

ROLE THEORY, ORGANIZATIONAL ACTORS AND REGIME STABILITY

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Abstract Recent events have raised questions about the stability of the nonproliferation regime and the degree to which this depends on the role making and role taking of the United States and lesser powers. I argue in this paper that the mechanisms of regime stability and evolution are best explained by focusing on the role performance and adaptation by defiant states and the US as the “guardian” of the regime. This perspective suggests that more often than not, regime evolution is the product of successful role making by deviant regime members which altercast the US and other powers into a tolerating or even supporting role. The paper addresses North Korean role making behavior in two crises, 1993/94 and 2002/2003, but also generates hypotheses on the impact of Iranian role taking and making on the nuclear nonproliferation regime.

1. Introduction

“Institutions are persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activities and shape expectations (Keohane 1989: 3).”

Roles and institutions are both social constructs. They are co-constitutive because they depend on complementary intersubjective understandings by actors in a social realm. Roles are social positions (as well as a socially recognized category of actors) which are constituted by ego and alter expectations regarding the purpose of an actor in an organized group (cf. Thies 2010: 3-4; Andrews 1975: 529). Institutions are persistent and connected sets of roles that influence their members’ preferences and goals. In short, roles are either ascribed or achieved social positions, whereas institutions are connected sets of these positions which are formally or informally agreed upon.

Thus far, the literature on international institutions falls short of recognizing social roles as a constitutive element of institutions. Almost all analysts have concentrated on the (top-down) shaping influence institutions exert on their members’ behavior, e.g. in the literature on international institutions and compliance. More recently, rational institutionalists have focused on the importance of principals for the institutional design and the competences delegated to various agents (Koremenos et al. 2001; Hawkins et al. 2006). But so far, no major research contribution has explored the importance of role behavior by both states and organizational actors for the stability of institutions and regimes.

This lacuna is all the more surprising because institutions, by shaping members’ roles and identities, provide behavioral *and* ontological security for the actors involved (Mitzen 2006). Created in the past, institutions facilitate proven diagnostics for future cost/benefit analyses and allocate status, prestige, trust, and legitimacy, which in turn constitute the member as a member of that institution. In short, by being co-constitutive, roles and institutions may either ensure or disturb their own path-dependent evolution. Institutions and roles also figure prominently in defining the social structure of international relations, as they are crucial for shaping authority – the claim by dominant states and a recognition by subordinate states that the former have the legitimate right to issue certain limited commands (Lake 2010). Hence, a focus on role making promises to (at least partially) solve a common problem of the rational and social-constructivist literature on institutions, the reliance on exogenous shocks (or critical junctures) to explain institutional change (Mahoney/Thelen 2010: 5-7).

After World War II, the United States and the Soviet Union, acting in their roles as superpowers (Jönsson 1984), were “rightful rulers” in many international institutions, such as the United Nations, the Conference on Security and Cooperation in Europe (CSCE) or the nonproliferation regime with the NPT at its core (Smith 1987). But after the demise of the Soviet Union and the rise of new powers, it remains unclear how stable these institutions will prove to be. One of the key questions in this regard is whether the United States, as the sole remaining superpower, will be able to accommodate lesser and rising powers in the international nuclear order (Ikenberry 2011).

The paper, first, reviews the current state of the art in role research and develops the concept of *altercasting* as a mechanism for (peaceful) role change. The concept is then used to explain the evolution of the nonproliferation regime, focusing on the role formal and informal institutions have played to contain the North Korean crises in 1993/94 and 2002/2003. It is argued that North Korean role making not only managed successfully the transition to become a de-facto nuclear-weapon state – yet to be recognized. North Korea’s role behavior also substantially transformed the roles played by the United States, China, the IAEA, and the UN Security Council in the nonproliferation regime. In effect, Pyongyang’s role making resulted in the creation of a new supplemented nonproliferation regime – based on Security Council resolutions and multilateral agreements – which no longer prevents North Korean nuclear weapons, but tries to control their growth. The final part of the paper reflects upon the implications of the North Korean case for the conflict over the Iranian nuclear (weapons) program.

2. The current state of role research: role change and institutional choice

As social concepts, roles span various relational attributes of states and other international actors, among them material power. So where neorealism focuses on the distribution of material capabilities, role theory concentrates on the distribution of social power between state actors, but also non-state actors (Harnisch et al. 2011). These social power structures vary considerably, because the population of actors in a system – rather than the IR theoretician – determines the relevant attributes of social power ascription (Mattern 2005). Hence, liberal and illiberal, imperial, hierarchical and anarchical orders all necessitate distinct patterns of behavior of a certain class of actors, reifying a specific international order by taking up functions for the respective society of actors (Watson/Bull 1984; Fry/O’Hagan 2000).

Certain roles have long been considered key goals of states and constitutive of certain international systems, e.g. Great Powers and the European Concert (Brown 2004). Pace Hedley Bull's conceptualization of the term:

“A country which is a great power is one that is recognized by other states to have a certain status in the international hierarchy. Such a state is entitled to have a voice in the resolution of issues that are not its immediate concern; it is expected to take a leading part in the affairs of the international system as a whole; it is, in other words, not merely the depository of a certain degree of strength, but the bearer of certain rights and duties. To speak of great powers (or, in present day terms, of super powers) is already to presuppose the existence of an international society in which these states are ‘great responsables’ (Bull 1971: 143)”.

Interest in foreign policy role conceptions has waxed and waned since the late 1960s, when U.S. hegemony in the Western world came under pressure, both materially and immaterially, for the first time. But the end of the bipolar structure and the emergence of the United States as the sole superpower have reinvigorated the interest to understand and explain the resulting shifts in roles by its allies and enemies (Walker 1987; Le Prestre 1997; Wendt 1999; Elgström/Smith 2006; Harnisch et al. 2011).

Roles as analytical concepts

Roles are relational social positions which are constituted by ego and alter expectations regarding the purpose of an actor in an organized group. The position's function in the group is limited in time and scope and dependent on the group's structure and purpose. Some roles are constitutive of the group, e.g. recognized member of the international community. Other international roles or role sets are functionally specific, e.g. balancer, initiator (Harnisch 2011a: 8).

Role expectations for corporate actors, such as states or international organizations, vary considerably, because they can comprise numerous ego expectations – i.e. domestic and/or individual expectations as to what the appropriate role is and what it implies – and alter expectations – i.e. implicit or explicit demands by others (counter-roles or complementary roles, audience cues). Role expectations also differ with regard to their scope, specificity, communality and their obligation. Thus, roles, and even more so role sets, entail a substantial potential for conflict within a role (intra-role conflicts, e.g. between ego and alter expectations) and between roles (inter-role conflicts) (Harnisch 2011c).

In a social world structured by roles, social positions are conferred on an actor by others who can legitimately recognize its functions and position in the society of actors. Roles are relational (intersubjective) concepts, so they cannot be achieved unilaterally. They must be recognized and reified through complementary roles and respective behavior in order to unfold their constitutive and causal meaning. But roles vary with regard to their primary source: they can either be ego-centered, stressing the achievement of the responsive role (behavior) by others; or they can be ascribed, displaying the allocation process of respective rights and obligations by others (Thies 2010: 6338).

There is no consensus on whether more roles are ascribed or achieved by certain classes of actors in an international or global social system.¹ Thies (2010b) and others argue that novice states do have less achieved and more ascribed roles. They are subject to intense socialization pressure because of their low and uncertain contributions to the society (Ibid.: 16). Obviously, the relation between achievement and ascription tells us something about the stability of the respective social system: It is plausible that recognized actors, holding legitimate roles, are more likely to reify the existing order.

Self-evidently, focusing on processes of socialization runs the risk of a reification bias: the existing social order is continuously reified by the most powerful and/or legitimate actors through processes of socialization. From the point of view of socialization lesser powers are condemned to adapt or internalize the existing rules. In the extreme, this would imply that processes of socialization never fail and that material or immaterial resources will always “persuade” the “socializee”. If this were the case, we could not, for example, study the effects role behavior by the P-5 and their socializees have on the legitimacy and stability of the UN Security Council role in world politics.

To explore regime stability and organizational actors through role theory, it follows, requires the reconstruction of role taking and role making behavior of both the socializer and the socializee. It also begs the question who socializes whom into what direction. In this context, role taking refers to the passive taking up of an ascribed role, whereas role making means the active (re)formulation of a role, thus potentially setting in motion a reconstruction of counter-roles or commensurate roles (Turner 1962). Role making takes place in “problematic situations” which call into question instruments, strategies, or even goals used heretofore in role taking practices. In these situations, the ego-part takes over and the (autonomous) individual/actor is able to reconstruct the social order (Mead 1934: 214-229).

¹ For a distinction of the two: Buzan 2004.

Malici (2006) has conceptualized the process of altercasting as a specific case of role making. In his perspective, altercasting can be defined as the conscious manipulation of one's own role taking behavior to (re)shape the role of another actor, presumably a counter or commensurate role. Malici thus adds an important element to the conceptualization of role making, because role making is explicitly linked to societal change, i.e. the corresponding change of roles and counter-roles, through the conscious manipulation of role making.²

There is yet no well articulated approach of altercasting and institutional change. However, we can begin by inferring from symbolic interactionism the differentiation between a generalized, significant, organized other, some tentative hypothesis. In symbolic interactionism, the "generalized other" is only an abstract starting point for the role beholder to recognize himself as belonging to a special type (identity) or social category (e.g. human being) (Dodds et al. 1997). In contrast, significant others are often associated with primary socializing agents, such as parents and siblings in interpersonal relationships. The latter assert considerable leverage because the role beholder faces significant material and immaterial, e.g. emotional, barriers against withdrawing from the relationship. Then, the "organized other" refers to a narrowly defined community of actors which is linked to the role beholder by awarding membership privileges and ontological security and by requiring the performance of functions which constitute the community as such (Mead 1934: 265).

This more inclusive role theoretical approach international social systems of differing stratification do shape a variety of role sets and institutional set-ups, i.e. confer authority on a regular basis. In highly hierarchic systems relations vis-à-vis a few "significant others" do shape lesser power's role conduct. The latter may even enter formal (hegemonic) institutions. But subordinates will not enter or remain in that institutional contract unless they are assured that the authority they granted to the governor/hegemon will not be used against them (Lake 2010: 588). In egalitarian social systems relations vis-à-vis the "organized other" prevail, because roles in these systems are regularly defined through more equal access and opportunity to make binding obligations for the social group.

From a role theoretical point of view, the perception of the social stratification of the system hinges upon the self-conception of the state. If a state defines itself domestically and otherwise in (permanent) opposition to the outside world, then it will play and prosper from an outsider's role. In these cases, unwillingness to enter credible long term commitments

² Thies (2010: 6338) defines altercasting more narrowly as a method of socialization (only). It then refers to "situation in which novices are brought into an existing social system."

will characterizes role taking behavior, because codified institutional obligations are incompatible with an “oppositional nationalist role”.

3. North Korea and the international nuclear order: altercasting for profit

Nuclear nonproliferation has been a key determinant of the international pecking order ever since the end of World War II. Arresting the spread of nuclear arms and technology not only reduces the risk of unintended or inadvertent use triggering a potentially catastrophic nuclear war, nonproliferation also sustains a hierarchical order between legitimate nuclear-weapon states, who can rely on mutually assured destruction to ensure survival and non-nuclear-weapon states, who must rely on security assurances and abstinence. Thus, the nonproliferation treaty and the resulting nuclear order always smacked of a superpower condominium, only to be accepted during a period in which the NWS realized total disarmament (Walker 2004).

Unfortunately, nuclear fission can be used in both civilian and nuclear applications. So the respective regime has to safeguard against direct acquisition through a military program *and* against an indirect, clandestine, effort as a by-product of a civilian program. Thus, to sustain order, certain nuclear techniques – uranium enrichment at the front end and plutonium reprocessing at the back end of the fuel cycle – which are especially proliferation-prone, have to be further limited. Against this background, the NPT was supplemented over three decades by various arrangements for technological denial, i.e. the preclusion of sensitive facilities or material, and regulated transfer, i.e. a transfer permitted only in combination with political commitments and technical safeguards which ensure non-proliferation.

3.1. The 1993/94 Nuclear crisis: the US becomes the “significant other”³

Historically, North Korea’s nuclear weapons program was shaped by its fervent nationalism – known as Juche or self-reliance – and (ontological) security considerations which were fostered by major crisis in superpower relationship: During the Korean war, the Eisenhower administration threatened to use nuclear weapons in order to end the war quickly; in reaction, North Korea started “civilian nuclear cooperation” first with Moscow, then with Beijing. Furthermore, the Soviet Union showed less alliance solidarity than expected in the

³ This and the following section draws on Harnisch/Rösch 2011. I am indebted to David Rösch for his valuable comments on earlier drafts of this paper.

Cuban missile crisis, resulting in sustained efforts to broaden the North Korean nuclear industrial base. During the U.S. withdrawal from Vietnam, when the South Korean military dictatorship considered an autonomous nuclear weapons program, the North Koreans again expanded their ‘civilian’ nuclear activities and started a commensurate ballistic missile programs (Mazarr 1995; Szalontai/Radchenko 2006).

Ideologically, the North Korean regime has based its rule on a national self-conception of an “oppositional nationalist” (Hymans 2008). Oppositional nationalist regimes, which often feature a sultanistic power structure, define themselves in stark opposition to those of its key comparison others (Ibid.: 263), this is the oppositional side of their self-conception. Since their regimes legitimacy depends on being genuine, they also hold that their “nationalist rule” benefits from holding its head high in its relationship with key significant others. Historian Kathryn Weathersby notes: “The experience of having survived sustained bombing by US planes for nearly three years [in the Korean war] created the dangerous, if paradoxical, combination of profound sense of threat and a faith in the country’s ability to prevail in a future military conflict (Weathersby: 2005: 46).

Legally, North Korea’s nuclear behavior was first bound by its accession to the International Atomic Energy Agency (IAEA) in 1974 and the NPT in 1985.⁴ Only under considerable pressure from its Soviet ally and the US, the North Korean leadership under Kim Il-Sung signed a bilateral Denuclearization agreement with South Korea (December 1991), and a comprehensive safeguards agreement with the IAEA in April 1992, including a first report on its nuclear production facilities and activities the following month. But ensuing IAEA inspections already suggested stark discrepancies in the North Korean report. The agency found that reprocessing campaigns between 1989 and 1991 could have yielded enough plutonium for one to four nuclear weapons, whereas North Korea maintained it had only extracted 100 grams of plutonium. In addition, the incoming Clinton administration released U.S. satellite imagery for the first time to the IAEA. It showed that the DPRK had covered up two nuclear waste sites at Yongbyon prior to the inspections (Fisher 1997).

In early 1993 IAEA Director General Hans Blix called for special inspections in the North Korean case, strengthening the agencies credentials after its failed efforts in Iraq pre-1991. Special inspections were then also demanded by IAEA Board of Governors on 25 February 1993, to be implemented within three months – a first in the IAEA’s history (Mazarr 1995:

⁴ The DPRK signed an item-specific safeguards agreement (INFCIRC/252) on 20 July 1977, placing two research facilities at Yongbyon under safeguards.

95).⁵ The North Korean leadership rebutted IAEA demands and declared, for the first time, its intention to withdraw from the NPT on 12 March 1993. Subsequently, the Board of Governors found North Korea to be in breach of its safeguard obligations and referred the case to the UNSC in accordance with the IAEA Statute (Art. 12c) (Sloss 1995: 861-75).

In hindsight, it is noteworthy that this first legal encounter did not trigger other procedures within the Board's competences: the suspension of peaceful nuclear cooperation programs, the demand for the return of nuclear technology transferred by other IAEA member states or the referral of the question to the International Court of Justice (Art. 12 c and 17, IAEA Statute). Neither the secretariat, nor the IAEA Board of Governors used its full competences and therefore underplayed its role as the representatives of the "organized other".

Concomitant with the IAEA Boards referral, the UNSC in its resolution 825 of 11 May 1993 called upon North Korea to reconsider its withdrawal and admit IAEA inspectors into the country. Most significantly, with 13 votes and abstentions by China and Pakistan, the Council mandated bilateral negotiations aimed at resolving the crisis. Legally, the Council underscored North Korea's treaty obligations while also providing for the possibility of a negotiated resolution as intended by article 33, chapter VI of the UN charter. It did not explicitly criticize North Korea's behavior, but merely referenced the IAEA's position, in which Russia, the United Kingdom and the US went further than the Council by questioning the validity of the reasons offered by North Korea. They did not, however, question North Korea's right to withdraw under Art. X of the NPT as such (Perez 1994: 777).

In effect, the Council delegated its competence to seek a consensual reestablishment of nuclear order to the United States. The People's Republic of China, which had joined the NPT only a year before, supported this explicit ascription of a mediating role to the US through its abstention, but it also signaled to its longtime North Korean ally that it was eager to avoid further entanglement in the conflict between Pyongyang and an "emerging international community" represented by the Security Council. After a losing battle for diplomatic recognition, in which Moscow and Beijing had recognized Seoul, but Washington and Tokyo had not normalized relations with Pyongyang, North Korea thus faced a precarious strategic situation of abandonment and "ontological insecurity" (Kang 2004: 287).

However, after bilateral negotiations with U.S. special envoy Robert Gallucci, North Korea suspended its NPT withdrawal on 11 June 1993 – one day before entering into force –

⁵ 'Special inspections' go beyond the declared facilities a country and are supposed to provide the Agency with on-demand access to suspicious undeclared sites.

without, however, retracting it altogether. In the US-DPRK Joint Statement signed on the same day, the North Korean regime promised to fulfill its NPT obligations and to accept the ‘impartial’ application of full-scope safeguards. Consequently, its role as a compliant NPT member was made conditional on the continuation of negotiations the United States, its new “significant other”. From an “oppositional nationalist” point of view, Pyongyang’s own role behavior was much less dependent on the commitment vis-à-vis an “organized other” – the NPT treaty community. Instead, its own special role in the unequal nuclear order of the NPT hinged upon the recognition and behavior of the most powerful actor in the international community.⁶

The Clinton administration tolerated this conditional role compliance by which Pyongyang’s behavior was linked to Washington’s good faith in negotiating a peaceful solution. In exchange for the North Korean promise to comply with a bilateral reciprocity standard, the US provided assurances against the use of force, including the actual or threatened use of nuclear weapons.

But following the Joint US-DPRK Statement, relations between the IAEA and North Korea deteriorated in the second half of 1993. Now, Pyongyang officially claimed a ‘special status’ in the NPT and “offered” only to maintain the continuity of safeguards inspections by changing batteries and film rolls. The IAEA secretariat, however, was animated by its new found arbiter role to push for unfettered access in strict accordance with its own statute and safeguards agreement. Unsurprisingly, the IAEA’s role taking triggered a strong repeal by the Clinton administration, which pressured the Agency to delay the finding of North Korea being in breach of its safeguards agreement so as to make room for further negotiations before again appealing to the UNSC.

Subsequent US-DPRK negotiations, did indeed result in another bilateral ‘Memorandum of Understanding’ in December 1993, allowing for IAEA inspections of seven known sites, while leaving the question of the alleged storage sites and taking swipe samples open (Wit, et al. 2004: 119-21). But IAEA inspections in March 1994 led to a (foreseeable) escalation of tensions and the breakdown of negotiations: North Korea prevented inspectors from taking swipe samples at the suspected sites, making it impossible to arrive at a complete picture of past reprocessing campaigns and creating serious doubts about the IAEA’s ability to monitor and safeguard the upcoming refueling of the reactor.

⁶ This finding is consistent with Jacques Hyman’s (2008) quantitative analysis of “generic others” in DPRK New Year Statements (1978-2008), cf. Hyman 2008: 283.

For the IAEA, the issue at stake here was accounting for the 1989 shutdown and the ensuing reprocessing campaigns. To fully assess the veracity of the North Korean report, the IAEA needed access to either the alleged fuel dumps revealed by U.S. satellite imagery or to the fuel rods due to be discharged from the 5 MW reactor in 1994. Without access to either of the two, it was virtually impossible for the IAEA to determine how much plutonium had been separated.

In the ensuing drama, North Korea then publicly threatened to reprocess the 8,000 fuel rods the 5 MW reactor contained and began unloading them in May 1994 without IAEA inspectors being present. Even worse for the inspector's role as nuclear accountants, the North Koreans took deliberate measures to further obscure their nuclear history, e.g. not labeling and mixing up fuel rods. On 27 May, IAEA Director General Blix explained in a letter to the UNSC that 60 percent of all fuel rods had been removed so far and that by failing to label and sort them, the North was making it impossible to reconstruct the operating history of the reactor in the future without resorting to (potentially manipulated) operating records. In effect, the IAEA feared, DPRK technicians erased the material footprint of their past (wrong) doings, thereby taking a deliberate step into the grey area of nuclear opacity.⁷

North Korea's brinkmanship resulted in another UNSC Presidential Statement – a resolution pushed by Western members and Russia had been blocked by China – on 30 May (President of the Security Council 1994), strongly urging North Korea to unload the 5 MW reactor in a manner compliant with IAEA requirements. But rather than allowing the IAEA to monitor the reactor's unloading, as demanded by the Agency, North Korea promptly rejected the demands on 2 June and accelerated the unloading of the reactor, preparing for the reprocessing and separation of plutonium.

Under strong appeals from both Seoul and Washington, the Chinese leadership repositioned itself and drew one notch closer to the majority opinion in the IAEA. On June 10th, the IAEA Board of Directors decided with China's vote to suspend all non-medical technical assistance to North Korea, whereupon North Korea declared its withdrawal from the Agency (13 June) and that it would consider any sanctions a 'declaration of war'. Obviously fearing further abandonment, Pyongyang escalated tensions by threatening to expel IAEA inspectors, thereby signaling that it would seek a nuclear-weapon state status if (regime) survival could not be attained otherwise.

⁷ U.S. officials privately challenged this IAEA finding at the time, cf. Sigal 1998: 119.

While the UNSC debated a U.S. proposal for a wide-ranging sanctions regime and the U.S. National Security Council seriously considered bombing the Yongbyon site, a private initiative of former U.S. President Jimmy Carter eased tensions significantly. He met with North Korean leader Kim Il Sung in Pyongyang on 15 and 16 June 1994. Kim agreed to freeze the nuclear program and place it under IAEA inspections in exchange for improved relations with the US and resumed high-level bilateral negotiations. Despite Kim's death on 8 July 1994, the US and North Korea signed the 'Agreed Framework' in Geneva on 21 October 1994.

In sum, from a role theoretical point of view North Korea's altercasting behavior in this period successfully traded the "organized other" – the NPT treaty community – for a specific significant other, the United States. From now on, the DPRK's NPT compliance behavior was conditioned upon reciprocal US behavior, i.e. material benefits and diplomatic recognition, rather than legal obligations vis-à-vis an international community. Such role making behavior by the "deviant member" also changed the role of organizational actors, such as the IAEA secretariat, because it challenged their institutionalized competence do not providing incentives for compliance.

3.2. U.S. Leadership and the politics of reciprocal compliance

In the Agreed Framework – a politically binding executive agreement – North Korea and its new significant other, the US, then codified the DPRK's special new role under the NPT and with regard to the IAEA. In effect, the AF and subsequent legally-binding agreements with the specifically established nuclear consortium, the Korean Peninsula Energy Development Organization" (KEDO), were resocialization institutions to barter financial, economical and diplomatic benefits for North Korean steps to re-enter the NPT and IAEA safeguards system.

The Agreed Framework is – especially in its nuclear provisions – a complicated addendum to the existing nonproliferation regime (Agreed Framework between the United States of America and the Democratic People's Republic of Korea 1994). It lays out a three-step process of re-entry to the NPT and IAEA provisions: First, the DPRK freezes its 'graphite moderated reactors and related programs' (section I, paragraph 3). This includes halting the construction of the two larger reactors, shutting down the 5 MW reactor, the fuel-fabrication and reprocessing plants, and securing the 8,000 fuel rods removed in May 1994. The IAEA monitors this (despite the earlier withdrawal) and the DPRK remains a member of the NPT.

Progress is rewarded by improved economic and diplomatic relations, e.g. the establishment of liaison offices, U.S. negative security assurances and the lifting of trade barriers and sanctions within three months (sections I and II). The US also arranges for the construction of two light-water reactors (LWRs) by a target date of 2003 (IISS 2004: 39). Lastly, 500.000 t heavy fuel oil (HFO) annually compensate North Korea for the energy shortfall resulting from the freeze.

In the second re-entry phase, when ‘a significant portion of the LWR project is completed, but before delivery of key nuclear components’, the DPRK allows IAEA special inspections of the contentious waste sites in order to account for North Korea’s pre-1992 nuclear record. Concurrently, all fuel rods are removed from North Korea. In the third and final phase, the second LWR was to be completed and the Yongbyon site dismantled (IISS 2004: 10-13, 39; Martin 1999: 36f., 2002: 52f.; Wit 1999: 60f.).

To implement the delivery of fuel aid and the construction of the two LWRs, the AF stipulated that the ‘U.S. will organize under its leadership an international consortium’ (sect. I, art. 1). This was realized on 9 March 1995, when South Korea, Japan and the US founded KEDO. Subsequent DPRK agreements with KEDO, were legally binding, although the country was not member of the consortium.

Essentially, the Agreed Framework thus allowed North Korea to trade the gradual uncovering of its nuclear past, including its actual nuclear weapons capacities, for external aid so as to stabilize the Kim regime, a basic bargain that was also to be at the heart of the Six-Party Talks (SPT) begun in 2003.⁸

On 4 November 1994, the UNSC tasked the IAEA with carrying out those inspections mandated by the Agreed Framework, which were then authorized by the IAEA Board of Directors on 11 November (President of the Security Council 1994). This codification of a bilateral amendment to the nonproliferation regime is significant, because it involved not only China but also North Korea’s neighboring states, South Korea and Japan, which accepted North Korea’s nuclear ambiguity.

For the IAEA, the de-facto suspension of the IAEA’s safeguards privileges was problematic, given that for the Agency, North Korea’s safeguards obligations remained intact despite its

⁸ It is important to keep in mind that the consensus in the intelligence community at the time was that the DPRK had probably obtained enough fissile material for one or two nuclear devices (Sic!) through 3 shut-down campaigns of the 5-MW reactor in 1989, 1990, and 1991, cf. Sigal 1998: 92-93. Given the dismal nuclear weapons test in 2006 it is possible, if not likely, that the DPRK leadership traded its intention to build a nuclear bomb rather than a real capacity.

unilateral and unaccepted withdrawal from the NPT and the IAEA.⁹ Against the backdrop of the Iraq debacle, however, the Agency could also significantly strengthen its role as an enforcer in the North Korean case: Not only were new methods of detection and analysis used successfully and the right to special inspections confirmed by the Board of Directors, but also the practice of collecting and making use of information provided by third states was established (Fisher 1997: 4f.). These procedures were then to become essential elements of the 1997 IAEA Additional Protocol, which relies heavily on the use of both open-source and intelligence material provided by member states. Should a state be found to be in violation of its safeguard agreements based on the newly-available information, the case could then be referred to the UNSC.

With regard to the evolution of the nonproliferation regime, it is crucial to note that the AF reflects the fact that the key U.S. concern was preventing further separation of plutonium through enforcing a freeze on existing North Korean facilities, rather than the accounting for past activities. In short: for Washington, arms control took precedence over armament prohibition. Effectively, consideration of the second issue was postponed indefinitely – even though the IAEA had for the first time made use of the ‘special inspections’ instrument.

Unraveling reciprocity: the demise of KEDO

In spite of some technical progress, the KEDO project quickly ground to a halt, with both North Korea and the US time and again trying to make meeting their obligations contingent on new and farther-reaching conditions. North Korea’s offer to cease the export of delivery systems to trouble spots (South Asia, Middle East) and building activities in exchange for ‘financial incentives’ is a case in point. On the U.S. side, after a landslide victory in November 1994, the newly-Republican Congress attempted to significantly broaden the North Korean agenda by introducing missile proliferation and human rights issues, and in turn making the Agreed Framework contingent on North Korean accommodation on these topics (Hathaway and Tama 2004; Martin 2002: 55-7).

North Korean military provocations, such as 1996 submarine infiltration incident and the 1998 intermediate-range Taepodong-1 missile tests, decreased the willingness to follow

⁹ This interpretation is shared by the UN Security Council (President of the Security Council 1994; UN Security Council 2006, *passim*). Interestingly, this reading hinges on the view that the DPRK is still party to the NPT, since North Korea’s Safeguard agreement stipulates that it remains in force only as long as the DPRK is a member of the NPT (IAEA 1992, art. 26).

through on the agreement in the KEDO states. An attempt by the Clinton administration to revitalize the KEDO project by proffering a comprehensive solution, including the question of delivery systems exports, culminated in a series of high-level meetings in the fall of 2000, with North Korean Vice Marshal Jo Myong Rok visiting the White House and Secretary of State Albright going to Pyongyang and meeting Kim Jong Il. However, despite this promising start, the initiative faltered in December 2000 and during the transition period, due not least to the incoming administration's very different views on North Korea (Martin 2002).

In sum, in this period the DPRK's nuclear defiance appeared to pay off by establishing the United States as a permanent "significant other" for the opposition al nationalist regime. Over the coming years, the United States bilaterally and through KEDO provided crucial economic aid and political recognition during a period when the North faced a very serious food and leadership succession crisis (Manyin/Nikitin 2008). Furthermore, US diplomatic leadership, which relied on UNSC, IAEA BoG and KEDO support, also established a genuine, case-specific nuclear non-armament regime that allowed North Korea to trade its retreat from nuclear defiance for its own regime survival. While China's role making – the abstention in the UNSC vote on resolution 825 and the vote in favor of the cessation of IAEA aid to North Korea – was significant in effectuating North Korean brinkmanship, U.S. responses to Pyongyang's altercasting behavior were clearly the driving force throughout this period.

3.3. The 2002-2003 Nuclear crisis: towards a Sino-American duopoly

Under George W. Bush's administration, US nonproliferation policy oversaw a significant change of track in dealing with North Korea. While the last months of the Clinton presidency had seen high hopes for reaching a comprehensive arrangement with the DPRK, these soon faltered after Bush's inauguration. The KEDO project and the underlying nuclear non-armament arrangement quickly entered troubled waters, with voices opposing any cooperation with so-called 'rogue states' quickly gaining the upper hand within the administration. After completing its North Korea policy review in June 2001, Washington now demanded the complete, verifiable, and irreversible dismantlement (CVID) of nuclear facilities. Furthermore, after the 9/11 attacks the U.S. president announced in January 2002 that his administration would proactively counter states of the so-called 'Axis of Evil', which included North Korea.

In March 2002 then, the Bush administration for the first time refused to certify North Korean compliance with the Agreed Framework, a necessary precondition for Congressional authorization of funds to meet U.S. KEDO obligations. It claimed that from a legal perspective, North Korea was in ‘anticipatory breach’ of the Agreed Framework, which set the date for the first inspection concurrent with the delivery of the first critical components of the first LWR to North Korea (scheduled for mid-2005). Nonetheless, to keep the Agreed Framework from collapsing and ensure heavy fuel oil shipments could continue, Bush waived the certification requirement (Office of the Press Secretary 2002).

The U.S. chief negotiator of the 1994 agreement, Gallucci, and KEDO representatives vehemently criticized this interpretation and Washington’s Asian allies now strongly pushed for direct bilateral talks between the US and North Korea. When these eventually took place in October 2002, the U.S. delegation to Pyongyang confronted the North Koreans with intelligence suggesting that they were pursuing a secret uranium enrichment program (Sanger 2002). While there has been considerable debate over the exact wording, the members of the delegation took North Korean statements as an admission of having such a program and claiming it had a right to develop nuclear weapons if it felt threatened.¹⁰

This encounter caused a severe crisis: The US now declared that North Korea was indeed in “non-compliance” with the Agreed Framework, the contracts with KEDO, and the inter-Korean denuclearization agreement. The other KEDO states reluctantly followed suit by suspending heavy fuel oil deliveries from November. In reaction, North Korea ended the 1994 freeze by removing IAEA seals and surveillance equipment, eventually evicting all IAEA inspectors in the second half of December 2002 (IAEA Director General 2003: Art. 7-10).

Analytically, the crisis was caused by the United States attempt to altercast North Korea into a role similar to that of “Iraq”, another defiant member state of the US-dominated nonproliferation regime. From Pyongyang’s point of view, the Bush administration simply changed the rules of compliance with the AF: whereas the DPRK sought to trade its nuclear history, if at all, for a full recognition and support by the United States, Washington now insisted that Pyongyang had to open its past nuclear dealings upfront (Harnisch 2002).

Technically, North Korea was now in a position to over time reprocess the 8,000 fuel rods removed from the 5 MW reactor. On 10 January 2003, North Korea declared its withdrawal from the NPT ‘with immediate effect’, arguing that the three month lead time stipulated by

¹⁰ For a first-hand account of the meeting and its aftermath, see Pritchard 2007: 34-40.

the NPT had passed between 12 March and 11 June 1993, after it had first announced its intention to withdraw (KCNA 2003).

The majority of the international community and the involved international organizations did not accept North Korea's original withdrawal (12 March 1993), the suspension thereof (11 June 1993), and the retraction of this suspension (10 January 2003) (Asada 2004). In the aftermath, however, the UNSC was unable to arrive at a common position. Both Russia and China opposed potential punitive measures. After a session on 9 April 2003, the Council's president reported merely that the Council supported further diplomatic efforts (du Preez and Potter 2003).

PRC diplomatic leadership and Six-Party Talks (2003-2008)

Against this background and the quickly evolving drama in the UN Security Council over the Iraqi weapons programs, China launched a new multilateral initiative to arrive at a regional, diplomatic solution of the conflict.¹¹ Concurrently, the UNSC emerges as a much more active player during this phase, creating a legally binding case-specific non-armament regime to address the DPRK case. From a role theoretical perspective, North Korea's tit-for-tat escalation and Washington's determination in the case of Iraq triggered Beijing's first major nonproliferation initiative.

Pressured by China, North Korea in April 2003 agreed to three-way talks, which expanded into the so-called Six-Party Talks, with the US, North Korea, China, Russia, South Korea and Japan participating. These talks were aimed at preventing – at least for the time being – any increase of the North Korean nuclear weapons potential. In the long run, however, they also aimed at the complete denuclearization of the Korean peninsula (Harnisch/Wagener 2010). The first four rounds of talks saw only very limited progress, at one point adjourning for more than a year, while North Korea accelerated its nuclear activities and declared itself a nuclear power on 10 February 2005 (Nikitin 2009: 1).

North Korea's brinkmanship repeatedly resulted in South Korean, Japanese and Chinese urgings towards the Bush administration to drop its CVID precondition in favor of softer step-by-step approach. They were finally successful: the Joint Statement of the six parties of 19 September 2005 provides for North Korea to give up all its nuclear weapons and programs, return to the NPT at an early time, and comply with its safeguards obligations. In

¹¹ Facing heavy bureaucratic infighting, U.S. Secretary of State Colin Powell was instrumental in suggesting the format and Beijing's role as the host of the preliminary trilateral talks in April 2003, cf. Pritchard 2007: 62.

exchange, the US reaffirmed that it had neither nuclear weapons in South Korea nor any aggressive intentions against North Korea. South Korea confirmed it possessed no nuclear weapons and that, in accord with the 1992 'Joint Declaration of the Denuclearization of the Korean Peninsula', it would not strive for them. All participants accepted North Korea's declaration that it had the right to peaceful uses of nuclear energy. Furthermore, they promised to discuss the delivery of LWRs (and thus the de facto resumption of the KEDO process) 'at an appropriate time' (Huntley 2007: 471).

The ink on the paper had not dried before different interpretations of the document became evident (Chinoy 2008: 249-51; Pritchard 2007: 102-27). U.S. negotiator Christopher Hill had to read out a statement drafted by Vice President Cheney's office, which made further negotiations contingent on conventional disarmament and progress on human rights (Rozman 2007: 610). Furthermore, hawks in the Bush administration passed financial sanctions against the Macao-based Banco Delta Asia (BDA), which held North Korean accounts worth \$25 million. None of the charges leveled against the DPRK, including money laundering, counterfeiting, and other illicit activities, were new, so the timing indicates the hawks' reassertion of control (Pritchard 2007: 131).

U.S. financial sanctions were the main obstacle to further talks after the DPRK had sounded out the unchanged U.S. position in the first session of the fifth round in November 2005 (Moore 2008: 13). Facing stiffened U.S. sanctions and the refusal to provide economic aid in exchange for a freeze, North Korea escalated the conflict again throughout 2006: After testing its Taepodong-2 missile on 4 July, the U.S. national holiday, and several other missiles the day after, North Korea detonated a small nuclear device yielding less than one kiloton on 9 October (CNS 2006).

This time around, North Korea's provocative altercasting galvanized international criticism, as reflected by the UNSC reacting promptly and increasingly in unison: In reaction to the missile test, the UNSC – albeit after considerable internal controversies pitting the US and Japan against Russia and China – passed resolution 1695 on 15 July 2006. It called on North Korea to suspend all missile-related activities, including production, export, and tests, and further called for its return into the NPT, the IAEA safeguards system, and the Six-Party Talks. The resolution furthermore mandated the cessation of all trade related to missile technology and weapons of mass destruction with North Korea.¹²

North Korea's announcement of a nuclear test on 3 October further closed the ranks: On 6 October, the UNSC President declared that the test would pose 'a clear threat to

¹² The operational sections, however, were not based on chapter VII (Lee 2007).

international peace and security’, indicating its willingness and ability¹³ to act under chapter VII of the UN charter (President of the Security Council 2006).¹⁴ In response to the 9 October test itself, the Council unanimously and with no abstentions passed resolution 1718. Explicitly acting under chapter VII (art. 41) of the UN Charter, it created a comprehensive and legally binding sanctions regime in order to contain and roll back of the North Korean nuclear weapons programs, beyond the NPT and IAEA obligations no longer observed by North Korea.

With resolution 1718, the Council broke new ground and significantly extended the existing nonproliferation regime. Acting under chapter VII, it demanded that North Korea ‘return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards’, while simultaneously putting targeted economic sanctions in place. Demanding North Korea’s return is, however, legally dubious, given that the NPT’s depository nations and the Security Council never accepted North Korea’s withdrawal in the first place (Fisler Damrosch 2009: 182). Still, the Council demanded and decided that North Korea completely, verifiably and irreversibly abandon all nuclear weapons, nuclear weapons-, WMD- and missile programs. Further, resolution 1718 demands that North Korea provide the IAEA transparency measures extending beyond these [NPT and INFCIRC/403 safeguards] requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA (para. 6, UNSC Res. 1718).

Effectively, the Council created a case-specific non-armament and nonproliferation regime for a country demonstrably in violation of its safeguards obligations and the NPT,¹⁵ from which it had unilaterally withdrawn. What the Council did not do, however, is equally important: It did not impose comprehensive sanctions targeting the North Korean economy as a whole, thus allowing South Korea and China to continue their extensive trade and investment activities. Furthermore, the Council did not specify deadlines or behavior that would trigger further sanctions.

¹³ As opposed to resolutions, Presidential Statements are not voted on and thus usually reflect consensus opinions (Aust 2010: 194).

¹⁴ Chapter VII stipulates that the UNSC, having determined that there exists a threat to the peace, breach of the peace, or an act of aggression under art. 39, can impose sanctions (art. 41) or use military means (art. 42) ‘to maintain or restore international peace and security’ (art. 39). Crucially, actions taken under chapter VII are legally binding for all UN member states (art. 48).

¹⁵ By testing a nuclear device as a non-nuclear-weapons state and exporting nuclear technology.

Table 1: Six-Party Talk Process

Round	Duration	Results
1	27–29.08.03	
2	25–28.02.04	Chairman’s statement
3	23–26.06.04	Chairman’s statement
4	26.07–07.08.05 (1st session) 13–19.09.05 (2nd session)	Joint Declaration 19.09.05: DPRK promises dismantlement of nuclear facilities in exchange for incentives, US promise future normalization of relations.
5	09–11.11.05 (1st session) 18–22.12.06 (2nd session) 08–13.02.07 (3rd session)	US impose financial sanctions after nuclear test; Initial Actions for the Implementation of the Joint Statement 13.02.07
6	19–22.03 and 18–20.07.07 (1st session) 27–30.09.07 (2nd session) 10–12.07.08 (3rd session) 23.07.08 (informal meeting in Singapore) 08–11.12.08 (4th session)	Second-Phase Actions for the Implementation of the Joint Statement, 03.10.07: DPRK promises freeze, verification and eventual dismantlement of its plutonium facilities in exchange for being removed from the U.S. list of State Sponsors of Terrorism

The impetus for taking up the SPT process again was a change in U.S. North Korea policy in the fall of 2006. The unexpected loss of both houses of Congress to the Democrats in the November mid-term elections turned Bush into a lame duck over night. Encouraged by the Democrat’s victory, Governor of New Mexico Bill Richardson now attacked the administration’s ‘out-sourcing’ of DPRK policy to China and called for direct talks with North Korea (ICG 2006: 14). In addition, the shifting domestic power relations forced a number of pivotal hawks on North Korea to leave the administration: Secretary of Defense Rumsfeld quit effective 18 December, UN ambassador Bolton resigned expecting his recess appointment would not be confirmed, and Under Secretary of State for Arms Control and International Security Robert Joseph left in late January (Martin 2007: 21).

Late 2006 saw an ‘abrupt about-face in North Korean policy’ (Kim 2008: 3), with the US agreeing to secret bilateral negotiations in Berlin in January 2007. In the talks, U.S. negotiator Christopher Hill and his North Korean counterpart agreed on the outlines of another ‘Denuclearization Action Plan’ intended to implement the 2005 Joint Statement. This time and making several significant concessions, the Bush administration reached a legally non-binding agreement with North Korea at the end of the third session of the sixth round. Its immediate provisions largely resemble the Geneva Agreed Framework: Within 60 days, North Korea freezes the Yongbyon facilities and allows IAEA inspectors to verify this.

In exchange, the DPRK receives 50,000 t HFO from South Korea. Additionally, the US initiates the process of removing North Korea from the list of State-Sponsors of Terrorism, exempts it from the Trading with the Enemy Act, and releases the BDA funds within 30 days. Washington not only eased its financial sanctions aimed at Pyongyang, it also stopped making the removal of North Korea from the List of State-Sponsors of Terrorism contingent on the complete, irreversible, and verifiable dismantlement of the Yongbyon facilities.

Consequently, 2007 and 2008 saw some promising developments, culminating most graphically in North Korea blowing up the cooling tower of the 5 MW reactor in Yongbyon in May 2008. Furthermore, the BDA funds were unfrozen and transferred to North Korea, the Yongbyon shutdown verified by the IAEA in June and July, and an agreement on how to proceed in dismantling the Yongbyon facilities reached in October 2007. Eventually, the US even lifted the sanctions under the Trading with the Enemy Act.

However, implementation again ground to a halt in the fall of 2008, with verification measures emerging as a potential deal breaker as the Bush administration proposed an extensive and intrusive regime in July 2008, demanding access to facilities all over North Korea (Nikitin 2010: 19). The DPRK rejected the draft, arguing that only the 15 facilities named in the nuclear declaration should be subject to inspections. President Bush decided not to remove North Korea from the list of State Sponsors of Terrorism on 11 August, pending progress on the verification regime.

The DPRK reacted by halting disablement and on 18 September announced it would recommence reprocessing, asking inspectors to remove monitoring equipment and seals on 22 September (IAEA Director General 2009). A trip to Pyongyang in early October by U.S. chief negotiator Christopher Hill resulted in an unknown inspection agreement, which led Bush to remove North Korea from the State Sponsors of Terrorism list on 11 October (Niksich 2009). Even though North Korea resumed disablement activities and allowed the reinstallation of monitoring equipment, the remaining months of the Bush tenure were marred by controversy over the exact content of the verification deal, especially concerning environmental sampling, which the DPRK refused to permit.

In sum, this period saw a demise of legitimate US hegemonic leadership as indicated by the increased efforts by both US allies in the region (Japan and South Korea) and China to “moderate” US role taking. This altercasting is evident in the reluctance to freeze and end the KEDO process, in the Chinese insistence not involve the Security Council after the DPRK had proclaimed its withdrawal from the NPT and the sustained effort by all three states to focus US policy in the Six-Party-Process on nuclear armament control. But the

Bush administration's effort to prevent North Korean Nuclear weapons through diplomatic coercion not only failed. North Korea's subsequent nuclear test galvanized the nonproliferation community and established the UN Security Council as the primary forum for conflict resolution. Paradoxically, North Korean brinkmanship, which was addressed towards the "significant other", led to the (re-)establishment of the UN SC as the "organized other". Effectively, the Council became a forum to rewrite the rules of the non-proliferation regime for defiant member states in non-compliance or states claiming non-membership.

North Korean defiance and the Obama administration: towards a concerted response

Under the Obama administration, which had committed itself to engage the so-called "axis of evil", tensions have yet to ease. In quick succession, North Korea declared all political and military agreements with South Korea and the 'Northern Limit Line' void – in the case of the 1953 armistice, for the fifth time since 1994 (Oh/Hassig 2010: 92). On 5 April it claimed to have launched a satellite into space on a long-range missile and reacted sharply when the UNSC's president criticized this as a violation of resolution 1718, declaring its intention to pursue uranium enrichment repeatedly in April, June, and September (KCNA 2009a, 2009b, 2009c, 2009d). Furthermore, North Korea conducted a second, more sizeable nuclear test on 25 May 2009 (ICG 2009a) and medium-range missile tests on 4 July.

Most analysts hold that Kim Jong Il's alleged serious illness and the impending power transition are responsible for the brinkmanship in spring of 2009. While the succession may have been an important driver, DPRK statements during that period suggest an ever-increasing number of countries, including the PR China, are perceived as threatening. In the spring of 2009, Chinese media openly started to criticize Pyongyang's nuclear policies and Chinese officials strongly urged restraint in testing further missiles or satellites (Zhang 2009; ICG 2009b). With regard to the engagement policy of the Obama administration, the official newspaper of the Communist Party's Central Committee, Rodong Sinmun, proclaimed for example: "The present U.S. administration is talking about what it calls 'change' and 'bilateral dialogue,' but it is, in actuality, pursuing the same reckless policies followed by the former Bush administration to stifle the DPRK by force of arms (cited in Ogilvie-White 2010: 122)".

The second nuclear test resulted in another tightening of the existing sanctions regime through UNSC resolution 1874 (Nikitin et al. 2010; Roy 2010: 5), which prohibits all North Korean weapons exports and authorized all states to board and inspect suspicious vessels.

This amounts de facto to a multilateralization of the 2003 US-led Proliferation Security Initiative (PSI) (Valencia 2010), without, however, creating new grounds for inspections: The resolution explicitly refers to existing international law and makes inspection contingent on ‘convincing reasons’ of the inspecting state, and the assent of the state under whose flag the ship is registered or in whose waters the inspection is to occur (Padilla n.d.).

The will of North Korea’s neighbors to provide convincing reasons and their ability to force suspicious vessels into ports will be decisive for the resolution’s implementation. While India and Pakistan, both important transit states, have cooperated, China’s implementation of the resolution remains less certain – as is underscored by the burgeoning trade between the two countries, which has been unaffected by sanctions (Haggard/Noland 2010: 541, 557; Noland 2008). North Korea’s use of cargo airplanes further complicates interdiction, as these cannot be inspected after takeoff and some modern airplanes could reach e.g. Iran without refueling, during which weapons deliveries have previously been intercepted (e.g. in Bangkok, 11 December 2009) (Nikitin et al. 2010: 6f.). This is further exacerbated by the likelihood of North Korea transporting high-value cargo by air rather than sea.

After resolutions 1718 and 1874 entered into force, a growing number of shipments of conventional weapons were intercepted in the United Arab Emirates, South Korea, South Africa and Thailand (ICG 2010; Panel of Experts 2010: 26). North Korea’s long-standing cooperative relations with various states in the Middle East (Iran, Syria, Libya, Yemen) and Asia (Pakistan, Burma) in the field of missile and nuclear technology indicate, however, that it is willing and able to circumvent existing sanctions and to sell or barter its know-how and technology to other actors (Chestnut 2007; Hecker/Liou 2007).

North Korea is also suspected to have exported nuclear technology to inter alia Syria, Iran, and maybe Burma during its NPT membership until January 2003. These states then used it in undeclared facilities, i.e. without the safeguards mandated by the NPT (Albright et al. 2010; Htut 2010; Lin 2008). If this is case, North Korea violated art. III, para. 2 of the NPT. If one is of the opinion that North Korean membership in the NPT did not end in 2003, the since-proven cooperation with Syria on its Al-Kibar reactor would be a further violation of the NPT. At the very latest, however, UNSC resolution 1718 (14 October 2006) forms a legally-binding prohibition of the export of nuclear technology and material by North Korea (Joyner 2008).

The Council has to date not directly addressed the cooperation between North Korea and Syria. The Al-Kibar case thus far rests with the IAEA. Nonetheless, the Council did react indirectly by acquiescing to the Israeli preventive strike on the facility on 6 September 2007,

as did the majority of the international community. Legally speaking, the Council thus accepted that a nuclear-weapon state outside of the NPT (Israel) took military action against a non-nuclear-weapon state within the NPT (Syria) that has probably violated its safeguards agreements (Spector/Cohen 2008). Political considerations, especially signaling to Iran, may have led the Council to accept this illegal behavior (Asharq Alawsat 2008).

The Council is also divided over the question of whether and if so how it should respond to the sinking of the South Korean corvette *Cheonan* on 26 March 2010 and subsequent provocations. The South Korean government accuses North Korea of having torpedoed and sunk the *Cheonan*, which was close to the Northern Limit Line during a maneuver at the time, which the North Korean military summarily denies (KCNA 2010; The Joint Civilian-Military Investigation Group 2010). South Korea maintains that the SPT should be suspended for the time being and the UNSC involved. Just as in the case of enforcing the sanctions enshrined in UNSC Res. 1718 and 1874, China advocates a policy of restraint and rejects further sanctions (ICG 2011). In sum, in this last period overtures by both the Obama administration and the Chinese government have been met through provocations by the “oppositional nationalist” regime in Pyongyang. But the sinking of the South Korea corvette and the subsequent shelling of the island Yonp’yong in 2010 have not led to a further closing of ranks in the Security Council, as Beijing seeks greater political influence through intensifying its bilateral political and economic support during the succession period in Pyongyang. Beijing’s recent shift may well have something to do with its opposition towards a perceived strategic return of the United States towards Asia (Glaser/Billingsley 2011).

4. Conclusion and implications of the Iranian Case

Roles and institutions are not yet (sufficiently) linked in the IR literature. Roles define rights and obligations through ego and alter expectations also but not only in highly institutionalized contexts. Institutions yield particular roles for organizational actors, but the latter depend not only of codified rules but also on actual role performance by organizational and other actors. Nonetheless, as this paper has argued, there is a conspicuous relationship between the two.

First, as the North Korean example indicates, role making by ‘outsiders’ exercises considerable social power by altercasting the roles of both states and institutional actors. In the case of the hierarchical order of the non-proliferation regime, the regime’s stability

rested with both states, the United States and China in particular, and institutions, the IAEA and the UN Security Council. The regime remained 'stable' as long as the United States accommodated the "oppositional nationalist" regime in Pyongyang as the significant other with a special status under the Geneva Agreed Framework. This bilateral social institution considerably amended the existing NPT/IAEA system by redefining the benefits for compliance for North Korea, changing the rules of the IAEA safeguard system and establishing a new international consortium (KEDO) to support the United States in providing private goods to North Korea and a public good, security, to Northeast Asia. Second, the regime turned unstable when the Bush administration withdrew from that significant alter role. By altercasting North Korea into a non-compliant status under AF, the Bush administration not only threatened the DPRK materially, but also challenged the regime ideologically. Against the incipient opposition of other KEDO members, the US declared the process void, thus redefining the DPRK's "oppositional nationalist role". Subsequently, the DPRK leadership held its head up high and took deliberate steps to take on another role: leaving the NPT in January 2003, declaring itself an nuclear weapon state in 2005 and testing a (mediocre) nuclear devices in 2006. Social power differentials may explain why the hegemon wasn't able to stabilize the existing nonproliferation through a UN Security Council resolution, sanctioning North Korean defiance. In February 2003, at the height of the Iraq crisis, the United States' authority, i.e. rightful rule, to determine non-compliance unilaterally, was fragile – at best (Fehl 2008). Accordingly, China and Russia blocked any serious Security Council action on North Korea, a situation which continued until the Bush administration recovered some trust through its considerate Iran policy (see below).

Third, as an 'oppositional nationalist nuclear weapon state', North Korea adopted a brinkmanship strategy which galvanized the international non-proliferation community and led to several institutional changes: the establishment of the Three- and Six-Party Talks process, the establishment of the UN Security Council as a legislator in non-proliferation law through various resolutions and the IAEA as an invigorated investigative organ of the international non-proliferation community. However, as the recent Chinese acquiescence to Pyongyang's recent provocation indicates, role behavior towards defiant states is not shaped by their altercasting alone. Rather, rising Great Powers, such as China, may define their own role with regard to the dominating state, i.e. using North Korea as a buffer for the US-ROK alliance, or domestic concerns rather than the "organized other."

Fourth, the trend towards declining US altercasting power and the revelation of limited Chinese role making bode ill for a stable nuclear order. China's role as a substantial regime supporter – through ever increasing transfers – and its role as a responsible stakeholder of the UN-based nonproliferation regime do clash at times. When do they, they send mixed signals towards an “oppositional nationalist regime” which strives upon crisis and one-man-up brinkmanship. Although both, the United States and China, are not likely to drastically change their role on the Korean peninsula, they may have to accept their limited impact on the regime in Pyongyang.

Implications of the Iranian case

The role theoretical framework above suggests a close look at Iran as the other defiant state in the non-proliferation community. From a comparativist's perspective, we may ask whether and how Iran and other states shaped their role vis-à-vis the United States and the “organized other” in the IAEA and UN Security Council. From a role theoretical point of view, it is important to ask whether the Iranian leadership holds an “oppositional nationalistic” self-perception too which may result in similar interaction dynamics. From an institutionalist's perspective, we may consider how role taking by Iran and other powers involved has changed the NPT regime.

To begin with, most scholars contend that Iran started its nuclear (weapons) program in the mid-1980s when the country came under attack from Iraq with chemical weapons (Cirincione et al. 2005: 298). Iran's clandestine nuclear activities remained out of sight of IAEA inspector's until 2002, when an oppositional group accused Tehran of building a secret uranium enrichment plant in Natanz and a heavy water production facility in Arak. Since then, the IAEA has not made a determination that Iran has pursued nuclear weapons, but the agency has also not been able to conclude that the program is only for peaceful purposes (Kerr 2011).

A closer look reveals that there are conspicuous similarities between the Iranian and North Korean cases: First, in March 2003 the Iranian regime offered Washington a so-called “comprehensive deal” through the Swiss government which would ultimately have involved the normalization of relations between the U.S. and the Islamic Republic of Iran (IRI). When the Bush administration rejected the overture, France, Great Britain and Germany launched the so-called EU3 initiative to mediate between the two and to moderate U.S. behavior (Harnisch 2007). In two political agreements (Tehran and Paris) the EU3 sought to trade

Iran's foregoing of further uranium and enrichment and plutonium reprocessing for the postponement of a referral to the Security Council. Here, as in the case of the Six-Party Talks, we see concerned powers taking the initiative to mediate between the US and a defiant state in the nonproliferation regime.

Second, while the Bush administration came to accept the EU3 initiative grudgingly – starting to offer limited material support in February 2005 – the U.S. withheld crucial security assurances for Tehran, thus signaling only a limited commitment to reciprocate cooperative Iranian behavior (Leverett 2006: 16). In reaction, the Iranian regime lifted its “voluntary” freeze on uranium enrichment, which in turned triggered the referral by the IAEA BoG to the Security Council in February 2006. Here, as in the case of China's SPT initiative, concerned powers were ultimately unable to altercast the defiant state into a compliant member without the tacit and comprehensive support of the US.

Third, role taking efforts by organizational actors, the IAEA secretariat and the UN Security Council have evolved considerably over time. In the beginning of the conflict, the EU3 initiative clearly underpinned the IAEA's role as an investigative organ, because Iran signed the Additional Protocol in December 2003 – as a consequence of the EU-Iran Tehran Agreement – and agreed to implement the protocol pending ratification.¹⁶ Also, when multilateral EU3+3 negotiations hit a dead end in summer 2007, then-IAEA Director General took the initiative and negotiated a “work plan” to clarify the outstanding issues. In contrast to the North Korean case, UN Security Council action has set in late. The Council President issued a first (not-legally binding) statement which called on Iran to take all steps required by the IAEA board in February on March 29, 2006. Since then, the Council has adopted six resolutions 1696 (July 2006), 1737 (December 2006), 1747 (March 2007), 1803 (March 2008), 1835 (September 2008), and 1929 (June 2010). Over the course of this process, the Council has substantially expanded its own role, i.e. competences, by de facto adjudicating safeguards (and/or treaty) violations and imposing sanctions accordingly. In Res. 1696, based on Art. 40 UNCH, the Council made mandatory the IAEA-demanded suspension of uranium enrichment and plutonium reprocessing. In the following resolutions, however, the Council decided – based on Art. 41 – that Iran must suspend these activities and subsequently broadened the scope of sanctions considerably. In effect, the Council has thus stipulated that members in non-compliance with their IAEA safeguards (and/or NPT) obligations may be (temporarily) stripped of their codified “inalienable right... to develop,

¹⁶ After the EU-3 had supported the referral to the UN Security Council Iran stopped adhering to the Protocol in 2006.

research, production and use of nuclear energy for peaceful purposes” under Art. IV of the NPT. Again, the nonproliferation regime has been amended substantially through the interaction with a defiant state.

In sum, the limited character of this section bears repeating. Therefore, the conclusions are (very) tentative. The purpose of this section was to demonstrate the feasibility of a comparative analysis of the North Korean and Iranian case, drawing on role theory. The findings do not offer concluding proofs that the Iranian leadership holds an “oppositional nationalist role” or that the powers concerned will tolerate a “Nuclear Iran” as in the North Korean case. However, it does suggest a role theoretical framework for comparative analysis of defiant states and the effects of their role taking behavior. While North Korea and Iran have not been able to sway the destiny of the existing nonproliferation, their defiance has substantially changed its social and institutional order.

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