power and the strategic interests at stake in a dispute would determine the state's foreign policy choice to use either violent or non-violent means in resolving the dispute with other states.

In addition, at the international level, the state leader also factors in the absence or presence of an alliance.⁷¹ The presence of an ally which may step in diplomatically or militarily to defend the state or provide it with advanced military technology provides incentives to escalate a conflict.⁷² On the contrary, the loss of an ally increases the incentives to deescalate the conflict. Moreover, alliance cohesion in terms of their policy coordination is also critical to explaining the influence of the alliance. In this context, alliance politics can be taken into consideration as an important factor which also can explain the dynamics of the inter-Korean conflict over the NLL. North Korea has enjoyed

⁶⁹ Randolph M. Siverson and Michael P. Sullivan, 1983, "The Distribution of Power and the Onset of War," *Journal of Conflict Resolution* vol.27, pp. 473-94; Frank Wayman, David Singer and Gary Geertz, 1983, "Capabilities, Allocations and Success in Militarized Disputes and Wars," *International Studies Quarterly* 27, No 4, pp. 497-515.

⁷⁰ Wayne H. Harris, 1973, *The Power Capabilities of Nation States*, Lexington, MA: Lexington Books.

⁷¹ Gerald Sorokin, 1994, "Alliance Formation and General Deterrence," *Journal of Conflict Resolution* 38, no2, pp.298-325.

⁷² James Morrow, 1991, "Alliances and Asymmetry," *American Journal of Political Science* 35, no.4, pp. 904-33; Stephen Walt, 1987, *The Origins of Alliances*; James Morrow, 1994, "Alliances credibility and peacetime costs," *Journal of Conflict Resolution* 38, no2, pp. 270-97; Steven David, 1991, *Choosing Sides*, Johns Hopkins University Press; Glenn Snyder, 1984, "The Security Dilemma in Alliance Politics," *World Politics* 34, no.4, pp. 461-95

intermittent alliance support from China, while South Korea has kept a close alliance partnership with the United States. These alliance relationships have offered deterrence power to the two Koreas respectively against each other. The choice of North Korean decision makers to conduct the challenging behavior toward the NLL, including the initiation of limited probes, would be traced to alliances that make the power asymmetry between the two Koreas truncated.⁷³ The alliance ties with other states provide some degree of deterrence power. When a target state has a military ally based on a strong mutual commitment, the incentives of a contender state to compromise would increase because the potential risks and costs of sustaining a dispute get higher and thus the probability of achieving its goal would decrease due to the deterrent effect of the alliance.⁷⁴ Thus, the incentives of North Korea for compromise would increase when South Korea keeps strong alliance ties with the US based on a strong mutual commitment. In particular, if a target state's ally has military forces of its own in the territory of the target state, the effectiveness of deterrence increases. For instance, the presence of the USFK (US Forces stationed in Korea) on the territory of South Korea bolstered the credibility of the US defense commitment to South Korea in case of a North Korean invasion. Thus, a contender state will hesitate to escalate the dispute over territory through coercive means. However, if the contender state also has an ally based on a strong mutual commitment, the contender state will keep sustaining the dispute over the territory through coercive diplomatic and military means. This is because the deterrent impact of the target state's alliance with other state is offset by the contender state's

⁷³ James Morrow, 1994, *Alliances Credibility and Peacetime Costs*; T.V. Paul, 2006, "Why has the India-Pakistan Rivalry Been so enduring?: power asymmetry and an intractable conflict," *Security Studies*, 15, no.4, pp 609-630.

⁷⁴ Emerson Niu and Peter Ordeshook, 1994, "Alliances in Anarchic International Systems," *International Studies Quarterly* 38, No2, pp167-92

alliance with the other state. As a result, the availability of the support of an alliance partner also can be important factors in the contender state's choice in favor of conflict escalation.⁷⁵ Another strand among the studies at the international level looks at the relationship between trade and peace.⁷⁶ Scholars who belong to the Liberal school of thought argue that trade and economic interdependence encourage peace because trade usually yields benefits for both parties. The expectation that the war will interrupt and reduce the gains from trade helps to constrain political leaders from risking war with trade partners. In addition, they argue that economic stagnation as a result of the lack of trade can lead state leaders to be involved in the diversionary use of force to strengthen their domestic political support. This can also lead leaders to adhere to protectionism which can result in retaliatory actions which increase hostilities and the probability of conflicts spirals.⁷⁷ This theoretical scenario might be applicable to explicating North Korea's challenging behavior over the NLL. The lack of trade with other states, which led to economic stagnation, might be the cause of North Korea's tendency to rely on challenging behavior.

Theories of domestic politics and foreign policy behaviors, usually studied by scholars of the second and the first image traditions in IR,⁷⁸ focus on the influence of domestic political institutions and actors or influential leaders (leadership) on states' foreign policy

⁷⁵ T.V. Paul, 2006, Why has the India-Pakistan Rivalry Been so enduring?: power asymmetry and an intractable conflict.

⁷⁶ Schneider, Gerald and Nils Petter Gleditsch, 2010, "The Capitalist Peace: The Origins and Prospects of a Liberal Idea." *International Interaction*, vol. 36, no. , pp. 107~114. ; John Oneal and Bruce Russett, 1999, "Assessing the Liberal Peace with Alternative Specifications: Trade Still Reduces Conflict," *Journal of Peace Research*, Vol. 36, no.4, pp. 423~442.; John Oneal and Bruce Russett, 2010, "Trade does Promote Peace: New Simultaneous Estimation of the Reciprocal Effects of Trade and Conflict," *Journal of Peace Research*, Vol. 47, no.6, pp. 763~774.

⁷⁷ Erik Gartzke, 2007, "The Capitalist Peace," *American Journal of Political Science*, Vol. 51, issue 1, pp. 166~191.; Han Dorussen and Hugh Ward, 2010, "Trade Networks and the Kantian Peace," *Journal of Peace Research*, vol. 47, no. 1, pp. 29~42.

⁷⁸ Kenneth Waltz, 1979, *Theory of International Politics*.

decision making.⁷⁹ For instance, a concern of state leaders is to retain their position of domestic political power by strengthening their domestic political support among diverse domestic political constituencies. Diverse domestic political groups try to affect the foreign policy decisions of state leaders for their political and economic interests.⁸⁰ They can influence the leaders through channels such as the bureaucracy, the military, legislatures, and elections. In addition, as the democratic peace proposition argues, domestic political institutions and norms structure leaders to resolve conflict in particular ways.⁸¹ In some political systems, institutions and norms promote the use of violent means to settle disputes while other systems favor compromise to resolve disputes.⁸²

There are a number of studies in IR which analyze the impact of the domestic factors on states' decision to escalate, deescalate or maintain the status quo in conflicts. These studies focus on the role of important domestic political actors such as governmental agencies, political parties, public opinion, the mass media, and the military. For instance, Allison, in his study on Cuban Missile Crisis, explains that bureaucratic politics are important and that foreign policy decisions are a product of bargaining between different governmental agencies while also being affected by the routines and standard operation procedures of governmental bureaucracies.⁸³ Another strand of scholarship argues that different political parties and factions with different ideas on

⁷⁹ Bruce Bueno de Mesquita and David Lalman, 1994, "Domestic Opposition and Foreign War," *American Political Science Review*, 84, No3, pp. 402-22.

⁸⁰ Robert Putnam, 1988, "Diplomacy and Domestic Politics," *International Organization* 42, no3, pp. 427-60; Clifton Morgan and Sally Howard Campell, 1991, "Domestic Structure, Decisional Constraints and War: So Why Kant Democracies Fight?," *The Journal of Conflict Resolution*, Vol. 35, No. 2, pp. 187-211.

⁸¹ Michael Doyle, 1986, "Liberalism and World Politics," *American Political Science Review* 80, no4, pp.1151-61, Bruce Russett, 1993, *Grasping the Democratic Peace*, Princeton University Press.

⁸² Miroslav Nincic, 1992, *Democracy and Foreign Policy*, Columbia University Press; Clifton Morgan and Valerie Schwebach, 1992, "Take Two Democracies and Call Me in the Morning," *International Interactions* 17, no4, pp.305-20; William Dixon, 1994, "Democracy and the Peaceful Settlement of international conflict," *American Political Science Review* 88, no1, pp. 14-32.

⁸³ Graham Allison and Philip Zeilkow, 1999, *Essence of Decision: Explaining the Cuban Missile Crisis*, Pearson; 2nd edition.

national security have different impacts on foreign policy especially as they rotate in and out of power.⁸⁴ As for the impact of public opinion and media on foreign policy, the pluralist model argues that public opinion and media can influence foreign policy in a bottom-up fashion while the elite model argues that governments influence the public opinion and media on foreign policy issues in a top-down fashion.⁸⁵ With regard to the role of the military in foreign and security policy, studies focus on the inherent propensity in the military's organizational culture to escalate conflicts⁸⁶ and on the conditions under which militaries engage in foreign aggression to divert attention away from domestic turmoil.⁸⁷ As another strand of the studies which link domestic conditions with foreign policy behavior, the diversionary theory argues that state leaders are likely to employ aggressive foreign policy when faced with the unstable domestic political and economic condition to divert the public's attention.⁸⁸ Leaders expect that the public will rally around the flag in opposition to an external threat, which is believed to weaken the prevailing domestic political, economic and social discontent. The leader who is in danger of losing domestic support can restore his leadership position. The so-called "rally-around-the-flag" effect describes a situation in which the domestic public rally to support the state leaders when the state is involved in conflicts with other states or confronts an external threat.⁸⁹ When states are confronted with the external threats, the

⁸⁴ John Lewis Gaddis, 2005, *Strategies of Containment: Critical Appraisal of American National Security Policy during the Cold War*, Oxford University Press.

⁸⁵ Piers Robinson, 2008, The role of media and Public Opinion, Ch. 8 in Steve Smith and Amelia Hadfield Tim Dunne, *Foreign Policy: Theories, Actors, Cases*, Oxford University Press; Ole Holsti, 1992, "Public Opinion and Foreign Policy," *International Studies Quarterly* 36, no. 4, pp 439-68

⁸⁶ Jeffrey Legro, 1994, "Military culture and inadvertent escalation in world war II," *International Security* Vol. 18, No. 4, pp. 108~142.

⁸⁷ Kurt Dassel, 1998, "Civilians, Soldiers and Strife: Domestic Sources of International Aggression," *International Security*, Vol 23, issue 1, pp. 107~140.

⁸⁸ Ross A. Miller, 1995, "Domestic Structures and the Diversionary Use of Force," *American Journal of Political Science*, Vol.39, pp. 760~785.

⁸⁹ Ibid.

public will provide full support to the current government in order to overcome the external crisis by setting aside disagreements and backing the incumbent leader's policy choice. The rally effect is based on the in-group/out-group hypothesis, which suggests that conflict with an out-group enhances the cohesion and centralization of an in-group.⁹⁰

To sum up, from the perspective of domestic level approaches, the types of foreign policy a state leader pursues over the conflicting issue (disputed territory) depends on key domestic political institutions and actors. In the extended line of logic, state leaders of North Korea will seek to gain and sustain control of the NLL which will strengthen their state's security position but at the same time they are also sensitive to domestic cost of disputing territory. In the case of inter-Korean relations, given that the two Koreas have been rivals for more than half a century, both leaders and powerful domestic political actors will be prone to seek to maintain territorial claim over the NLL. Under this circumstance, not maintaining a territorial claim or sovereignty over the NLL can cause harsh domestic political controversy from the domestic political actors and as a result harms the political base of the leaders. Thus, foreign policy choices that seek to achieve strategic gains through the NLL and the domestic support for pursuing these policies are important factors explaining why the territorial dispute over the NLL is hard to be resolved.

Studies which belong to the first image tradition in IR focus mainly on the influence of the individual political leader on foreign policy decision making. One strand of this scholarship puts an emphasis on the cognitive aspects of the decision maker in the decision making process. One of the theories based on this cognitive aspect of foreign

⁹⁰ Geog Simmel, 1955, *Conflict and the Web of Group-Affiliations*, Free Press; Lewis Coser, 1956, *The Functions of Social Conflict*, New York: The Free Press.

policy decision making is prospect theory. Prospect theory argues that the decision makers are risk-acceptant when they identify themselves in the domain of loss, but are risk-averse when they identify themselves in the domain of gain.⁹¹ This leads us to the proposition that the perception of an increased threat from a rival state will lead the decision makers to escalate the conflict. A state's decision to escalate the conflict in this instance is impervious to domestic political variables. If a state leader does not escalate the conflict in the face of a deteriorating threat environment, then state leader may be unlikely to maintain domestic political power. Even if there is no domestic pressure to escalate the conflicts, the national leader is likely to escalate the conflict for its perceived negative consequences for the state's national security. In the similar vein, Robert Jervis, in his work on security dilemma and misperception, explains the influence of the threat perception on foreign policy choice. Relying on the logic of offense-defense balance, he argues that decision makers lean toward offensive policies when offense policies have the advantage while a defensive policy is preferred when defensive policies have the advantage.⁹² In a security dilemma situation where one's increase in security decreases other's security, how one state perceives a threat from adversaries will affect its policy choice. In addition to adversaries' capabilities, a different interpretation and perception of the adversary's motivations leads to different policy prescriptions. As Jervis pointed out, for instance, interpreting North Korea's motivations behind its nuclear program determines U.S. policy regarding the program.⁹³

⁹¹ Jack S. Levy, 1992, "An Introduction to Prospect Theory," *Political Psychology*, Vol 13, No, 2, pp. 171~186; Tversky Amos and Daniel Kahneman 1986, "Rational Choice and the Framing of Decisions," *The Journal of Business* Vol, 59, no. 4. pp. 5251~78; Quattrone, George and Amos Tversky.1988, "Contrasting Rational and Psychological Analyses of Political Choice," *The American Political Science Review*, Vol. 82, No. 3, pp. 719~36.

⁹² Robert Jervis, 1978, "Cooperation under the Security Dilemma," *World Politics*, Vol.30, Issue 2, pp. 167~214.

⁹³ Robert Jervis, 1999, "Realism, Neorealism and Cooperation: Understanding Debate," *International Security*, Vol. 24, issue 1, pp. 42~63.

As reviewed, studies on the causes of war and conflict between states generally focus on the international, domestic and individual levels. Even though the levels-of-analysis framework has been quite influential in the study of the foreign policy behavior by providing useful insight and tools for understanding the causes of inter-state conflicts, recent research suggests that studies employing these levels of analysis generally have disappointing predictive power and ignore the origins of inter-state conflict.⁹⁴ In other words, these studies tend to overlook potential motives and contentious issues over which inter-state conflicts take place. Thus, many recent studies provide alternative approaches to the causes of the inter-state conflicts and take into account specific contentious issues.⁹⁵ So-called issue-centric approaches have been prevalent in the field of international conflict. These approaches focus on substantive issues and emphasize potential issues which have the risk of yielding inter-state conflicts. One of the good examples of the issue-centric approach is the study of territory which has been a main focus of interest as the single most common motivation for inter-state conflicts.

This approach does not, however, help us to develop an adequate understanding of when and how contentious issues do or do not lead to inter-state conflict. The fact that two states share a contentious issue could imply a higher risk of conflict but this does not necessarily mean that conflict is unavoidable. If the expected result of conflict is costly, then states also have incentives to avoid the conflict through peaceful means such as the successful conclusion and implementation of a treaty. The probability of the inter-state-

⁹⁴ Richard Mansbach and John Vasques, 1981, *In Search of Theory: New Paradigm for Global Politics*, New York: Columbia.; Brian Greenhill and Audrey Sacks, 2009, "A New Visual Method for Evaluating Predictive Power of Binary Models," Typescript, *University of Washington and Duke University*.

⁹⁵ Kalevi Holsti, 1991, *Peace and War: Armed Conflicts and International Order 1648-1989*, Cambridge: Cambridge University Press. ; Paul Huth and Todd Allee, 2002, *The Democratic Peace and Territorial Conflicts in the Twentieth Century*. Cambridge University Press; .; Paul Diehl, 1992, "What are the Fighting for? The Importance of Issues in International conflict Research," *Journal of Peace Research*, Vol. 29, pp.333~344.

conflict as a result of a contentious issue can vary depending on other factors such as conflict management efforts between the states. This implies that the contentious issue could not be the cause of inter-state conflict and that the onset of inter-state conflict is not necessarily all about contentious issues themselves just as the territorial dispute over the NLL between the two Koreas is not about the territorial issue itself.

3. Selecting Model

As reviewed, diverse literatures which focus on the role of international, domestic and individual factors in state's foreign policy making can shed some insights on North Korea's foreign policy behavior toward the NLL. However, each level of analysis has its own limitations in its application to explaining North Korea's foreign policy behavior. While the structural approach helps to explain the enduring nature of the inter-Korean conflicts over the NLL, it does not fully account for why sometimes North Korea's challenging foreign policy behavior toward the NLL gets severe while it sometimes seeks relatively peaceful engagement policies. For instance, the concept of military power balance cannot explain why North Korea pursues challenging foreign policy through military means in spite of its relative inferiority to South Korea in conventional military capabilities. One possible power-based explanation of North Korea's challenging military behaviors could be that North Korea's advantages in asymmetric military power which come from its nuclear weapons and Weapons of Mass Destruction (WMD) can mitigate South Korea's superiority in conventional military power. In such a situation, neither state can achieve a decisive victory or force a resolution from their opponent in a coercive manner. The fear of nuclear weapons can

become a critical element that leads to repeated crises which do not usually escalate into all-out or major war due to the effect of the nuclear deterrence. Thus, North Korea can initiate conflicts at the conventional level to accomplish its strategic goals, expecting that the low intensity conflict will not escalate into a major war.⁹⁶ Under this situation, North Korea can conduct limited armed conflicts and limited probes against South Korea if it pursues limited aims. In the inter-Korean dyad, North Korea as a contender state has initiated the majority of crises, while South Korea, as a defender and a status quo state, has shown a tendency to maintain the status quo. South Korea has often reacted to the military initiatives of North Korea rather than vice-versa. Overall, such a peculiar power asymmetry may be an important cause of the enduring nature of the inter-Korean confrontations over the NLL. However, even though the peculiar power asymmetry between the two Koreas can explain the intractable nature of the inter-Korean conflict, it still cannot fully explain why North Korea's challenging behavior over the NLL gets severe during a certain period of time. This peculiar power asymmetry can thus be seen just as a permissive condition for North Korea's challenging behavior. As for the alliance effect, the presence of an ally with a credible commitment – China - might provide an incentive for North Korea to pursue an aggressive foreign policy over the NLL. North Korea's close alliance with China can offset its relative military inferiority to South Korea and the ROK-US alliance. However, given the US and China's reluctance to get involved in the inter-Korean dispute over the NLL, it seems difficult to expect the alliance to have these effects. Lastly, the reality of North Korea does not seem to fit with the proposition that trade promotes peace. North Korea exists in an unfavorable external

⁹⁶ Glenn Snyder, 1965, "The Balance of Power and the Balance of Terror," in the Balance of Power, ed. Paul Seabury San Francisco: Chandler, pp, 184–205.

security environment and is the subject of major international economic sanctions, as such, the causal weight of the deterrent effects of economic opportunity costs of conflict seems quite small relative to the national security interests at stake. This is especially true given that even if North Korea were to engage in trade, asymmetric economic interdependence with other dominant powers creates conditions under which the dominant side can coerce North Korea not only on security but also on economic issues, increasing the probability of conflict.⁹⁷

Theories of domestic politics also have some limitations in explaining North Korea's foreign policy behavior. Practically, given the individual state leader's absolute power, those studies that attempt to address the impact of domestic political institutions and actors on North Korea's foreign policy behavior have been limited in their ability to provide meaningful implications. The roles of North Korea's main domestic political institutions and actors (Party, Cabinet and Military) are nominal under the tight influence and control of a state leader.⁹⁸ These political institutions and actors are just considered as tools for implementing the state leader's directives. Another strand of the studies on the influence of domestic factors on the foreign policy behavior of North Korea attributes the fundamental cause of its challenging behavior to its innate nature based on the assumption that North Korea is irrational, violence-oriented, provocative, and unpredictable. Several scholars attempt to explain North Korea's foreign policy behavior in terms of domestic elements embedded in North Korean culture and politics. For

⁹⁷ Katherine Barbieri, 2004, "The Liberal Illusion: Does Trade Promote Peace?" *Journal of Economic Literature*, Vol. 42, No. 2, pp. 518~520.

⁹⁸ Im, Jaehyeong, 2001, "The Reason for Change and Counter Strategy of North Korea's Foreign Policy in the post-Cold War Era," *International Politics Collections* 41:4; Im, Jaehyeong, 2002, "The Characteristics of North Korea's Foreign Policy Decision-making Process and the Role of Military," *Institute of North Korean Study* 6:1; Yu, Hoyeol. 2000, "North Korea's Perception on its Environments and Counter-strategy: Focusing on North Korea's Foreign Policy after the Perry Process," *Research on North Korean Study*, Korea University: Seoul.

instance, such scholars as Bruce Cumings and Wada Haruki point out factors intrinsic to the traditional political culture of North Korea. They both attribute the cause of North Korea's challenging behavior to domestic elements inherent in North Korean political culture.⁹⁹ For instance, they argue that North Korea's challenging foreign policy behavior can be attributed to its revolutionary ideology which has been the main root and foundation of its state formation and development. This ideology is reflected well in the top-down system of the Suryong (a great leader)-party-people emphasizing the hierarchy and revolution.¹⁰⁰ Such scholar as Scott Snyder argues that the Juche ideology is so pervasive in North Korean society that it must have implications even in its foreign policy behavior.¹⁰¹ This so-called Juche ideology (self-reliance), which is deeply embedded in North Korea's political culture, compels people to struggle against a hostile environment in order to turn it into a favorable one.¹⁰² This implies that even when they face unfavorable external conditions, they tend to rely on revisionist policy behavior to overturn these unfavorable external conditions. For instance, North Korea's challenging behavior such as its missile and nuclear tests are parts of its revisionist policies against the US or South Korea's hawkish stance toward North Korea. In a similar vein, such scholars as Victor Cha, David Kang and Richard Saccone even argue that North Korea's ideological rigidity can explain why it abandons material gains especially when ideational costs seem high.¹⁰³ They commonly agree that North Korea's cultural

⁹⁹ Bruce Cummings explains that the top-down system of the Suryong-party-people emphasizing the hierarchy and revolution, for details see Bruce Cumings, 1993, "Corporatism in North Korea," *Journal of Korean Studies*, 1982; Wada also regards North Korea as a partisan state which stemmed from Kim ilsung's experience of partisan battalion during his anti-japanese struggle..

¹⁰⁰ Bruce Cummings, 1993.

¹⁰¹ Scott Snyder, 2003, "North Korea's Challenge of Regime Survival: Internal Problems and Implications for the Future," *Pacific Affairs*, Vol. 73, No. 4, pp. 517~533.

¹⁰² Han S. Park, 2002, *North Korea: The Politics of Unconventional Wisdom*, Lynne Rienner.

¹⁰³ Victor Cha and David Kang, 2003, *Nuclear North Korea: A debate on Engagement Strategies*, Columbia University Press; Richard Saccone, 2003, *To the Brink and Back: Negotiating with North Korea*, Elizabeth, N.J.:Hollym.

underpinnings shape North Korea's negotiating strategies and the nature of its foreign policy behavior. Overall, in these studies, North Korea's challenging behavior have been studied and understood in terms of North Korea's intrinsic provocative nature.

If we just focus on understanding North Korea's foreign policy behavior from the perspective of its irrationality or intrinsically provocative nature, it would be impossible for us to find any meaningful pattern in North Korea's foreign policy behavior. North Korea should be understood as a rational entity whose foreign policy decisions are also formulated based on its own evaluation of the external environment surrounding it. It is not desirable to view North Korea as irrational just because it is willing to take risks to advance its diplomacy. Regarding North Korea as a primitive, chaotic and fundamentally unknowable polity and society might hinder us from properly estimating and understanding its policy objectives and its resolve to take risks, resulting in us making inappropriate policy prescriptions for resolving the North Korean issue. We need to consider that North Korea's challenging foreign policy behavior is not based on irrationality or intrinsic madness. There is a lot of suspicion over North Korea's behavior especially regarding its credibility to commit to agreements or negotiations with other states. However, this suspicion toward North Korea has not come from the objective investigation of external conditions North Korea faced but rather from a biased image of North Korea. Such a biased image of North Korea has even led practitioners and scholars to distort or misrepresent the data on North Korea's behaviors. As such scholars as Victor Cha have suggested, North Korea's challenging behavior might be the product of its own rationality based on the logic of double-or-nothing gambit or a tit-for-tat strategy in which it cooperates when the other state cooperates and retaliates when other states

reneges.¹⁰⁴ As Thomas Schelling noted, seemingly irrational behaviors would be still diplomacy: “there are times to be rude, to break the rules, to do the unexpected, to shock, to dazzle, or to catch off guard, to display offense, whether in military diplomacy or other kinds of diplomacy.”¹⁰⁵

Lastly, the studies that attribute the cause of the North Korea’s challenging foreign policy to its unstable domestic political and economic conditions also have some pitfalls. These studies commonly argue that North Korea relies on challenging foreign policy behavior to enhance domestic cohesion when it is confronted with unstable domestic political and economic problems.¹⁰⁶ They argue that declining domestic economic conditions can lead the public and state elites to doubt the credibility of the regime. Some studies pay heed to the unstable political conditions of North Korea. For instance, the period of leadership change is also a politically unstable situation in which there is a high possibility that state elites, especially military elites, may attempt a military coup to overturn the unstable leadership. Thus, to secure and justify its regime, it is important for a state leader to encourage domestic cohesion through violent means.¹⁰⁷ These studies conclude, therefore, that autocratic regimes like North Korea tend to pursue challenging foreign policy behavior abroad to divert domestic attention and encourage domestic cohesion when faced with domestic economic or political instability. This is because encouraging domestic cohesion is an essential element for consolidating regime credibility and survival. Thus, by employing challenging foreign policy behavior, North

¹⁰⁴ Victor Cha, 1998, “Is there still a rational North Korean Option for War?,” *Security Dialogues*, Vol. 29, No. 4, pp. 477–490; Samuel Kim, 2002, *North Korea and Northeast Asia*, Rowman & Littlefield; Leon Sigal, 1977, *Disarming Strangers : nuclear diplomacy with North Korea*, Princeton University Press.

¹⁰⁵ Thomas, C Schelling, 1996, *Arms and Influence*, Yale University Press; Cheng Chen and Lee Jiyong , 2007, “Making Sense of North Korea,” *Communist and Post-Communist Studies* 40, pp. 459–75.

¹⁰⁶ Song Dooyul, 1998, “Bukhansahoereur Eotteohge Bolgeosinga? [How to evaluate North Korean society], Sahoewa Sasang [Society & Thoughts]; Andrew Scobell, 2005, “Making Sense of North Korea,” *Asian Security*. pp. 245–66.

¹⁰⁷ Choi Youngsub, 2005, Review on Pyongyang’s Foreign-Policy making Process, East-West Center, No 14.

Korea increases the potential of external threats that can mobilize the people and keep them united behind the regime.¹⁰⁸

These studies, which link its domestic political and economic conditions to its challenging foreign policy behaviors, also have some empirical problems in their validity. Based on the logic of the mainstream political science literatures on democratization,¹⁰⁹ these studies argue that poor economic performance causes instability in the regime which can raise the probability of regime collapse. Declining economic condition can induce a mass mobilization of protest which can raise the cost of coercion precisely in a time when economic conditions severely limit a regime's coercive capacity.¹¹⁰ In short, for an authoritarian regime that bases a significant portion of its legitimacy on economic performance, an economic crisis is equivalent to a loss of legitimacy. They also explain that economic downturns can create tensions within the ruling elite that may increase the likelihood of reforms, military coups, and other stimulants of regime change. They argue that in the case of North Korea, which is characterized by a highly personalistic dictatorship, economic crises can inhibit the distribution of benefits to supporters (ruling elites) of the dictator, whose loyalties are largely a function of personal patronage.¹¹¹ As a result, the declining economic conditions affect the loyalty of the political-military elite by reducing the ability of the government to deliver material benefits.¹¹² Such tensions have the potential to drastically alter the political landscape.

¹⁰⁸ David S. Maxwell, 2012, "It Takes A Strategy" To Deal with north Korea and its Provocations," The Sigur Center For Asian Studies, The George Washington University.

¹⁰⁹ Juan Linz and Alfred Stepan, 1996, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Johns Hopkins University Press.

¹¹⁰ Haggard, Stephan and Robert R. Kaufman, 1997, "The Political Economy of Democratic Transitions," *Comparative Politics*, Vol. 29, No.3, pp. 263~287.

¹¹¹ Geddes, Barbara, 1999, "What do we know about Democratization after Twenty Years?" *Annual Review of Political Science* 2, pp. 115~144.

¹¹² Ralph Hassig, 2004, "The Well-Informed Cadre," in *North Korean Policy Elites*, ed. Kongdan Oh Hassig Alexandria, Va.: Institute for Defense Analyses.

As for political instability, it is also argued that the unstable political situation such as leadership change, illness or the death of the leader can cause instability in the regime. Given the continued autocratic rule based on the sole leader's cult of personality which dominates the entire polity and society of North Korea, a shift in leadership or a health problem for the leader can lead to a major domestic political crisis.¹¹³ Especially, in the absence of a stable succession process for the cult of personality, the loss of a leader can result in a political vacuum in which previously latent forms of political opposition and factionalism can occur.¹¹⁴

Even though these explanations seem to be based on some logical and theoretical reasoning, the empirical evidence in the North Korean case defies and contradicts these theoretical arguments and expectations. Contrary to the general expectations of scholars and practitioners, North Korea has successfully maintained its authoritarian regime in spite of undergoing unstable domestic political and economic conditions.¹¹⁵ At the societal level, there are not sufficient structures or means through which a mass protest or strikes can be mobilized.¹¹⁶ In reality, even though there have reportedly been some sporadic incidents of food riots and uprisings, these were all limited to certain localities.¹¹⁷ There has not been any official report that any type of public mobilization or protest actually happened enough to challenge the authority of the regime. In addition, with regard to the possible tension within the elite group, the supporters (ruling elites) of the leader render the leadership resistant to internal splits in spite of the fewer material

¹¹³ Kongdan Oh Hassing, 1988, *Leadership Change in North Korean Politics*, Rand.

¹¹⁴ Patrick Mceachern, 2009, "North Korea's Policy Process: Assessing Institutional Policy Preferences," *Asian Survey*, Vol 49, Issue 3, pp. 528-552.

¹¹⁵ Soyoung Kwon, 2003, "State Building in North Korea," *Asian Affairs* 34:3, pp. 286-96

¹¹⁶ Cho Hanbeom, 2003, "Characteristics of the North Korean Political System," *Vantage Point* 26:4, pp. 44 -54; Hun sungil, 1999, *A Study on the Structure of the North Korean Workers' party and its Control System over Society*, Seoul:Hankuk University

¹¹⁷ ROK Ministry of Defense, 2007, *The Domestic Conditions of North Korea*, Seoul.

benefits they can receive. They hesitate to promote reform and rely on the survival of the current regime because they lack an independent political base and are sustained with material inducement.¹¹⁸ With regard to the expected political instability which might stem from the leadership transition, North Korea has endured by employing various leadership tactics before and after the death of its leaders. The most noticeable method used to pursue a smooth succession has been a successful cooptation of the military as a key supporting institution of the regime. Control over the military and holding its absolute loyalty has been one of the key sources of political power in North Korea.¹¹⁹ For instance, in a time of major uncertainty following Kim Il-sung's death, Kim Jong-il's strategy was to consolidate his political power primarily by securing the military's absolute loyalty. Kim Jeong-un also followed the same pattern after the death of Kim Jong-il. Contrary to the expectation of some scholars and practitioners, Kim Jung-un's political power is going through the process of consolidation, proving to be stable enough to sustain after the death of his father, Kim Jong-il. Overall, despite several occasions of unstable domestic economic and political conditions, North Korea has displayed enduring regime stability. Regime stability is a function of several factors which mitigate the possible negative impact of the unstable political and economic conditions. A tight personalist network of political elites, together with strategies employed by the Kim's family (i.e., maintaining military loyalty to the status quo) contributes to maintaining the overall degree of regime unity, thereby protecting the current regime from pressures for

¹¹⁸ For more detailed discussion, refer to "North Korea's Economic Reforms and Security Intentions," Testimony for U.S. Senate Foreign Relations Committee 108th Congress, 2nd Session, March 2, 2004, Available at <http://www.nautilus.org/DPRKBriefingBook/transition/ChaTestimony040302.html>.

¹¹⁹ Kihl Youngwhan, 1997, "North Korea's Political Problem: The Regime Survival Strategy," *The Nautilus Institute*, available at http://oldsite.nautilus.org/fora/security/12a_Kihl.html

change.¹²⁰ At the societal level, poor socioeconomic conditions, as well as the state's penetration of society through political surveillance and control over the flow of information, have obstructed the emergence of demands for political change from below.¹²¹

To sum up, the domestic conditions of North Korea are not such an important determinant of North Korea's foreign policy behavior. Moreover, their relevance to North Korea's challenging foreign policy behavior is ambiguous. It might be true that, even in an ideologically driven state like North Korea, unstable domestic political and economic conditions might adversely affect regime stability to some degree. However, in reality, this perspective is just unconvincing and empirically unproven supposition from the outsiders without clear understanding of the intrinsic nature of internal political and societal dynamics of North Korea. More fundamentally, the argument that North Korea is prone to pursuing revisionist policies in order to consolidate its domestic regime when faced with a crises that resulting from an unstable domestic, political, and economic situation is not confirmed by empirical evidence. It is highly unlikely that North Korea takes risks conducting challenging foreign policy behavior while it is suffering from unstable domestic conditions. Without sufficient domestic and external resources to rely on, such challenging behavior will exacerbate the unstable domestic conditions more seriously and endanger its regime stability. Given that North Korea's unstable domestic political and economic conditions are triggered and exacerbated by such external conditions as international economic sanctions and its deepening international isolation, unfavorable external conditions must be a more fundamental cause of North Korea's

¹²⁰ Joseph Bermudez, 2004, "Information and the DPRK's Military and Power-Holding Elite," in North Korean Policy Elites, ed. Kongdan Oh Hassig, Alexandria, VA: Institute for Defense Analysis.

¹²¹ Cho Hanbeom, 2003, "The Characteristics of the North Korean Political System," *Vantage Point* 26:4, pp. 44 –54

deteriorating domestic conditions and its challenging foreign policy behavior. For instance, international isolation or economic sanction against North Korea could lead to its increasing illegitimate weapons sales and nuclear development in order to sustain its regime. This implies that, for North Korea, the external conditions unfavorable to them are more important factors than the domestic conditions in terms of the threat they pose to regime stability and their effect on foreign policy decisions.

Considering the dictatorial characteristics of North Korean regime, the influence of a dictatorial state leader seems to have been tremendous in the foreign policy decision making process of North Korea, as the monolithic model assumes that North Korean foreign policy is implemented in a systemic top-down way due to its tightly controlled structure.¹²² Even though there are nominal groups (Party, Military and Cabinet), a state leader's perception of a certain issue would be the most critical element leading to the final foreign policy decision.¹²³ In this context, whether North Korea chooses challenging foreign policy behavior depends on how it perceives threats from the external environment surrounding it. It can be assumed that North Korea's challenging behavior is motivated by the external threat it perceives rather than by its provocative nature. In this regard, we need to make attempts to understand North Korea's foreign policy behavior from North Korea's point of view. For instance, in order to understand why North Korea conducted a certain type of challenging behavior at a certain point, we have to focus on the external context (the security environment surrounding it and its relations with other states such as United States and South Korea) North Korea was faced with. North

¹²² Kongdan Oh and Ralph C. Hassig, 2000, *North Korea through the Looking Glass*, Washington DC: Brookings Institution Press.

¹²³ Choi Jinwook, 1999, *Changing Relations between Party, Military, and Government in North Korea and Their Impact on Policy Direction*, Stanford CA: Shorenstein Asia Pacific Research Center.

Korea's challenging foreign policy behavior can be regarded as the result of its threat perception which comes from external sources of threat. To be more specific, the security dilemma in which North Korea is entrapped can be regarded as the cause of its challenging foreign policy behavior. The unfavorable external environment surrounding North Korea affects its security dilemma which motivates it to send signals in the form of challenging foreign policy behavior.

The threat perception of the external environment is important in that the threat perception can limit leaders' choices for possible policy options. Threat perception can frame the situation and policy choice by focusing on specific ways to respond. This is because deciding how to frame threat highlights some aspects of the threat and makes them more salient in a way that suggests a particular problem-solving definition and policy alternatives. Thus, the reason for North Korea's challenging behaviors might be that it calculates and considers that challenging foreign policy behavior has more of an advantage than a defensive policy based on the available resources it can rely on to address those threats. North Korea's unfavorable international environment which enhances North Korea's security dilemma will motivate North Korea to decide its foreign policy posture – whether it be a challenging or conciliatory one. Here, North Korea's threat perception is important for understanding its foreign policy behavior.

A. North Korea's Threat Perception

When a state leader perceives that his/her state's values and interests are endangered by certain factors, the leader perceives such factors as threats. A state's interpretation and perceptions of threats are framed by its national goal and interest. Thus, a state's foreign policy choice should be understood to be a reflection of its threat perception based on its priorities and national goals. For instance, for North Korea, sustaining and securing its regime based on its Juche (self-reliance) ideology is the main national goal and interest. Thus, when it feels that threats from external sources endanger its national goals and interests, it will employ foreign policy behavior which can better contribute to securing and enhancing its national goal and interest. In this regard, to fully understand the rationale for the North Korea's challenging foreign policy behavior, it is necessary to understand what the main external sources of threats are to the North Korean regime.

Main Existential External Threats to North Korea: United States and South Korea

US factor: Since the end of the Korean War, the United States has been the main security threat to North Korea.¹²⁴ The inception of the post-Cold War period after the collapse of the Soviet Union and other eastern socialist states led North Korea to worry about sustaining its regime. In particular, the US hardline policy stance toward North Korea has been a direct threat to North Korea because the US has regarded North Korea as a target for regime change in need of democratic institutions and values. To make matters worse, North Korea's pursuit of a nuclear weapons program, as a means of guaranteeing its regime's survival, has worsened relations with the US. The influence of the US over the

¹²⁴ Even during and after the Korean War, North Korea regarded the United States intervention in the War and its presence on the South as the great power's intervention in Korean affairs, Han Kwansoo, 2012, "Bukhan Daenamdobarui Jeonryakjeog Uidowa Haengtae: Saryebunseokgwa Jeonmang [The Underlying intention of North Korea's Provocations against South Korea: Case Studies and Predictions]," *KRIS*, Chosun University, pp.33~64.

international consortium responsible for supplying North Korea with economic and humanitarian aid and its influence over regional states such as Japan, Russia and China have been big concerns that North Korea has had to take into consideration in the process of its foreign policy decision making. A series of nuclear tests by North Korea has led to a situation where the US led international community has isolated North Korea through diverse means such as diplomatic and economic sanctions, which have further harmed its internal economic situation. This domestically declining economic situation negatively affected its regime stability. To secure its regime from these unfavorable external conditions, especially the threat from the United States, North Korea has relied on its nuclear and missile program and used these programs as bargaining chips at the negotiating table with the United States. Moreover, for North Korea, the US forces stationed in Korea (USFK) has always been main obstacle to accomplishing one of its national goals, the reunification of the Korean Peninsula under the control of North Korea. North Korea's continuous efforts to shift current armistice treaty to a peace treaty with the United States on the Korean Peninsula reflect its threat perception of the United States well. What is noticeable in the inter-Korean rivalry has been the extent to which the United States has functioned as an existential threat to North Korea or an important life-support system especially in the domains of military and security. The regime survival strategy of North Korea has been shaped as much by the domestic politics of the United States and South Korea than in North Korea's domestic politics. For North Korea, the policy stance of the United States toward North Korea is important factor North Korea should take into account in its foreign policy choices.

South Korea Factor: For North Korea, South Korea is an entity that must be reunified

with North Korea under the control of the North Korean regime, as its constitution stipulates.¹²⁵ Since its division in 1945, the two Koreas have maintained a rival relationship characterized by the politics of competitive legitimation and delegitimation. The two Koreas have sought to claim legitimate authority over the entire Korean peninsula and have necessarily denied the legitimacy of the other side. Until the early 1970s, the North Korean economy advanced faster than that of South Korea. However, the rapid economic growth of South Korea since the 1980s and its rising status in international society have become a big concern to North Korea. By observing the unification process in Germany in which East Germany was absorbed by an economically advanced West Germany, North Korea has been afraid of the possibility that it might be absorbed by an economically advanced South Korea. South Korea's conditional and incoherent economic assistance, which has been affected by the leadership change every five years, have made this perception more salient to North Korea. Moreover, the normalization of Sino-ROK relations in early 1990s and China's gradual betrayal of socialism were another shock to North Korea, given that China had been a main ally since the collapse of the Soviet Union.

Militarily, US nuclear weapons and South Korea's growing military superiority over North Korea have been imminent threats to North Korea. The arms race between the two Koreas has been consistent in all aspects of military manpower, arms acquisition, and military spending. North Korea's arms race in conventional capabilities with South Korea progressed in tandem with the progressive decline of North Korean economy. Since the

¹²⁵ North Korea has two primary strategic goals or objectives: (1) the perpetuation of the regime, and (2) reunification of the Korean peninsula under the North Korea's control. North Korea's constitution describes reunification as the supreme national task. The current NK constitution was adopted in 1972, it was revised in 1992 and again in 1998. For a reference, refer to the Constitution of North Korea at http://www1.korea-np.co.jp/pk/061st_issue/98091708.htm.

end of the Korean War, the two Koreas have maintained rough parity in terms of military power until the early 1980s when the military power balance shifted to South Korea. North Korea's numerical superiority in conventional military power has been offset by the quality of weapons system and military expenditure of South Korea. Even though North Korea's military spending has been rising in absolute terms, it cannot compete with South Korea which is spending more than four times North Korea's military spending.¹²⁶

¹²⁶ The Defense Expenditure of South Korea has been almost equivalent to the GNP of North Korea and almost four times larger than North Korea's defense spending.

Table 2.1. Defense Spending of South Korea (Unit: US Billion Dollars)¹²⁷

Year	Defense Budget (bn US \$)	Percent of GDP (%)	GDP (bn US\$)	Rate of Increase (%)
1998	12.07	2.75	438.1	0.1
1999	12	2.50	480	- 0.6
2000	12.6	2.30	547	5.3
2001	13.3	2.36	536	6.3
2002	14.1	2.27	621	6.3
2003	15.1	2.28	662	7.0
2004	16.3	2.29	711	8.1
2005	18.4	2.44	754.1	11.4
2006	19.6	2.48	790.3	6.7
2007	21.3	2.51	848	8.8
2008	23.2	2.60	892	8.8
2009	25.2	2.72	926	8.7
2010	25.7	2.52	1019	2.0
2011	27.3	2.54	1074	6.2
2012	28.7	2.52	1139	5.0

Table 2.2. Defense Spending of North Korea (Unit: US Billion Dollars)¹²⁸

Year	Defense Budget (bn US \$)	Percent of GDP (%)	GDP (bn US\$)	Rate of Increase (%)
1998	4.8	37.9	12.6	-
1999	4.8	30	15.8	-
2000	5.1	29.8	16.8	6.3
2001	5.1	31.8	15.7	-
2002	5.2	29.4	17	2
2003	5.1	27.2	18.4	-2
2004	6.65	24.4	27.2	29
2005	7.35	27	26.5	10
2006	7.66	29	25.6	4.2
2007	8.01	30	26.7	4.4
2008	8.2	32	25	2.5
2009	7.9	32	24.5	-3.8
2010	7.8	30	26	-1.3
2011	8.1	27.6	29.3	3.8
2012	8.1	28.7	28.2	-

Recalculated by the author based on exchange rate of 2005. Rate of Increase refers to previous year.

*Sources: ROK Ministry of Defense White Paper, 1998~2012, The Military Balance, 2012, The International Institute for Strategic Studies (IISS) and Stockholm International Peace Research Institute (SIPRI) 2012.

¹²⁷ In South Korea, average 3 percent of GDP go to Defense Sector, ROK Ministry of Defense, 2012, Defense White Paper, Seoul.

¹²⁸ More than 30 percent of North Korea's GDP are accounted for by Defense Expenditure, ROK Ministry of Defense, 2012, Defense White Paper, Seoul.

Figure 2.1. Defense Expenditures of the Two Koreas (Unit: US Billion Dollars)

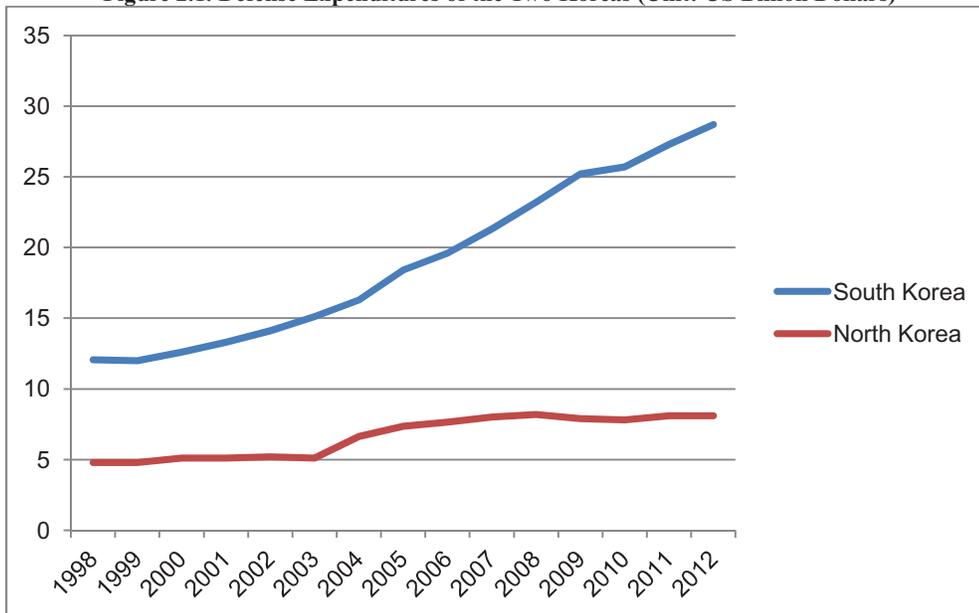


Figure 2.2. Percentage of GDP (Unit: US Billion Dollars)

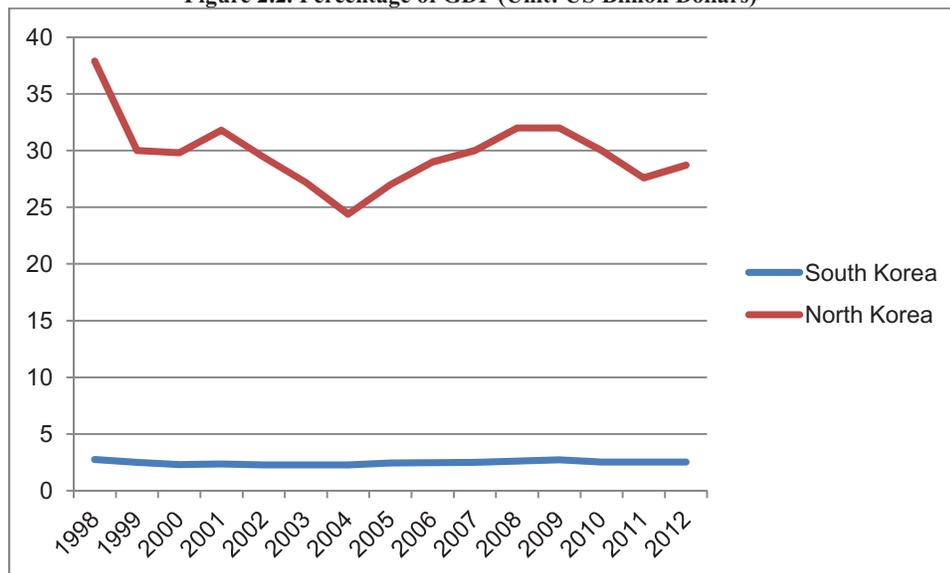


Table 2.3. Comparison of Military Capabilities between ROK and DPRK

Classification				ROK	DPRK
Troops (Peace time)	Total		More than 655,000		More than 1,190,000
	Army		522,000		1,020,000
	Navy		68,000		60,000
	Air Force		65,000		110,000
Principal Force Capability	Army	Units	Corps	10 (including Special Warfare Command)	15
			Divisions	46	86
			Maneuver Brigades	15	69 (10 Reserve Military Training Units not included)
		Equip- ment	Tanks	2,300	3,900
			Armored vehicles	2,400	2,100
			Field artillery	5,200	8,500
	MLRS		200	5,100	
			Surface-to-surface Guided weapons	30 (launchers)	100 (launchers)
	Navy	Surface ships	Combat vessels	120	420
			Landing vessels	10	260
			Mine warfare ships	10	30
			Support vessels	20	30
				Submarines	10
	Air Force	Combat aircraft		490	840
		C2-ISR aircraft		50 (including naval aircraft)	30
		Air mobility aircraft		40	330 (including AN-2)
		Training aircraft		170	180
		Helicopters	680 (including all helicopters of the 3 services)	310	
Reserve troops				3,040,000	7,700,000 (including Reserve Military Training Units, Worker/Peasant Red Guards and Red Youth Guards)

Source: ROK Ministry of Defense, 2011¹²⁹

Especially, since the late 1990s, South Korea has initiated a military modernization program to counter North Korea's asymmetric military threats. In addition to its declining economic condition and deteriorating technological base, unfavorable external conditions such as the normalization of ROK-Sino and ROK-Soviet Union relations, and the loss of the nuclear umbrella from the Soviet Union affected the

¹²⁹ A bean counting analysis of military capabilities suggest that North Korea is superior to South Korea. However, Most of North Korea's military assets are outdated and poorly maintained while South Korea's military assets are modernized ones. South Korea maintains superiority in terms of quality of military assets. For a detailed comparison of military capabilities between the two Koreas, refer to Ham Taekyoung and Suh Jaejeong, 2006, Bukhanui Gunsaryeokgwa Nambukgan Gyunhyeong [North Korea's Military Capability and the Balance between the South and the North], Kyungnam University, ed. Recasting the Question of the North Korean Military, ROK:Hanul; Lee Gyuyeon, Yu Jiyong and Jung Kiyong, 2008, Dongbooka Goonsaryeok, 2007~200, [The Military Balance, 2007~2008], Seoul: KIDA.

evolution of military thinking and strategy of North Korea.¹³⁰ The North realized that it is not possible to match South Korea's rapidly growing power superiority.¹³¹ As a result, developing asymmetrical capabilities such as ballistic missiles and nuclear weapons serves as a deterrent in its survival strategy.¹³² For a weak state facing existential threats, nuclear weapons are bedrock weapons that guarantee regime survival.¹³³ As a fungible instrument for negotiating regime security-cum-survival strategy,¹³⁴ nuclear weapons have served as an efficient means to satisfy North Korea's security needs and resource constraints.¹³⁵ Although there are still controversies over recognizing North Korea as a full-fledged nuclear weapons state, North Korea is on the track toward becoming one. Regardless of whether North Korea has trustworthy nuclear capabilities, however, the ambiguity over its nuclear capabilities has functioned as a psychological deterrent and provided valuable diplomatic leverage because it has made South Korea and the United States proceed based on the assumption that North Korea possesses nuclear weapons. Given that North Korea's nuclear program is in its formative periods, it has been to North

¹³⁰ Andrew Mack, 1993, "The nuclear crisis on the Korean peninsula," *Asian Survey*, Vol.33, No.4, pp. 339~359.; Hamm Taikyong and Michael Leifer, 1999, *Arming Two Koreas: State, Capital and Military Power [Politics in Asia]*, Routledge.

¹³¹ Suh Jaejung, *The imbalance of power, the Balance of Asymmetric Terror: Mutual Assured Destruction(MAD) in Korea*, in John Feffer, ed., *The Future of Relations: The Imbalance of Power*, London and New York: Routledge.

¹³² Since the mid 1990s, nuclear weapons have emerged as a key factor in the capability equation which reduces the power asymmetry between the two Koreas. Nuclear weapons and delivery systems based on short and medium range missiles allow North Korea to deter any large offensive which South Korea might launch in response to North Korea's limited probes. North Korea also has a nuclear first policy which implies that it will strike with nuclear weapons in response to a conventional attack by South Korea or the United States. South Korea has embarked on a major defense modernization program which includes purchasing weapons systems aimed at neutralizing the capabilities of North Korea. However, even if South Korea achieves conventional dominance, the nuclear deterrent still acts as a major constraint on any conventional offensive which South Korea might launch in response to North Korea's asymmetric challenges. For detailed information on the development of North Korea's nuclear capabilities, refer to Bruce E. Bechtol Jr, 2012, "Maintaining a Rogue Military: North Korea's Military Capabilities and Strategy at the End of the Kim Jongil Era," *International Journal of Korean Studies*, pp. 160~191.

¹³³ Muthiah Algappa, 2008, "Introduction: Investigating Nuclear Weapons in a New Era," In *The long shadow*, ed. Muthiah Alagappa, Stanford University Press, pp. 1~36.

¹³⁴ As manifested in U.S.-DPRK nuclear confrontations and negotiations and North Korea's "package solution" proposal, there remains the inseparable linkage of security, development, and legitimacy in the conduct of North Korean foreign policy. Indeed, three types of crisis--security crisis, economic crisis, and legitimization crisis--all frame and drive North Korea's security-cum-survival strategy in the post Kim Il Sung era, Bechtol Jr, 2012.

¹³⁵ Victor Cha, 2001, *Making Sense of the Black Box: Hypotheses on Strategic Doctrine and the DPRK threat*, In Samuel S. Kim, ed., *The North Korean System in the Post-Cold War Era*, New York: Palgrave.

Korea's advantage to be ambiguous about the details of its nuclear capabilities.

Overall, since the onset of inter-Korean rivalry, the widening gap in terms of economic development and military capability and South Korea's growing influence in the world society have been the main threats to North Korea. This threat perception has influenced the evolution of North Korea's strategic and military thinking. For North Korea, South Korea is a rival to be overcome for reunification under the control of North Korea. Moreover, South Korea's foreign policy stance toward North Korea is a big security concern to North Korea. North Korea's effort to influence South Korea's presidential election reflects well how North Korea takes into account South Korea's domestic politics and how these politics affect the direction of North Korean policy. Surely the regime desires a ROK government dominated by a progressive party that would pursue foreign policy posture that would provide aid to the North without a required *quid pro quo*.

Other Regional Actors(China, Russia, and Japan): While the North perceives the US and South Korea to be its main external threats affecting its foreign policy decision-making, other major regional actors such as China, Russia and Japan are also factors the North should take into account in formulating its foreign policy behavior. However, these three regional actors have limited effects on North Korea's foreign policy decision making, especially with regard to its sporadic challenging behavior in the region. China and Russia have been North Korea's most significant and credible alliance partners. Even though they have blamed North Korea for its occasionally challenging behavior in the region, they have been reluctant to go beyond it. Japan, with a lack of direct leverage, has maintained a mediocre and ambiguous attitude toward North Korea.

Overall, under conditions where they can only exert a limited impact on North Korea, the North can conduct certain levels of challenging behavior which do not cross a red line. Given that the North Korea policies of these three actors are connected to their own national security interests which can be better sustained by North Korean regime stability, their influence on North Korea tends to be limited.

China Factor: As North Korea's chief ally, China has had an indispensable influence on North Korea's foreign policy behavior. Based on a long-term and multifaceted strategy in Northeast Asia, China's North Korea policy is focused on ensuring a peaceful process in dealing with security issues on the Korean Peninsula, limiting the influence of the United States in and around the Korean peninsula.¹³⁶ China's goals and priorities for North Korea are to secure the stability of North Korea.¹³⁷ China cannot give up North Korea although North Korea's challenging behavior such as its nuclear weapons development and missile tests have agitated China. Giving up North Korea would mean losing the buffer-zone between China and the United States for both military and geopolitical reasons. In spite of North Korea's sporadic challenging behavior in violation of UN Security Council resolutions, China has maintained its fundamental stance toward North Korea. Whenever the international society attempted to impose sanctions on North Korea for its challenging behavior, China's willingness has determined the effectiveness of such sanctions. Rhetorically, China has committed to controlling North Korea's challenging behavior, but its priority is to prevent the collapse of North Korea.¹³⁸ China's one main concern about North Korea is that the collapse of North Korea could lead to the several

¹³⁶ John S. Park, "North Korea's Leadership Succession: The China Factor," accessed at www.usip.org/publications/the-issues-northkorea-s-leadership-succession-the-china-factor-0

¹³⁷ Evans Revere, 2013, "Facing the Facts: Towards a New U.S. North Korea Policy," *Center for Northeast Asian Policy Studies*, The Brookings Institution

¹³⁸ Dick K. Nanto and Mark E. Manyin, 2010, "China-North Korea Relations," *CRS Report R41043*.

unstable situations such as flows of North Korean refugees across its border and increased US influence in and around the peninsula.¹³⁹ Of course, China cannot always support North Korea's challenging behavior because this behavior can be a rationale for South Korea, the US and Japan to support an increased US military presence in the region and strengthen military alliances. China has always served as a mediator between these regional actors and North Korea, however, whenever North Korea's behavior caused tension. If there is no impending tension, China has hesitated to go beyond asking for restraint by all regional actors. The priority of China's North Korea policy has been maintaining ever-deeper relations with North Korea by sustaining its economy and regime, and a stable political transition in North Korea.¹⁴⁰

As North Korea's most important economic and political partner, China can have some influence on North Korea's foreign policy behavior. But this does not mean that China can control every aspect of North Korea's behavior. At best, it can exert limited influence and pressure on North Korea's behavior to the extent that it does not break up its close relationship with North Korea.

Russia Factor: Russia, which shares a territorial border with North Korea in its Far East, has maintained a traditionally close relationship with North Korea. The Russo-North Korean relationship reflects the convergence of Russia's pragmatic foreign policy and North Korea's threat perception against the US.¹⁴¹ While Russia has pursued a constructive role in the Asia-Pacific region, North Korea has solidified strong support from Russia against the threat from the US. They need each other in the face of

¹³⁹ Cong Keyu, 2009, "Tension on the Korean Peninsula and Chinese Policy," *International Journal of Korean unification Studies*, Vol 18, No. 1.

¹⁴⁰ Bates Gill, 2011, China's North Korea Policy: Assessing Interests and Influences Special Report, United States Institute of Peace accessed at http://www.usip.org/sites/default/files/China's_North_Korea_Policy.pdf

¹⁴¹ Alexander Vorontsov, 2007, "Current Russia North Korea Relations: Challenges and Achievements," *Center For Northeast Asian Policy Studies*, The Brookings Institution.

expanding US influence. Russia's pragmatic policy toward North Korea is an important component of Russia's general strategy toward the Asia-Pacific region. The fundamental goal of Russia's North Korea policy is also to preserve the stability of the Korean peninsula. Russia supports the prevention and peaceful resolution of any crisis on the peninsula. Whenever the United States and international society have wanted Russia to play a more active role to constrain North Korea's challenging behavior, Russia has not exerted its influence on North Korean policymaking. Although Russia has sometimes joined international criticism over North Korea's challenging behavior, it has more focused on playing the role of mediator between North Korea and other regional actors urging all parties to show restraint.¹⁴²

Japan Factor: Japan has a complicated conglomeration of motives in terms of its policy stance toward North Korea. Its North Korea policy is characterized by irreconcilable contradictions between the strategic aim of enhancing its national security by seeking compromises with North Korea and its long-lasting enmity against North Korea.¹⁴³ Japan's conditionally formulated policy stance toward North Korea is reflected in its reaction to North Korea's challenging behavior. For instance, with regard to North Korea's challenging behavior such as a nuclear test followed by international reactions, what Japan has done is to enhance its support for UN Security Council sanctions on North Korea in collaboration with the United States and South Korea. It has avoided a direct and active involvement. The lack of direct leverage with North Korea has

¹⁴² Yoshinori Takeda, 2006, "Putin's foreign policy toward North Korea," *International Relations of the Asia-Pacific Advance Access*.

¹⁴³ Alexander Vorontsov, 2002, "Russia and the Korean Peninsula: Contemporary Realities and Prospects," *Far Eastern Affairs*, Vol. 30, No. 3.

constrained Japan's ability to exert direct influence on North Korea.¹⁴⁴ It is not easy to understand what strategic options Japan can exercise in managing its relations with North Korea. At best, its approach is to coordinate through its alliance with the US and South Korea to avoid possible tensions around the Korean peninsula.

To sum up, while China and Russia have historically been close North Korean allies, they cannot control every aspect of North Korea's behavior. Japan also has no direct leverage on North Korea's behavior. Even though China, Russia and Japan are uncomfortable with North Korea's sporadic challenging behavior, they do not want instability in North Korea, which could destabilize the region. It is apparent that instability on the Korean Peninsula would have a detrimental effect on these regional actors' interests. These regional actors fear instability more than they do North Korea's challenging behavior and their go-it-slow approach to North Korea leaves more room for North Korea's proclivity for relying on challenging behavior for a long time to come. In this context, these regional actors are not the main sources of external threats to North Korea, given their limited influence on the North. Rather, they serve as intervening factors which are only taken into account by North Korea to some extent in its foreign policy making.

With regard to the NLL issue, they also have shown similar patterns in their approaches to North Korea. Whenever the North conducted challenging behaviors in the West Sea, China and Russia have asked for restraint by all parties. China and Russia have regarded the NLL issue as a natural consequence of the unsettled maritime demarcation line between the two Koreas. Moreover, they have not considered North Korea's sporadic

¹⁴⁴ Heigo Sato, "A Japanese Perspective on North Korea: Troubled Bilateral Relations in a Complex Multilateral Framework," *International Journal of Korean Unification Studies* 18, no. 1, 2009. pp. 54-92

challenging behaviors to be serious. Their views on the NLL issue have been more affected by their concerns about a perceived U.S. strategic return to the region and the expansion of the U.S. regional political and military presence. Japan also has not taken any official stance on this issue.

B. Threat Perception and Motivation for North Korea's Challenging Behavior

1) Why Does a Weak State Initiate and Sustain Crises and Wars against Stronger Adversary?

If power leads to victory in inter-state conflict and war, then weak states will seldom initiate and win conflicts or war against stronger adversary, particularly if the gap in relative power is large.¹⁴⁵ Given that a contender state plays a bigger role in initiation, progression, and persistence of disputes, when a certain controversial issue arises between a contender and a status-quo state, the initiation and continuation of the dispute by the contender will be based on the contender's advantages in terms of military capabilities. In this context, if the contender state is stronger in terms of military power than the defender state, it can alter the current status of the controversial issue or force the defender state to accept its demands via a credible threat to use military force. A weak defender state will not resist due to the fear of defeat and accept the demands of a strong contender state. However, if a contender state is weaker than the defender state, the contender will hesitate to initiate and eventually give up the dispute against stronger defender states due to the fear of defeat. A weak contender state will seldom initiate or pursue hostile and coercive diplomatic and military behavior against a strong defender state due to the fact that the weaker contender would lack the military strength to pose a

¹⁴⁵ Kenneth Waltz, 1979, *Theories of International Politics*; Glenn Snyder, 1965, "The Balance of Power and the Balance of Terror," in *The Balance of Power*, ed. Paul Seabury, San Francisco: Chandler, pp. 184–205

credible threat and to compel the defender state to accept its demands.¹⁴⁶ However, history shows that a weak contender state can initiate, sustain or even win conflicts and wars against stronger opponent states.

There are a number of IR literatures on asymmetric conflict which can provide some insights on answering question of why weak states initiate confrontations against strong states. Andrew Mack's study on asymmetric conflicts explains why weak states can instigate and sustain conflict with a militarily strong opponent and why strong powers fail to win wars against weak states. By taking exemplary cases of the US in Vietnam and France in Vietnam and Algeria, he argues that the reason for Vietnamese and Algerians' success in sustaining their conflicts against strong powers cannot be accounted for by simple power-based analysis. He contends that Vietnamese and Algerian's high resolve and interest were decisive factors for their victory and achievement of political gains over materially stronger opponents.¹⁴⁷ In the similar vein, such scholars as Cohen and Rosen contend that such factors as a "willingness to suffer" and the "insensitivity to casualties" were the main sources of the relative success and victory of weaker states in conflicts with stronger adversaries.¹⁴⁸ Literatures on identity also provide some interesting explanations of why weak states initiate or sustain the conflicts against strong adversaries. In general, identity is based on shared elements such as religious ties, ethnic

¹⁴⁶ Jack Levy, 1987, "Declining Power and the Preventive Motivation for War," *World Politics*, Vol 40, No. 1, pp. 82-107

¹⁴⁷ Andrew Mack, 1975, "Why Big Nations Lose Small Wars: The Politics of Asymmetric Conflict," *World Politics*, 27, no. 2. pp.: 175-200; Andrew Mack, 2009, *Why Big Nations Lose Small Wars*, Johns Hopkins University.

¹⁴⁸ For more detailed discussion, refer to Eliot A. Cohen, 1984, "Constraint on America's Conduct of Small wars," *International Security* 9, no. 2, pp. 151-84; Steven Rosen, 1972, "War Power and the Willingness to Suffer," in *Peace, War and Numbers*, ed. Bruce Russett, Beverly Hills, CA: Sage Publications, pp. 167-83; A.F.K. Organski and Jacek Kugler, 1978, "Davids and Goliaths, Predicting the Outcomes of International Wars," *Comparative Political Studies* 11, no. 2, pp. 141-80; Michael P. Fischerkeller, 1998, "David versus Goliath: Cultural Judgments in Asymmetric Wars," *Security Studies* 7, no. 4, pp. 1-43; John E. Mueller, 1980, "The Search for the Breaking Point in Vietnam: The Statistics of a Deadly Quarrel," *International Studies Quarterly* 24, no. 4, pp. 497-519

origins, common historical experiences, physical traits, etc.¹⁴⁹ These elements can produce shared perceptions about the other groups or states with which one's group or state competes and conflicts. Irreconcilable competing identities can exacerbate the conflictual relations when one group or state feels that they were mistreated by the opponent group or state. In addition, conflicts that are related to one's identity tend to persist because any threat to one's highly valued identity cannot be easily ignored.¹⁵⁰ In this context, when identity is combined with a certain disputed issue such as a territorial dispute, weak states may initiate and sustain intractable conflicts with strong opponents. Weak states can consolidate nationalism which usually revolves around a sense of victimhood and adversarial identities.¹⁵¹ As an exemplary case of this kind, some scholars contend that the enduring conflictual relations between India and Pakistan can be understood via identity-based explanations. They contend that two states' national identities, religious belief systems, and two differing different image of statehood are not reconcilable and that, as a result, the two parties compete against each other. They explain that the democratic and secular identity of India and the authoritarian and Islamic identity of Pakistan are main cause of their enduring conflictual relations in spite of Pakistan's weakness in military power relative to India.¹⁵² Pakistan as a weaker party initiates conflicts when it senses that its Islamic values are challenged by India's secular polity.¹⁵³

¹⁴⁹ Louis Kriesberg, 2003 "Identity Issues: 'Us' VS 'Them'," in *Beyond Intractability*, available at [http://crinfo.beyondintractability.org/essay/identity issues/](http://crinfo.beyondintractability.org/essay/identity%20issues/)

¹⁵⁰ Robert Gurr and Barbara Harff, 1994, *Ethnic Conflict in World Politics*, Boulder, CO: Westview Press; Amartya Sen, 2006, *Identity and Violence*, New York.

¹⁵¹ W. W. Norton; Benedict Anderson, 1983, *Imagined Communities*, London: Verso.

¹⁵² William J. Barnds, 1972, *India, Pakistan and the Great Powers*, New York: Praeger; John G. Stoesinger, 1990, *Why Nations Go to War*, 5th ed. New York: St. Martin's Press; Akbar S. Ahmed, 1997, *Jinnah, Pakistan and Islamic Identity: The Quest for Saladin*, Oxford University Press.

¹⁵³ Sumit Ganguly, 2001, *Conflict Unending: India-Pakistan Tensions since 1947*, New York: Columbia University Press.

Overall, most of the studies on asymmetric inter-state conflicts commonly contend that ideational factors motivate and encourage weak states to initiate and win conflicts with strong states in spite of their relative weakness in aggregate military power. However, even though they provide a somewhat convincing explanation of the weak state's propensity for challenging behavior, these studies tend to dangerously and erroneously regard the weak state's behavior as a result of irrationality due to their narrow or biased focus only on ideational factors. As these studies argue, those ideational factors may be relevant to understanding the enduring inter-Korean rivalry which is characterized by several militarized conflicts and crises and may also be relevant to understanding North Korea's reliance on challenging foreign policy behavior despite its weakness in military power relative to South Korea. However, even though ideational or identity-based explanations can account for some facets of the enduring nature of inter-Korean confrontations or North Korea's propensity for challenging foreign policy behavior, ideational factors themselves cannot fully explain why North Korea initiates and sustains the challenging behavior only during certain periods and not others given that such competing ideological differences between the two Koreas have been constant. As many studies on ethnic conflicts have verified, ethnic groups can coexist together peacefully in spite of differences in their identities.¹⁵⁴ Moreover, given that ideational factors usually become salient when state leaders utilize them to mobilize the public to accomplish conflict objectives, ideational factors cannot be a main or direct cause of North Korea's challenging behavior and inter-Korean confrontations. Other structural factors should play a more important role because ideational factors usually gain a

¹⁵⁴ V. P. Gagnon Jr., 1994, "Ethnic Nationalism and International Conflict: The Case of Serbia," *International Security* 19, no. 3, pp.130–66; James D. Fearon and David D. Laitin, 2003, "Ethnicity, Insurgency and Civil War," *American Political Science Review* 97, no. 1, pp. 75–90.

political character when they are utilized or manipulated by the state leaders to use it for achieving their specific national or political goals. Thus, ideational factors often tend to be a foil to initiate or continue the conflicts caused by other structural factors. For instance, the US and South Korea are the most important and threatening structural factors which North Korea views as challengers and threats to its critical national interest and security. In this context, when North Korea feels that external threats from the US and South Korea are imminent, the conflicts with South Korea or the US can be one means by which North Korean leaders could unite its domestic nationalism to counter these external threats to its national security.

Some may be able to attribute North Korea's challenging behavior or its sustainment of the dispute in spite of its weak military power to its dispute propensity which is magnified by its state leader's psychological misperceptions or risk-taking tendencies based on identity politics. However, such factors do not seem as important as factors such as power. Without sufficient power necessary for the dispute, even a state leader who is affected by identity politics and psychological misperceptions cannot initiate and continue an asymmetric dispute against a strong adversary. Thus, for North Korea to be able to initiate and perpetuate the dispute, it should have some credible military options such as asymmetric military strategies and weapons. In the similar vein, scholars like Arreguin-toft examine how and why the weak states can initiate and win the conflicts or wars against the strong opponents. He explains that a weak state can initiate and win conflicts against the strong states due to its specific military strategy and capabilities. He argues that strong states are more likely to win conflicts against weaker states when both parties use direct strategies, whereas strong states tends to lose conflicts

and wars against weak states if the strong states depend on a direct offensive strategy while the weak states use an indirect defensive strategy, especially in a drawn-out conflict.¹⁵⁵ For instance, the U.S. failure in Vietnam was because its pursuit of a direct offensive strategy could not be efficient to be applied while the Vietnamese indirect defensive strategy which included guerilla warfare was much more effective in a drawn-out conflict.

If the difference in power between the two states is high, the weaker side will hesitate to initiate conflict and back down before a conflict becomes enduring.¹⁵⁶ It is unlikely that the weaker side in a highly asymmetric dyad can initiate or sustain a conflict against a stronger opponent. However, in a situation where the weak contender state is highly dissatisfied with the current status quo of a certain issue involving a stronger target state, the weak contender state may still launch a conflict if it possesses some resource endowments to make up for its weakness in terms of aggregate material capabilities. A weaker state must have some decisive endowments which it can rely on to initiate and continue the conflicts with the strong powers. In this context, the weak state needs not to be equal to the strong state in all aspects of national power.¹⁵⁷ Especially, when a weak contender state possesses superior asymmetric weapons such as nuclear weapons, a strong opponent will seek to avoid major war due to the fear of nuclear weapons. In such a situation, a weak state can initiate and sustain the dispute at the conventional level to

¹⁵⁵ Ivan Arreguin-Toft, 2001, "How the Weak Win Wars: A Theory of Asymmetric Conflict," *International Security* 26, no. 1, pp. 93–128; Arreguin-Toft, 2005, *How the Weak Win Wars: A Theory of Asymmetric Conflict*, Cambridge: Cambridge University Press.

¹⁵⁶ John A Vasquez, 1996, "Distinguishing Rivals that go to War from those that do not," *International Studies Quarterly* 40, No 4, pp. 531~558 ; William R. Thompson, 2005, "Explaining Rivalry Termination in Contemporary Easter Eurasia with Evolutionary Expectancy Theory," *Montreal Working paper No 17*

¹⁵⁷ Daniel S. Geller, 1993, "Power Differentials and War in Rival Dyads," *International Studies Quarterly* 37, no. 2, pp. 173~193; Jacek Kugler and Douglas Lemke, 1996, *Parity and War*, University of Michigan Press.

achieve its limited tactical and strategic goals in a local theater.¹⁵⁸ Even though North Korea is weaker than South Korea in the overall military capabilities, North Korea can initiate disputes in a local theater such as the NLL with the advantages of the asymmetric strategies and weapons. Factors such as asymmetric strategy, tactics, and superior weaponry like WMDs and nuclear weapons can compensate for the overall military power asymmetry.

To sum up, under a situation in which mutual deterrence is quite robust, even a weaker state can initiate and sustain a conflict against a stronger adversary if it pursues limited aims with temporary advantages in terms of offensive asymmetrical weaponry and an asymmetric strategy, and such a peculiar power configuration between the two Koreas provides the permissive conditions for North Korea's reliance on challenging behavior.

2) Threat Perceptions and Motivation for Challenging Behavior

As discussed above, rather than ideational and identity-based explanations, peculiar power-configuration-based explanations provide a more convincing argument for North Korea's propensity for challenging behavior. However, such a peculiar power configuration would also serve as a permissive condition for North Korea's choice of challenging behavior. Given that North Korea has not always pursued challenging foreign policy behavior in spite of its advantage in asymmetric military capabilities, the peculiar power asymmetry between the two Koreas cannot fully explain when and why North Korea relies on the challenging foreign policy behaviors. Given that asymmetric capabilities such as nuclear weapons and WMDs can constantly serve as the available diplomatic and military means North Korea can rely on as a psychological deterrent and

¹⁵⁸ Glenn Snyder, 1965, "The Balance of Power and the Balance of Terror," in *The Balance of Power*, ed. Paul Seabury, San Francisco: Chandler, pp. 184–205.

shield against a strong adversary in its choice of a challenging foreign policy behavior for its national interests and goals, it is necessary to understand when and why North Korea tends to rely on challenging foreign policy behavior.

Even if the state (a state leader) perceives that its national values and interests are endangered by external sources, the state will not consider those sources as serious threats if it has the ability and resources to address and control those threats. This means that when a state conceives that its national values and interests are endangered and at the same time it senses that it does not have ability to control events or mitigate the threats, the state (a state leader) perceives threat.¹⁵⁹ As a result, the state's perception of threats and its ability to address those threats influence and limit the state's choice of alternative policies by concentrating attention on specific types of responses and at the same time marginalizing more dovish perspectives. The state leader would take greater risks than he had intended.¹⁶⁰

In case of North Korea, North Korea's interpretation and perception of threat are framed and defined by its national goal and interest, regime survival based on Juche (self-reliance) ideology and supported by its military-first politics.¹⁶¹ North Korea will perceive threats when it conceives that its national goal – regime survival – and its national legitimacy are infringed upon or endangered by external sources, provided the North does not believe it has sufficient capabilities and resources to counter and address these threats.¹⁶² In such a situation, it will try to reshape its unfavorable environment by

¹⁵⁹ John Eriksson, 2001, *Threat Politics: New Perspectives on Security, Risk and Crisis Management*, Aldershot: Ashgate Publishing.

¹⁶⁰ Robert M. Entman, 1993, "Framing: Toward Clarification of a Fractured Paradigm," *Journal of Communication* 43(4), pp, 51~58.

¹⁶¹ Scott Snyder, 1999, *Negotiating the Edge: North Korean Negotiating Behavior*, United States Institute of Peace.

¹⁶² The North Korean leadership believes in its own legitimacy every bit as much as the leadership of other states such as South Korea and the US believe in their national legitimacy. Mere regime survival could not be a national goal of

any means possible. Faced with existential threats that come from external conditions, North Korea like any other state in a similar situation can try to control and address those threats by relying on its available domestic resources or seeking the external support from a powerful ally such as China. However, it is highly unlikely that North Korea possesses enough domestic and diplomatic resources to rely on to cope with external threats properly. While North Korea does not possess enough policy resources to address domestic problems, it also does not have enough diplomatic resources and means to control external threats. Moreover, while China has remained North Korea's closest ally, North Korea seems to be uncertain about China's commitment as a trustworthy ally, given China's gradual betrayal of socialism and China's developing relations with the United States and South Korea.

Given both the unique geopolitical location in which North Korea is surrounded by powerful and unfriendly regional states and North Korea's totalitarian regime, which is characterized by a lack of policy resources to address domestic issues, strong military control is the only available means North Korea can rely on to address threats and avoid the dissolution of its regime. As a result, North Korea has become accustomed to relying on a challenging foreign policy when it is faced with internal as well as external threats. This reasoning for North Korea's tendency to launch the challenging foreign policy behavior when it is confronted with unfavorable external security condition is similar to the argument of IR scholars who study the correlation between a certain state's political regime type and the nature of its foreign policy behavior. These IR scholars contend that

North Korea given that mere regime survival might not be a viable strategy for the leadership of North Korea unless the country is already in a veritable state of collapse and thus totally devoid of any effective nationalist zeal or sense of identity. However, regime survival and legitimacy cannot be understood separately in terms of North Korea's national goal because the legitimacy of the regime eventually leads to and sustains the regime survival. This argument is based on a discussion with Professor Frederick Carrier, a Visiting Professor at Syracuse University.

domestic political institutions and norms structures cause leaders to resolve conflict in particular ways.¹⁶³ In some political systems, institutions and norms promote the use of violent means to settle dispute while other systems favor compromise to resolve disputes.¹⁶⁴ They argue that the leaders of non-democracy tend to adopt conflictual and hardline policies due to the more violent and repressive political norm and institutions.¹⁶⁵ In non-democracies, the acceptance of violent means of conflict resolution and the repression of political opponents reflect the structure of incentives produced by non-democratic institutions and norms.¹⁶⁶ The implication for foreign policy is that leaders tend to be more prone to rely on aggressive foreign policy behavior because they are accustomed to dealing with and resolving domestic issues that way. Thus, the political leaders who have been consistently violent in the repression of domestic opposition and the domestic source of threats should have more intransigent and aggressive diplomatic policies when faced with external threat.¹⁶⁷ Moreover, the foreign policy behavior characterized by hard-nose and coercive means is a good rationale for sustaining and justifying a regime which emphasizes the role of the military. When faced with external threats, an ambiguous policy can risk the credibility of the leaders. In addition, confrontational policies often rally domestic support and therefore the response of leaders to the threats that come from external conditions is to address those conditions with

¹⁶³ Michael Doyle, 1986, "Liberalism and World Politics," *American Political Science Review* 80, no4, pp.1151-61, Bruce Russett, 1993, *Grasping the Democratic Peace*, Princeton University Press.

¹⁶⁴ Miroslav Nincic, 1992, *Democracy and Foreign Policy*, Columbia University Press; Clifton Morgan and Valerie Schwebach, 1992, "Take Two Democracies and Call Me in the Morning," *International Interactions* 17, no4, pp.305-20; William Dixon, 1994, "Democracy and the Peaceful Settlement of international conflict," *American Political Science Review* 88, no1, pp. 14-32.

¹⁶⁵ Amos Perlmutter, 1981, *Modern Authoritarianism: A Comparative Institutional Analysis*, Yale University Press; Michael Doyle, 1986, "Liberalism and World Politics," *American Political Science Review*, Vol 80, No. 4, pp. 1151~1169.

¹⁶⁶ Clifton Morgan and Sally Howard Campbell, 1991, "Domestic Structure, Decisional Constraints and War," *Journal of Conflict Resolution* 35, pp. 187-211; William Dixon, 1994, "Democracy and the Peaceful Settlement of International conflict," *American Political Science Review*, Vol. 88, No. 1., pp. 14~32.

¹⁶⁷ Maoz, Zeev y Russett, Bruce. 1993. "Normative and Structural Causes of Democratic Peace, 1946-1986." *The American Political Science Review*, Vol. 87, n. 3, pp. 624-638

aggressive and unyielding policies.¹⁶⁸ This type of rhetoric and public posturing, in turn, supports hardline policies against external threats. Leaders then receive domestic support for maintaining confrontational policies. Domestic politics within non-democracies reinforce the adversarial nature of policy behavior.¹⁶⁹

To sum up, when faced with threats from the external sources, North Korea is more likely to pursue challenging foreign policy behavior because it does not possess enough policy and diplomatic resources to address such threats and it has become accustomed to relying on coercive means in dealing with the conflicts. However, this does not mean that North Korea recklessly and irrationally pursues challenging foreign behavior. North Korea pursues challenging behavior to the extent that such challenging behavior does not backfire (does not cross a red line) and to the extent that the expected results such as the concessions and conciliatory foreign policy postures toward North Korea from the United States and South Korea are guaranteed. Choice of the challenging behavior could be a result of rational calculation given the limited means and resources North Korea can rely on to deal with external threats. Andrei Lankov argues that North Korea's challenging behavior is not the result of irrationality.¹⁷⁰ Although North Korea's challenging behavior sometimes looks risky, North Korea has not crossed a red line, and has avoided escalating tensions into a full scale war. He even argues that North Korea knows when to initiate and stop tensions. He regards North Korea's challenging behavior as diplomatic

¹⁶⁸ Gleditsch, Nils P. 1992. "Democracy and Peace.", *Journal of Peace Research*, Vol. 29, pp. 369-376; Gleditsch, Nils P. Y Hegre, Havard. 1997. "Peace and Democracy: Three Levels of Analysis." *The Journal of Conflict Resolution*, Vol. 41, n. 2, pp. 283-31.

¹⁶⁹ Maoz, Zeev y Abdolali, Nasrin. 1989. "Regime Types and International Conflict." *Journal of Conflict Resolution*, Vol. 33, n. 1, pp. 3-35; Mintz, Alex y Geva, Nehemia. 1993. "Why Don't Democracies Fight Each Other? An Experimental Study." *The Journal of Conflict Resolution*, Vol. 37, n. 3, pp. 484-503.

¹⁷⁰ Andrei Lankov, 2013, *The Real North Korea: Life and Politics in the Failed Stanlinist Utopia*, Oxford University Press.

leverage against strong adversaries to sustain its security. However, Lankav fundamentally considers North Korea's challenging behavior to be a result of its malign foreign policy calculation. He argues, for instance, that North Korea's sporadic challenging behavior is used for blackmail. North Korea pursues a strategy of creating and then resolving tension to extract aid and concessions from international society.¹⁷¹ Based on his perception of North Korea's intrinsically violent and malign nature, he even suggests his own policy prescription to deal with North Korea. Emphasizing the ineffectiveness of engagement policies, he stresses that coercive policies such as subversion are the best policy options to demolish the North Korean regime. He understands the rationality of North Korea's behavior in terms of its intrinsically malign and evil nature without an objective consideration of the unfavorable external situation in which North Korea has been entrapped. His extremely biased perception of North Korea as an innately malign entity prevents him from clarifying when and why North Korea relies on challenging behavior.

North Korea's challenging foreign policy behavior, based on its threat perception, should be regarded as realist in its orientation and external in focus. In a similar vein, Kim also argues that North Korea's behavior is predictable and bargaining with it is always an option.¹⁷² North Korea's challenging foreign policy behavior in the form of small-scale challenging behavior in the in the West Sea of Korean peninsula also can be considered as diplomatic signaling to influence the US and South Korea. This challenging behavior is the only available means it can rely on when it feels that its national interests are threatened by an unfavorable external environment. North Korea's

¹⁷¹ Andrei Lankov, 2009, "North Korea and the Subversive Truth," Asian Outlook.

¹⁷² Samuel Kim, 2007, *North Korean Foreign Relations in the Post Cold War Era*, Strategic Studies Institute.

challenging behavior might be the result of the US and South Korea's mishandling and misunderstanding of North Korea's strategic culture, whose logic consists of coercive behavior and negotiation tactics based on its threat perception. In other words, to attribute sole responsibility to North Korea for its challenging behavior can be misleading, given that the US and South Korea's foreign policy toward North Korea might be based on mistaken conceptualizations and scholarly assumptions concerning North Korea's capabilities and intentions.¹⁷³

Given that North Korea has been surrounded by an external environment unfavorable to them for a long period time, we can assume that this long history of vulnerability has affected the traits and pattern of North Korea's foreign policy behavior.¹⁷⁴ Thus, considering this historical and external background of North Korea, it is not proper for us to regard North Korea's attitude toward the international community as paranoid or irrational.¹⁷⁵ It is important to understand North Korea's foreign policy behavior by focusing on how it perceives its external environment surrounding it and its national interests and legitimacy.

To sum up, structural factors such as punctuated power asymmetry and the limited influence of the regional actors (China, Russia and Japan) provide permissive conditions for North Korea's challenging behavior while unfavorable external conditions which stem from the US and South Korea are the dominant factor, affecting North Korea's threat perception which in turn motivates the North to rely on challenging behavior.

¹⁷³ Roland Bleiker, 2003, "A Rogue is a Rogue: US foreign policy and the Korean nuclear crisis," *International Affairs*, pp. 719-737.

¹⁷⁴ Oh Kongdan 2000, *North Korea through the Looking Glass*, Brooking Institution Press.

¹⁷⁵ Han S. Park, 2002, *North Korea: The Politics of Unconventional Wisdom*, Lynne Rienner Pub. .

4. Assumptions and Hypotheses

A state's threat environment represents the dangers to its security that it faces. External dangers to a state's security include the possibility of armed aggression or hardline foreign policy stances from other states. For North Korea, the United States and South Korea (i.e., the hard line policy stance of the United States and South Korea toward North Korea) can be regarded as the source of external threat to its national goals and interests. In this context, North Korea's challenging behavior over the NLL can be portrayed as a process whereby North Korea's unfavorable external environment affects the security dilemma, which in turn motivates North Korea to send signals in the form of challenging foreign policy behavior. I can lay out several assumptions concerning the policy behavior of the two Koreas toward the dispute over the NLL.

Assumptions:

- A. The national goal and interest of North Korea - guaranteeing the stability and the survival of its regime - defines and frames North Korea's perception and interpretation of the threats that come from the unfavorable external environment surrounding it. Its foreign policy is formulated and employed based on its threat perception regarding its external environment.
- B. The United States and South Korea are the main sources of external threat to North Korean regime.
- C. In this context, North Korea's challenging foreign policy behavior over the NLL is also formulated and employed based on external conditions (its relations with the United States and South Korea).
- D. North Korea, as a rational actor, resorts to different types of foreign policy behavior - through high level (i.e., manifest coercive acts such as border violation, firing and bombing, kidnapping or armed engagements) or low level diplomatic and military confrontations over the NLL (i.e., threatening rhetoric or dialogues) – which can better sustain its national goal and interests. It pursues the rational behavior based on the available means and resources it can rely on.

The following testable hypotheses are derived from the assumptions above.

Hypotheses

External threat factors: United States and South Korea

U.S. foreign policy posture toward North Korea

Hypothesis 1: There is likely to be a positive relationship between a US hardline foreign policy stance toward North Korea and the probability that North Korea will pursue high levels of diplomatic and military confrontations over the NLL.

South Korean foreign policy posture toward North Korea

Hypothesis 2: There is likely to be a positive relationship between a South Korean hardline foreign policy stance toward North Korea and the probability that North Korea will pursue high levels of diplomatic and military confrontations over the NLL.

III. Methodological Framework

1. Scope of Study

To test the hypotheses laid out above, this thesis traces inter-Korean interactions over the NLL during the course of three South Korean administrations (Kim Daejung: 1998-2002, Roh Moohyun:2003-2007 and Lee Myungbak:2008-2012). There are several reasons I narrow down and divide the timeframe into three administrations for the analysis. First, since the Kim Daejung administration, there have been explicit and active political and military interactions between the two Koreas over the NLL. Second, the dynamics and intensity of inter-Korean interactions over the NLL during these three administrations show quite different features. The intensity of the inter-Korean confrontations over the NLL was severe during the one administration while the two Koreas maintained a relatively peaceful relationship over the NLL during the other two administrations. Thus, distinctive trends and features in terms of the intensity of inter-Korean confrontations over the NLL between these three administrations allow us to compare and contrast how external factors (US and South Korean policy postures toward North Korea) have affected the variations in the intensity of inter-Korean confrontations over the NLL.

Due to different perceptions and images of North Korea, these three administrations pursued distinctive foreign policy postures toward North Korea in terms of general direction and the means employed in dealing with the issues involving North Korea. Even though there were some moments each administration seemed to shift their policy stance, each administration maintained overall coherence in its basic policy stance toward North Korea during its own term. In other words, even though there were some

provisional and small revisions and shifts in their North Korea policies at the tactical level, the fundamental rules and stance of their North Korea policies were not changed at the political and strategic level.¹⁷⁶

In this context, tracing the overall context in which each administration pursued different and distinctive North Korea policies can help us understand the big picture of why and when North Korea relies on the challenging foreign policy behavior and how inter-Korean confrontations over the NLL vary. Just focusing on a certain event or incident during a specific moment cannot provide a full explanation of why such events occurred. If we just focus on explaining the cause of a certain event without understanding the overall context, we might conduct a biased analysis of the cause of these individual incidents. For instance, a researcher can make a plausible story in which the cause of a certain individual event or incident is attributed to the intentional calculations of one side (opponent state) if he just looks at a specific moment without considering overall context. Even when the two Koreas maintain a conciliatory and peaceful relationship, a certain military or political incident might take place accidentally. This is because many events and incidents tend to occur accidentally rather than intentionally between two states like the two Koreas that have maintained a long rivalry relationship characterized by mistrust and the lack of communication. In this context, rather than focusing on certain individual incidents, looking at the overall pattern and

¹⁷⁶ This implies that unless the broad and fundamental rules and principles of a certain policy stance are changed at the political and strategic level, any small revision in the policy behavior at the tactical level could not be coherent and successful because in the end, such a small and provisional shift or revision at the tactical level will be reversed by the overall political and strategic goals and stance. Without a fundamental change in their policy stance at the political and strategic level, any small and provisional revision on their stance at the tactical level cannot be pursued in a coherent manner and finally can be reversed any time. The insights on this idea were obtained from the personal discussion with Professor Frederick Carriere at the Korean Peninsula Affairs Center in the Maxwell School of Syracuse University.

trend in the inter-Korean confrontations over the NLL can provide us with more valuable insights into understanding the overall mechanism of inter-Korean interactions over the NLL.

To sum up, structuring three time periods each with a different South Korean administration allows us understand the broad picture of the general patterns of inter-Korean interactions over the NLL by looking at the overall context within which each administration pursued unique and different foreign policy postures toward North Korea in a coherent manner.

1. Methodology

This thesis explores and traces when and why North Korea has engaged in coercive military and diplomatic confrontations over the NLL during three South Korean administrations. For this purpose, the case study is conducted as a “plausibility probe” to test the hypotheses that the weak state (North Korea) relies on challenging foreign policy behavior when it feels insecure as the result of stronger adversaries’ hardline policies toward it. An effort is made to account for how this causal mechanism can be applied to one case, that is, the enduring inter-Korean confrontations over the NLL. As Alexander George and Barnett explained, plausibility probes are preliminary studies on relatively untested theories and hypotheses to determine whether more intensive and laborious testing is warranted.¹⁷⁷

As a preliminary and pilot study for a more in-depth and rigorous experimental research, a plausibility probe permits the researchers to trace the suitability of a specific

¹⁷⁷ Alexander L. George and Andrew Bennett, 2005, *Case Studies and Theory Development in the Social Sciences*, Cambridge, MA: MIT Press.

case as a means to test a hypothesis before the researchers engage in time-consuming and costly research.¹⁷⁸ As Eckstein pointed out, plausibility probes can be “cheap means of hedging against expensive wild-goose chases, when the costs of testing are likely to be very great.”¹⁷⁹ Therefore, the plausibility probe is in general nomothetic in its orientation because the researchers probe the details of a specific case to shed a light on a broader theoretical argument.¹⁸⁰ Narrative and illustrative case studies that are common in the field of IR and in social sciences also fit this category. Those case studies are usually brief and short of the degree of detail which is needed to account for a case to the full extent or to test a hypothesized proposition. Rather, the objective of those case studies is to provide the reader with a feel for a theoretical argument by showing a specific example of its application, or to exhibit the empirical relevance of a theoretical proposition by discerning at least one relevant case.¹⁸¹ In this sense, plausibility probes can be useful to set up more intensive cases studies and it can play an important role in terms of theory building and development. As Eckstein noticed, plausibility proves to play an important role as an intermediary stage before researchers proceed directly from the construction of hypotheses to time-consuming and costly empirical tests.¹⁸² Therefore, based on the findings in this dissertation, other case studies can be warranted for confirming the causal mechanisms that connect the weak state’s threat perception with its propensity for relying on challenging foreign policy behavior to the fullest extent

¹⁷⁸ Jack S. Levy, 2008, “Case Studies: Types, Designs, and Logics of Inference,” *Conflict Management and Peace Science*, 25, pp. 1~18.

¹⁷⁹ Eckstein, H. 1975. “Case studies and theory in political science.” In Greenstein, F., and N. Polsby, eds. *Handbook of political science*, vol. 7, Reading, MA: Addison-Wesley, pp. 79–138.

¹⁸⁰ Elman, C. 2005, “Explanatory typologies in qualitative studies of international politics” *International Organization* Vol. 59, No. 2, pp. 293–326.

¹⁸¹ Elman, C. 2008. Institutions for qualitative methods. In Box-Steffensmeier, J., H. Brady, and D. Collier, eds. *Oxford Handbook of Political Methods*. New York: Oxford University Press.

¹⁸² Eckstein, H. 1975, p.108.

For the plausibility probes, the process tracing technique will be employed. If the plausibility probe is the theoretical purpose for this case study, the process-tracing is the strategy and tools to advance this objective. The process tracing technique can be a useful tool to trace the causal conditions on how the US and ROK policy postures toward the North have affected North Korea's challenging behavior over the NLL during the three administrations of South Korean government. Alexander George and Andrew Bennet define the process tracing as "the method which attempts to identify the causal process and conditions – the causal chain and causal mechanism – between independent and the dependent variables or conditions over the designated time period. In the similar vein, Van Evera explained that process tracing allows the researcher to explore "the chain of events or the decision making process by which initial case conditions are translated into case outcomes."¹⁸³ Put it simply, process tracing seeks to specify the mechanism linking causes and effects by giving close attention to sequences of independent and dependent variables. The process-tracing method has an advantage in assessing sequential processes within a historical case by examining a relationship between causal and outcome conditions. Therefore, a process tracing technique can help us to test how unfavorable external security conditions which mainly come from the U.S. and South Korea's North Korea policy postures have affected North Korea's foreign policy behaviors over the NLL over time through a detailed investigation of the proposed causal mechanism. Assuming that North Korea's foreign policy behavior over the NLL have been affected by the external security environment in which it was entrapped, process tracing can help us to examine the influences of external factors on the pattern of North Korea's behavior

¹⁸³ Stephen Van Evera, 1997, *Guide to Methods for Students of Political Science*, Ithaca: Cornell University Press.

across the three time periods (Kim Daejung: 1998~2002, Roh Moohyun: 2003~2007, and Lee Myunbgak: 2008~2012).

To trace the causal sequence and process between independent and dependent variables or conditions, a researcher first should be able to specify the set of hypothesized narratives or theories that can identify the relevant causal factors and how they are connected to the dependent variable (final outcomes).¹⁸⁴ In addition, researcher should decide the starting and ending points in tracing the process. This decision relies on the researcher's background knowledge, assumptions, and theoretical framework which define the theoretically relevant causes. Based on the prior knowledge of the case and familiarity with the explicit theory that underpins the process of interest, researcher can justify the choice of period (starting and the ending of the sequence) under study.¹⁸⁵ Given that the inter-Korean interaction over the NLL is an evolutionary and a trial-and-error process during which the two Koreas not only engage in high level confrontations such as military confrontations but also engage in dialogue in an attempt to reduce tensions over the NLL, a close examination of process of inter-Korean interaction over the NLL through process tracing can help find how the different independent causal conditions (the foreign policy postures of the US and South Korea) have led to the different outcomes (the intensity of the inter-Korean confrontations).

Case studies for the plausibility probes using the process tracing technique also can be beneficial for explaining cases that do not fit with extant theories to account for why the cases deviate from theoretical predictions and to revise extant theories or to specify

¹⁸⁴ This ability relies on the researcher's knowledge on the related theories on the field.

¹⁸⁵ Gary King, Robert O. Keohane and Sidney Verba, 1994, *Designing Social Inquiry: Scientific Inference in Qualitative Research*, Princeton University Press, pp, 124-138.

the scope conditions of the extant theories.¹⁸⁶ In addition to its role in analyzing deviant cases, case studies can help refine extant theories in any research strategy that involves the ongoing dialogue between theory and evidence.¹⁸⁷

In this sense, the examination of a Korean case will not only expand the scope of cases examined in the study on territorial disputes in the field of IR by finding factors unique to the Korean case, but also it can serve as a theory-testing study which can make significant contribution to the refinement of a general theory in the field of international relations. Instead of pursuing generalization with a number of cases, this dissertation will focus on testing hypotheses using a theory-driven case study that may help to construct part of a generalization.

3. Data Sources

For the process-tracing, data collection on the details of the interaction between the two Koreas is important. Multiple primary and secondary resources are consulted to create and trace a chronology of North Korea's challenging foreign policy behaviors and inter-Korean interactions over the NLL. The overall historical context of interaction between the two Koreas is investigated. To trace when a territorial dispute began and how it proceeded, I rely on either written documents or public and official statements by the two Koreas in which North Korea began to claim authority over the NLL (questioning the existing location of the border and call for revision in the border) or contest the right of South Korea to exercise sovereign rights over the NLL. I also trace how the South Korea

¹⁸⁶ Maoz, Z. 2002. Case study methodology in international studies: From storytelling to hypothesis testing. In Brecher, M. and F. P. Harvey, eds. *Millennial reflections on international studies*, Ann Arbor, MI: University of Michigan Press, pp. 455–475.

¹⁸⁷ Levy, J. S. 2007, "Qualitative methods and cross-method dialogue in political science. *Comparative Political Studies* Vol. 40, No. 2, pp. 196–214.

responded to North Korea. The Center for South-North Conference (CFSNC) in South Korea provides the original text and the detailed chronology of inter-Korean dialogues and agreements from 1971 to 2012 (Ministry of Unification 2012). In addition, to trace the overall historical context of interaction between the two Koreas I refer to the North Korean Yearbook published by *Yonhap News Agency*. The Yearbook supplies details on developments within North Korea based on the primary sources such as North Korea's state run newspaper *Rodong Sinmun*, and also other important issues related to the inter-Korean relationship.

To trace North Korea's challenging behaviors over the NLL, the special appendix of the chronology of North Korea's provocative behaviors produced by ROK Ministry of Defense is consulted. In addition, I use additional data from various governmental and academic institutions such as South Korean Ministry of Unification, ROK Naval University, ROK Naval Academy and ROK National Defense University. In addition to Korean materials, I also use English materials such as Congressional Research Service (CRS) reports. I also conducted field research from December 2nd to 15th of 2012 in South Korea. During the field research, I visited a number of governmental and academic institutions such as the ROK National Defense University and the Ministry of National Defense (MND) and met with several officers to get resources and opinion related to my study.

4. Measurement of Variables for Empirical Testing

In this section, I describe the operational measures for the independent and dependent variables to test each of the hypotheses. First, the dependent variable is the intensity of

North Korea's challenging behavior over the NLL. Since the territorial dispute is begun by the contender state contesting the current status quo of the territory, the dispute persists as long as the contender state does not withdraw its claim or does not compromise with status quo state through mutual concessions. Thus, in the Korean case, the territorial dispute endures until the contender state, North Korea, withdraws its claim or the two Koreas reach a compromise through mutual concessions. Given that the North Korea has officially challenged the status of the NLL since 1973,¹⁸⁸ the two Koreas have been engaged in this enduring territorial dispute for more than forty years.

When we say that the two states are embroiled in an enduring dispute over a certain issue, it implies that there is always some degree of confrontational interaction over the disputed issue but that sometimes it is not very intense while at other times it is quite intense. We can say that the relationship between the two states is relatively peaceful when the confrontational interaction over the disputed issue between the states is not intense or is absent temporarily. On the contrary, their relations can be depicted as aggressive and hostile when their confrontational interaction over the issue is explicitly intense. Thus, inter-state relations over a disputed issue can be characterized not only by hostile and aggressive interactions (i.e., diplomatic stalemate, military engagements) but also by relatively peaceful ones (i.e., the absence of explicit confrontations, attempt to negotiation and talks which result in a certain level of compromise over the issue) in spite of the fact that there is always a degree of dissatisfaction and hostility underlying relations over the disputed issue.

¹⁸⁸ Even though it is not clear whether North Korea had challenged the status of the NLL since the early 1960s, North Korea lodged its first formal protest over the NLL at the December 1st, 1973 Military Armistice Commission (MAC) meeting. You Nakjoon, 1999, "Seohae Odoui Jeonryakjeog Gachi Hyangsangbangane Gwanhan Yeongu [A Study on Improved Plan of Strategic Value of the Five Islands in Western Sea]," *ROK National Defense University*, Kyungkido:Susaek.

In a similar vein, under the circumstances in which the two Koreas have been engaged in an enduring territorial dispute over the NLL, the relations over the NLL between the two Koreas also can be characterized by both peaceful and hostile interactions. Then, when and why do the two Koreas experience relatively peaceful interactions (low levels of confrontational interaction over the territorial dispute) while they sometimes suffer from hostile and aggressive ones (high levels of confrontation) over the NLL? More specifically, given that the role of the contender state is critical to explaining the initiation and persistence of the conflict over the NLL, what are the conditions that either trigger North Korea to seek relatively stable and peaceful relations or prompt it to pursue territorial claims in an aggressive and confrontational manner? As discussed in previous chapters, it is assumed that international environment affects North Korea's foreign policy behavior over the NLL. Thus, hypotheses will be tested to determine what international conditions lead North Korea to engage in high versus low levels of diplomatic and military behavior over the NLL.

In this context, the dependent variable in this study is the intensity of confrontational behavior over the NLL. Intensity of confrontation refers to the severity of diplomatic and military behaviors. This is because the confrontational behaviors of the states over an issue are usually conducted in the form of diplomatic and military means. Thus the degree of diplomatic and military confrontation can be an indicator to measure the intensity of confrontational behavior over the disputed issue. The degree of confrontational behavior can be conceptualized and operationalized based on the behavioral evidences of North Korea as a contender state. For instance, a low level of confrontational behavior can be depicted as a situation in which there is very limited

evidence of public confrontation over the territory and the dispute has no apparent effect on bilateral relations between the two Koreas. In this period, diplomatic interaction and negotiations over the territory can be conducted, intermittently resulting in a certain level of compromise that is not sufficient to terminate the territorial dispute. A moderate level of confrontational behavior can be characterized by strong rhetoric and public recrimination, use of sanctions or restrictions on bilateral economic and diplomatic ties, soliciting of third party support in order to pressure the other side into making concession, and efforts to destabilize the government of the status quo state in an attempt to induce a change in policy over the territory. Lastly, a high level of confrontational behaviors can be characterized by a period with a high level of diplomatic and military confrontation over the territory. This period is characterized by confrontational diplomatic actions and explicit threats coupled with militarized confrontations over the disputed territory.

Table 2.4. Measurement of Dependent Variable

Dependent Variable	Indicators/M Measurement	
The Level of Diplomatic and Military Confrontations	Low Level	□ Diplomatic negotiations and interactions which intermittently result in a certain level of compromise not sufficient to terminate the territorial dispute
	Moderate Level	□ Hostile rhetoric and propaganda to destabilize the government of the other side to induce change in policy over the territory
	High Level	□ Armed invasion, border violations, infiltration of armed spies, kidnapping, weapons fire and bombing, and resorting to the use of military force leading to military engagement over the NLL

To measure the degree of the diplomatic and military confrontation over the NLL, the frequencies of the different levels of confrontation (i.e., diplomatic negotiations,

threatening rhetoric and manifest acts) are counted and compared between the periods of the three administrations. In addition to analyzing changes in the frequency of the different levels of confrontations over the NLL, the mean interaction values of inter-Korean confrontations over the NLL are measured on a yearly basis. The variation and change in mean interaction value also can provide us with the general trends and patterns in North Korea's foreign policy behavior and inter-Korean interactions over the NLL. To measure the mean interaction values, the dependent variable (the level of confrontations) was coded on a three-point scale of diplomatic and military confrontations. Each case was coded according to which level of confrontation occurred. The cases featuring high levels of confrontations like armed invasions, border violations, infiltration of armed spies and saboteurs, kidnapping, weapons fire, bombing, and military engagement were coded with a value of 3. The cases featuring a medium level of confrontations such as threatening rhetoric and propaganda were coded with a value of 2, while the cases featuring a low level of confrontations such as diplomatic dialogues were coded with a value of 1.

To calculate the mean interaction value on a yearly basis, a simple statistical technique was applied using an Excel calculator. First, the values of all cases which occurred within a given year were aggregated and then the sums of the values were divided by the total number of cases in that year. The higher the score of the mean interaction value within a given year, the higher the intensity of the inter-Korean confrontations in that year. On the contrary, the lower the score of the mean interaction value within a given year, the less severe the intensity of the inter-Korean confrontations in that year.

Next, the independent variables can be measured using the following indicators.

Table 2.5. Measurement of Independent Variables

Independent Variable	Indicator
US Factor	Nature of the US policy stance toward North Korea : hard line(exchange-based) or soft line(relation-based)
South Korean Factor	Nature of South Korea's policy stance toward North Korea : hard line(exchange-based) or soft line(relation-based) - Measurement : the type of reciprocity and issue-linkage/separation * Hard line policy : based on the rule of strict reciprocity that relies on the issue-linkage strategy (i.e., non-separation of the economy and politics). * Soft line policy : based on the rule of flexible reciprocity that relies on the issue-separation strategy (i.e., separation of the economy and politics).

As the two main external sources of threat to North Korea, the foreign policy postures of the United States and South Korea toward North Korea are respectively assessed based on whether they were hard line(exchange-based) or soft line(relation-based). To measure whether a certain policy posture by the U.S. and South Korea toward North Korea is hard line or soft line, it is necessary for us to understand how US and South Korean policies toward North Korea are perceived by North Korea. From North Korea's point of view, US and South Korean policies toward North Korea that contradict both North Korea's own national goal and the policy it employs to achieve its goal can be regarded as hard line policies against it.

In this context, the U.S. and South Korean policies toward North Korean can be categorized as hard line if they are based on the principle of strict reciprocity. On the contrary, policies based on the principle of flexible reciprocity are conceived of as soft line. Soft line policies which are based on the rule of flexible reciprocity employ the issue-separation strategy (i.e., separation of political and economic issues) while hard line policies which are based on the principle of strict reciprocity rely on the issue-linkage

strategy (i.e., linkage of the political and economic issues).

A soft line policy can be conceptualized as a relations-based policy in that a state executing the policy focuses on making progress on issues on which trust can be built and, in which the target state's immediate or prior action is not required as a precondition for progress. Rather than trying to resolve the most difficult and sensitive issue first, a state which pursues a relations-based policy makes efforts to begin with issue areas where trust can be built. This is because under a rivalry relationship characterized by mistrust and misperception, any attempt to try to solve a delicate and difficult issue like the nuclear issue first is difficult. Thus, through economic, cultural, and social interactions, a soft line policy tries to expand the opportunity for dialogue and interactions in a gradual manner because it believes that trust is *the sine qua non* for maintaining a peaceful inter-Korean relationship. Based on trust, they can work up to more sensitive issues. One of the important characteristics in the relations-based approach is that the state which adheres to the relations-based policy does not quit or stop the dialogue and interactions, even if certain tensions and crises temporarily arise with the target state. This is because it understands that trust building is a heuristic(trial-and-error) process which should be based on a long-term perspective, given that its relationship with the target state has been characterized by misperception and misunderstanding due to their long rivalry relationships. Thus, it does not approach the target state in a sequential manner. On the contrary, the hard line policy can be interpreted as an exchange-based policy in that the hard line policy is based on strict reciprocity. A hard line policy adheres in principle to a sequential approach in which the target state's prior action is required as a precondition for the development of relations.

South Korea's policy stances toward North Korea are traced based on the concepts discussed above. Policy stances toward North Korea can be measured using several indicators. Efforts to develop interaction through economic, social and cultural level can be good indicators to evaluate the policy stance toward North Korea. South Korean governments which pursue relations-based policies on the basis of flexible reciprocity employ issue-separation tactics in which they continue to make efforts to develop the interaction with the North at the societal, economic and cultural level in spite of the sporadic occurrence of political and military tensions.

The US policy stances toward North Korea are traced in terms of its approach toward North Korea's nuclear program. Given that the denuclearization of North Korea has been the main goal of US North Korea policy, the US policy to achieve this goal is traced in terms of the concepts discussed above. The US policy stance toward North Korea can be also measured by several indicators. Efforts to provide a collection of incentives which include diplomatic normalization, security guarantees and aids such as fuel and food could be good indicators to assess the US North Korea policy stance. A US administration that pursues relations-based policies on the basis of flexible reciprocity employs an issue-separation strategy in which it does not request North Korea's prior action such as denuclearization as a precondition for dialogues and incentives.

CHAPTER THREE

ISSUES OVER THE NLL: ECONOMIC AND STRATEGIC SALIENCE AND LEGAL STATUS

Before tracing the causal effects of external conditions on the fluctuation of the inter-Korean confrontations over the NLL, it is important to look back at the historical environment on the Korean Peninsula which led to the establishment of the NLL and to understand what the main conflicts over the NLL have been. For this purpose, this chapter explores the historical background of the NLL and the main points of conflict over the NLL since the end of the Korean War. It discusses the main issues over the NLL including the economic and security salience of the territory as well as the legal issues involved in the dispute. It is important to note that this chapter simply explores the legal basis for respective argument by the two Koreas; the legal validity of the arguments concerning the NLL will not be discussed or judged. In addition, this chapter discusses the positions of the main allies of South and North Korea, the US and China who were the main entities that signed the Armistice Agreement.

I. The Historical Background of the NLL

1. The Origin of the Inter-Korean Rivalry

The Korean Peninsula has suffered from the effect of hegemonic rivalries between regional powers for more than a century due to its geographical location at the strategic intersection of Northeast Asia. As a shrimp among the whales, the Korean Peninsula was conquered, colonized, and divided: from *Chosun* Korea (1392~1910) to colonial Korea (1910~1945) to a Korea divided into the North and the South

(1945~present).¹⁸⁹

The origin of the inter-Korean rivalry is traced back to the end of the Second World War. After Korea was liberated from Japan at the end of the Second World War, the Korean Peninsula was occupied and separated at the 38th parallel by the United States and the Soviet Union.¹⁹⁰ The US-backed government in the South and the USSR-backed government in the North set the stage for the formal initiation of the inter-Korean rivalry. Under the sponsorship of the two competing superpowers, the two Koreas respectively followed different paths of state-making and identity-formation. As a result, the Korean Peninsula was divided into two separate systems where the Republic of Korea (ROK) was set up via elections in the South on August 15, 1948 and, in a less than a month, the Democratic People's Republic of Korea (DPRK) was established in the North. The United Nations adopted a resolution that recognized the ROK as a legitimate government.¹⁹¹ The repeated claim that ROK represented the entire Korean peninsula as the sole legitimate government, based on UN-supervised elections and the Constitution of the Republic of Korea instigated the DPRK's legitimacy challenge. Under these circumstances where the two Koreas sought to claim legitimacy over the entire Korean peninsula and denied legitimacy of the other side, the Korean War occurred when North Korea invaded the South in June 1950. The Korean War lasted for three years and served as a catalyst, widening the ideological and political gap between the two Koreas. The competitive politics and foreign policies that characterize inter-Korean relations have also had significant ramifications within the states and societies of the two Koreas. The two

¹⁸⁹ Samuel Kim, 2006, *The two Koreas and the Great Powers*, Cambridge University Press.

¹⁹⁰ The 38th parallel was established by the United States and the Soviet Union as a temporary boundary to disarm and repatriate Japanese forces in August 1945. However, this boundary line became permanent when the separate states were created.

¹⁹¹ Michael J. Seth, 2010, *A History of Korea: From Antiquity to the Present*, Rowman & Littlefield Publishers.

Koreas have sought to unify the peninsula only by replacing one political system with the other.

1. Aftermath of the Korean War: the Origin of the NLL

The United Nations Command (UNC) which was established under the UN Security Council (UNSC) assumed the initiative during the Korean War and in the process of negotiations over the Armistice. On July 27, 1953, the Armistice Agreement was concluded by the Supreme Commander of the Korean People's Army (KPA), the United Nations Command (UNC), and the Commander of the Chinese People's Volunteers (CPA). Under the rule of the Armistice Agreement, the Military Demarcation Line (MDL) along the military contact line and the two kilometer-wide Demilitarized Zone (DMZ) on both sides were drawn on land between the two Koreas to separate the opposing forces. However, the parties failed to reach an agreement on the maritime demarcation line at sea due to differences in their views on how and where the line should be designated in the West Sea.¹⁹² North Korea adhered to 12 nautical miles rule,¹⁹³ claiming that the territorial waters should extend twelve nautical miles from the coast line. However, the UNC rejected that claim and accepted the three nautical miles rule which was commonly regarded as the international standard at that time.¹⁹⁴ Ultimately, due to North Korea's strong request to remove the reference to a sea demarcation line in the Armistice Agreement, any provision on the maritime demarcation line was not included in the final

¹⁹² The maritime demarcation line in the East Sea of the Korean Peninsula was relatively easy to draw because the coast line of East Sea is comparatively straight and there are not islets located near the coast line. However, the issue over the maritime demarcation line in the West Sea was complicated by the numerous of islands, a jagged coast line, and the strategic and economic value of the area.

¹⁹³ Nautical Mile (NM) is a unit of length used in international law and treaties, especially regarding the limits of territorial waters. 1 nautical mile at sea equals approximately 1.85Km on land.

¹⁹⁴ Kim Donguk , 2010, *Hanbando: Anbowa Gukjebeop [The Korean Peninsula: Security and International Law]*, ROK: Hanguk Haksul Chongbo,

Armistice Agreement. The parties only agreed to the sovereignty of the UNC and South Korea over the five islands in the West Sea.¹⁹⁵ North Korea could not object to the UNC's sovereignty over the five islands because they were under the control of the UNC before and during the Korean War.

On August 30, 1953, about one month after the Armistice Agreement was enforced, the US-led United Nations Command unilaterally drew a sea boundary in the West Sea known as the Northern Limit Line (NLL).¹⁹⁶ The NLL was drawn from the Han River (*Han-gang*) Estuary through twelve coordinates equidistant between the five islands located in the West Sea (*Daecheong, Baekryeong, Yeonpyeong, Sopcheong*, and *Woo Islands*) and the coast line of the *Ongjin* Peninsula of North Korea in the West Sea of Korean Peninsula.¹⁹⁷

¹⁹⁵ The Armistice Agreement stipulates South Korea's sovereignty over the five islands. However, it does not include any provision on a sea demarcation line. Refer to Article 2 Paragraph 13 of the Armistice Agreement below. "Within ten days after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the rear and the coastal islands and waters of Korea on the other side. If such military forces are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for the delay, the other side shall have the right to take any action which it deems necessary for the maintenance of security and order. The term 'coastal islands' as used above, refers to those islands which, though occupied by one side at the time when this Armistice Agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between Hwanghae-do and Kyunggi-do shall be under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, except the island groups of Paengyong-do (37°58' N, 124°40' E), Taechong-do (37°50' N, 124°42' E), Sochong-do (37°46' N, 124°46' E), Yonpyong-do (37°38' N, 125°40' E), and U-do (37°36' N, 125°58' E), which shall remain under the military control of the Commander-in-Chief, United Nations Command. All the islands on the west coast of Korea lying south of the above-mentioned boundary line shall remain under the military control of the Commander-in-Chief, United Nations Command," Available online at <http://news.findlaw.com/cnn/docs/korea/kwarmagr072753.html>

¹⁹⁶ There is still controversy over the when the NLL was drawn. It is widely believed that the line was drawn by the UNC as a practical operational control measure about a month after the Armistice Agreement was signed. However, original documentation has not been found. A 1974 CIA report, declassified in 2000, argues that it was drawn in 1965 by the U.S. commander Navy forces. An antecedent line, under a different name, had been drawn in 1961 by the same commander. The CIA reports that documentation about the line earlier than 1960 could not be found. Terence Roehrig, 2011, *The Northern Limit Line: The Disputed Maritime Boundary between North and South Korea*, Report, The National Committee on North Korea.

¹⁹⁷ In case of the East Sea boundary line, the UNC also set a line that extended 201nm out to sea which is an extension of the MDL., Park Heekwon, 2000, *The Law of the Sea and Northeast Asia: A challenge for cooperation*, The Hague: Kluwer Law International, pp. xxx ~ 228.

Figure 3.1. Northern Limit Line (NLL)



Source : ROK Ministry of Defense, 2009, Seoul.

The purpose of the NLL was to reduce the likelihood of a military clash between the two Koreas at sea. The line initially was drawn as a northern boundary to prevent South Korean navy vessels from infiltrating the waters of the North. For the UNC, one worry was that South Korea could initiate military infiltration into North with its superior naval forces, given that the South Korean President, Lee Seongman, was dissatisfied that the Korean War ended up failing to reunify the two Koreas. He was critical of the US role in leading the Korean War into the Armistice.

Nonetheless, since the NLL was drawn, the line gradually has become recognized by South Korea as a de facto maritime demarcation line. North Korea, however, has not recognized the status of the NLL and has increasingly challenged its legitimacy.

3. Enduring Tensions over the NLL

The absence of any provision regarding the NLL in the Armistice Agreement became the harbinger of the subsequent disputes over the NLL between the two Koreas. North

Korea did not officially challenge the status of the NLL until October 1973. However, since 1973, North Korea began concerted efforts to demonstrate its dissatisfaction with the status of the NLL. North Korea's explicit challenges to the status quo of the NLL were not unrelated to its growth in its navy power.¹⁹⁸ Between November 1973 and February 1974, North Korean navy vessels crossed the NLL more than 200 times. At the Military Armistice Commission (MAC)¹⁹⁹ meeting held in December 1st 1973, North Korea officially challenged the status of the NLL and declared a territorial sea that extended 12 nm, that the five islands were in North Korea's territorial waters, that access to these five islands required prior notification and permission from North Korea.²⁰⁰ However, the UNC rejected North Korea's demand. In 1977, North Korea again unilaterally declared a 200nm Economic Exclusive Zone (EEZ) and a military boundary zone of 50nm.²⁰¹ The announcement by North Korea did not make specific reference to the NLL but the zone claimed by North Korea implied the negation of the NLL from South Korea's view. The UNC and South Korea did not accept the maritime military line proclaimed by North Korea. After this announcement, the NLL was maintained relatively peacefully while the tensions over the NLL between the two Koreas remained as both parties increased their military capabilities and continued to monitor each other carefully across the NLL. As the 1990's progressed, the dormant tensions over the NLL exploded. On June 15, 1999, a naval engagement erupted between the two Koreas, which resulted

¹⁹⁸ With the support from the Soviet Union, the DPRK's navy power began to grow. The DPRK's navy had acquired Soviet-made navy vessels such as fast attack Osa and Komar class missile boats armed until 1973., ROK Ministry of Defense, 2003, *The History of North Korea's Navy Power*.

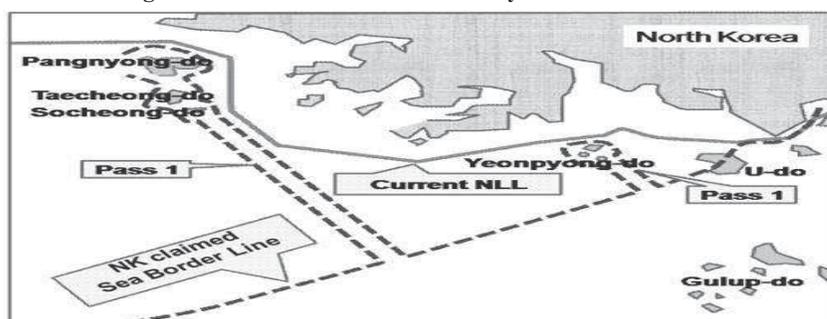
¹⁹⁹ The United Nations Command Military Armistice Commission (UNCMAC) was established in July 1953 at the end of the Korean War to supervise the Korean Armistice Agreement, Michael J. Seth, 2010, *A History of Korea: From Antiquity to the Present*

²⁰⁰ Narushige Michishita, 2009, *North Korea's Military-Diplomatic Campaigns: 1966-2008*.

²⁰¹ J.R.V. Prescott , *Maritime Jurisdiction in East Asian Seas*, 1987; Kim Jeongun , *Reflections on the Attitude of North Korea toward the Law of the Sea Treaty*, 2007

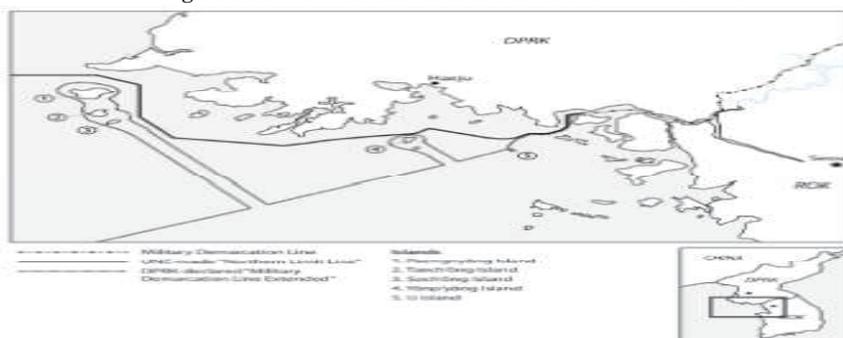
in the defeat of the North Korean side. After the 1999 naval engagements, North Korea declared the NLL void and unilaterally proposed the new line that was drawn further south.²⁰² The line declared by North Korea was drawn approximately equidistant from the two coast lines between the two Koreas as an extension of the provincial boundary line between *Hwanghae-do* and *Kyonggi-do*. North Korea did not, however, challenge the status of the five islands which were under the control of the UNC and ROK. The new line allowed for two corridors, each 2nm wide, from South Korea's five islands for the transit of vessels. North Korea claimed that the transit of vessels outside these corridors would violate North Korean sovereignty.

Figure 3.2. Sea Border Line claimed by North Korea in 1999



Source : Wikipedia Map

Figure 3.3. The Five Islands and the Northern Limit Line



Source : Asia Report International Crisis Group, 2010

This new line, however, was not recognized by the UNC and South Korea.²⁰³ Tensions

²⁰² Korea Central News Agency report, Sep 3, 1999, ROK Ministry of Defense, 2000.

²⁰³ You Nakjoon, 1999, A Study on Improved Plan of Strategic Value of the Five Islands in Western Sea, ROK National Defense University.

along the NLL rose, resulting in a series of subsequent naval engagements. On June 29, 2002, naval engagements between the two Koreas led severe damage on both sides. Another clash occurred in November 2009 which was followed by the sinking of the South Korean Navy corvette *Cheonan* in March, 2010. In November 2010, North Korea shelled South Korea's *Yeonpyeong* Island. The inter-Korean conflicts over the NLL have become enduring in form and intensity since the late 1990s.

II. Salience of the NLL

The NLL is significant for both South and North Korea in that it affects economic and security issues.

1. Economic Salience

The areas near the NLL are valuable fishing grounds abundant with many species. In particular, the area is rich with the blue crabs which migrate through this area in the spring season between March and June.²⁰⁴ The profits obtained from the fishing industry in the region for both Koreas are not negligible. About three tons of crabs caught in the region can be worth up to \$70,000 US dollars.²⁰⁵ South Korea catches 3,300 tons of crab on average and one-third of its total crab catch is near *Yeonpyeong* Island. It has historically been the main industry for the islanders of *Yeonpyeong* Island.²⁰⁶ The fishing industry in the area is also an important source of hard currency for North Korea who has

²⁰⁴ Jeon Dongjin, 2008, "Je Icha Nambug Jeongsanghoedamgwa Jeonmanig Pyeongga[Evaluation of the Second Inter-Korean Summit Meeting and the Prospect]," *Hankooktongilgeonrakhakhae[Korean Reunification Strategy]*, Vol. 3, p. 13~ 28; Brad Glosseman , June14, 2003, "Crab Wars: Claiming the Waters in the Yellow Sea," *Asia Times*, available at <http://www.atimes.com/atimes/Korea/EF14Dg03.html>.

²⁰⁵ Burce, E. Bechtol, 2004, "The Northern Limit Line Incident of 2002, Motivations and Implications," *Pacific Focus* Vol. 19. No. 2, pp. 233~364.

²⁰⁶ Lee Jeongcheol, 2007, "Nambug Jeongsanghoedamui Seonggwawa Nambukgwangye: Gyeongjebunya [Achievements of the Second Inter-Korean Relations: Economic Areas]," Teokbyeol *Bogoseo[Special Report 2]*,pp. 22~46.

suffered from unfavorable economic conditions for a long time. It is reported that North Korea exported 4,000 tons of sea products to China in 2000. In 2009, it exported 48,000 tons which is a tenfold increase from the year 2000. These exports included 1,900 tons of crab worth \$7.8 million US dollars, a drastic rise from 210 tons in 1999 and 380 tons in 2000. It also exported 7,500 tons of crab and shrimp worth \$15.6 million US dollars to Japan in 2008, compared to 3,800 tons in 1999 and 5,000 tons in 2000.²⁰⁷ The increase in exports shows that North Korea has encouraged marine fisheries as strategic export items.²⁰⁸

The NLL also has important implications for regional commerce, especially for North Korea. The NLL hinders inter-Korean trade and North Korea's access to the West Sea. For both Koreas, the NLL prohibits the potential for cheaper sea-borne trade. The West Sea region is an important area for economic cooperation between the two Koreas because more than 90 percent of inter-Korean trade occurs between the *Incheon* port in South Korea and *Nampo* and *Haeju* ports in North Korea in the West Sea.²⁰⁹ The NLL complicates shipping between North and South Korean ports in the West Sea by blocking the sea lanes between the ports. For North Korea, under the current circumstances in which commercial vessels are banned from crossing the NLL, its commercial vessels must take a longer route north of *Baenryeong* Island before they enter the West Sea and

²⁰⁷ Choi Jonghwa and Kim Younggoo, 2004, "Bukbanghangyeseongwa Seohae Odojubyeonui Haeyangbeob Munje [The Value of the Disputed Areas near the NLL and its Legal Status]," *Soosanhaeyangkyowookyeongoo* [Maritime Educational Institute], Vol. 1, No.1, pp. 1~26.

²⁰⁸ Ministry of Defense, 2006, The Defense White Paper, Seoul; Jeong Kyunghwan, 2002, "Seohaegyoeonui Balbalbaegyonggwa Daebukjeongchaeg Banghyang [the Causes of the West Sea Skirmishes and the Measures to Prevent Future Skirmishes]," *Tongil Geonrak* [Unification Strategy] Vol 2, No. 1, pp. 3~19.

²⁰⁹ Lee Yongjoong, 2010, "Seohae Bunbanghangyeseonedaehan Nambukhan Jujangui Gukjebeopjeog Bunseok [Study on the two Koreas' claims over the status of the NLL from the legal perspective], Beophak Yeongoowon [Law Institute of Kyungbook University]," *Law Journal*, Vol. 32, pp. 537~572; John Olsen, Mike Vannoni, and Jenny Koelm, 2003, "Maritime Cooperation for the Koreas," Sandia National Laboratories, Albuquerque, NM USA, pp. 1~3, available at <http://cmc.sandia.gov/cmc-papers/sand2003-1843p.pdf>

international waters for the continuation of their voyage.²¹⁰ As a result, the detours they have to take raise the extra miles and fuel costs for a longer voyage.

2. Security Salience

The most important issue at stake over the NLL is security. For the two Koreas, security concerns are paramount and surpass economic considerations. For South Korea, any change in the location of the NLL to the Southern direction would endanger the security of the five islands which have functioned as a fortified frontier to monitor and deter the movement of the North Korean military in the West Sea.²¹¹ Moreover, given that North Korea's threatening naval power is concentrated in a number of military bases near *Haeju* and the *Ongin* Peninsula in the West Sea, a shift of the location of the NLL would allow North Korean navy vessels to patrol closer to the Han River estuary which leads to Incheon and the capital of South Korea, Seoul. A more fundamental threat is that the shift of the location of the NLL farther south would reduce the warning time South Korea has to prepare for a North Korean surprise attack and infiltration. Furthermore, it would also make it easier for North Korea's special operation forces, as one of the most threatening North Korean Navy assets, to infiltrate South Korean territory. In addition, considering the current location of the patrol and operational areas of the South Korean navy vessels near the NLL, the shift of the NLL farther south could reduce the South Korean Navy vessels' artillery range.²¹²

²¹⁰ Jeong Cheongoo, 2009, "Seohae Bukbanghangyeseonui Juyo Jaengjeomgwa Daeung Bangan [The Issues raised by North Korea over the NLL]," *Youngsando Daehak [Yongsan University]*, pp. 9~ 45.

²¹¹ You Nakjoon, 1999, *Seohae Odoui Jeonryakjeog Gachihyangsang Banganedaehan Yeongu [A Study on Improved Plan of Strategic Value of the Five Islands in Western Sea]*, ROK National Defense University; Kim Chankiu, 1999, "Northern Limit Line is Part of the Armistice System," *Korea Focus Vol. 7, No. 4*, pp. 103~104; Intl Crisis Group Asian Briefing, 2011, South Korea: The Shifting Sands of Security Policy.

²¹² Jaeseongho, 2005, "Bukbanghangyeseonui Beopjeog Tadangseonggwa Hangugui Daeung Bangan [Legal Validity

Given that the security advantages of one side become the disadvantages of the other side, the NLL is also a serious security concern for North Korea. The current NLL allows the South Korean navy vessels to patrol close to the North Korean shore and its military bases in the region. From the perspectives of the North Korean Navy, shifting the NLL farther south can provide a larger maritime buffer zone which can hinder the maneuvering of the South Korean Navy vessels and prevent it from gathering intelligence.

III. Controversies over the Legal Status of the NLL

The dispute over the legal validity of the NLL centers on whether it is the legitimate maritime boundary between the two Koreas. By pointing out the fact that the establishment of the NLL is not clearly stipulated in the Armistice Agreement of 1953 and also referring to international law, North Korea regards it as illegal and void. North Korea has proclaimed that the NLL does not comply with the dictates of international law (i.e., UNCLOS) and that the new line it previously proposed in 1999 is more consistent with the provisions of international law (Article 15 of the UNCLOS).²¹³

South Korea rejects the demands and claims from North Korea and has sustained its position that the NLL is *the de facto* maritime boundary line between the two Koreas. It has proclaimed that even though the NLL was unilaterally drawn by the UNC, it was a necessary line to faithfully comply with the spirit of the Armistice Agreement to reduce

of the Korean Northern Limit Line and South Korea's Possible Measures],” *Chung Ang Law Association, Vol 7, No 2*, pp. 107~149; Kim Kangnyeng, 2008, “Bukbanghangyeseongwa Gwanryeonhan Anbo Munje [The security issues over the NLL],” *Anhbo Jeongrak Yeongooso*. pp. xi ~21.

²¹³ With the adoption of the UN Law of the Sea Convention (UNCLOS) in 1982, it has become state practice to regard the twelve mile limit as the norm. The 1982 UNCLOS provides for twelve nautical miles for territorial waters and up to 200 nautical miles for an exclusive economic zone. When states have overlapping territorial claims, UNCLOS prescribes an equity principle to delineate boundaries, but does not define what is equitable, Kim Myungki, 2000, “Bukhani Jujanghaneun Seohae Haesanggyeonggyeseongwa Tonghangjilseoedaehan Bunseok [The Legalistic approach to North Korea's claim about the rule of the passage and the NLL],” *Seoul Kookjae Beop* [Seoul International Law Study], Vol 7, No. 1. pp. 24 ~ 42.

the likelihood of the military clashes at sea.²¹⁴ Especially, given that North Korea did not have enough naval power at the end of the Korean War, the NLL functioned in favor of guaranteeing North Korean security.²¹⁵ South Korea has considered the NLL to be a legitimate sea boundary line on the grounds that it has helped to fulfill and implement the spirit of the Article 2 Paragraph 13 of the Armistice Agreement from a broad perspective, even if the Armistice Agreement does not have any clear-cut provisions regarding the NLL.²¹⁶ Moreover, South Korea refers to the provisions of “The Basic Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation” signed in 1992 between the two Koreas to support its position about the legal status of the NLL. The Article 11 of the Basic Agreement stipulates: *“the South-North demarcation line and the areas for nonaggression shall be identical with the Military Demarcation Line provided in the Military Armistice Agreement of July 27, 1953, and the areas that each side has exercised jurisdiction over until the present time.”*²¹⁷ Relying on this provision, South Korea claims that North Korea has also already accepted the status of the NLL as a signatory of that agreement. However, there are still controversies over the interpretation of this provision due to its ambiguity regarding the NLL. It does not clearly define the areas at sea each side has exercised jurisdiction over until the present time.²¹⁸

With regard to international law, South Korea has relied on the concepts of

²¹⁴ Lee Youngjoong, 2010, *Seohae Bubkanghangyeseonedachan Nambukgan Jujange Gwanhan Gukjebeopjeog Bigyobunseok* [Comparative evaluation of North and South Korea’s claims over the NLL from the legal perspective], *Beophak Nongo Vol 32*, Kyungbook University.

²¹⁵ Bruce Bechtol, 2004, “The Northern Limit Line Incidents of 2002: Motivations and Implications” *Pacific Focus* 19, No. 2.

²¹⁶ Joeng Taewook, 2011, “Seohae Bukganghangyeseon Jaeron: Yeonpyeongdo Pogyeoksageoneur Gyegiro [Reevaluation of the status of the NLL since the Yeonpyung Shelling],” *Minju Beophak Vol 45*, pp. 255~294.

²¹⁷ “1992 Basic Agreement on Reconciliation, Nonaggression, and Exchanges and cooperation between South and North Korea,” available online at

http://www2.law.columbia.edu/course_00S_L9436_001/North%20Korea%20materials/coree91.html

²¹⁸ Jeon Dongjin, 2008, “Bukbanghangyeseon Nonuiui Jeongaewa Hyanghu Daeungbangan [Controversies over the NLL and the Measures To be Taken],” *Shinla University*, pp. 47- 81

customary international law.²¹⁹ Referring to the concepts of customary law and the principle of acquiescence, South Korea claims that even though North Korea has denied the legal validity of the NLL since 1973, it had not explicitly refuted the status of the NLL for more than 20 years from 1953 to 1972 and this is a proof that North Korea had implicitly acquiesced to the status of the NLL.²²⁰ Moreover, South Korea claims that the current location of the NLL complies with the principles of equidistance and the median line mentioned in international law (article 15 of United Nations Convention on Law of the Sea), given that the NLL approximately connects the median points between North Korea's coast line (Hwanghae Province) and South Korea's five islands.

1. Legalistic Approach to the NLL and Its Limitations

There have been ongoing controversies over the interpretation and application of inter-Korean agreements and international laws such as 1953 Armistice Agreement and the 1992 Basic Agreement, and UNCLOS as to the legal validity of the NLL. Both the 1953 Armistice Agreement and the 1992 Basic Agreement have no provisions on the maritime demarcation line, which became fundamental causes of disputes. Moreover, unclear and ambiguous provisions which seemingly appear to be applicable to judging the legal validity of the NLL provide room for different interpretations of the status of the NLL.²²¹ As for the application of international law, both parties apply different interpretation of provisions of international law. For instance, they provide different

²¹⁹ The customary law is defined as international custom, as evidenced by a practice generally accepted as law. Overtime, a state's acquiescence to an issue can be deemed to form a component of customary international law, Robin Rolf. Churchill and Alan V. Lowe, 1999, *The Law of the Sea*, Manchester University Press.

²²⁰ Kim Younggoo, 2008, *Dokdowa Bukbanghangyeseonegwahan Munjewa Beopjeoghaeseok* [Issues over Dokdo and the NLL and legal analysis], Dasom Choolpansa [Dasom Publication].

²²¹ Park Choonho, 2006, "Hanbando Jubyeonui Haeyangbeop Munje [Maritime Law near Korean Peninsula], *Waekyo* [Diplomacy Vol 76.], pp. 12~26.

interpretations of article 15 of the UNCLOS which is based on “*the principle of equidistance and median line.*” In a situation when the two states have overlapping territorial claims, UNCLOS generally adheres to an “*equity principle*” to delineate boundaries.²²² Article 15 of the UNCLOS stipulates:

*“Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other “special circumstances” to delimit the territorial seas of the two States in a way which is at variance there with.”*²²³

In the case of the NLL, the “*special circumstances*” regarding the five West Sea Islands play a critical role in adopting respective positions. Depending on how the “*special circumstance*” over the five islands is interpreted, the principle of the equidistant median line can be applied in a different way.²²⁴ The two Koreas have applied the principle of an equidistant median line in a different way due to their different views on the special circumstances over those five islands. South Korea asserts that the NLL was drawn between the coastal areas of North Korea and the five West Sea Islands by applying the rule of the equidistant median line because the islands also have their own territorial waters.²²⁵ On the contrary, North Korea consistently argues that given that the five West Islands are located far away from the South Korea’s mainland, the attention should be paid not to the islands but to the coastal lines of its mainland and, as a result,

²²² Lee Jaemin, 2008, Bukbanghangyeseongwa Gwanryeondo Gukjebeopjeog Munje Jaegomto [Review of the legalistic status of the NLL], Seoul International Law Study, Vol 15, No.1

²²³ UNCLOS Article 15 accessible at http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf

²²⁴ Jeong taewook, 2007, “Seohae Bukbanghangyeseonui Seonggyeokgwa Hyujeonhyeopjeongsangui Haesangbulgachim Joyak [The nature of the NLL and non-transgression area on Armistice Agreement],” *Daehan Lawyer Association vol.* 375.

²²⁵ Jeong taewook, 2009, “Bukbanghangyeseoneun Nugureur Wihan Geosinga? [Who is the NLL for?],” *Critical History Vol* 88, pp. 34~48; Ryo Byungwoon, 2007, “Seohae Bukbanghangyeseonui Olbareun Ihaewa Beopjeog Yuhoyeong [Understanding the legal status of the NLL and its validity],” *Siedae Jeongshin Vol* 37, pp. 16~29.

the demarcation line should be drawn as an equidistant median line between the coastal lines of the two Koreas.²²⁶ North Korea claims that the five islands should be regarded as not having their own territorial waters due to their distance from the mainland of South Korea.

To sum up, the core of the conflicting arguments between the two Koreas lies in their different views on the status of the five islands. In this case where South Korea possesses islands that are located far away from South Korea's mainland and close to the coastal areas of North Korea it is difficult to fairly apply the rule of the equidistant median line.²²⁷ Given the unique circumstance in which the two Koreas are in a state of semi-war and the security relations between them are still tense, the NLL might be evaluated as a practical cease-fire line that has existed for the past decades. However, considering and judging the NLL as an armistice line based on the unique condition the two Koreas are faced with is beyond the dictates of the UNCLOS.²²⁸

Another issue which makes the application of the international law limited is whether or not the two Koreas should be considered as two separate sovereign states.²²⁹ The two Koreas have agreed that their division is temporary. In the 1992 Basic Agreement, the two Koreas confirmed that "their relationship, not being a relationship between states, is a special one constituted temporarily in the process of unification."²³⁰

²²⁶ Lee Jaemin, 2008, "Bukbanghangyeseongwa Gwanryeondone Gukjebeopjeog Munje Jaegomto [Evaluation of the issues over the NLL from the Perspective of International Law], *Seoul Koojaebeop Yeonggu [Seoul International Law Study]*, Vol. 15, No.1, pp. 41~71.

²²⁷ Kim Younggoo, 2002, Bukbanghangyeseongwa Seohaegyoejonsataewa Gwanryeondo Dangmyeonmunjewa Gukjebeopjeog Bunseok [The Legal interpretation of the NLL and Naval Skirmishes], *Strategy 21*, Vol. 5, No.1.

²²⁸ Seo Jooseok, 1999, Bukbanghangyeseonui Yeoksajeog Gochalgwa Hyeonsiljeog Gwaje [The historical review of the NLL and the Practical Issues], *Incheon University*.

²²⁹ Kim Hoocheon, 2011, Seohaebokbanghangyeseone Gwanhan Bookhan Joojangui Uibeopseong Yeongu [The evaluation of North Korea's claim over the status of the NLL from the legal perspective], *ROK Marine Corps Strategic Institute*, pp. 122~147.

²³⁰ "North-South Joint Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation between South and North Korea," February 19, 1992, available at http://www1.korea-np.co.jp/pk/011th_issue/97100101.htm

Moreover, the South Korean Constitution (Article 3 of the Constitution) stipulates that “the territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands.”²³¹ In this context, there is controversy over whether this is a truly a boundary dispute between sovereignty states or a temporary demarcation line which was drawn just for a military purpose. If the two Koreas were regarded as independent states rather than as two halves of a temporarily divided state, the NLL would not be regarded as a legitimate maritime demarcation line under the “*equitable principles*”²³² because it cut off the territorial sea of North Korea and denies North Korea’s access to adjacent sea areas. In blocking such access, the NLL defies the principle of “*non-encroachment*” because it gives the five islands equal capacity to generate their own territorial waters as the continental land mass of the South Korean coast.²³³ In other international cases, international tribunals have provided a precedent by generally ruling that small islands should have limited capacity to affect maritime boundaries, especially when their effect dramatically changes the result that would exist in their absence.²³⁴ With regard to the concept of international customary law, there is also controversy over whether North Korea’s silence on the NLL for more than 20 years since it was drawn should be regarded as tacit acquiescence.²³⁵

²³¹ “The Constitution of ROK,” available at <http://www.helplinel.a.com/law/constitution/south%20Korea/skorea.php>.

²³² Article 15 of UNCLOS, “Delimitation of the territorial sea between States with opposite or adjacent coasts,” available at <http://www.admiraltylawguide.com/conven/unclostable.html>

²³³ Kim Jeonggeon, 1988, “Seohae Odowa Jubyeonhaeyegui Beopjeog Jiwi [the Legal status of the five islands of the West Sea and its surrounding Waters], *Kookjaebeop Hakhwe Nonchong [International Law Seminar]*, vol. 33, No. 2, pp. 3~26; Kim Boyoung, 2011, “Yuengunui Haesangbongswae mic Doseojeomryeonggwa Bukganghangyeseon” [U.N. Forces’ Maritime Blockades, Taking Control of Islands and the Issue of the NLL], *Hanguk Geundaesa Yeongu*, Vol 62, pp. 140~175.

²³⁴ Lee Gitaek, 1998, “Hanbandoui Saeroun Gunsahwangyeonggwa Haesangeseoui Anbo [New Security Environment on the Korean Peninsula and Maritime Security],” *Strategy 21*, pp. 2~34.

²³⁵ There is still controversy over when North Korea was informed of the existence of the NLL. In 1973 Deputy Secretary of State Kenneth Rush stated in Joint State Defense Message to the U.S. Embassy in Seoul that “We are aware of no evidence that the NLL has ever been officially presented to North Korea.” Kenneth Rush, December 22, 1973, *ROK legal memorandum on northwest coastal incidents*, U.S. Department of State, original message text is available at <http://aad.archives.gov/aad/createpdf?rid=107420&dt=2472&dl=1345>; Kim Hyungi, 2011, Seohae Oodou

IV. Positions of Key Allies: the US and China

Even though the US is a major actor which is related to and involved in security issues of Korean peninsula, it has been reluctant to become engaged in the issues over the NLL because on the perception that the NLL is an inter-Korean dispute to resolve.²³⁶ Even though the US has not taken a clear and official position on the issue over the NLL, however, it has worried about the possibility that any tension or small skirmishes between the two Koreas over the NLL could escalate into a broader conflict and, as a result, endanger regional security. Although the NLL is not formally a part of the Armistice Agreement signed 1953, the NLL was drawn by the UNC which is still led by a U.S. four star general who also serves as the commander of U.S. Forces in Korea (USFK). Technically, the UNC has a clear responsibility for security along the NLL until a permanent peace treaty is concluded. It has played a passive role in the dispute, however, refraining from taking a public position on the NLL. Moreover, due to the fact that the NLL is not part of the 1953 Armistice Agreement, the United States has sporadically expressed concern over South Korea's assertion that the NLL is a de facto maritime boundary.²³⁷ However, the US has not formally called for negotiations on the NLL. The US does not want to undermine South Korea's position or want to engage in a bilateral

Jeonryakjeog Gachiwa Haegunryeog Baljeon Banghyang [Strategic Value of the Five West Sea Islands and the Development Plan of the ROK Navy], ROK Marine Corps Strategic Study Institute, pp, 28~60.

²³⁶ John Barry Kotch and Michael Abbey, 2003, Ending Naval Clashes on the Northern Limit Line and the Quest for a West Sea Peace Regime, *Asian Perspective* 27(2), pp. 175~204.

²³⁷ For example, a 1974 declassified U.S. State Department material indicated "reservations" concerning South Korea's claims and that "we would be in an extremely vulnerable position of charging North Korea with penetrations beyond a line they have never accepted or acknowledged," See U.S. Department of State, "ROK Legal Memorandum on Northwest Coastal Incidents," December 22, 1973, National Archives, available at <http://aad.archives.gov/aad/createpdf?rid=107420&dt=2472&dl=1345>; In February 1975, Secretary of State Henry Kissinger wrote in a confidential cable, now declassified, that the "Northern Patrol Limit Line does not have international legal status ... Insofar as it purports unilaterally to divide international waters, it is clearly contrary to international law and USG Law of the Sea position." Henry Kissinger, Public affairs aspects of North Korea boat/aircraft incidents, U.S. Department of State, February 28, 1975, available at <http://aad.archives.gov/aad/createpdf?rid=1259&dt=2474&dl=1345>; In November 2010, following the North Korean Shelling of Yeonpyeong, President Barack Obama said the U.S. stood "shoulder to shoulder" with South Korea and condemned the attack, but did not specifically address the NLL.

negotiation with North Korea which could imperil its relationship with South Korea.²³⁸ Informally, the US would favor an agreement that helps to promote stability in the region while reducing tensions. In the end, however, the US regards this as the inter-Korean problem to resolve.

China, as a main player in the Six Party Talks, also has remained silent on the issues over the NLL. China, as North Korea's closest ally, has sympathy for North Korea and its position. China's position on the NLL, however, is that the dispute should be solved peacefully without disrupting regional stability.²³⁹

V. Conclusion

In this chapter, the issues at stake over the NLL between the two Koreas were discussed by tracing the historical background of the NLL. It is likely that the unresolved state of this territorial division, stemming from the division of the Korean peninsula at the end of the Korean War, is a fundamental source of the subsequently enduring conflict over the NLL. From the legalistic perspectives, the fundamental problem is that the Armistice Agreements signed at the end of the Korean War, although they make up a legal regime involving the two Koreas, are silent on the maritime demarcation line. Even the 1992 Basic Agreement does not provide clear provisions that stipulate the maritime demarcation line, resulting in different interpretations of the status of the NLL between the two Koreas. International law (UNCLOS) also has many practical problems in its interpretation and application. In quoting the law of the sea, there are differences in which rules and provision are referred to and there are clear differences in interpretation

²³⁸ Terence Roehrig, From Deterrence to Engagement: The U.S. Defense Commitment to South Korea 2006

²³⁹ Jung hawon, "Another Territorial Dispute for Seoul?," *JoongAng Daily*, August 14, 2008.

and application. Moreover, the armistice situation in the Korean Peninsula makes it even difficult for international law to be fairly applied. The different legal grounds for the status of the NLL between the two Koreas limit the usefulness of a legalistic approach to settling the NLL dispute.

As for the salience issues over the NLL, the NLL has important implications for both Koreas in terms of economics and security. Security concerns, however, trump economic concerns. Therefore, as long as the security situation remains tenuous, South Korea will not adjust the location of the NLL farther south because any southward adjustment of the NLL will be regarded as undermining South Korea's security, North Korea, on the other hand, will keep resisting the current status of the NLL considering the threat to its security that stems from the current location of the NLL. Moreover, the US and China, as the main allies of South and North Korea which signed the 1953 Armistice Agreement, have hesitated to become directly involved in the inter-Korean dispute over the NLL. They believe that the NLL is an issue that should be handled by the two Koreas.

Overall, given all the factors above, absent a major improvement in inter-Korean relations and in the security environment, the controversy over the NLL between the two Koreas will not be resolved in the short term. It seems clear that economic and security values attached to the NLL and the legal issues involved in it make the inter-Korean dispute over the NLL enduring. The fundamental structure of the inter-Korean conflict over the NLL, however, is much more complicated and deep than simple economic/strategic salience or legal-based arguments explain. The significance of the NLL in terms of economics and security and international law can vary depending on other relevant elements such as overall inter-Korean relations and the political situation

on the Korean Peninsula. To be more specific, the persistence and the pattern of the inter-Korean conflicts over the NLL cannot be fully explained just by the legal or salience perspectives because it is not purely conflict over the territory issue itself. While the legalistic and salience-based explanation help to explain the endurance of the inter-Korean conflicts over the NLL, they do not fully account for why sometimes inter-Korean conflicts over the NLL become severe while they sometimes do not. Thus, we need to pay heed to the particular structural factors and conditions which lead to fluctuation of the Inter-Korean conflict over the NLL.

CHAPTER FOUR

DIPLOMATIC AND MILITARY CONFRONTATIONS OVER THE NLL

This chapter scrutinizes the dependent variable (the level of diplomatic and military confrontations over the NLL) by evaluating variation among the three South Korean administrations.

I. The Level of Military and Diplomatic Confrontations over the NLL

The status of North Korea as a contender state unsatisfied with the status of the NLL is important to explaining the diplomatic and military confrontations over the NLL because it is contender states that, as a result of perceived external threats, generally initiates confrontations via challenging behavior. Actions taken by North Korea related to the NLL are important to create the chronology of inter-Korean confrontations over the NLL. In this section, to measure inter-Korean confrontations over the NLL, confrontational behavior is traced with a focus on North Korea's behavior over the NLL during three administrations of South Korea based on the assumption that North Korea's behavior over the NLL is the result of its perception of threat and external conditions. The reason for focusing on North Korea's behavior is that South Korea has mostly responded to North Korea's behavior rather than initiating confrontation independently due to its defensive posture as a status quo state which wants to preserve the current status of the NLL.

1. Conceptualization and Measurement

In the field of IR, extensive work has been done pertaining to war, confrontation, and cooperation between states.²⁴⁰ There are numerous definitions of confrontational or

²⁴⁰ For the in-depth discussion on inter-state war and conflicts refer to: John Vásquez and Mary Henehan, 1992, *The Scientific Study of Peace and War*, Lanham, Lexington Books; Bueno de Mesquita, 1981, *The War Trap*, New Haven,

challenging behavior between rival states in dyadic level approaches. Scholars such as Martin, Hussein, Edward and Gibbs described the challenging behavior as 1) the use or threatened use of action which involves violent means against the person or property of the target state, 2) the use or threatened use of force designed to bring about political change of target state, 3) deliberate creation and exploitation of fear through the use or threatened use of the violent means in the pursuit of change in target state's attitude, and 4) the use of illegal force which is politically motivated and directed toward the target state to achieve its political goals.²⁴¹ In the analysis of the inter-Korean relations, the ROK Joint Chief of Staff Headquarters defines the North Korea's challenging behavior toward South Korea as the actual use or the threatened use of the violent means against the property or people of South Korea to achieve its political and military goals.²⁴² Here, the violent means include any type of physical and non-physical means including military actions or diplomatic and psychological propaganda used to influence the property and people of South Korea.

Even though the rival states are often at odds over numerous issues because of their rival relationship, they are not necessarily in direct conflict all the time. They not only fight but also talk. In this vein, Blum explains that islands of dialogue and agreement

Yale University Press; Robert Gilpin, 1981, *War and Change in World Politics*, Cambridge, Cambridge University Press; Jack Levy, 1987, "Declining Power and the Preventive Motivation for War," *World Politics*, Vol 40, No. 1, pp. 82~107; For more discussion on inter-state negotiations see Helen Milner, "Review Article: International Theories of Cooperation Among Nations: Strengthness and Weakness," *World Politics* 44, pp. 466~496; Joseph Grieco, 1990, *Cooperation among Nations*, Cornell University Press; Peter Haas, 1990, *Saving the Mediterranean*, Columbia University Press; Alexandra Garcia Iragorri, 2003, "Negotiation in International Relations," *Revisa De Derecho, Universidad Del Norte, Vol 19*, pp. 91~102; Roger Fisher, Ury William, and Bruce M. Patton 1992, *Getting to Yes: Negotiating Agreement Without Giving in*, Houghton Mifflin Harcourt.

²⁴¹ Gus Martin, 2006, *Understanding Terrorism: Challenges, Perspectives, and Issues*, Sage Publications; Ted Robert, 1989, "Political Terrorism: Historical Antecedents and contemporary trends," In *Violence in America: Protest, Rebellion, Reform* Sage Publication.; G.P. Gibbs, 1989, Conceptualization of terrorism, *American Sociological Review*, Vol. 54, No. 3, pp. 329~340; Asaf Hussein, 1988, *Political Terrorism and the State*, Mansell Publication; Edward Mickolus, 1983, International Terrorism: the Politics of Terrorism, *American Political Science Review* Vol 77, pp. 36~54.

²⁴²ROK Joint Chief of Staff Headquarters, 2006, *ROK Military Term Dictionary*, Seoul.

exist among the sea of conflicts between rival states and emphasizes that repeated dialogue and agreements between rival states are a precondition for the termination of a rival relationship.²⁴³ Rival states manage their relations with one another through diplomacy and dialogue even while they sustain a competitive relationship. In a similar vein, Alexandra argues that even during war while violent confrontation is taking place the parties involved attempt to find a negotiated solution to the confrontations due to the high cost of an intractable conflict.²⁴⁴ Scholars like Ikle regard negotiations and dialogue as one element in the general relations between rivals and define negotiation as “a process in which explicit proposal are put forward ostensibly for the purpose of reaching agreement on an exchange or on the realization of a common interest where conflicting interests are present.”²⁴⁵ To sum up, the relations between rival states are characterized not only by conflicts but also by dialogue during the life span of their rivalry.

If we extend this logic to the inter-Korean case, inter-Korean relations over the NLL can be understood as a process in which the two Koreas not only experience conflict but also engage in dialogue that is insufficient to settle the issues involving the NLL. Using the insights from the literature mentioned above, inter-Korean interactions through diplomatic and military means over the NLL are defined to include relatively hostile interactions such as the armed invasion, deliberate border violations, infiltration of armed spies and saboteurs, kidnapping, weapons fire and bombing, threatening and intimidating rhetoric and propaganda against another state’s government or other governmental institutions, as well as relatively peaceful interactions such as diplomatic dialogues and

²⁴³ Gabriella Blum, 2007, *Islands of Agreement: Managing Enduring Armed Rivalries*, Harvard University Press; Jack Levy and Clifton Morgan, 1986, “The War Weariness Hypothesis: An Empirical Test,” *American Journal of Political Science*, Vol. 30, pp. 26~50..

²⁴⁴ Alexandra Garcia Irargorri, 2003, “Negotiation in International Relations,” *Revista De Derecho, Universidad Del Norte*, Vol 19, pp. 91~102.

²⁴⁵ Fred C Ikle, 1964, *How Nations Negotiate*, New York: Praeger.

talks. For an analytical purpose, directly confrontational acts such as armed invasion, border violations, the infiltration of armed spies or military assets, kidnapping, firing and bombing are classified as high levels of confrontational behavior while threatening rhetoric and propaganda are classified as the medium levels of confrontational behavior. Diplomatic dialogues over the NLL are categorized as low levels of confrontation.

Table 4.1. The Level of Confrontation over the NLL

The Level of confrontations	Type
High Level	Armed Invasion, Border Violations, infiltration of armed spies, kidnapping, weapons fire, bombing, and military engagement
Medium Level	Threatening rhetoric and propaganda
Low Level	Diplomatic dialogues over the NLL

North Korea's involvements in low versus high levels of diplomatic and military confrontations over the NLL were identified using the data set on North Korea's behavior and inter-Korean interactions over the NLL by referring to "the special appendix of the chronology of North Korea's behaviors" in the Defense White Paper produced by ROK Ministry of Defense since 1998 to 2012. With a reference to criteria set up by Headquarters of ROK Joint Chief of Staffs, this material provides details on North Korea's behavior and inter-Korean interactions over the NLL at the military and governmental level using primary sources from the two Koreas such as South Korea's official governmental materials produced by the Ministry of Unifications and North Korea's government-controlled media materials such as KCNA and Rhodong Shinmun.

Headquarters of ROK Joint Chief of Staff classifies North Korea's behavior toward South Korea into three categories according to whether the behavior was conducted on land, air or at sea. In addition, each category is subdivided into three levels of behaviors according to the type of means utilized such as 1) manifest acts which rely on physical

military means, 2) non-physical means such as propaganda and rhetoric, and 3) dialogues.²⁴⁶ As indicated Table 4.1, the manifest acts are defined to include any physical behavior which use the military means to challenge or threaten the NLL and South Korea. The non-physical means include the propaganda and rhetoric which also challenge the status of the NLL and South Korea. Dialogues include every official meeting at the military and governmental levels where the issues over the NLL are discussed regardless of the result of the dialogues.

Based on these criteria, a total of 268 cases were identified between 1998 and 2012. Among the 268 cases, 85 cases were coded as high levels of confrontation. 87 cases were coded as medium level, and 96 cases were coded as low.

Table 4.2. The Cases of Inter-Korean Confrontations over the NLL

Type	High level	Medium level	Low level
Number of cases	85	87	96

In addition to analyzing the changes in the frequencies of the three levels of confrontation over the NLL, the mean interaction values of inter-Korean confrontations over the NLL are measured. The variation and change of mean interaction value also can provide us with the general trends and patterns in North Korea's foreign policy behavior and inter-Korean interactions over the NLL. To measure the mean interaction values, the dependent variable (the level of the confrontations) is coded on a three-point scale of diplomatic and military confrontations. Each case is coded according to which level of confrontation occurred. The cases of manifest acts (high levels of confrontations) such as armed invasion, border violations, infiltration of armed spies and saboteurs, kidnapping, weapons fire, bombing, and military engagement were coded the value of 3. The cases of

²⁴⁶ Headquarters of ROK Joint Chief of Staffs, 2011, Bukhanui Dobalhaengwi Saryewa Bunseok [The classification and the chronology of North Korea's behaviors], Seoul.

medium level of confrontations such as threatening rhetoric and propaganda were coded value of 2, while the cases of low level of confrontations (diplomatic dialogues) were coded value of 1.

2. Diplomatic and Military Confrontations over the NLL in the West Sea during the Periods of Three Administrations of South Korea

Since the late 1990s, North Korea's challenging behaviors through diplomatic and military means over the NLL have been prevalent. Since the 1998 to 2012, there have been 268 military and diplomatic inter-Korean interactions over the NLL in the West Sea.

A. High Levels of Confrontations over the NLL

Figure 4.1. High levels of Confrontations over the NLL: Manifest Military Actions

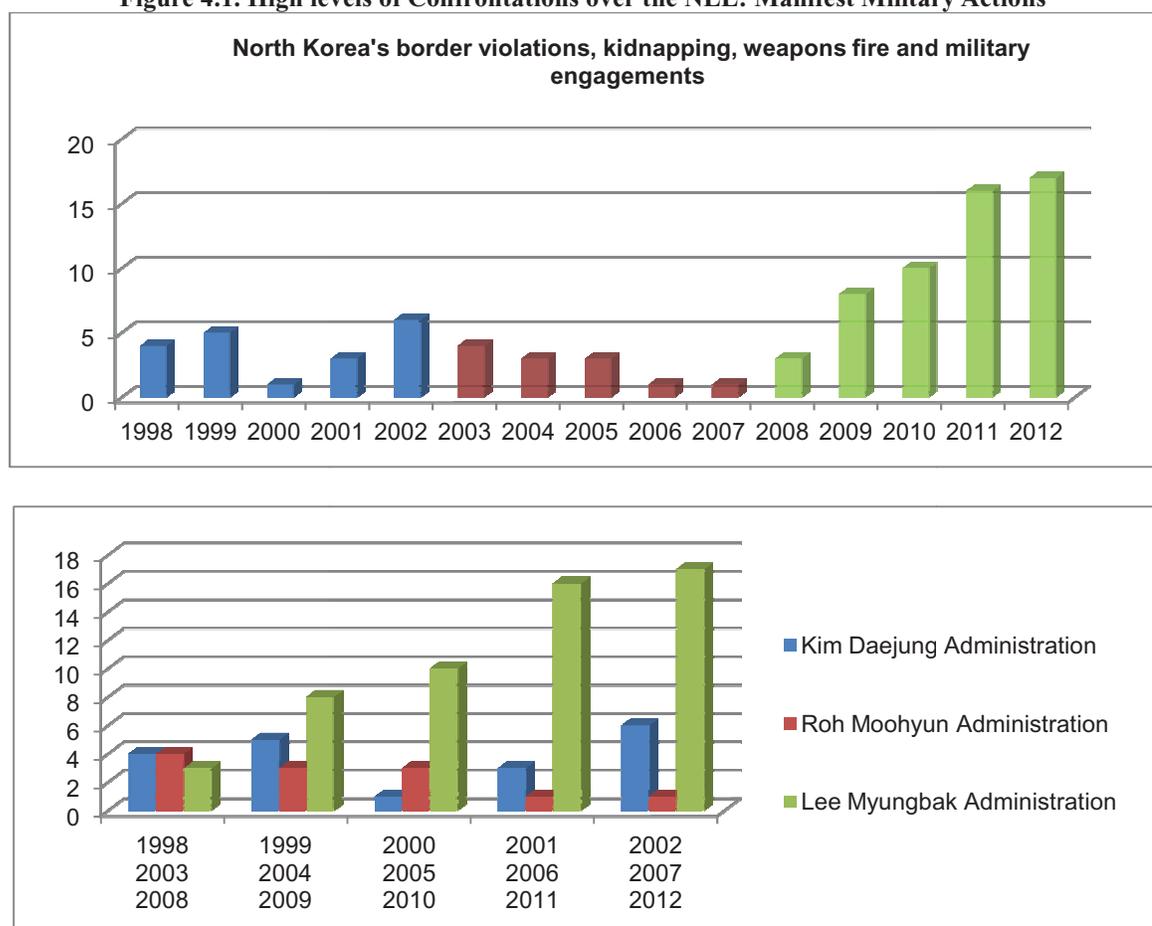


Fig 4.1. shows the number of North Korea's challenging behaviors conducted in the form

of manifest acts such as border violations, kidnapping, weapons fire and military engagement during the periods of South Korea's three administrations. The monthly average of the manifest challenging behaviors during the Kim Daejung administration is 0.35 per month while the monthly average of the Roh Moohyun administration is 0.2 per month. Under the Lee Myungbak administration, the monthly average of the challenging behaviors is 0.97 per month which is approximately five times higher than that of the Kim Daejung administration and three times higher than that of the Roh Moohyun administration.

B. Medium Levels of Confrontations over the NLL

Figure 4.2. Medium Levels of Confrontations over the NLL: Rhetoric and Propaganda over the NLL

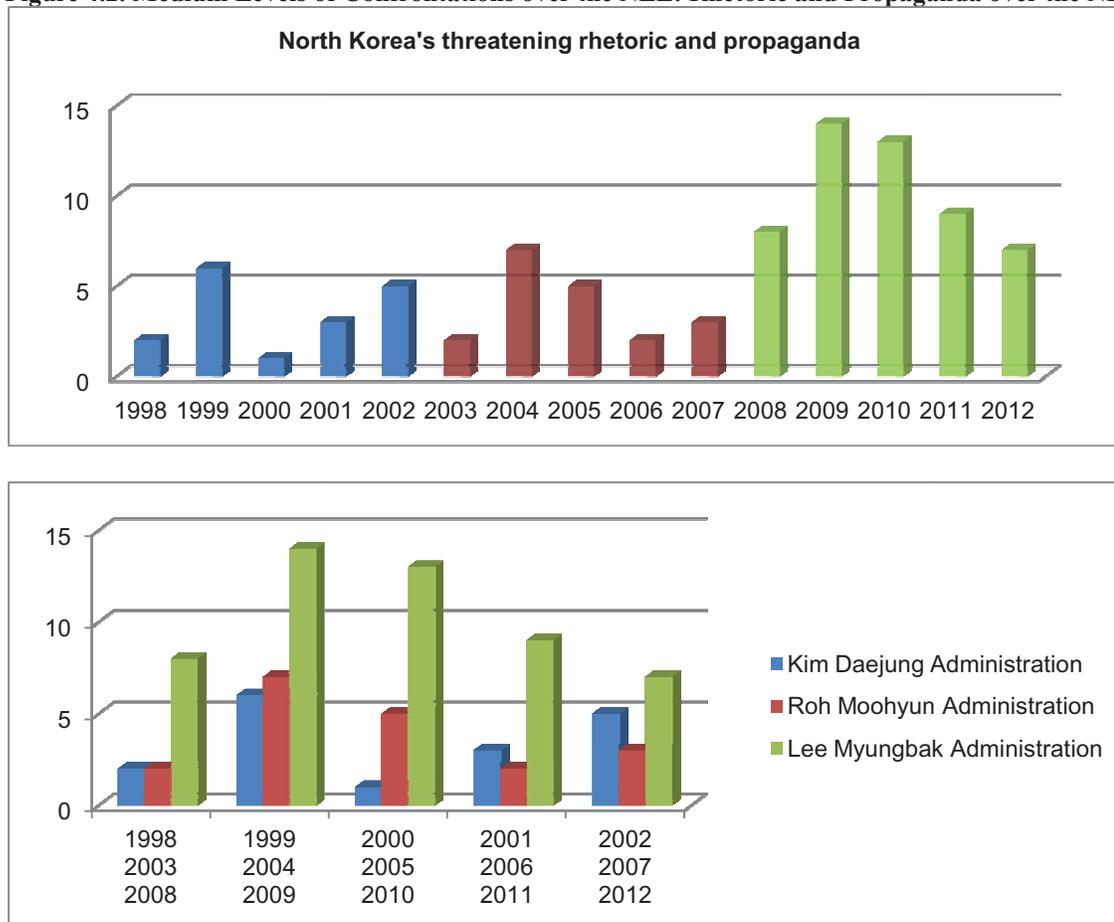


Figure 4.2 shows the number of North Korea's threatening rhetoric and propaganda

during three administrations of South Korea. Under the Kim Daejung administration (1998 – 2002) the monthly average of North Korea’s threatening rhetoric and propaganda over the NLL is 0.3 per month. The monthly average of North Korea’s rhetoric during the Roh Moohyun administration is 0.33 per month. Under the Lee Myungbak administration, the monthly average of North Korea’s threatening rhetoric over the NLL is 0.85 per month. Compared to the previous two administrations, the number of instances where North Korea used threatening rhetoric and propaganda over the NLL rose nearly three-fold under the Lee Myungbak administration.

C. Low Levels of Confrontations over the NLL

Figure 4.3. Low Levels of Confrontation over the NLL : Inter-Korean Dialogues over the NLL

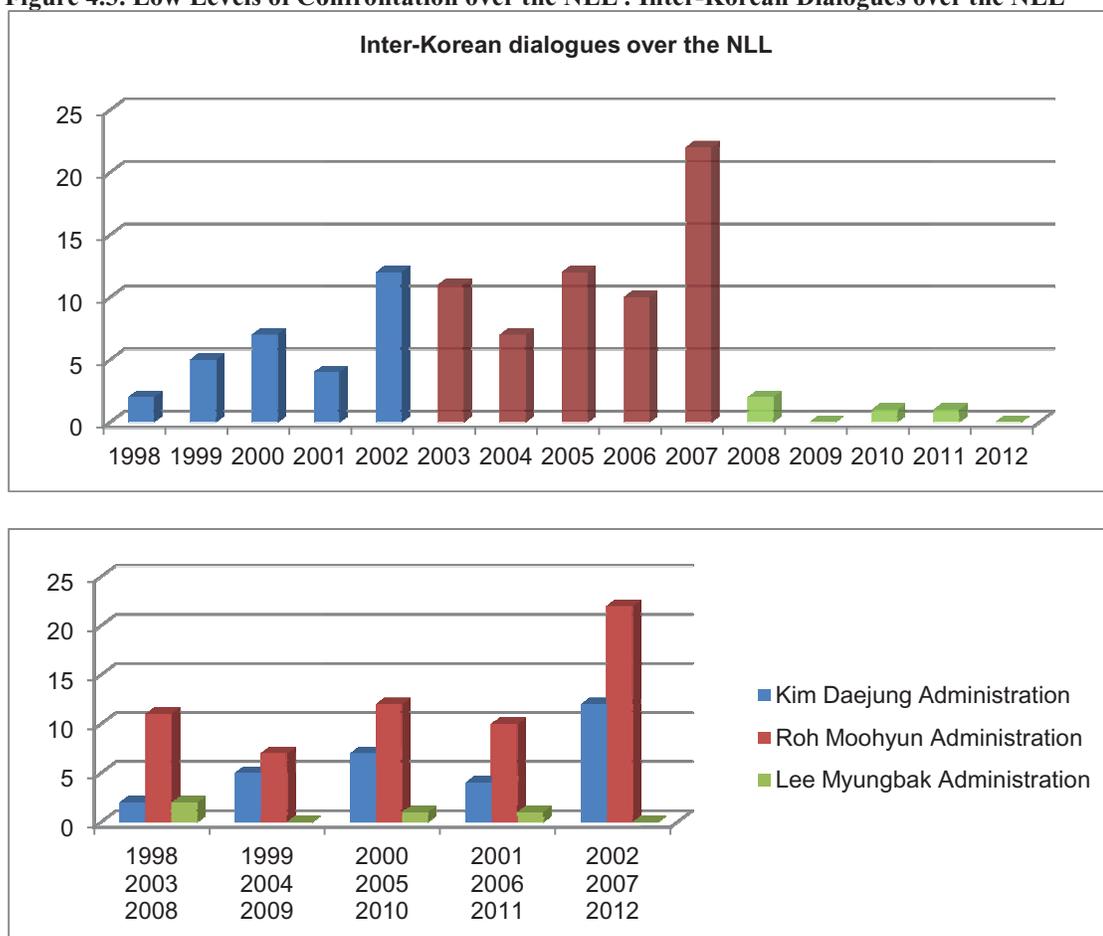


Fig 4.3 shows the number of inter-Korean dialogues over the NLL during the periods of South Korea's three administrations. The monthly average of inter-Korean dialogues over the NLL during the Kim Daejung administration is 0.5 per month. Under the Roh Moohuyn administration, the monthly average is 1.03 per month. The monthly average during Lee Myunbgak administration is 0.08 per month. Compared to the previous two administrations, the number of inter-Korean dialogues has drastically dropped during the Lee Myungbak administration.

II. Comparison of the Intensity of the Confrontations between Three Administrations

Figure 4.4. Inter-Korean Confrontations over the NLL

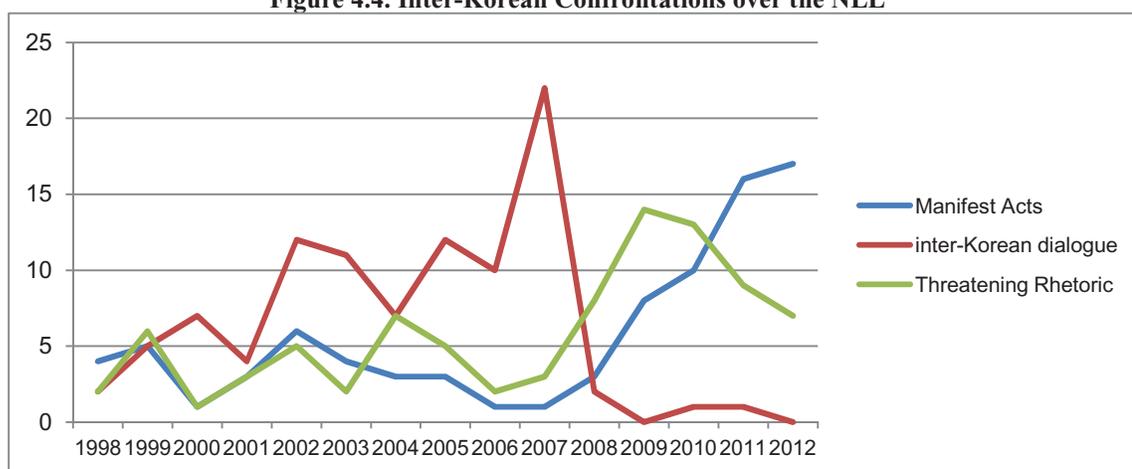


Fig 4.4 demonstrates the overall pattern of diplomatic and military confrontations over the NLL between the two Koreas during the three South Korean administrations. The blue line represents the number of high levels of confrontations which include border violations, kidnapping, weapons fire and military engagements over the NLL. The green line shows the number of medium level of confrontations which occurred in the form of the threatening rhetoric and propaganda over the NLL. The red line shows the number of

inter-Korean dialogues over the NLL which can be regarded as low levels of interactions over the NLL. Several noticeable features can be found in this graph. First, while there were ups and downs in the number of high level confrontations since 1998 until 2007, the number of high level confrontations increased dramatically since the end of 2007. Second, medium level confrontations also follow a similar pattern although they have dropped since 2009. The number of inter-Korean dialogues over the NLL shows a gradual increase after 1998 and peaks in the year 2007. However, the number of inter-Korean dialogues has drastically declined since 2008. Overall, the figure exhibits a negative relationship between inter-Korean dialogues and medium and high levels of confrontations. When inter-Korean dialogues increase, the medium and high levels of confrontations decline, while the medium and high levels of confrontations over the NLL increase when inter-Korean dialogues decrease.

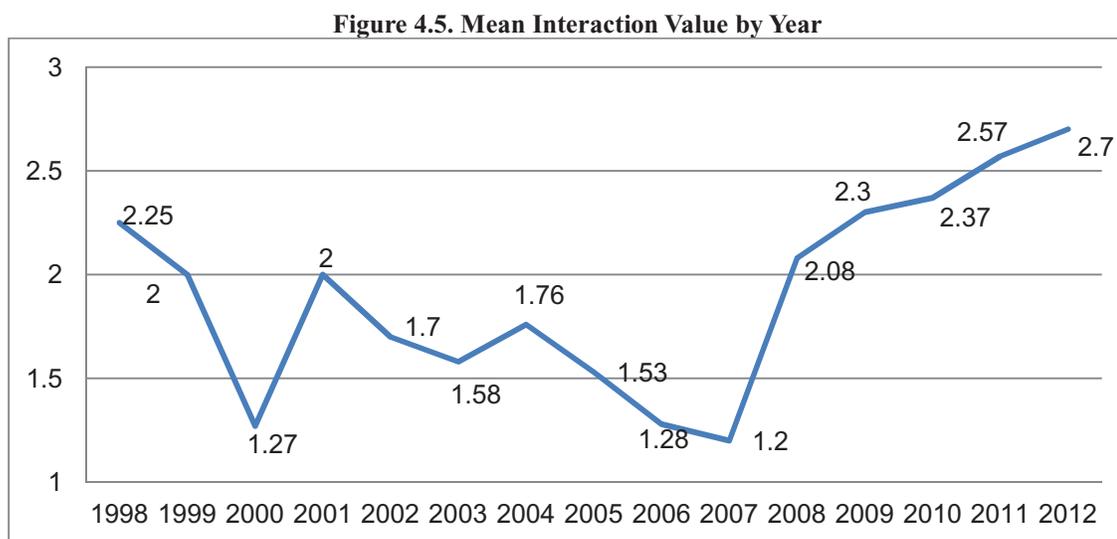
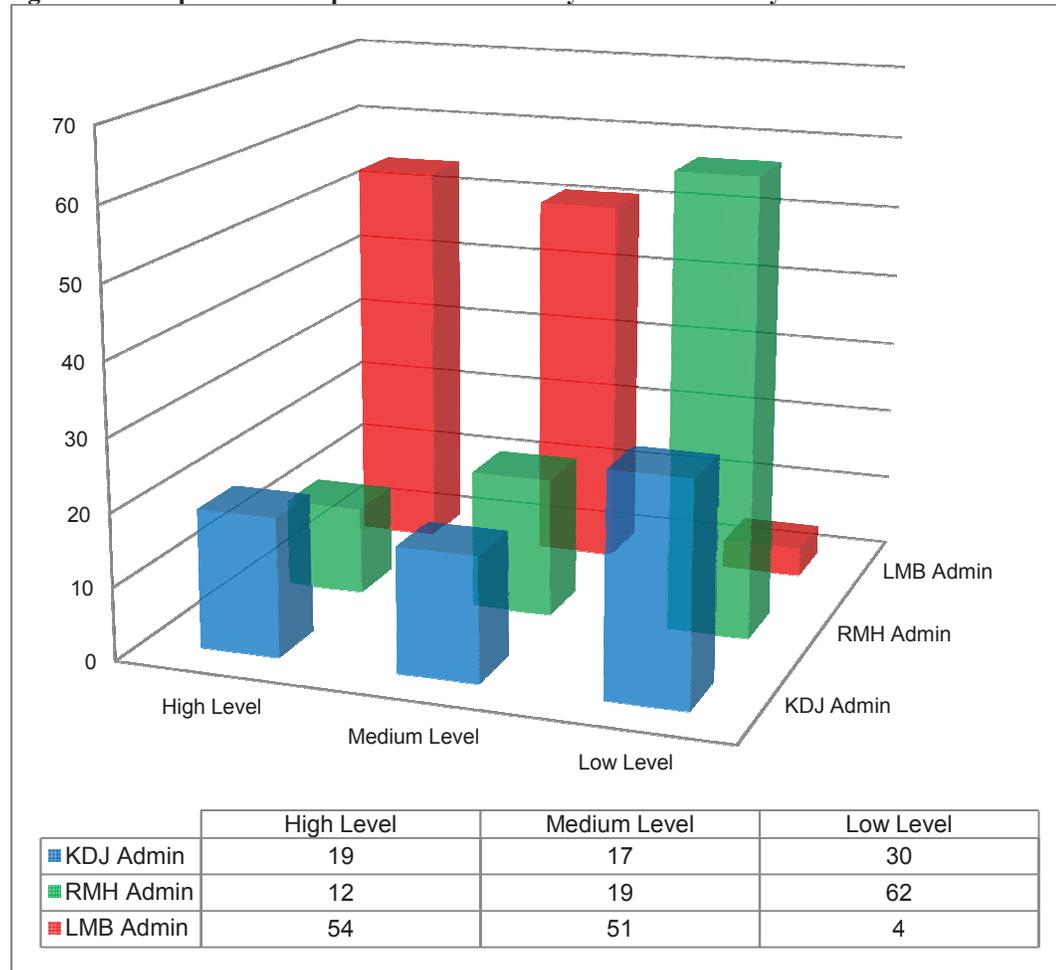


Fig 4.5 represents the trend of the annual mean value of inter-Korean interactions over the NLL during three South Korean administrations. It shows that the mean interaction value had steadily decreased since 1998 to 2007. It is noticeable that the mean interaction

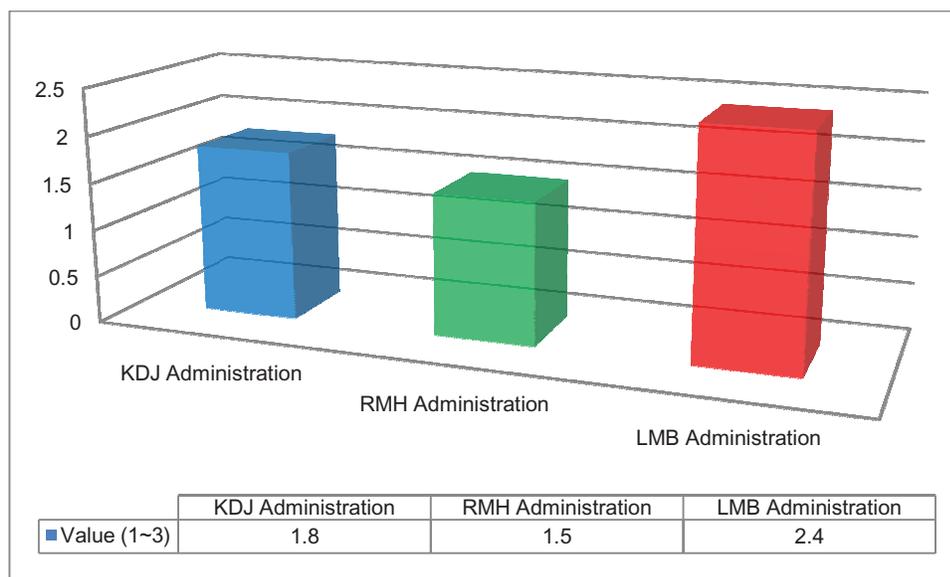
value drastically dropped in the years of 2000 and 2007. These two spikes correspond to two major political events between the two Koreas. The years 2000 and 2007 were the period during which the inter-Korean summit meetings were held respectively. However, the mean interaction value began to rise after the end of 2007. Similar to the result found in fig 4.4, the overall pattern of the mean interaction value indicates that the degree and intensity of overall inter-Korean confrontations over the NLL has gradually decreased (from point 2.25 to 1.2) during the Kim Daejung and Roh Moohyun while it significantly increased (from point 1.2 to 2.74) since the inauguration of the Lee Myungbak Administration. In addition, another noticeable feature is that the intensity of inter-Korean confrontations tended to increase during the early years of a new administration (1997~98, 2003~04 and 2007~08).

Figure 4.6. Frequencies of Diplomatic and Military Confrontation by North Korea over the NLL



When the number of medium and low levels of confrontations is higher than the number of high levels of confrontations, the inter-Korean relations over the NLL can be regarded as relatively stable and peaceful. During the period of the Roh Moohyun Administration, the number of low levels of confrontations was highest while the number of high levels of confrontations was lowest. During the Lee Myungbak administration, the number of high levels of confrontations over the NLL was quite higher than those of the Kim Daejung and Roh Moohun administration.

Figure 4.7. The Yearly Average of Mean Interaction Value



Furthermore, the yearly average of mean interaction values during the three administrations also show the similar trend: The yearly average of mean interaction value during Kim Daejung and Roh Moohyun administrations is less than 1.8 points, while the yearly average of mean interaction value during the Lee Nyungbak Administration is 2.4 points. Overall, inter-Korean relations over the NLL were kept relatively safe and peaceful during the period of the Roh Moohyun and Kim Daejung administrations compared to the Lee Nyungbak administrations. The two Koreas experienced highly unstable relations over the NLL during the Lee Myunbgak Administration as evidenced by the high intensity of the confrontational interactions over the NLL.

CHAPTER FIVE

SOUTH KOREAN AND US FOREIGN POLICY POSTURES TOWARD NORTH KOREA

This chapter examines the two independent variables (the South Korean and US North Korea policy postures) by assessing how they have shifted during the periods of three South Korean administrations. For this purpose, the policy postures, hard line and soft line, are first defined based on the concept of the reciprocity and issue-linkage/separation from the IR literatures. Secondly, the shifts in South Korea's North Korea policy postures are traced. In addition, the effect of different North Korea policy postures on each South Korean administration's diplomatic attempts to manage the NLL is explored. Thirdly, the US North Korea policy stances during the same periods are traced. Lastly, the relationship between the shifts in U.S. and South Korea's North Korea policies and the pattern of the inter-Korean confrontations over the NLL is explored. In addition, through the findings, this chapter attempts to find some of the implications of these inter-Korean interactions for policy coordination between the United States and South Korea.

I. Foreign Policy Posture: Hard Line and Soft Line

1. Conceptualization and Measurement

Whether the nature of a certain policy is hard line or soft line can be defined based on the concept of reciprocity and can be measured in terms of issue-linkage/separation. Reciprocity is usually defined as a principle through which the parties involved interact

on the basis of equivalent and fair treatment by observing obligations to each other.²⁴⁷ For instance, the parties involved respond to a positive action with another positive action while responding to negative actions with negative actions. While this is the general definition of reciprocity, a number of IR scholars have categorized the concept of the reciprocity in more detail. For instance, Ishikawa categorizes the reciprocity as diffuse and restrictive reciprocity while Cline dissects it into passive and aggressive reciprocity.²⁴⁸ In a similar vein, Robert Keohane, in his work on “*Reciprocity in International Relations*,” classified reciprocity into diffuse and specific reciprocity.²⁴⁹ Even though they use different terms to describe the concept of the reciprocity, they are talking about a similar concept. It can be concluded that, in general, there are two types of reciprocity. One of them is flexible, passive or diffuse reciprocity which is based on the rule of non-contingency and non-equivalence. In inter-state relations, the state that adheres to the principle of flexible reciprocity employs policy to elicit cooperation and concessions from the target state by providing unconditional and conciliatory initiatives. One side, usually the dominant side, provides unconditional incentives first to place the other side, usually the weaker target side, at ease and then the other side responds in return. Yet, in this case, the party that provides unconditional incentives to the target state does not necessarily request or expect immediate or equivalent rewards from the target state. The other form of the reciprocity is strict, specific or restrictive reciprocity which is based on the principle of contingency and equivalence. The state that adheres to the rule of strict reciprocity pursues a policy that tries to elicit cooperation or concessions from

²⁴⁷ Richard Haas and Meghan O’Sullivan, 2000, “Terms of Engagement: Alternatives to Punitive Policies,” *Survival Vol 42, No. 2*, pp.113~135; Patrick Bandt and John R Freeman, 2006, “Reciprocity, Accountability and Credibility in International Relations,” *Journal of Conflict Resolution Vol. 52, No. 2*, pp.343~374.

²⁴⁸ Masao Ishikawa, 1985, History and Function of Reciprocity in International Relations, Gaimusyo Chosa Geppo, Vol. XXVIII, No.2 ; William R. Cline, 1983, *Reciprocity: A New Approach to World Trade Policy?*, Mit Pr.

²⁴⁹ Robert O. Keohane, 1986, “Reciprocity in International Relations,” *International Organization, 40(1)*, pp.1~27.

the target state by providing conditional, unilateral or coercive initiatives. One side provides the target state with incentives on the condition that the target state return the same levels of rewards.

A. Hard-line policy: Exchange- Based Policy based on the Rule of the Strict Reciprocity

An inter-state relationship that is based on the principle of strict reciprocity can involve a situation where one state provides the other side with certain levels of incentives and the other side responds with equivalent levels of rewards. In a similar line of reasoning, Keohane argues that the strict or specific reciprocity signifies “actions which are contingent or conditional on rewarding reactions from the other states and which cease when these expected reactions are not forthcoming.” Thus, the contingent and conditional actions are taken so that “good is returned for good, and bad for bad.”²⁵⁰ This so called “tit-for-tat” oriented policy can lead to a situation where inter-state relations can be entrapped in a vicious cycle of intensive competition and retaliation if the negative aspect of reciprocity excessively is utilized.²⁵¹ A policy based on the rule of strict reciprocity emphasizes the simultaneous exchange of equivalent obligations and benefits in a sequential manner. The hard line policy can be interpreted as exchange-based policy in that the hard line policy on the basis of the strict reciprocity adheres to a principle of a sequential approach in which the target state’s prior action is required as a precondition for the development of the relations

B. Soft-line Policy: Relation-based Policy based on the Rule of the Flexible Reciprocity

A policy based on the rule of flexible reciprocity does not demand any

²⁵⁰ Robert O. Keohane, 1986, “Reciprocity in International Relations,” *International Organization*, 40(1), pp.1~27.

²⁵¹ Eileen Crumm, 1995, “The Value of Economic Incentives in International Politics,” *Journal of Peace Research* 32, No. 3, pp. 313~330.

immediate response or the same levels of compensation from the target state for providing incentives. A state that employs a flexible-reciprocity-based policy only asks the other side for a certain level of obligation for compensation in the future. In this sense, Keohane argues that “a pattern of the diffuse reciprocity can be maintained only by a widespread sense of obligations.”²⁵² Thus, the key elements of the flexible reciprocity can be depicted as non-equivalence, asymmetry, and asynchronism. In an inter-state relationship which is based on the principle of flexible reciprocity, one state provides the target state with unconditional incentives or initiatives without the explicit expectation that a reciprocal acts or rewards will follow. It either receives less than it gave to the target state or receives its reward later after some time. As a result, a state which pursues the policy based on the principle of the flexible reciprocity might elicit substantial inequality and unfairness in the short term. However, it can benefit from the eventual development of the relationship in the long term. The soft line policy can be conceptualized as relation-based policy in that state which pursue soft line policy seeks to make efforts to start with issues on which trust can be built. It does not request the target state’s immediate prior action as a precondition. Thus, it does not approach the target state in a sequential manner.

C. Issue Linkage vs. Issue Separation Strategies

With this conceptual definition of reciprocity in mind, policy postures toward North Korea can be categorized into the two types; hard line or soft line. Policies based on the rule of diffuse reciprocity can be defined as soft line policies while policies based

²⁵² Robert O. Keohane, 1986, “Reciprocity in International Relations,” *International Organization*, 40(1), pp.1~27.

on the principle of strict reciprocity can be conceptualized as hard line policies. While the nature of a policy stance, hard line or soft line, can be conceptualized based on the rules of diffuse or strict reciprocity, actual policies based on strict or diffuse reciprocity are realized and reflected in the form of certain policy strategies such as issue-linkage or issue-separation. For instance, a state that adheres to the principle of diffuse reciprocity employs a strategy of issue-separation (i.e., separation of political and economic issues), while the state that sticks to the rule of strict reciprocity relies on a strategy of the issue linkage (i.e., linkage of political and economic issues). In a similar vein, Michael Mastanduno also describes the conditional engagement policy as “a structural linkage strategy.”²⁵³ Unlike a strict-reciprocity-based policy which relies on the strategy of issue linkage, the diffuse-reciprocity-based policy employs the issue separation strategy and is regarded as a more efficient way to induce a target state to respond in a more cooperative and conciliatory manner. By sticking to the rule of separation of politics from economic cooperation, a state can send a clear message to the target state that its sensitive political or security issues will not be affected by economic cooperation or engagement. In this process, the relationship between the two states shifts from a competitive game to a mutually cooperative game where the development of the relationship in one area (i.e., economic relations) can positively affect the other conflicting issues (i.e., political or security issues). Moreover, such a soft line policy will be endorsed as a sustained policy by the engaging state when the relationship with the target state leads to the reductions of the tensions or absence of significant conflict.

In international relations, issues are separate items on the negotiation agendas.

²⁵³ Michael Mastanduno, 1992, *Economic Containment: CoCom and the Politics of East-West Trade*, Ithaca: Cornell University Press.

The issues that get linked into packages are called issue areas.²⁵⁴ The notion of issue-linkage has been discussed and applied in analyzing mechanisms of inter-state negotiation in which multiple states play multiple games on more than one issue area.²⁵⁵ In inter-state negotiations, states usually play games to obtain bargaining leverage or to extract compensation or cooperation from a target state, where a stronger and a weaker side are usually distinguished. Haas explains this situation well, relying on the notion of tactical linkage.²⁵⁶ He accounts for how a weaker side with sufficient leverage can persuade a stronger side to accept the agenda the weaker side wants to put in place. On the contrary, scholars like Mastanduno explain how hegemonic states link security and economic issues in formulating and employing their foreign policy toward a weaker target state to preserve their predominance with their economic and military superiority.²⁵⁷ In general, in inter-state negotiations, especially in an asymmetric dyad consisting of a stronger state and a weak state, the stronger side tends to integrate more than two agendas in formulating and employing foreign policy toward a weaker side to elicit the desired result such as cooperation or concession.

In case of the Korean Peninsula, the United States and South Korea, as stronger states with economic and military superiority, have attempted to preserve their predominance in their negotiations with North Korea by employing an issue-linkage strategy with diverse agenda depending on the different strategic environment during certain periods. The agenda in negotiations with North Korea has been focused mainly on

²⁵⁴ Haas E. B., 1980, "Why Collaborate? Issue Linkage and International Regimes," *World Politics Vol. 32, No. 3*, pp. 353~405.

²⁵⁵ Gosovic B. & Ruggie J. G. 1979, "On the creation of a new international economic order: issue linkage and the Seventh Special Session of the UN General Assembly," *International Organization, Vol. 30, No. 2*, pp.309~345.

²⁵⁶ Haas E. B., 1980, "Why Collaborate? Issue Linkage and International Regimes," *World Politics Vol. 32, No. 3*, pp. 353~405.

²⁵⁷ Mastanduno M., 1988, "Economics and Security in Statecraft and Scholarship," *International Organization, Vol.42, No. 4*, pp. 825~854.

North Korea's nuclear program. For North Korea, a stable economic and security environment surrounding it has been the most important policy item on its agenda to sustain its regime, and its continuous pursuit of nuclear capabilities has been the main means it has used to pursue this goal. In this context, the US and South Korea's North Korea policy goals have been concentrated on reducing tensions on the peninsula by inducing or coercing North Korea into giving up its nuclear program, even though the means they relied on to achieve this policy goal have not been coherent due to the different nature of the foreign policy stances that individual administrations have pursued.

In the inter-Korean relations over the last twelve years, whereas the Kim Daejung and the Roh Moohyun administrations employed diffuse-reciprocity-based soft line policies which separately pursued consistent economic engagement and nuclear negotiations, the Lee Myungbak administration employed a strict-reciprocity-based hard line policy which involved an issue-linkage strategy by integrating security issues with economic engagement. During the same periods in the US, the Clinton administration employed an issue-separation strategy while the Bush and Obama administrations pursued strict-reciprocity-based issue linkage strategies. Given that North Korea's primary policy goal is to sustain its regime and that its pursuit of nuclear program is the main means to achieve and guarantee such policy goal, the policy postures of the US and South Korea that could be interpreted as ignoring or denying North Korea's policy goals and means can be regarded as source of threat to North Korea. To be more specific, the U.S. and South Korea's sequential approach in which North Korea's prior action, such as the dismantlement of the nuclear program, is required as a precondition for dialogues or economic assistance can be perceived as a threat to North Korea's regime.

There are controversies over the effectiveness of hard line or soft line policies in promoting cooperation and concessions from the target state.²⁵⁸ Whether a certain state pursues a hard line or soft line approach is usually motivated by a state's image of its opponents, its self-image, and its strategic preference.²⁵⁹ The state which pursues a hard line policy assumes that its opponents or target states are highly calculative and aggressive bluffers. It also assumes that the opponent states tend to take advantage of any sign of weakness but retreat if one shows a firm stance. In this context, the appropriate policy strategy to elicit cooperation or concession from the target states is a hard line policy. However, a possible side-effect of employing a hard line policy is that it can result in conflict escalation which could eventually yield low payoffs to parties involved, worsening and deepening mutual hostility and mistrusts.²⁶⁰ On the contrary, states which pursue soft line policies assume that soft line policies can promote and expedite reconciliation and cooperation between states. Repeated interactions and contacts through issue-separation strategies on the basis of flexible reciprocity can reduce mistrust and miscommunication between states, resulting in favorable conditions for cooperation and concessions from the target states.²⁶¹ The positive impacts of soft line policies on resolving disputes between states have been empirically studied and verified by a number of scholars.²⁶² However, the soft line policy also has some limitations in terms of its applicability and effectiveness. In the first place, it is not easy for one state to change the

²⁵⁸ David Cortright, 1997, *The Price of Peace: Incentives and International Conflict Prevention*, Lanham, MD: Rowman & Littlefield.

²⁵⁹ Glenn Snyder, and Paul Diesing, 1977, *Conflict Among Nations: Bargaining, Decision Making, and System Structure in the International Crisis*, Princeton University Press.

²⁶⁰ Patchen, Martin, 1987, "Strategies for Eliciting Cooperation from an Adversary: Laboratory and International Findings," *Journal of Conflict Resolution*, Vol 31, No.1, pp. 164~185.

²⁶¹ Axelrod, Robert. 1984, *The Evolution of Cooperation*, New York: Basic Books.

²⁶² Goldstein, Jon C. Pevehouse, Deborah J. Gerner, and Shibley Telhami, 2001, "Reciprocity, Triangularity, and Cooperation in the Middle East 1979-97," *Journal of Conflict Resolution*, Vol.45, No. 5, pp. 594~620; Greffenius, Steven, and Jungil Gill, 1992, "Pure Coercion vs. Carrot-and-Stick Offers in Crisis Bargaining," *Journal of Peace Research*, Vol. 29, No. 1, pp. 39~52.

image of the opponent state. Moreover, if the soft line policy is not pursued in a consistent and coherent manner, the effectiveness of the soft line policy is not guaranteed and, as a result, inter-state relations can become locked in mutual misperception, mistrust and defection. Therefore, the question arises regarding how to develop and maintain a soft-line policy if mutual hostility has already been established between states.

With regards to North Korea's nuclear program, those who support a soft line policy argue that the best way to approach the issue of North Korea's nuclear program is to separate economic engagement and nuclear issues. In other words, providing and guaranteeing conciliatory and unconditional incentives such as energy supplies, food aid, normal diplomatic relations, and, most importantly, security guarantees can eventually provide favorable conditions for dealing with North Korea's nuclear issues in a peaceful way even if it takes long time.²⁶³ Thus, those who support the effectiveness of a soft line policy assume that North Korea's challenging behavior like its nuclear or missile test and its low intensity military behavior mainly come from its perception of an insecure external environment and the fact that North Korea has relied on this challenging behavior to attract international attention and elicit negotiations that can supply it with security guarantees and economic assistance.²⁶⁴ In this context, with regard to North Korea's nuclear program, the main benefit of a soft line policy is that it can reduce the risk of tensions escalating between the two Koreas. On the contrary, those who support hard line policies argue that a soft line policy can mislead North Korea into believing that

²⁶³ Carpenter, Ted, and Doug Bandow. 2004, *The Korean Connundrum: America's Troubled Relations with North and South Korea*, Palgrave Macmillian; Jung inmoon, 2008, "Managing the North Korean Nuclear Quagmire: Capability, Impacts, and Prospects," in Ikenberry and Moon(eds), *The United States and Northeast Asia*, pp. 231~262; O'Hanlon, Michael, and Mike Mochizuki, 2003, *Crisis on the Korean Peninsula: How to Deal with a Nuclear North Korea*, McGraw Hill.

²⁶⁴ Victor Cha and David Kang, 2003, *Nuclear North Korea: A Debate on Engagement Strategies*, Columba University Press; Park, Han S., 2002, *North Korea: The Politics of Unconventional Wisdom*, Lynne Rienner Publication; Scott Snyder, 1999, *Negotiating on the Edge: North Korean Negotiating Behavior*, United States Institute of Peace.

the United States and South Korea are naïve providers and will provide North Korea with the chances to cheat on negotiated agreements or take advantage of cooperative gestures from South Korea and the United States.²⁶⁵ In short, the major problem of a soft line policy is that North Korea could show inverse response behavior rather than reciprocal behavior. Given the purpose of this thesis is to explore the impact of the U.S. and South Korea's policy posture on inter-Korean confrontations over the NLL, the findings on the effectiveness of soft or hard line policies in reducing or exacerbating tensions on the NLL will shed some insight on the above discussion.

In the next part, the development of South Korea's and the US North Korea policy stances are traced.

II. ROK and the U.S. North Korea Policy Posture

1. ROK North Korea Policy Posture

A. The Kim Daejung Administration's North Korea Policy: 1998~2002

The Kim Daejung administration which took office in 1998 pursued a soft line policy aimed at producing incremental systemic changes in North Korea. Against the backdrop of the previous Kim Yongsam administration's hard line policy toward North Korea, President Kim Daejung signaled in his inaugural statement that his South Korean administration would pursue a soft line policy toward the North. In his North Korean policy doctrine, the so called "*Sunshine Policy*,"²⁶⁶ President Kim Daejung clarified that his administration would not seek the reunification of the two Koreas through absorption.

²⁶⁵ Richard N. Haass, Kyung Won Kim, and Nicholas Platt, 1995, *Success or Sellout?: The US– North Korea Nuclear Accord*, Washington D.C.: Woodrow Wilson Center Press.

²⁶⁶ Shin Seongho, 2002, "The U.S. Strategy of Engagement During the Cold War and Its Implication for Sunshine Policy," *The Korean Journal of Defense*, pp. 421~440.

Such an official and explicit expression of his North Korea policy stance was designed to lessen North Korea's worries which come from the widening gap of economic and military capability between the two Koreas. The Sunshine Policy was based on the assumption and principle that unconditional accommodation and embracement policy toward North Korea will bring positive changes in North Korea.²⁶⁷ The Kim Daejung administration launched a number of economic initiatives to engage North Korea from the beginning of its term. From the perspective of North Korea, South Korea's conciliatory policy stance and unconditional economic initiatives to North Korea was a relief given that it was experiencing an unfavorable domestic situation due to a food and energy shortage.²⁶⁸ Most importantly, the Kim Daejung administration emphasized its resolve to pursue economic engagement with North Korea regardless of North Korea's nuclear issue. In pursuing its North Korea policy, the Kim Daejung administration maintained momentum for continuous inter-Korean economic cooperation in spite of sporadic and unexpected political and military tensions between the two Koreas. By adhering to the principle of separating security and economic issues, he made continuous and coherent efforts to enhance the sustainability of inter-Korean relations which might have been negatively impacted by unanticipated changes in the political and military realms. The main vehicle which helped render the strategy of the issue-separation enduring and consistent throughout his term was the principle of "Jongkyong Bulli."²⁶⁹ The Jongkyong Bulli, which represents the separation of economy from politics, implied

²⁶⁷ Sunshine Policy adopted the following principles; no absorption of North Korea in the process of unification, intolerance of any armed provocation destructive to peace, the principle of reciprocity, and separation of the economy from politics, Sheen Seongho, 2002, "US Strategy of Engagement During the Cold War and Its Implication for Sunshine Policy," *The Korean Journal of Defense Analysis*, pp. 197~216.

²⁶⁸ Geir Helgesen, 2005, "North Korea's Economic, Political and Social Situation," *NIAS*, pp.1~58.

²⁶⁹ Choi Kyungsuk, 2002, "The Future of the Sunshine Policy: Strategies for Survival," *East Asian Review, Vol 14. No. 4*, pp. 3~17.

that the inter-Korean interactions through economic engagement should be continued in a consistent manner regardless of political confrontation between the two Koreas. In this context, the Kim Daejung administration did not adhere to a strict reciprocal principle in inter-Korean relations. Instead it expanded a window of opportunity to enhance economic interdependence between the two Koreas even under the political stalemate based on the belief that in the end it would contribute to the overall development of inter-Korean relations in a constructive way. The consistent and coherent pursuit of an issue-separation strategy was based on the perception that strict attempts to link economic issues to security and political issues cannot be constructive institutionalizing inter-Korean economic engagement and that providing benefits to the weaker party (North Korea) through economic engagement could bring about desirable conditions for the overall inter-Korean relations in the long run.²⁷⁰

In this context, the Kim Daejung administration also emphasized inter-Korean exchange programs via non-governmental organizations (NGOs) and civil society. The administration permitted civic groups and businessmen to contact the entities of the North with minimum restriction. In pursuing economic engagement with North Korea at both the governmental and non-governmental levels, the Kim Daejung administration did not push for the political transformation of North Korea but allowed it to have the motives to naturally and voluntarily open itself to the outside world. The Kim administration did not anticipate or request immediate benefits and improvements in inter-Korean negotiations.

The Kim Daejung administration's soft line policy was contrary to the previous Kim Yongsam administration's hard line North Korea policy which used an issue-linkage

²⁷⁰ Moon Jungin, and Steinberg D, 1999, *Kim Dae-jung Government and Sunshine Policy*, Yonsei University Press.

strategy based on the principle of strict reciprocity as reflected under the rubric of the “No dismantlement of nuclear weapons, no economic aid at all levels.”²⁷¹ The Kim Daejung administration’s management of inter-Korean relations through this soft line policy created favorable conditions for holding the 2002 historic inter-Korean summit meeting in Pyongyang where the leaders of the two states produced “The South-North Joint Declaration.”²⁷² This joint declaration confirmed that reunification shall be resolved on the initiatives of the two Koreas, based on the common elements of mutual unification proposals, and that the two Koreas shall promptly resolve humanitarian issues and consolidate mutual trust by promoting economic cooperation.²⁷³ The summit meeting was a historical event which took place for the first time since the two Koreas were divided and set the stage for the peace process. Following the summit, the scope and range of inter-Korean dialogue were extended to include humanitarian issues, military confidence building measures, and joint economic projects.²⁷⁴ Even though there were several instances that featured military tensions, inter-Korean relations generally advanced along the rapprochement tract. The Kim Daejung administration’s coherent soft line policy toward North Korea led North Korea to perceive the Kim administration’s sincere willingness to engage. The impact of the soft line policy has manifested in several dimensions of inter-Korean relations. Since the 2000 summit meeting, a total of 42 inter-Korean agreements have been signed; seventeen during the Kim Daejung administration,

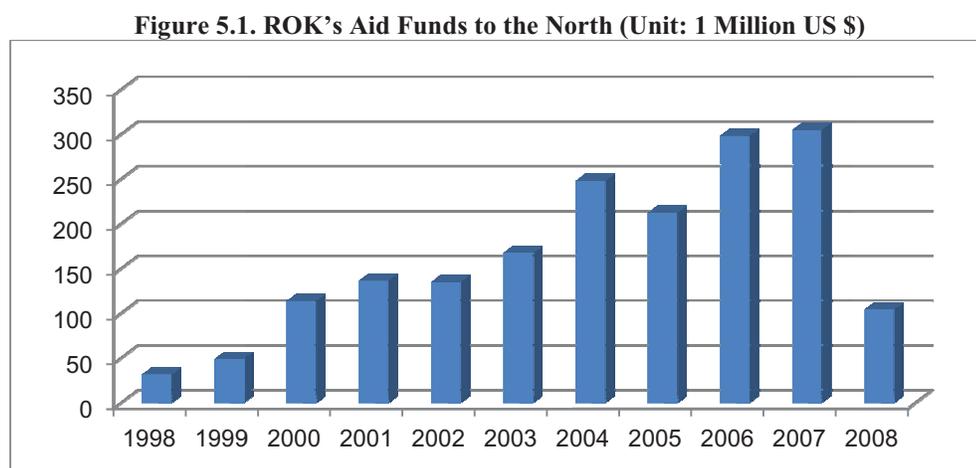
²⁷¹ Choi W. K., 1997, “Gim Yeongsam Jeongbuui Daebukjeongchaeg Silpaewonin Bunseok [The Kim Youngsam Administration’s North Korea Policy and its Failure],” *Korea and World Politics*, Vol. 14, No. 2, pp. 189~212.

²⁷² Ministry of Unification, 2002, *Sanyeonganui Daebugeongchaeg: Pyeonghawwa Hyeopryeongeuroui Gil* [Four Years of North Korean Policy: The Road to Peace and Cooperation]; Ministry of Unification, 2001, *Unification White Paper*.

²⁷³ Choi Kyungsuk, 2002, “The Future of the Sunshine Policy: Strategies for Survival,” *East Asian Review*, Vol 14, No. 4, pp. 3~17.

²⁷⁴ Korea and the World: “Inter-Korean Interaction & Cooperation,” *Korean Information Service 2000-2002*, available at www.Korea.net; Chang Nohsoon, 2002, “After the Korean Summit: The Challenging Consequences of the Détente,” *East Asia Review*, Vol. 12, No. 3.

and twenty five during the Roh Moohyun administration.²⁷⁵ During this period, the amount of ROK's aid funds to the North dramatically increased. For instance, the amount of the aid funds in 1999 was about 50 million US dollars. However, in 2000, it increased to more than 100 million US dollars. Since then, the amount of the aid to North Korea has continued to increase. In 2007, the amount of funds even reached up to about 300 million US dollars (See Figure 5.1).²⁷⁶



Reconfiguration by author based on the raw data from Ministry of National Unification
Source: The ROK Ministry of National Unification and Statistics Korea, 2009

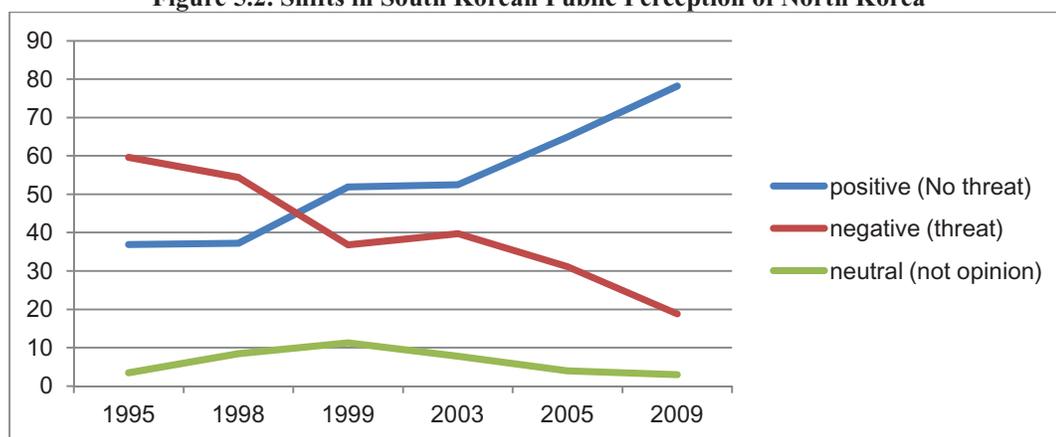
South Korean public's perception of North Korea had changed during the Kim Daejung administration. The positive perception of North Korea increased from 35 in 1995 to 50 percent in 2003 and to 63 percent in 2005. On the contrary, the threat perception of North Korea decreased from 60 percent in 1995 to 35 percent in 1999 and to 29 percent in 2005. The reduced threat perception of North Korea led many South Koreans to regard North Korea as brothers in need of support and cooperation rather

²⁷⁵ Ministry of Unification, 2011, The Chronology of inter-Korean dialogues, 2011; KINU, 2011, The Chronology of the Inter-Korean interactions.

²⁷⁶ Ministry of Unification, 2012, The statistics on inter-Korean Aids.

than as an enemy to compete against.²⁷⁷ North Korea's elite perceptions also seemed to have changed as evidenced in the statement of the 2003 New Year Joint Editorial that "There exists on the Korean Peninsula at present only confrontation between the Koreans in the North and the South and the United States."²⁷⁸

Figure 5.2. Shifts in South Korean Public Perception of North Korea



Reconfiguration by author based on the raw data from Korean Institute for National Unification (KINU)
Source: Korean Institute for National Unification(KINU) <http://www.kinu.or.kr>

The soft line policy with a strong momentum resulted in important progress on the conciliatory atmosphere between the two Koreas. Adhering to the issue-separation strategy, the Kim Daejung administration's North Korea policy, built with traditional functionalism in mind, rendered it possible for the two Koreas to prevent the ongoing economic engagement and cooperation projects from being interrupted by unanticipated and sporadic political turbulence.²⁷⁹ The Kim Daejung administration tried to utilize economic engagement and cooperation with the North to restore and strengthen mutual

²⁷⁷ Kang Choi and Joon-Sung Park, 2008, "South Korea: Fears of Abandonment and Entrapment," in Muthiah Alagappa, ed. *The Long Shadow: Nuclear Weapons and Security in 21st Century Asia*, Stanford University Press, pp. 373~404.

²⁷⁸ "Joint New Year Editorial of Rodong Shinmun, Januar1, 2003, KINU, 2003, *The Chronology of North Korea's Behavior*..

²⁷⁹ Moon Chungin, 1999, "Understanding the DJ Doctrine," in Kim Dae-Jung Government and Sunshine Policy, Cuung inmoon and David I. Steinberg, eds, Yonsei University Press.

trust and to create favorable conditions which could eventually contribute to the development of the overall inter-Korean relations from a long-term perspective.²⁸⁰

B. The Roh Moohyun Administration's North Korea Policy : 2003~2007

The Roh Moohyun administration which inherited the spirit of the Kim Daejung administration's Sunshine Policy employed a soft line policy, known as "The Peace and Prosperity."²⁸¹ The Roh Moohyun administration further extended the Kim Deajung administration's engagement policy under the rubric of reconciliation, cooperation and the establishment of peace with North Korea. Key principles of the Roh administration's North Korea policy were focused on; 1) the extension of South Korean economic and humanitarian aid to North Korea, 2) the separation of economic initiatives from political and military issues, 3) no expectation of strict reciprocity from North Korea for South Korea' conciliatory measures and initiatives, 4) the avoidance of South Korean government public criticisms of North Korea over military and human rights issues, and 5) settlement of security issues with North Korea through dialogue without pressure and coercion.²⁸² The Roh administration expanded the scope of cooperation by broadening economic and humanitarian exchanges and introducing several confidence-building measures through working and general level dialogues. In spite of sporadic tensions such as the second nuclear crisis of North Korea (2002), its declaration of a uranium-based nuclear program (2005) and the first nuclear test (2006), the Roh administration made every effort to follow the track of inter-Korean economic cooperation and keep up the

²⁸⁰ Ibid.

²⁸¹ The Ministry of Unification, 2003, *The Roh Moo-hyun Administration's Peace-Prosperity Policy*, Seoul.

²⁸² Kim K. S, 2008, "Daebuk Poyongjeongchaegui Gaenyeom, Pyeongga Geurigo Hyanghu Gwaje [Concept, Assessment, and Future task of the Engagement Policy toward North Korea]," *Korea and World Politics, Vol 24, No.1*, pp.1~34; Koh Yuhwan, 2006, *No Muhyun Jeonggwonui Daebukjeongchaekgwa Haeg-wigi Gwanri [Roh Moohyun Administration's North Korea policy and Nuclear Crisis Management]*.

momentum of dialogues.²⁸³

The Roh Moohyun administration made intensive efforts to implement and accomplish cooperative projects between the two Koreas initiated by the Kim Daejung administration and to not to lose their continuity regardless of military and political turbulence. For instance, the Roh administration steadily implemented joint projects like the Mountain GumGang Tourism Zone and the Kaesung Industrial Complex (KIC).²⁸⁴ The KIC project was one of the most noticeable achievements in the Roh administration's engagement policy toward North Korea. The gradual and successful progress of the KIC project demonstrated that the intermittent military or political tensions such as the nuclear crisis of North Korea could not undermine the Roh administration's sincere willingness and efforts to enhance economic engagement with North Korea.

Mutual hostility eased slowly but surely, and the reconcilable and conciliatory atmosphere between the two Koreas came to the fore, leading to the second inter-Korean summit meeting in October 2007. The 2007 summit meeting was the major step toward a functional working peace process and resulted in the two Koreas producing the "Declaration on the advancement of South-North Korean relations, Peace and Prosperity."²⁸⁵ While in the 2000 inter-summit meeting, the two Koreas agreed on the necessity of balanced development in economic cooperation in general terms, the 2007 declaration extended the range and scope of economic agreements. Moreover, while the 2000 summit meeting did not include an agenda regarding military and security issues, the 2007 meeting produced more substantive results which include several military

²⁸³ Kim Choongnam, 2005, *The Roh Moo hyun Government's Policy Toward North Korea*.

²⁸⁴ Jeong Sehyun, 2004, "Inter-Korean Relations under the Policy for Peace and Prosperity," *Korea and World Affairs*, Vol. 28. No.1, pp. 1~ 18.

²⁸⁵ Kwak Taehwan and Joo Seongho, 2013, *Peace Regime Building on the Korean Peninsula and Northeast Asian Security Cooperation*, Ashgate.

tension reductions and confidence building measures.²⁸⁶

The scope of economic cooperation was expanded to include agriculture, forestry and joint exploration of natural resources in North Korea.²⁸⁷ Socio-cultural interactions became frequent producing a wide range of programs. Non-governmental and civil actors played active roles in promoting inter-Korean reconciliation with the support from South Korea's government.²⁸⁸ With regards to the military issue area, general and working-level military dialogues introduced new measures to prevent accidental military clashes between the two Koreas. As for the NLL, one of the most important improvements in the 2007 summit meeting was that the two Koreas discussed various confidence building measures to avoid accidental clashes by establishing a special peace zone in the West Sea and creating a joint fishing and maritime peace zone. Before and after the 2007 summit meeting, about 50 high-level dialogues were held, including the first South-North Prime Ministerial talks and the Defense Ministerial talks.²⁸⁹

The volume of trade between the two Koreas reached \$1.8 billion US dollars in 2007 (See Fig 5.3), which accounted for more than 40 percent of North Korea's entire foreign trade. South Korea became the second largest trading partner with North Korea since 2002 (See Fig 5.4). During this period, the amount of aid funds to the North underwent an enormous increase. For instance, the amount of aid funds which were about 135 million US dollars in 2002 increased up to about 300 million US dollars in 2006,

²⁸⁶ Chung inmoon, 2007, "Comparing the 2000 and 2007 inter-Korean summits," *Global Asia, Journal of the East Asia Foundation Vol 2. No.3*, available at http://globalasia.org/articles/issue4/iss4_8.html.

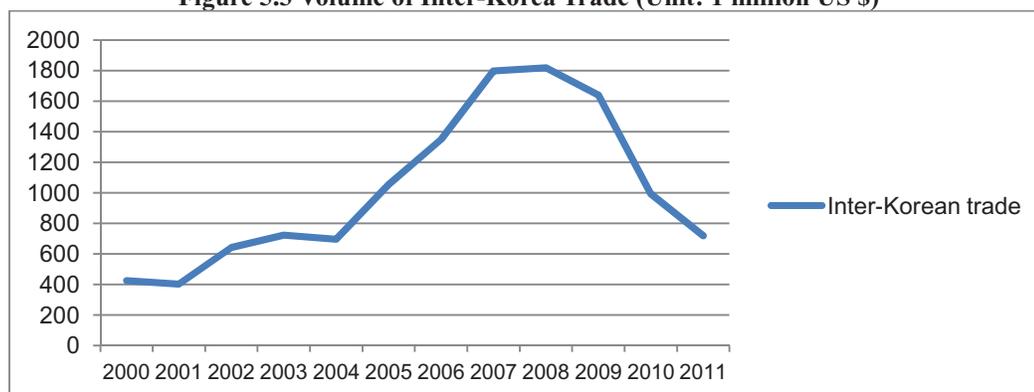
²⁸⁷ Kim Hongnack, "South-North Korean Relations under the Roh Moo Hyun Government," *International Journal of Korean Studies*, Vol X. No.1, pp. 37~59.

²⁸⁸ Sim Youngsoo, "System Dynamics of the Relations Between Two Koreas Under the Roh Moo Hyun Administration," *Honam University*, pp. 1~ 5; Kim Yonghyon, 2006, *Nambukhangan Gyoryuhyeopryeokgwa Pyeonghwa* [South-North Korean Exchange and Cooperation and Peace on the Korean Peninsula].

²⁸⁹ Ministry of Unification, 2011, *The Chronology of Inter-Korean Interactions*, Seoul; Ministry of Defense, 2100, *The Chronology of North Korea's behaviors toward South Korea*, Seoul.

marking an increase of about 71 % in the rate of increase in aid (see Fig 5.1). Most of the aid was sent for humanitarian purposes like fertilizers and food to North Korea. It also involved other economic aid through ROK NGOs. The amount of aid fund continued to increase at the average rate of 30 % every year. However, the volume of aid funds drastically began to decrease by more than 70% since the inauguration of the Lee Myungbak administration in March 2008.²⁹⁰

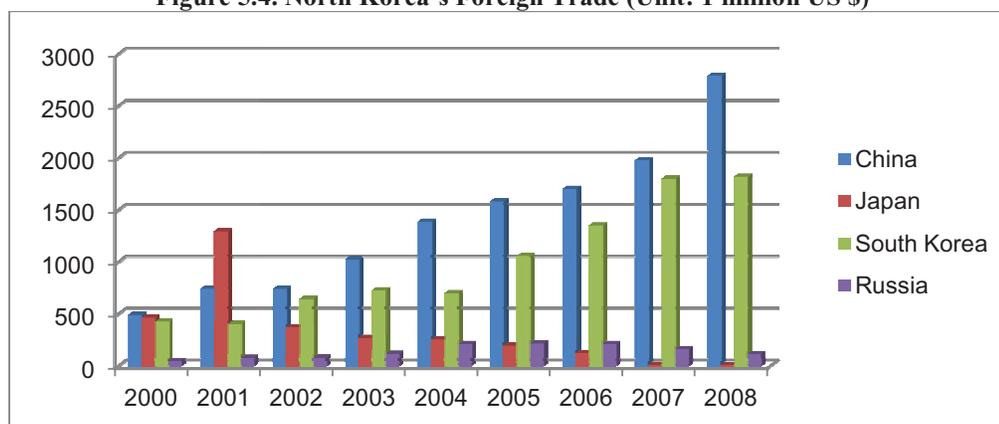
Figure 5.3 Volume of Inter-Korea Trade (Unit: 1 million US \$)



Reconfiguration by author based on the raw data from Ministry of Unification, 2011.

Source: The Ministry of Unification, Data on inter-Korean trade, 2011

Figure 5.4. North Korea's Foreign Trade (Unit: 1 million US \$)



Source: Nick Nanto and Emma Chanlett Avery, North Korea: Economic Leverage and Policy Analysis, 2010

During its term, the Roh administration did not give up the belief and conviction that

²⁹⁰ Ministry of Unification, 2011, The Chronology of Inter-Korean economic exchange, Seoul.

the gradual development of inter-Korean relations through consistent and sincere interaction in economic and cultural areas can induce North Korea to contribute to stabilization of the security environment in the Korean Peninsula. A consistent pursuit of a soft line policy stance toward North Korea resulted in conciliatory atmosphere in overall inter-Korean relations.

C. The Lee Myungbak Administration's North Korea Policy: 2008~2012

From the outset, the conservative Lee Myungbak administration took a hard line policy stance toward North Korea, reversing the North Korea policy pursued by the two previous liberal administrations. The Lee administration's so called "Grand Bargain nuclear proposal and Vision 3000" policy initiative was based on the principle of strict reciprocity in that it clearly requested that North Korea completely dismantle its nuclear program as a precondition for economic aid from South Korea.²⁹¹ By criticizing the previous administrations' North Korea policies, the Lee administration framed the last ten years of the engagement policy pursued by the two previous administrations as a "lost 10 years" during which inter-Korean relations moved in the wrong direction.²⁹² The Lee administration criticized the two previous administrations for failing to address North Korea's nuclear program and attributed such failure to the unconditional economic engagement policy. The Lee administration was extremely skeptical about the peace-facilitating impact of unconditional economic engagement. He openly expressed his skepticism that unconditional economic assistance to North Korea eventually helped

²⁹¹ Bae Jungho, 2009, "Lee Myung-bak Government's North Korea Policy and the Inter-Korean Relations," *The U.S.-ROK Alliance in the 21st Century*, pp. 46~71; Suh Jaejin, 2009, "The Lee Myungbak Administration's North Korea Policy," *KINU*.

²⁹² Moon Chungin, 2009, "South Korea in 2008; From Crisis to Crisis," *Asian Survey Vol 49, No.1*, pp. 120~128.

North Korea to develop its nuclear program.²⁹³ In this sense, the Lee administration's North Korea policy was based on the realist assumption that asymmetric trade can increase an adversary's relative military power, while the two previous administrations' North Korea policies were rooted in the liberal prescription which argues that economic engagement has a positive influence on inter-Korean relations.²⁹⁴

The Lee Administration reviewed the inter-Korean agreements of previous administrations and set up new rules for an inter-Korean relationship in a unilateral, zero-sum way.²⁹⁵ Based on the principle of strict reciprocity and transparency, the Lee Administration linked its overall North Korea policy to North Korea's nuclear programs, urging North Korea's complete dismantlement of its nuclear program. So called "Policy of Vision 300: Denuclearization and Openness" proposed that if North Korea first gives up its nuclear program and opens its doors to the outside world, South Korea will assure that North Korean economic growth reaches \$3,000 GNP per capita.²⁹⁶ Unlike the North Korea policies of the two previous progressive administrations, the Lee administration developed all North Korean policies based on the principles of strict reciprocity which rely on the issue-linkage strategies.²⁹⁷ The Lee administration's hard line policy which integrates economic and nuclear issues led North Korea to heighten its hostility against the Lee administration. Amid tensions in inter-Korean relations, in July 2008, a tourist from South Korea was shot to death by a DPRK's military guard at tourist area of the

²⁹³ Dong-A Ilbo July 8 2009.

²⁹⁴ Kenneth Waltz, 1979, *Theory of International Politics*; Joseph Grieco, 1990, *Cooperation among Nations*, Cornell University Press.

²⁹⁵ Rhee Sangwoo, 2008, *Lee Myungbak Administration's Foreign and North Korea Policy: Overview and Recommendations*, Korea and World Affairs: A Quarterly review, Vol. XXXII, No. 1.

²⁹⁶ Bae Jungho, 2009, "Lee Myung-bak Government's North Korea Policy and Korea-Japan Strategic Cooperation," *KINU International Forum: 2nd Korea Japan Policy Forum*.

²⁹⁷ Yong Seongdong, 2009, "The initiative of 'Denuclearization and Openness 3000' and the plan for inter-Korean economic cooperation, at <http://www.peacefoundation.or.kr>.

Kumgang Mountain.²⁹⁸ South Korea suspended all its projects regarding Mountain Kumgang tourism after this incident occurred. Inter-Korean relations began to worsen drastically. Since then, nearly all inter-Korean meetings, civilian exchanges, military hotlines and other programs that were established during the previous two administration periods were suspended or severely curtailed. Official bilateral dialogues were reduced in its number from 55 in 2007 to 6 in 2008, humanitarian aid to North Korea decreased from 215 million to 25 million in US dollars, and the civil exchanges program was also curtailed.²⁹⁹ For instance, reunions of family members decline from over 3,600 to zero. Inter-Korean trade also marked a mere 1.2% increase from 2007 to 2008. Inter-Korean trade volume was just around \$1.8 billion in 2008 (See Figure 5.3).³⁰⁰ In addition, aid funds by South Korea in all areas have been drastically curtailed by about 60 % from the amount of 300 million US dollars in 2007 to about 100 million US dollars in 2008 (See Fig 5.1). In addition, the portion of South Korea in the DPRK's total trade also drastically decreased about 32 % from about 42 % in the previous year after the Lee Myunbgak administration was inaugurated in 2008 (See Fig 5.4).³⁰¹

More problematically, the Lee Administration reversed policies that previous administrations had maintained toward North Korea in the areas of humanitarian aid, non-governmental and civilian activities, and military strategy. For instance, the Lee administration has stopped providing humanitarian aid to North Korea such as food and fertilizer by raising North Korea's human rights issues in the United Nations.³⁰² The Lee administration even attempted to abolish the Ministry of Unification which had played an

²⁹⁸ Kim Sue-Young, "Opposition Urges Lee to Mend 'Pragmatic Diplomacy,'" *The Korea Times*, July 15, 2008.

²⁹⁹ Ministry of Unification, 2009, Statistics on Inter-Korean exchange, Seoul.

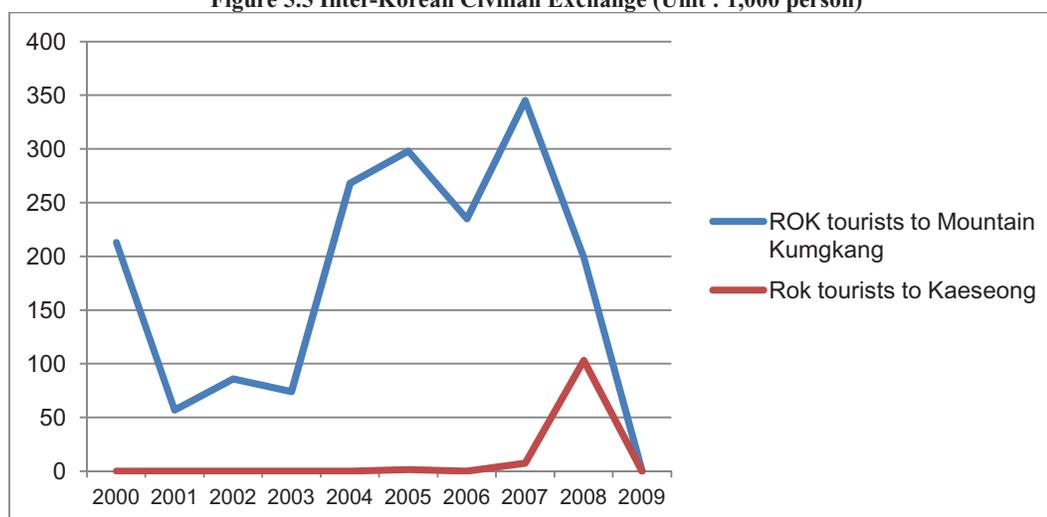
³⁰⁰ Ministry of Unification, 2009, Inter-Korean Relations in 2008, Seoul.

³⁰¹ Ministry of Unification, 2011, Statistics on Inter-Korean trade, Seoul.

³⁰² KINU, 2011, The Chronology of the Inter-Korean relations, Seoul.

important role as a crucial channel through which inter-Korean dialogues had been maintained. Even though the plan to abolish the Ministry of Unification was rejected as a result of strong objections from the opposition party, the Lee Myungbak administration shut down the bureau of the humanitarian cooperation which had played an important role in sending humanitarian aids to North Korea. The Lee administration also strictly controlled visits to North Korea by South Korean NGOs and citizens. Moreover, unlike the previous administrations, it permitted the conservative NGOs to send leaflets which criticize North Korean regime, and allowed North Korean defectors to publicly proclaim political testimony.³⁰³

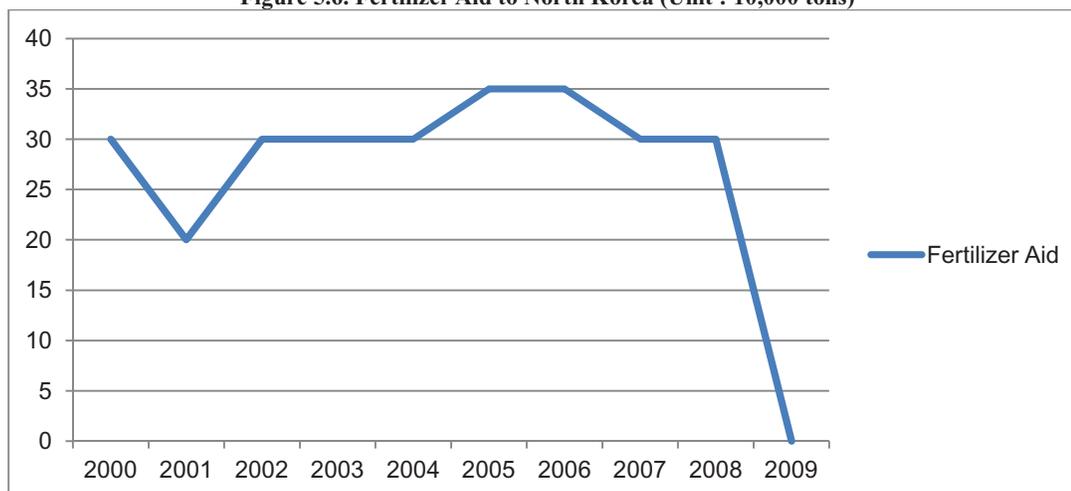
Figure 5.5 Inter-Korean Civilian Exchange (Unit : 1,000 person)



Source : Statistics on the overview of inter-Korean exchange, Ministry of Unification, 2009

³⁰³ Scott Snyder, Lee Myunbgak's Foreign policy: 250 Day Assessment, 2009.

Figure 5.6. Fertilizer Aid to North Korea (Unit : 10,000 tons)



Source : Ministry of Unification and statistics Korea 2009

As for the military strategy, contrary to the two previous administrations' efforts to reduce military tensions through dialogues besides economic cooperation, the Lee Myungbak administration took a hard security stance by formulating new military plans, which could be regarded as a threat to North Korea. For instance, from the beginning, the Lee administration endeavored to convert the concept plan (CONPLAN 5029) into the operation plan (OPLAN 5029) which was completed at the annual meeting of US and ROK military in the US in October 2008.³⁰⁴ Given that, during the Roh Moohyun period, the Roh administration vetoed the US proposal to change the conceptual plan into an operational plan in 2005, North Korea considered this fundamental change in South Korea's military plan in the Lee Administration as an offensive strategy aimed at the collapse of North Korea. The big difference between the two plans was that while OPLAN 5029 was a rough and abstract plan about the course of action for the US and South Korea to follow in case contingent situations occur in North Korea, CONPLAN

³⁰⁴ Scott Snyder and Byun See Won, The Obama Administration and Preparation for North Korean Instability, 2009.

5029 provides much more detailed plans regarding the mobilization of military assets in case of the demise of North Korean regime.³⁰⁵ It was more detailed plan for ROK-US joint combined military forces to prepare for the sudden collapse of North Korean regime. Moreover, in the late 2009, the Lee administration set up a new version of North Korea contingent plan, code-named “recovery” to cope with contingencies in North Korea such as Kim Jong-il’s sudden death and military coups or popular revolts.³⁰⁶ Moreover, the Defense Minister’s frequent mention of preemptive strikes against North Korea in 2010 exacerbated North Korea’s threat perception.³⁰⁷

Overall, since the inauguration of the Lee administration, hostile statements and reactions from North Korea became frequent. North Korea has reacted more aggressively, with each instance of challenging behavior leading South Korea to take a harder line and stance, which in turn lead North Korea to respond in an aggressive manner.³⁰⁸ The growing tensions serve as the catalyst for conflict escalation. The most dramatic incident out of escalating tensions occurred in March 2010 when South Korean Navy corvette *Cheonan* was sunk by North Korea’s submarine attack. In response to the sinking of *Cheonan*, South Korea curtailed nearly all forms of North-South interaction, except for those associated with KIC.³⁰⁹ The shelling of Yeonpyong Island in the same year

³⁰⁵ Byun Seewon, 2009, “North Korea Contingency Planning and US-ROK cooperation,” *Center for U.S.-Korea Policy*, available at <http://asiafoundation.org/resources/pdfs/DPRKContingencyCUSKP0908.pdf>

³⁰⁶ “Seoul Overhauls North Korea contingent plan,” *Chosun ilbo*, Jan 2010; ROK Ministry of Defense, 2010, Defense White Paper, Seoul.

³⁰⁷ In October 2008, North Korea announced that; “The US OPLAN 5029 and contingent plan is aimed to create a war state on the Korean Peninsula and spark a military conflict on its own initiative, KCNA, Oct 2008, ROK Ministry of Defense, 2009, The Chronology of Inter-Korean Interactions, Seoul.

³⁰⁸ Several incidents between the two Koreas had negative impacts on inter-Korean relations: the refusal to allow an independent South Korean investigation into the death of South Korea tourist at Kumkang mountain in July 2008, North Korea’s second nuclear test in May 2009, periodical restrictions on KIC, the sinking of South Korean Navy Vessel *Cheonan* in March 2010, and the shelling of Yeonpyung Island in October 2010. Ministry of Defense, 2011, The Chronology of Inter-Korean interactions, Seoul.

³⁰⁹ Four days after the release of the Joint Investigation Group’s report on Cheon incident, the Lee administration announced so called “May 24 Sanction Measures” which stipulates five key sanctions measures against North Korea 1) compete ban of navigation by North Korean vessels in the ROK’s territorial waters, 2) suspension of inter-Korean

deepened the hostility between the two Koreas.

The Lee administration's hard line policy toward North Korea was not successful in reducing overall tensions between the two Koreas. For instance, the policy of Vision 3000 which was based on the strict reciprocity rule did not succeed in diverting North Korea's attention away from its planned course of actions toward the nuclear program. The Lee administration's promise to guarantee North Korea's economic growth of annual per capita income to \$3,000 was unrealistic for North Korea which still struggled to maintain a primitive "One hundred fifty days battle" style production movement. North Korea might have regarded such a promise and proposal from South Korea as an insult and a threat to its regime or as an attempt to absorb North Korea through the economic engagement. As long as North Korea interpreted South Korea's North Korea policy as a coercive means to maintain hostile line toward them, South Korea's emphasis on its good-will and benign gestures regarding how faithfully and sincerely it can help North Korea to overcome the declining economic conditions cannot be attractive and promising. Another factor that rendered the Lee Myungbak administration's approach to the North unsuccessful was that it overlooked the changing nature of inter-Korean relations since the previous administrations. Through expanded interactions at diverse levels where many sub-national actors were involved in diverse non-conventional issues, the inter-Korean relations underwent significant change especially after the two summit meetings in 2000 and 2007. The changing inter-Korean relations characterized by the expanded interdependence during the Kim Daejung and the Roh Moo Hyun administrations made it difficult for the hard line policy which relies on the issue-linkage strategies to be effective.

trade; 3)prohibition of South Korean citizens' visits to North Korea; 4)prohibition of new investment in North Korea; 5) suspension of assistance to North Korea, Ministry of Defense, 2011, The chronology of the Inter-Korean Interactions, Seoul.

As Keohane and Nye argued, the issue-linkage strategy by a strong state tends to be less effective when the inter-state relations already have led to diverse interdependence on diverse issues. This is because the collapse of hierarchy among issues as a result of complicated interdependence on diverse issues renders the strong state's attempt at an issue-linkage strategy less efficient and more problematic.³¹⁰ Diversified contact channels and the separation of the security agenda from other issues during the Kim Daejung and Roh Moohyun administrations led the relations between the two Koreas into a more diverse interdependence and provided the Lee administration with difficult terrain upon which it can employ efficient issue-linkage strategy. The Lee administration's pursuit of a hard line policy only reduced the effectiveness of the soft-line policy by curtailing its coherence.

D. Diplomatic Efforts over the NLL during the Periods of the Three South Korean Administrations.

In the previous section, I explored how South Korea's North Korea foreign policy postures have varied and changed during the periods of three South Korean administrations. In this part, I trace each administration's diplomatic efforts to manage the issues over the NLL. The aim of this section is to look at how differently each administration's North Korea policy posture led to its diplomatic efforts to deal with the issues over the NLL.

The Kim Daejung and Roh Moohyun Administrations: 2000~2007

After the 2000 summit meeting, the two Koreas began to implement a number of cooperative projects. These projects, however, were focused on economic ones such as

³¹⁰ Keohane R. O. and Nye J. S., 1989, *Power and Interdependence*, Boston: Addison-Wesley; Keohane R. O. and Nye J.S., 1998, "Power and Interdependence in the information age," *Foreign Affairs Vol 77. No. 5*, pp. 81~94.

the Kaesong Industrial Complex (KIC). Military dialogues that aimed to establish confidence building measures generally lagged behind the dialogues on economic cooperation. In the meantime, a naval engagement occurred in 2002. However, this incident could not detour the continuation of inter-Korean dialogues. Consistent and coherent efforts to engage North Korea through dialogues and economic assistance provided momentum for the initiation of the subsequent dialogues on military issues. On May 26, 2004, the two Koreas held their first meeting between general officers to discuss Confidence Building Measures (CBM) to prevent another naval clash in the West Sea.³¹¹ Although the two sides agreed to prevent the occurrence of another naval clash, they disagreed on how to prevent the incidents. The South Korean delegation proposed a communication line between the two naval commands, the use of the same radio frequency for naval vessels, the use of signal flags to avoid miscommunications, and sharing of information on illegal fishing activities to reduce the possibility of accidental clashes.³¹² However, North Korea focused more on the status of the NLL itself emphasizing the necessity of drawing a new line. The dialogue ended without agreement. But two sides agreed to hold another round of talks. In the second round of the dialogues in June, the two parties agreed to cease propaganda broadcasts to prevent accidental clashes though they could not reach a consensus over the status of the NLL. However, they agreed to discuss the implementation of confidence building measures in the next round of dialogues. The third round of dialogues was held in March 2006. But the position of North Korea had not changed. North Korea insisted on the necessity of a new

³¹¹ Even though there were inter-Korean dialogues over the NLL at diverse levels in the previous years, the issues over the NLL did not become main agenda. Moreover, both sides did not pay heed to any actual confidence building measure to prevent the clashes, resulting in a stalemate. In this part, the author only focuses on the major dialogues where the actual confidence building measures were discussed between the two Koreas.

³¹² ROK Ministry of Defense, 2006, The Chronology of inter-Korean military dialogues in White Defense Paper, Seoul.

line. Although South Korea suggested a joint fishing area in the West Sea, the talks ended without an agreement.³¹³ In the fourth round of this inter-Korean general officer-level meeting, held in May 2006, South Korea brought up proposals for enhancing communication channels and the establishment of a “Peace Zone” in the West Sea which includes joint fishing areas. However, the talks broke down as both sides could not reach a consensus on the agenda and North Korea adhered to its position regarding the NLL. The fifth round of talks took place in May 2007 where North Korea showed the willingness to discuss the establishment of a joint fishing zone in the West Sea.

Through a series of inter-Korean dialogues over the NLL, North Korea has emphasized the necessity of drawing a new line to reduce the probability of naval clashes while South Korea has prioritized a process of setting up confidence building measures. Even though North Korea did not change its overall stance on the NLL in the fifth round of talks, it did compromise by agreeing to continue comprehensive discussions on the reduction of tensions and greater economic cooperation as an initial step for confidence building measures. This represented significant progress as the result of coherent efforts to continue dialogue in spite of sporadic deadlock. The sixth round of meeting was held in July 2007. But, the meeting again could not reach a conclusion due to differences between the two parties over the location of joint fishing zones.³¹⁴

Even though military talks between the two Koreas led to a stalemate, economic and political dialogues kept their momentum in 2007. As the two Koreas negotiated the details of holding a second inter-Korean summit, South Korea considered the concept of a “Peace zone” in the West Sea to be one of the main agenda in the inter-summit meeting.

³¹³ Ministry of Defense, 2007, Defense White Paper, Seoul.

³¹⁴ Ministry of Defense, 2008, The Chronology of Inter-Korean Military Dialogues, Seoul.

The idea of a peace zone, however, became contentious a political issue within South Korean society. Conservative groups were worried that the Roh administration might agree to nullify the NLL and compromise national security.³¹⁵ In the midst of rising domestic controversy within the South Korea, the leaders of the two Koreas produced “a joint declaration for the development of peace and prosperity between the two Koreas” at the summit meeting in October 2007. The joint statement included an agreement to create a “special peace and cooperation zone in the West Sea.”³¹⁶

Subsequent meetings at the defense and prime minister levels were planned to discuss the details how to implement these agreements. The Roh administration’s political influence was diminishing, however, as a new presidential election was approaching in December, 2007. After a number of preliminary working-level military talks, the inter-Korean prime minister’s meeting was held in November and a 49-clause agreement for economic cooperation was produced. In the defense minister level meeting which was held in the same month, however, the two Koreas could not reach a consensus on where the joint fishing zones should be established. While South Korea proposed two zones, one on each side of the NLL, North Korea insisted on the establishment of the zone south of the NLL.³¹⁷ The two parties did, however, agree to establish a joint military committee at the meeting. In December 2007, general officer level talks were held and the joint military committee met to discuss confidence building measures to reduce

³¹⁵ Jin Dae-woong, “GNP opposes border issue on summit agenda,” *The Korea Herald*, August 14 2007.

³¹⁶ The agreement entailed the establishment of a joint fishing zone and maritime peace zone, a special economic zone, the passage of civilian vessels via direct routes across the NLL and the joint use of the Han River estuary, Yook Keuhung, Lee gusung and Kim Jongdong, 2007, “Toward Establishing the Marine Peace Park in the Western Transboundary Coastal Area of the Korean Peninsula,” *Korea Maritime Institute*, pp. 1~59.

³¹⁷ Jin Dae-woong, “Two Koreas disagree on fishing zone,” *The Korea Herald*, November 28 2007.

tensions. The two parties agreed to ensure security guarantees for economic projects, but failed to come to a consensus on the joint fishing zones.³¹⁸

The Lee Myung Bak Administration: 2008 ~2012

During the Kim Daejung and Roh Moohyun administrations, the momentum for dialogue over the NLL continued, resulting in meaningful and tangible improvements in spite of sporadic stalemates. After Grand National Party (GNP) candidate Lee Myung-bak was elected in December 2007, however, all the inter-Korean agreements of previous administrations were subject to a policy review and alterations. The agreements and proposals regarding the NLL were also reviewed and ultimately reversed. As a result, North Korea became more critical of the Lee administration. North Korea criticized the Lee administration for not making credible commitments to implement the agreements of previous administrations. In addition to harsh rhetoric against South Korea,³¹⁹ North Korea began to conduct military exercises and challenging behavior like a long range missile test in April and a second nuclear test in May.

The frequent military exercises held by North Korea raised tensions throughout the year. Between January and May, the Korean People's Army (KPA) fired over 1,000 rounds of artillery into the West Sea on nineteen occasions near the five West Sea islands.³²⁰ The North Korean Air Force also increased its sorties in the area during this

³¹⁸ Jin Dae-woong, "Inter-Korean military committee to help ease tension, build trust", *The Korea Herald*, December 3 2007; Jin Dae-woong, "Generals from Korea to talk fishing zone, border security," *The Korea Herald*, December 11 2007; Jin Dae-woong, "Two Koreas agree on cross-border safety assurances," *The Korea Herald*, December 14 2007; Jin Dae-woong, "No progress on joint fishing zone", *The Korea Herald*, December 15 2007; KINU, 2011, *The Chronology of the Inter-Korean Interactions*, Seoul.

³¹⁹ In January 2009, the Korean People Army (KPA) General Staff issued a statement declaring that "all out confrontations against South Korea" and that "the NLL is illegal and only the North Korea's extended military demarcation line exists in the West Sea," KCNA, January 17 2009, ROK Ministry of Defense, 2011, *The Chronology of North Korea's Provocative behaviors*, Seoul.

³²⁰ Ministry of Defense, 2009, *The chronology of North Korea's provocation*, Seoul.

period and its aircraft frequently crossed the “Tactical Action Line (TAL).”³²¹ Military tensions continued around the NLL. On October 14, 2007, the KPA Naval Command warned of the possibility of a naval skirmish in the West Sea.³²² A naval engagement occurred on November 10, 2009. After the naval engagement, North Korea’s coercive rhetoric became more severe.³²³ In November, North Korea criticized the naval skirmish as an intentional provocation by the South Korean Navy, and warned that it would retaliate.³²⁴ Shortly after the November 2009 naval engagement, military tensions in the West Sea began to escalate again when the KPA Naval Command declared a “peacetime naval firing zone of coastal artillery units of the KPA” in the West Sea in December.³²⁵ The possibility of another naval engagement remained high. In March 2010, the South Korean Navy corvette *Cheonan* was sunk by a North Korean torpedo attack. In May 2010, four days after the International Joint Investigation Team officially concluded that the *Cheonan* was sunk by North Korean submarine’s torpedo attack, the Lee Myungbak administration declared five key sanctions against North Korea. In addition, South Korea conducted a series of joint military exercises with the US to demonstrate its resolve to deter North Korea. Amid the rising tensions in the West Sea between the two Koreas, the South Korean military carried out the *Hoguk* (Defense of the country) exercise in November. On November 23, the KPA warned the South Korean military to cancel an

³²¹The TAL, which was established by the South Korean Joint Chiefs, lies north of the NLL in DPRK territory, but is only 64 km north of Baengnyŏng Island, so North Korea’s jet planes can reach Baengnyong Island or the Seoul metropolitan area only three to four minutes after crossing the TAL.

³²² KPA Navy command declared that “it is clear what consequences the third skirmish in the West Sea will entail” and that “our warnings will be followed by actions, KCNA, October 14 2009, Ministry of Defense, 2010, The Chronology of North Korea’s Provocations, Seoul.

³²³“North’s position on West Sea battle becoming more and more harsh,” *The Kyunghyang Shinmun*, November 15 2009

³²⁴ “S. Korea will be forced to pay dearly for armed provocation”, KCNA, November 12 2009, Ministry of Defense, 2010, The Chronology of North Korea’s provocations, Seoul.

³²⁵ KPA Navy sets up firing zone on MDL claiming that “the warmongers of the military and the conservative forces of South Korea are seeking to preserve the illegal Northern Limit Line through their premeditated military provocations, KCNA, December 21 2009, Ministry of Defense, 2010, The Chronology of North Korea’s provocations, Seoul.

artillery firing exercise which was scheduled on the *Younpyung* Island in the West Sea. South Korea conducted the exercise as scheduled, however, because it was a regular firing exercise held by the South Korean Marine Corps. As a result, the KPA fired at *Younpyung Island* which was the first direct attack on South Korean territory since the end of the Korea War. The South Korean military responded with a retaliatory artillery strike. It did not conduct further military actions, however, to prevent the situation from escalating into an all-out war. After this incident, the Lee administration fortified the West Sea islands with modernized weapon systems. Since then, tension over the NLL has remained quite high.

During the Kim Daejung and Roh Moohyun administrations, the two Koreas held multiple dialogues over the NLL despite intermittent political and military tensions. Even though the dialogues did not necessarily conclude with unanimous consensus on many occasions, the two Koreas were able to resolve some disagreements and produce actual confidence building measures in a gradual manner. Through these dialogues, both parties could discern and understand the other side's perception of the issues over the NLL. Understanding the other side's perception and position over the NLL reduced misunderstanding between the two parties and let them ponder the practical measures they needed to resolve the issues over the NLL. For instance, based on its understanding of North Korea's perception over the NLL, South Korea made efforts to propose more efficient measures to narrow the gap between the two parties over NLL issues in a peaceful way. The efforts to continue dialogue with North Korea during the progressive Kim and Roh administrations were the result of their pursuit of a soft line policy that involved an issue-separation strategy. However, all the dialogues between the two Koreas

were curtailed at the beginning of the Lee Myunbak administration which pursued a hard line policy that relied on an issue-linkage strategy toward North Korea. The Lee administration's reversal of the agreements and proposals signed during the Kim and Roh administrations led North Korea to doubt the sincerity and credibility of South Korea to implement the agreements, resulting in a high level of tensions.

As Bercovitch and Diehl argues, the termination or settlement of intractable conflicts between states requires not only initial agreements by the parties involved but also commitment to implement these initial agreements.³²⁶ Once the two states reach an initial agreement through dialogues, this initial agreement must be followed by an implementation process based on coherent and continuous commitments. Coherent commitments to implement initial agreements between rival states can lead to various forms of subsequent agreements and the establishment of actual confidence building measures. Furthermore, this commitment can eventually provide the institutional inertia for creating a new relationship. More importantly, through repeated contact and dialogue, two states can potentially overcome the mutual mistrust that has been consolidated and deepened during their long relationship as rivals. For instance, establishing diverse channels of communication by holding repeated talks between government officers, military personnel, experts, and even private actors can create a language and culture of cooperation. In a similar vein, Blum argues that a developed culture of cooperation can diffuse across other spheres, encouraging further efforts at dialogue and collaboration.³²⁷

Between rival states like the two Koreas, the majority of conflicts are driven by

³²⁶ Jacob Bercovitch, Paul Diehl and Gary Geertz, 1997, 'The Management and Termination of Protracted Interstate Conflicts: Conceptual and Empirical Considerations,' *Journal of International Studies*, Vol 26, pp. 751~769; Scott Bennet, 2004, "Patterns of Conflict Management and Resolution in Enduring Rivalries in Multiple Paths to Knowledge in International Relations: Methodology in the Study of Conflict Management and Conflict Resolution," Lexington Books.

³²⁷ Gabriella Blum, 2007, *Islands of Agreement: Managing Enduring Armed Rivalries*, Harvard University Press.

accidental incidents rather than by deliberate and intentional motivations due to a lack of confidence building measures. Diverse confidence building measures such as the establishment of hot-lines between high level officers or a conflict-free buffer zone in contested territory could be efficient measures to prevent accidental military conflicts between the two Koreas. Through a series of dialogues which led to subsequent agreement and establishment of confidence building measures the two Koreas were able to reduce tensions during the the Kim and Roh administrations. The shift of North Korea's policy stance during the Lee Myungbak administration prevented the agreements and confidence building measures of the previous administrations from being implemented in a coherent manner, however, leading to growing tensions over the NLL.

E. Conclusion

South Korea's policy toward North Korea has shifted from soft line under the Kim Daejung and Roh Moohyun administrations to hard line under the Lee Myungbak administration. The pre-Lee Myungbak administration's North Korea policies, which separated economic engagement and nuclear issues while engaging North Korea, positively affected inter-Korean relations. Given that it has been widely agreed that cross-border trade and economic engagement are efficient means for expediting political cooperation and peace,³²⁸ soft line policies such as the "Sunshine" and "Peace and Prosperity" policies which coherently pursued unconditional economic engagement toward the North during the Kim Daejung and Roh administrations paved the way for

³²⁸ Joo Sunghwan, 2006, "Jayujuui Gwanjeomeseo Barabon Gyeongjehyeopryeongi Nambukgan Bunjaenge Michineun Yeonghyang [The Impact of Trade on Inter-Korean conflicts from the Perspective of the Liberal Theory]," *Kookjae Jiyeokyeonggu [International Area Studies Review]*, pp. 497~516; Joo Sunghwan, 2009, "Pyeonghwawa Beonyeongui Jeongchaegi Nambukgan Gyeongjegwangyee Michineun Yeonghyang [The Effect of Policy of Peace and Prosperity on the Economic Relation between the two Koreas]," *Kookjae Jiyeokyeonggu [International Area Studies Review]*, Vol. 11, No. 1, pp. 783~809.

peaceful inter-Korean relations. The two administrations' pursuit of economic engagement with the North contributed to the reduction of the tensions, promoting an overall peaceful relationship, demonstrating how inter-state economic cooperation can have a positive influence on inter-state peace, as emphasized by liberals in international relations theory.³²⁹

The KIC, one of the better examples of the success of these economic engagement policies, served as a critical venue channel for reconciliation between the two Koreas and as a route through which North Korea could expose itself to the outside world.³³⁰ During the the Kim Daejung and Roh Moohyun administrations, South Korea was able to accomplish enormous achievements by employing an issue-separation strategy which separated economic engagement and political issues to expedite the systemic improvement of overall inter-Korean relations. By giving priority to inter-Korean reconciliation, the Kim and Roh administrations consistently pursued economic cooperation with North Korea by providing unconditional incentives to North Korea. The two administrations' coherent soft line policy postures toward North Korea led North Korea to believe that South Korea was sincerely interested in advancing inter-Korean relations in a peaceful direction. By reversing the previous administrations' soft line policies, the Lee Myungbak administration based its North Korea policy on the principle of strict reciprocity by relying on an issue-linkage strategy. The Lee administration linked

³²⁹ Stephan Haggard, 2009, "Sanctioning North Korea: The Political Economy of Denuclearization and Proliferation," *Peterson Institute for International Economics*, pp. 1~32. ; Kim Younggeun, 2009, Nambug Baljeonmodereurwihan Daehanmingugui Jeongchaegseontaeg: Gaeseonggongjeopjiguui Saryeyeongu [Korea's policy options for North-Korean development model: The case study of the Kaesong North-South Korean Industrial Complex] ; Kim Younggeun, 2008, "Bukhan Gyeongje Jaegoneurwihan Gukje Gongjeokgaeban Wonjo Chujeong [The Role and Aid-Scale of International Official Development Assistance(ODA) in the Development of North Korea]," *Kookjae Jiyeok Yeongoo*[*International Area Studies*], pp.1~31.

³³⁰ Dick K. Nanto and Emma Chanlett-Avery, "North Korea: Economic Leverage and Policy Analysis," *CRS Reoprt RL32493*, January 22, 2010.

all North Korean policies to the nuclear issues. As a result, inter-Korean economic cooperation and trade which had been maintained during the previous administrations was curtailed, resulting in escalation of tensions between the two Koreas.

The speed and scope of changes in inter-Korean relations have been determined by changes in the administration of South Korea. Even though there were ups and downs in inter-Korean relations, the progressive administrations of Kim Daejung and Roh Moohyun never abandoned the efforts to maintain contact through dialogue and economic engagement with North Korea based on the principle of flexible reciprocity and issue-separation. They kept up momentum for dialogue and economic engagement with North Korea in spite of intermittent military and political tensions. Through dialogues employing diverse channels, the two Koreas were able to reduce miscommunication and misunderstanding, mitigating general tensions. On the contrary, the conservative Lee administration has stubbornly adhered to the principle of a strict reciprocity and has been remarkably inflexible in its approach to North Korea. As a result, the Lee administration has not been able to create an effective alternative to the conciliatory policies of the last two administrations. This resulted in mistrust and tension between the two Koreas. The Lee Myungbak administration's hard line policy fundamentally changed the nature of the inter-Korean relations across all issue areas.³³¹ North Korea's challenging behavior targeting South Korea became increasingly severe, leading to the suspension and curtailment of inter-Korean dialogues and economic cooperation.³³²

³³¹ Stephan Haggard, 2009, "Sanctioning North Korea: The Political Economy of Denuclearization and Proliferation," *Peterson Institute for International Economics*, pp. 1~32.

³³² Bae Geungchan, 2009, "Prospects for International Relations 2009," Institute of Foreign Affairs and National Security, pp. 1~15.

Overall, the incoherence of South Korea's policy toward North Korea led the North to doubt South Korea's commitment as a credible partner. For instance, the year 2008 was an important moment for North Korea in terms of political stability when its leader, Kim Jong-il, suffered from a health problem. For North Korea, the two inter-Korean summit meeting and subsequent agreements were important not only in light of the benefits North Korea could receive but also as symbols of progress toward peace. Thus, these summits legitimated the regime's decision to accept economic assistance from South Korea. Even shortly after the Lee Myungbak administration took office, North Korea indicated that it anticipated that the Lee administration would continue to pursue the soft line policies of the previous administrations, as evidenced in North Korea's 2008 New Year's Address.³³³ North Korea in general had a relatively positive attitude toward South Korea following the October 2007 inter-Korean summit meeting. Given that North Korea anticipated the continuation of a soft line policy by the new South Korean administrations when it declared its vision for a "strong and prosperous nation by the year 2012," the Lee administration's rejection of the previous administrations' adoption of a hard line policy toward North Korea might have created a sense of disappointment and threat within the North Korean leadership. North Korea demanded the implementation of agreements made by previous South Korean administrations and continued criticize the Lee Myungbak administration for disregarding the June 15 and October 4 declarations.³³⁴

³³³ In the New Year's address of 2008, North Korea called for a new history of peaceful prosperity of Korean peninsula, KINU, 2011, The chronology of inter-Korean relations, Seoul.

³³⁴ In the New Year's address of 2010, North Korea stressed that it had tried very hard to maintain good relations with South Korea, and that it firmly believes in developing inter-Korean relations further. North Korea has proposed inter-Korean dialogues in a very active manner entering 2010, KINU, 2011, The chronology of inter-Korean relations, Seoul.

The goal and direction of South Korean policies toward North Korea have not been coherent due to the different foreign policies that individual administrations have relied upon. As a result, this incoherent policy stance toward North Korea on the part of South Korean administrations has minimized the overall effectiveness their North Korea policy. In particular, the Lee Myungbak administration's issue-linkage strategy based on the principle of the strict reciprocity was not successful in improving the inter-Korean relations. Given the changing nature of inter-Korean relations and the diverse scope and frequency of inter-Korean exchanges at the governmental and non-governmental level during the two previous progressive administrations, the Lee administration's issue linkage strategy was not effective. A strict linkage attempt which requested prior actions from North Korea as preconditions for dialogue and economic cooperation was not an effective way of persuading the North to come to the negotiation table. On the contrary, the Kim Daejung and the Roh Moohyun administration were able to efficiently secure North Korea's presence at the negotiation table by using an issue-separation strategy based on the principle of the flexible reciprocity.

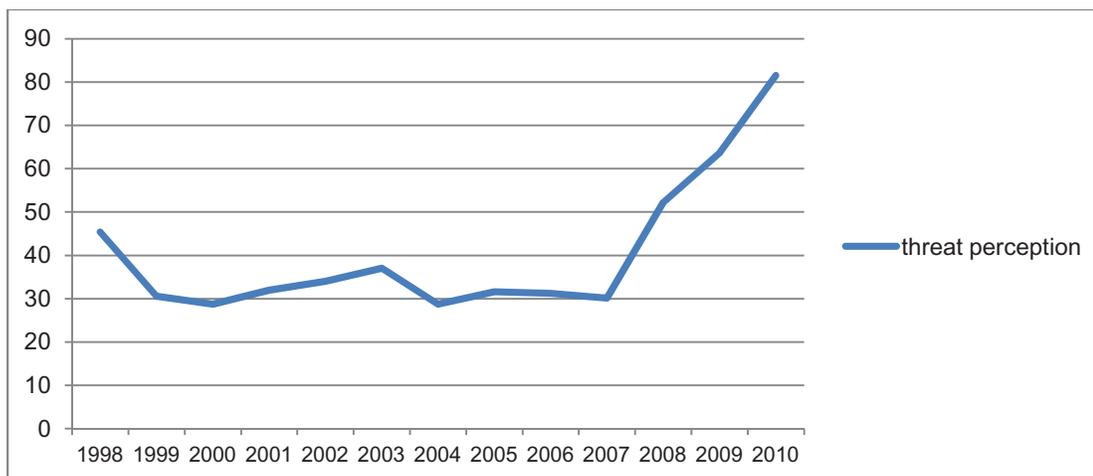
The incoherence in the nature and direction of South Korea's policies toward North Korea also affected the nature of inter-Korean interactions over the NLL. Favorable conditions for holding inter-Korean dialogues over the sensitive security issue such as the NLL could be established during the Kim Daejung and the Roh Moohyun administrations based on the trust and sincerity that resulted from the consistent pursuit of unconditional economic engagement toward North Korea. Even though the two Koreas had difficulty reaching a mutually satisfying consensus on several issues over the NLL, they were at least able to deter the escalation of tensions over the NLL through a series of talks which

contributed to gradually reconciling their positions over the NLL. During the Lee Myungbak administration, however, tensions over the NLL drastically escalated as a result of the curtailment of inter-Korean dialogues.

This incoherent North Korea policy stance also exacerbates cleavages and conflicts within South Korean society over North Korea policies (the so called “South-South conflict”). Debates over the direction of North Korea policy intensify within South Korean society whenever a new administration takes office. The main themes of these domestic disputes concern the scope and direction of reconciliation projects and economic assistance, as well as the proper formula for reunification. Domestic disputes over North Korea policy intensify in connection with the existing feud between the ruling and opposition parties each with different ideological bases. Whenever the time for a leadership change approaches, debates and evaluations about the previous government’s North Korea policy become deeply politicized, hindering public consensus and cohesion on the proper policy toward North Korea. Public division regarding North Korean policy within South Korean society has deepened ideological conflicts. In South Korea, public opinion and perception of North Korea have varied depending on the results of each South Korean administration’s policy toward North Korea. Although the South Korean public’s perception and opinion of North Korea have been a driver of South Korea’s policy stance toward North Korea, how well and efficiently the incumbent government pursues North Korea policy to maintain peaceful relations and reduce tensions has a significantly effect on public perceptions of North Korea. The trend of changes in South Korean public’s threat perception of North Korea well reflects this sequence (See Fig. 5.7). Compared to the Kim Daejung and Roh Moohyun administrations, the South

Korean public's threat perception of North Korea drastically increased during the Lee administration.

Figure 5.7. Change of South Korean Public's Threat Perception toward North Korea



Source: Institute for Peace and Unification Studies (IPUS), 2010

2. The U.S. North Korea Policy Posture

A. The U.S. Factor in Inter-Korean Interactions over the NLL

Even though the United States is not an actor that is directly involved in the NLL dispute, there are several reasons for us to consider the US as a factor in explaining inter-Korean confrontations over the NLL.

There are literatures on the role that external actors play in settling conflicts between minor powers through the use of enforcement, patronage, and norm-setting.³³⁵ According to the theory of triangular response and outside power influence, triangular response occurs when a regional actor changes its behavior toward another regional actor

³³⁵ Edward A. Kolodziej and I. William Zartman, 1996, "Coping with Conflict: A Global Approach," In *Coping with Conflict after the Cold War*, edited by Edward A. Kolodziej and Roger E. Kanet, pp. 3~34; Joshua S. Goldstein, Jon C. Pevehouse, Deborah J. Gerner, and Shibley Telhami, 2001, "Reciprocity, Triangularity, and Cooperation in the Middle East, 1979-97," *Journal of Conflict Resolution*, Vol 45, No. 5, pp. 594~620.

in response to the behavior of outside power.³³⁶ If we apply this logic to the Korean case, the role that an outside power (the US) can play may help overcome the distrust and conflict between these regional rivals (South and North Korea). This is true even though one regional state (South Korea) is in an alliance relationship with the strong external power (the US) while another regional state (North Korea) considers this alliance to be the main threat to its national security. In this triangular relationship, the action of North Korea toward the South in response to the behavior of the United States can be either inverse or reciprocal. An inverse response occurs when North Korea increase the level of hostility toward South Korea as a result of a U.S. soft line policy toward North Korea or becomes conciliatory toward South Korea when the US purses hard line policies toward North Korea. On the contrary, a reciprocal response takes place when North Korea pursues conciliatory relations with the South as a result of a US soft line policy toward North Korea or pursues hostile relations toward South Korea when the US pursues hard line policies toward North Korea.

Even if the United States is not directly involved in the inter-Korean conflict over the NLL, the development of DPRK-US relations as a result of a US soft line policy toward North Korea can lead to general peaceful relations between the two Koreas, which in turn can positively affect inter-Korean interaction over the NLL. For instance, when the US pursues a soft line policy toward North Korea such as accommodation, diplomatic recognition, promises of economic or humanitarian support, displays of amity, promises of non-military action, and unconditional cooperative initiatives, North Korea will try to accept such incentives and maintain good relations with the US because keeping good

³³⁶ Joshua S. Goldstein and Jon C. Pevehouse, 1997, "Reciprocity, Bullying, and International Cooperation: Time Series Analysis of the Bosnia Conflict," *Political Science Review*, Vol. 91, No.3., pp. 515~529.

relations with the US is beneficial to them in terms of their national security and interest. North Korea will be less likely to take risks to overturn conciliatory gestures from the United States unless the United States imposes preconditions like the dismantlement of North Korea's nuclear program before providing conciliatory incentives. Under this situation, North Korea will also try to maintain good relations with South Korea. North Korea will be more cautious about its behavior and will try to avoid escalating tensions with South Korea over several sensitive issues such as the NLL. This is because the tensions with South Korea can negatively affect its relations with the United States, given that the US and South Korea are in an alliance relationship.

In addition, it is necessary to consider the US factor in terms of policy coordination or the lack thereof between the US and South Korea. Since the United States and South Korea are in an alliance relationship and each has its own foreign policy goals and strategies toward the North depending on the different administrations, the influence of South Korea's foreign policy toward the North on inter-Korean relations could vary depending on how the US cooperates or coordinates with South Korea as to the direction and the nature of North Korea policies. For South Korea, the US North Korea policy posture is an important factor to consider in formulating its own policy toward North Korea. Moreover, for North Korea, the policy coordination between the US and South Korea affects its threat perception and its behavior toward South Korea. For instance, if both the US and South Korea pursue a soft line policy at the same time, North Korea will feel less threatened and as a result the two Koreas will be more likely to maintain peaceful relations, which will also reduce tensions over the NLL. However, if both the US and South Korea pursue hard line policies toward North Korea, North Korea's

increased threat perception will negatively affect inter-Korean relations and exacerbate the NLL dispute. Thus, we also need to think about how the policy coordination between South Korea and the United States toward North Korea affects overall inter-Korean relations, which in turn would affect North Korea's behaviors over the NLL.

To sum up, the role of the US foreign policy is important for promoting or undermining overall inter-Korean relations. Given that US has been the main external actor dealing with North Korea's nuclear program and the fact that the US and South Korea have maintained a close alliance relationship, US foreign policy toward North Korea can affect inter-Korean relations at a general level, both directly and indirectly. Overall peaceful and conflictual inter-Korean relations that result from US policies toward North Korea will also have an effect on inter-Korean relations over the NLL. In this sense, we need to look at how North Korea's behaviors over the NLL have shifted depending on the policy posture of the US toward the North, even if the US is not directly involved in the issues over the NLL.

With regard to US policy toward North Korea, the main challenge has been how to deal with a nuclear North Korea. The United States has applied diverse diplomatic means, both offering economic incentives and imposing sanctions, to induce North Korea to give up its pursuit of nuclear weapons.³³⁷ To achieve its North Korea policy goal, U.S. administrations have used a variety of approaches. Occasional success in freezing some elements of nuclear program, together with declarations by the North that it will abolish its nuclear program, raised hopes that the denuclearization of the North could be achieved. However, these hopes have waned due to the incoherence of these policy stances. Tactics

³³⁷ Emma Chanlett-Avery and Ian Rinehart, 2013, "North Korea: U.S. Relations, Nuclear diplomacy and internal situations," *CRS Report, R41259*; Michael J. Mazarr, 1995, "Going Just a Little Nuclear: Nonproliferation Lessons from North Korea," *International Security, Vol 20, No. 2*, pp. 93~122.

and enthusiasm for direct dialogues have varied as administrations have change. Even though each administration has sought the same goal, there were differences in the ways they sought to achieve that goal. In this part, I explore relations between the United States and North Korea with a focus on how US foreign policy toward North Korea has shifted since the late 1990's.

B. The Clinton Administration's North Korea policy: 1998 ~ 2000

During the Clinton administration, although there were several instances of diplomatic and military tensions over North Korea's nuclear program, the soft line policy by the US help both parties avoid and resolve these tensions in a peaceful way. The Clinton administration's soft line policy toward North Korea led North Korea to change its attitude about the issues such as its nuclear and missile programs. For instance, North Korea reached the Agreed Framework in 1994 and allowed the US to investigate some of its underground nuclear sites in exchange for humanitarian assistance from the US in 1999.³³⁸

Based on the foundation of the Agreed Framework, US North Korea policy was focused on engagement with North Korea and it was also based on a willingness to deal with the North Korean regime as it was, rather than how the US wanted it to be. The Clinton administration's North Korea policy was based on the belief that the prospect of a developed relationship, the lifting of sanctions, the supply of aid, and assurances that the US did not have hostile intentions toward the North would help persuade North Korea to give up its nuclear program. This belief underpinned the US policy stance, which resulted

³³⁸ Initially, North Korea was strongly opposed to the United States' demand for inspection to ensure its compliance with the Agreed Framework based on the rationale that they are irrelevant to its nuclear program and allowing inspection to its military installations could undermine its sovereignty seriously. However, the U.S. consistent pursuit of soft-line policy led North Korea to change its attitude.

in attempts at dialogue with the North.³³⁹

North Korea also kept a cooperative stance in dialogues with the US over its missile program by declaring the moratorium of its missile programs until the December of 2003. The Clinton administration provided North Korea with conciliatory incentives like deleting North Korea from its list of terrorism sponsoring states where it had been placed in 1987 when North Korea bombed a South Korean civilian aircraft. The Clinton administration also withdrew the economic sanctions that had been imposed on North Korea since the end of Korean War.

However, even though the US was making efforts to improve its relationship with North Korea, there were some signals that North Korea had a different agenda. In 1998, North Korea was uncomfortable with the slow implementation of the Agreed Framework and threatened to operate a reactor at Yongbyon.³⁴⁰ While dialogue between the US and the North was underway on this issue, North Korea conducted a missile test. American and South Korean intelligence agencies also discovered that the North was constructing an underground facility related to its nuclear program. The worsening situation raised doubt over North Korea's intentions. However, the Clinton administration continued to pursue engagement approach through dialogue to yield progress. This policy persistence led to a situation in which US inspectors were allowed to have access to North Korea's underground facility.³⁴¹ The US and North Korea also reached a consensus on a moratorium on North Korea's missile tests. North Korea declared the moratorium of its missile programs until 2006. Moreover, it ceased to reprocess at the reactor at Yongbyon.

³³⁹ Revere Evans, 2013, "Facing the Facts: Towards a New U.S. North Korea policy, *The Brookings Institution*.

³⁴⁰ Mike Chinoy, 2008, *Meltdown: the Inside Story of the North Korean Nuclear Crisis, New York: St. Martin's Press.*

³⁴¹ Charles Pritchard, 2007, *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb, Brookings Institution Press.*

As a result of the US conciliatory soft line policy toward North Korea, North Korea continued to pursue dialogues with the US. Such a conciliatory relationship between North Korea and the US reached its apex when the Clinton administration designated a former US Secretary of Defense, William Perry, as a policy coordinator and sent him to North Korea to propose a comprehensive package deal with the North in May 1999. The comprehensive initiatives suggested by the Clinton administration led North Korea to believe the sincerity of the Clinton administration's conciliatory gesture toward North Korea and prevented North Korea from relying on challenging behavior.³⁴² To maintain the momentum of its conciliatory policies, the Clinton administration endeavored to expedite its soft line policy toward North Korea by inviting Cho Myongrok, the first vice chairman of National Defense Commission of North Korea, to the US in September 2000. This was a significant improvement in the relationship between the US and North Korea, given the fact that Cho Myongrok was the highest ranking general in the North Korean military. One month later, the US Secretary of State, Madeline Albright, visited North Korea and met the North Korea leader, Kim Jong-il. At the meeting, Kim Joing-il promised to continue to pursue the moratorium of North Korean missile tests and expressed its willingness to negotiate on North Korea's nuclear disarmament and missile program.³⁴³ Beyond the symbolic significance as a harbinger of an improved relationship, Albright's visit to the North raised hopes that a permanent deal on the missile and nuclear program could be reached. There was even a possibility that the US president could visit North Korea. However, Clinton's term came to an end, and a new neo-conservative

³⁴² So-called "Perry Process" which was publicly announced in October 1999, contributed to eliminating suspicions on North Korea's confidence on its obligations from conservative circles in the US, Baek haksun, 2007, "U.S.-DPRK Relations," *North Korea Research Center*, eds., in *North Korea's Foreign Relations*, Sejong Institute.

³⁴³ Walter C. Clemens, 2009, "Negotiation with North Korea: Clinton v. Bush," *Global Asia Vol. 3, No 2.*, Available at http://globalasia.org/pdf/issue6/v3n2_clemens.pdf.

president took office. Clinton left office with tangible progress toward his policy goal of denuclearizing of North Korea. The Clinton administration's approach toward North Korea verified the effectiveness of an engagement policy in changing North Korea's behavior. The task of testing the continued effectiveness of engagement policy was left to a new administration.

C. The Bush Administration's North Korea policy: 2001 ~ 2008

The Bush administration had a very different perception of how to deal with North Korea. During its eight-year tenure, the Bush administration's North Korea policy was highly contentious and incoherent. During its first term, the Bush administration was unwilling to engage with the North. It also maintained a hostile attitude toward the North Korean regime. While the Bush administration's North Korea policy stance seemed to shift to engagement with the North during its second term, an engagement policy was not pursued in a coherent and convincing manner. When George W. Bush took office in January 2001, his administration adopted a hard line foreign policy stance toward North Korea. Surrounded by hawkish neo-conservative national security advisers, the Bush administration reviewed all the North Korean policies pursued by the Clinton administration.³⁴⁴ Based on the perception that the previous administration's North Korea policy failed in dealing with North Korean nuclear issues, the Bush administration suspended dialogue with North Korea until its review was completed.³⁴⁵ In June, the Bush administration announced the results of its policy review which contradicted the

³⁴⁴ Quinones C. Kenneth, 2003, "Dualism in the Bush Administration's North Korea Policy," *A Journal of Kyungman University*, Center for North Korean Studies, pp. 1~28.

³⁴⁵ David E. Sanger, "Bush Tells Seoul Talks with North Won't Resume Now," *New York Times*, March 8, 2001.

North Korean policy pursued during the Clinton administration.³⁴⁶ The Bush administration's reversal of the previous administration's North Korea policy, described as "Anything But Clinton," negatively affected North Korea's external security environment.

Based on deep skepticism about North Korea's intentions regarding its nuclear program, the Bush administration in principle refused to provide incentives or rewards to the North. Moreover, it undermined the soft line North Korea policy pursued by the Kim Daejung administration in South Korea. The fundamentally different North Korea policy stances between the Bush and the Kim administration continued even during the Roh Moohyun administration.³⁴⁷

The terrorist attacks on September 11, 2001 against the US drastically consolidated the U.S. hard line policy stance toward North Korea. After this event, US foreign policy became more aggressive and unilateral when targeting rogue states and terrorist groups. For instance, the Bush administration set up a new nuclear doctrine known as the Nuclear Policy Review (NPR) in which the preemptive use of nuclear weapons against terrorist groups and rogues states under certain circumstances was stipulated.³⁴⁸ Under this situation, the Bush administration designated North Korea as one of the members of an "axis of evil" in a State of the Union Address in January 2002.³⁴⁹ The Bush

³⁴⁶ George W. Bush. "Statement on the Completion of the North Korean Policy Review." June 6, 2001, available at <http://www.presidency.ucsb.edu/ws/?pid=45819>.

³⁴⁷ Effer John, 2002, "Bush Policy Undermines Progress on Korean Peninsula," *Foreign Policy in Focus*, Vol. 7, No. 2, pp. 2~5; Chung Oknim, 2001, The New U.S. Administration's Korea Policy and Its Impact on the Inter-Korean Relations; Kim Kyungwoong, 2001, "Changes in Inter-Korean Relations: The Vicissitudes of Politics," *East Asian review*, vol. 13, No. 4, pp. 3~20.

³⁴⁸ Shortly after the 9.11 event, the Bush Administration set up a new nuclear doctrine to deter rogue states from using their WMDs. It was known as "Nuclear Posture Review" and consisted of three elements: 1) flexible offensive systems 2) a comprehensive defensive system and 3) a revitalized defensive infrastructure mainly focusing on intensive intelligence gathering capability. For details, see excerpt of the Nuclear Posture Review at www.imionline.de/download/Nuclear_Posture_Review.pdf

³⁴⁹ George W. Bush. "State of the Union Address," January 30, 2002, available at

administration in its September 2002 National Security Strategy also described North Korea as the principal purveyor of illicit weapons and justified the necessity of US preemptive actions.³⁵⁰ The relationship between the US and North Korea became more hostile and rigid, as both sides exchanged hostile rhetoric.³⁵¹ Amid tensions between the two states, the United States learned in September 2002 that North Korea had been enriching uranium despite its obligations under the Agreed Framework signed in 1994. When the US assistant Secretary of State, James Kelly, visited North Korea with evidence of North Korea's clandestine activities enriching uranium in October 2002, North Korea denied the US suspicion. However, later North Korea responded harshly by arguing that it had the right to produce stronger weaponry than nuclear weapons.³⁵² This statement was perceived by the United States as North Korea's official acknowledgement of its involvement in enriching uranium to build its nuclear weapons. In a response, the Bush administration stopped heavy fuel supply to North Korea in December 2002.³⁵³ North Korea suggested talks in which everything will be negotiable, but the United States demanded the dismantling of its nuclear program as a prerequisite for the dialogues.³⁵⁴ North Korea subsequently withdrew from the NPT in January 2003.³⁵⁵ Tensions escalated. The Bush administration even considered military options to deal with North Korea. In

<http://millercenter.org/president/speeches/detail/4540>; Effer John, 2002, Bush Policy Undermines Progress on Korean Peninsula.

³⁵⁰ The White House. The National Security Strategy of the United States of America. September 2002, available at <http://www.state.gov/documents/organization/63562.pdf>.

³⁵¹ For instance, North Korea criticized that the Bush administration's designation of North Korea as a member of axis of evil and its mentioning of a possible preemptive attack against North Korea. It argued that these statements led the two states to the brink of war and North Korea declared that it should equip itself with powerful military means. Moreover, North Korea also claimed that it will take measures to strengthen its self-defense capabilities because the US hostile policy toward North Korea threatened North Korea, KCNA, January 31, 2002, Ministry of Defense, 2006, The chronology of North Korea's provocative behaviors, Seoul.

³⁵² For details regarding confrontation between the US and North Korea, see Mike Chinoy, 2008, *Melt Down: The Inside Story of the North Korean Nuclear Crisis*, St. Martin's Griffin.

³⁵³ David E. Sanger. "U.S. to Withdraw from Arms Accord with North Korea." *New York Times*, October 20, 2002.

³⁵⁴ Philip Shenon. "White House Rejects North Korea Offer for Talks." *New York Times*, November 4, 2002.

³⁵⁵ James T. Laney and Jason T. Shaplen, 2003, How to Deal with North Korea, *March/April issue of Foreign Affairs*.

March 2003, the United States invaded Iraq to dismantle its WMDs and overthrow Saddam Hussein's regime. Based on its victory in the Iraq war, the Bush administration suggested that North Korea "Completely, Verifiably, and Irreversibly Dismantle (CVID)" its nuclear program as a precondition for talks with the United States. From North Korea's perspective, the US invasion of Iraq was an encroachment upon state sovereignty and constituted preparation for war against North Korea.³⁵⁶ In April 2003 North Korea announced its possession of nuclear weapons and requested talks with the United States to establish a nonaggression pact. But the Bush administration clarified that the United States would not even consider any dialogue until the North first gives up its nuclear program.³⁵⁷ In May 2003, North Korea announced its nullification of the "1992 Joint Declaration on the Denuclearization of the Korean Peninsula" which was the nonproliferation agreement on the peninsula between the two Koreas.³⁵⁸ The US and North Korea escalated tensions to elicit concessions from each other until the Six-Party Talks were held in August 2003.

After the first round of the Six-Party Talks, which led to a stalemate, North Korea reconfirmed its position that enhancing its nuclear capability was its only practical option to guarantee its security. North Korea attributed the failure of the dialogue to the US demand that North Korea dismantle its nuclear program as precondition for normalization of its relations with the US. The next two rounds of the Six Party Talks did

³⁵⁶ "DPRK Foreign Ministry Spokesman on U.S. Start of Iraq War." KCNA. March 21, 2003, KINU, 2011, The Chronology of North Korea's challenging behaviors, Seoul.

³⁵⁷ Ministry of Defense, 2009, The Chronology of North Korea's Behaviors, Seoul.

³⁵⁸ In order to eliminate the danger of nuclear war through denuclearization of the Korean peninsula and to create environment favorable to peace and the peaceful reunification, the two Koreas reached an agreement which forbid both sides to test, manufacture, produce, receive, possess, store or use nuclear weapons and ban the possession of nuclear reprocessing and uranium enrichment facilities. It was signed by North and South Korean prime ministers on December 31, 1991 and became effective as of February 19, 1992. For details, refer to Joint Declaration of the Denuclearization of the Korean Peninsula, 20 January 1992, at www.ceip.org/files/projects/npp/resources/koreadenuclearization.htm

not produce any progress, leading to stalemates. The Roh administration of South Korea played an important role in inducing North Korea to return to the Six Party Talks. The Roh administration used the inter-Korean channel to revive the stalled Six Party Talks by promising the economic incentives of providing two million kilowatts of electric power to the North.³⁵⁹ As a result, a breakthrough occurred in September 2005 when the members of the Six Party Talks agreed on a joint statement that stipulated the so-called “action for action” principle for resolving North Korea’s nuclear program.³⁶⁰ All parties agreed that the agreement on North Korea’s dismantlement of its nuclear program would be implemented in a phased and gradual manner. In the end, North Korea also agreed to rejoin the NPT, and to allow the IAEA inspectors to inspect North Korea’s suspicious nuclear facilities in return for the energy aid, the normalization of its relationship with the US and the negotiation with South Korea about a peace process on the Korean Peninsula.³⁶¹ This agreement seemed to reflect a change in the Bush administration’s stance toward North Korea over its nuclear issues from a hard line to a soft line approach. However, the implementation of the agreement did not go smoothly and finally led to deadlock in November 2005 when the US Treasury Department designated Banco Delta Asia which was based in Macao as a bank that had been involved in illicit laundering of North Korean funds. The US government immediately froze North Korea’s accounts at the Banco Delta Asia bank. North Korea requested the United States withdraw its sanction on North Korea’s financial assets and threatened to resume its nuclear program

³⁵⁹ Yonhap News Agency, 2008, *The Chronology of inter-Korean interaction*, Seoul.

³⁶⁰ Ministry of Unification, 2011, *The Chronology of North Korea’s behaviors*, Seoul; Wade Huntley, 2005, “Waiting to Exhale: The Six-Party Talks Agreement, Foreign Policy in Focus, available at http://www.fpif.org/reports/the_six-party_talks_agreement

³⁶¹ Pang Zhongying, 2009, “The Six Party Process, Regional Security Mechanisms, and China-U.S. Cooperation: Toward a Regional Security Mechanism for a New Northeast Asia?,” *The Brookings Institution*, Washington D.C. pp.1~35.

and to withdraw from the Six-Party talks.³⁶² North Korea then withdrew from the Six Party Talks until December 2006. It conducted aggressive and challenging behavior, announcing its possession of nuclear arsenal in December 2005, executing ballistic missile tests in July 2006, and proceeding with its first nuclear test in October 2006. After North Korea's missile test in July, the United Nations Security Council (UNSC) adopted UNSC Resolution 1695. Despite this international concern, North Korea carried out its first underground nuclear test in October 2006. After this nuclear test, the UNSC adopted UNSC Resolution 1718, attempting to impose stricter sanctions on North Korea.³⁶³ However, due to the explicit reluctance of China and Russia to impose harsh sanctions on North Korea, this resolution could not take strict measure that would have had a substantial impact on North Korea.

In spite of North Korea's challenging behavior, the Bush administration maintained its commitment to solve the issues through diplomatic means. North Korea came back to the Six-Party Talks in December 2006. Although this talk did not reach any meaningful conclusion, North Korea suggested bilateral talks with the US. As a result, a delegation from North Korea met with the U.S. assistance secretary of state, Christopher Hill, to discuss the framework for a deal. Based on the progress in the bilateral dialogues between the US and North Korea, in February 2007, the members of the Six Party Talks were able to reach an agreement that specified procedures to implement the September 2005 agreement.³⁶⁴ North Korea agreed to abolish the Yongbyon nuclear facilities and to

³⁶² North Korea made a total of 10 official statements (October 19, 25; November 2,4,30; and December 3,13,15,20,23) criticizing U.S. financial sanctions on North Korea in 2005. In December, North Korea even announced its possession of nuclear arsenals and its willingness to resume its nuclear programs. KCNA, December 20 2005, The Ministry of Defense, 2006, The Chronology of North Korea's provocative behaviors, Seoul.

³⁶³ Emma Chanlett and Sharon Squassoni, "North Korea's Nuclear Test: Motivations and Implications, and U.S. options," CRS Report RL 33709, October 24, 2006, pp. 1~22.

³⁶⁴ Joint Statement: Six-Party Talks on North Korea Disarmament. Beijing: February 13, 2007, Yonhap News Agency,

allow the IAEA to inspect its nuclear facilities on the condition that it would receive 50,000 tons of heavy oil as an initial step. As a next step, North Korea would submit detailed data on its nuclear activities on the condition that it would receive another 950,000 tons of heavy oil. In the final phase, all members of the Six Party Talks would talk about a procedure for the dismantlement of North Korea's nuclear program and the peace process on the Korean Peninsula. This plan seemed to proceed smoothly as scheduled. For instance, the IAEA inspectors witnessed and affirmed the destruction of the nuclear plant in Youngbyon in July 2007 and North Korea received the promised first fuel assistance.³⁶⁵ This proved to be a symbolic moment for the Bush administration's engagement approach. During this period, the Bush administration sustained the momentum of its diplomatic moves. For instance, Bush sent a letter to Kim Jong-il where he signaled that the normalization of the US-North Korean relationship was a possibility. In addition, as a part of cultural diplomatic efforts, the New York Philharmonic Orchestra agreed to perform a music concert in North Korea in February 2008. North Korea submitted a document that described its activities regarding its nuclear program in June 2008. In October 2008, the Bush administration removed North Korea from the list of state sponsors of terrorism after North Korea agreed to allow IAEA inspectors to inspect North Korea's nuclear sites. However, as the Bush administration approached the final months of its term, further dialogue did not occur when North Korea rejected repeated US requests to set up a system to verify the termination of North Korea's nuclear activities.³⁶⁶ In the end, North Korea announced its possession of plutonium which can be used to produce nuclear weapons. The diplomatic efforts that seemed to be a success

2011, The Chronology of the North Korea's Behaviors, Seoul.

³⁶⁵ Yonhap, 2011, News Agency, The Chronology of the North Korea's Behaviors, Seoul.

³⁶⁶ Steven Lee Myers. "In Setback for Bush, Korea Nuclear Talks Collapse." *New York Times*, December 11, 2008

during the final days of the Bush administrations finally became a challenge for the new Obama administration.

D. The Obama Administration's North Korea policy: 2009 ~ 2012

In the presidential campaign and the inaugural address, President Obama expressed a willingness to engage with rogue states. With regard to the North Korean nuclear issue, the Obama Administration pursued a policy known as “strategic patience” which explicitly signified its patience to wait for North Korea to return to the negotiation table but implicitly maintained pressure on North Korea by taking an attitude of malignant neglect.³⁶⁷ The Obama administration's North Korea policy relied on an issue-linkage strategy based on the principle of strict reciprocity in that it requested that North Korea commit to complete denuclearization, normalize its relations with South Korea, and return to the Six-Party Talks in exchange for significant economic aid.

The Obama Administration formulated its approach to North Korea against the backdrop of its global nonproliferation plan. By announcing its plan for a nuclear weapons-free world in April 2009 in Prague, the Obama administration began to take measures such as signing a nuclear arms reduction treaty with Russia, holding an international summit meeting to secure stockpiles of nuclear materials, and releasing a new Nuclear Posture Review which specified the details about the US use of nuclear weapons.³⁶⁸

North Korea began to conduct challenging behavior in 2009. One month after

³⁶⁷ Edward A Olsen, 2010, “U.S. Policies Toward North Korea Under The Obama Government,” *International Journal of Korean Studies*, Vo. XIV, No.1, pp. 35~62.

³⁶⁸ Emma Chanlett-Avery and Ian Rinehart, “North Korea: U.S. Relations, Nuclear Diplomacy, and Internal Situation,” *CRS Report, R 41259*, April 5, 2013, pp. 1~26.

North Korea conducted a multi-stage rocket test in April 2009, North Korea executed a second nuclear test in May 2009. In response, the United Nations Security Council unanimously passed UNSC Resolution 1874, which involves a series of economic sanctions on North Korea. The sinking of ROK Navy corvette *Cheonan* in March 2010 and the shelling of Yeonpyeong Island in November led to unilateral US sanctions and closely aligned the US with South Korea. The Obama administration expressed strong support for South Korea. The cooperation between the US and South Korea was demonstrated by a series of combined military exercises in the waters of the Korean Peninsula. In late 2011, shortly before Kim Jong-il's death, the Obama administration resumed bilateral talks with North Korea to discuss issues involving North Korea's denuclearization. A number of bilateral meetings between the United States and North Korea between late 2011 and early 2012 led to the "Leap Day Agreement" in February 2012.³⁶⁹ North Korea agreed on moratorium on its long range missile tests, nuclear tests, and uranium enrichment activities at the Yongbyon nuclear facility, and the allowance of IAEA inspections. In response, the Obama Administration promised to provide 240,000 metric tons of nutritional aid and expand cultural and people-to-people exchanges with North Korea.³⁷⁰ However, the Obama administration was slow to live up to the agreement. Two weeks after the agreement, North Korea declared its plan to launch a satellite during the period of the Kim Il-sung's centennial celebration. The US criticized the planned launch as a violation of UNSC resolutions and the Leap Day agreements, and

³⁶⁹ Mark Fitzpatrick, 2012, "North Korean Security Challenge: Focusing on the Nuclear Dimension," *IISS, Vienna Center for Disarmament and Non-Proliferation*, pp. 1~8.

³⁷⁰ Scott Snyder, 2012, North Korea's missiles, nukes, and false promises: How to respond?, Testimony before Foreign Affairs Committee, United States House of Representatives, 112th congress, available at <http://www.cfr.org/north-korea/north-koreas-missiles-nukes-false-promises-respond/p27988> ; Scott Snyder, 2012, "U.S. policy Toward the Korean Peninsula: Accomplishments and Future Challenges," *Kokusaimondai [International Affairs]*, No. 614, pp. 1~14.

suspended food aid. Following the rocket launch in April 2012, the UNSC, including China, announced a statement which strongly criticized the launch as a violation of UNSC Resolutions 1718 and 1874.³⁷¹ In spite of internationally rising concern, North Korea conducted a long range rocket test in December 2012. North Korea's challenging behavior led to the destruction of the Leap Day Agreement. Since then, the Obama administration has urged international community to pressure North Korea through more severe sanctions and isolation. North Korea engaged in persistent challenging behavior by conducting a successful underground nuclear test in February 2013. The North even threatened to use nuclear weapons against the mainland United States.

E. Conclusion

While the Clinton administration pursued a soft line North Korea policy which relied on an issue-separation strategy, the Bush and Obama administrations adopted an issue linkage strategy based on the principle of the strict reciprocity. While it faced several tensions regarding North Korea's nuclear issues, the Clinton administration pursued an issue-separation strategy and took a significant step forward in developing its relations with North Korea. On the contrary, adhering to the principle of strict reciprocity, the Bush administration requested North Korea to dismantle its nuclear program as a precondition for both dialogue and economic assistance. Especially since the 2001 terrorist attacks on the US, US policy toward North Korea became more coercive, exerting strict pressure on North Korea.³⁷² Beginning in August 2003, the Bush

³⁷¹ United States Mission to the United Nations, "Fact Sheet: UN Security Council Presidential Statement on North Korea Launch," press release, April 16, 2012, <http://usun.state.gov/briefing/statements/187937.htm>

³⁷² Chung Oknim, 2005, "U.S. Approaches Toward the Two Remaining Evils," *The Korean Journal of Defense*, Vol. XVII, No. 1, pp. 188~191.

administration negotiated with North Korea under the framework of the Six-Party Talks. However, the Bush administration's tough stance against the North remained unchanged during these talks. Moreover, the Bush administration's policy stance which appeared to shift toward a soft line approach was not followed by concrete actions. The Bush administration even was slow to live up to its side of the agreement.³⁷³ In its attempt to solve the issues over North Korea's nuclear program under the framework of the Six Party Talks, the US focused more on ensuring greater pressure and leverage over North Korea rather than on solving the issues diplomatically by achieving a unified approach with other Six Party members. In this sense, Pritchard also assessed the Bush administration's North Korea policy as failed diplomacy in which the US attempted to convince its allies to isolate North Korea from international society in anticipation of the demise of North Korea rather than trying to solve the nuclear issues involving North Korea through sincere diplomacy.³⁷⁴ That is, the Bush administration did not make a concerted and sincere effort to solve North Korea's nuclear issues through framework of the Six-Party Talks.

The Obama administration's policy toward North Korea was not too different from the second-term Bush administration's North Korea policy.³⁷⁵ The Obama administration based its North Korea policy stance on the principle of strict reciprocity by pursuing an issue-linkage policy that suggested North Korea's nuclear dismantlement was a prerequisite for further dialogue and economic aid. By taking this stance of malign neglect against North Korea under the guise of "strategic patience," it reneged on aid to

³⁷³ Condoleezza Rice, 2011, *No Higher Honor: A Memoir of My Years in Washington*, Broadway Press.

³⁷⁴ Charles L. Pritchard, 2007, *Failed Diplomacy: the Tragic Story of How North Korea Got the Bomb*, Brookings Institution Press.

³⁷⁵ Bae Geungchan, 2009, "Prospects for Inter-Korean relations, 2009," IFANS BRIEF, The Institute of foreign Affairs and National Security (IFANS).

North Korea. As a senior director for Asian Affairs on Obama's National Security Council Staff, Jefferey Bader wrote, "the Obama administration endeavored to formulate a policy which would force North Korea to reassess the value of its program and therefore maximize the chance of pursuing denuclearization seriously."³⁷⁶

III. Consequence of ROK and the U.S. Policy: the Intensity of DPRK's Challenging Behavior over the NLL

In this section, the relationship between the US and South Korea's North Korea policy stances and the intensity of the North Korea's challenging behavior over the NLL is explored.

Table 5.1. The U.S. and South Korea's North Korea Policy and the Intensity of the Confrontations over the NLL

Period		ROK Foreign Policy Stance	U.S. Foreign Policy Stance	The Intensity of Confrontations over the NLL measured by mean interaction value	Yearly Average of the mean interaction value
KDJ ADM	March, 98~ December, 2000	Soft	Soft (The Clinton ADM)	2.25 ~ 1.27 (-0.98)	1.8
	January, 01~ February, 03	Soft	Hard (The Bush ADM)	1.27 ~ 1.58 (+0.31)	
RMH ADM	March, 03~ December, 04	Soft	Hard (The Bush ADM)	1.58~1.76 (+0.18)	1.5
	January, 05~ February, 08	Soft	Hard (2 nd term of the Bush ADM)	1.76 ~ 1.2 (-0.54)	
LMB ADM	March,08~ December,08	Hard	Hard (The Bush ADM)	1.2~ 2.08 (+0.88)	2.4
	January,09~ December,12	Hard	Soft & Hard (The Obama ADM)	2.08 ~2.74 (+0.64)	

*Periods in the table are classified based on the beginning and end of the terms of South Korean presidents and further subdivided by terms of the U.S. administration such as the end of Clinton's term and the election of Bush (December, 2000), the reelection of Bush (December, 2004) and the election of Obama (December, 2008)

³⁷⁶ Jefferey A Bader, 2012, *Obama and China's Rise: An Insider's Account of America's Asia Strategy*, Brookings Institution Press.

1. The Intensity of the Confrontations over the NLL

March 1998 ~ December, 2000: During this period, the US and North Korea entered into a phase of improved relations.³⁷⁷ In spite of sporadic tensions between the US and North Korea regarding North Korea's suspected underground nuclear facilities and a long range missile test, conciliatory gestures and economic incentives from the US led North Korea to take a cooperative stance with the US. North Korea allowed the US to inspect suspicious underground nuclear facilities in exchange for receiving humanitarian assistance, and proclaimed a moratorium on its missile development. The lifting of economic sanctions, deleting of North Korea from terrorism sponsoring states, and William Perry's visit to the North with a comprehensive package deal to engage with the North were all clear signals that eased North Korea's threat perception. The conciliatory initiatives by the Clinton administration were effective in preventing North Korea from taking further challenging behavior by changing North Korea's policy stance.³⁷⁸ Moreover, changes in the behavior of North Korea, as a result of the US soft line policy, mitigated the mistrust in its willingness to comply with international norms concerning its nuclear programs.³⁷⁹ Based on the perception of the importance and effectiveness of coherent soft line policy, the Clinton administration strengthened its engagement policy toward the North in 2000. A series of conciliatory events such as the invitation of North Korea's highest ranking military officer in September 2000 to the US and the US Secretary of State's visit to North Korea in October 2000 represented a tremendous

³⁷⁷ Baek haksoon, "Continuity or Change? : The New U.S. Policy Toward North Korea," *East Asian Review*, Vol. 13, No. 2, pp. 23~38.

³⁷⁸ Oh Kongdan, 2002, "Terrorism Eclipses the Sunshine Policy: Inter-Korean Rel. and the U.S.," *Asia Society Publication*.

³⁷⁹ This initiative by the United States represented a good relationship between the Kim Dae-Jung administration and the Clinton administration because many of recommendations from Seoul were included to this process For political implications of the Perry Process on the peninsula, See Baek haksun, 2007, "US-DPRK Relations," North Korea Research Center, eds., in *North Korea's Foreign Relations*, Sejong Institute.

improvement in the relations between the United States and North Korea.

In South Korea, the Kim Daejung administration launched several initiatives to engage North Korea based on the strong belief and perception that social-economic cooperation prevails over political-security conciliation. However, even though the Kim Daejung administration was pursuing a soft line policy, North Korea did not reduce its vigilant behaviors against South Korea. North Korea's vigilance resulted in sporadic challenging behavior and continued through the first two years of the Kim administration.³⁸⁰ However, North Korea gradually began to ease its tough stance toward South Korea.³⁸¹ North Korea's cautious approach to South Korea was to ascertain the sincerity of the Kim administration's soft line policy given its experience of the hard line policy of the previous the Kim Youngsam administration. Moreover, North Korea was cautious about accepting South Korean conciliatory economic aid because it suspected that South Korea's engagement policy would be an attempt at unification through the absorption of North Korea. The gradual change of North Korea's policy stance and behaviors toward South Korea was the result of its trust in the Kim Daejung administration's consistent and coherent engagement policy toward North Korea in spite of military tensions. In addition, North Korea's developing relations with the US also provided favorable conditions for this change in North Korea's policy stance toward

³⁸⁰ North Korea's main challenging behaviors include the June 1998 submarine infiltration, the launch of a Tepodong-1 missile in August 1998, the naval engagements in the West Sea in June 1999, and the detention of South Korean tourists at Mt. Kumgang in June 1999. However, as a result of the Kim Daejung administration's consistent engagement policy North Korea began to take a policy approach of reconciliation and peaceful coexistence (January 1998), which included the demotion of National Security Act, the declaration of "Five Doctrines for National Unification" (April 1998), and a proposal for a unification festival (August 1998). North Korea clarified that it was cautious about accepting South Korean humanitarian assistance (March and April, 1998 and June 1999) because it suspected Kim administration's engagement policy as an another attempt at reunification through absorption of North Korea.

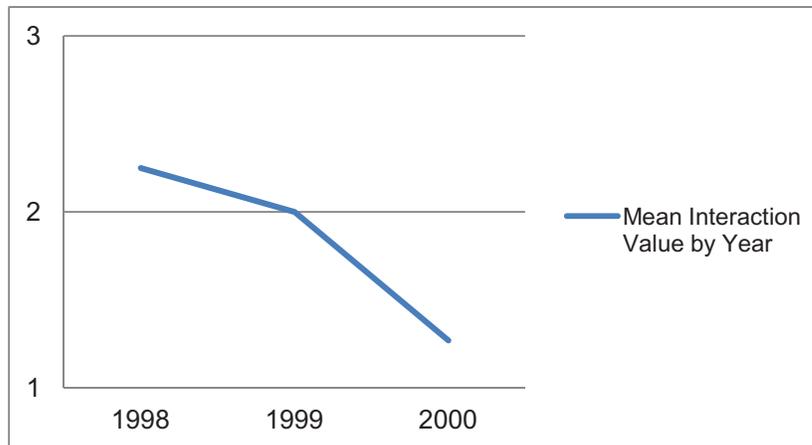
³⁸¹ After Kim Daejung administration's "Berlin Declaration" in March 9, 2000, the two Koreas exchanged special envoys three times in March 17, 23 and April 8 which also led to the 2000 inter-Korean summit in June, KINU, 2009, "The Chronology of Inter-Korean Interactions," Seoul.

South Korea.

To sum up, North Korea faced favorable external conditions thanks to both the US and South Korea during this period. Its southern counterpart's coherent soft line policy, coupled with the Clinton administration's soft line policy, contributed to favorable external conditions surrounding North Korea and brought about the change in North Korea's behavior.

With regard to the tensions over the NLL between the two Koreas, the overall intensity of inter-Korean confrontations over the NLL decreased during this period. Especially, in the year 2000 when the inter-Korean summit meeting was held, the intensity of inter-Korean confrontations over the NLL dramatically dropped; the mean interaction value dropped from 2.25 to 1.27 during this period.

Figure 5.8. The Intensity of Inter-Korean Confrontations over the NLL between 1998 and 2000



January, 2001~ February, 2003: The election of George W. Bush in the 2000 US presidential election signaled a negative shift in North Korea's security environment and its threat perception. Reversing the previous administration's North Korea policy, the Bush administration pressured North Korea and designated it as a rouge state.³⁸² The

³⁸² In the mid-June 2001, the Bush administration completed its North Korean policy review and suggested an

2001 terrorist attacks and the subsequently rigid and unilateral policy stance of the United States toward North Korea significantly increased North Korea's security concerns; in particular, the US review of its traditional nuclear doctrines (NPR) in December 2001, its announcement of the War on Terror, and the designation of North Korea as a member of axis of evil in January 2002 were seen as threatening by North Korea. Such significant changes in the US foreign policy posture after 2001 were enough to exacerbate North Korea's threat perception. North Korea seemed to have sensed a serious external threat due to the possible preemptive nuclear attack by the US on its nuclear sites because the Bush administration explicitly considered the possibility of employing nuclear weapons through the NPR which stipulates the flexibility in using the nuclear preemptive attacks against rogue states and terrorist groups. Faced with an unfavorable security environment and as a response to the U.S. hard line policy stance, North Korea reacted by threatening to nullify the Agreed Framework of 1994 and resume its nuclear program.³⁸³ These tensions drastically increased in October 2002 when the US Assistant Secretary of State James Kelly visited North Korea with evidence that North Korea had been enriching uranium. The US immediately stopped its heavy fuel supply to North Korea in December 2002. As a result, subsequent challenging behavior by North Korea ensued until the first round of Six Party Talks was held in August 2003. This included 1) the ousting of IAEA inspectors in December 2002, 2) the declaration of its withdrawal from the NPT in January 2003, and 3) the resumption of the processing of the 8,000 fuel rods in May

initiative asking 1) revision of the Agreed Framework, 2) limiting North Korean ballistic missiles in a verifiable manner, and 3) reducing North Korea's conventional threats to South Korea. For details, see "Statement by the President," The White House Office of the Press Secretary, June 6, 2001, available at http://www.presidency.ucsb.edu/press_briefings.php?year=2001

³⁸³ For more details, refer to see Mike Chinoy, 2008, Melt Down: The Inside Story of the North Korean Nuclear Crisis.

2003.³⁸⁴

In spite of rising tensions between North Korea and the US, the Kim Daejung administration in South Korea maintained the momentum of its soft line policy toward North Korea to sustain the improvement of inter-Korean relations. After the summit meeting in 2000, the relations between the two Koreas progressed significantly on the basis of reconciliation and cooperation following a gradual but strong rapprochement track. Since the 2000 inter-Korean summit meeting, all of the cooperative sectors between the two Koreas were expanded in terms of their scope and depth. The Kim administration endeavored not to lose the momentum of its conciliatory policy stance toward the North despite some military tensions, including a naval clash in the West Sea in 2002. From late 2002, North Korea began to emphasize inter-Korean cooperation, for instance, saying that “Confrontations on the Korean peninsula should be between the two Koreas and the United States.”³⁸⁵

To sum up, North Korea was faced with unfavorable external circumstance due to the US during this period. The Bush administration’s reversal of the soft line policy pursued by the Clinton Administration and its pursuit of the hard line policy stance toward North Korea increased North Korea’s threat perception.³⁸⁶ The hard- ine policy

³⁸⁴ The Geneva Agreement broke down as North Korea resumed its nuclear development program after the US suspended its heavy fuel aid to North Korea in December 2002. Three-Party Talks were held in April 2003, immediately after the U.S.-led invasion of Iraq, at which the members merely confirmed the gap between their positions. The US called for the complete, verifiable, and irreversible dismantlement (CVID) of North Korea’s nuclear program and increased pressure through the PSI. The Six-Party Talks began in August 2003, but North Korea resisted US demands to give up its nuclear program first” before receiving any benefits, Mark e. Manyin and Emma Chanlett-Avery, “North Korea: A Chronology of Events, October 2002~December 2004,” *CRS Report, RL 32743*, pp. 1~49.

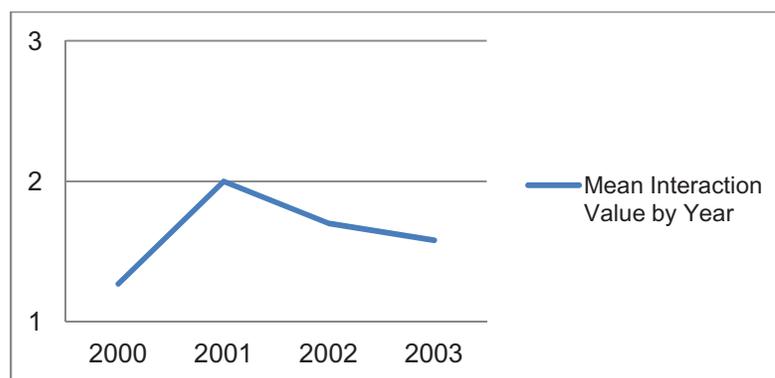
³⁸⁵ North Korea’s Central Committee for National Unification, “Letter of appeal to the nation,” November 22, 2002; New Year’s message, “Wield the dignity and power of DPRK under the banner of the great military-first policy,” Rodong Sinmun, January 1, 2003, Yonhap News Agency, 2011, The Chronology of the inter-Korean interactions, Seoul.

³⁸⁶ North Korea’s security environment worsened after the inauguration of Bush Administration which signified the hard-line policy toward North Korea. The hard line policy posture of the US during its war against terror undoubtedly exacerbated North Korea’s security dilemma. By taking tough line against each other, tensions between North Korea and the US got severe, including the remark of axis of evil (January 2001), announcing the development of nuclear weapons (October 2002), a declaration on the lifting of the nuclear freeze (December 2002), a supposition on the

by the Bush administration deepened North Korea's security dilemma and drove it into confirming its clandestine nuclear program, resulting in nuclear crisis.

During this period, the intensity of inter-Korean interaction over the NLL slowly decreased; the mean interaction values decreased from 2 to 1.58. In 2001, the intensity of the interactions over the NLL increased compared to the previous year 2000. This might be the result of the Bush's inauguration and its pursuit of a hard line policy toward North Korea. However, since then, the intensity decreased in spite of the ongoing tensions between the US and North Korea. This was due to South Korea's consistent and coherent pursuit of the soft line policy toward North Korea.

Figure 5.9. The Intensity of Inter-Korean Confrontations over the NLL between 2001 and 2003



March, 2003 ~ February 2008: The United States invaded Iraq to dismantle Saddam Hussein's regime in March 2003. Based on its victory in the Iraq war, the Bush administration called for the "Complete, Verifiable, and Irreversible Dismantlement

suspension of LWR project of DPRK, the intercept of a U.S. unarmed spy plane by North Korean fighter jets, the test-firing of an SSM missile (March 7 2003) and so on. North Korea acquiesced to holding three party consultations with the US and China on March 31, 2003 for formulating six-party talks., Koen De Ceuster and Jan Melissen, 2008, "Ending the North Korean Nuclear Crisis: Six Parties, Six Perspectives," edited by Koen De Ceuster and Jan Melissen, *Netherlands Institute of International Relations*, pp.1~129; Mrk E. Manyin, 2005, *North Korea: A Chronology of Events*, October 2002~December 2004, CRS Report RL31785, pp. 1~49.

(CVID)” of North Korea’s nuclear program and increased pressure through the Proliferation Security Initiative (PSI). In this context, the US involvement and victory in Iraq War could be interpreted as a threatening signal to the North that the United States could employ its new military strategy against North Korea which relied on preventive attacks against rogue states to change the regimes.³⁸⁷ In April 2003 North Korea announced its possession of nuclear weapon facilities. Amid tensions between the US and North Korea, the first round of the Six-Party Talks was held in August 2003. However, the US and North Korea were not able to narrow down their disagreements on the issues over North Korea’s nuclear program. In the subsequent Six Party Talks (the second round in February 2004 and the third round in June 2004) North Korea and the US still could not reach any consensus due to the US firm adherence to the principle of prior dismantlement with regards to the North’s nuclear program despite North Korea’s request that the US abandoning its hostility toward North Korea. In January 2005, the Bush administration began its second term, applying renewed pressure on North Korea. Based on the perception that the second-term Bush administration would not fundamentally adjust its hostile policy stance toward the North, North Korea officially declared its possession of the nuclear weapons and clarified its willingness to continue to increase its nuclear materials in February 2005. Amid rising pressure from the United States, as a result of South Korean government efforts to induce North Korea’s return to the six party talks, North Korea returned to the Six Party Talks.³⁸⁸ During the fourth round of Six Party Talks in August 2005, the six parties agreed on how to resolve North

³⁸⁷ “DPRK Foreign Ministry Spokesman on U.S. Start of Iraq War.” KCNA, March 21, 2003, Yonhap News Agency, 2011, The Chronology of the Inter-Korean Interactions, Seoul.

³⁸⁸ In June 2005, North Korea agreed to resume the inter-Korean talks after a year’s hiatus through aid inducements from South Korea. The Roh administration promised to provide 200,000tons of fertilizer and 2 million kW of electricity to North Korea, KINU, 2011, The Chronology of the Inter-Korean Interaction, Seoul.

Korea's nuclear issue by announcing the September 19th Joint Statement on September 2005.³⁸⁹ However, about one month after the agreement, the U.S. Treasury Department's freezing of the financial assets of North Korea in Bank of Banco Delta Asia served as a catalyst for subsequent challenging behavior on the part of North Korea in the last half of 2006. This challenging behavior include missile tests in July, the first underground nuclear bomb test in October and the withdrawal from the Six Party Talks until December 2006. In spite of North Korea's challenging behavior, the Bush administration showed a willingness to resolve the North Korean nuclear issue through diplomatic means before the end of its term. However, the US policy stance toward North Korea did not changed fundamentally.

Amid the ongoing nuclear tensions between the US and North Korea, the Roh Moohyun administration inherited its predecessor's soft line policy toward North Korea and strengthened its momentum. Playing an active role in attempting to resolve North Korea's nuclear issue under the framework of the Six Party Talks, the Roh Moohyun administration expanded the scope and the depth of economic engagements with North Korea. Under this situation, the second inter-summit meeting was held in 2007, which led to a number of subsequent inter-Korean dialogues and agreements which also included

³⁸⁹ The Six Party Talks members agreed on the principles to deal with North Korean nuclear programs in a 'quid-pro-quo' manner on September 19th 2005: North Korea pledged to dismantle all existing nuclear programs, return to the NPT, and implement IAEA's safeguard agreement soon; the United States promised not to attack North Korea with its nuclear weapons and will take steps to normalize its relations with North Korea; South Korea pledged to comply with the 1992 non-nuclearization principle between two Koreas and supply electricity worth of 2000 million watt to North Korea; and all parties promised to provide energy aid to North Korea, begin a negotiation to supply light-water reactor to the North in an appropriate time, and establish a different venue to replace the current armistice regime with a permanent peace regime on the peninsula. But there was a difference in the timing of dismantling North Korea's nuclear programs between North Korea and the United States: the DPRK hoped to dismantle its nuclear programs after receiving light-water reactors, while the United States required the dismantlement to be in the early process. For detailed information on the 9/19 agreement, refer to Larry A. Niksch, "North Korea's Nuclear Weapons Program," *CRS Report, RL 33590*, January 17, 2006.

military ones.³⁹⁰

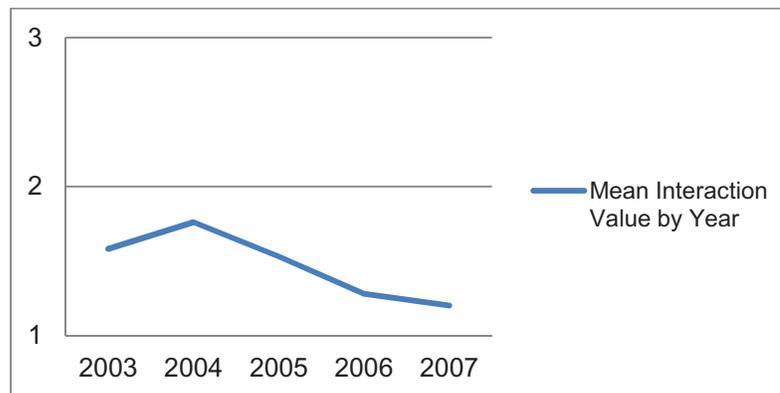
In sum, the South Korean factor was favorable to North Korea while the US factor was not during this period. The Bush administration's hard line policy which unilaterally demanded that North Korea commit to the dismantlement of its nuclear program and its attempts to isolate North Korea internationally worsened North Korea's security environment. Even though the Bush administration attempted to resolve North Korea's nuclear issue through the framework of the Six Party Talks, its fundamental harsh stance toward North Korea did not change. Moreover, the other six party members continued to mitigate the US intention to isolate and force North Korea with collective forces. They were opposed to comprehensive sanctions on North Korea and urged the US conduct bilateral direct dialogues with North Korea.

With regard to interactions over the NLL between the two Koreas during this period, the intensity of the confrontations gradually decreased in spite of the tensions between the United States and North Korea. During this period the two Koreas engaged in dialogues at diverse levels to ensure confidence building measures to reduce tensions. In 2004, the intensity of inter-Korean confrontation was highest. This might have been the result of North Korea's cautious approach to test the sincerity of the Roh administration's North Korea policy as well as its perception of uncertainty about the upcoming U.S. presidential election. The intensity sharply dropped in 2007 when the inter-Korean summit meeting was held. This result shows that the South Korean factor was more important than U.S. factor in reducing the tensions over the NLL. The consistent soft line policy by South Korea had a positive impact on the gradual reduction

³⁹⁰ In 2007 there were a total of 55 sessions of talks between the two Koreas at diverse levels; this was twice the average of 24 sessions of talks per year since the 2000 summit, ROK Ministry of Unification, 2011, Statistics on the Inter-Korean dialogues, Seoul.

of the tensions over the NLL between the two Koreas.

Figure 5.10. The Intensity of Inter-Korean Confrontations over the NLL between 2003 and 2008



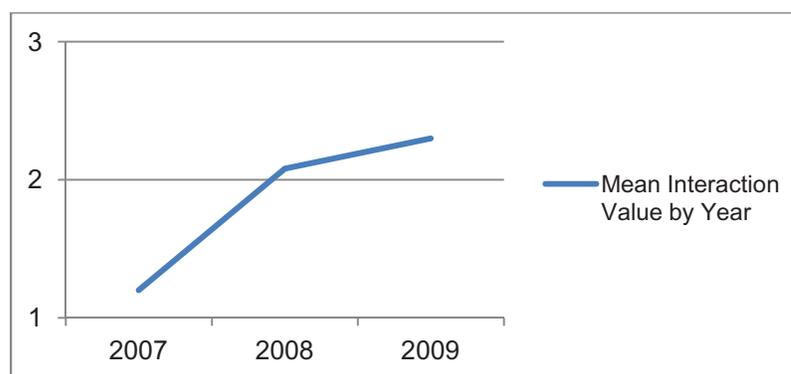
March, 2008~December, 2008: During this period, the Bush administration made some diplomatic moves with the goal of reducing tensions. In spite of North Korea's challenging behaviors, the Bush administration was committed to diplomatic means to solve the North Korean nuclear issue before its term ended. The administration sent some of the conciliatory gestures to North Korea; it sent Bush's letter to the North and allowed the New York Philharmonic Orchestra's to perform in North Korea in February, 2008. Such conciliatory gestures signaled the Bush administration's desire for successful negotiations. In June 2008, North Korea demonstrated the demolition of the Yongbyon nuclear reactor. In October 2008, the Bush administration responded by removing North Korea from the list of state sponsors of terrorism. However, as a result of the repeated US requests for the verification of North Korea's dismantlement of its nuclear facilities and nuclear program, further negotiations did not occur. As a result, North Korea informed the United States that it had enough plutonium to be used to produce nuclear bombs.

In South Korea, reversing the soft line policies of the two previous administrations, the new conservative Lee Myungbak administration pursued a hard line

policy based on the principle of strict reciprocity and transparency. The Lee administration's North Korea policy requested North Korea's dismantlement of its nuclear program as a precondition for economic assistance and dialogues. Amid disputes regarding the nature and direction of North Korea's policy, a South Korean tourist in Kungang Mountain tourist special zone in July 2008 was accidentally killed by a North Korean guard in that zone. The Lee administration strongly asked North Korea for a full and transparent investigation of the incident and requested the apology and the measures to prevent such an incident. The Lee administration stopped all exchange programs and curtailed economic assistance. Since this incident, inter-Korean relations drastically worsened.

Overall, US and South Korean factors were unfavorable to North Korea during this period. As for the NLL, the intensity of the confrontations over the NLL drastically increased during this period. The inauguration of conservative Lee Myungbak administration which signified a shift of policy toward a hard line approach negatively affected North Korea's threat perception.

Figure 5.11. The Intensity of Inter-Korean Confrontations over the NLL between 2007 and 2009



January, 2009~ December, 2012: Even though the Obama administration inherited the

political legacies from the Clinton administration, it employed a strict standard in approaching North Korean nuclear issues.³⁹¹ The Obama administration tried to have sufficient time to reassess the North Korea policies pursued by the previous administrations, believing that they failed to reduce and settle North Korea's nuclear and missile threats. Against the backdrop of its global non-nuclear proliferation agenda, the Obama administration assumed even tougher policy postures toward North Korea than the Bush administration. The Obama administration sometimes employed a malign neglect stance against the North, embarrassing and frustrating North Korea. The Obama administration was hesitant to directly engage North Korea, and instead urged China to pressure North Korea to take tough stance toward North Korea.

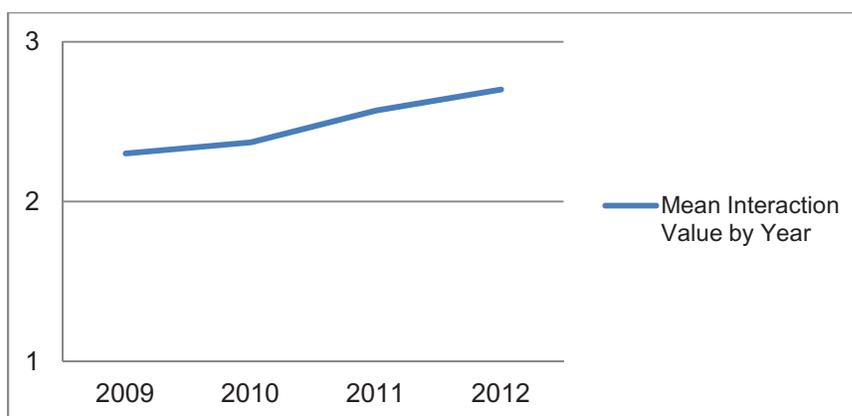
In South Korea, the Lee administration continued to pressure for a change in North Korea's attitude. During the period of the Lee Myungbak administration, the volume of economic engagement and cooperation with North Korea was drastically curtailed. Moreover, the scope and frequencies of inter-Korean dialogues and contacts at governmental and non-governmental levels interaction sharply decreased. Given all the developments that had taken place since the inception of the Lee Myungbak administration in 2008, the South Korean factor has been quite unfavorable to North Korea.

To sum up, North Korea experienced unfavorable external conditions due to two adversarial administrations in South Korea and the United States. During this period, the intensity of the inter-Korean confrontations over the NLL increased. Since 2008, the mean interaction value rose from 2.31 to 2.74. While the intensity of the inter-Korean

³⁹¹ Lee Sanghyun, 2010, Obama Administration's Foreign Policy Stance and the Prospect for North Korea Policy; Scott Snyder, 2009, "Obama and North Korea: First 100 days," GlobalSecurity.org, available at <http://sitrep.globalsecurity.org/articles/090427313-obama-and-north-korea-first-100-days.htm>.

confrontations over the NLL gradually decreased during the Kim Daejung and the Roh Moohyun administration, it increased during the Lee Myungbak administration.

Figure 5.12. The Intensity of Inter-Korean Confrontations over the NLL between 2009 to 2012



2. Policy Coordination and Divergence between ROK and the United States

Based on the findings in the previous section, this section attempt to find some implications for the inter-Korean confrontations over the NLL in terms of policy coordination and disparity toward North Korea between the US and South Korea.

Policy coordination between the US and South Korea has been emphasized by a number of scholars as the key to the effective management of North Korean policy, based on the assumption that policy disparity between the US and South Korea undermines the effectiveness of any policy approach to North Korea.³⁹² They commonly argue that the US and South Korea can ensure greater leverage over North Korea through a unified alignment in policy orientations toward North Korea. This is because when there are disparities in policies toward North Korea between the US and South Korea, North Korea

³⁹² Scott Snyder, 2012, "U.S. Policy Toward the Korean Peninsula: Accomplishments and Future Challenges," *International Affairs*, No. 614, pp. 1~14; Scott Snyder, 1999, *Negotiating on the Edge: North Korean Negotiating Behavior*, United States Institute of Peace ; Mary Beth Nikitin, Emma Chanlett-Avery and Mark E. Manyin, U.S.-South Korea, Relations, CRS Report, October 4, 2011.

can seek to split the parties to its advantages.³⁹³

The issues over North Korea's nuclear program have been major challenges to the US and South Korea. Diplomatic efforts to achieve denuclearization of North Korea have been made by the US and South Korea. In this process, policy coordination in the nature and direction of North Korea policy between the US and South Korea has been emphasized. However, common positions have been elusive at times because the US and South Korea have pursued a mix of soft and hard line policies based on their own view of the means necessary to elicit changes in North Korea's behaviors. Moreover, the US and South Korea have not frequently agreed on the desired outcome itself. For instance, South Korea has tended to place a greater priority on regime stability than the United States given its proximity to North Korea and the serious implications of an unstable situation in North Korea. On the other hand, the US has generally emphasized non-proliferation of WMD and nuclear weapons to a greater degree than South Korea. The differences in their approaches to means and ends have become an obstacle to policy coordination between the US and South Korea.

During the Km Daejung and Roh Moohyun administrations, policy coordination between the United States and South Korea was difficult because the nature of their North Korea policies were contradictory. The Kim and Roh administrations' unconditional engagement policies conflicted with the hard line policy pursued by the Bush Administration. However, the Lee Myungbak administration's tougher stance toward North Korea was well aligned with the Bush and Obama administration's North Korea policy in pushing for a nuclear deal with North Korea.

³⁹³ Richard Fontaine and Micah Springut, 2009, "Managing North Korea: The Need for Coordination between Washington and Seoul," in the U.S.-ROK Alliance in the 21st Century, pp. 1~28.

Table 5.2. Policy Coordination/divergence in North Korea Policies between the US and ROK

USA South Korea	Hard line (Issue-linkage)	Soft-line (Issue-separation)
Hard-line (Issue-linkage)	<p>Case A: Hard-line & Hard-line</p> <p>LMB & BUSH (March, 2008~Dec, 2008)</p> <p>LMB & OBAMA (Jan, 2009~Dec, 2012)</p>	<p>Case B: Hard-line & Soft-line</p> <p>N/A</p>
Soft-line (Issue-separation)	<p>Case C: Soft-line & Hard-line</p> <p>KDJ & BUSH (Jan, 2001~Feb, 2003)</p> <p>RMH & BUSH (March, 2003~Dec, 2008)</p>	<p>Case D: Soft-line & Soft-line</p> <p>KDJ&CLINTON (March, 1998~ Dec, 2000)</p>

By combining the two factors; South Korea's and the U.S. foreign policy stance toward North Korea, this two-by-two table containing four cases can be drawn (see Table 5.2). Cases A and D are when the United States and South Korea pursued same foreign policy stance toward North Korea simultaneously: hard & hard or soft & soft line. Cases B and C are when the two states pursued different foreign policy stance: hard & soft or soft & hard line. Cases A and D are when the two states had the same policy toward North Korea while the cases of B and D are when South Korean and the U.S. foreign policy postures toward North Korea were diverged and conflicting. Case A is when the Lee Myunbgak Administration together with the Bush Administration pursued the hard line policy toward North Korea. Case C is when the Kim Daejung and the Bush Administration pursue soft and hard line policy respectively and when the Roh Moohyun and the Bush administration pursue soft and hard line policy respectively. Case D is when

the Kim Daejung and the Clinton Administration sought the soft line policy at the same time. Case B is beyond the analysis of this study.

**A. Case A: Hard-line & Hard-line
The Lee Myongbak & the Bush and the Lee Myongbak & the Obama
Administrations**

With the purpose of restoring of the ROK-US alliance for mutual interest, the Lee administration emphasized a strong alliance with the US since its inauguration. In the Camp David summit meeting in April 2008, the two administrations confirmed policy coordination toward the denuclearization of North Korea based on the strong ROK-U.S. alliance in vision of the 21st Century.³⁹⁴ Such momentum continued even after the inauguration of the Obama administration in the US. The ROK-U.S. alliance has flourished under the Obama and the Lee Myungbak administrations. They have strengthened policy coordination toward North Korea based on a joint vision for the alliance in June 2009 that has broadened alliance roles and functions.³⁹⁵ This agreement signified an expansion of cooperation and security coordination toward North Korea, which has traditionally provided the main rationale for U.S.-ROK security cooperation. The Lee and Obama administrations prioritized the denuclearization of North Korea as the main challenge on the peninsula.³⁹⁶

During the period when the Lee Myungbak administration pursued a hard line policy toward North Korea in coordination with the Bush and the Obama administrations

³⁹⁴ Yu, Myunghwan, "Lee-Bush Summit Lays Groundwork for Solid Alliance," *Korea Times*, March, 4, 2008.

³⁹⁵ The White House Office of the Press Secretary, "Joint Vision for the Alliance of the United States of America and the Republic of Korea," June 16, 2009, available at http://www.whitehouse.gov/the_press_office/Joint-vision-for-the-alliance-of-the-United-States-of-America-and-the-Republic-of-Korea

³⁹⁶ Emma Chanlett-Avery, "North Korea: U.S. Relations, Nuclear Diplomacy, and Internal Situation," CRS Report, January 17, 2012.

based on the principle of the strict reciprocity, the intensity of inter-Korean confrontations over the NLL increased. In inter-Korean relations, when both the United States and South Korea pursued hard line policies, it triggered North Korea's challenging behavior, increasing the likelihood of the inter-Korean confrontations over the NLL. This finding implies that hard-line policies pursued by the US and South Korea result in undesirable consequences for inter-Korean relations.

**B. Case C: Soft-line & Hard-line
The Kim Daejung & the Bush and the Roh Moohyun & the Bush Administrations**

After the inauguration of the Bush administration in January 2001, the U.S.-ROK relationship became strained due to the differences in their approaches to North Korea. While the Bush administration adopted a hard line policy by pressuring North Korea to take visible measures of dismantling its nuclear program for the U.S. economic assistance and dialogues, South Korea maintained the momentum of its soft line policy toward North Korea. As a result, there were confrontations and divergences over the North Korea policy between South Korea and the United States. For instance, the Bush administration criticized the Kim administration's Sunshine policy and the Roh administration's unconditional engagement policy toward North Korea.³⁹⁷

The Bush administration's explicit harsh rhetoric against North Korea such as its discussion of the "axis of evil" and "rogue states" and its subsequent tougher stance trying isolate North Korea conflicted with the Kim Daejung administration's efforts to engage North Korea. The differences in North Korea policies between the US and South Korea was rooted in the fact in that while South Korea advocates more carrots and fewer

³⁹⁷ Lee Dongsun and Kim Sungeun, 2010, "Ties That Bind?: Assessing the Impact of Interdependence on East Asian Alliances," *EAI Asia Security Initiative Working Paper 3*, pp. 1~32.

sticks, an interim freeze of nuclear programs rather than immediate dismantlement, and US-North Korean bilateral talks, the US prioritizes the dismantlement of North Korea's nuclear program as a precondition for dialogue and economic assistance.³⁹⁸ These strained relations continued during the Roh Moohyun administration. Upon his inauguration 2003, the Roh administration was skeptical that the hard line stance of the US toward North Korea only increased the tensions on the Korean Peninsula.³⁹⁹ President Roh, who was elected in part because of his embracement of the massive anti-Americanism which ensued after a U.S. military vehicle killed two Korean schoolgirls in 2002, made several anti-U.S. statements such as calling South Korea "the balancer" which implied that South Korea should balance between China, the United States, and Japan in the region.⁴⁰⁰ The Roh administration's overall foreign policy stance emphasized South Korea's autonomous role in dealing with external affairs including North Korea issues. Such a stance was reflected in his "balancer policy" which gave the impression that South Korea was anti-US, pro-China and pro-North Korea.⁴⁰¹

Differences in North Korea policy stances between the US and South Korea seemed to be an obstacle for the effective implementation of North Korea policy. However, during this period, in spite of the divergence in North Korea policy between the US and South Korea, the intensity of the inter-Korean confrontations over the NLL decreased. This finding shows that South Korean factor is more important than the US

³⁹⁸ Yoichi Funabashi, 2007, *The Peninsula Question: A Chronicle of the Second Korean Nuclear Crisis*, Brookings Institution Press.

³⁹⁹ Huh Taehoi, Yoon Yeongmi and Youn Hwang, "Hankookui Daebook Jeongchaeku Ilkwanseong Ugi Bangan: Kim Youngsam Jeonggwon Ihoo(The Way to Maintain the Stability of South Korea's North Korea Policy: Since the Kim Yeong sam Administration)," *The Journal of International Relations*, Vol. 12, No. 2.

⁴⁰⁰ Jihoon Yu, 2006, *The Balancer Policy Reviewed from the Perspective of the ROK-U.S. Alliance: Toward a Mature Alliance*, Thesis, Naval Postgraduate School, Monterey:California; Victor Cha, 2009, "Outperforming Expectations: The U.S.-ROK Alliance," in Kurt, Campbell et al., *Going Global: the Future of the US-ROK Alliance*, Washington D.C.:CNAS..

⁴⁰¹ Ibid.

factor in managing the peaceful inter-Korean relations.

C. Case D: Soft-line & Soft-line

The Kim Deajung & the Clinton Administrations

Since the inauguration of the Kim Daejung administration, South Korea has consistently pursued a soft line policy, resulting in a historic inter-Korean summit meeting which contributed to the expansion of inter-Korean trade and dialogues at governmental and non-governmental levels. This diplomatic success with North Korea was possible due to the Kim's soft line policy with support from the Clinton administration. In the meantime, North Korea began to initiate domestic reforms and expose itself to the outside world, albeit in a cautious manner.⁴⁰² The soft line policy pursued by the two progressive South Korean administrations for a decade resulted in greater economic cooperation, political reconciliation, and the reduction of tensions on the Korean Peninsula. Expanded economic interdependence between the two Koreas was accelerated and advanced by the unconditional economic engagement policy pursued by South Korea.⁴⁰³ In addition, the unconditional economic incentives and initiatives towards the North paved the way for changes in the behavior of North Korea toward the South by increasing its dependence on South Korea. Moreover, the soft line policy by the Clinton administration toward North Korea provided favorable conditions for peaceful inter-Korean relations. For instance, even though South Korea's role was critical, the conciliatory atmosphere of US-North Korean relations as a result of the US

⁴⁰² Zhenqiang Pan, 2008, "DPRK Nuclear Crisis in the Changing Northeast Asian Environment," in the Vision for East Asia in the 21st Century and the Korean Peninsula, KINU.

⁴⁰³ Goo Bonhak and Rham Changhee, 2001, "Daehanmingugui Haetbyeocjeongchaekgwa Nambug Anbogwangye[South Korea's Sunshine Policy and the Inter-Korean Security Relations]," *Hankook Kookbang Jeonal[The Korean Journal of Defense Analysis]*. pp. 79~101.

pursuit of a soft line policy toward North Korea during the Clinton Administration also provided favorable conditions for holding the 2000 inter-Korean summit meeting.

The US and South Korea's North Korea policies became further aligned and inter-Korean relations were kept peaceful during this period. The intensity of confrontations over the NLL also drastically decreased. These findings suggest that when the US and South Korea's North Korea policy is coordinated on the basis of a soft line approach, inter-Korean relations become peaceful.

3. Conclusion

During the three South Korean administrations, policy and perception gaps existed between the US and South Korea over North Korean motives and intentions and how best to deal with North Korea. Such gaps stemmed mainly from the different perceptions toward the North Korean regime. For instance, the Bush and Obama administrations in the US and the Lee Myungbak administration in South Korea embraced mistrust of the North Korean regime. They viewed North Korea as a suspicious and untrustworthy state that often abrogates its commitment to agreements and international norms.⁴⁰⁴ On the contrary, the Kim Daejung and Roh Moohyun administrations in South Korea and the Clinton administration in the US believed that North Korea had been trying to adopt a more practical policy for its system's stability and economic recovery. They commonly viewed North Korea as a partner to improve relations with rather than entity to be overcome. In this context, North Korea's behaviors were perceived as the result of its worries about its stability mainly caused by unfavorable external conditions. Different

⁴⁰⁴ Oberdorfer Don, 2002, "Korea and the U.S.: Partnership under Stress," *The Korea Society Quarterly*, Vol 3, pp. 6~15.

perceptions of North Korea led to different policy prescription in terms of the appropriate directions and means in dealing with the issues over North Korea.

CHAPTER SIX

CONCLUSION

I. Findings and Implications

When both the United States and South Korea pursued soft line policies toward North Korea simultaneously, the intensity of inter-Korean confrontations over the NLL drastically dropped. On the contrary, the intensity of inter-Korean confrontations over the NLL sharply increased during the period when the US and South Korea applied a hard line policy at the same time. The intensity of inter-Korean confrontations over the NLL gradually decreased when South Korea pursued a soft line policy while the US employed a hard line policy toward North Korea. This finding implies that even though the US affects inter-Korean confrontations over the NLL, the role of South Korea is more important for explaining inter-Korean confrontations over the NLL. Despite the US hard line policy toward the North, South Korea's consistent pursuit of the soft line policy reduced the intensity of inter-Korean confrontations over the NLL. For instance, during the Kim Daejung administration in South Korea and the Bush administration in the US, the intensity of inter-Korean confrontations increased compared to the period of the Kim Daejung and the Clinton administrations. However, since then, the intensity had gradually decreased in spite of the U.S. administration's reliance on a hard line policy. This was the result of South Korea's coherent and consistent pursuit of a soft line policy toward the North. Overall, the result shows that the South Korean factor is critical to explaining inter-Korean confrontations over the NLL.

This study provides several important implications for the effect of US and

South Korean North Korea policy stances on inter-Korean relations. First, US foreign policy affects inter-Korean relations indirectly by impacting North Korean behavior toward South Korea. Whether the US employs a soft or hard line policy toward North Korea plays some roles in advancing or exacerbating peaceful inter-Korean relations. This finding suggests that a US soft line policy toward North Korea contributes to maintaining a peaceful atmosphere on the Korean peninsula. More conciliatory US North Korea policies result in more cooperative North Korean behavior toward South Korea. Likewise, US hard line North Korea policies tend to lead to North Korea's hostile behavior toward South Korea. This finding confirms the hypothesis that there is a positive correlation between a hostile US policy posture toward North Korea and the intensity of inter-Korean confrontations over the NLL. This result also verifies that a triangular response dynamic exists between the US and the two Koreas. North Korea's behavior toward South Korea tends to be reciprocal in that its behavior becomes conciliatory toward South Korea in a response to US soft-line policies toward North Korea.

Despite North Korea's tendency for reciprocal behavior, there are widespread suspicion about North Korea's intentions and its credibility to commit to reciprocal behavior. Such perceptions stem from some cases in which North Korea was regarded as having cheated on negotiated agreements and promises. For instance, one example is North Korea's development of the uranium enrichment program for nuclear weapons in 2002, breaking the Geneva Agreement signed in 1994. There is, however, an explanation for North Korea's behavior which contradicts the general perception that North Korea tends to cheat on agreements and promises. The issue is about which side is ultimately

responsible for breaking agreements and promises. For instance, Selig Harrison pointed out that the United States distorted and misrepresented data on North Korea's activities when it accused North Korea of secretly enriching uranium for nuclear weapon program in 2002.⁴⁰⁵ As a result, the United States suspended the heavy oil supply which the US had supplied to North Korea under the Geneva agreement. This led North Korea to react reciprocally and resume the enrichment of uranium. In the similar vein, such scholars as Hanlon and Mochizuki attribute North Korea's breaking the agreement and its resumption of nuclear program to the lack of US willingness to address North Korea's broader security concern through mechanisms such as a peace treaty.⁴⁰⁶ They also explain that the Bush administration's hostile behavior against North Korea, such as designating North Korea as a member of the "axis of evil," its explicit emphasis on preventive and preemptive military attacks against the rogue states, and the US invasion of Iraq might have led North Korea to believe it could be the next target. Therefore, these contextual factors might have led North Korea to respond reciprocally by breaking the Geneva agreement and developing its secret uranium enrichment program. The findings of this study also show that North Korea has shown a pattern of reciprocal behavior toward South Korea in a response to the US foreign policy stance toward North Korea. In this context, the soft line foreign policy of the US toward North Korea is more desirable than the hard line policies for maintaining peaceful inter-Korean relations. It implies that North Korea reacts with more hostile behavior toward South Korea when the United States pursues a hostile policy stance toward North Korea.

This study also provides implications as to policy coordination toward North

⁴⁰⁵ Harrison, Selig, 2005, "Did North Korea Cheat?", *Foreign Affairs*, Vol. 84, No. 1, pp. 99~110.

⁴⁰⁶ O'Hanlon, Michael, and Mike Mochizuki, 2003, *Crisis on the Korean Peninsula: How to Deal with a Nuclear North Korea*, McGraw-Hill.

Korea between the US and South Korea. Whether the nature and direction of North Korea policy stances between the US and South Korea are divergent or coordinated can also have some impact on inter-Korean relations. Whether or not the North Korea policies of the US and South Korea are compatible could be another factor in promoting or imperiling a peaceful relationship between South and North Korea. Some scholars argue that the policy incompatibility between the US and South Korea toward North Korea negatively impact the inter-Korean relations by inducing North Korea's hostile policy behaviors toward South Korea. For instance, Scott Snyder argued that close policy coordination between the US and South Korea can prevent North Korea from exploiting policy divisions between the United States and South Korea.⁴⁰⁷ Therefore, when the US and South Korea collaborate in their policy orientation toward North Korea, the combined effect of their policies can be powerful and exert a positive influence on the peaceful inter-Korean relations. On the contrary, when the United States and South Korea employ different policy stances toward North Korea, the combined effects of their policies can have a negative impact on the inter-Korean relations due to the mixed effects of those policies on North Korea's behavior. However, the findings in this study show that when both the US and South Korea pursued hard line policies toward North Korea, the intensity of inter-Korean confrontations over the NLL increased, while the intensity decreased when both the US and South Korea pursued soft-line policies toward North Korea. This implies that when the US and South Korea's North Korea policies are coordinated on the basis of the hard line policies, such policy coordination negatively impact the inter-Korean relations, which contradicts the general argument of the

⁴⁰⁷ Snyder, Scott, 1999, *Negotiating on the Edge: North Korean Negotiating Behavior*, 1999; Yoon Jonghan, 2011, "The Effect of U.S. Foreign policy on the peninsula," *Journal of East Asian Studies*, Vol. 11, No. 2, pp. 255~287.

effectiveness of policy coordination. Therefore, with regard to policy coordination toward North Korea between the US and South Korea, inter-Korean relations have been maintained peacefully when both the US and South Korea pursued soft line policies. This finding suggests that it is desirable that the South Korea-US alliance should use soft line policy in dealing with North Korean issues for peaceful inter-Korean relations.

One of the good ways to see how the US and South Korean foreign policy stance toward North Korea affected its behavior over the NLL is to look at the pattern of North Korea's behavior and inter-Korean interactions over the NLL during the specific periods (months) when the United States and South Korea conducted joint combined military exercises. The United States and South Korea have conducted various types and scales of joint combined military exercises since 1976 (See Table 6.1.). While the US and South Korea have maintained a firm position that all these joint combined exercises are defensive in nature and conducted primarily as a rear area security and stability training exercise to defend South Korea in case of North Korea's invasion, North Korea has argued that they are offensive. As a result, the joint combined exercises between the US and South Korea regularly have led to accusations by North Korea that they are prelude to an invasion by the United States and South Korea and have provided North Korea with the rationale for its pursuit of nuclear weapons. North Korea basically deemed all the drills between the US and South Korea a precursor to a war planned against them. For instance, most recently, in a response to the ROK-U.S. combined exercise in 2012, the North Korean foreign ministry said that "the prevailing situation requires us to bolster up the war deterrent physically and goes to prove that it was entirely just when we

determined to fully reexamine the nuclear issue.”⁴⁰⁸ Clearly, the annually-held ROK-U.S. joint combined military exercises have been one of the sources of existential threats.

Table 6.1. Type of the ROK-U.S. Joint Combined Military Exercises

Type	Purpose of the Exercise	Periods
Ulchi-Freedom Guardian (UFL)	The World’s largest computerized command and control implementation which focus on defending South Korea from North Korean attack. The exercise was initiated in 1976 and has been conducted annually during August or September.	Between August and September every year
Reception, Staging, Onward Movement and Integration (RSOI)	RSOI is a complex multi-phase exercise conducted annually tailored to train, test and demonstrate US-ROK Force projection and deployment capability. RSOI is a CFC's (Combined Forces Command) medium scale war-fighting CPX (Command Post Exercise) with focus on the process of strategic deployment of ROK and the U.S. military asset during the War. It began since 1994	Between March and April every year
Key Resolve	Key Resolve is the new name (as of 2008) for the military exercise previously known as RSOI and even earlier as Team Spirit. It is an annual command post exercise (CPX).	Between March and April every year
Foal Eagle (FE)	Foal Eagle is an annual combined Field Training Exercise (FTX) conducted under the auspices of Combined Forces Command (CFC) within the Korean Theater of Operations (KTO). It is one of the most largest military exercise in its scale in the World. It began since 1997	Until 2000, it was held between October to November. However, since 2002, it is held between March and April combined with Key Resolve

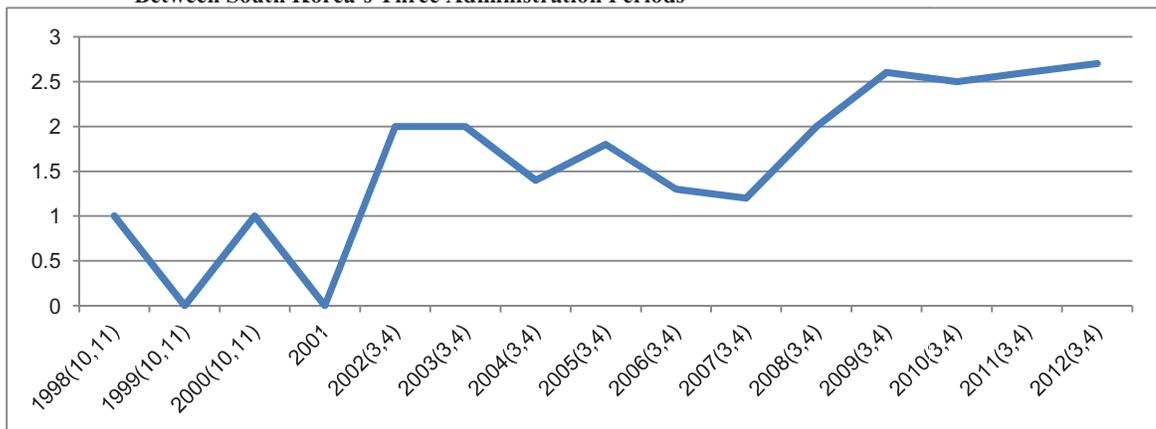
* Source : ROK Ministry of Defense, 2012, Type of annually-held ROK-US joint combined Exercises, Seoul.

However, in this study, one noticeable finding was that the overall pattern in the intensity of the inter-Korean confrontations over the NLL during exercises was different between South Korea’s three administrations. To be more specific, the influence of the ROK-US joint combined exercises on North Korea’s challenging behavior and inter-Korean confrontations over the NLL varied depending on South Korea’s and the US’ foreign policy stances toward North Korea. When the US and South Korea pursued a soft line policy toward North Korea, the intensity of inter-Korean confrontations over the NLL during the exercise periods was relatively low compared to the intensity during the

⁴⁰⁸ ROK Ministry of Defense, 2012, The Chronology of North Korea’s Challenging Behaviors, Seoul.

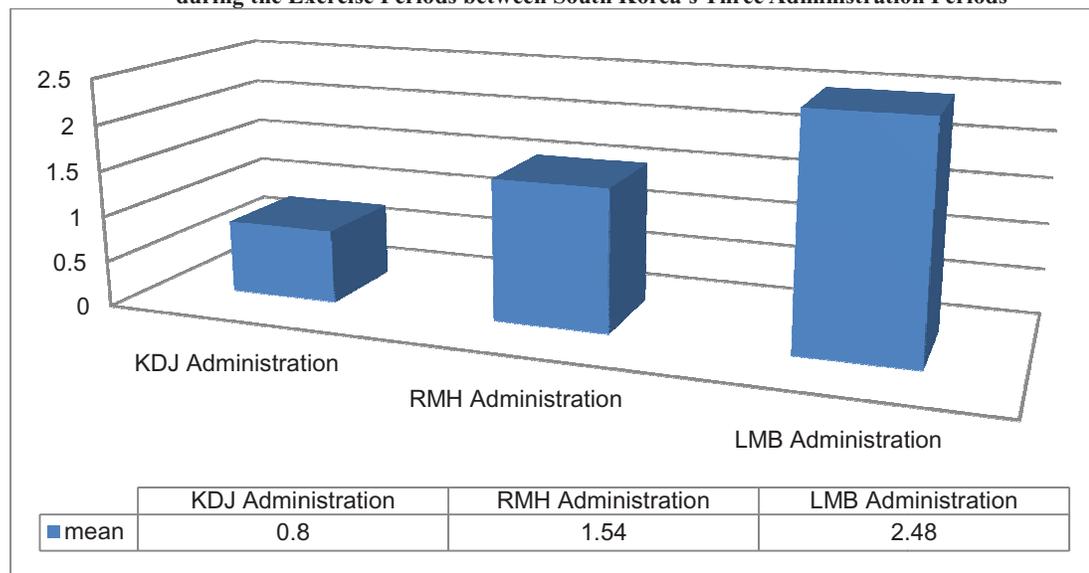
exercise periods when a hard line policy was pursued by the US and South Korea. The overall (or average) intensity of inter-Korean confrontations over the NLL during the exercise periods under the Kim Daejung and Roh Moohyun administrations was relatively lower than that of the Lee Myungbak administration.

Figure 6.1. The Intensity of the Inter-Korean Confrontations over the NLL during the Exercise Periods Between South Korea's Three Administration Periods



*Note: In the year of 2001, the joint combined exercises were not held. The number in the bracket represents the month during which the exercises were held.

Figure 6.2. Annual Average of the Intensity of the Inter-Korean Confrontations over the NLL during the Exercise Periods between South Korea's Three Administration Periods



As seen in Figure 6.1, during the period of the Kim Daejung administration the

intensity of inter-Korean confrontations over the NLL during exercise periods measured by the mean interaction value by the months of exercises varied between 1 and 2 (annual average was 0.8). While during the Roh Moohyun administration, the intensity of the inter-Korean confrontations over the NLL fluctuated between 1.2 and 2 (the annual average was 1.54), the intensity of the inter-Korean confrontations over the NLL varied between 2 and 2.7 (the annual average was 2.48) during the Lee administration. As shown in Figure 6.2, the annual average of the intensity of inter-Korean confrontations over the NLL during the exercise periods was lowest (0.8) under the Kim Daejung Administration. While the annual average of the intensity under the Roh Moohyun administration was higher than that of the Kim Daejung administration, it was lower than that of the Lee Myungbak administration.

During the period of the Kim Daejung administration (1998~2002), when the Kim Daejung and Clinton pursued a soft line policy (1998~1999), intensity decreased, while it increased when the Kim Daejung and Bush administrations pursued soft and hard line policy respectively (2001~2002). During the period of the Roh Moohyun administration, the overall intensity was higher than that of the Kim Daejung administration in spite of the Roh administration's pursuit of soft line policy. This might be because the Bush administration's hard line policy stance exerted more influence on North Korea's threat perception. For instance, during this period, the Bush administration's offensive military operations abroad against terrorist groups and rogue state such as Iraq increased North Korea's threat perception. However, since 2005 when the Bush administration seemed to loosen its hard line stance toward North Korea, the intensity began to decrease a bit. However, since the inauguration of the Lee Myungbak administration, the overall

intensity began to increase sharply. During this period, the Lee Myungbak and Obama administrations expanded the scale of the combined exercises. For instance, the US and South Korea combined the Key Resolve Exercise with the Foal Eagle where powerful military assets such as a US Aircraft Carrier participated and the states developed new military plans such as OPLAN 5029 which detailed the mobilization procedure for South Korean and US military assets in case of the collapse of North Korean regime.⁴⁰⁹ During this period, the most hostile and severe military engagement occurred between the two Koreas: the sinking of ROK Navy corvette *Cheonan* and the shelling of *Yeonpyeong* island.

To sum up, this finding implies that even though South Korea's periodic combined exercises with the US is a source of external threat to North Korea, it has not served as a decisive factor in affecting the intensity of the inter-Korean confrontations over the NLL. Its influence on North Korea's behavior and inter-Korean confrontations over the NLL depend on the overall foreign policy stance toward North Korea by the US and South Korea. This finding also reinforces the proposition that when the US and South Korea pursue soft line policies, inter-Korean relations are kept relatively peaceful.

Thirdly, the role of South Korea is most important for maintaining peaceful inter-Korean relations. When South Korea pursued a soft-line policy toward North Korea, inter-Korean relations over the NLL have been maintained peacefully. This result confirms the hypothesis that there is a positive correlation between South Korea's hard

⁴⁰⁹ For instance, from its inception, the Lee administration endeavored to convert the concept plan (CONPLAN 5029) into the operation plan (OPLAN 5029) which was completed at the annual meeting of U.S. and ROK military in the US in October 2008. CONPLAN 5029 provides much more detailed plans about the mobilization of military assets in case of the collapse of North Korean regime. In a reaction to the new military plan of the US and South Korea, North Korea complained that the OPLAN 5029 and contingent plan is aimed to create a war state on the Korean Peninsula and spark a military conflict on its own initiative, KCNA, Oct 2008, ROK Ministry of Defense, 2009, *The Chronology of Inter-Korean Interactions*, Seoul; Byun Seewon, 2009, "North Korea Contingency Planning and US-ROK cooperation," *Center for U.S.-Korea Policy*, available at <http://asiafoundation.org/resources/pdfs/DPRKContingencyCUSKP0908.pdf>

line policy and the intensity of inter-Korean confrontations over the NLL. This finding shows that North Korea's behavior has been reciprocal and maintained coherence in that it has pursued challenging behavior in response to South Korea's hard line policy.

In tracing North Korea's foreign policy behavior, this study also finds that the unique pattern of North Korea's behavior defies the general perception of North Korea's behavior as irrational, incoherent and, therefore, unpredictable. A noticeable finding is that the intensity of the inter-Korean confrontations over the NLL has shown the tendency to increase during the early years of new administrations regardless of new administrations' foreign policy postures: 1998~1999, 2003~2004, 2008 ~2009.

Given that North Korea's vigilance did not decrease in spite of the South Korean progressive governments' pursuit of the soft line policy (Kim Daejung and Roh Moohyun), it could be argued that North Korea's behavior was not reciprocal and irrational. However, if we look at North Korea's behaviors more carefully, we can find some coherent patterns in its behavior.

Figure 6.3. Yearly Average of the Mean Interaction Value between 1998-99 and 2000-02

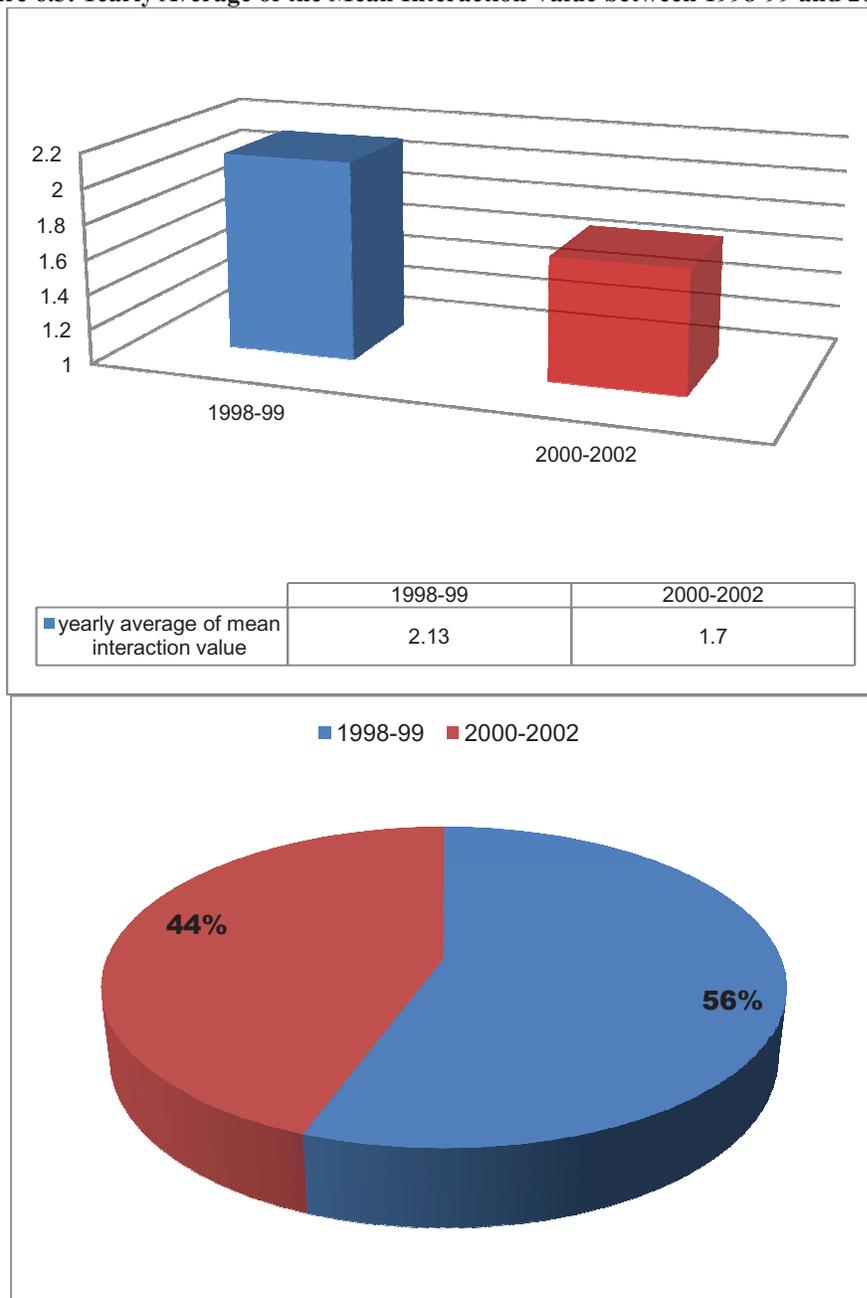


Figure 6.4. Yearly Average of the Mean Interaction Value between 2003-04 and 2005-07

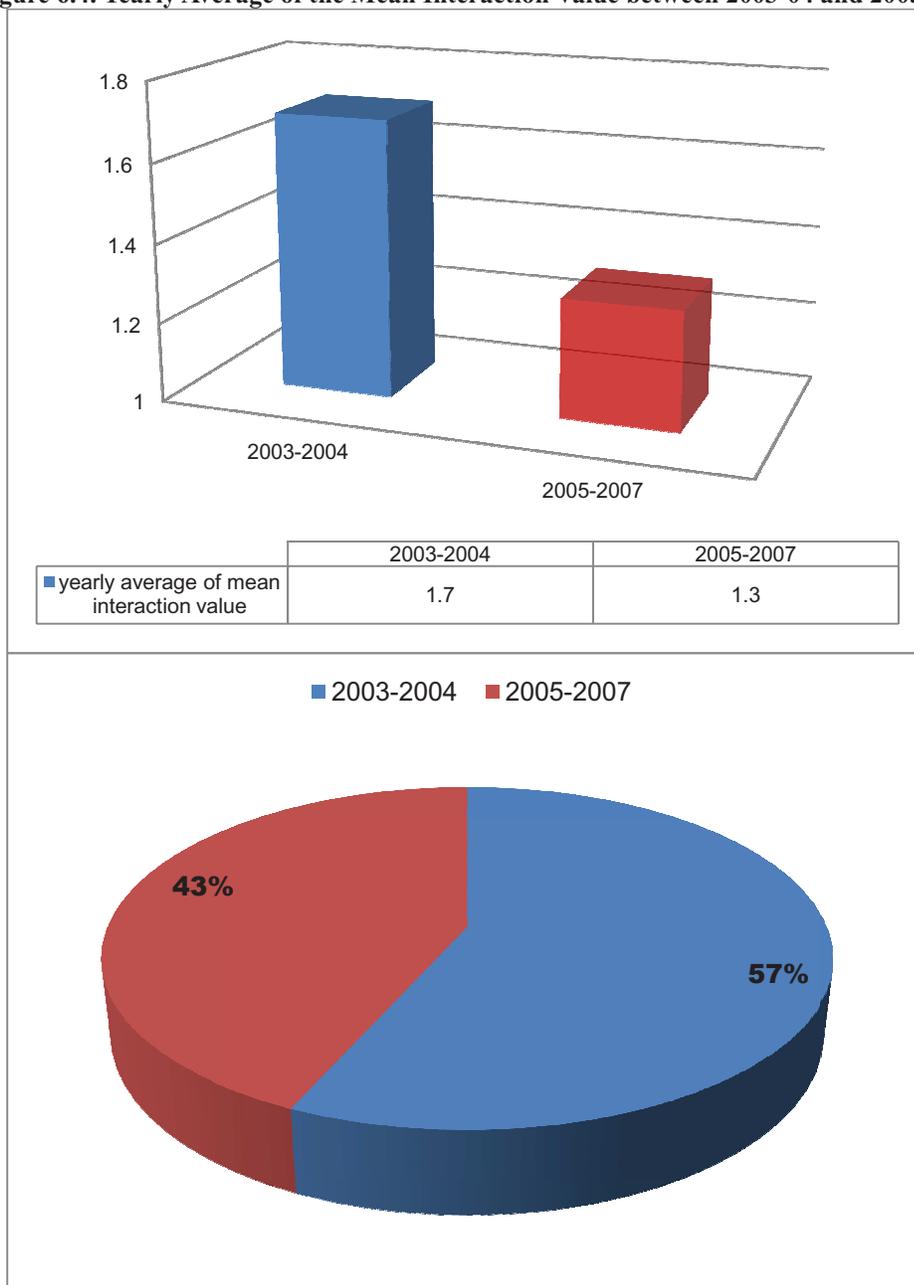
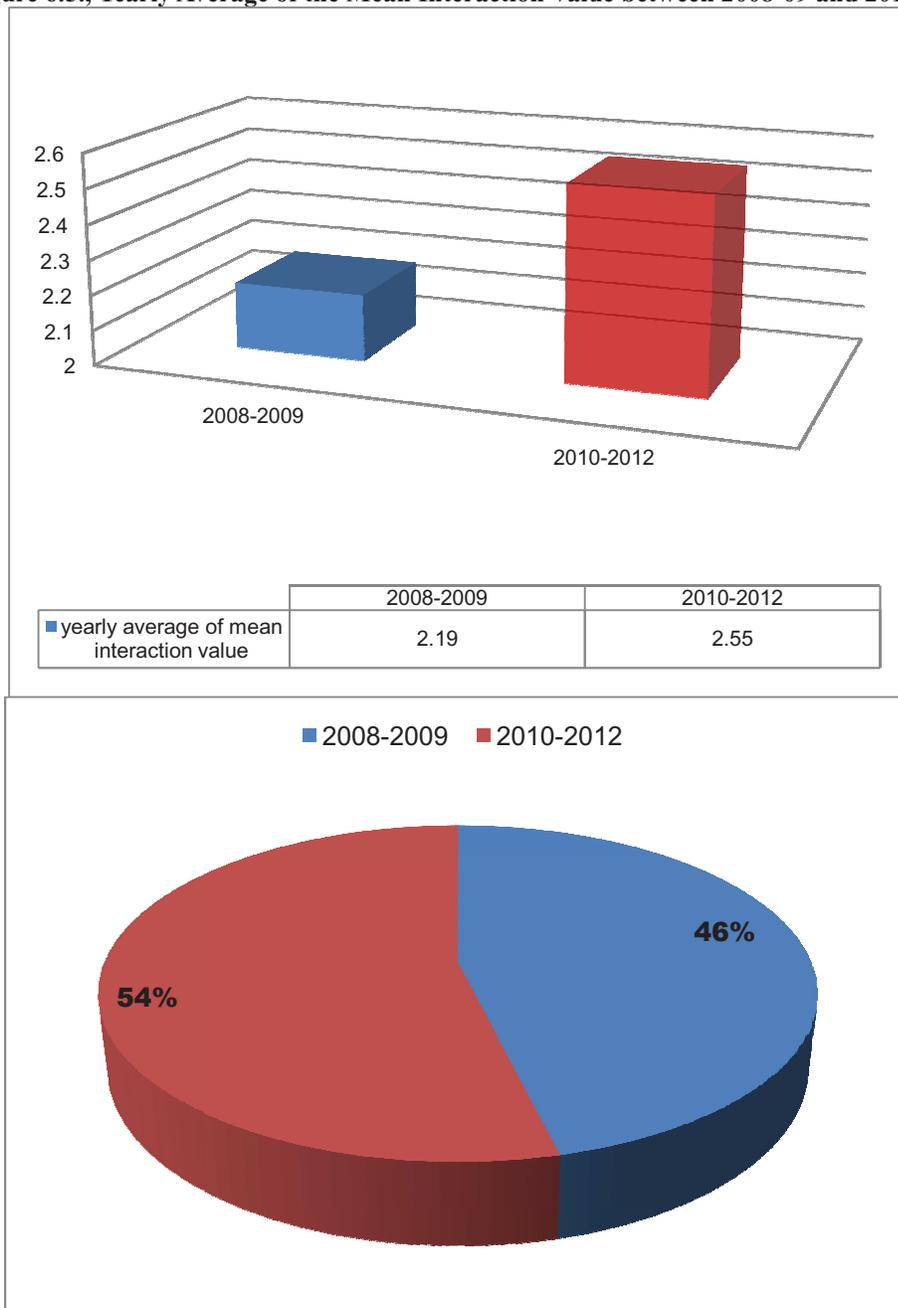


Figure 6.5., Yearly Average of the Mean Interaction Value between 2008-09 and 2010-12



For instance, during the first two years of the Kim Daejung administration (1998~1999), the intensity of inter-Korean confrontations measured by the yearly average of the mean interaction value was higher than that of the last three years of its term: the yearly average of the mean interaction value of the early two years was 2.13 while the yearly average of the mean interaction value of the last three years was 1.7, (See Figure 6.1). Similarly, during the period of the Roh Moohyun administration, the yearly average of the mean interaction value of the early two years (2003~2004) was higher than that of the last three years of its term: the yearly average of the mean interaction value of the early two years was 1.7 while the yearly average of the last three years was 1.3 (See Figure 6.2). The common pattern of the inter-Korean confrontations over the NLL was found between the Kim Daejung and Roh Moohyun administration; while the intensity of the inter-Korean confrontations over the NLL increased during the early two years, it gradually decreased during the last three years of their terms. During the early years of the Lee Myungbak administration, the intensity of the inter-Korean confrontations also increased. However, even after the early two years, the intensity still increased, unlike the Kim Daejung and Roh Moohyun administrations: the yearly average of the mean interaction value of the early two years was 2.19 while the yearly average of the last three years was 2.55, (See Figure 6.3)

These findings provide some important insight into the pattern of North Korea's foreign policy behavior toward South Korea. North Korea did not reduce its vigilance against South Korea during the early years of new administrations regardless of the South Korean governments' pursuit of soft line policies toward it. For instance, since the beginning of its term, the Kim Daejung administration officially clarified its soft line

North Korea policy stance by launching several initiatives to engage North Korea based on the principle of flexible reciprocity. However, in spite of the Kim administration's willingness to pursue a soft-line policy, North Korea maintained its vigilance against South Korea, resulting in sporadic challenging behavior: North Korea's main challenging behavior included its June 1998 submarine infiltration, the launch of a Tepodong-1 missile in August 1998, the naval engagements in the West Sea in June 1999, and the detention of South Korean tourists at Mt. Kumgang in June 1999. Similarly, during the early years of the Roh Moohyun administration, North Korea did not reduce its vigilance against South Korea even though the Roh administration announced its North Korea policy plan to continue the engagement policy of the previous administration.

North Korea has taken a "wait-and-see" attitude toward South Korea during the early years of new South Korean administrations. This attitude reflects its concern that the previous South Korean administration's soft line policy could change with a new administration especially based on its experience that whenever a conservative South Korean government assumed power, the conciliatory North Korea policy stance was reversed and severely curtailed. In this context, North Korea's cautious approach to new South Korean administrations was to ascertain the sincerity of the new administration's North Korea policy. For instance, North Korea's cautious approach to the Kim Daejung administration was to ascertain the sincerity of the Kim administration's soft line policy given its experience with the hard line policy of the previous Kim Youngsam administration. Moreover, North Korea was cautious about accepting South Korean conciliatory economic aid because it suspected that South Korea's engagement policy would be an attempt at unification through the absorption of North Korea. However, the

Kim administration's coherent and consistent pursuit of an unconditional soft line policy toward North Korea has led North Korea to trust the sincerity of the Kim administration's North Korea policy. The gradual change of North Korea's policy stance and behaviors toward South Korea was the result of its trust in the Kim Daejung administration's consistent and coherent engagement policy toward North Korea. Similarly, even though North Korea also did not reduce the vigilance against the new Roh Moohyun administration during its early years, the Roh administration's coherent and consistent efforts to engage in North Korea also led it to ease its tough stance toward South Korea.

To sum up, by assuming a wait-and-see attitude with the inauguration of new South Korean governments, North Korea has shown a tendency to shift its cautious and vigilant attitude toward South Korea to a conciliatory one once it has verified the sincerity of the ROK administration's efforts to engage in North Korea. For publics and state leaders who have a common mindset that it is inconceivable that a decision or directives issued by a state leader would not be implemented, taking a cautious approach such as wait-and-see attitude toward new South Korean administrations when South Korean policy toward North Korea is affected by a leadership change every five years might be a natural and reasonable action to be taken. North Korea has showed relatively coherence in its pattern of foreign policy behavior in this regard.

Given the pattern of North Korea's foreign policy behaviors discussed above, North Korea seems to be engaged in challenging behavior toward the current Park Keunhye administration which took office a few months ago, while taking a wait-and-see attitude. In this context, the current South Korean government should ponder formulating a more efficient and practical North Korea policy with the assumption that North Korea is

taking a wait-and-see approach, while at the same time paying heed to the possibility of challenging behavior from North Korea such as missile tests and low intensity military engagements near the NLL. For the time being, North Korea will continue to adopt a cautious approach to the current South Korean government's North Korea policy, waiting for the shift in North Korea policy anticipated under the current Park Keunhye administration. It is recommended that the current South Korean government pay close attention to the signals from North Korea to efficiently deal with and resolve deteriorating inter-Korean relations. We need to also ponder the possibility that North Korea's wait and see attitude might implicitly reflect North Korea's positive hope and expectation that it wants to develop conciliatory relations with the new ROK administration.

North Korea's wait-and-see attitude reflects how seriously it considers the new South Korean administrations' North Korea policy stance. South Korea's foreign policy stance toward North Korea is a big existential security concern to North Korea. North Korea's effort to influence South Korea's presidential election reflects how seriously North Korea considers South Korea's domestic politics as they impact the direction of South Korea's policy stance toward North Korea. The so-called "North Wind" has often impacted presidential elections in South Korea. Heightened tensions, resulting from North Korea's challenging behavior against South Korea, have influenced South Korea's presidential elections.⁴¹⁰ However, it is still hard to firmly clarify and measure how much

⁴¹⁰ Lee Jongseok classified the ways North Korea influence South Korean politics:1) North Korea attempts to intentionally and directly influence the domestic political condition by causing tensions on the peninsula; 2) Unintentional behavior by North Korea give benefits in favor of conservative candidates; or 3) Domestic politicians of South Korea intentionally raise issues related North Korea during the campaign period. For instance, the domestic politicians of South Korea cab raise the North Korean issues for a breakthrough in times of domestic political crisis or disclose spy scandals related to North Korea to cast suspicion on opposing candidates, or attempt to promote a candidate's legitimacy through unification-oriented remarks, etc., Lee Jongseok, 2002, "Daetongryeong Seongeowa Bookhan(Presidential elections and North Korea: Hostile inter-dependence in inter-Korean relations and the possibility of change," *History and Criticism*, Serial No. 60 , pp. 102–104.

North Korea has influenced South Korea's presidential elections. This is because issues regarding North Korea are usually manipulated and used by South Korea's domestic politicians to achieve their political interest and goals whenever election periods approach. Nonetheless, North Korea surely desires a ROK government dominated by a progressive party that would pursue a foreign policy posture that would pursue unconditional engagement policy toward the North without a required *quid pro quo*.

This result also provides several important policy implications for predicting overall inter-Korean relations and designing the future North Korea policy direction of South Korea. Given that North Korea's behavior has shown a relatively coherent pattern depending on South Korea's North Korea policy stance, the role of South Korea can be a useful predictor of future inter-Korean relations. In this context, it is necessary to understand why the three administrations of South Korea pursued different foreign policy postures toward the same counterpart, North Korea. More importantly, it is important to understand what motivated certain South Korean administrations to pursue soft line policies toward North Korea, which eventually contributed to reducing the intensity of inter-Korean confrontations over the NLL. As shown, inter-Korean functional cooperation during the Kim Daejung and the Roh Moohyun administrations maintained momentum. During this period, in spite of sporadic political and military tensions, South Korea's economic assistance to North Korea and inter-Korean trade continued. It is important to understand the reasons for the resilience of South Korea's continuous assistance and engagement to North Korea despite military tensions during this period.

A number of liberal scholars in IR have studied the impact of economic interdependence on preventing inter-state conflicts. They commonly explain that

economically interdependent states hesitate to initiate conflict due to the fear that they might lose the gains that come from trade and economic interdependence.⁴¹¹ In the case of inter-Korean relations, it might be argued that as North Korea increasingly becomes more dependent on trade and economic assistance from South Korea, North Korea will hesitate to conduct challenging behavior against South Korea because such behavior will undermine the gains it can receive from economic assistance or trade with South Korea. An economically dependent North Korea would have to expect enormous benefits from its challenging behavior for it to put its economic relationship with South Korea in jeopardy. In this context, the liberal argument seems to provide some insight into explaining why North Korea would not conduct challenging behavior against South Korea which might hinder the benefits that come from economic assistance and trade with the South. However, given that South Korea does not gain significantly from trade with North Korea, the liberal perspective cannot fully explain why South Korea continued to engage in trade with North Korea.

Realists addressing the international political economy explain inter-state interaction in terms of relative gains. Based on the assumption that the states are security maximizers, they argue that states should be concerned about the inequality that comes from trade.⁴¹² Therefore, states will be dissuaded from engaging one another through economic trade. However, realists' perspectives on relative gains also have some limitations in explaining inter-Korean case. For South Korea, the relative gains made by North Korea are not important given that South Korea maintains a superior economic and

⁴¹¹ Solomon W. Polachek, 1980, "Conflict and Trade," *The Journal of Conflict Resolution* Vol. 24, No. 1, pp. 55~78.

⁴¹² Joseph Grieco, 1988, "Anarchy and the Limits of cooperation: A Realist Critique of the Newest Liberal Institutionalism," *International Organization*, Vol. 42, No. 3, pp. 485~507; James Morrow, 1997, "When Do Relative Gains Impede Trade?," *Journal of Conflict Resolution*, Vol. 41, No. 1, pp. 12~37.

geopolitical status. Moreover, North Korea is not likely to perceive that its trade with South Korea will yield relative gains for South Korea given that its trade with South Korea accounts for a negligible portion of a total South Korean trade. Therefore, the concern over relative gains is not an important element which can explain South Korea's consistent economic assistance to North Korea. Rather inter-Korean trade might be better explained in terms of absolute gains which are desirable in both North Korea for its regime survival and South Korea for stability of inter-Korean relations.

To sum up, both the realist and liberal explanations do not fully explain why South Korea continued to be engaged in economic trade and provided economic assistance to North Korea in the first place during the Kim Daejung and the Roh Moohyun administrations. The inter-Korean relations during the Kim and the Roh administrations can be well understood in terms of conflict management and functional cooperation. As Hirschman argued, as one state gets economically more reliant on another state, the latter state will have increasing influence on the policy design of the former state due to the economic gains the former states will get.⁴¹³ However, the Kim Daejung and Roh administrations used this leverage in a more constructive manner rather than in a realpolitik way.

South Korea's consistent and coherent efforts to maintain economic engagement with North Korea during the Kim Deajung and the Roh Moohyun administrations can be better understood as part of a conscious plan to advance ties, contacts, interactions, and lessen social and cultural gaps which have been widened between them for more than half a century characterized by hostile interactions and mistrust. The Kim and Roh

⁴¹³ Alberto Hirschman, 1980, *National Power and the Structure of Foreign Trade*, University of California Press.

administrations' unconditional economic engagement with North Korea in many ways was not at all about economics but about the reconciliation and reduction of political and military tensions. It also contributed to confidence building measures which helped reduce tensions in the larger security issue area.⁴¹⁴

Based on the convictions of the functionalist and conflict management approaches,⁴¹⁵ the Kim Daejung and Roh Moohyun administrations made a considerate decision to pursue and expand economic interaction through an issue-separation strategy despite the contrasting developments in the security realms such as North Korea's nuclear issues and naval engagements in the West Sea. The negative impact of these incidents between the two Koreas could be mitigated by more positive interactions in the economic areas. Such a policy stance toward North Korea could create diverse routes of engagement and response by dissecting an all-or-nothing security environment.⁴¹⁶

Under the situation in which the Kim Daejung and Roh Moohyun administrations steadily pursued and implemented an unconditional engagement policy toward North Korea, NGOs actors also could play important third party roles in developing inter-Korean relations. The government's restrictions on NGOs' role in inter-Korean relations lessened and the governmental funding for NGOs movements increased. In spite of several turns and twists, inter-Korean relations witnessed gradual improvements between 1999 to 2007 which included increased inter-Korean trade, public visits to the North, family reunions, the creation of the Kaeseong Industrial Complex, and

⁴¹⁴ Bradley Babson, 2002, "Inter-Korean Economic Relations in a Regional Context," *Asian Perspective Vol. 26, No. 3*, pp. 71~89.

⁴¹⁵ Samuel Kim and Abrahm Kim, 2004, "Conflict Management," in Mary Hawkesworth and Maurice Kogan, eds., *Encyclopedia of Government and Politics*, 2d ed, London and New York: Routledge. .

⁴¹⁶ Kihl Younghwan, 2003, "The past as Prologue: President Kim Daejung's Legacy And President Roh Moohyun's Policy issues And Future Challenges," in Mansourov, *A Turning Point*, pp. 158~183; Geetha Govindasamy, 2008, *South Korea's Engagement of North Korea: Policy Considerations and Challenges*, pp. 1~ 18.

more than two hundred official inter-Korean dialogues. During this period, tensions over the NLL also decreased. This North Korea policy built on functional approach and helped find ways for the Koreans to live together rather than conflicting with one another.

The future of inter-Korean relations is not predictable and not predetermined. However, this also implies that the two Koreas can at least decide the future and direction of inter-Korean relations. To be more specific, the future of peaceful inter-Korean relations will rely on the policies both parties pursue in a more peaceful way. As Karl Marx said that “Men make their own history but they do not make it under circumstances they chose, but under circumstances encountered, given and transmitted from the past.”⁴¹⁷ The future of inter-Korean relations also will be impacted by factors encountered and transmitted from the past. Moreover, given past experience, inter-Korean relations especially in the military and security areas have been affected by the extent to which the United States and South Korea have posed either an existential threat or a conciliatory partner for North Korea. To be more specific, North Korea’s policy behavior has been more shaped and affected by the U.S. and South Korea’s policies than by the black box of North Korea decision-making.

The US and South Korea have been the main sources of North Korea’s external threat. Unfavorable external conditions that come from the US and South Korea’s hard line policies exacerbate North Korea’s threat perception and security dilemma which in turn motivate North Korea to rely on challenging foreign policy behavior like pursuing nuclear weapons. The quest for absolute security is a sure recipe and driver for the endless pursuit of a nuclear program. In this sense, it is important for the US and South

⁴¹⁷ Karl Marx and Lewis Feuer, 1959, *Basic Writings on politics and philosophy*, Garden City, NY: Doubleday

Korea to consider an effective security paradigm which addresses the legitimate security concerns and interests of North Korea in dealing with the issues over North Korea. Rather than seeking absolute security against North Korea, a common security approach can avoid the vicious cycle of interactive security dilemmas. The US and South Korea should reassess the moral and practical implications of their policy commandment and mindset such as “do as I say, not as I do,” in dealing with issues over North Korea. Rather than adhering to a unidirectional hard line policy posture in which all issues converge into one grand goal as reflected during the Bush, Obama and Lee Myungbak administrations, they must employ a functional step by step soft line approach, as reflected during the Kim Daejung, Roh Moohyun, and Clinton administrations, to address North Korean issues.

Given the enmity and distrust which have been deeply consolidated for more than half a century, the issues over North Korea such as nuclear program cannot be settled without addressing North Korea’s legitimate security concerns and fears in strategically and economically credible ways. To guarantee and maintain a long peace and stability in inter-Korean relations, it is necessary that the two Koreas and the United States continue to take a series of small but practical steps toward the creation of a working peace system. This is especially true for the stronger actors in this triangular relationship, South Korea and the United States. Hard line policies have done little to date to prevent North Korea from improving its nuclear programs and missiles, only motivating it to rely on challenging foreign policy behavior. Furthermore, the attempt to isolate North Korea through hard line policies cannot reverse North Korea’s course of action toward the development of nuclear program. The attempt to isolate North Korea by

strengthening alliances with other regional states and strengthening combined deterrence against North Korea will only result in an unstable regional security environment. For instance, as the US moves to bolster its alliances with Japan and South Korea, China will feel uncomfortable about such movement given China's interest in sustaining North Korea.

This study confirms that North Korea tends to rely on a challenging foreign policy behavior when it faces an insecure security environment. In this context, the US and South Korea should address the underlying causes of North Korea's insecurity if they truly want to manage and resolve North Korean issues in a constructive and peaceful way. The starting point could be an engagement policy through economic incentives and dialogues. Through diverse interactions which can reduce mistrust and misunderstanding, these actors should seek a peace process to ease tensions. The attempt to strengthen deterrence against North Korea will not ensure and guarantee peace on the peninsula as evidenced by a number of tragic military clashes in the West Sea between the two Koreas during the last decade.⁴¹⁸ Just condemning North Korea's challenging behavior is to ignore the unstable military balance and the parlous political context in the Korean peninsula. Such an approach cannot provide any productive way to resolve the issues over North Korea.

Any attempt to deter or pressure North Korea through strong military means cannot be a good or efficient means to ease tensions on the peninsula. Attempts to advance military measures to deter North Korea will only contribute to North Korea's threat perception and provide North Korea with another rationale for its adherence to its

⁴¹⁸ Leon V. sigal, 2011, "Using the Carrot in Korea," *The National Interest*, available at <http://nationalinterest.org/commentary/using-the-carrot-korea-5777>

nuclear weapons development. The security dilemma on the peninsula will be further deepened and consolidated. Under the current security environment of the peninsula, once any type of military engagement occurs, both sides cannot avoid mutual destruction due to the geographical proximity between them. In this context, the mutual deterrence that characterizes the current security environment on Korean peninsula would make the occurrence of deliberate aggression on the peninsula quite unlikely. However, the measures both sides take to deter premeditated war can increase the risk of low intensity military disputes. Strong military strength and a credible deterrent posture might serve to prevent war and the frequent use of force at high levels of escalation. However, successful deterrence may not contribute very much to conflict management and resolution. Indeed, continued deterrence success, coupled with a diplomatic stalemate or the absence of active political steps toward conflict resolution and reduction of tensions, is likely to lead to renewed and repeated armed conflict.

More importantly, we should keep in mind that the majority of disputes and wars between rival states do not come from deliberate and intentional motivations but rather from incidents due to the miscommunication or misperception that stem from a lack of dialogues and the confidence building measures. The best way in the long-term to avoid accidents which can escalate into unpredictable catastrophes is to maintain dialogues through engagement and interaction through diverse channels. Consistent efforts to engage in dialogues and expand inter-Korean cooperation and exchange programs in every field, with a special effort at military confidence building measures to ease tensions, should be made. Sustained and conditional engagement and negotiations may not work. Rather, dialogue and a consistent and coherent engagement policy will work.

Given the inflexible characteristics of North Korean regime, the US and South Korea need to approach issues over North Korea with patience from a long term perspective. Even though North Korea is slow and often falls short of fundamental reforms, any small steps and efforts by North Korea should be seen as meaningful changes. Coordination between the US and South Korea is important for effective and peaceful management of the North Korean nuclear issue. Policy coordination will not be easy and effective, however, if South Korea and the United States have different perceptions of North Korean regime. Thus, for policy coordination, the US and South Korea should have a shared vision of positive possibility concerning North Korea. Moreover, once an agreement (i.e., full denuclearization or reduction of tensions) with North Korea is reached, diplomatic coordination between the US and South Korea should be continued to implement these agreements in a coherent manner. In other words, diplomatic coordination between the US and South Korea is required for the consistent implementation of agreements with North Korea. In this sense, the US and South Korea should share a clearly articulated strategy of how they can coherently pursue commitments to their agreement with North Korea in terms of policy coordination.

Given the different perceptions over threat and opportunity inherent in how the United States and South Korea regard North Korea, and the different policy priorities they may place on several issues over North Korea, the US and South Korea will weigh issues over North Korea differently. Nevertheless, the United States and South Korea should make a more concerted effort to forge a common vision of their policies toward North Korea based on the perception that any tension on the peninsula will eventually negatively impact the stability of the peninsula and the region. The US and South Korea

should narrow down the gap between their North Korean policies to produce a peaceful and coordinated solution.

South Korea, as the main counterpart to the North, should play a decisive and leading role in convincing North Korea of its sincerity to engage in dialogue in a coherent manner. Through dialogue, the two Koreas can discuss topics of mutual concern such as the initial process for the institutionalization of a functional peace process regime on the Korean Peninsula. The empirical reality on the Korean Peninsula is that there are two states with contrasting though not entirely dissimilar visions for the Korean nation each vying to play a decisive role in determining the future not only for themselves but for all Koreans. Those who think that the game is up and South Korea has already prevailed may be tempted to interpret everything North Korea does as acts of desperation merely to keep its head above water.⁴¹⁹ However, the problem remains: what if North Korea is playing a different game? Are North Korea's missile or satellite tests acts of desperation? Is it a game in which North Korea wants and perhaps even expects to prevail? We may conclude that North Korea cannot prevail by any reasonable estimation, especially if the US continues to side with South Korea. However, the judgment of the probable outcome in the long run is not the real issue. The truly important issue is how the two Koreas can find a way to make peace between themselves to achieve their common national interests. It is not a question of one side prevailing over the other, in short, unless the renewal of a bloody, fratricidal war is an acceptable risk.⁴²⁰ On the other hand, the United States should

⁴¹⁹ Sue Mi Terry, 2014, "A Korea Whole and Free: Why Unifying the Peninsula Won't be So Bad After All," *Foreign Affairs*.

⁴²⁰ Two Koreas have been struggling to prevail over each other since they are divided into North and South. So called regime prevailing over each other might be their national goals. The concept of regime prevailing was used based on the conversation with Frederick Carriere, a visiting professor of Syracuse University.

realize that the Korean Peninsula is undergoing a difficult time and should make efforts to guarantee peace on the Korean Peninsula.

II. The Limitation of the Study and the Recommendation for the Future Study

A careful analysis of the inter-Korean conflict over the NLL reveals that structural conditions unique to the Korean peninsula help to explain the pattern of North Korea's foreign policy behavior and the enduring nature of inter-Korean confrontations over the NLL. Inter-Korean conflicts over the NLL are not purely about territory, but are also a competition associated with mistrust and antagonism against one another. The territorial dispute over the NLL seems to be a manifestation of the multi-dimensional tensions and struggle between the two Koreas over achieving predominance relative to each other.

As a weak contender state which has been dissatisfied with the status of the NLL, North Korea has shown a tendency to rely on challenging foreign policy behavior over the NLL when its external security environment is unfavorable. North Korea's dependence on challenging foreign policy behavior has been largely a function of its threat perception with regards to its external security environment. This implies that North Korea's foreign policy behavior is not irrationally motivated or provocative in nature. The unfavorable security environment surrounding it motivates and drives it to choose a challenging foreign policy based on the available means and resources it can rely on.

In this study, I made an attempt to explain the pattern of North Korea's foreign policy behavior using North Korea's threat perception and filling some of the gaps in previous studies in which North Korea's challenging foreign policy behaviors have been mostly attributed to its inborn provocative and defiant nature. This study assumes that

South Korea and the US have been the main source of existential external threat to North Korea, and traces how North Korea's foreign policy behaviors over the NLL have varied depending on North Korea's threat perception with regards to its external environment. North Korea has shown a reciprocal pattern in its foreign policy behavior, pursuing challenging foreign policy behavior in response to South Korea's and the U.S. hard line policy stances toward it.

This plausibility probe of the inter-Korean case suggests that a weak state tends to rely on challenging foreign policy behavior when it feels insecurity as a result of a stronger adversaries' hard line policy toward it. This finding also suggests that the hypothesis that there is a positive correlation between a weak state's threat perception and its propensity for reliance on the challenging behavior against a dominant existential external threat may be valid. However, given that the purpose of the plausibility probe is to probe the plausibility of candidate-hypotheses or theories, a more rigorous test is required to establish the actual validity of this hypothesis.⁴²¹ In this context, I conclude that this plausibility probe justifies further systemic research on the influence of the weak state's threat perception on the pattern of its foreign policy behaviors. Future research could apply the arguments developed in this study to other cases to test its generalizability. Good cases could be asymmetric dyads in terms of power that are maintaining the hostile rival relations. Such dyads could be those involving the US and Iran, Israel and the Palestine Liberation Organization and Hezbollah, India and Pakistan, and China and Taiwan. Rigorous studies on additional cases can contribute to more parsimonious theory building.

⁴²¹ James R. Scarritt, Solomon M. Nkwane and Henrik Sommer, 2008, "A process tracing plausibility probe of uneven democratization's effects on cooperative dyads: the case of Zambia and Zimbabwe 1980~1993," *International Interactions: Empirical and Theoretical Research in international relations*, Vol. 26, Issue 1, pp. 55~90.

By approaching the inter-Korean confrontations over the NLL from the perspective of North Korea's threat perception of its external security environment, this study attempted to make a contribution to our ability to explain and understand the patterns of North Korea's foreign policy behavior and the inter-Korean confrontations over the NLL. One of the central points I want to emphasize is that North Korea has shown a reciprocal pattern in its foreign policy behavior in a relatively coherent manner. North Korea's challenging behaviors has been based on the logic of a tit-for-tat strategy in which it cooperates when the other state cooperates and retaliates when other states renege. Too often, scholars and practitioners have been suspicious of the intentions of North Korea's foreign policy behaviors and stressed the irrationality of its behaviors by perceiving it as an unpredictable and even untrustworthy entity which often cheats on the negotiations and agreements. However, such suspicions have not been based on the objective and fair investigation of external security environment in which North Korea was entrapped but rather on the already biased image of North Korea. Such a biased image of North Korea even has led scholars and policy makers to distort or misrepresent the data on North Korea's behaviors. They have tended to see what they want to see. In this context, the aim of my approach was to understand North Korea's foreign policy behaviors in terms of North Korea's threat perception and to draw insights from it which could then be used to explain and expect the pattern of North Korea's foreign policy behaviors from a more firmly grounded theoretical and objective perspective. The findings of this study suggest that the pattern of North Korea's foreign policy behaviors is relatively reciprocal to its unfavorable external conditions and, therefore, they are not necessarily unpredictable. This finding provides some important implications that the

analysis and evaluation of North Korea's intention and its foreign policy behavior should begin with the assumption that North Korea is not an irrational actor as many assumed. In this sense, not only scholars but also practitioners should pay close attention to the security environment in which North Korea operates to better predict North Korea's intentions and its foreign policy behavior and to formulate a policy toward North Korea that can deal with the issues over North Korea in a more constructive and peaceful way.

In this study, I have argued that an unstable security environment has played an important role in affecting North Korea's challenging foreign policy behavior. However, in taking this position, I do not mean to imply that almost all North Korea's foreign policy behavior is driven only by the unfavorable external security environment that mainly comes from the US and South Korean factors. Indeed, there are more factors to be considered in analyzing the pattern of North Korea's challenging foreign policy behavior. One issue which needs to be worked out more systematically is how an unfavorable external security environment interacts with North Korea's domestic political conditions and its military capabilities to affect its choice of the challenging foreign policy behaviors. In the beginning of this study, I explained that even though factors such as military strength and domestic political conditions are also critical determinant of state's foreign policy choice as general IR theories argued, those factors would not have a systematic and powerful effect on the foreign policy choices of North Korea, given the unique natures of the Korean Peninsula such as the uniquely dominant power of a leader in the North and the peculiar power asymmetry between the two Koreas. I argued that those factors only serve as a permissive cause of inter-Korean confrontations over the NLL. In other words, they cannot fully explain when and why the two Koreas are embroiled in

conflictual interactions over the NLL because they are close to being sufficient conditions for conflict between the two Koreas but by no means are the necessary conditions. Therefore, I contended that those factors would not be a good predictor of whether North Korea will conduct challenging foreign policy behavior and whether the two Koreas become involved in a dispute over the NLL. However, in making this argument, I am not arguing that those factors should be totally ignored in explaining North Korea's foreign policy behavior. For a better and more comprehensive understanding of the intentions and motivations of North Korea's reliance on the challenging foreign policy behaviors, a careful and comprehensive analysis of the impact of these structural and domestic factors is also encouraged.

Even a leader who has a dominant influence over other domestic political actors and whose foreign policy choice might not have significant implications for his domestic political position is also a political actor who will have to view foreign policy as both a potential threat to his position of domestic political power as well as an opportunity to strengthen his domestic political position and legitimacy.⁴²² In this context, we can also assume that a leader will have to pay attention to securing political gains through a well-designed foreign policy because he worries about possible political risks as a result of a foreign policy setback for his legitimacy.⁴²³ Domestic politics can impact the decision of a leader in several ways. For instance, for a leader of North Korea, the domestic political incentives to engage in a dispute over the NLL can be multifaceted. The decision to engage in a dispute over the NLL could be linked to the expected political benefit of

⁴²² Jennifer Gandhi, 2008, *Political Institutions under Dictatorship*, New York: Cambridge University Press; Jessica L. Weeks, 2012, "Strongmen and Straw Men: Authoritarian Regimes and the Initiation of International Conflict," *American Political Science Review*, Vol. 106, No. 2, pp. 326~347.

⁴²³ Morgan T. Clifton and Sally Howard Cambell, 1991, "Domestic Structure, Decisional Constraints, and War," *Journal of Conflict Resolution*, Vol. 35, No. 2, pp. 187~211.

increased popular support and legitimacy for the regime when the dispute over the NLL is aimed at strengthening the national unification. Moreover, any compromise or concession over the NLL to South Korea could be regarded as a foreign policy failure or defeat for the leadership and, as a result, would ignite opposition from the military elites around the leaders. Currently, contrary to the anticipation of many scholars and practitioners, Kim Jung-un's political power is going through a process of consolidation, proving to his rule is stable enough to sustain itself after the death of his father, Kim Jung-il.⁴²⁴ However, given that the Kim Jong-un regime is still in the early stages of the consolidation process, we still need to pay close attention to domestic political conditions of North Korea from a long term perspective. It is true that there are few studies that focus on North Korea's domestic politics as the main cause of its challenging foreign policy behavior. Most of the studies just pay attention to a state leader's concern for his political survival and regime stability as the cause of challenging foreign policy behavior with the help of proxy data. The lack of reliable data on North Korea's domestic politics prevents researchers from approaching North Korea's foreign policy behavior from the domestic level of analysis. In this context, it is recommended that scholars who study North Korea's foreign policy behavior need to concentrate their efforts to find a way to accumulate the data on the domestic political mechanisms of North Korea.

With regard to factors such as military capabilities, military power still can play an important role in explaining North Korea's foreign policy behavior. As discussed in earlier chapters, the peculiar power asymmetry between the two Koreas provides a unique condition for the enduring inter-Korean rivalry. This peculiar power asymmetry is

⁴²⁴ Han Gibeom, 2010, "Geonreyokiyang giganjoong Bookhanui Daenaewae Jeongchaek Jeongmang [North Korea's governance and prospects for domestic and foreign policies during power succession]" *TongilJeongchaekyeongu* [Research on Unification Policy], Vol. 19, No. 2. Korea Institute for National Unification.

generally static in the enduring conflictual relationship between the two Koreas because neither side is able to make a decisive headway. Under the condition where North Korea's relative weaknesses in overall military capabilities are mitigated by its advantages in terms of asymmetric military weaponry and strategy, North Korea can initiate and continue limited or a low intensity challenging behavior if it pursues a limited aims/fait accompli strategy. This implies that the availability of asymmetric weaponry and limited war strategies can be crucial factors in North Korea's policy choice in favor of military escalation in spite of its weakness in aggregate military capabilities.

A peculiar power configuration between the two Koreas can have implications for the pattern of North Korea's challenging foreign policy behavior and the direction of inter-Korean confrontations over the NLL. For instance, neither state can achieve a decisive victory or force a solution on the other side in a coercive manner. In this situation, even diplomatic efforts and negotiations can easily lead to deadlock or a stalemate because both parties will attempt to gain the upper hand but are unable to make headway because small concessions cannot solve the dispute. In this situation, North Korea, a dissatisfied contender state with an advantage in asymmetric weaponry and strategy, can initiate and sustain the dispute at the conventional level to accomplish its limited strategic goals in a local theater because South Korea cannot react strongly without risking an all-out war with nuclear weapons.⁴²⁵

A weak contender state who is dissatisfied with a disputed issue does not need to be equal in all aspects of power to pursue and initiate a challenging foreign policy behavior. Despite the fact that North Korea is weaker than South Korea in overall military

⁴²⁵ Glenn Snyder, 1965, "The Balance of Power and the Balance of Terror," in *The Balance of Power*, ed. Paul Seabury, San Francisco: Chandler, pp. 184–205.

capabilities, the aggregate power asymmetry between the two Koreas can be mitigated especially in the local theater such as NLL by a number of elements like asymmetric strategies and weapons which cannot be manipulated by South Korea. North Korea can be stronger in a local theater of conflict such as the West Sea. In other words, in spite of its superiority in aggregate military power, South Korea can suffer from military inferiority in the West Sea. After experiencing a number of military engagements with North Korea in the West Sea near the NLL, South Korea has adjusted its stance from a passive deterrent to sustaining sufficient deterrence in its force deployment.⁴²⁶ South Korea has maintained a slight edge in terms of qualitative capabilities near the NLL with North Korea. This slight edge, however, has not been sufficient to adequately defend the NLL or to deter limited military incursions by North Korea. North Korea's limited probes challenge South Korea's general deterrence capabilities because South Korea's superiority in its overall capabilities cannot efficiently deter these limited probes in the NLL. More than 60 percent of the North Korean Navy's assets are concentrated along the coast line of the West Sea.⁴²⁷ The near power parity in the theater of the West Sea gives North Korea a number of advantages in terms of limited military conflicts. The terrain of the West Sea allows North Korea to conduct limited military operations such as guerilla operations without detection by South Korean military forces. Moreover, North Korea's deployment of specific weapons such as short and long range missiles along the coast line of the West Sea permits North Korea to checkmate South Korea during the early stages of military engagements. Since the mid-1990s, nuclear weapons have played a decisive role

⁴²⁶ Kwon Taeyoung and Rohhoon, 2008, "21st century Military Reform and Future Warfare, Seoul: Beobmusa," pp. 361-62

⁴²⁷ ROK Ministry of Defense, 2010, Comparison of military capability between ROK and North Korea, Seoul.

in mitigating asymmetric power balance between the two Koreas.⁴²⁸ The gradual development of North Korea's nuclear weapons and delivery systems through short and medium range missiles can allow North Korea to deter South Korea from launching large scale counter-attack against North Korea's limited military probes.

In terms of strategy, due to its status quo orientation and restrictions in terms of its terrain, South Korean military strategy in the West Sea has been generally reactive and defensive. In this context, the basic tenet of North Korea's military strategy against South Korea has been to assume the initiative at critical moments, especially by resorting to surprise.⁴²⁹ The complicated layout of the West Sea renders it hard for South Korean Navy to seal off the NLL or carry out effective counterinsurgency operations. Any surprise and stealthy incursions are hard to detect and repel. When North Korea uses asymmetric assets such as submarines, it is impossible for the South Korean Navy to detect them. The basic tenet of South Korean military strategy in the West Sea has been focused on defending the West Sea through conventional means but trying to avoid escalating conflicts into major wars. This has been based on the principle of deterrence by denial and punishment based on its superiority in conventional military power. However, since North Korea obtained nuclear weapons, South Korea's conventional posture of deterrence by denial and punishment may have become less efficient and plausible.⁴³⁰ In the nuclear context, this strategy cannot be effective at deterring any incursion from North Korea. South Korea has realized the limitation of this conventional strategy in

⁴²⁸ Jonathan D. Pollack, 2006, "The Strategic Future and Military Capabilities of the Two Koreas," in *Military Modernization in an Era of Uncertainty*, edited by Ashley J Tellis and Michael Wills, Strategic Asia 2005~2006, The National Bureau of Asian Research., pp. 137~172.

⁴²⁹ Andrew Scobell, and John M. Sanford, 2007, "North Korea's Military Threat: Pyongyang's Conventional Forces, Weapons of Mass Destruction, and Ballistic Missiles," *Strategic Studies Institute*, pp. 1~177.

⁴³⁰ Robert S. Norris and Hans M. Kristensen, 2005, "North Korea's Nuclear Program, 2005," *Bulletin of the Atomic Scientists*, pp. 64~67; Jonathan D. Pollack, 2004, *North Korea's Nuclear Weapons Activities—Assessing Knowns and Unknowns*, Naval War College.

detering the incursion from North Korea and has developed a military strategy that employs full military mobilization which is aimed at promptly attacking the main value unit of North Korea.⁴³¹ Particularly, after a number of military engagements in the West Sea, a new military doctrine has been developed in detail. This doctrine envisages a blitzkrieg military strategy with regard to North Korea in a future military engagement which involves prompt joint operations by South Korean Army, Air Force and Navy.⁴³² It conceptualizes combining the full strike capabilities of South Korea's offensive and defensive military forces through permanent forward deployment of the forces from the current rear locations. This is designed to shorten the time required for initiating concentrated attacks and offensive military operations on certain targets.⁴³³ The main aims of this military strategy are to shorten the time required to mobilize military forces for a prompt attack against a target and to encourage the political leadership to take decisive action.⁴³⁴ However, in spite of the shift of South Korean military doctrine from a defensive/deterrent to deterrent/offensive doctrine, North Korea's nuclear capabilities function as the main obstacle to South Korea's carrying out this new military doctrine. The big concern remaining for South Korea is to achieve the credible capacity to strike conventionally without provoking a North Korean nuclear response.

To sum up, it is clear that the peculiar power asymmetry between the two Koreas provides a unique circumstance under which large-scale confrontations should be deterred. However, below that level of threat, this peculiar power configuration makes it difficult to prevent probes and attacks driven by limited aims especially when the threats

⁴³¹ John M. Pethel, 2001, *Expanding the ROK Navy: Implications for the U.S.-ROK alliance*, Naval Postgraduate School, Monterey: California

⁴³² The ROK Ministry of Defense 2003, *Visions and Measures of Korean Military Reforms*, Seoul.

⁴³³ Kim Deongi, 2011, "The Republic of Korea's Counter-Asymmetric Strategy: Lessons from ROKs Cheonan and Yeonpyeong Island," *ROK Navy War College Review*, Vol. 65, No. 1 pp. 55~74.

⁴³⁴ Ibid.

are small-scale border raids and armed insurgencies. Under the circumstances in which mutual deterrence is quite robust, military standoffs tend to be more frequent and enduring. As a result, militarily strong South Korea cannot efficiently deter North Korea from making territorial claims through challenging military and diplomatic means or coerce it to make concessions.

Another structural factor which needs to be considered is the effect of alliances. Alliance ties with other states can also provide some degree of deterrence power.⁴³⁵ When a target state has a military ally based on a strong mutual commitment, the incentives of a contender state to initiate conflicts with that target state will decrease because the potential risks and costs of initiating and sustaining a dispute increase and the probability of achieving the contender's goal decreases. For instance, the incentives of North Korea to conduct challenging foreign policy behavior will decrease when South Korea maintains a strong alliance ties with the United States based on a strong mutual commitment. In particular, if a target state's ally has military forces of its own in the territory of the target state, the effectiveness of deterrence increases. For instance, the presence of the US Forces stationed in Korea (USFK) on the territory of South Korea bolstered the credibility of the US defense commitment to South Korea in case of a North Korean invasion. Thus, North Korea will hesitate to initiate and sustain the dispute through coercive means. However, the deterrent effect of the alliance will vary depending on North Korea's estimate of how likely it is that the United States will come to the defense of South Korea. For instance, if North Korea discerns that the relations between

⁴³⁵ James Morrow, 1994, "Alliances Credibility and Peacetime Costs," *Journal of Conflict Resolution* 38, no2, pp. 270-97; Gerald L. Sorokin, 1994, "Alliance Formation and General Deterrence," *The Journal of Conflict Resolution*, Vol. 38, No. 2, pp. 298~325; Stephen Walt, 1984, *The Origins of Alliances*, Cornell University Press

the US and South Korea have deteriorated, it may have more incentive to rely on challenging behavior against South Korea. Moreover, if North Korea also maintains a close alliance partnership with China based on a strong mutual commitment, it can initiate and sustain the dispute through coercive diplomatic and military means. This is because the deterrent impact of South Korea's alliance with the US is offset by North Korea's alliance with China. Indeed, the alliance factor also can have some meaningful implications for explaining North Korea's propensity for challenging foreign policy behavior and the dynamics of inter-Korean confrontations.

To sum up, structural and domestic factors like the peculiar power balance, alliance effects, and domestic political conditions can provide some insight through which we can explain and analyze the pattern of North Korea's foreign policy behaviors. Even though I argued, in this study, that it is essential to build theories of foreign policy of North Korea that take into account its threat perception, I also believe that a threat-perception based explanation of North Korea's foreign policy behavior is also incomplete by itself. The most powerful and comprehensive explanation of North Korea's foreign policy decision making would require careful attention to both the domestic and international context. In this context, when North Korea is entrapped in unfavorable external security conditions, a comprehensive approach to explain how its threat perception of unfavorable external condition interacts with its domestic political conditions, military capabilities and alliance ties to influence its policy choice is encouraged.

To sum up, it does make logical sense for us to expect state leaders to be attentive to the international strategic environment within which their country is situated. At the

same time, the initiatives and reactions of one state toward another state are driven by the domestic political implications of its foreign policy choices. This means that state leaders should consider external and internal conditions at the same time in the foreign policy decision making process. In this context, rather than just focusing on either domestic or international level variables, the approach which incorporates both the domestic and external factors is desirable. However, the integration of international and domestic-level variables in a single theoretical framework is not a simple and easy task. Even though many IR scholars have attempted to integrate domestic and international levels of analysis in a systematic way, such efforts have been usually provisional.⁴³⁶ The explanatory power of domestic or international level factors will vary depending on the theoretical question and the situational or historical context the researchers are addressing. In this sense, rather than arguing a certain variable has the most convincing and powerful explanatory power at all times, future studies should focus on specifying the context and conditions under which certain variables have more powerful explanatory power in explaining North Korea's foreign policy behavior, while continuing to make attempts to incorporate both domestic and international factors.

As a case study which attempted to understand the pattern of North Korea's foreign policy behavior from the perspective of its threat perception, this dissertation extends beyond the Western-oriented approach to North Korea's foreign policy behavior. North Korea's challenging foreign policy behavior was a result of rational calculation based on the resources it can rely on. North Korea's foreign policy behavior has seldom

⁴³⁶ Examples would be Waltz, 1979, *Theory of International Politics*; Stephen Walt, 1984, *The Origins of Alliances*, Cornell University Press; Robert Putnam, 1988, "Diplomacy and Domestic Politics," *International Organization Vol. 42, No. 3*, pp. 427~460; Joe Hagan, 1993, *Political Opposition and Foreign Policy in Comparative Perspective*, Boulder: Lynne Rienner; Robert Putnam, 1988, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization Vol. 42, No. 3*, pp. 427~460.

been analyzed fairly and objectively because many Western scholars have assumed that its behavior is irrational and unpredictable. They commonly have assumed that North Korea's challenging behavior is the result of its irrational intentions and that such challenging behavior only results in intolerable consequences. However, such assumptions come from their perceptions that the end (outcome) does not justify the means (behavior). In other words, it is believed that favorable outcomes are not generated by irrational behaviors and procedures. As Robert Jervis explained, if effects are mistaken for causes, the result can be erroneous assumptions and evaluations.⁴³⁷ It should be noticed that seemingly irrational behavior sometimes produces a beneficial outcome which serves one's interest. There are some dimensions in North Korea's foreign policy behavior which might not be easily explained and understood by Western-centric perspectives such as IR theory. IR theories may not be appropriate tools to explicate North Korea's behavior due to epistemological biases which are embedded in their studies. Analysis based on different historical traditions, different political and geographical realities, and different cultural traditions can be misleading. Few international relations theories would provide plausible explanations of how a weak and small state like North Korea has chosen to pursue challenging foreign policy behaviors against strong adversaries. To better understand North Korea's reliance on challenging foreign policy behavior, we need to think about its version of rationality. Many studies have had a tendency to regard North Korea's irrationality as a source of its challenging foreign policy behavior. However, it needs to be noted that if North Korea's challenging behavior elicited satisfactory concessions from its adversaries, then the consequences are

⁴³⁷ Robert Jervis, 2002, "Theories of War in an Era of Leading-Power Peace: Presidential Address, American Political Science Association, 2001" *American Political Science Review*, Vol. 96, No. 1, p.4 and p.6.

beneficial for North Korea. As Thomas Shelling suggested, North Korea might have chosen to provoke its opponents through seemingly irrational methods to rationally produce benefits.⁴³⁸ Rationality usually depicts an actor's behavior in accordance with his or her preferences. If an actor prefers to choose a certain behavior than other behaviors in a coherent manner, then that actor's behavior may be regarded as rational.⁴³⁹ For instance, Hitler's decision to initiate the Second World War or Saddam Hussein's decision to invade Kuwait could be regarded as rational choices in that they evaluated that a war would serve their interest. In the similar vein, North Korea's choice of challenging behavior which serves its interests may be regarded as rational when it is surrounded by unfavorable external security environment. In this context, regarding North Korea as irrational just because of its reliance on challenging foreign policy behavior is neither right nor desirable. North Korea could be considered as a rogue state to some extent due to its sporadic challenging behaviors. However, this does not necessarily mean that it is irrational.

As for the implications of the US and South Korea's foreign policy stances, strict reciprocity might be regarded as a fair and rational rule to be applied to dealing with any issue regarding North Korea from a normative perspective. However, in reality, there would be only few situations where the rule of strict reciprocity can be fully, fairly and firmly applied. The rule of strict reciprocity will be fairly and strictly applied only in an ideal situation where the parties involved in negotiations have parity in every area of state power and status. After providing some economic incentives to the weak and poor state, requesting the same levels of reward from it might not have any flaw from the normative

⁴³⁸ Thomas Schelling, 1966, *Arms and Influence*, New Haven: Yale University Press.

⁴³⁹ David Austen-Smith and Jefferey Banks, 1998, "Social Choice Theory, Game Theory, and Positive Political Theory, in Nelson Polsby, *Annual Review of Political Science*, Calif: Annual Reviews.

and rational-calculative perspective. Moreover, from the perspective of the stronger side or a Western-centric point of view, such a request might be regarded quite fair, rational, right and desirable. However, from the perspective of a weak state like North Korea, such a request could be regarded as unfair. For instance, the food aid worth 10,000 US dollars will have different meanings to the US and North Korea in its value.

This case study has suggested the potential validity of the correlation between a weak state's threat perception and its reliance on challenging foreign policies by showing that North Korea's challenging foreign policy behavior has not necessarily been irrational. The next step for future research will be the application of the theoretical model and argument developed in this study to other cases. Additional cases studies will help to find any shortcomings in the theoretical argument of this study as well as contribute to the theoretical development. Through this process, we can better understand and predict the patterns in North Korea's foreign policy behavior.

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APPENDIX A

Territorial Boundary of the Korean Peninsula



- Source : ROK Regional Intelligence Institute

APPENDIX B

Armistice Agreement Article 13(b)

13. In order to insure the stability of the military armistice so as to facilitate the attainment of a peaceful settlement through the holding by both sides of a political conference of a higher level, the Commanders of the opposing sides shall:

(b) Within ten (10) days after this armistice agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the rear and the coastal islands and waters of Korea of the other side. If such military forces are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for the delay, the other side shall have the right to take any action which it deems necessary for the maintenance of security and order. The term "coastal islands", as used above, refers to those islands, which, though occupied by one side at the time when this armistice agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between HWANGHAE-DO and KYONGGI-DO shall be under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's volunteers, except the island groups of PAENGYONG-DO (37 58' N, 124 40' E), TAECHONG-DO (37 50' N, 124 42' E), SOCHONG-DO (37 46' N, 124 46' E), YONPYONG-DO (37 38' N, 125 40' E), and U-DO (37 36'N, 125 58' E), which shall remain under the military control of the Commander-in-Chief, United Nations Command. All the island on the west coast of Korea lying south of the above-mentioned boundary line shall remain under the military control of the Commander-in-Chief, United Nations Command.

- **Source:**<http://www.ourdocuments.gov/doc.php?flash=true&doc=85&page=transcript>

APPENDIX C

Basic Agreement on reconciliation, nonaggression and exchanges and cooperation between South and North Korea

Effective February 12, 1992

South and North Korea,

In keeping with the longing of the entire Korean race for the peaceful unification of our divided fatherland; Reaffirming the three basic principles of unification set forth in the South-North Joint Communique of July 4, 1972; Determined to end the state of political and military confrontation and achieve national reconciliation; Also determined to avoid armed aggression and hostilities, and to ensure the lessening of tension and the establishment of peace; Expressing the desire to realize multi-faceted exchanges and cooperation to promote interests and prosperity common to the Korean people.; Recognizing that their relationship, not being a relationship as between states, is a special one constituted temporarily in the process of unification; Pledging themselves to exert joint efforts to achieve peaceful unification; Hereby agreed as follows;

CHAPTER 1

SOUTH-NORTH RECONCILIATION

Article 1 South and North Korea shall recognize and respect the system of each other.

Article 2 South and North Korea shall not interfere in the internal affairs of each other.

Article 3 South and North Korea shall not slander or defame each other.

Article 4 South and North Korea shall refrain from any acts of sabotage or insurrection against each other.

Article 5 South and North Korea shall together endeavour to transform the present state of armistice into a firm state of peace between the two sides and shall abide by the present Military Armistice Agreement until such a state of peace is realized.

Article 6 South and North Korea shall cease to compete with or confront each other, and instead shall cooperate and endeavour to promote the racial dignity and interests of Korea in the international arena.

Article 7 South and North Korea shall establish and operate a South-North Liaison Office at Panmunjom within three months of the entry into force of this Agreement to ensure close liaison and consultations between the two sides.

Article 8 South and North Korea shall establish a South-North Political Committee within the framework of the South-North High-Level Negotiations within one month of the entry into force of this Agreement to consider concrete measures to ensure the implementation and observance of the agreement on South-North reconciliation.

CHAPTER 2

AGREEMENT OF NONAGGRESSION BETWEEN SOUTH AND NORTH KOREA

Article 9 South and North Korea shall not use force against each other and shall not undertake armed aggression against each other.

Article 10 South and North Korea shall resolve peacefully, through dialogue and negotiation, any differences of views and disputes arising between them.

Article 11 The South-North demarcation line and the areas for nonaggression shall be identical with the Military Demarcation Line provided in the Military Armistice Agreement of July 27, 1953, and the areas that each side has exercised jurisdiction over until the present time.

Article 12 In order to implement and guarantee nonaggression, the South and the North shall establish a South-North Joint Military Commission within three months of the entry into force of this Agreement. In the said Commission, the two sides shall discuss problems and carry out steps to build up military confidence and realize arms reduction, in particular, the mutual notification and control of large-scale movements of military units and major military exercises, the peaceful utilization of the Demilitarized Zone, exchanges of military personnel and information, phased reductions in armaments including the elimination of weapons of mass destruction and attack capabilities, and verifications thereof.

Article 13 South and North Korea shall install and operate a telephone line between the military authorities of each side to prevent the outbreak and escalation of accidental armed clashes.

Article 14 South and North Korea shall establish a South-North Military Sub-Committee within the framework of the South-North High-Level Negotiations within one month of the entry into force of this Agreement to discuss concrete measures for the implementation and observance of the agreement on nonaggression and to remove the state of military confrontation.

CHAPTER 3

EXCHANGES AND COOPERATION BETWEEN SOUTH AND NORTH KOREA

Article 15 In order to promote the integrated and balanced development of the national economy and the welfare of the entire people, the South and the North shall engage in economic exchanges and cooperation, including the joint development of resources, the trade of goods as intra-Korean commerce and joint ventures.

Article 16 South and North Korea shall carry out exchanges and promote cooperation in various fields such as science and technology, education, literature and the arts, health, sports, the environment, journalism and media including newspapers, radio, television broadcasts, and other publications.

Article 17 South and North Korea shall implement freedom of intra-Korean travel and contact among the members of the Korean people.

Article 18 South and North Korea shall permit free correspondence, movement between the two sides, meetings, and visits between dispersed family members and other relatives, promote their voluntary reunion, and take measures to resolve other humanitarian issues.

Article 19 South and North Korea shall reconnect the railway and the previously severed roads, and shall open sea and air routes.

Article 20 South and North Korea shall establish and link facilities for exchanges by post and telecommunications, and shall guarantee the confidentiality of intra-Korean mail and telecommunications.

Article 21 South and North Korea shall cooperate in the international arena in the economic, cultural and other fields, and shall advance abroad together.

Article 22 In order to implement the agreement on exchanges and cooperation in the economic, cultural, and other fields, South and North Korea shall establish joint commissions for each sector, including a Joint South-North Economic Exchanges and Cooperation Commission, within three months of the entry into force of this Agreement.

Article 23 A Sub-committee on South-North Exchanges and Cooperation shall be established within the framework of the South-North High-Level Negotiations within one month of the entry into force of this Agreement, to discuss concrete measures for the implementation and observance of the agreement on South-North exchanges and cooperation.

CHAPTER 4

AMENDMENTS AND EFFECTUATION

Article 24 This Agreement may be amended or supplemented by agreement between the two sides.

Article 25 This Agreement shall enter into force from the date the South and the North exchange the appropriate instruments following the completion of the respective procedures necessary for its implementation.

Signed on December 13, 1991

Chung Won-shik Yon Hyong-muk

Chief Delegate of the South delegation to the South-North High-Level Negotiations
Head of the North delegation to the South-North High-Level Negotiations

Prime Minister of the Republic of Korea Premier of the Administration Council of the
Democratic People's Republic of Korea

- **Source** : Original Text is available at http://peacemaker.un.org/sites/peacemaker.un.org/files/KR%20KP_911213_Agreement%20on%20reconciliation%20non%20aggression%20and%20exchangespdf.pdf

APPENDIX D**UNCLOS Article 15***Delimitation of the territorial sea between States with opposite or adjacent coasts*

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith

- **Source :**
https://www.un.org/depts/los/convention_agreements/texts/unclos/part2.htm

APPENDIX E**Biographical Data**

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Born	August 25, 1977, Seoul, South Korea
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