

Negotiating the Balance of Terror on the Straits and the Peninsula

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Two conflicts trouble East Asia and beyond that, the world, with a potential for igniting a global conflagration. Both are held in check from such an eventuality by its very danger and by the fact that any push to advantage would be suicidal. In East Asia, the parties have revived an animal thought to have been made extinct by the melting of the Great Ice Age that constituted the Cold War—a Balance of Terror. But as those who remember the Cold War know, the Balance of Terror allowed and even encouraged both maneuvers along the edge under the supposition that the other side would not dare to call the challenger's bluff and run the danger of Terror overtaking the Balance. It also called for conflict management negotiations on occasions in time and topic to maintain the balance and avoid accidents (Kanet & Kolodziej 1991). And it also gave rise from time to time to calls for conflict resolution negotiations to handle the very basis of the conflict, either in its pieces or in its entirety. What can these efforts tell about appropriate strategies in the East Asian Balances of Terror?

An understanding of appropriate strategies comes from a conceptualization of the different types of negotiations. Conflict management refers to efforts to reduce the means and procedures of the conflict from violence to politics, without affecting the substance of the conflict itself. Conflict resolution refers to efforts to deal with the substance of the dispute. Conflict transformation, a much more deep-seated goal, refers to measures to change the outlook of the parties to their interrelations and to develop ties of cooperation to replace the aversions of conflict (Zartman 2006).

The optimal strategy for the Republic of China (RoC) and the Peoples Republic of China (PRC) is not to seek conflict resolution negotiations or upset the informal status quo. Conflict management negotiations may be advisable for specific issues, but are risky because of their tendency to spill upward into balance-breaking escalations. However external changes may disturb this strategy: either events such as the competition for a third country's recognition or internal political opportunism such as an electoral campaign. In Korea, on the other hand, the pursuit of the six-party venue is crucial to lock a wily adversary into an agreement, and should continue, but any agreement will only be temporary, as the Democratic Peoples Republic of Korea (DPRK) wants it to be, as it seeks to wiggle out and prolong the negotiations. Only playing along will keep DPRK in the game and so increase changes for a final change of heart and mind into a reentry into the international community.

ROC-Don't Negotiate

The situation on the Taiwan Straits is one where diplomatic ingenuity is completely at odds with reality but has provided a fragile but ostensibly stable resting point to the conflict, part of the solution by at least avoiding the problem. As anyone can see, by all legal and practical measures, there are two sovereign and independent states bordering on the Straits where there formerly was one, and both states include the name "China" in their title. Yet each claims the other, the claim of the Republic of China (RoC) on the People Republic of China (PRC) being more nostalgic and the reverse claim more threatening. Hence the US, in a gesture to maintain the equilibrium, guarantees the existence of the RoC against military takeover, while refusing it diplomatic recognition; the US also has agreed that there is one China but that its unity will not be effectuated by force. It might appear that this situation would lend itself to conflict management negotiations in order to ensure that the conflict not escalate to violence, in the absence of conflict resolution negotiation to resolve the problem.

There are plenty of acknowledged conceptual reasons when and why negotiations should take place. They include the concept of ripeness, the absence of unilateral solutions, a decision

rule of unanimity, and the need to set a price. Some of these are more applicable to the situation in the Taiwan straits than others. Negotiations are necessary when a piece needs to be established in a transaction. However, in the familiar diagnosis-formula-detail understanding of the negotiation process, the price is a detail, once the formula for the exchange has been established. A formula is a set of terms of trade, a shared sense of justice, and/or a common understanding of the problem and its solution. In a standard commercial transaction, the formula or terms of trade is money-in-exchange-for-goods, and the price established how much money for how much goods. This concept scarcely applies to the Straits, where the formula itself is missing. Similarly, the decision rule of unanimity, which separates negotiation from coalition or voting as a mode of decision-making is relevant to the situation on the Straits but does not take us very far, except to indicate that voted resolutions do not achieve any result. Finally, negotiations are necessary when no side can achieve a solution to the problem on its own but needs to buy in the other party to make a solution. That certainly is true in the Straits conflict, as far as it goes, but it does not go far enough, which takes us to the last definition.

According to ripeness theory, negotiations can take place when two conditions are present: a mutually hurting stalemate (MHS) and a way out (WO). Both elements are subjective and perceptual, related to objective elements but not dependent on them; both provide the necessary but not sufficient conditions for negotiations to begin, in that the ripeness condition is not self-implementing and must be seized upon by the parties (with or without the help of a mediator). For a MHS to exist, the parties must feel that they are stalemated in their attempts to resolve the problem or conflict unilaterally, that they cannot escalate their way out of the impasse at acceptable cost, and that the impasse is painful to them. For a WO to exist, the parties must sense that a negotiated solution is obtainable that that the other parties has the same impression; the precise nature of the solution is unimportant at this point.

It is clear that in the Straits, neither (or none) of the parties feels any ripeness. While talks or any other attempt to resolve the conflict are indeed stalled and unilateral attempts at reaching a one-sided solution are stymied, the missing piece of a MHS is the element of pain to push the parties into negotiation. Neither side is suffering from the stalemate, and indeed the case could easily be made that both sides benefit from a rallying cause that they can evoke on occasion whenever it serves other purposes. By the same token, there is no perception of a WO to pull them toward a solution. The situation in the Straits is a fine example of another type of impasse, the S⁵ situation—a soft, stable, self-serving stalemate—that contains no incentive at all for either party to engage in negotiations.

In fact, negotiations would actually be dangerous for either party. Left on the diplomatic level, they would remain stuck and would become a meaningless charade. However, such an impasse would carry its own frustrations and would impel into desperate actions to break the impasse. The salience of face in the region would make it hard to back down from both a negotiating position and from the failure of negotiation attempts, leaving the conflict at a high level of tension than before, and even potentially wearing out possible formulas that could be useful later on. Thus not only is the situation not ripe for negotiation, but rational calculations on the part of the two parties would confirm the analytical conclusion.

But the S⁵ situation is not as stable as all that. Like any impasse, it is vulnerable to external sources of destabilization that, despite the best rationality of the parties when focused on the conflict, could upset the apparent stability. While stability is endogenous, both sources of instability are exogenous. One comes from the internal politics of the parties. While the rational calculation of each party would maintain the impasse and avoid negotiation when focused on the logic of the conflict, it may be equally rational and tempting to raise the Straits issue within the logic of domestic political competition, such as occasioned for example by elections. A weaker party seeking strength or a strong party losing strength can well reopen the issue, stake out a

new position, call the opponent to negotiation, and seek to force a resolution—all positions taken by the current government party over the past few years.

The other source of instability comes from external incidents and accidents. A chance military confrontation, the intrusion of a new but tangential issue (such as the Spratly Islands claims), a chance legal issue, or, perhaps mostly likely, the imposition of competitive decisions in foreign arenas all pose occasions to upset the impasse. The last deserves particular attention. The RoC and the PRC are in continual competition for recognition by and advantage in foreign countries. In game board terms, when one side occupies a space formerly occupied by the other, the balance is disturbed and the impasse threatened. Since the situation in the Straits is an existential question for RoC, changes in space control on the periphery call for a response at the center, either militarily or through the adoption of a tougher position diplomatically.

On the model of the Cold War Balance of Terror, there may well be occasions when a conflict management or even resolution negotiation would be in the interest of both parties, but the venture is extremely risky. Only if the Balance of Terror is explicitly accepted by both sides—as the use of the term suggested that it was under the Cold War—can the parties turn to sectoral negotiations to resolve problems that might work to upset the status quo. The parties are in a contrived symmetry, with the RoC + US balancing PRC, a situation recognized as the most unstable for negotiation (Zartman & Rubin 2002). In this situation, each side is tempted to use the negotiations to gain a slight edge on the other, knowing that the other plays the same game, and so the parties play position politics rather than resolution politics. Areas of clear mutual bilateral interest, such as commercial exchange and investment, might be acceptable subjects, warily engaged. Similarly, areas of multilateral interest, such as the Spratly Islands, where the two main contenders are equally concerned about their relations with the other contending parties and the danger of offending them, might also be negotiable topics because of the dangers posed by non-negotiation and military positioning (in some ways like the Korean situation analysed below), but the temptations and dangers of outbidding are serious.

DPRK—Don't Stop Negotiating

The situation on the Korean peninsula shows a similar gap between diplomatic imagination and reality, although in this case the salient element of imagination is simply bizarre, part of the problem not the solution. As anyone can see, beyond all the political bravado, there is a mutual stalemate on the peninsula, with no way to break it, other than by creative agreement. There is no effective constraint on the DPRK to prevent it from doing what it wants; it is impervious to sanctions, and both sides know—despite occasional rhetoric—that no military threat is credible against it in light of its threat to turn Seoul into a “sea of fire” in case of war. The threat is credible because of a general agreement that “it just could and would do something like that.” To a suicide bomber, a threat to shoot is not an effective deterrent.

The refusal to admit pain is the most effective inhibitor to the occurrence of a mutually hurting stalemate, leaving the opponents, who are deeply aware of the pain in the situation, in a quandry. The DPRK threat, to build atomic weapons, is credible, since they are already doing it and have broken agreements not to do it; the opponents threats are not. But to the extent that DPRK is credulous about the opponents' threat, its threat becomes even more so. Everything points to the fact that Kim Jung-il and the North Korean leadership are paranoid, so that the use of threats only confirms their vision and positive inducements are suspect as a trick. It may well be that they were not born paranoid, only raised to be so; such matters are beyond this essay. It may well be as well that loose talk from Washingtonians works to confirm the paranoia, but it is also true that a cold view of the situation confirms that there is no credible threat to make the stalemate mutually painful: military threats are empty because North Korea holds South Korea hostage, and economic threats are unenticing because North Korea holds its own people hostage.

Beyond its paranoia, the DPRK plays a tracking strategy. Usual concession strategies in diplomacy are termed matching and mismatching, the first referring to a concession rate equal to the opponent's and the second to a concession rate slower than the opponent's (Pruitt 1980, 33). Tracking refers to a strategy of "matching" a concession with an increase rather than a decrease in demands, as used by Dom Mintoff in Malta and Hafez al-Assad in Syria (Wriggins 1987). DPRK's strategy includes banking concessions and asking for more without reciprocation, delaying the process, asking double payment for concessions, linking agreement to impracticable elements to give a way out of the original agreements, renegotiating agreements, reinterpreting terms, and hedging commitments in case the other side acts the same way, in a self-proving hypothesis. These are scarcely confidence-building measures but they can be effective.

It is not clear what DPRK wants. Indeed, part of its strategy may be that its wants may vary according to opportunity. At the broadest level, DPRK seems to want to assure its security. More precisely, "North Korea's preferred goal [is] no denuclearization, its second goal [is] delayed denuclearization (time), and its third [is] to gain other items in concession if denuclearization [were] to be inevitable" (Zartman & Michishitia 1996, 426). Its advantage at the bargaining table comes from the fact that it controls both the item, the price, and the alternatives, and that the fact that it is known as a rogue state means that it can—indeed, has an incentive to—act like one (Schelling 1960). That, at the outset, its strategy could be merely procedural, to maintain its roguishness, without substance at all, and that substantive moves become merely bargaining chips. This is not to assert that such an interpretation is accurate, but that it is conceivable, absent evidence to the contrary.

An effective strategy in this situation is multiple and complex, with dangers of self-contradiction. It seeks to denuclearize the Korean peninsula and a DPRK reentry into the community of nations through a return to the International Atomic Energy Agency (IAEA) and the Non-Proliferation Treaty (NPT). It includes reframing, positive persuasion, measures against defection, and a united front among negotiators even though using different approaches. *Reframing* involves a reorientation of DPRK perceptions, even worldview, from "their own nuclear-based security to internationally-based security through good relations", as Amb. Christopher Hill put it. This is a matter of conflict transformation through both cold convincing and positive benefits that would result from a shift from rogue to normal status. DPRK responds that the touchstone of reframing is the signing of a peace treaty with the US, to which the counter is that such a measure is the end of a process but not the beginning. *Persuasion* involves offers of those positive benefits, including food, peaceful nuclear energy, and others. It is not yet clear how important these are to DPRK, as discussed above, and therefore how much persuasive power they have, but when they are used tactically by Pyongyang the reaction only reinforces the tactical view of DPRK (Lim 2005, NYT 2005). Included in these benefits are the various measures designed to open up North Korean society, bring North Koreans in contact with the outside world, and establish ties with other societies (*Science* 2005). Current measures in the context of the Beijing Agreement include both carrots, such as upcoming plans for conventional energy, normalized relations, and entry into the international financial institutions (IFIs), and sticks, including the withdrawal of the carrots. DPRK again states it welcomes such measures but the response is that they will come as the main issue of denuclearization is being resolved. *Anti-defection measures* are more difficult to conceive. One purpose is retaliatory and dissuasive, to show North Korea that backsliding tactics will result in delays or backtracking on the road to normalcy with its advantages, with all the inherent baggage already noted, but it is much more difficult to draw up preventive measures that will actually impede backsliding.

A *united front* is a particularly crucial element. DPRK has long sought direct bilateral talks with the US, with the dual purpose of enhancing its own stature and marginalizing South Korea

(RoK). The US has consistently refused this demand,¹ denying both goals to the North. The 6-party framework is important for a number of reasons. It mobilizes and permits a number of different approaches, contacts, and interests to come into play. It also allows for different tactics, most notably the old (and effective) negotiating ploy of good-cop-bad-cop. And it reduces the chances (or increases the cost) of defection, by making it an offense to 5 other states rather than to just one as in bilateral engagements. DPRK strategy will be to divide and confuse, seeking unilateral advantage with individual members of the front by playing on special bilateral interests, passively to slow down agreement and pressure if not actively to seek side agreements.

The beauty of a strategy of continuing 6-party negotiations is that it is also in the interest of DPRK to do so. However, “continue” has different meaning for each side. For the Front of Five it means gradually achieving agreements, such as the Beijing Agreement of 19 September 2005, and moving from principles to details, gradually providing a framework within which North Korea can return to the community of nations. For DPRK, it means prolonging negotiations, either exclusively or as part of a gradual buy-in into the other parties’ strategy, as discussed above. The hope of the Front of Five would be that the sixth becomes entrapped in the process and that through it the logic of international normalization will become apparent and appealing.

Here too the experiences of the previous Balance of Terror are relevant as well. Conflict management negotiations to sanitize potential areas of tension and friction are a useful part of the 6-party package. And even conflict resolution negotiations on the same specific areas can be attempted. Wariness and verification are necessary components of the atmosphere of such attempts, but in an atmosphere characterized by fear on the both side that the other will defect, wariness and verification are of mutual interest.

Conclusion

Although the apparent similarity of the situations would suggest negotiations as an appropriate strategy for the Balance of Terror in both the Taiwan Straits and the Korean Peninsula, the two situations are different enough to lead to different strategic bases. The experiences of negotiations in the Balance of Terror during the Cold War illustrates the differences. Avoidance of the temptation to seek conflict resolution negotiations is indicated in the Straits, although some discrete conflict management negotiations may be possible. Continuation of the current 6-party talks toward conflict transformation on the Peninsula is also indicated, although there may be room for sectoral conflict management negotiations along the way, contributing to the process. However neither strategy is immune from inherent dangers of slipping toward violence, and it is that danger that, in careful hands and minds, can keep it from doing so. All that calls for some skilful skating on thin and slippery ice.

At the end of both processes lies conflict transformation, a goal so enormous that (despite the call of some conflict reduction specialists) it usually lies well beyond the reach of diplomacy. Yet here the paradoxes of the Balances of Terror brings in a sobering and challenging conclusion. After all, the Cold War ended with a relatively sudden conflict transformation, not negotiated in one round of conferences to be sure, but operationalized in a number of conferences over a few years (the exact number to be debated, backslidings taken into account). Even more striking, serious progress in the Balances of both the Straits and the Peninsula depend on conflict transformation. It is the avowed goal of diplomats in the 6-party talks and the necessary concomitant condition (not precondition) for real progress after the Beijing Agreement. It is the concomitant or pre-condition for engagement in negotiations on the Straits, which will only come when the two parties accept each other as they are and no long see in the

¹ Although there are meetings between the 2 delegations within the framework of the 6-party talks, as with any other pair of negotiating parties, as the discussions may require.

other an existential threat to themselves. There is more hope for that enormous goal in the Peninsula than in the Straits.

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