

## Negotiation And Mediation Theory And Application

Maj David Twinomujuni

Negotiating on the Edge: North Korean Negotiating Behavior, by Scott Snyder Washington, DC 20036 United States Institute of Peace 1999 213p ISBN 1-878379-94-1(pbk.)

Scott Snyder is director of the center for U.S.-Korea Policy and senior associate of Washington programs in the International Relations program of The Asia Foundation. Mr. Snyder is also senior associate at Pacific Forum CSIS and has been named adjunct senior fellow for Korea Studied by the Council on Foreign Relations. Mr. Snyder worked as Asia specialist in the Research and Studies Program of the U.S. Institute of Peace, and has served as acting director of Asia Society's Contemporary Affairs Program. He has received a Pantech Visiting Fellowship at Stanford University's Shorenstein Asia-Pacific Research Centre during 2005-2006, and received an Abe Fellowship, administered by the Social Sciences Research Council, in 1998-99. Mr. Snyder has published numerous journals, articles and is a frequent commentator on Asian security issues with a particular focus on the Korean peninsula. His latest book, China's Rise and the Two Koreas: Politics, Economics, Security, was published by Lynne Rienner in 2009. Other publications include Paved with Good Intentions: The NGO Experience in North Korea (2003), co-edited with L. Gordon Flake and Negotiating on the Edge: North Korean Negotiating Behavior (1999). He holds a BA, from Rice University; M.A. from the Regional Studies East Asia Program at Harvard University. Snyder studied Korean language and society during a year in Seoul conducting research through the Thomas G. Watson Fellowship program and subsequently spent time as an intern in the economics section of the U.S. Embassy in Seoul. He has visited North Korea several times with the last four trips in July 1999. From the above background, the author's education, work experience with numerous reputable institutions, research experience and other books he has authored, gives me confidence to say that he is an

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authority on Korean peninsula matters, and therefore the information presented in his book, *Negotiations on The Edge*; is dependable and credible.

Snyder presents the information in *Negotiating on the Edge*, mainly from the research perspective and it covers a period from 1992-97, early post-Cold war negotiations. The primary data for the book was gained through interviews with American officials who participated directly in negotiations with North Korean counterparts and through analysis of media reports about U.S. negotiations with North Korea. He also conducted Interviews with the Japanese and South Korean diplomats who have engaged in negotiations with North Korean official in both bilateral and multilateral settings. He also spoke -off the record-to North Korean diplomats themselves and got information to enrich his research. Snyder agrees that lack of access to the written records of diplomatic negotiations between the United States and the DPRK constitute major limitations in carrying out research in this field.

The author further ungues that North Korea's under current circumstances has no choice but to pursue negotiations to gain the resources necessary to perpetuate regime survival. He states that the North Koreans' no longer have the luxury of pursuing unilateral approach to negotiations by walking away from the table like they used to enjoy during the cold war era. They have not abandoned deeply ingrained tactics of brinkmanship, crisis diplomacy and attempts to maximize leverage by identifying and withholding the highest-priority demands of the negotiating counterpart. The author traces the North Korean negotiating behavior from the historical and cultural norms of North Korean society. This book review will pay particular emphasis on this historical and cultural norm as they form the basic tenets shaping the negotiation behavior of North Koreans officials to which the negotiating counterpart should pay

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particular attention to, and leverage the situation to come up with the best deal out of the negotiation. The historical and cultural values shaping the negotiating behavior of North Korea as presented Snyder were tested and proved in the three negotiating situations involving North Korea and U.S.; DPRK-South Korea and USA, and KEDO (Korean Peninsula Energy Development Organization) which involved personnel from USA, South Korea, and Japan to implement the terms of the Geneva Agreed Framework, including provision of heavy fuel oil, and construction of light water reactors in, North Korea. The author traces the historical and cultural roots of North Korea's negotiating behavior and exposes the full range of tactics in its diplomatic arsenal. The author selects attributes of the North Korean system that he deems most relevant to actual negotiating strategy and tactics.

The author identifies the partisan guerrilla tradition in the state formation to have a profound effect on the way North Korean officials negotiate. The roots of Kim II Sung's nationalist ideology have been planted deeply in the mythology of the guerrilla tradition, and Kim II Sung's own experiences are presented as prototypes for how North Koreans should respond in difficult situations, including negotiations. North Korean brinkmanship tactics and willingness to challenge conventional rules are derived partially from Kim II Sung's own experience as a partisan guerrilla fighter against Japanese colonial rule. Crisis diplomacy, a highly effective characteristic of North Korea's negotiating style, is derived from North Korea's structural position as a nation that must force its way to the top of the negotiating agenda with the United States and from the historical legacy of the partisan guerrilla movement, in which unconventional tactics were necessary components of North Korean strategy. North Korea's missile testing maneuvers is an example of crisis instigation in order to build leverage in a

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negotiating context. In November 1996, a flurry of concern surrounded North Korean preparations for a possible missile test in the Sea of Japan, but the test was mysteriously canceled, in response to external diplomatic pressure. Following a first round of missile talks between U.S. and North Korean negotiators in April 1996, preparations for a missile test may have intended to remind American counterparts that North Korea's missile program remained an issue for discussion. An August 1998 test of a multiple-stage rocket that came in the middle of U.S.-DPRK negotiations served to facilitate the resumption of U.S.-DPRK Missile talks, following a June 1898 public statement by the DPRK expressing willingness to come to the table to test whether the United States would be willing to offer the right price for a settlement.

Furthermore another factor influencing the North Korean negotiating behavior is the structural formation of DPRK. The DPRK political system is Marxism-Leninism, as an all-encompassing official ideology, socialist rules of conduct and organization of the economic system, the "dictatorship of the proletariat," the leadership of the Communist Party, and the principle of democratic centralism. This influences the decision making structure as an element that reinforces the rigidity of North Korean negotiating positions. This vertical reporting chain and the overarching position of the top leadership shorten the distance between the negotiator and the top of the command chain but also distort the negotiation process. Such a negotiating structure makes it more likely that negotiation may be used for dual purposes and that formal sessions may be used for propaganda purposes. It also carries the danger that the information flow to a single decision maker, the totalitarian leader, might be distorted this will in turn lead to wrong decision making.

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Furthermore the author argues that the humiliation of having lost national sovereignty to outside oppressors-even after centuries of heroic resistance and maneuvering to maintain a semblance of sovereignty against more powerful foes-is a significant component of the contest for legitimacy between the two Koreas. North Korean negotiators put a strong emphasis on the principle of noninterference with a state's internal affairs, a principle that underscores state sovereignty and is designed to resist perceived hegemony or external pressure from outside forces. In negotiations with South Korea as well as with the United States, North Korea counterparts often go out of their way to demonstrate their independence, even if such demonstrations appear to run counter to North Korea's immediate or long-term national interests

Additionally, the dominant feature of governance in the post-Kim II Sung era has been the submission by the Great Leader's successor and son, Kim Jong II, to Confucian expressions of loyalty and filial piety, themes that have deep roots in Korean traditional society and in the mythology of the nation presented by Kim II Sung. Confucian influences on the behavior of North Korean negotiators are demonstrated most clearly through emphasis on an unyielding adherence to and protection of "principle" in negotiations and an insistence on the moral rectitude of one's own position at all costs.

Another primary element that influences North Korean concepts of identity, relationships, and negotiating behavior is the concept of *juche* (self-reliance). The fundamental question of "sovereignty"-as interpreted based on the philosophy of *juche*-has critically influenced North Korean policy decisions in the international arena, sometimes to the detriment of North Korean material interests. The other provides proof of this by giving an example of public South Korean "humanitarian" offers of rice-a gift that carries symbolic overtones related to national

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conceptions of self-sufficiency in Japan and South Korea-have been routinely rejected by North, even in times of critical need.

More so, Kim II Sung's cult of personality is tall enough to cast a shadow over North Korean negotiation tactics even during negotiation sessions themselves, particularly if there is any comment by negotiating counterparts that fails to connote proper respect to the Great Leader. Perceived insults to Kim II sung are hot "button" issues for any North Korean negotiator, who will break off discussions on a negotiating agenda to vigorously defend the honor of Kim II Sung if he is insulted during the talks. There have been several instances during negotiations between the United States and North Korea when unintended comments were perceived by the North Korean side as derogatory to Kim II Sung, resulting in a spirited response and defense of Kim II Sung's honor. These basic North Korean historical and cultural values should be remembered for any group that is interested in a positive negotiation outcome with North Korea. Scott carefully dissects the North Korean approach to Diplomatic encounters, objectives and expectations, tactics and strategies, strengths and weaknesses. North Korean negotiators do not operate according to the same logic and rules that guide western negotiators; actions that may seem to westerners to be irrational or reckless have.

The author presents a distributive bargaining or a win- lose negotiations strategy which is inferior to Interest based Negotiations. North Korea, officials want to maximize concessions from the negotiating counterpart while offering nothing. The weakness with this negotiation approach is that it causes stalemates and fails to serve North Korea's strategic objectives, despite Pyongyang's interest in gaining the benefits resulting from negotiated cooperation. Furthermore this approach where the negotiator wants to maximize the value obtained in a single deal does

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not take care of a good relationship with the negotiating counterpart yet North Korea now need good relationship with many countries to gain resources for regime survival. their own internal logic and purpose. Its time consuming since there is foot dragging to demand concessions from the negotiating counterpart. Trust fall by the wayside between the negotiating parties, in addition' the process creates an adversarial relationship between the two parties. Furthermore in distributive bargaining, victory rather than a wise decision is the main goal of negotiation process such solutions to a problem are short lived. Additionally win- lose negotiator insist on positions rather than insisting on objective criteria; or consider multiple answers. All these weaknesses make the strategy of win-lose negotiation become inferior to IBN.

The author's presentation of North Korean negotiating behavior applies to the military negotiating context. It's necessary in military negotiation context to understand the underlying historical and cultural motivations driving your negotiating counterpart to come up with a workable deal. Military negotiations, are results oriented, to achieve this goal, military negotiators must carefully study the negotiation strategies of their counterpart in order to exploit the available opportunities to reach a workable agreement the reason they go to table to negotiate. What I can add on the authors work, negotiations in the military, I stress must be decisive and in line with the commander's intent there is no room for a stalemate

A balanced and pragmatic analysis of North Korean negotiating perceptions and behavior, Snyder's book will remain one of the most significant and useful on studies of North Korea for ten years and beyond. His study has fully analyzed both negotiating tactics as well as the cultural and psychological perceptions that form North Korea negotiating tactics. This book is highly recommended for anyone who wants a glimpse into North Korean decision making and

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thought, not just how they negotiate. An understanding of that world, and taking advantage of its contradictions and absurdities, is what makes this book all the more valuable. Policymakers, diplomats, media, scholars, and students will all find this book a useful and informative tool. Snyder's well-written presentation of unique mindset of North Korean actors helps to understand their motivations and behaviors this is the reason I will keep a copy of this book on my shelf. For one to be a better negotiator he/she has to put into consideration the culture of the negotiator sitting across the table from you. With Snyder's book, all aspects of culture in negotiations is used has been covered. This is the reason I would recommend it to my classmate to read it and understand cross cultural difference and use that background information to better prepare themselves to be better negotiators once they are faced with the task. It covers well, the importance of trust in a negotiating environment, information facilitates the negotiation process, how power influences the process as well as other options available to a negotiator, these influences play a big role in the negotiation process and Snyder's book properly brought out all these themes.

Snyder's book, *Negotiating on The Edge* is highly focused particularly on North Korean Negotiating behavior based on motivations from historical and cultural perspective. The strength lies in understanding the culture of the other negotiating counterpart. Understanding the culture of your counterpart help you to better select the negotiators that will suit their culture so that you can get the best out of that negotiation. There is much reason to learn about the negotiating tactics and behavior of the world's most idiosyncratic, least penetrable country. The key findings of this study are the degree to which North Korean diplomats are skilled in converting weakness

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through threatening behavior, into leverage so as to gain favorable outcomes to negotiations with outsiders.