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# Back Channel Negotiations and *Dangerous Waiting*

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## **Introduction**

In times of unfettered international threats, the wise advice of Thomas Schelling deserves attention. Tom prized communication. He stressed the need for enemies to establish channels of communication so that neither chance events nor innocent acts would be misinterpreted and thereby escalate a crisis, and possibly lead to catastrophic consequences. Tom was the intellectual father of the hotline that has connected first the Soviet Union and now Russia to the United States from 1963 to the present day. He worked tirelessly with international missions between the two nations, seeking to establish better communication and its hopeful follow-on, greater trust. In the current Syrian conflict, Russian and U.S. forces – albeit aligned on opposite sides – communicate regularly to avoid force-to-force clashes. Tom also emphasized the importance of tacit communication between adversaries in order to avoid the hostilities mistakes can produce.

Tom observed that in the era of nuclear weapons, given the ability of nations to inflict massive losses on each other, the payoffs from cooperation intended to avoid active hostilities were greatest between nations that were adversaries. He saw that neither war nor its avoidance is a zero-sum game. He did not believe that communication could solve every question of conflict. “War cannot be made impossible,” he once wrote (Schelling 1961: 722). But he did believe that effective communication could avoid many conflicts (1961).<sup>1</sup>

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For instance, he identified the violent conflict between the United States and Communist China during the Korean War as a consequence of a two-way communication failure (Schelling 2008).

In support of his work on conflict avoidance, Tom analyzed some of the central strategies available to those communicating with an enemy, including how to dissect the essential elements of promises and threats. He was also vitally concerned with securing agreements to control armaments and to avoid or terminate hostilities. Such agreements are invariably produced through negotiations. Hundreds of books and thousands of articles have been written about negotiations and the benefits that both parties can achieve. Comparatively few of these works, however, have discussed the challenges of getting two hostile parties to begin negotiations or the dangers that lurk during the period of waiting before negotiations commence.

We believe that back channel negotiations (BCN) have provided and will continue to provide a critical mechanism that enables enemies to find cooperative solutions. We examine its usefulness and apply our insights to the current rapidly evolving situation between the United States and North Korea. (The initial version of this paper was written when Donald Trump and Kim Jong-un were hurling threats and insults at each other. It was completed in April 2018, when back channel communication (BCC), with South Korea playing a prominent role, created the potential for their face-to-face meeting.)

## **BCN in the World**

This article explores how BCN can lead to more formal negotiations. We utilize simple game theory in our analysis, much as Tom did to examine so many issues of international relations. We find that BCN can help states avoid the costs illustrated in the game that we call *Dangerous Waiting*. In that game, the threat of hostilities between enemy nations continues until they agree to mutual de-escalation measures. The until-recent situation of threat and counter-threat between North Korea and the United States exemplifies the *Dangerous Waiting* scenario. Back channel negotiations obviously incur costs, but also benefits. On balance, we feel that BCN is an effective approach to moving to a safer situation than the scenario that *Dangerous Waiting* depicts.

We define BCN as a discreet – that is, nonpublic – effort between two or more parties to tackle an issue, including how to get official negotiations under way (see Pruitt 2008; Wanis-St. John 2010).<sup>2</sup> Frequently, as was surely the case with the United States and North Korea prior to North Korea's participation in the 2018 Winter Olympics, the initial BCN facilitates a move to active front channel negotiations (FCN). Parties may negotiate directly with one another discreetly, or they may authorize intermediaries to mediate or negotiate discreetly on their behalf. Today, South Korea is involved both as a

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participant and as a critical intermediary. (It also would be a likely victim were this “dangerous waiting” situation to lead to hostilities.)

The proposed direct negotiations between United States President Donald Trump and North Korean leader Kim Jong-un would never have been a possibility absent BCNs which, we believe, mostly involved North and South Korea, or without the direct intermediary participation of South Korea and its president, Moon Jae-in.

Following Tom’s example, we will illustrate the momentous by looking at the mundane, much as he illuminated threats and promises between nations while examining those between parent and child.<sup>3</sup> Back channels are used frequently for negotiating life issues. Consider the case of two high school students, A and B, as potential dates for a school prom. It is easy to imagine A asking a friend, C, to talk to B about B’s availability and willingness to be A’s date to the prom. Doing so saves A the potential humiliation and awkwardness of a rejection. If A learns through a back channel that B is willing to go to the prom, the expected cost of asking B later directly drops significantly, although not entirely (we acknowledge it is never easy to ask someone on a date, however, likely a “yes” may be). In the case of the United States and North Korea, President Moon played the role of friend C.

In international politics, as in teenage dating, BCN may function as the first stage in a minuet. It often precedes a public phase of negotiation, and we will focus here on its path-finding role. Former U.S. Secretary of State Henry Kissinger, to illustrate, was famous for using diplomatic back channels to communicate with adversaries. The 1993 Oslo Accords negotiated between the Israelis and Palestinians were preceded by and made feasible by BCN. So, too, were the 2014 U.S.-Cuba détente and the 2015 U.S.-Iran nuclear deal.

In the summer and early autumn of 2017, back channels returned to the fore of U.S. foreign policy. Over the summer, Trump and Kim traded ever more aggressive threats of potentially devastating attacks on each other’s nation, plunging U.S.-North Korea relations to their lowest point since the 1950-1953 war. Escalating beyond threatening words, the United States moved aircraft carriers into the region and conducted military exercises, and North Korea launched long-range missiles and conducted a nuclear test.

On September 30, 2017, suggesting a step back from a precarious brink, Secretary of State Rex Tillerson announced that the United States had two or three direct back channels of communication with North Korea in order to address and de-escalate the crisis (Sanger 2017). But after Tillerson’s announcement, Trump immediately tweeted aggressively, denouncing these efforts and escalating his rhetoric.<sup>4</sup>

The four months that followed saw actions that continually raised and lowered the temperature. On November 28, 2017, the North Koreans launched an intercontinental ballistic missile (ICBM) with a range capable of hitting anywhere in the United States. Following a visit to North Korea a week later, the United Nations Under-Secretary General for Political Affairs, Jeffrey

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Feltman, called North Korea “the most tense and dangerous peace and security issue in the world today” (Cullinane 2017). One day after that announcement, on December 12, 2017, Tillerson publicly announced a willingness to negotiate without preconditions (Gaouette and Berlinger 2017). Two weeks after that, on New Year’s Day, North Korea’s Kim tacked deftly in the same direction by announcing a willingness to discuss North Korean participation in the 2018 Winter Olympics to be held in February in Pyeongchang, South Korea. While the proposed talks would perhaps not include discussion of nuclear weapons, they indicated the first noticeable thaw since Kim Jong-un came to power. Indeed, the 2018 Winter Olympics featured the two Koreas’ first joint Olympic team, in women’s ice hockey, and North Korea sent two high-level representatives: Kim’s younger sister Kim Yo-jong attended the opening ceremony and a former intelligence chief, General Kim Yong-chol, attended the closing ceremony.

Were the back channels dead ends, as Trump had suggested? Did Tillerson’s offer amount to an act of desperation? Or was Tillerson’s December proposal a follow-up to the equivalent of pre-prom gossip, wherein he learned through back channels that the North Koreans were willing to negotiate? Reflecting on BCN theory can help us better understand the fundamental issues and costs involved.

### **Game Theory and North Korea: *Dangerous Waiting***

Back channel negotiations can be useful as a means to resolve the kinds of tensions highlighted in the *Dangerous Waiting* game. The standoff between Trump and Kim going into early 2018 was similar in many respects to the standoff between the United States and the USSR that prevailed during much of the Cold War, in which the constant risk of a misunderstanding could have led to nuclear warfare. But at least during much of the Cold War, a variety of available public communication channels helped to clarify and reduce the risks both sides faced. (By “public,” we mean the public is aware of the channels. It does not mean that communication and negotiations are conducted in public.)

The threat-exchange standoff between the United States and North Korea had few close equivalents. The negotiations with Iran via back channel that occurred in 2013 and preceded the 2015 nuclear agreement offer one analogue. As in the Iran situation, it seems quite possible that both the United States and North Korea would have been willing to engage in negotiations, but that neither side wanted to be seen as the first mover because that could suggest greater desperation and weakness than would otherwise be assessed.<sup>5</sup>

Both countries, however, stood – and still stand – to gain from an agreement. This case is thus a splendid example of Tom’s “mixed motive” game, one that is neither a pure coordination nor a pure conflict game. Both

parties are in competition, but they also depend on partnership, even implicit partnership, to secure the benefit of the reduced likelihood of conflict (Schelling 1980).

To illuminate the conceptual contributions that game theory can make to this standoff, we offer the following simple model. We define *Dangerous Waiting* as one outcome of the “Wait or Propose” game, played between two parties, A and B. Each has two options: either to *propose* to initiate negotiations or to *wait*. To ease exposition, we will assign symmetry to the two opposing nations, and use illustrative payoffs.

If both sides propose, they each receive a payoff of 8 points, which incorporates the discounted value of all future payoffs. In the case of the United States and North Korea, this would mean that both would mutually and equally benefit from proposing negotiations because neither would look weaker than the other by proposing first.

If A proposes and B waits, however, they would receive payoffs of 6 and 10 points respectively, once again incorporating all future payoffs. Payoffs are the reverse if B proposes and A waits. This is because the country that proposes first suffers domestically (and in international prestige) by appearing somewhat desperate, or at least overly eager, to talk to its enemy. Meanwhile, the country that waits looks stronger and is in a more favorable negotiating position to extract concessions.

If both sides wait, they each incur a cost of 1 point during that waiting period. That cost reflects the ongoing danger of an accidental attack.

The game then goes into the next period, when the same options are repeated. The payoff matrix is thus:

		<i>Dangerous Waiting</i>	
		<i>B's Choice</i>	
		WAIT	PROPOSE
<i>A's Choice</i>	WAIT	-1*, -1*	10, 6
	PROPOSE	6, 10	8, 8

*Dangerous Waiting* is a first cousin of the children’s game sometimes called “Uncle.” In that game, two individuals lock into painful combat, which may last for several minutes, each suffering until one finally cries “Uncle” and loses the game.

In *Dangerous Waiting*, the cost of waiting accrues over periods until at least one player proposes. The asterisk (\*) in the payoff matrix indicates that this is just the payoff for the current round. The discount factor, *d*, is 0.9 and the discounted expected value of the game is *V*. The total payoff to either player if they both wait is  $-1 + dV = -1 + 0.9V$ .

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In our game, either player would far prefer that the other player be the first to propose. If either player could firmly commit to *always* wait, they could reach an equilibrium where the other player would find it worthwhile to propose. Thus, there are two pure strategy equilibria of the game, one where A proposes and B waits, and the other where A waits and B proposes. Enemies, however, would find it virtually impossible to commit credibly to always wait: such a commitment would not be credible.

Thus, we must expect the players to engage in a form of the game of “Uncle,” both suffering until one cries out, “propose!” It turns out that there is a single mixed-strategy equilibrium of this game. It is achieved by calculating the probability of waiting that equates the expected discounted payoffs to wait and propose, which in turn is the value of the game. At the equilibrium, players wait with probability 0.667, and propose with probability 0.333. Thus, there is only a 55.5 percent chance ( $0.333 + 0.667 \cdot 0.333$ ) that either player will propose in a period.

The game will go on for an average of roughly two periods, with each player suffering a loss of 1 each period, before either player proposes. The discounted expected payoff for playing this game is 6.67.<sup>6</sup>

In addition, if the per-period waiting cost were greater, the value of the game itself would also be greater, because the players’ probabilities of choosing “propose” would increase sufficiently to more than compensate.<sup>7</sup> Thus, paradoxically, when the media reports that a crisis is “worse,” in one important way the crisis is actually less costly in expectation because negotiations are more likely to arise soon.

We might expect that players do not know each other’s payoffs, but have a subjective assessment of the distribution of those payoffs. In that imperfect-information game, players learn as they go along. If players have different costs of waiting, those whose costs are higher will propose earlier, and the other players will update their assessments of those who remain waiting.<sup>8</sup> The expected time to agreement will lengthen with the periods spent waiting. Each period without a proposal provides clues indicating that costs of proposing are now greater than waiting. Of course, other developments may raise the risks. In the North Korea situation, for instance, the probability of a lethal confrontation before October 2018 increased from 7 percent to 14 percent in the week following the November 28, 2017 ICBM test, according to the public forecasters at the Good Judgment Open (2017).

## **The Logic of Back Channel Negotiations**

*Dangerous Waiting* captures the essential tension of the U.S.–North Korean crisis prior to Kim’s surprise proposal to meet with Trump: waiting hurts, but so does proposing first. What if the costs associated with *Dangerous Waiting*

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could be avoided or at least reduced? Negotiating via back channels offers that path. It reduces two types of costs in initiating negotiations: the *absolute* cost of waiting, and the *relative* cost of proposing first. Specifically, when the relative cost of proposing first is trimmed, states have greater incentive to negotiate, which thereby reduces the discounted expected costs of waiting.

The relative costs of proposing first include the domestic and global audience costs of demonstrating apparent weakness, the cost of appearing overly eager by making the first move, and the cost of revealing and committing to bargaining positions or concessions. It is clear, as Tom told us, that in any conflict situation, better strategies are possible for both players than simply trying to maximize their personal outcome because solipsistic strategies promote standoffs. Alas, without serious discussions, it is almost impossible to achieve the exchange of concessions needed to reach agreement or even move to negotiations.

In the situation that prevailed with the United States and North Korea, despite Tillerson's December announcement, leaders appeared to think it too costly even to hint at making specific concessions. Once a concession is verbalized, the world treats it as already 90 percent made. Furthermore, as Tom (1980: 53) intuited in a general case, "[O]ne side or both may fear that even a show of willingness to negotiate will be interpreted as excessive eagerness" - by the other party as well as by the world. Thus, each side wishes to avoid two things: the premature commitment imposed by publicity and the perception of eagerness.<sup>9</sup>

Tacit bargaining, which Schelling (1980) also analyzed, is one option for avoiding these costs. It involves reaching an agreement without any direct or indirect communication; counterintuitively, it can be very effective. Such bargaining may take all kinds of forms, verbal or nonverbal.<sup>10</sup> North Korea's Olympic participation as well as Kim's cancellation of his planned military parade during the games were public nonverbal signals of his desire to at least ease the tension; they were possibly intended avenues to BCN. Reuters even reported that the volume of speakers "that blast propaganda 24/7" at the border with South Korea had been turned down (Kim and Brunnstrom 2018). The United States also had its messengers, albeit their signals were sent less consistently. Vice President Mike Pence refused to stand during the entry of the joint Korean team and (verbally) announced tougher sanctions. The president's daughter and adviser Ivanka Trump, by contrast, enthusiastically stood and applauded the joint Korean team at the closing ceremony. Conflicts on the American side - even among members of the same administration - created the potential to produce mixed messages, as exemplified by the earlier Tillerson-Trump contretemps. North Korea, with Kim at the head of an authoritarian government, presumably is better at being a consistent signaler.

Indeed, as Schelling (1965: 209) wrote, "Actions may be more important than words." For an issue as consequential as nuclear bombs and in a crisis as heightened as the one between the United States and North Korea, however,

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no rational nation would choose to rely purely on nonverbal tacit communication as a means to negotiate. On the other hand, public announcements, a form of verbal tacit communication, are not a realistic alternative. It would be almost impossible for Kim to announce that “We will consider halting our efforts to test additional missiles and to put nuclear weapons on missiles if the United States commits not to attack.” Similarly, it would be almost impossible for the United States to announce “We will not seek to force North Korea to give up the missiles and weapons that it has at present. Neither will we attack North Korea in any way if it firmly commits to no more weapons advances.”

But to curb dramatically the risk of a catastrophic event, some variant of negotiations will be required. And to get those negotiations under way, some qualified version of the concessions just stated, which would be much more than minor concessions, will be required. The back channel offers a scrutiny-free environment in which to discuss acceptable preconditions to formal negotiations.

In this way, BCN serves several highly useful purposes in the U.S.–North Korea case. It can simultaneously allow diplomats to establish communication and build trust, assure the parties that a final agreement is actually possible by acknowledging common interests, free the parties from the rigid preconditions that their citizens might desire, and reduce the costs of being the first proposer.<sup>11</sup>

## **The Costs of Back Channel Negotiating**

Negotiating via the back channel does, of course, entail costs. This kind of negotiation is an understudied topic, and precious few books and articles have addressed it substantively and theoretically. The work of Dean Pruitt (2008) and Anthony Wanis-St. John (2006, 2010) stands out among them, and their insights clarify the possible costs associated with the conduct of BCN. We enumerate several of them.

If BCN is prematurely made public, the parties could suffer a loss with their constituencies, communication lines could be severed, and the sides could retreat into their fortresses. Constituents could further perceive that their government is trying to deceive them by bargaining on their behalf in secret. Additionally, because BCN, by its very nature, involves a small number of actors and interests, premature revelation of the agreement or of the steps taken in the process could incentivize disgruntled parties to wreck the deal.<sup>12</sup>

Back channel negotiations may also serve as a means to buy time, thus benefiting one party and further alienating the other. In the case of North Korea, its missile technology advanced significantly and regularly during 2017. North Korea may well have entered BCN in bad faith in order to gain the time it needed to develop the capability to mount thermonuclear warheads on deliverable ICBMs. As Wanis-St. John (2010: 290) wrote: “Real



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concessions or necessary moves are deferred or cancelled because secrecy permits them to negotiate without committing to implementation.”

Finally, BCN may compromise FCN. Back channel negotiations do not always directly precede those that occur in the front channel – sometimes the two efforts coincide. Although opening multiple lines of communication between parties can be helpful, they also introduce the risk of crossed signals. What transpires in public can affect or compromise what is agreed to in private, and vice versa.

## Conclusion

Let us return to our earlier question: did the United States blink, or had Tillerson learned from back channels that the North Koreans were willing to negotiate? Only the passage of time and the availability of historical records will reveal the truth. What is clear is that the United States and North Korea were engaged in a scenario like the *Dangerous Waiting* game for many months prior to North Korea’s Olympics play.

Although the North Koreans are highly unlikely to abandon their nuclear program, our speculation is that the back channel talks were likely genuine, that Secretary of State Tillerson likely learned from them of North Korea’s willingness to negotiate, and that President Trump simply did not respect this process at the time. The BCN would have given Tillerson the green light to propose, or at least hint at proposing, publicly, not unlike what happened during the 2015 Iran nuclear negotiations. We believe that, in exploring the BCN avenue, Tillerson would have served the interests of both nations. Furthermore, in a January 12, 2018 interview with the *Wall Street Journal*, Trump refused to comment on whether he had spoken directly to Kim, fueling our suspicion that back channels were also in use prior to the Olympics offer (Merica 2018).

Tillerson’s announcement, furthermore, yielded fruit quickly. Tensions on the Korean peninsula fell to the lowest point in recent memory following Kim’s rare and significant signal of openness toward South Korea and the United States during the Olympics. Indeed, the North Koreans were even scheduled to meet secretly with Vice President Pence before he spoke harshly and critically toward them and refused to stand during the entry of the joint-Korean delegation at the opening ceremony.

That hostile act on the part of an American leader, it is clear in retrospect, did not shut the window for future negotiation. South Korean President Moon redoubled his efforts to resurrect that historic opportunity. In early March 2018, a glimmer appeared in an unlikely place, during Trump’s mostly comedic speech at the Gridiron Club in Washington, D.C. In between jokes, Trump commented on the possibility, then probability, of talks with the North Koreans, on the condition that they denuclearize. The North Koreans responded critically, stating that they had already made clear their willingness to enter talks, although without the precondition of denuclearizing.

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Was each side saving face and playing to its constituency after having embarked on fruitful BCN (perhaps indirectly through South Korea as an intermediary)? We believe so, because one month later in April 2018, the White House revealed that Mike Pompeo, Trump's then-Secretary of State nominee, had secretly met with Kim in North Korea over Easter weekend to prepare for the Trump–Kim summit meeting. Shortly thereafter, Kim made an extraordinary visit to South Korea, the first such trip made by a North Korean leader. There, he and President Moon vowed to formally end the Korean War and denuclearize the peninsula.

The late Thomas Schelling's analyses were invariably innovative. Nevertheless, even when he expressed provocative ideas, he always spoke softly and reasonably in both his writings and daily life. He tried tirelessly to identify the mutual interests of enemies in avoiding conflict and to demonstrate that various forms of communication can facilitate that end. In his Nobel Prize lecture (reprinted in this issue), he also voiced hope, identifying and thereby strengthening the astonishing nuclear taboo that had persisted ever since World War II. The world would be a safer place if Donald Trump and Kim Jong-un were to read and reflect on that lecture, and then turn to Tom's writings on communication and conflict avoidance. Back channel negotiation might then offer both these leaders a dignified route away from precarious posturing toward an alternative that is far superior for both. We suspect that it may have already.

## NOTES

1. Tom also wrote in 1965 (221): "One of the main methods of reducing the dangers of current confrontations, therefore, could be by improving the quality of the dialogue, both explicit and implicit, that takes place all the time on arms-control questions."

2. Back channel negotiations are related to but different from "BCC," "secret diplomacy," and "Track Two diplomacy." BCC includes any communication taking place on a back channel, whether or not for the purpose of negotiating, building trust prior to a negotiation, or addressing a specific issue unrelated to negotiation. Secret diplomacy encompasses all secret activity, including espionage. Track Two diplomacy differs from BCN in that it is not officially sanctioned. The two sometimes overlap, as in the case of the 1993 Oslo negotiations to resolve the Israeli-Palestinian conflict.

3. Political scientist Stephen Walt (2009) once remarked about the field of international relations, "Schelling was probably right: you can learn just about everything you need to know about this subject by raising a child."

4. The next morning, Trump broadcast this message via Twitter: "I told Rex Tillerson, our wonderful Secretary of State, that he is wasting his time trying to negotiate with Little Rocket Man. . . ." (Trump 2017).

5. This intuition helps explain Kim's Olympics offer as well. Without making any concessions militarily, he found a low-cost and public route to reduce tensions.

6. A full game-theoretic analysis of this game is both subtle and complex. First, this is an unstable equilibrium. If either player defects even slightly from 0.667, the game will go to a pure-strategy, propose-wait equilibrium. But the players only learn slowly about each other's probability choice; in real-world contexts, some waiting must be expected, as is observed with North Korea and the United States at present.

7. This is easily seen by looking at the expected payoff to propose, which is  $6w + 8(1 - w)$ , where  $w$  is the equilibrium probability of waiting.

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8. Posit a game in which players are known to have a one-half chance of a per-period waiting cost of  $-2$  or of  $-1$ , as indicated  $-2, 0.5; -1, 0.5$ , but the other payoffs are as above. The equilibrium of the game has all players with  $-2$  proposing in the first round. Only  $-1$ s will be left. They will play as in the game above.

9. Indeed, in the case of Tillerson's December proposal, had there been no prior back channel agreement, North Korea would have been in a more favorable position because the offer would have revealed that the United States was willing to sacrifice its former preconditions to move to negotiations without mutual sacrifice. North Korea's Olympics participation, however, and its proposals in its aftermath conveyed its considerable eagerness.

10. For an interesting discussion of a form of tacit bargaining known as "dumb barter," see Faure (2011).

11. For a general list of advantages of BCN, see Pruitt 2008: 40–45. His categories include flexibility, political cover, cost-effectiveness, lack of preconditions, and no acknowledgement of the other's legitimacy.

12. A prominent and recent example was Israeli Prime Minister Benjamin Netanyahu's failed campaign to thwart the U.S.-Iran nuclear deal after he was not consulted about it. Granted, Netanyahu would have objected to the deal even if he *had* been made aware of it earlier. The point, however, is that BCN makes it impossible to incorporate objections from diverse stakeholders early in the process. So, had Netanyahu been involved earlier, any achieved deal would have looked somewhat different.

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