

Serving, not Steering: The Korean Experience of Government Distrust and  
Public Protest in the Foreign Policy Making Process of  
the U.S. – Korea Beef Agreement

by

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## ABSTRACT

In 2008, South Korea suffered a great loss of public trust in government. Since May 2, 2008, street protests against U.S. beef imports and the April 2008 beef agreement continued for more than 100 days. These public protests started with peaceful candlelight vigils but some of them turned violent in the end of May.

According to a white paper on the protests published by the Seoul Central District Prosecutors' Office, for 106 days from May 2 until Aug. 15, there were 2,398 separate rallies drawing 932,000 people. Among them, 1,476 protesters were indicted for participating in illegal and violent protests. 100 police officers suffered serious injuries and 401 light ones. 88 civilians were seriously injured.

The South Korean National Assembly had to remain idle for more than 80 days due to numerous political debates and the approval rating of President Myung-Bak Lee plummeted from 40 percent range to near 20 percent during the protest period.

This Dissertation started from a question of why people were so angry against their government. The whole process of the U.S.-South Korea Beef negotiation was reviewed, focusing on whether or not Korean government and its negotiators tried to make a domestic agreement with people. For the purpose, this dissertation developed an integrated framework by the combination of the two level-game theory with the advocacy coalition framework. The framework was also used to investigate the effect of external factors outside the Korean policy-making system of the beef negotiation. The framework reviewed win-set changes of both countries, especially focusing on the change of Korean win-set size.

Then, the whole process of the beef negotiation in the dissertation framework was interpreted in the aspect of the New Public Service. This interpretation gave the dissertation the theoretical importance, showing the way in which the interpretation contributed to the decision-making theory. Findings in the dissertation revealed that there was a deep disagreement between what Korean government wanted and what Korean people actually desired.

Finally, this dissertation considered how public administrators could increase communication with their people in the Korean policy-making system. Janet and Robert Denhardt's shared values approach to the public interest and the decision-making process would be one answer.

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## CHAPTER 1. INTRODUCTION

During 2003, the United States supplied nearly half of all of the beef consumed in South Korea which was the third-largest export market for U.S. beef. However, after the first discovery of mad cow disease (bovine spongiform encephalopathy or BSE) in a Washington State dairy cow in December 2003, South Korea and many other countries imposed bans on imports of U.S. beef. With concerns of some Members of Congress about the Korean import ban, U.S. government efforts for resumption of the beef trade with South Korea took two years to negotiate. In January 2006, U.S. and South Korea negotiators reached a protocol to allow imports of U.S. boneless beef from cattle less than 30 months old. On April 18, 2008, South Korea agreed to the second protocol that would permit imports of all cuts of U.S. boneless and bone-in beef and other edible beef products from cattle, irrespective of age, as long as BSE- risk materials are removed and other conditions are met (Jurenas & Manyin, 2010).

While the U.S. beef industry and U.S. policymakers welcomed the second protocol, opponents in South Korea argued that the Korean government was in a great hurry to strike the deal to encourage the U.S. Congress Members to consider legislation for implementing the Korea-U.S. Free Trade Agreement (KORUS FTA). In addition, Korean TV coverage about the April deal questioned the safety of U.S. beef, sparking large street protests against the import of U.S. beef. Citizens in protests asserted that their government did not secure enough safeguards against the potential danger of mad cow disease. To defuse Korean

public concerns, on June 21, 2008, both governments confirmed a “voluntary private sector” arrangement that would allow imports of U.S. beef only from cattle less than 30 months old (Jurenas & Manyin, 2010).

Nevertheless, protests in South Korea had continued to August 2008. According to the white paper by Korean Prosecutors’ office, for 106 days from May 2 to August 15, there were about 2400 rallies all over the country with over 930 thousand people. In addition, almost 700 thousand policemen from 7606 squadrons were mobilized to guide or stop them. 1476 persons were booked on some unlawful actions. 501 police officers were wounded and 88 citizens were seriously injured (The Chosunilbo, 2009, August 31). Another report by the Korean Economic Research Institute estimated that the social cost of these rallies came to 3.4 billion dollars based on the exchange rate of 1091.5 Korean won to one U.S. dollar, including about 1.6 billion dollars for the direct cost of economic damage (Kim, 2009). Moreover, the Korean National Assembly could not do anything for 80 days due to numerous political debates about responsibility for causing these public protests. The approval rating of President Myung-Bak Lee plummeted from around mid-40 percent at the time of inauguration for the president to below 20 percent for the protest period (Ko, Lee, & Choi, 2009).

## PREVIOUS STUDIES

Since the beef agreement and mass public protests was a sensational issue in Korean politics, several scholars have studied the beef issue. Hwang, Park, &

Lee (2010) applied the two level-game theory to analyze the U.S.-South Korea beef agreement, focusing on the international negotiation process. They explored U.S. and South Korean negotiating objectives and positions, and concluded that the April second protocol in 2008 was strongly influenced by the KORUS FTA that was a matter of primary concern in the field of Korean economic and trade policy. Park and Myung (2009) focused on the role of internet in the course of renegotiation for the U.S. beef import after the second protocol and suggested that, when citizens felt the lack of their participation in agenda-setting process, online communication in the internet-based communities could be an important tool in expressing and expanding their discontent that aroused the traditional, offline mass media's interest. Kim (2010) proposes a tentative model to explain the universal and conceptual linkage between Korean foreign policy and public opinion, utilizing the case of candlelight protests against U.S. Beef imports. Considering Korean political culture, he adds the role of internet media and the method of public protest into the existing American model to suggest a Korean model. In the Korean model, a group that is excluded from a political system for a specific issue may take the method of public protest to influence the political system, interacting with internet and traditional media. Kang (2008) analyzed the course of policy noncompliance against the second protocol. According his master degree dissertation, the policy noncompliance was triggered by a Korean TV program and internet rumors and the phase of noncompliance had changed with reactions of the Korean government to public protests.



## PURPOSE OF STUDY

These previous studies contribute to understanding and explaining 1) how the beef negotiation has progressed at the international level, 2) what are external factors that influenced the beef negotiation, 3) what was the role of internet and internet-based online communities in the agenda-setting process against the second beef protocol and 4) how the phase of the Korean public protest has changed.

However, in the aspect of the New Public Service and citizen participation, these studies do not pay much attention to the public in the domestic policy-making system for the whole beef negotiation process, although the Korean public was at the center of the beef issue. The New Public Service is an explanatory, practical, and normative theory. It emphasizes building the shared public interest through citizen participation and communication with government. It also suggests that government must value the people in policy-making processes, as well as representing in the following ideas: “Think Strategically, Act Democratically” and “Serve rather than Steer” (J. Denhardt & R. Denhardt, 2007, p.43). Thus, on the point of view of the New Public Service, previous studies do not give us full explanation of how and why the Korean public was seized with anger and rushed into streets, while they briefly mentioned the cause of the public anger and mass protests. In addition, these studies ignore how the public had actually acted in the domestic policy-making system during the whole process of

the U.S-South Korea beef negotiation from the January 2006 beef agreement to the June 2008 private sector arrangement through the April 2008 beef agreement.

Following the view of the New Public Service, this dissertation has two purposes of study. The first purpose is to review what was wrong with the Korean policy subsystem for domestic decision-making in the U.S.-South Korea beef negotiation. The second purpose is to explore how the Korean public as an actor tried to change it. For these purposes, the dissertation adopts the New Public Service as a theoretical tool to analyze the domestic policy-making system, focusing on the Korean public's belief, experience, and behavior. Through the theoretical tool, this study also reveals a certain tension between the Korean public's strivings and the limitations by the domestic policy-making system (Denhardt, 2000). In addition, a comprehensive framework is developed in the dissertation to review (1) the whole process of the beef negotiation at both international and domestic level, (2) the impact of external factors on the whole beef negotiation process, (3) the dynamics between the beef negotiation and the external factors over time, and (4) the mechanism of the public protest. This comprehensive framework will provide researchers with the detail of the beef issue and an insight to analyze it in connection with the theoretical tool of the New Public Service.

## RESEARCH QUESTIONS

The following questions are reviewed for achieving the study purposes.

1. How had the beef negotiation process progressed at the international level?
2. What was the domestic policy-making system for the beef negotiation?
3. How had the domestic policy-making system affected the international negotiation process?
- 4: How had external factors influenced both the international beef negotiation and the domestic policy-making system?
5. How had the Korean public expressed their opinion during the whole process of the beef negotiation?
6. What mechanism led the Korean public into street protests?
7. Can the current foreign policy-making system encourage citizens to participate in foreign policy-making?

## CHAPTER 2. LITERATURE REVIEW

### DEFINITION OF THE PUBLIC INTEREST

There has been a long history of debate among scholars, theorists, and public administrators about what the public interest is. Although, since the end of the seventeenth century, the term “public interest” has been used in public discourse about the good of the polity (Morgan, 2001), We need not date back to the seventeenth century to search and find the concept of the public interest. During the last several decades, many prominent political scientists have spent their time on defining and nurturing the concept (J. Denhardt & R. Denhardt, 2003).

Cassinelli (1958) considered the public interest both “the highest interest of the public” and “an interest (or set of interests) possessed by the public” (pp. 553-554). Recently, Bozeman (2007) defined the public interest as “those outcomes best serving the long-run survival and well-being of a social collective construed as a public” (p.17). Other scholars such as Yves R. Simon used the term “common good” as a synonym of the term “public interest.” Simon defined that:

To bring forth the qualitative difference between the common and the private good, let us remark that a good is common if, and only if, it is of such a nature as to call for common pursuit and common enjoyment. It is not an addition or multiplication of individual, private goods, but a distinct kind of good to be pursued and enjoyed together by people living in community (Simon, quoted in Cochran, 1978, p. 232).

However, despite these efforts by political scientists to define the public interest, the concept of the public interest is still ambiguous and there is little consensus on exactly what it is (Bozeman, 2007). J. Denhardt & R. Denhardt (2003) expresses appropriately the difficulty of defining the public interest as following:

In one sense, attempting to define “the public interest” is a little like trying to define “love.” It is clear that love means different things to different people under varying circumstances. It changes over time in both form and substance...Although seeing its effect is often possible, it is difficult to observe directly. It can be simultaneously seen as both a state of being and an ongoing process (p. 67).

It is impossible that a single statement or a theory about the public interest explains every aspect of the public interest. Therefore, several scholars have tried to understand and define the public interest by categorizing it. Categorizing a term is a useful way to understand the term because we can look into it from various angles and thereby draw various aspects associated with the term. For example, Schubert reviewed the public interest in the aspect of rationalism, idealism, and realism (McSwite, 1996). In order to explain the concept of the public interest, Cochran used four categories including “normative,” “abolitionist,” “process,” and “consensualist” approach to the public interest (Cochran, 1974).

Among many ways of categorizing the concept of the public interest, this paper adopts a categorization suggested by J. Denhardt & R. Denhardt. This categorization includes Cochran’s approaches such as the normative, abolitionist,

and process approach but it suggests “the shared values approach to the public interest” beyond the consensualist approach.

#### Normative approach to public interest

The normative public interest theory assumes that there is a community and a common good that are intimately related to each other. The normative theory views men as social beings who form communities for a better common life beyond private interests (Cochran, 1974). Community can be defined as “a form of relationship characterized by a high degree of personal intimacy, emotional depth, moral commitment, social cohesion, and continuity in time” (Cochran, 1978, p. 231). For the common life, the community needs the common good that is “something that is in the interest of the community as a whole, even if against the interest of some of the individuals in the community” (Bozeman, 2007, p. 89). The common good of such a community or the public interest may be defined as “the best response to a situation in terms of all the interests and of the concepts of value which are generally accepted in our society” (J. Denhardt & R. Denhardt, 2007, p. 69). Since this normative public interest is outside of the political process holding ethical values and beliefs, and allows one to determine whether an action is right or wrong for the whole community, it becomes “an ethical standard for evaluating specific public policies and a goal which the political order should pursue” (Cochran, 1974, p. 330). C.W. Cassinelli considers the public interest to be “the highest ethical standard applicable to political affairs.”

In this view, the public interest is prescriptive rather than descriptive because it focuses on what should be pursued rather than what it is (Cassinelli, quoted in J. Denhardt & R. Denhardt, 2007, p. 68).

One issue from the aspect of the normative public interest is “whether the public interest requires that the interest of all members be served or whether it is necessary only to serve the interests of most individuals” at the expense of the interests of some others (Bozeman, 2007, pp. 89-90). According to J. Denhardt & R. Denhardt (2003), under common belief, the public interest in the normative view emphasizes that, on balance, everyone should be treated fairly rather than all people being entitled to identical or equal benefits.

#### Abolitionist approach to public interest

In contrast to the normative theorists, abolitionists reject the concept of the public interest because of their denial of both the existence of community as a whole and the validity of the public interest in a scientific study of political behavior and responsibility. For example, Bentley and Truman argue that there is no public interest because 1) a society or community is only the complex of groups which have their own interests, and 2) they even cannot distinguish altruistic from selfish interests through scientific standards. To them, societal and governmental decisions are only “the result of the various competing degrees of pressure” with political interests and group activities and depend on the effective access of groups to a government or a center of decision-making. They insist that

societal and governmental decisions do not reflect the public interest as a whole and invoking the public interest will be a means of groups to promote their own interests (Bentley and Truman, quoted in Cochran, 1974, p. 333).

#### Process approach to public interest

According to Cochran (1974), the process approach is composed of theorists who define the concept of public interest “by reference to the political processes through which policy is made” (p. 331). The process approach has three sub-categories: (1) an “aggregative” conception which views that the public interest is the sum or aggregation of interests; (2) the “pluralist” conception which views that the public interest is the result of competition of interests; (3) the “reconciliation or procedural” conception which views the public interest as the democratic process of interest reconciliation and fair procedure (Bozeman, 2007, p. 93). While some scholars in this view identify the public interest with the result of the democratic interest-conflict process, others declare that the democratic process itself is the public interest (Cochran, 1974). J. Denhardt & R. Denhardt (2003) summarizes the process approach and its three sub-categories in one sentence saying that “the public interest is realized through a particular process that allows interests to be aggregated, balanced, or reconciled” (p. 70).

The process approach does not entirely exclude either the normative approach or the abolitionist approach. The process theorists accept the conflict between various interests and the existence of many “publics (or interest groups)”



rather than one public as suggested by abolitionist theorists but they are still unwilling to altogether abandon the concept of public interest. The process theorists admit the public interest as “an important element in the decision-making process” and “a standard of public policy” (Cochran, 1974, p. 339).

#### Shared values approach to public interest

The shared values approach to public interest contends that the public interest has “no general, unchanging, descriptive meaning applicable to all policy decisions” but a nonarbitrary descriptive meaning can be determined for it in particular cases” through reasoned discourse (Cochran, 1974, p.349).

The shared values approach also argues that the public interest is neither merely the sum of all private interests nor the outcome of political process, while it is not “wholly separate from private interests.” Rather, this approach suggests “a process that goes beyond the interplay of special interests to include shared democratic and constitutional values.” In fact, the purpose of political dialogue in the shared values approach is to encourage people to articulate their interests and shared values, relate the anticipated effects of a policy to shared values and public life, and give primacy to “goals on which there is a consensus and things that are good for a community as a community” (J. Denhardt & R. Denhardt, 2007, pp. 71-73).

In this way, the public interest is closely related to both the consensus for the operation of a democratic society through political dialogue and the substance

of the public interest itself. Then, the public interest based on shared values also functions as a persistent reminder through which decision-makers and citizens “recognize and consult interests which might be forgotten or overlooked in the pressure of political combat.” In fact, theorists with this view insist that people should have a capacity for doing something beyond self-interest and “government should work to nurture and develop that capacity” (Cochran, 1974, p. 347; J. Denhardt & R. Denhardt, 2007, p. 73).

### THREE PERSPECTIVES OF PUBLIC INTEREST

Public administration has developed with ideals and theories as an academic field during the twentieth century. Some Scholars made efforts to distinguish one era of public administration from another with each era’s distinct characteristics. For example, Nicholas Henry (2001) insists that public administration has developed through “a succession of five overlapping paradigms” (p. 21). These five paradigms are the politics/administration dichotomy, the principles of administration, public administration as political science, public administration as management, and public administration as public administration. Richard J. Stillman II (2010) asserts that “four eras of Public Administration, in retrospect, are apparent during the twentieth century (p. 19)” responding to the particular needs of each era. They are the era of POSDCORB principles, the era of social science, the era of the reassertion of democratic idealism, and the era of the refounding movement.

This dissertation follows an approach suggested by J. Denhardt & R. Denhardt (2007) that categorizes the field of public administration and management into three perspectives; the Old Public Administration, the New Public Management, and the New Public Service. Each perspective has its own characteristics and distinct relationship with the public interest.

#### The old public administration and the public interest

To help us understand the Old Public Administration, it is a useful way to review an essay in 1887 by Woodrow Wilson who strived to encourage the development of public administration. He tried to “reconcile the notions of constitutional democracy with inherent concerns for popular control and participation with theories of efficient, professional administration, and their stress on systemic rules and internal procedures as distinct from democratic oversight and influence” (Wilson, quoted in Stillman II, 2010, p. 5). To do so, Wilson contended that government should be divided into two spheres: politics (or policies) and administration. Under the dichotomy between politics and administration, elected leaders and representatives determined policies (choices) regarding what government should do, and public administrators carried out these policies through efficient procedures relatively free from the corrupting influence of politics. He stated:

Administration lies outside the proper sphere of politics. Administrative questions are not political questions. Although politics sets the tasks for

administration, it should not be suffered to manipulate its office  
(Wilson, quoted in Denhardt & Baker, 2007, p.122).

The Wilson's dichotomy provided public administrators and managers with an ideological shield behind which they could implement policies, lowering their political profile and avoiding excessive political pressure from elected representatives, public leaders, and populace. Under the shield, Wilson assumed that administrators could implement policies in a businesslike manner and believed that businesslike government would be efficient government (Henry, 2001, pp. 28-30; Straussman, 1990, pp. 8-9).

The notion of the distinction between politics and administration related to a corresponding value/fact dichotomy focusing on efficiency with facts and science, while policy-making and value matters were left to elected leaders and representatives in politics. In the first text book of *Introduction to the Study of Public Administration* published in 1926, Leonard D. Whites insisted that partisan politics should not intrude on public administration, and public administration and management should become a value-free science and pursue economy and efficiency (Henry, 2001, p. 29).

Such efficiency had imbued other ideas and principles in the Old Public Administration. In *the principles of Scientific Management* published in 1911, Frederic W. Taylor employed both scientific and managerial methodology, as its title emphasized, to find the one best way of performing a given task for the efficient operation of organization. Luther Gulick in *the Papers on the Science of Administration* suggested POSDCORB that was his acronym to stand for planning,

organizing, staffing, directing, coordinating, reporting, and budgeting. This logical sequence of steps should be accomplished by the executive for practicing “good” and efficient administration. In many aspects, Gulick’s POSDCORB reflected “an efficient military model of good management” that Leonard White applied universally throughout American government to build organizational structures with high efficiency (J. Denhardt & R. Denhardt, 2007; Henry, 2001, pp. 31-32; Stillman II, 2010).

In his book, *Administrative Behavior: A Study of Decision-Making Process in Administrative Organization* published in 1947, Herbert Simon criticized administrative principles such as POSDCORB. He concluded that administrative principles had their counter-principles and questioned that these principles would actually increase efficiency. However, although Simon (1997) insisted that principles for efficient organization should not be considered as principles because of mutual contradiction between principles, he also focused on increasing the level of efficiency achieved by decision-making in an administrative organization. According to him, an administrative organization is composed of individuals with various limits on their ability to make correct decisions and, “to the extent that these limits are removed, the administrative organization approaches its goal of high efficiency” (p. 45).

Of course, it is not to say that all scholars and theorists accepted efficiency as “the sole criterion for assessing administrative performance.” Many scholars and theorists tried to employ other criteria. In the 1968 Minnowbrook Conference, for example, young practitioners and academics argued for “New Public

Administration” based on ideals of participation, consensus-building, ethics, honesty, mutual trust, and so on. They added social equity to efficiency and economy as the rationale or justification for policy positions. Nevertheless, efficiency had been the most important value of the Old Public Administration (J. Denhardt & R. Denhardt, 2007; Frederickson & Marini, 1998; Stillman II, 2010).

In this context of the Old Public Administration, defining the public interest was mainly left for elected officials. Then, public administrators and managers were responsible for elected leaders and representatives. Even if public administrators and managers were possibly guided by the normative public interest outside political process in executing policies, their primary value to perform a given task was efficiency. In some sense, to efficiently implement policies and attaining their goals might be a way for achieving the public interest defined in politics.

#### The new public management and the public interest

After the 1970s, Western countries including the United Kingdom and the United States had suffered from an increasing budget deficit due to economic recession. Many reports from all the leading Western countries requested the reform of financial and management systems to deal with the budget deficit. They also pointed out the previous dissatisfaction with government including oversized bureaucracies and expensive costs for public services. These requests forced the public sectors of most advanced countries to change from traditional public

administration to new public management in the 1980s and early 1990s. Before the common use of the term, “the New Public Management” in the 1990s, there were other names for the transition including new managerialism, market-based public administration, and entrepreneurial government. In fact, the core ideas and principles in the New Public Management essentially depended on techniques and practices from the private-sector and were based on public choice and market theories (Bozeman, 2007; Hughes, 1998, p. 1489; Huque, 2007; Kapucu, 2007).

Christopher hood’s paper indicated seven traits of the early New Public Management: 1) preference for “hands-on” professional management in the public sector that means active, visible, and discretionary control of organization from top managers, 2) preference for quantitative indicators and explicit standards and measures of performance, 3) greater emphasis on output control or stress on results rather than procedures, 4) disaggregation of units in the public sector to create manageable units and to gain efficiency, 5) shift to greater competition that involves term contracts and competitive bidding to lower costs with better standards, 6) emphasis on private-sector style management practice and greater flexibility in hiring and rewards, and 7) stress on greater discipline and parsimony in resource use that means cutting direct costs, resisting union demands, and limiting compliance costs to business (Bozeman, 2007, p. 78; Hughes, 1998, p. 1490). These traits or ideas for the New Public Management are based implicitly on the assumption that government should be run like a business to achieve better results in the public sector. Christopher Pollitt argued that the recent New Public Management deployed much wider market-like mechanisms for the delivery of

public services and shifted in value priorities away from universalism, equity, and security toward efficiency, productivity, and individualism (Bozeman, 2007, pp. 76-79).

The early New Public Management seemed to properly deal with government deficit and inefficiency, making government more efficient and professional. However, what will be the end result of the adoption of new public management is still subject to debate. In fact, some researchers found that New Public Management principles resulted in a selective and short-run increase in efficiency (Frederickson & Smith, 2003). In addition, several scholars have had doubts about who can really get benefits from the NPM thoughts and principles. They also insist that the New Public Management is negatively associated with fairness, equity, or justice. Main concerns about the New Public Management include “1) the assertion that transformation of citizens into customers could damage democratic governance and public administration, 2) the existence of so-called digital divides that may result in unequal distribution of improved service, and 3) persistent questions about accountability” (Milakovich & Gordon, 2007, p. 485).

As mentioned above, the New Public Management is distinct from the Old Public Administration for the reason that it even adopts certain business values and the assumptions of market theories as well as the techniques of business (J. Denhardt & R. Denhardt, 2007). Although dominant theories and techniques that have been used in the public sector are already taken from market and economics,



believing, accepting, and following market assumptions can be harmful to securing the public interest.

For instance, the public choice theory of government assumes that government actions result from the effort of government workers attempting to maximize their own interests rather than the public interest (Cochran & Malone, 2005). According to the notion of markets for public services, citizens as customers can shop for the public services which they most prefer between competing service providers. Since producers of these services are “competing organizations whose self-interest is coupled to need for efficient response to consumer demand,” these customer-driven providers of public services must listen carefully to their customers, improving the quality of their services.

However, one problem is that those public service providers possibly respond to the short-term self-interests of customers rather than the public interest that is “publicly defined through a deliberative process” (Denhardt, 2000, pp. 144-153; Frederickson & Smith, 2003, pp. 215-221). Further, according to Box, Marshall, Reed, & Reed (2001), when “citizens increasingly identify themselves as individual customers and discrete users of government services” (p. 614), they begin to view social issues as issues related to individual choices. Under the circumstances, “the need to talk about or act upon the public interest largely disappears” (J. Denhardt & R. Denhardt, 2007, p. 76).

Another problem is that public administrators, managers, and even citizen-customers may regard the entirety of individual preferences of customers who can pay for services as the public interest, even if unequal or unbalanced distributions

of public services actually happen. If governments and their customers think that “the accumulation of the narrowly defined self-interests of many individuals can adequately approximate the public interest (deLeon & Denhardt, 2000, p. 89),” they may intentionally or unintentionally ignore the underrepresented people who are also one part of the public.

### The new public service and the public interest

Critics against the New Public Management have contended that government and governmental actions should focus on delivering democracy, not on delivering customer service. Among critics, J. Denhardt & R. Denhardt (2007) insists that the public sector should be more responsive to citizens and respect more of the democratic ideals of access and equity. The authors do not agree that values such as efficiency and productivity should be ignored. Rather, they suggest that these values “should be placed in the larger context of democracy, community, and the public interest” (p. 192). Tenets of the New Public Service are well expressed in the following seven ideas (pp. 42-43): 1) “Serve Citizens, not Customers,” 2) “Seek the Public Interest,” 3) “Value Citizenship over Entrepreneurship,” 4) “Think Strategically, Act Democratically,” 5) “Recognize that Accountability Isn’t Simple,” 6) “Serve Rather than Steer,” and 7) “Value People, Not Just Productivity.”

In the aspect of the public interest, the New Public Service is based on the view that the concept of the public interest should be defined through a dialogue

and deliberation about shared values. The process of seeking the public interest through discourse and deliberation is necessary because “the public interest is conceptualized more fruitfully as a process, not as an objectively identifiable end point” (Lewis, 2006, p. 696). Through the ongoing process, public administrators and managers understand what the public wants while citizens understand broader interests beyond their self-interests. Public interest dialogue can also remind us that there may exist interests that are unrepresented. “Unrepresented interests are likely to be, in a system of pressure politics, persons or groups too poor, too unorganized, or too unsophisticated to play the policy game well or even to try to play it at all” (Goodsell, 1990, p. 107). After full and sufficient attention to shared values, individual interests, and the underrepresented interests, we can reach the public interest with trust and consensus. Through this development process, people understand the public interest as “those things desired by the public-spirited side of citizens such as good schools and clean air, even if it interferes with their right to have lower taxes or to burn trash.” As J. Denhardt & R. Denhardt (2007) mentioned, “its [the public interest’s] quality and significance are bound up in both the process of seeking it and in the realization that it must always be pursued” (p. 67).

## THE ROLE OF PUBLIC ADMINISTRATION AND MANAGEMENT FOR ACHIEVING THE PUBLIC INTEREST IN THE THREE PERSPECTIVES

### The old public administration

The Old Public Administration asserted a separation between policymaking on politics and implementation of policy on administration. Of course, it is not to say that all accepted the idea of the clear separation and, in fact, the dichotomy has broken down over time (Fry & Raadschelders, 2008). However, it is true that the dichotomy of policy and administration had been one of the key themes throughout the Old Public Administration and had offered some protection for a fledgling profession of the early public administration against political meddling (Henry, 2001, p. 29). With the dichotomy, J. Denhardt & R. Denhardt (2000) suggest that the Old Public Administration includes the following tenets (pp. 551-552):

- Public administration is politically neutral, valuing the idea of neutral competence.
- The focus of government is the direct delivery of services. The best organizational structure is a centralized bureaucracy.
- Programs are implemented through top-down control mechanisms, limiting discretion as much as possible.

- Bureaucracies seek to be closed systems to the extent possible, thus limiting citizen involvement.
- Efficiency and rationality are the most important values in public organizations.
- Public administrators do not play a central role in policy making and governance; rather, they are charged with the efficient implementation of public objectives.
- The job of public administrators is described by Gulick's POSDCORB.

To achieve efficiency, the Old Public Administration basically adopted the closed system strategy. Closed systems have a few internal variables, relatively simple relationships among them, and little vulnerability to influence from the external environment. Taylor's scientific management, Gulick and Urwick's administrative management, and Weber's concept of bureaucracy are examples of the closed system (Denhardt, 2000; Milakovich & Gordon, 2007). In closed systems, behaviors in organizations were controlled or planned, and citizen involvement was very limited. Thus, public administration and management had little chance to directly listen to the public and participate in defining the public interest.

Some can argue that public administrators and managers in the Old Public Administration could participate in making policies with their expertise and special knowledge. Others can also say that, since they had discretions due to the

breadth of policy, and uncertainty and complexity in the real world, they might influence public policies. However, the role of public administrators and managers in making policies was passive under the mainstream view of the Old Public Administration, as well as the powerful authority from elected office holders with various political and economical reasons (Henry, 2001). J. Denhardt & R. Denhardt (2007) stated that:

Although the need was for administrators to be mindful of the public interest in working through conflicts among special interests in the implementation of legislative policy, the idea was that their discretion should be limited. Public administration would play a largely passive role in reconciling special interests and only when necessary to allow administrative action (p. 76).

In sum, defining the public interest and making policies were mainly left for democratically elected leaders and representatives. Then, public administrators and managers were responsible for efficiently implementing the policies. Especially, from the 1880s to the 1930s, the public administration and management had tried to make government service “an honorable profession” and demonstrate that “ideas can be put into action” (Straussman, 1990, pp. 15-16). For the Federalists, “the public interest [even] meant an efficient administration within the boundary of legal accountability” (Marshall & Choudhury, 1997, pp. 120-121). In one sense, “focusing on neutrality, efficiency, and a strict separation between politics and administration was the best way for public servants to serve the interests of the public” (J. Denhardt & R. Denhardt, 2007, p. 74).

## The new public management

The Old Public Administration had coped effectively with complicated and difficult problems in the circumstances of its time, even if imperfectly (J. Denhardt & R. Denhardt, 2007). Most government agencies followed the old model, and the size and scope of administrative organizations expanded rapidly with the growth of the public administrative functions. Situations under which government organizations has grown may include 1) the need for experts in government organizations to deal with “technological complexity gradually exceeded the capacities of legislative bodies and political generalists to cope successfully,” 2) the need for regulating the rapidly growing private sector economy, 3) the need for creating new agencies to respond to diverse social and economic interests, and 4) the need for increasing government expenditure to maintain the expanded government functions and deal with specific situations such as economic depression or military conflicts (Milakovich & Gordon, 2007, pp. 32-33).

However, once the size and scope of government expanded, the levels did not return to their previous status, even if the situations were solved or passed. Under economic recessions after the 1970s, government organizations based on the Old model exposed their limits and problems. They suffered from oversized bureaucracies, expensive public services, tremendous budget deficits, and demands to transparent and responsive public services (Huque, 2007).

The New Public Management, what we call today, departed with a slogan, “works better and costs less” (p. 19). Proponents for the new doctrine tried to banish government organizations based on the old model and reinvent government because public choice theory argued that bureaucrats were motivated by self-interests and sought “excessive increases in programs and budgets, beyond what the public really wants” (J. Denhardt and R. Denhardt, 2007). The new model emphasized “new managerialism” as a substitute for bureaucracy.

Christopher Pollitt identified five core beliefs of managerialism:

- The main route to social progress now lies through the achievement of continuing increases in economically defined productivity.
- Such productivity increase will mainly come from the application of ever more sophisticated technologies.
- The application of these technologies can only be achieved with a labor force disciplined in accordance with the productivity ideal.
- Management is a separate and distinct organizational function and one that plays the crucial role in planning, implementing and measuring the necessary improvements in productivity.
- To perform this crucial role, managers must be granted reasonable “room to maneuver” (Denhardt, 2000, p. 148).



Since the New Public Management with managerialism has its roots in the discipline of economics, it seeks results-oriented, customer-driven, and market-oriented government, considering “how the entrepreneurial spirit is transforming the public sector from schoolhouse to statehouse, city hall to the Pentagon” (Frederickson & Smith, 2003, p. 113). Thus, the role of public administrators and managers differs from the passive role of them in the Old Public Administration, which is to simply develop efficient means and tools with the value of neutral competence for accomplishing well defined policy goals (Lynn, JR., 1996, p. 39). The New Public Management requests public administrators and managers to be more active both in the policy process emphasizing their entrepreneurial role for goal-setting in a given political and institutional environment, and in relationship with citizens as customers. Further, they are encouraged to give customers more prescriptive choices with the rational calculus of costs and benefits about policy alternatives. Proponents of this doctrine contends that citizens as customers can select a choice with their preference and these customer choices will drive government organizations to make more efficient and high quality programs by competition (J. Denhardt & R. Denhardt, 2007).

Under the New Public Management, in contrast to the Old Public Administration, public managers possess considerable independence and leadership in the aspect of policy development. Mark H. Moore (1995) identifies the public managers’ characteristics and roles as follows:

As presented, these managers exhibit a certain kind of consciousness: they are imaginative, purposeful, enterprising, and calculating. They focus

on increasing value of the organizations they lead to the broader society. In search of value, their minds range freely across the concrete circumstances of today seeking opportunities for tomorrow. Based on the potential they see, they calculate what to do: how to define their purpose, engage their political overseas and coproducers, and guide their organizations' operations. Then, most remarkably of all, they go ahead and do what their calculations suggest they should (p. 293).

However, despite considerable independence and leadership, public managers and servants mainly focus on customer interests that are essential to achieving their organizations' interests, purposes, and goals because market theories consider the public interest with collectively shared values by citizens to be "meaningless and unimportant" (J. Denhardt & R. Denhardt, 2007, p. 77). Even if some of them admit the existence of public interest as a symbol or a constitutionally grounded concept, they believe that the public interest is achieved by them whose loyalties are to outcomes, customers, entrepreneurship, and market (Lynn, JR., 1996).

### The new public service

The New Public Management has been influential during the last two decades of the twentieth century and still has an impact on public organizations and institutions. At all levels of government, public managers are attempting to be entrepreneurial and to better serve their customers. However, many scholars in

public administration have insisted that administration is essentially about serving democratic values that relate to the concepts of justice, equality, representativeness, and the public interest rather than only increasing efficiency and productivity (Frederickson & Smith, 2003; Fry & Raadschelders, 2008). They do not say that efficiency is always bad. In order to better serve the needs of the people, it is good that democratic, responsive, and responsible governments seek efficiency. But they claim that blindly following efficiency could be dangerous.

As one of those critics, J. Denhardt & R. Denhardt in their article, *the New Public Service: serving rather than steering*, emphasize the active role of public administrators and managers but this role differs from the role of the New Public Management. The New Public Service suggests that public administrators and managers must seek “greater responsiveness and a corresponding increase in citizen trust,” regarding citizens as citizens and identifying shared interests. In this model, public servants have an active and positive role of helping citizens articulate and meet their shared interests (J. Denhardt & R. Denhardt, 2000, p. 552). As Frederickson states:

The pursuit of self-interest through government, while commonplace, must be resisted when either citizen or public servant self-interest erodes the general interest. Rather than merely facilitating the pursuit of self-interest, the public administrator will continually strive, with elected representatives and the citizens, to find and articulate a general or common interest and to cause the government to pursue that interest (Frederickson, quoted in J. Denhardt & R. Denhardt, 2007, p. 81).

Since public servants are usually in “better position than the average citizens to know what alternative policies exist and what their consequences might be,” public servants can help and nourish citizens to understand broader interest as well as their own and seek shared values in the policy-making process (Goodsell, 1990, p. 101). When citizens actively participate in policy-making process and public interest dialogue, public servants also understand what the public really wants. Moreover, listening to citizens makes public servants understand themselves “less as manipulators and more as facilitators” (Stivers, 1994, p. 367). In fact, The New Public Service requires public servants to be informed by a continuing interaction with citizens, emphasizing the importance of the democratic citizenship and the shared public interest (J. Denhardt & R. Denhardt, 2000). Further, through the relationship between citizens and public servants to define the public interest, they all can find inarticulated needs within the society, considering the underrepresented people (Goodsell, 1990). Some can argue that citizen involvement and the public interest dialogue are good but also time-consuming in the aspect of efficiency. However, Dwight Waldo already gave us a great answer long ago, challenging the Classical emphasis on efficiency. Waldo asserts that “the pursuit of technical efficiency was transformed into the pursuit of social efficiency” (Waldo, quoted in Fry & Raadschelders, 2008, p. 312). He also insists that:

Although efficiency is not a value in itself, it is a useful concept only within a framework of consciously held value. In other words, one must

consider the object of efficiency, since it is not reasonable to assume that it is desirable to accomplish *any* end efficiently (p. 312).

## CLASH OF NATIONAL INTERESTS AND THE IMPORTANCE OF THE PUBLIC INTEREST

Bilateral agreements including Free Trade Agreements or other international agreements between partner-countries are enhanced by the global economic environment with “concerns about insular trading block do not square with the market imperatives of the new global economy.” The benefit of bilateral agreements is to improve “the efficiency and competitiveness of their economies in contending with the outside world” through the elimination of trade and regulatory barriers. However, since these international agreements usually include rights and obligations to secure and affect mutual trade and investment flow between countries, they have a “lock-in effect” on domestic reform because violations against these rights and obligations may cause retaliation by trading partners. Governments may withstand demands, pressure, and lobbies that try to change contents of a bilateral international agreement, considering high cost of any policy reversals (Schott, 2004, pp. 10-13).

Thus, countries make every effort to reach an agreement in their own favor and one country’s national interest usually conflicts with another. In addition, negotiators and related public servants must know what their citizens really want in the negotiation for the agreement because contents and obligations

of it will significantly affect the public life. Robert D. Putnam (1988) views international negotiations as a game where negotiators of nations make their best decision to conclude an agreement, considering opportunities and constraints from domestic and international environments at the same time. In Putnam's theory, there exist two levels in a negotiation process: International level and Domestic level. At the international level, negotiators are bargaining with their counterparts in order to reach an agreement. At the domestic level, negotiators and domestic constituents interact with each other to gain support from people who are affected by the agreement if it is to be ratified. Negotiators try to absorb concerns from their societal actors and build coalitions with them. Putnam insisted that neither of the two levels can be underestimated by foreign policy decision makers in order to produce a successful deal over international negotiations. Domestic interests usually mold the bargaining positions and strategies of negotiators at the international level. Conversely, developments at the international level can affect politics at the domestic level, sometimes increasing the prospects for ratification and at other times diminishing them. If an agreement fails to gain support from domestic constituents, the possibility of ratification decreases because the agreement cannot be amended at the domestic level without reopening the negotiations at the international level.

When we consider this characteristic of international agreement and negotiation in the era of globalization, the shared values approach to the public interest can be a useful way to reach a consensus and get the ratification of an international agreement at the domestic politics. J. Denhardt & R. Denhardt (2003)

emphasize that “the political system should seek a fair distribution of advantages across a community. This does not mean that all people are entitled to identical or equal benefits, but suggests that, on balance, everyone be treated fairly” (p. 69). In addition, they do not agree that “values such as efficiency and productivity should be sacrificed,” although their approach emphasizes democracy, community, and the public interest with shared values (Getha-Taylor, 2007, p. 443).

In the shared value approach, “the public interest has a non-arbitrary meaning and the meaning is properly found through reasoned discourse which attempts to relate the anticipated effects of a policy to community values” (Bozeman, 2007, p. 92). The role of public administrators and negotiators is important and unique because they must communicate with citizens and further help citizens to articulate their interests and the public interest with attention to the underrepresented. Then, the articulated and shared values of citizens would guide the decision making of public administrators and negotiators for an international agreement (J. Denhardt & R. Denhardt, 2007). In this way, the concept of the public interest and the role of public servants are still important in the current global trend to encourage citizen involvement in foreign policy-making process, articulate and nourish citizen needs, and advocate the public interest with shared values for their country in international negotiations and agreements.

## HISTORICAL TREND OF PUBLIC POLICY MAKING PROCESS WITH CITIZEN PARTICIPATION

The concept of citizen participation has various synonyms. Scholars have used civic engagement, public participation, political participation, and citizen involvement instead of using the term, citizen participation. Some scholars argue that these terms are similar to but different from each other. For example, Langton defined:

“Public participation is the broadest concept, and it includes participation activities by citizens, the media, and other non-governmental social groups. Citizen participation includes four types: citizen action such as lobbying and protest, citizen involvement such as public hearings and citizen surveys, electoral participation such as voting and campaigning for political candidates, and obligatory participation such as paying taxes and performing jury duty. Langton defined citizen involvement as initiated and controlled by government to improve and/or gain support for decisions, programs, or services” (Yang & Callahan, 2005, p.193).

This dissertation does not make a strict distinction among terminologies but the definition of citizen participation includes “efforts to involve citizens in administrative decision-making and management process” and “the role of the public in the process of administrative decision-making” (Yang & Callahan, 2005, p. 193).



The history of citizen participation in public policy-making is as old as democracy itself. It dates back to the era of the Greek city-states when all citizens could participate and have a voice in decision-making. Although this ancient Greek concept of citizen participation is often referred to as “primary democracy” (or direct democracy), it has been believed that direct democracy may function only in relatively small political jurisdiction and citizens’ direct involvement in decisions of the state has been a hotly debated issue throughout the U.S. history (Ross, 1998, p. 394). In addition, the concept of citizen participation is inevitably related to the concept of citizenship because the idea of citizenship also has a long history tracing back to the Greek city-states and connotes “formal relationships between the individual and the state” with duties and rights. People who live in democratic communities, usually states, have to meet requirements of democratic citizenship. These requirements include engagement in public and political affairs as well as responsibility, equal opportunities, and individual rights, prescribing the role of citizens in social life. Therefore, this dissertation focuses on citizenship and citizen participation under the U.S. democracy that have been uniquely practiced (Van Deth, 2007, pp. 402-408; King, 2007).

This dissertation also follows an approach suggested by J. Denhardt & R. Denhardt (2007) that categorizes the field of public administration and management into three perspectives; the Old Public Administration, the New Public Management, and the New Public Service. Each perspective shows a distinct relationship between citizenship and citizen participation.

## Citizenship and citizen participation in the old public administration

Although there had been a long debate about the role of citizens in policymaking between the Federalists and the Anti-Federalists, citizenship in U.S. history began with the skeptical view of direct participation by the general public, giving citizenship a limited and constricted role. In accordance with our Federalist tradition, the founders believed that popular governments ruled by the masses could have a propensity for “the violence of faction” and a tendency to produce decisions by an overbearing majority (King, 2007, p. 67). They argued that citizens were not able to “grasp complex political or technical problems, think in sophisticated ways about policy decisions, or look beyond their narrow self-interest in making policy choices” (McAvoy, 1999, p. 89). The founding fathers thought that only white male landowners were qualified for participating directly in governance as well as voting. Therefore, at the nation’s founding, ordinary people’s participation in government decision-making was sharply restricted (J. Denhardt & R. Denhardt, 2007; King, 2007).

However, during the presidency of Andrew Jackson, the role of ordinary citizens changed with extended suffrage and citizen participation in public service increased. If he demonstrated his loyalty to the political party in power, any white male could be a candidate for administrative office. In other words, “the citizen role was not just a legal status, but performance” (King, 2007, p.68). When Alexis de Tocqueville visited the United States, citizen participation in public activity was at a peak under the development of grassroots parties during the Jacksonian

democracy. Tocqueville wrote, “The people reign in the American political world as the Deity does in the universe.” However, his writing was somewhat exaggerated because women and African Americans did not secure suffrage yet and other marginalized people were not likely to be actually involved in government activities (Patterson, 2002, p. 127).

In the late nineteenth and early twentieth century, the relationship between citizenship and public administration significantly changed once again. Woodrow Wilson tried to “reconcile the notions of constitutional democracy with inherent concerns for popular control and participation with theories of efficient, professional administration, and their stress on systemic rules and internal procedures as distinct from democratic oversight and influence” (Stillman II, 2010, p. 5). To do so, he contended in his essay, “the study of administration” published in 1887, that government should be divided into two spheres: politics and administration. Under the dichotomy between politics and administration, elected leaders and representatives determined what government should do (policies) and public administrators carried out policies “through efficient procedures relatively free from political meddling” (Denhardt and Baker, 2007, pp. 121-130).

Under the Wilson’s dichotomy, politics and public administration should be separated as values and facts, and the prime value in decision making was efficiency. The staff of bureaucracy should be professional administrators and experts to make rational and value-free decisions. Thus, the Old Public Administration since the late nineteenth century requested administrative

expertise instead of direct involvement of ordinary citizens in government work and emphasized ensuring accountability of public officials to Congress and the elected chief executive, which represented the interests of the people through voting for elections.

Under the circumstances, good public decisions were ones based on planning and centralized fiscal management by professional and expert public officials (Roberts, 2004). Especially, when the great depression attacked the U.S. economy since 1929, the U.S. federal government functions expanded with the New Deal to stimulate the private economy. Governments and bureaucratic experts were seen as the only solution to social and economic ills (King, 2007). The Great Society, the domestic policies and programs generated by the Johnson Administration, could be another example of the bureaucratization and growth of the federal government. President Lyndon Johnson's Great Society Program was premised on the belief that social and economic problems could be solved by federal programs which included health care, public housing, nutrition, welfare, urban development, and other areas (Giannatasio & Klein, 1998, pp. 1015-1016; Patterson, 2002, pp. 76-79). In this way, as the public service grew rapidly due to the need for infrastructure and service to solve social and economic problems, it was believed that experts and professional administrators were better capable of dealing with public problems and complex situations than direct involvement of common folks because citizens did not have the specialized skills and knowledge to be directly involved in government decision-making. Citizens, as a

constituency, were simply viewed as the source of political support and legitimacy for programs and activities (King, 2007; Roberts, 2004).

Nevertheless, active civic engagement movements happened during the 1960s when the U.S. federal government tried to undertake new programs to assist the nation's poor. The first reason of these movements was that "white middle-class dominated police departments, public school systems, county welfare agencies, and a whole host of public sector agencies were all charged with being insensitive to the needs of racial minorities" (Ross, 1998, p. 394). The request for greater participation in government decision-making began with black liberation movements and demands by nonwhites to raise their voice in determining policies and programs that directly affected minorities and the urban poor (Milakovich & Gordon, 2007). The second reason was that local governments had become overbureaucratized. Middle-class citizens as well as disadvantaged residents began to doubt whether public administrators and elected officials were responsive to their concern and represented the diversity of needs. However, local government officials did not necessarily want to redistribute their power and authority, while ordinary citizens sought to participate in the government decision-making process. They often viewed citizen participation as "a tool to appease communities and satisfy federal guidelines required by Congress" (Ross, 1998, p. 395). Professor Walker described "the elitist theory" as a theory that "allows the citizen only a passive role as an object of political activity." Many scholars and writers in the 1960s seemed to be construed as advocates of the elitist theory based on a belief in "the desirability of

representative government” and a emphasis on leaders who had been committed to “democratic norms in representative systems on the scale of the nation-state” (Dahl, 1966, p. 298). In fact, doubts and concerns about the appropriateness and effectiveness of citizen participation still remained “not only among many bureaucrats, administrators, and legislators, but also among scholars and commentators on government” (Rosenbaum, 1978, p. 43). They thought that citizens were uncommitted to participate because citizens were not competent in public decision-making and did not have definite preferences (Yang, 2005). Shmueli and Plaut (2004) pointed out that the characteristic of public participation, prevalent in the 1960s, 1970s, and even 1980s, was the traditional involvement which was generally unidirectional, formalistic, and bureaucratic. As a result, civic engagement efforts during this time were short-lived, public distrust of governmental agencies and institution increased, and citizens challenged the legitimacy of administrative and political process in the 1960s and the 1970s (King, 2007).

In sum, under the Old Public Administration, citizenship and citizen involvement in administrative decision-making were apparently limited despite various historical contexts. Ordinary citizens were regarded as clients and passive recipients of governmental services. Their role in decision-making was limited to expect (or respect) the expertise of professional bureaucrats who were responsible to politicians for implementing policy. J. Denhardt & R. Denhardt (2007) illustrated the status of citizens in the Old Public Administration, explaining the meaning or origin of the word, “client.” They said:

The word “client,” of course, means “a party for which professional services are rendered.” What is interesting is that the word “client” is derived from the Latin *cliens*, which means “dependent” or “follower.” In many cases, public agencies operating under the Old Public Administration dealt with their clients in just such a manner. Clients were seen as in need of help, and those in government made honest efforts to provide the help that was needed through the administration of public programs (p.57).

#### Citizenship and citizen participation in the new public management

After the 1970s, the United States had suffered from an increasing budget deficit due to economic recession, oversized bureaucracies, and expensive costs for public services. With the previous dissatisfactions with transparency and responsiveness of all levels of governments, the reform of financial and management systems was strongly requested to deal with the budget deficit, and the inefficiency and insensitivity of overbureaucratized governments. Responding to the demand of reform, U.S. Governments tried to transform themselves from the traditional public administration to the New Public Management in the 1980s and the early 1990s. Since this reform movement used the economic market as a model for political and administrative relationships, core ideas and principles in the New Public Management essentially depended on techniques and practices

from private-sector and market theories (Hughes, 1998, p. 1489; Huque, 2007; Kapucu, 2007).

Therefore, under the New Public Management, public administrators and managers view and treat citizens as customers with self interests and individual preferences. It is assumed that the best way to reflect citizen/consumers' preferences is to rely on the political marketplace in much the same way consumers rely on the economic market place in which they make decisions toward maximizing their own utilities. In the new public management model, citizen participation is used as a means to identify customer preference and assess customer satisfaction (Roberts, 2004; Yang and Callahan, 2005).

According to Osborne and Gaebler, "customer-driven government is superior to bureaucratic government, having the advantages of greater accountability, greater innovation, and the possibility of generating more service choices and less waste (Osborne and Gaebler, quoted in J. Denhardt & R. Denhardt, 2007, p. 58)." In fact, in terms of the government design, the New Public Management prefers to smaller, decentralized, deregulated, and flexible government units to make citizen/consumers choose customer services, reflecting their preferences. Since public services can be shared with nongovernmental organizations, citizen/consumers may have some choices between governmental and nongovernmental organizations that provide same services. With the enforcement of the entrepreneurial and business mind and the competition among service providers, public administrators and managers make their efforts to give citizen/consumers the best service at the least cost to retain customers (Roberts,



2004). Thus, in the New Public Management, citizen participation can be encouraged by public managers and administrators to know customer satisfaction and needed information.

However, there has been criticism on the new public management model and its focus on citizens as customers. First of all, if public officials and managers are overwhelmed by the entrepreneurial and business mind, they can simply evaluate the citizen participation through a kind of cost/benefit analysis. If the citizen participation process is proven to create profits (benefits), they enhance citizen participation in administrative decision-making. If the citizen participation process is proven to cause a loss and/or threaten their authority, public officials and managers may negatively perceive citizen involvement in administrative decision-making. In fact, by the early 1980s, public participation was typically treated as a cost rather than as a benefit of doing business (King, 2007; Stivers, 1990).

Second, citizens are not merely customers but also owners. Therefore, citizens themselves should be respected by public administrators and managers. However, under the New Public Management, citizens are tax-paying and fee-paying consumers of government services and thereby citizens who can pay more would be a better citizen. Government organizations may focus on listening to rich and powerful citizens' voices while many voices of the poor and powerless people seem to be only a whisper (King, 2007). Although the New Public Management can stand for consensus building, collaborative policy-making, and mutual learning between policy-makers and stakeholders, if the stakeholders are

limited to rich and powerful customers, the meaning and significance of citizen participation process will be declined in terms of democratic governance.

Besides, when citizen participation process fails to integrate various needs and demands, excluding the marginalized and disadvantaged people in administrative decision-making, those citizens may take somewhat radical ways to talk with their government. Some radical movements - the AIDS Coalition to Unleash Power, and Earth First - can be an example to show that “if the administrative processes do not invite citizens in, then citizens will seek involvement in other ways” (King, 2007, p. 77). Rimmerman indicates that these radical movements such as environmental activism and new class social movements in the 1980s and the 1990s were caused by the failure to integrate citizens into the governance process and reflected the alienated people’s desire for resurgence in authentic public participation and a change in the citizen-administrators relationship (King, 2007). He is concerned about these radical movements, saying that:

Yet to the extent that the movement embraced unconventional politics, it also established a foundation for disruptive politics and potential threats to system stability, which the framers had feared. To be sure, contemporary groups across the political spectrum have embraced unconventional politics as a way to attract attention to their grievances and to prompt substantive policy responses. By those maneuvers, however, they have disrupted civility in public discourse (Rimmerman, 1997, pp. 62-63).

Finally, in the close relation to the second reason of criticism, the new public management model and its market assumption can obstruct the citizen participation process in drawing the public interest that is publicly defined with shared values beyond the short-term self-interests of customers. According to Box, Marshall, Reed, & Reed (2001), when “citizens increasingly identify themselves as individual customers and discrete users of government services (p. 614),” they begin to view social issues as issues related to individual choices rather than issues related to what their government must do for the whole public at the expense of some of individual choices. Under the circumstances, for issues that need the inevitable cost of some of the freedom and rights of most individuals, the public participation process for these issues would encounter a difficult situation because the definition of the public interest in the New Public Management is firmly consistent with individual freedom and rights, and self-interested human natures.

#### Citizenship and citizen participation in the new public service

In the New Public Service, “those who interact with government are not simply customers but rather citizens” (J. Denhardt & R. Denhardt, 2007, p. 60) who actively participate in “a shared framework for the interpretation of basic values, one that must be developed jointly by bureaucrats and citizens in real-world situations, rather than assumed” (Stivers, 1990, p. 247). The new public service model agrees with several scholars such as Benjamin Barber, Robert Dahl,

James Fishkin, and Charles Lindblom, who challenged skeptical views about citizens' capacity to participate in policymaking. They argued for citizens' capacity of making reasonable political choices, the importance of democratic decision-making, and the design of political institutions to facilitate citizen participation (McAvoy, 1999).

The new public service model also embraces the CLEAR framework to facilitate citizen participation. The CLEAR framework corresponds to the argument that citizens participate when they:

1. **Can do** – that is, they have the capacities that permit them to make a contribution
2. **Like to** – meaning, they identify with the development scheme
3. **Enabled to** – that is, when effective channels for contributing opinions are available to them
4. **Asked to** – implying that citizens are invited, mobilized or motivated to participate, and
5. **Responded to** – that is, citizens' attempts to make a contribution are not 'shout out' but noted and given consideration (Lambi, 2010, p.67).

Furthermore, the New Public Service requests public administrators to serve an educative function of helping citizens to “entertain broader interests than their own and to understand the complexities of the governance process” through the active participation process (J. Denhardt & R. Denhardt, 2007, p. 95).

Consequently, it is clear that active citizenship and citizen participation are necessary ingredients in the new public service model. First of all, citizens in

the shared frame work in this model can be co-producers of public services. Citizens and public administrators in the decision-making process cooperate with each other for their mutual goal of improving the quality and quantity of service outputs and delivering government services. To achieve this objective, it is important that citizens and public officials continuously interact with each other based on the recognition of mutual dependency to solve their common and joint problems in civil societies and public lives. This relationship between citizens and public officials can build strong communities and a healthy democratic system (Granberg & Åström, 2010; Roberts, 2004).

Second, citizens function as co-learners. Considering that solutions to public dilemmas and problems are not easily given, the New Public Service suggests that public administrators and managers help citizens articulate and meet their shared interest. In other words, public officers serve as facilitators rather than manipulators in citizen participation and decision-making process. They are also informed by a continuing interaction with citizens, emphasizing the importance of the democratic citizenship and the shared public interest (J. Denhardt & R. Denhardt, 2000; Stivers, 1994). In the aspect of citizens, they are nurtured through dialogue that enable “participants to respect and listen to one another’s opinions,” and through deliberation that enable “competing perspectives to be aired and considered before decisions are made” (Roberts, 2004, p. 330). In this sense, citizen participation process can also be the social learning process through which definitions and solutions about problems can be made with collaborations among citizens and public officials. Roberts (2004) contends that

only the social learning process can make citizens full partners with public officials because citizens are directly involved and fully engaged in problems solving and decision-making.

J. Denhardt & R. Denhardt (2007) suggests several practical benefits of active citizen involvement both as co-producers and as co-learners in policy-making process. They say that greater participation in the policy process:

- 1) Can help meet citizens' expectations that they are being heard and that their needs and interest are being pursued.
- 2) Can improve the quality of public service, as governments tap wider sources of information, creativity, and solutions.
- 3) Aids implementation, as participants have more of a stake in the outcomes.
- 4) Responds to calls for greater transparency and accountability in government.
- 5) Is likely to increase public trust in government.
- 6) Can help meet the challenges of an emerging information society.
- 7) Can create the possibility for new partnerships being developed.
- 8) Can result in a better informed public.
- 9) Is simply the right thing to do in a democracy (pp. 95-96).

## THE ROLE OF ELECTED LEADERS AND TECHNOCRATS IN THE POLICY-MAKING PROCESS

There has been a long tradition and academic support in favor of political elites and policy experts. For political elites and leaders, several studies conducted in the early 1960s argue that elites act as reliable guardians of democracy because

they are well-educated and substantially more democratic than the mass public, and, thereby, protect democratic institutions from an unsophisticated, intolerant, and often undemocratic public. Similarly, McClosky and Brill conclude that elites in their surveys are more supportive of democratic values because of their better positions to learn complex democratic values than ordinary citizens, admitting the traditional role of citizens of checking elites in classical democratic theory (Peffley & Rohrschneider, 2007). According to the Polling Report conducted in 1998, only thirty one percent of Congress members believe that the American public knows enough about public issues to form wise opinions. In addition, more than three-quarters of White House staff and senior executives do not believe that the American public has wise opinions about what should be done about public issues. More recently, Thomas R. Dye (2001) presents “top-down policymaking” as a useful analytic model, focusing on national elites who actually make decisions and transform their own values, interests, and preferences into the public policy-making process and arguing that “bottom-up policymaking” by demands of the people is less realistic than the top-down system to understand and explain the realities of policy-making process. He insists that:

Power in American society is concentrated in the hands of the relatively few people who control its largest organizations and institutions. These are the people who make policy for the nation; they are the “national elite.” [Even in a democracy], the immediate or proximate decision makers in government, in business, and in the nonprofit sector comprise a small fraction of the citizenry...So, troubling as it may be, the existence of a

decision-making elite-or, more accurately, elites-is a fact of political life (pp.1-2).

This top-down policymaking is generally considered to be harmful in the promotion of citizen participation, ignoring or undervaluing local knowledge from people while focusing too much on achieving results (Lambi, 2010). Moreover, “Those who criticize globalization from above argue that domestic policies toward globalization have been designed by policy makers and high-level experts who [can] manipulate information in order to present convincing arguments for economic development” (Jun, 2006, p. 68).

For policy experts and technocrats, there has been an optimistic view about them with objective and scientific understandings of policy issues. Breyer, Margolis, and other advocates of a technocratic solution to public policies believe that experts and technocrats are better at understanding public issue, neutral with respect to their policy choices, and best able to serve the interest of the public through expert decision-making. According to them, it is believed that citizens are uninformed, short of expertise, and probably obstructionists when participating in decision-making to achieve a society’s best interest (McAvoy, 1999). In fact, a recent study by Å ström and Granberg shows that “the majority of planners still perceive planning as a professional activity based on expert knowledge, and that the planners do not want to involve citizens directly in decision-making” (Granberg & Å ström, 2010, p. 54). Many planners still seem to believe that, at best, the value of the collaborative participation process lies in “the input of citizenry into the shaping of public policy by administrators” (Shmueli & Plaut,



2004, p. 399). Public administrators and managers' negative attitudes toward citizens have been identified as a major obstacle to authentic public participation (Yang, 2005).

Under the situation, citizens may realize that it is difficult for them to compete with government experts and technocrats in terms of their knowledge, information, and expertise. Administrative and technical elites also crowd out citizens in the participation process (Roberts, 2004). Indeed, a number of social and political theorists have argued that "the possibilities and benefits of participation are now seriously limited by technological and social complexity" and citizens may prefer to leave complex problems to their elected leaders and administrative policy experts. Moreover, citizen participation and public deliberation can be considered to be a waste of time or even detrimental to making efficient and effective policy decisions (Fischer, 2009, p. 54).

## GLOBALIZATION AND FOREIGN POLICY

Under the current trend of globalization, economic theorists believe that greater openness to trade creates a potential larger market to which international or domestic corporations export their products expanding the size of their output. These economies of scale will lower production costs and lower product prices, giving benefits to consumers and generating additional gains from trade. Thus, although Adam Smith already argued for benefits of free trade and costs of trade restrictions more than two centuries ago, liberalism has been refined and updated

in relevance to today's globalized circumstances (Irwin, 2005). Especially, successful completion of the Uruguay Round of trade negotiations, announced on December, 15, 1993, invigorated the free trade regime with multilateralism, liberalization, and nondiscrimination in trade. The Agreement on the Uruguay Round lowered levies on imports and reduced tariffs on a wide range of products for free world trade. The agreement also created the World Trade Organization (WTO), a permanent body with great authority to enforce key provisions reached in the Uruguay Round through dispute settlement procedures (Hody, 1996).

Besides, regionalism such as European economic integration and the North American Free Trade Agreement (NAFTA) has changed dramatically over the past two decades and has been a sideshow in international trade relations. Today, bilateral agreements including Free Trade Agreements or other international agreements between partner-countries are enhanced by the current global economic environment with concerns about insular trading block that is not squared with "the market imperatives of the new global economy." The benefit of bilateral agreements is to improve "the efficiency and competitiveness of their economies in contending with the outside world" through the elimination of trade and regulatory barriers. However, since these international agreements usually include rights and obligations to secure and affect mutual trade and investment flow between countries, they have a "lock-in effect" on domestic reform because violations against these rights and obligations may cause retaliation by trading partners. Governments may withstand demands, pressure, and lobbies that try to change contents of a bilateral international agreement, considering high cost of

any policy reversals (Schott, 2004, pp. 10-13). Therefore, policymakers in both the executive and legislative branches need to consider the international dynamics of policy-making for bi- or multi-lateral cooperation.

With consideration for international cooperation between states as well as enforcements by international agreements and international institutions, foreign policy-making may cause frequent gaps or a disconnection between citizens and decision makers. In fact, there has been a long concern about U.S. trade negotiators and policy makers who may not respond fully to what the American public wants. Page and Bouton (2006) say that “under Democratic and Republican administrations alike, the pursuit of free trade has sometimes seemed to enjoy a higher priority than the protection of domestic employment or working conditions abroad” (p. 179). They also explain several reasons for why policy leaders and officials adopt foreign policies opposed by the public. First, decision-makers may think that they more accurately perceive what the national interest is, ignoring public opinion that, they believe, is often ill-informed. Second, foreign policy experts and policy makers may have their own values and ideologies. Third, under capital globalization, economic and other resources are unequally distributed among citizens. Well-organized interest groups and large business corporations can often push for economic policies opposed by the public because they can privately hire foreign policy experts and have a big influence on foreign policy decision makers as well as foreign policy experts inside government. Fourth, “the executive branch can use its information control to conceal or misrepresent what it is doing abroad” and “this diminishes the ability of voters to

hold officials accountable” (Page and Bouton, 2006, p. 220). As a result, the influence of the public and the possibility of citizen participation on foreign policy-making process would be diminished on these weak foundations.

Cobb, Ross, & Ross (1976) suggested three models of agenda building to show how an issue acquired formal agenda status where serious consideration of the issue by decision makers could take place. Although this study was not about direct citizen participation in the policy making process, “the outside initiative, mobilization and inside access models describe three ways in which the public can influence the structure of political agendas” (p. 137). In the Outside Initiative Model, decision-makers are more likely to respond to public opinion because issues arise outside government, articulate, expand, and enter into government for decision-making. On the contrary, decision-makers in both the Mobilization Model and the Inside Access Model already prepare their own policies. The difference between these two models is that while decision makers in the Mobilization Model try to seek to expand the issue to the public to gain people’s support, decision makers in the Inside Access Model do not want that their policy proposal is expanded. If necessary, they only contact other related governmental leaders and decision makers. Cobb, Ross, and Ross also explain when one specific model would be more prevalent than the other two models. Their explanation is useful to expect the relationship between citizens and decision-makers under the current trend of economic globalization. They think that:

- (1) The more egalitarian a society, the more likely that the outside initiative pattern will predominate;

- (2) The greater the concentration of wealth and status in a society, the more likely that the inside access pattern will predominate;
- (3) The greater the social distance between political leaders and followers, or the more political leaders are seen as endowed with special insight or supernatural powers, the more likely that the mobilization pattern will predominate;
- (4) The more complex the social structure and economy of a society, the less likely that any single pattern will predominate (p.137).

When globalization is governed by economic development, market rules and principles, and instrumental rationality, which means “the use of the most efficient and rational means to reach a desired end” (el-Ojeili and Hayden, 2006, p. 131), political leaders, elected officials, and technocrats may believe that citizen participation would be too expensive, too slow, and too inefficient. They may also think that the decision-making process should rely on their professional expertise because, under globalization, a society has become more economically and technologically sophisticated, requesting more refined expert decision-making. Then, they may regard the extensive citizen participation as the involvement of amateurs and the negation of the expertise (Roberts, 2004). Moreover, Jun (2006) points out that policy makers and high-level experts under globalization may manipulate “information in order to present convincing arguments for economic development” (p. 68). Therefore, as citizens do not play an active role in decision-making process, elected leaders and technocrats are more likely to adopt either the Mobilization or the Inside Access Model in many

foreign policies, especially in the economic realm. Then, “the concentration of wealth and status in a society” and “the social distance between political leaders and followers” become greater under globalization, creating an unavoidable vicious circle as illustrated by Cobb, Ross, and Ross (1976, p. 137).

## GLOBALIZATION AND CITIZEN PARTICIPATION

Democracies in the current age are essentially representative democracies which are considered to be a solution to govern geographically large-scale nations with the high density of population. Esaiasson (2010) suggests two views about representative democracy and citizen participation:

For the sake of argument, I will assume that representative democracy can be understood in one of two basic ways. According to one view, representative democracy is a poor substitute for the real thing, which is direct democracy in the style of ancient Athens but with an inclusive definition of demos. According to the other view, representative democracy is a system of government in its own right, partly elitist, partly egalitarian. As direct democracy assumes that all citizens are involved in decision-making processes, the first view of representative democracy implies that citizen involvement has intrinsic value, i.e., the more citizen participation the better. However, if representative democracy is viewed as a system in its own right, it should be evaluated according to other criteria

than how closely it mimics direct democracy. If that is done, increased citizen involvement is seen as not necessarily a good thing (p.16).

In my opinion, while I admit that representative democracy has functioned as the basic and unavoidable system of most current democracies around the world, the current political representation system is not enough. Under the traditional system of representative democracy, the process of representing the views of citizens is limited to direct voting for elections and activities by political parties and interest groups (Laforest & Phillips, 2007). According to Benjamin Barber, the main characteristic of a healthy democracy is “the politics of amateurs, where every man is compelled to encounter every other man without the intermediary of expertise.” Focusing on a participatory democracy as a supplement for the weakness of current liberal democracy and politics, Barber also stresses that “participation can be learned by active citizens in order to develop citizenship.” Hence, engagement in the decision-making process is essential for citizenship and an integral part of social life (Van Deth, 2007, p. 406). In addition, deliberative democracy in the late 1990s recasts public participation focusing on “citizens who participate as individuals rather than as group representatives” and embracing “the value of genuine two-way dialogue rather than merely a one way transmission of information from citizens to governments” and vice versa (Laforest & Phillips, 2007, p. 71).

However, the rise and expansion of capital and economic globalization has caused the concentration of economic and political power. Average citizens’ participation in decision-making process has been interrupted by market

preference to powerful citizen/customers, the close relationship between decision-makers and global organizations, and dependence on technocrats and government elites to solve complex problems under the global context. For example, according to the Globalized Public Policy Process Model illustrated by Anderson (2007), public managers are closely related to transnational organizations and corporations as well as political leaders to deal with broad public policy issues and interests that are beyond a nation's territory. But public engagement in this model is still limited to voting for elections, although public policy issues made by various national and transnational participants directly affect the public life. Depreciating the value of citizen participation, political leaders and public officials can think that they are qualified to defend the nation's general or national interest under the complex global circumstances because they can objectively understand and pursue what is the best interest of a community (or a nation) as a whole.

Anne Schneider and Helen Ingram in their paper, *Social Construction for Target Population* (1993) can give us some explanation about how policy designs often fail to serve the public and why decision-makers produce these kinds of policies under globalization. In my opinion, their study is useful to expect what can happen in policy-decision making when citizens have continually little influence on policy decisions. Schneider and Ingram admits that decision-makers must explain and justify their policy positions to the public "by articulating a vision of the public interest and then showing how a proposed policy is logically connected to these widely shared public values" (p. 336). Nevertheless, they also



insist that decision-makers can make policies that provide benefits to powerful groups and burdens to less powerful groups. Schneider and Ingram do not put the general public into their four categories which are advantaged, contenders, dependents, and deviants, respectively. However, when international agreements or related domestic policies are made for advantaged groups such as transnational corporations and powerful interest groups, the general public themselves can be recognized as dependents with undersubscribed benefits and oversubscribed burdens in the era of economic globalization.

Especially, in the realm of foreign policy in the U.S. there has been a long standing skeptical view about producing a rational public opinion on foreign policy matters. This skeptical view doubts whether public opinion can reflect events occurring in the global environment. Eichenberg (2007) indicates that public opinion may be considered to be irrational because 1) it is highly changeable and unstable with no apparent reason, 2) it is incoherent: “an opinion on one foreign policy issue was unlikely to be related to views on other, even similar issues,” 3) public opinion cannot reveal any real relation to world events or policy actions due to the low information level that is a limitation to form reasonable opinions. If decision makers and technocrats believe that public opinion is irrational and unstable, although they have ambivalent feeling toward public participation for democratic governance, they may hesitate to directly involve citizens into foreign policy-making process (p. 392).

## MUTUAL EFFORTS BY CITIZENS AND DECISION MAKERS TO INCREASE AUTHENTIC PUBLIC PARTICIPATION

Despite the negative view of citizen capacity to make reasonable decisions and the current monopoly in decision-making by elected leaders, technocrats, professionals, and experts, public participation in the policy-making process is important. First of all, our representative democracy with instrumental rationality is not enough to articulate the public interest. According to Jürgen Habermas, obsession of efficiency and rationality is, “in many respects, beneficial, but it also can be distorting in that it can move us away from normative questions of appropriate goals and means.” Habermas suggests “communicative rationality” to make up for the weak point of “instrumental rationality” through communication “in a way which is free from certain distorting influences” (el-Ojeili & Hayden, 2006, p. 131). Second, in relation to the first reason, public participation can hold decision-makers accountable and protect individual and minority-group rights and interests. Third, there have been evidences for the rational and competent public with active citizenship. Based on extensive analysis of a number of foreign policy opinions, Shapiro and Page find that public opinion is not likely to change without reasonable causes (Eichenberg, 2007). Page and Bouton (2006) also conclude that “individuals’ opinions tend to reflect, in a purposive or instrumental fashion, the values they hold, the goals they seek, and the threats they perceive” (p. 203). Fourth, increasing gaps between decision-makers and citizens cause the public to oppose and impede the government’s implementation of domestic or foreign

policies (Page & Bouton, 2006). On the contrary, public participation enhances the public's policy acceptance. Finally and personally, I think that active and authentic public participation in decision making can alter "patterns of political power and allocations of public resources" (Milakovich & Gordon, 2007, p. 70) and can thereby transfer the status of the general public from the dependent status to the advantaged status in the four categories in the social construction. Ingram and Schneither (1995) also agree with the evolution and change of social constructions over time. Altogether, active public participation can build a strong democracy which is the foundation for raising good citizens and an engaged citizenry, making a positive and desirable cycle.

However, to build active citizenship and achieve a high degree of harmony between the general public and policy makers needs mutual efforts by them. In the aspect of citizens, they must recognize that political participation is an obligation that they as citizens ought to do. They also have to participate in the decision-making process. "I ought to" and "I have to" seem to be similar but "I have to" has a stronger internal orientation. Citizens have to participate because participation is important to them. In other words, "I have to" focuses more on a right to participate, while "I ought to" focuses on obligation (Amnå, 2010, pp. 196-197). In the aspect of policy makers, they have to nourish people based on "high citizenship," which view citizens with equally distributed power and authority to participate and "the politics of citizenship" where "ordinary citizens engage in dialogue and discourse concerning the directions of society and act based on moral principles such as those associated with the term, civic virtue."

Decision-makers should encourage citizens to actively participate in “defining the process and content of policy-making”, showing that citizen engagement actually works and is meaningful for developing policies (J. Denhardt & R. Denhardt, 2007, pp. 49, 97). Finally, citizens and policy-maker should make an effort to make the participation process itself transparent. All citizens have equal opportunities in free and open dialogue, and people affected by the resulting decisions are included in the discussion (Laforest & Phillips, 2007).

Citizen engagement in the policy making process is necessary for democracy. It does not impair the expertise of public administration and the system of representative democracy. Rather, active citizen participation will increase reciprocity between citizens and policy-makers, articulating public interest with shared values and supplementing the weakness of our liberal, capital, and representative democracy with communication, partnership, and co-learning between citizens and their government. Thus, active citizen participation still is an essential ingredient to build a nation of the people, by the people, and for the people.

## CHAPTER 3. RESEARCH DESIGN AND METHODOLOGY

### DEVELOPMENT OF FRAMEWORK

#### Two level game

Putnam (1988) says that “domestic politics and international relations are often somehow entangled” (p. 427). He views international negotiations as a game where foreign policy decision makers and negotiators make their best decision to conclude an agreement, considering opportunities and constraints from domestic and international environments at the same time. In Putnam’s theory, there exist two levels in a negotiation process: International Level (Level I) and Domestic Level (level II) (Figure 3.1). At the International Level, negotiators bargain with their counterpart in order to reach an agreement. At the domestic level, negotiators and domestic constituents interact with each other to gain support from people who are affected by the agreement if it is to be ratified.

Putnam (1988) says:

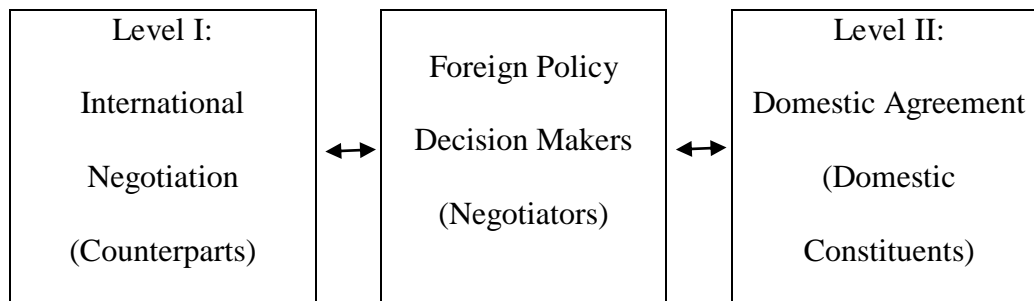
At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments (p. 434).

Thus, Putnam asserts that both the two levels cannot be underestimated by foreign policy decision makers in order to produce a successful deal over

international negotiations. On the one hand, domestic interests usually mold the bargaining positions and strategies of negotiators at the International Level. If an agreement fails to gain support from domestic constituents, the possibility of ratification may decrease and the non-compliance of the agreement may happen. On the other hand, developments at the International Level can affect the domestic politics because domestic actors understand that once an agreement is made, the agreement cannot be amended at the Domestic Level without reopening the negotiations at the International Level.

Figure 3.1

Basic Idea of Putnam's Two-Level Game Theory

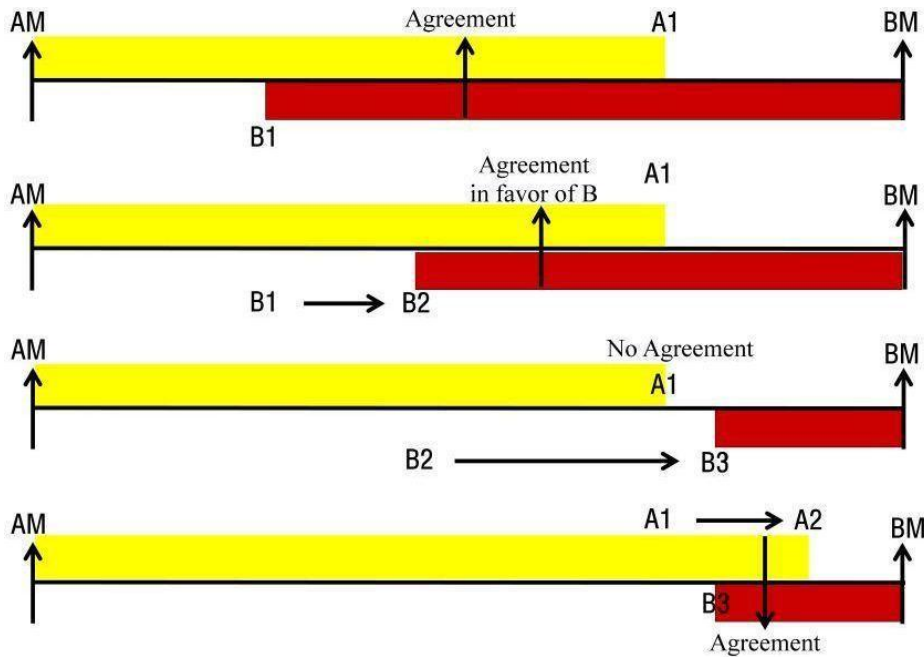


The core idea of the two-level game theory is “win-set.” Putnam defines the “win-set” as the set of all possible agreements at the International Level that would win ratification at the Domestic Level. Figure 3.2 summarizes the concept of win-set and the meaning of win-set size between A country and B country. In this figure, AM and BM represent maximum outcome of A and B in a negotiation. ‘AM-A1’ and ‘BM-B1’ mean A’s win-set and B’s win-set, respectively. Both countries and negotiators can reach an agreement in the middle of the overlapping

part (A1-B1) considering their domestic supports and ratifications. On the contrary, no overlapping means no agreement.

Figure 3.2

The concept of Win-set



The size of win-sets is important because wider win-sets enhance the prospects for reaching an agreement because the win-sets of each side are more likely to overlap. However, a country with a relatively narrow win-set size may have advantages. In other words, negotiators with narrow win-sets may gain advantages over counterparts because negotiators with larger win-set may be pressed to make concessions to reach an agreement, losing their bargaining power. Thus, although the reduced overlapping area means the difficult negotiation process to reach the agreement, the narrow win-set size gives the country more

bargaining power to lead the negotiation. For example, if B's win-set changes from B1 to B2 (that is, B's win-set reduces to BM-B2), the overlapping part is decreased in B's favor. However, if B moves even further to B3 in order to enhance their bargaining power, there are two possibilities. First, the win-sets no longer overlap and the negotiation eventually comes to a break down. Second, if A country really wants to make an agreement and expands its win-set from A1 to A2, the agreement can be made much in B's favor. In this way, the process and result of international negotiations depends on the size of win-sets and the extent of overlapping win-sets.

#### The advocacy coalition framework

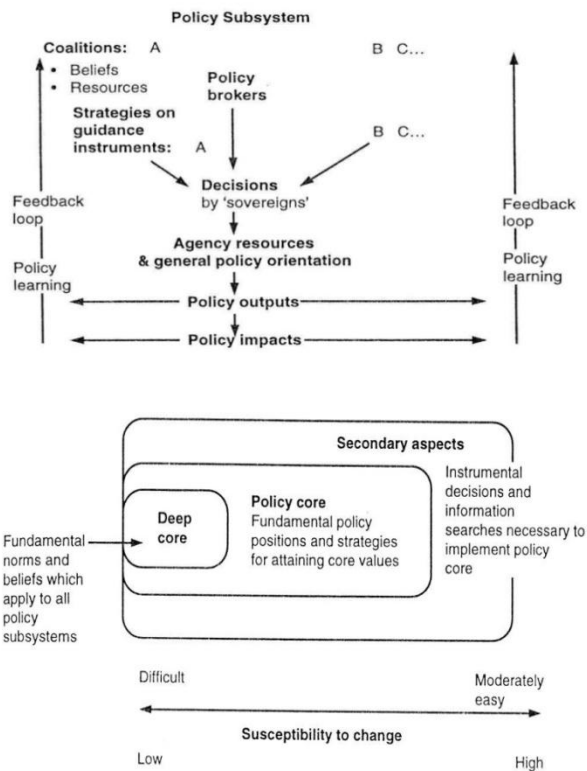
In the Advocacy Coalition Framework (ACF), Sabatier and Jenkins-Smith (1993) tried to integrate many of the major findings of the policy literature on public-policy making. To develop a causal theory of the policy process and policy change over time, the ACF takes an interest in three sets of processes. First, the ACF focuses on the interaction of competing advocacy coalitions within a policy subsystem. The ACF assumes that advocacy coalition can be distinguished from one another in terms of their beliefs and resources. Coalitions are organized in "core" and "secondary" elements with respect to the structure of beliefs and begin to work to realize their beliefs. An advocacy coalition consists of actors from a variety of public and private institutions who share a set of basic beliefs for policy goals and seek to influence governmental decisions to achieve the goals. Since



core elements or core beliefs are hypothesized to be relatively stable, when “coalitions seek to learn about how the world operates and the effects of various governmental interventions,” “policy-oriented learning is usually confined to the secondary aspects of belief systems” (p.5). If changes in core elements happen, these changes are hypothesized to result primarily from changes external to the subsystem (Figure 3.3).

Figure 3.3

Policy Subsystem and the Structure of Beliefs (Parsons, 1995, pp. 196-197)

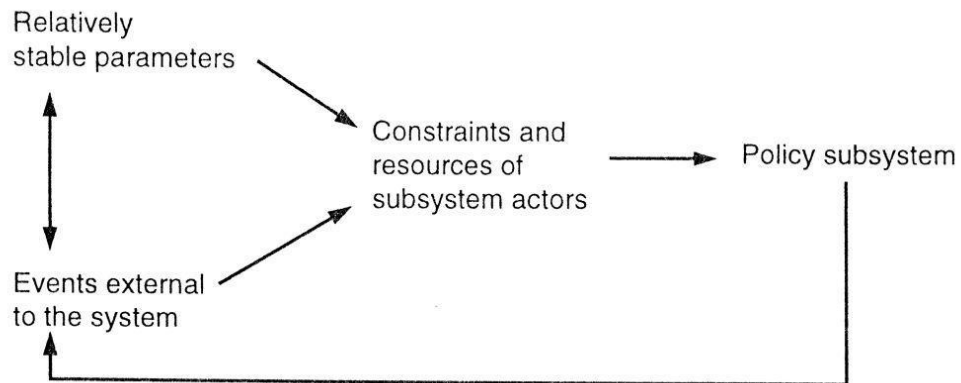


The second set of processes concerns changes in socioeconomic conditions, system-wide governing coalitions, and policy impacts from other subsystems that are defined as system events external to the subsystem and

provide new opportunities and constraints to the competing coalitions (Figure 3.4). Jenkins-Smith and Sabatier (1994) argues that “changes in the policy core attributes of public policy within a subsystem will not come about solely because of activities internal to the subsystem, instead requiring some exogenous shock which alters the resources and opportunities of various coalitions” (p. 183).

Figure 3.4

Brief Diagram of the Advocacy Coalition Framework



The third set involves the effects of stable system parameters including basic attributes of the problem area (good), basic distribution of natural resources, fundamental socio-cultural values and social structure, and basic constitutional structures (rules). The ACF assumes that changes in the policy are affected by a result of interplay of relatively stable parameters and external events. However, parameters in the third set are very stable factors and difficult to be changed. Thus, even though these factors can theoretically limit constraints and resources of the

various subsystem actors, actors are unlikely to make them “the object of strategizing behavior” (Sabatier and Jenkins-Smith, 1993, pp. 5, 20).

Combination of the two level-game theory with the advocacy coalition framework

The framework of this dissertation was made by the combination of the two level-game theory with the advocacy coalition framework which had the following advantages to analyze the beef negotiation process.

First, the combination of two theories can be an integrated model through which we may review the policy-making process and the change of negotiation stances in South Korea over time as well as the negotiation position of the United States. In the one hand, there were two levels in an international negotiation process in the two level-game theory. At the International Level, negotiators in a country bargain with their counterpart in order to reach an agreement, making changes of their win-set sizes over time. At the Domestic Level, there will be an interaction between the country’s government and its people.

On the other hand, the Advocacy Coalition Framework (ACF) is a causal theory of the policy-making process and policy change over time where can be the domestic level indicated in the two level-game theory.

Therefore, the two theories can be integrated by incorporating the sub-policy system of the ACF into the two level-game theory. According to the two-level game theory, both the domestic level and the international level are considered in the same framework to review the whole negotiation process. Thus,

the result of the negotiation process (the change of win-sets) per each period of analysis in the dissertation will be considered in the same policy subsystem which can be different from outside of the subsystem.

Second, the ACF describes the process in which competing groups of advocacy coalition interact with each other as well as governing institutions to achieve their goals. In the case of the U.S.-South Korea beef negotiation, the competing advocacy coalitions simplified into the government side and the public side in the beef policy system because the Korean government is included in the opposite coalition to the Korean public side. In fact, the ACF has been used as a framework to explain policy disputes in the domestic level (Weible, 2007).

Third, the ACF identifies three categories of policy beliefs that can analyze and explain competing coalitions' behaviors motivated by their shared beliefs in the three layers of belief system (Sabatier and Jenkins-Smith, 1993). The first category is the deep core as fundamental norms and belief which apply to all policy subsystems. The second category is the policy core which includes fundamental policy positions and strategies to attain core values. The last category is called secondary aspects that include instrumental decisions and information searches necessary to implement policy core. These policy beliefs will be identified for the beef case in the aspect of the new public service with the concept of the public interest and citizen participation.

Fourth, the ACF considers external factors outside policy subsystems that can affect opportunities and resources subsystem actors. The ACF assumes that external shocks can lead to rapid changes in actors' beliefs and behaviors. The

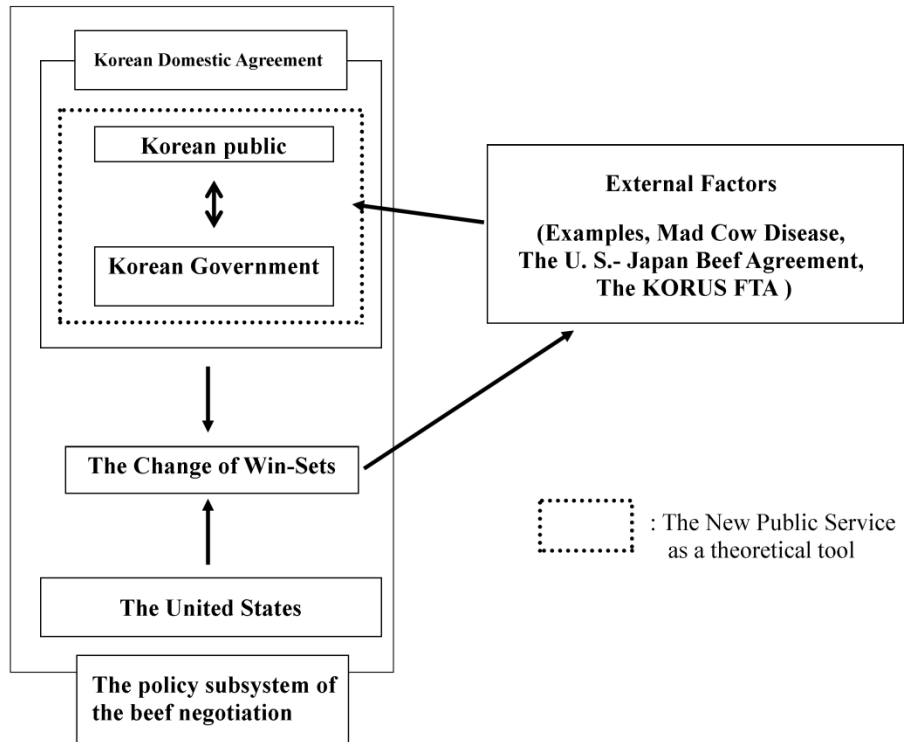
dissertation framework considers impacts of external factors to the policy sub-system.

Finally, the new public service theory will be used to interpret and explain the implication shown by the government activities in the whole beef negotiation process. While the dissertation framework is the tool for reviewing the events and facts, the new public theory is the tool for explaining the result of the events and facts. When the new public theory is combined with the three categories of beliefs in the ACF, we may fully explain the Korean case of public distrust and protest against the U.S.-South Korea beef negotiation process and U.S. beef imports with various angles. Several studies and reports argue that Korean public protests happened because of mad cow issues and public dissatisfaction of the beef agreement process (Jurenas, 2008; Cooper et al., 2010; Kang, 2006). Other studies insist that the U.S.-Korea Beef Agreement must be closely connected with the Korea –U.S. Free Trade Agreement (the KORUS FTA) (Hwang, Park & Lee, 2010). Thus, in the dissertation framework, the KORUS FTA and the mad cow issue are treated as external factors.

Figure 3.5 illustrates the devised framework for the beef agreement. At the Domestic Level, the Korean government may have an interaction with the Korean public. At the same time, the Korean government interacts with its counterpart, the United States. The result of negotiation of each period can have an impact on external factors. These external factors impact the policy subsystem which includes both the Domestic Level and the International Level.

Figure 3.5

The Dissertation Framework



RESEARCH METHODS AND DATA COLLECTIONS

Time period for research

When the United States reported the discovery of a Canadian-born cow in Washington State with bovine spongiform encephalopathy (BSE or mad cow disease), South Korea banned U.S. beef imports on December 24, 2003. Throughout 2004, The United States Trade Representative (USTR) officials had demanded for Korea to reopen its beef market and signaled that KORUS FTA talks were unlikely to begin with South Korea while the ban was in place (Manyin,

2006). On the other hand, according to the white paper (2009) by the Seoul Department of Korean Prosecutor's Office, public protests against the beef negotiation disappeared on August 15, 2008. Thus, this dissertation considers that the U.S.-Korea beef negotiation and its impact on actors in the policy subsystem actually began in January, 2004 and ended in August, 2008. In addition, the dissertation identifies three phases within the whole beef negotiation process to review and analyze the policy-oriented learning process in each coalition. They are the 2006 agreement (the first protocol), the second agreement (the second protocol) which was completed via the President Roh's promise of supporting OIE<sup>1</sup> decisions and the two-phased approach suggested by South Korea, and the voluntary private sector arrangement (the final private sector arrangement).

## Research Methods

Main events related to the beef negotiation process are reviewed for the Korean domestic politics, considering external factors. For the beef negotiation at the international level, win-set size changes on both the U.S. and the Korean side are examined. Then, the Korean government's behaviors and belief are analyzed with the aspect of the new public service. For the point of view that is well balanced, the aspects of the Old Public Administration and the New Public Management are also used in the analysis. The ACF's three categories of beliefs

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<sup>1</sup> OIE is historical French Acronym of the World Organization for Animal Health

combined with the new public service theory are adopted to fully explain the belief and behaviors of the Korean government and the public.

#### Data collections

For reviewing win-sets and events of the U.S. and South Korea, various types and versions of Congressional Reports are investigated. These Congressional reports are encyclopedic, public domain research reports written by the U.S. Congressional Research Service to clearly define issues in a legislative context. These U.S. reports often provide us with the Korean context of the beef negotiation more in depth as well as the U.S. context. Previous studies about the beef agreement are also considered.

For reviewing Korean government's and Korean public's beliefs, strategies, behaviors, a series of articles mainly from a Korean newspaper company, JoongAng Daily are first investigated. Congressional reports are utilized with those articles, checking and balancing each other. Other resources including other news papers, documents, and online web-site are used to supplement the main articles from JoonAng Daily and U.S. Congressional reports. For reviewing public opinion and its fluctuation, internet debate forums (called "Agora") provided by a popular internet networking company ("Daum") are investigated and analyzed in the aspects of debate subject and the number of created agora over time. The Daum Company has run the best and unique online



communication system in South Korea. The graphs based on the result of this investigation may help to clarify the direction and strength of public opinion.

## CHAPTER 4. BEEF NEGOTIATION PROCESS ANALYSIS

### THE JANUARY 2006 BEEF AGREEMENT

South Korea's ban on U.S. beef imports and the cases of mad cow disease

U.S. agricultural exporters had long complained about high tariff and non-tariff barriers maintained by South Korea to protect domestic Korean producers. In 2000, a dispute settlement panel requested by the U.S. and Australia had ruled that Korea's beef import system discriminated against foreign suppliers. In September 2001, the U.S. and South Korea settled their most contentious agricultural dispute, when the U.S. accepted Korea's abolition of its requirement that imported beef be distributed and sold through different channels than domestic beef (Manyin, 2002a, p.11).

Although the beef dispute had been temporarily settled, several other disagreements lingered. U.S. trade officials complained about the clarity of Korea's new labeling and rule of origin requirements for genetically modified foods. The U.S. had also charged that Korea's quarantine policies and mandated shelf-life requirements were barriers to imports. U.S. agricultural groups contended that Korea's import certification requirements and testing standards were unduly onerous (Manyin, 2002b, p.12).

Nevertheless, by 2003, South Korea had become the third-largest export market for U.S. beef. That year, U.S. beef exports to South Korea totaled \$815 million and accounted for 21% of the 3.9 billion in U.S. beef products shipped worldwide (Jurenas & Manyin, 2011, p.1).

In the meantime, after the first U.S. case of mad cow disease was discovered in the Washington State cattle herd on December 23, 2003, almost all countries imposed bans on imports of U.S. beef with concern about the potential human health impact of U.S. beef (Hanrahan & Becker, 2004, p.1).

Bovine spongiform encephalopathy (BSE, the formal name of mad cow disease) is a fatal, neurodegenerative disease of cattle thought to arise from the consumption of animal-derived protein supplements added to feed. Scientists believe that this disease can be transmitted to humans who eat the brain, spinal cord, or other high-risk tissues of BSE-infected cattle, causing a variant form of Creutzfeldt-Jakob disease (CJD). CJD is a degenerative neurological disorder due to withering of the brain that is ultimately fatal (Jurenas & Manyin, 2011, p.3).

The Korean government also banned imports of U.S. beef on December 24, 2003 as Korean people's concern about U.S. beef arose. The Korean Ministry of Agriculture and Forestry announced that it had suspended the quarantine clearance for all U.S. beef and beef products, saying that "it is impossible with current technology to find out whether beef that has been butchered is infected with mad cow disease." In addition, because of fear that beef products already in the Korean market might be infected, the Ministry temporarily prohibited the sale of specific cuts of meat among previously imported U.S. beef products including cow's head, internal organs, spines, and bones (JoongAng Daily, 2003, December 26).

After the first case, a Texas born and raised beef cow with mad cow disease was found in November 2004 (Becker, 2006, p.1). But the second U.S.

case was confirmed and announced by USDA on June 24, 2005. The test by USDA in November 2004 showed a negative result for BSE but the additional test by the World Reference Laboratory in England showed a positive result. The varying test results provoked skepticism among consumer groups and several Members of U.S. Congress about the adequacy of USDA's testing (Becker, 2005a, pp. 2, 9).

The U.S. initial response to the Korea's beef ban

The United States had responded to each country's bans by sending high-level delegations to important foreign markets to induce them to lift their import bans (Hanrahan & Becker, 2004, p.3). On December 30, a U.S. government delegation visited Seoul, the capital of South Korea, and met officials in the Korean Ministry of Agriculture and Forestry. The delegation led by David Hegwood, special counsel in the office of the U.S. secretary of agriculture, requested South Korea to allow U.S. beef that had been shipped to Korea before December 23 to enter Korea on condition that the U.S. government guaranteed its safety. But Joo-soo Kim, the deputy minister, responded that "it is directly related to the health of the Korean people. So, we cannot soften the ban as long as there is no evidence of the safety of the American beef." On December 29, the U.S. delegation was in Tokyo, Japan. According to the Japanese government, the delegation also asked for discussions on the lifting of Japan's ban on imports of

American beef. Japan responded that it was too soon to discuss removing the ban (JoongAng Daily, 2003, December 31).

On January 6, 2004, the U.S. Agriculture Department announced that the infected cow discovered in Washington State was born in Canada. The intention of the announcement was that the United States should not be considered an area infected with mad cow disease because the Washington State case originated in Canada. However, South Korea's Ministry of Agriculture and Forestry said on January 7 that South Korea would not soon lift the ban on imports of U.S. beef, insisting that "the United States and Canada should be regarded as one zone of livestock farming" (JoongAng Daily, 2004, January 8).

The second round of talks was held on January 27, 2004 between senior agriculture officials of South Korea and the United States regarding Korea's beef ban. At the meeting, the U.S. delegation led by agriculture stressed the safety of U.S. beef while Korean delegation stressed the need to restore Korean people's confidence in the U.S. beef products and said that Korean government continued its ban on imports of U.S. beef (The Chosunilbo, 2004, January 28; JoongAng Daily, 2004, January 27).

The beef access issue and the KORUS FTA

Cattle production is the largest single segment of U.S. agriculture, accounting for 20% of the value of U.S. farm sales. Exports of U.S. beef and other cattle products are viewed as critical to long-term market growth (Becker, 2005b,

p.3). U.S. beef exports had grown rapidly during the decade beginning in 1992, increasing by 85%, while domestic beef consumption grew by 14% (Hanrahan & Becker, 2008, p.1). The value of beef and beef variety meat exports was estimated by USDA at \$3.9 billion before the discovery of BSE in a Washington state dairy cow. Four countries had accounted for approximately 90% of these exports: Japan (37%), South Korea (24%), Mexico (20%), and Canada (10%) (Hanrahan & Becker, 2004, pp. 1-2).

Given that South Korea was among United States' largest markets for agricultural products and beef (Manyin, 2007, p.2), it might be natural that the United States intertwined the beef agreement with KORUS FTA. For the United States, at the request of the Senate Finance Committee in 2001, the International Trade Commission (ITC) conducted a fact-finding investigation on the likely economic impact of the KORUS FTA. The ITC used "the static model" that focused on the effect of tariff liberalization rather than the more dynamic after effects that would be harder to quantify (Manyin, 2006, p.26).

The ITC's final report estimated that within four years after implementation of the KORUS FTA, U.S. exports to Korea would increase by 54%. At the sectoral level, the estimated effects on trade were relatively large for those sectors with high initial trade barriers. The biggest beneficiaries on the U.S. side would likely happen in the agricultural sector. Especially, U.S. exports of beef could possibly increase by 60% percent (Manyin, 2006, p.26; The USITC, pp.

x-xi).<sup>2</sup> However, if the beef ban continued, the FTA's potential benefits for the U.S. side in the beef sector would be greatly diluted. In contrast, if Korean beef market was fully open, the eventual impact of the FTA would greatly increased beyond the static estimates conducted by the United States International Trade Commissions (USITC) and the non-partisan Institute for International Economics (IIE)<sup>3</sup>, which did not take into account the dynamic and indirect longer-term economic effects due to changes in sanitary and phytosanitary provisions (Cooper & Manyin, 2007d, p.25).

Thus, it was not surprising that the U.S. Trade Representative (USTR) official had said that, although the United States would be interested in a free trade agreement (FTA), negotiations for the FTA were unlikely to begin with South Korea until the ban was lifted (Manyin, 2007, p.17; Manyin, 2004, p.18). In fact, U.S. negotiators had clear objectives for the beef agreement that included 1) the elimination of unnecessary and unscientific South Korean sanitary and phytosanitary regulations, and 2) the establishment of special rules for U.S. beef

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<sup>2</sup> The USITC estimated that sale of agricultural products would be up to \$3.8 billion higher than exports under a no FTA scenario. Almost half of this export increase would accrue to the U.S. beef sector, based on the USITC's assumption that U.S. beef exports recovered to the level before South Korea imposed its import restrictions in late 2003. Assuming that South Korea fully lifted its restrictions on U.S. beef and bilateral beef trade returned to normal, the USITC estimated that the phase-out of South Korea's beef tariff and safeguard could increase U.S. beef exports up to almost \$1.8 billion above what would be the case otherwise (Cooper, et al. 2011, pp. 13-14).

<sup>3</sup> Both studies concentrated on the static economic effects, that is, the direct economic effects resulting from the elimination of tariffs and quotas on all bilateral trade, including agricultural trade (Cooper & Manyin, 2007e, p. 25).

shipments to South Korea, giving preferential treatment to U.S. beef producers (Cooper & Manyin, 2007a, pp. 14-15).

On the other hand, due to South Korea's economic dependency on the United States and eager for concluding the KORUS FTA, the Korean government could not be the demander on the beef access issue related to the FTA. Moreover, since Japan remained adamant about barring the U.S. beef, the United States began to actively pressure South Korea in 2005 to accept imports of U.S. beef. Until March 2005, Condoleezza Rice, the U.S. Secretary of State, Christopher Hill, the U.S. ambassador to Seoul, and Josette S. Shiner, deputy U.S. trade representative made the same request of lifting South Korea's ban against U.S. beef imports. Although South Korean initial response was that public health and safety should be Korean government's first priority over other things, it was expected that the Korean government would make some progress in the beef negotiation before the FTA negotiation began. Indeed, South Korean officials periodically had said they expected the market would be reopened (JoongAng Daily, 2005, March 10; JoongAng Daily, 2005, April 13; Manyin, 2005, p.11).

#### Progress of the KORUS FTA

Beginning in 2004, the South Korean Foreign Ministry began proposing the idea of a U.S.-South Korea FTA. At first, the Bush Administration reportedly was cool to the idea. A Korea-U.S. FTA was not on the Bush Administration's short-term policy agenda (Manyin, 2002c, p. 4). There was no formal



government-to-government discussion over a U.S.-South Korea FTA during the year of 2004. However, in late 2004, presentations by South Korean Trade Minister Hyun-chong Kim apparently made an impression on key U.S. policymakers including then-USTR Robert Zoellick.<sup>4</sup>

Both sides in early 2005 began the formal consideration of whether to open negotiations for the FTA. In early June 2005, the two sides completed a six-month bilateral review process of the logistics, benefits, and risks of an FTA. At the end of this review, U.S. Trade Representative Robert Portman told Trade Minister Hyun-chong Kim that it was premature to launch actual negotiations until key outstanding issues were resolved. These included South Korea's barriers to imports of automobiles and pharmaceuticals, its ban on imports of U.S. beef, and its "screen quotas" that limit the dates and screen time given to foreign films.

Ultimately, the decision on whether or not to launch an FTA is likely to boil down to a matter of trust between the Bush and Roh administrations. On the one hand, Korean officials said that they need a pledge that FTA talks would proceed in order to weather the domestic political opposition expected if they relaxed the screen quota and lifted the beef ban. On the other hand, many U.S. officials said that Korea's action on these issues was a litmus test for whether South Korea is politically capable of making the compromises the United States would expect in an FTA agreement. If two countries could not conclude these issues, which were far less comprehensive than the KORUS FTA, the United

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<sup>4</sup> The idea of a free trade agreement between Korea and the United States was first mentioned on Korea mass media in November 2004 (JoongAng Daily, 2007, March 31).

States would wonder if both countries realistically were able to complete the KORUS FTA (Manyin, 2006, p.25; Manyin, 2005, p.20).

Since the USTR preliminary decision did not close off the possibility of FTA negotiations being opened in the future, South Korean Trade Minister Hyun-chong Kim had continued to push the proposal in Seoul<sup>5</sup> and in Washington, DC. On September 8, 2005, USTR Robert Portman told reporters that the Bush Administration hoped to decide by the end of 2005 whether to go forward with FTA talks with South Korea which had asked the Bush Administration to begin negotiations (Manyin, 2005, p.19). In other words, he made it clear that there should be a decision on whether to proceed by the end of 2005.

By the end of January 2006, South Korea had offered concessions in all four sectors, paving the way for the two sides to announce their intention to launch FTA talks the following month (Manyin, 2006, p.25). Many groups in the Korean Alliance against the KORUS FTA regarded these concessions in the four sectors as “four preliminary conditions” demanded by the U.S. to begin FTA talks. Especially among them, they were concerned that resuming importation of U.S. beef which was not proved to be free from mad cow disease undermined Korean public health and food safety (KoA, pp. 4-5). On February 2, 2006, USTR Robert Portman and South Korean Trade Minister Hyun-chong Kim announced their two countries’ intention to negotiate for the KORUS FTA (Cooper & Manyin, 2007d, p.1).

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<sup>5</sup> The capital of South Korea

## Korean President Roh's desire for the KORUS FTA

South Korea had enacted a set of sweeping and tight market-oriented reforms as a quid pro quo for receiving a \$58 billion package from the International Monetary Fund (IMF) following the near collapse of the South Korean economy in 1997. In 2002, South Korean President Dae-joong Kim had discussed publicly his desire to negotiate FTAs with Japan and Chile, presumably to give further impetus to the economic reforms he initiated. After his election to one five-year term in 2002, following the economic reforms begun by his predecessor, South Korean President Moo-hyun Rho said that more extensive reforms were needed to help accomplish his goals: 1) raising per capita gross domestic product (GDP) to \$20,000 by the end of the decade and 2) transforming South Korea into a major economic hub in Northeast Asia (Manyin, 2007, p.3; Manyin, 2002b, p. 5).

The Roh government had accelerated South Korea's efforts to achieve Rho's goals and to keep pace with Japan and China. One of these efforts was to initiate several bilateral and regional trading agreements such as free trade agreements. South Korea had pursued a number of FTAs and similar arrangements, signing FTAs with Chile (signed in 2003), Singapore (2005), the European Free Trade Association (2005), and a framework economic agreement with ASEAN, the Association of Southeast Asian Nations (2005) except Thailand due to South Korea's continuation of its restrictions on imports of rice.

Additionally, South Korea had launched FTA talks with Japan and Canada (Manyin, 2006, p.25).

Particularly, entering an FTA with the United States meshed with a number of Roh's long term economic and strategic goals. Through trade reforms required by the FTA with the United States, in addition to gains from the FTA itself such as preferential access to the U.S. market and economic benefits, South Korea could improve a more efficient allocation of economic resources and cement South Korea's market-oriented reform process (Manyin, 2006, pp. 25-27). The U.S.-South Korea FTA might also help South Korea's role as a balancer among the major powers in the region of Northeast Asia, not only by boosting South Korea's economic performance, but also by ensuring that the United States remain a strategic and economic counterbalance to China and Japan. This role would improve South Korea's standing in Northeast Asia as a middle power (Cooper & Manyin, 2007b, pp. 20-21).

Korean President Roh had made the KORUS FTA the top economic priority for the remainder of his tenure, which expired in February 2008. South Korean Prime Minister Duk-soo Han said that a failure to adopt significant economic changes could mean that Korea's long term growth potential was likely to deteriorate. During a televised debate over the KORUS FTA in March 2006, Prime Minister Han went further, arguing that the KORUS FTA was essential for South Korea's survival, a word also used by President Roh (Cooper & Manyin, 2007a, p.19). As a result of his support for continued market-opening measures and his periodic efforts to cooperate with the United States, Roh had to lose

significant political support from many groups that had opposed the KORUS FTA. These groups once supported President Roh in the 2002 Presidential election (Cooper & Manyin, 2007b, p.22).

#### The U.S.-Japan beef agreement as a precedent

Korean government seemed to consider the U.S.-Japan beef agreement a precedent. South Korea had said it would follow Japan's lead on the beef issue (JoongAng Daily, 2005, March 10). Right after Japan allowed U.S beef imports from cattle under 21 months old, Korean government officials said that the U.S.-Japan beef agreement made it difficult for Korea to continue its own ban from U.S. efforts to resume exports (JoongAng Daily, 2005, December 13). In the beef negotiation with the United States, Korean negotiators initially wanted to import U.S. boneless beef from cattle less than 20 months old following the Japanese precedent (Manyin, 2006, p.14). Later, Korean government officials compared the U.S.-South Korea beef agreement to the U.S.-Japan beef agreement to emphasize that the January beef agreement must be considered successful (Kang, 2006, pp. 29-31). Therefore, to review the negotiation process between the U.S. and Japan was useful to evaluate the negotiation process between the U.S. and South Korea in the later sector of this dissertation.

## Progress in the U.S.-Japan beef agreement

The first finding of BSE in the United States raised concerns about the effectiveness of existing U.S. safeguards against BSE and the safety of U.S. beef. The U.S. Department of Agriculture (USDA) said that despite a beef recall, some meat from the first U.S. BSE cow might be consumed while the highest-risk tissue from the animal did not enter the food supply (Becker, 2005b, p. 2).

The appearance of BSE also raised public health concerns in other countries and disrupted trade for U.S. beef and beef products. Most countries halted imports of U.S. beef after the U.S. BSE announcement in December, 2003 (Becker, 2005b, p. 3).

While Mexico and Canada accepted some U.S. beef and veal again, others including Japan and Korea remained closed as of 2005. The U.S. share of the world beef/veal export market had declined from 18% in 2003 to about 3% in 2005. In a 2005 study of the impact of the BSE situation, Kansas State University estimated that the total U.S. beef industry losses due to the loss of beef and offal exports in 2004 ranged from \$3.2 billion to \$4.7 billion. The National Cattlemen's Beef Association earlier in 2005 placed cattle producers' export-related losses at \$4.7 billion total (Becker, 2005b, pp. 3-4). Especially, four states such as Texas, Nebraska, Kansas, and Colorado annually accounted for more than half of U.S. beef cattle revenues and more than two-thirds of all cattle slaughter. Any long-term fallout from depressed export markets likely would harm those states in terms of farm income and employment, including packing plant jobs (Hanrahan &

Becker, 2004, p. 3). Indeed, a number of meat companies announced production cutbacks and layoffs (Hanrahan & Becker, 2005, p.6)

A major issue for U.S. Congress had been how to rebuild foreign confidence in the safety of U.S. beef and regain lost markets like Japan. The United States had first focused on trying to persuade Japan to accept imports of U.S. beef. The U.S. beef industry and many lawmakers believed that opening the Japanese market would convince other Asian nations including South Korea to follow suit (Becker, 2005b, p.5). For example, if Japan made a decision to lift the beef import ban, Korea's negotiation power would be largely curtailed.

In October 2004 the United States and Japan jointly announced a framework for restarting beef trade. Japan promised to admit lower risk U.S. beef if the United States could verify that it had come from cattle under 21 months old and that all SRMs from all cattle, regardless of age, had been removed at slaughter (Becker, 2005b, p.4).

SRMs are a rule-defined list of cattle parts most likely to harbor the BSE agent (Hanrahan & Becker, 2008a, p.2). In other words, SRMs are "specified risk materials" which are tissues where the BSE agent can accumulate. In the United States at that moment, SRMs include brains, spinal cords, and other nerve tissues from cattle 30 months of age and older and the tonsils and distal ileum (parts of the small intestine) of all cattle (Becker, 2005b, p.3).

The U.S. and Japan at first disagreed on whether higher-risk cattle parts should be removed from all cattle or just older ones (Hanrahan & Becker, 2004, p.5). However, the U.S.-Japan marketing program on October 23, 2004 as an

interim system was broader than the U.S. SRM definition. The United States agreed to expand the definition of cattle parts that have a higher risk of harboring the BSE agent from cattle 30 months of age and older to cattle of all ages. SRMs in the marketing program included the entire head except tongues and cheek meat, tonsils, spinal cords, distal ileum, and part of the vertebral column for cattle of all ages. These BSE risk materials must be removed from all beef products that were shipped to Japan. In addition, the two countries agreed to evaluate this interim system and modify it if necessary (Hanrahan & Becker, 2005, p. 4; Becker, 2005c, p.3).

According to some industry analysts, U.S. packers might have difficulty satisfying the new Japanese criteria. Even though approximately 70% of the 35 million U.S. cattle killed yearly were believed by USDA to be 20 months of age or younger, verifiable age records might only be available for anywhere from 10% to at most 25% of U.S. cattle, according to estimates. Age verification and the expanded SRM definition would create new costs (i.e., paperwork; plant modifications) for packers and their suppliers, analysts said (Hanrahan & Becker, 2005, p.5). In addition, U.S. ranchers said that the exportation of beef from cattle less than 21 months old was not commercially viable because cattle started growing big after 20 months and did not have that much meat before then (JoongAng Daily, 2006, January 2).

Japan's independent Food Safety Commission (FSC) played key roles to make the final decision on U.S. beef imports. After the FSC made its final recommendations as a report about the adequacy of U.S. safeguards and the safety



of U.S. beef in the interim system, two Japanese ministries, the Ministry of Agriculture, Forestry and Fisheries, and the Ministry of Health, Labor and Welfare, respectively, could make draft regulations that actually would provide for U.S. beef imports (Becker, 2005c, p.5).

In November, the FSC approved only the draft report that had been subject to public comments on it during November. A government rule on U.S. beef was anticipated sometime after the public comments and the FSC's final report (Becker, 2005a, p.6). In early December 2005, Japan's two ministries were still awaiting an anticipated final report from the FSC. If this final report was accepted by the two Japanese ministries, they were expected to hold several sessions to explain it to the public (Becker, 2005b, p.3). On December 12, 2005, Japan finally said that it would allow only beef from cattle younger than 21 months in beef trade with the United States, following the final report from FSC certifying the adequacy of U.S. safeguards, at which point shipments resumed (JoongAng Daily, 2005, December 13; Hanrahan & Becker, 2008a, p.4). However, whether U.S. beef was able to enter Japan before the end of 2005 was in doubt. Some industry observers predicted early 2006 to be more likely (Becker, 2005a, p.6).

#### Progress of the 2006 beef agreement

Korean government had internally prepared the resumption of U.S. beef imports. From February 2005 to June 2005, there were three professional

meetings<sup>6</sup> including the U.S. and Korean veterinary experts to examine whether U.S. beef was safe from mad cow disease and met Korean safety standards. Hyeon-chul Park, the director of the livestock bureau in the Agriculture Ministry, said that “we will allow the reopening of our market to U.S. beef only when it is scientifically proven that American beef poses no safety problems” (JoongAng Daily, 2005, April 19). After the three meetings, a livestock sanitation committee meeting was initially scheduled in June 2005 to decide whether to resume imports of U.S. beef. In the meeting, the committee members were supposed to review results of the previous professional meetings between the veterinary scientists from the two countries and decide on whether to lift the ban on U.S. beef imports (JoongAng Daily, 2005, June 13). The livestock sanitation committee is an advisory panel that is composed of twenty committee members including six government officials, six veterinarians, two medical doctors, four representatives for producers, and two representatives for consumers (The Seoul, 2011, February 8).

However, the livestock sanitation committee meeting was delayed because of the second case of U.S. mad cow disease on June 10, 2005. Korean government asked the United States for its research on the cow and confirmation test results (JoongAng Daily, 2005, June 13; The Hankyung, 2008, June 12).

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<sup>6</sup> Korea and the United States held the first round of meeting on February 28, 2005(The Hankyung, 2008, June 12). The second round of meetings was held in Seoul, the capital of South Korea on April 19, 2005 (JoongAng Daily, 2005, April 19). The third round of meetings was held in the United States on June 6, 2005 (Newswire, 2005, June 1).

The delayed livestock sanitation committee met on November 29, 2005 to decide whether to resume imports of U.S. beef. In the meeting, some members of the committee expressed concerns over the U.S. beef slaughter process and the U.S. livestock feeding system. They also pointed out that mad cow disease had not been completely and scientifically defined. Therefore, the committee postponed its final decision for two weeks (JoongAng Daily, 2005, November 29; Newswire, 2005, December 19).

On December 14, 2005, the livestock sanitation committee postponed again its decision on resuming the imports of U.S. beef. Before the meeting, government officials said that “U.S. beef no longer shows any health risks as far as scientific evidence is concerned. We expect the committee to allow a lifting of the ban” (JoongAng Daily, 2005, December 13). Some of members argued that the Korean public was still very concerned about the safety of U.S. beef. They suggested that the Korean government make efforts to rebuild Korean people’s confidence in U.S. beef through public hearings and open information before the final decision of resuming U.S. beef imports. However, the Ministry of Agriculture and Forestry focused on the general consensus that, if the Korean government applied a stronger standard than the international standard, U.S. beef would be safe on the types that were probably allowed to be imported. The international standard was a World Trade Organization guideline calling for international trade in boneless beef from cattle 30 months or younger. The Ministry expected to import U.S. beef from younger cattle following the Japanese precedent of importing U.S. beef from cattle no more than 20 months old. Hyun-

chool Park, the head of the livestock bureau, announced that there would be a final decision about the sanitation committee meeting results by the Ministry of Agriculture and Forestry (JoongAng Daily, 2005, December 14; December 19; Newswire, 2005, December 14; December 19).

On December 19, 2005, the Korean government announced its intention to hold formal talks in mid-January on the resumption of U.S. beef imports. Since fact-finding discussions and on-site inspection had already been conducted, Myung-soo Lee, Korea's vice agriculture minister said that future negotiations would focus on the scientific logic on the safety of U.S. beef and risk management in dealing with mad cow disease (JoongAng Daily, 2005, December 20).

On January 9, 2006, South Korea and the United States began two-day working level talks to discuss the resumption of imports of U.S. beef. Both sides focused on the following issues. Negotiators from two countries discussed what cuts of beef should be allowed. The other issue that was discussed included the age of cattle that could be slaughtered for the export to the Korean market. While Korean negotiators insisted on resuming imports of U.S. boneless beef from cattle no more than 20 months old, the U.S. negotiators demanded that South Korea should import boneless and bone-in beef from cattle less than 30 months old. Particularly, the United States demanded the import of U.S. bone-in beef such as ribs that had their popularity for Korean people. Hoong-soo Park, Korean Agriculture Minister, said that there would be no room for the import of cow bones and South Korea decided to import U.S. beef excluding bones, ribs, hooves

and internal organs that could pose health and safety concerns (JoongAng Daily, 2005, December 19; 2006, January 8; January 9).

Korea and the United States failed to reach an agreement for the two-day negotiations. However, Korean negotiators reportedly backed down from their desire to limit imports to boneless beef from cattle less than 20 months old (Manyin, 2006, p.14). On January 13, 2006, the U.S.-South Korea agreement came a month after Japan agreed in December 2005 to partially lift its ban. Korean negotiators agreed to accept the U.S. boneless beef imports from cattle of up to 30 months old. The U.S. negotiators also agreed that Korean inspectors could certify the sanitary conditions at U.S. slaughterhouses and Korean government would suspend exports again if further cases of mad cow disease were found in the United States (JoongAng Daily, 2006, January 13). On January 20, 2006, USTR Rob Portman said that the United States would soon launch negotiations on the KORUS FTA because both countries had made great progress in the last four or five months to remove to remove the beef ban on U.S. beef imports as the biggest obstacle to start FTA talks (JoongAng Daily, 2006, January 22). Toward the end of March 2006, South Korea would allow imports of U.S. boneless beef.

#### External factors of the January 2006 beef agreement

First of all, mad cow disease was an external factor affecting the Korean government's principles and actions to protect its people and make progress for

the beef agreement (Figure 4.1). To especially protect its people from mad cow disease was the normative concept of the public interest that became the highest ethical standard for evaluating the beef negotiation process outside of the political process (Cochran, 1974, p. 329).

Second, Korean government considered the U.S.-Japan beef agreement a precedent, in the aspect of rules and standards. After the January beef agreement, Korean government officials compared the U.S.-South Korea beef agreement to the U.S.-Japan beef agreement to emphasize that the January beef agreement must be considered successful. Therefore, the U.S.-Japan beef agreement could be an external factor (Figure 4.1).

Finally, as mentioned above, the KORUS FTA as a main external factor had affected the beef agreement (Figure 4.1). South Korean government officials had said that whatever changes were made in the four sectors were unrelated to the negotiations over launching an FTA (Cooper & Manyin, 2007e, p.1). However, the United States had always recognized the issue of U.S. beef access to the Korean market as the separate but parallel issue with the KORUS FTA. Although the beef issue was technically not part of the FTA talks, the issue was the subject of high-level discussion. Thus, finding a way to resolve Korea's continued restrictions on U.S. beef imports was one of the primary objectives pursued by U.S. agricultural negotiators. In fact, the U.S. government had requested that Korea's beef ban on imports of U.S. beef as well as the screen quota system to protect its domestic film industry be among the four prerequisites that must be resolved for the KORUS FTA. Thus, Korean government at least on

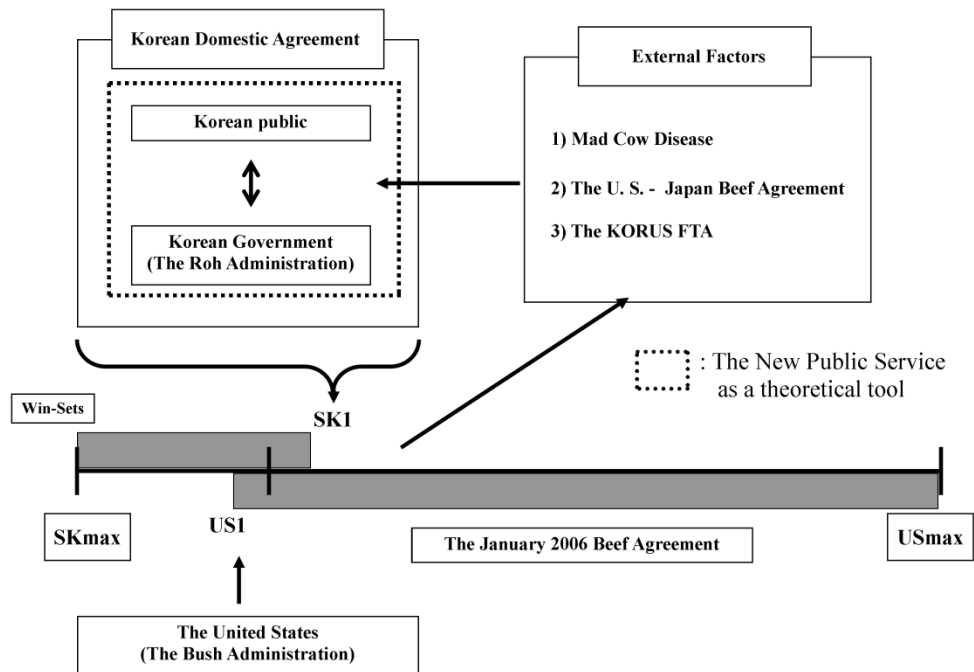
September 12, 2005 recognized that it had to make great progress on these issues to begin FTA talks (Kang, 2006, pp. 38-40).

### Win-set sizes of the January 2006 beef agreement

The January 2006 beef agreement was made in the middle area between SK1-US1, allowing imports of U.S. Boneless beef from Cattle less than 30 months, following the WTO guideline (Figure 4.1).

Figure 4.1

### Korean domestic agreement, external factors, and win-sets



The longstanding U.S. negotiating position had been to press for full access of all U.S. beef into South Korea's market, regardless of age, as long as BSE-risk materials are removed. So, full access to South Korean beef market can be the maximum outcome of the United States, which is USmax (Jurenas, 2008, p. 3). In contrast, the maximum outcome of South Korea (SKmax) was to import U.S. boneless beef from cattle less than 20 months old, considering the Japanese case and the KORUS FTA (Figure 4.1). However, the January 2006 beef agreement was made in favor of the Korean side because of worldwide concerns about mad cow disease that originated in the United States.

#### THE APRIL 2008 BEEF AGREEMENT

Delay of lifting Korea's beef ban before Korean President Roh's promise

On January 20, 2006, Japan halted imports of U.S. beef after they discovered vertebral column bone in several boxes of veal from one U.S. processor (Hanrahan & Becker, p.3). Vice Agriculture Minister, Myung-soo Lee said that the Japan's decision did not affect the Korea's schedule to resume in late March or early April (JoongAng Daily, 2006, January 23). However, South Korea delayed to reopen the nation's beef market to U.S. imports due to the third case of U.S. mad cow disease in March and raising safety concerns in Korea (JoongAng Daily, 2006, March 13).

Under the January beef agreement, Korea had the right to immediately end further imports if another U.S. mad cow disease was found in an animal born after



April 1998.<sup>7</sup> Reuters and other international news services reported that the animal was born in 1996. The U.S. also claimed that the infected cow was apparently born before this date. If so, the discovery of mad cow case did not violate the agreement signed between the two countries in January. However, the United States failed to provide South Korea with the exact birth date of the diseased cow (JoongAng Daily, 2006, March 14; March 17; April 7).

The third case of the disease and the failure of providing the date of birth of the infected cow forced Korean officials to suspend their scheduled on-site inspection of feedlot and slaughterhouse operations in the United States.<sup>8</sup> The on-site inspection by Korean inspectors was one of the conditions under the January beef agreement to resume U.S. beef imports. Since Korea would import U.S. beef only after checking all meat processing facilities, U.S. beef imports would be delayed (JoongAng Daily, 2006, March 14; March 17).

In late April, Korean experts who were sent to the United States concluded that the infected cow was born before April 1998. This conclusion was based on the result of a dental inspection. However, there was a widely accepted opinion in South Korea that dental examination alone could not fully verify the age of the cow after it was more than 30 months old (JoongAng Daily, 2006, March 17; April 26).

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<sup>7</sup> The United States prohibited the use of animal protein-based feed for cattle in 1997.

<sup>8</sup> Moon-il Kang, chief director of the National Veterinary Research and Quarantine Service, said Korea had planned to start the on-site inspections on March 19, 2006 (JoongAng Daily, 2006, March 14).

The Korean Agriculture Ministry announced that it would send a group of inspectors to the United States in early May to check all feedlots and slaughterhouses through the on-site inspection in order to resume U.S. beef imports (JoongAng Daily, 2006, April 26). But U.S. beef imports were delayed again due to the discovery of violations of sanitary standards at U.S. meat processing facilities. On June 7, 2006, Moon-il Kang, chief director of the National Veterinary Research and Quarantine Service, announced that some of the 37 facilities handled beef from the United States and other countries in the same butchering line and “some used the same equipment to slaughter cows older and younger than 30 months,” making it difficult to determine whether meat from the U.S. cattle was older or younger than 30 months (JoongAng Daily, 2006, June 7). These faulty operational procedures could cause a health issue in the U.S. beef to be imported.

While Japan reopened its beef market for U.S. beef on July 27, 2006 (Hanrahan & Becker, 2006, p.3), South Korea continued to delay U.S. beef imports, watching that U.S. authorities corrected the problems. Korean inspectors visited the seven processing facilities that had problems related to meat-cutting processes and confirmed that all problems raised in May had been corrected (JoongAng Daily, 2006, September 6). Korea’s prohibition on U.S. beef was lifted on September 11, 2006 (Hanrahan & Becker, 2008, p.4).

There would be quarantine procedures up to two weeks using X-rays after arrival of U.S. beef shipments. Government inspectors from the National Veterinary Research and Quarantine Service would investigate each package to

clear the packages. During the inspection, a U.S. agricultural delegation visited to soften regulations on U.S. beef imports from boneless-beef to bone-in beef as long as specified risk materials were removed (JoongAng Daily, 2006, September 8; October 30; November 12).

Unfortunately, when the first three shipments of U.S. beef arrived in South Korea during early December, Korean inspectors prohibited the entry after they found bone fragments. For example, on November 24, 2006, a 0.4 inch beef bone fragment was found in the first U.S. beef shipment. On December 01, 2006, three slivers of bone were discovered in two boxes. This was the second shipment of beef to arrive in South Korea from the United States and the second to be rejected. On December 8, Korean inspectors found seven pieces of bone in the third shipment. In the shipment, Korean quarantine authorities also found 6.1 picograms of the carcinogenic dioxin that was beyond the Korean government's limit of 5 picograms (JoongAng Daily, 2006, November 24; December 1; December 8; December 22).

South Korea claimed that these shipments clearly violated the January 2006 beef agreement that would allow only boneless beef from cattle less than 30 months old. In contrast, U.S. agricultural officials and beef producers complained that the Korean government was applying the terms of the beef agreement too rigorously saying that the fragments were too small to be potential BSE agents. Nevertheless, the South Korean government essentially re-imposed its ban on imports of U.S. beef in late December 2006 as Japan re-imposed its ban after prohibited bone material was found in beef shipments from the United States in

early 2006. South Korea reserved the right to ban U.S. beef imports if specified BSE risk materials were discovered in the beef shipments (Manyin, 2007, pp.16-17). The United States demanded discussions on the bone fragment issue. U.S. negotiators were expected to ask Korean negotiators to allow beef shipments that contained very small bone fragments that might not pose any health risks. The beef talks were supposed to be held from January 8 to 9 in Seoul, but the U.S. side asked for postponement, citing their lack of preparation (JoongAng Daily, 2007, January 3; January 22).

Two days of talks about Korea's beef quarantine inspection procedures regarding U.S. beef actually began on February 8, 2007. During the talks, however, U.S. and Korean negotiators were unable to come up with a mutually acceptable definition of "boneless beef." U.S. negotiators sought an easing of the restrictions on bones, which might not carry a health risk in most cases.<sup>9</sup> Korean negotiators disagreed with the U.S. demand, saying that South Korea did not allow any beef bones or bone fragments into the country. U.S. negotiators also asked South Korea not to screen all of the shipments but rather conduct tests of samples. They might think that the possibility of finding bone fragments was very negligible. Korean negotiators also declined this suggestion, saying that "it could hurt Korea's sovereign right to carry out quarantine inspections it believed to be necessary" (JoongAng Daily, 2007, February 10).

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<sup>9</sup> The U.S side thought that the word "bones" did not always include bone-chips and bone fragment would not be considered risky materials as long as the SRMs (specified risk materials) were removed (JoongAng Daily, 2007, February 23).

On the other hand, South Korea suggested that only the boxes which contained bone fragments would be returned. On March 8, 2007, both side agreed to resume imports of U.S. beef and return only individual packages of meat that contained bone chips, whereas entire shipments were sent back previously. While South Korea could import boneless beef and prohibit imports of bone-in beef, it would not send back entire shipments of U.S. beef because of a few bone chips. On April 23, 2007, after Korean President Roh's promise of supporting the decision of the World Organization for Animal Health (OIE), the 6.4 tons of beef that arrived from the United States was moved to cold storage for quarantine inspections before distribution (JoongAng Daily, 2007, February 10; March 9, April 24, May 1).

President Roh's promise of supporting OIE recommendations

In October, 2006, the United States asked the World Organization for Animal Health (OIE) for the re-designation to the middle of the three categories of mad cow disease risk (JoongAng Daily, 2007, February 13). The World Organization for Animal Health, frequently referred to by its French acronym OIE, is the international scientific body recognized by the World Trade Organization as the international reference for matters of animal disease and health. One OIE responsibility is to develop health standards that countries can use to protect themselves against the introduction of animal diseases without setting up unjustified sanitary trade barriers (Jurenas & Manyin, 2008, pp. 2, 19). The OIE

would evaluate soon whether or not the United States was a country in danger of mad cow disease because the United States filed for an evaluation in October (JoongAng Daily, 2007, February 15).

The OIE provisionally ruled that the United State had mad cow disease under control. This meant that Korea was likely to face more pressure from the United States to further open its beef market. The U.S. Department of Agriculture announced on its website on March 9, 2007 that the United States would get the controlled risk level for mad cow disease, a medium level assessment between undetermined risk and negligible risk (JoongAng Daily, 2007, March 12). The United States at that moment was an undetermined country. The formal decision by the OIE was expected between May 20 and 25. The May meeting would be crucial for Korea's attempts to keep U.S. beef with the bone out of Korea. Officials at the Agriculture Ministry said that if the organization in the May meeting officially classified the United States as a country where the risk of mad cow disease was under control, Korea might lose its justification for continuing to ban beef on the bone. However, since member countries were not obligated to follow the OIE's stance and it was only a guideline, Korea could still ban the import of U.S. beef if it could prove that certain beef products were still dangerous (JoongAng Daily, 2007, February 13; April 10).

In the meantime, since the beef issue was not resolved in the FTA talks, South Korea's then-President Moo-hyun Roh, in a national address on April 1, 2007, stated that he had personally promised President Bush that Korean government would uphold the commendations of the OIE on the BSE risk status

of the United States and open the Korean beef market at a reasonable level (Jurenas & Manyin, 2008, p.2). After President Roh's promise to President Bush, Hye-min Lee, Korea's deputy chief negotiator during the KORUS FTA talks said on several radio programs that if South Korea followed the OIE recommendations, our government had to fully open the beef market for U.S. beef products although the government could set stricter standards (JoongAng Daily, 2007, April 10). Close to midnight on April 1, 2007, which was one of the deadlines set by Trade Promotion Authority (TPA) for KORUS FTA, President Bush notified the leaders of the House and Senate of his intention to sign the FTA (Cooper & Manyin, 2007b, p.1).

On May 22, 2007, the OIE formally found that the United States was a "controlled risk" country for the spread of mad cow disease (Jurenas & Manyin, 2011, p.4).<sup>10</sup> As the U.S. Department of Agriculture's (USDA's) top official commented, this risk classification meant that U.S. regulatory controls could effectively manage any possible risk of BSE in the U.S. cattle population and that U.S. cattle and products from cattle of all ages could be safely traded in accordance with international guidelines. The OIE specifies that tonsils and distal

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<sup>10</sup> The OIE uses three categories to designate BSE risk levels. A designation is based upon its analysis of a country's risk assessment that identifies the presence of or potential for the presence of BSE risk factors, and the measures it has adopted to mitigate the risk of BSE being transmitted to cattle and to humans. From low to high, countries with a "negligible risk" designation are subject to the least restrictive conditions for exporting ruminant animals and products. The "controlled risk" category means that OIE recommended mitigation measures are in place to manage all identified risks of BSE in the country's cattle population. The "undetermined BSE risk" designation applies to a country that cannot demonstrate it meets the requirements of another category (Jurenas & Manyin, 2008, p. 19).

ileum from cattle of any age, and five other tissues such as brains, eyes, spinal cords, skull, and vertebral column from cattle over 30 months of age when slaughtered should not be traded. The OIE also identifies mechanically separated meat from the skull and vertebral column from cattle over 30 months of age as BSE agents that can pass BSE on to animals or humans (Jurenas & Manyin, 2008, p.19).

USDA immediately requested that South Korea amend its import requirements for U.S. beef within a specified time frame to reflect this risk determination and to reopen its market to all U.S. cattle and beef products. In response, Korean officials indicated that U.S. procedures must be adequate to accurately track the origins of cattle and meat to ensure that they were safe (Cooper & Manyin, 2007a, p.3). South Korea's animal health regulatory agency began an eight-step process to assess the BSE risks of the U.S. beef sector in light of the OIE finding, with the intent to negotiate a revised bilateral agreement that would lay out import rules applicable to U.S. beef (Jurenas & Manyin, 2011, p.4). Using OIE documents and the government's previous documents used in 2005 for the risk evaluation of U.S. beef, the Korean government simplified the eight-step quarantine procedures and planned to hold technical meetings between two countries to revise the January 2006 beef agreement as step 6 (The Chosunilbo, 2007, April 10; May 29). Experts predicted that U.S. bone-in beef, previously banned, would enter South Korea as early as September (JoongAng daily, 2007, May 24).



## The beef issue and the KORUS FTA

On August 4, 2006, thirty-one U.S. senators requested that Korean President Moo-hyun Roh personally sought to resolve Korea's prolonged embargo against U.S. beef. The text of the letter written by Senate Agriculture committee chairman Saxby Chambliss and Ranking Democrat Tom Harkin stated that further delays could jeopardize the KORUS FTA, warning that "the restoration of beef trade prior to the conclusion of talks scheduled for the end of this year is essential to meaningful progress and addressing congressional reservations about a possible free trade agreement" (JoongAng Daily, 2006, August 9).

Sung-jin Kim, international operations manager of the Korean Finance and Economy Ministry, argued that people's health was the government's biggest priority in the resumption of U.S. beef imports and that the issue of U.S. beef imports was a completely separate issue from the KORUS FTA negotiations although South Korea was aware of the U.S. concerns on the delay (JoongAng Daily, 2006, August 9). Chang-seop Kim, head of the Agriculture Ministry's animal health division, in an interview with a Korean local radio station said that "the United States has never raised the beef import problem in the free trade talks" (JoongAng Daily, 2006, August 18).

After two rejections on the two shipments by Korean government on November 24 and on December 1, respectively, Korea and U.S. negotiators met in Big Sky, Montana on December 4, 2006 for the fifth round of free trade

negotiations. Jong-hoon Kim, the chief Korean negotiator, mentioned that the free trade talks would not be affected by South Korea's rejection of U.S. beef shipments after bone fragments were found in them (JoongAng Daily, 2006, December 3). But Wendy Cutler, assistant U.S. trade representative and chief negotiator for the United States did declare that although the beef issue technically was not part of the trade talks, "our effort to reopen Korea's beef market to U.S. beef is related to the Korea-U.S. FTA."<sup>11</sup> Kim admitted that the U.S. was delivering its position on beef to South Korea through various official and unofficial channels (JoongAng Daily, 2006, December 5).<sup>12</sup>

Throughout the sixth round of the KORUS FTA talks, Wendy Cutler still maintained that the complete opening of the Korean beef market was a precondition to the KORUS FTA. Although the Korean side said that the U.S. beef quarantine issue should not be a part of free trade discussions, Korean mass media recognized that the beef issue was a major obstacle to ongoing free trade talks between two sides (JoongAng Daily, 2007, January 22; January 31).

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<sup>11</sup> In fact, the United States continued to demand that the KORUS FTA should include a statement on Korean beef imports to the United States but South Korea had insisted that these are separate issues (JoongAng Daily, 2006, December 18).

<sup>12</sup> For example, 11 senators from the U.S. congress representing beef producing states, including Montana, Nebraska, Colorado and North Dakota, invited Tae-sik Lee, Korea's ambassador, to the United States during the sixth round of the KORUS FTA talks and demanded that Korea loosen its barrier on U.S. beef. Senator Max Baucus from Montana claimed there would be no free trade agreement between two countries if U.S. beef could not be sold in Korea. He had been the Senate Finance Committee Chair since 2007 and was expected to play a key role when the KORUS FTA was submitted for Congressional approval because the committee's approval would be required for the KORUS FTA (JoongAng Daily, 2006, December 27; JoongAng Daily, 2007, January 20; January 24).

When the two-days talks on February 8, 2007 about Korea's handling of bone fragments in U.S. beef shipments failed to reach a compromise, the atmosphere in the United States during the seventh round of FTA talks was that without resolving the beef issue, there would be no KORUS FTA. Jong-hoon Kim, Korea's chief negotiator in the KORUS FTA talks called for his country's quarantine officials to have reasonable and scientific grounds, saying that it was a matter of interpretation whether the boneless meat could include bone chips (JoongAng Daily, 2007, February 12; February 24).

With the eighth and last round of negotiations on March 8, 2007, both side agreed to resume imports of U.S. beef and return only individual packages of meat found to contain bone chips, not entire shipments. Wendy Cutler insisted that the 2006 beef agreement was not based on science and was not commercially feasible. When the OIE provisionally ruled the U.S. mad cow disease under control, an Agriculture Ministry official expected that the United States was likely to apply the OIE's view to the pressure of the full opening of Korea's beef market in connection with the ongoing free trade talks (JoongAng Daily, 2007, March 9; March 12).

Although the eighth round closed on March 13, the "real deal" still remained for high-level talks. Chief U.S. negotiator Wendy Cutler said that "the issue of reopening the Korean beef market remains a key objective of the United States, although this issue is technically separate from the negotiation." Discussion on agriculture, including the sensitive issue of beef, took place in Seoul from March 19 to 21 between Dong-seok Min, assistant minister for trade

policies at the Ministry of Agriculture and Forestry, and Richard Crowder, chief agricultural negotiator of the U.S. Trade Representative. The talks were expected to be very intensive, given that both countries faced presidential elections at the similar time and thereby must take heed of public sentiment (JoongAng Daily, 2007, March 13a; March 13b).

Despite mutual understanding of most parts of the KORUS FTA, both sides were racing to beat the U.S.-set deadline. South Korea and the U.S. agreed to extend final talks on the KORUS FTA by 48 hours to resolve key differences and to strike a deal in time for the Bush Administration to notify the U.S. Congress of its intention to sign an agreement. U.S. officials warned that their lawmakers would not approve the KORUS FTA if the beef issue was not resolved. In order to meet the deadline, both sides had to reach a deal by April 1 based on the Washington time zone (JoongAng, 2007, March 31).

In the meantime, President Moo-hyun Roh and President Bush talked to each other to resolve last-minute barriers for the KORUS FTA through a 20 minute phone conversation (JoongAng, 2007, March 30). Roh also met with his trade minister and other economy-related Cabinet ministers to work out the final strategy (JoongAng, 2007, March 31). The Korean government decided to accept a U.S. demand in the beef issue by following the OIE's decision on the safety of the U.S. beef in May, while President Bush reportedly made concession on the automobile and rice issues (JoongAng, 2007, April 2). Korean officials also thought that this concession for future U.S. beef imports would be good for Korean customers (JoongAng, 2007, March 30). The United States wanted a

written pledge, but South Korea gave only an oral promise about its decision of supporting the OIE's recommendations and guidelines in the beef issue (JoongAng, 2007, April 7). The United States regarded President Roh's promise as a pledge to uphold the OIE's recommendations. As a result, close to midnight on April 1, 2007 which was one of deadlines set by the Trade Promotion Authority (TPA) for the KORUS FTA, President Bush notified the leaders of the House and Senate of his intention to sign the FTA. The KORUS FTA was expected to be signed by the two presidents by June 30, 2007 which was also one of deadlines set by TPA. This would fulfill the requirement for TPA that the U.S. President must sign the FTA in 90 calendar days after he notified Congress of his intent to sign the agreement (Cooper & Manyin, pp. 1, 31-32).

After President Bush's intention of signing the KORUS FTA and the OIE's final decision about the United States, opening the Korean market to the full spectrum of U.S. cattle and beef products became the key demand of the U.S. Congress for the KORUS FTA ratification. The U.S. side argued that U.S. beef was safe and there was no further reason for blocking U.S. bone-in beef imports. When continued discoveries of special risk materials in several U.S. beef shipments interrupted U.S. beef imports several times, Mie Johanns, U.S. Agriculture Secretary emphasized that only several boxes of about 600,000 boxes violated the 2006 beef agreement since December 2003, while admitting that the United States sent the wrong types of beef to the Korean market, (JoongAng Daily, 2007, May 24; August 3).

The Korean government insisted that the U.S. beef issue should not be linked to the KORUS FTA and claimed that these shipments clearly violated the January 2006 beef agreement. On the other hand, an official at the Korean Agriculture Ministry acknowledged that the 2006 beef agreement might need to be amended. Korea's Finance and Economy Ministry and Trade Ministry strongly supported the resumption of U.S. beef imports in hopes of smoothing the ratification of the KORUS FTA (JoongAng Daily, 2007, May 24; August 25).

#### The KORUS FTA and TPA schedule

The KORUS FTA negotiations were conducted under the Trade Promotion Authority (TPA), also called fast-track trade authority that Congress granted the President under the Bipartisan Trade Promotion Act of 2002 (Copper, et al. 2011, March 24, p.44). Since the TPA was supposed to expire on July 1, 2007 and the KORUS FTA began on June 5, 2006, the United States had just 13 months before the President's TPA expired (Cooper & Manyin, 2007e, p.2).

Moreover, on the U.S. side, the FTA negotiations must be negotiated with the tight deadlines under the TPA. The TPA required the KORUS FTA to be signed before July 1, 2007, if it was to receive expedited congressional consideration under the TPA. In addition, the TPA required a 90-day presidential notification to Congress of intent to sign the agreement. Therefore, the KORUS FTA would have to be completed before April 2, 2007, actually giving the negotiators a 10-month window in which to complete the negotiations. While

some U.S. FTA agreements had been completed within a year, the length of time of the negotiations was a challenge. Many analysts doubted the feasibility of a successful outcome before TPA expired (Cooper & Manyin, 2006, p.2).

While the South Korean government did not belong to the TPA schedule, the Roh Administration wanted to follow the TPA schedule because the administration faced the conclusion of President Roh's term in February 2008 and considered the timing when President Bush submitted the legislation for the KORUS FTA to the U.S. Congress. Thus, the TPA schedule was pushing South Korea toward reaching the KORUS FTA with the tight deadlines.

#### Delay of lifting Korea's beef ban after the OIE decision

U.S definitely used the OIE's classification result as a tool to support their demand of the full opening of Korean beef market. Countries with the controlled risk classification could export all of their beef without restriction, except that specific risky materials were removed.

However, South Korean inspectors on May 29, 2007 found whole rib bones in U.S. beef shipments and halted imports from the slaughterhouse that sent it. Although the Korean government decided in March to reject only the boxes containing bone fragments, the boxes in this case contained whole bones that had not been removed (JoongAng Daily, 2007, May 31). On June 4, South Korea sent two mislabeled shipments back to the United States because the two shipments of beef were not meant for export but were processed for domestic consumption.

Responding to Korean concerns over the credibility of U.S. beef export procedures, the Korean government decided not to accept any U.S. beef until a satisfactory answer to this mislabeling (JoongAng Daily, 2007, June 5). This ban on U.S. beef lasted only four days because the U.S. agriculture department promptly explained that the mislabeling was a result of human error. The U.S. agriculture department also promised that the incidents would not occur again (JoongAng Daily, 2007, June 6; June 9; June 27).

On the other hand, Korean government sent quarantine experts to conduct on-site inspections of the U.S. meat industry prior to revising the current beef agreement. The on-site inspection process was connected to the issuing of export permits to meat packaging companies which was the last phase of the eight-step risk analysis checklist (JoongAng Daily, 2007, June 29). In addition, the livestock sanitation committee meeting under the Agriculture Ministry was held on July 25, 2007 to review information on U.S. beef and make recommendations that were not legally binding. The committee was made up of 18 government officials, veterinary scientists, producers and consumers. Most members of the livestock sanitation committee doubted whether U.S. beef was processed and packed carefully, pointing to another discovery of ribs in U.S. beef shipments in mid-July (JoongAng Daily, 2007, July 25; July 26).

On August 1, 2007, the Agriculture Ministry said that it discovered bone materials in the latest shipment of U.S. beef, which was from a vertebral column, categorized as special risk material. The Ministry suspended quarantine inspections on all U.S. beef, protesting the continued violations of the import



sanitation terms to the U.S. Embassy. The suspension of inspections was a weaker step than halting imports, but it would interrupt imports because meat imports could not be distributed in the local market without passing the inspections. Korean domestic consumer groups and civic activists strongly demanded that the government entirely stop the U.S. beef shipments. The U.S. authorities sent a letter to the Korean Agriculture Ministry on August 16 which contained the explanation of the latest spinal column export<sup>13</sup> and measures to prevent this mistake from future exports.<sup>14</sup> The Korean government decided on August 27 to resume quarantine inspections of U.S. beef after a ban of less than a month (JoongAng Daily, 2007, August 3; August 4; August 21; August 25).

Civic and farmers' groups requested the transcript of the Cabinet meeting on resuming quarantine inspections of U.S. beef. The Ministry of Finance and Economy and the Agriculture Ministry denied to release details on the policy making process related to U.S. beef imports because divulging information could be detrimental to national interests and adversely affect Korea's negotiation strategy. Ki-ho Song, an attorney belonging to the Progressive Lawyers for Democratic Society, argued that "the explanation about hurting national interest does not justify the governmental decision not to release vital information that can affect people's lives" (JoonAng Daily, 2007, September 21).

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<sup>13</sup> The U.S. authorities claimed that workers at the warehouse made the mistake of exporting U.S. bone-in beef for domestic consumption to South Korea (JoongAng Daily, 2007, August 25).

<sup>14</sup> The United States assured that it would take more stringent steps in exporting to South Korea and that it would add more inspectors to check export shipments and introducing weight measurement protocols would better detect large bones in outbound beef packages (JoongAng Daily, 2007, September 21).

On August 31, 2007, Korean government held the livestock sanitation committee meeting to deliberate on possible revisions to rules for importing U.S. beef. The committee concurred on the need to retain the 30-month age limit on cattle that could be butchered for export to Korea. It also suggested that the current ban on specified risk materials (SRMs) should be retained (JoonAng Daily, 2007, September 4).

On September 6, 2007, rib bones were again found in a box of U.S. beef during quarantine inspections. The Korean Ministry of Agriculture and Forestry revoked the license of the meat processing plant that shipped the box to Korea because this was the second time the plant violated the 2006 beef agreement. The first violation of the plant was found on May 29 (JoonAng Daily, 2007, September 7).

On the other hand, the Korean government held a meeting of the livestock sanitation committee on October 5, 2007 to gather opinions on the extent of further liberalization and the timing of rewriting the rules for U.S. beef imports (JoonAng Daily, 2007, October 3). At the same day, South Korea said that it found bone chips in a beef shipment from the United States and would put all beef shipments from the U.S. on hold until new rules for beef imports were established between the two countries. Nevertheless, Korean officials separately indicated that they might allow imports of ribs except seven so-called specified materials such as brains, skulls, spinal cords, and other organs. Korean Agriculture Ministry officials expected that U.S. beef imports were likely to resume early 2008 (JoonAng Daily, 2007, October 6).

Korean and U.S. quarantine officials held working-level technical talks for two days starting on October 11. South Korea officially received a request from the U.S. in late May to change its U.S. beef import rules, which was agreed on in January 2006 (JoonAng Daily, 2007, October 10). In the first round of working-level meetings, Korea stated that certain limits must be imposed,<sup>15</sup> while the United States insisted that no restriction must be imposed on the U.S. beef trade. As a country with controlled risk status in terms of mad cow disease, the United States could export most beef parts, including skulls, vertebrae and brains, if they were from cattle under 30 months old. Only tonsils and a part of intestines from cattle less than 30 months were banned as specified risk materials (JoonAng Daily, 2007, October 13). USTR Wendy Cutler argued that South Korea should accept the U.S. demand, saying that the Bush Administration was hopeful that U.S. Congress would ratify the KORUS FTA in the first half of 2008. USTR chief agricultural negotiator Richard Crowder visited Seoul in late October and urged Korea Trade Minister Jong-hoon Kim that South Korea must open its beef market to all types of U.S. beef that included all ages and parts of U.S. beef under the OIE ruling (JoonAng Daily, 2007, October 17; October 29).

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<sup>15</sup> South Korea appeared to have a plan to maintain the current age limit on cattle in the upcoming negotiations at 30 months or younger, while imports of ribs might be resumed (JoongAng Daily, 2007, October 6).

## South Korea's two-phased approach

With the third discovery of prohibited bones on October 5, 2007, South Korean authorities announced they would not conduct any more inspections of U.S. beef until both sides conclude formal negotiations to revise the 2006 protocol (Jurenas & Manyin, 2011, p.4). This South Korean restriction on imports of U.S. beef continued to be a critical issue that impeded congressional consideration of implementing legislation of the KORUS FTA (Cooper & Manyin, 2007a, p.2).

To revise the 2006 protocol, bilateral technical-level talks that were held October 11-12, 2007, failed to bring both sides closer to an agreement. While South Korean officials sought rules that were stricter than OIE guidelines, the U.S. stance was that current rules already met OIE standards. In fact, the long standing U.S. negotiating position had been to press for full access in one step for all U.S. beef into South Korea's market. This meant that the United States exported all U.S. beef from cattle, regardless of age, as long as BSE-risk materials are removed during processing. U.S. trade officials pointed out that the U.S. measures already met international scientific standards as spelled out by the OIE (Jurenas & Manyin, 2011, p.5).

Korean government backed down on its original stance. South Korea suggested a "two-phased" approach to a full opening. The first step would allow imports of both boneless and bone-in beef cuts from U.S. cattle less than 30 months old. Cattle parts identified by the OIE as BSE agents would have to be removed from imported beef. Korea's trade minister argued this first step would

give the United States about 80% of the market share it had before the ban on U.S. beef took effect in late 2003. The second step to take effect later would permit imports of beef from older cattle, as long as risk materials are removed according to OIE's standards (Jurenas & Manyin, 2011, p.4).

Unfortunately, because of the political controversy anticipated with the prospect of further opening the Korean market to U.S. beef, President Roh's government decided to defer the beef negotiation until after the December 2007 presidential election. After the presidential election, the beef issue was a major obstacle to get both the Korean National Assembly's and the U.S. Congress' ratification for the KORUS FTA.

Current president Roh Moo-hyun and president-elect Lee Myung Bak, who was elected in December 2007, had agreed to push for the FTA's passage before Roh's term expired in late February 2008. South Korea's sitting president and president-elect hoped that the South Korean National Assembly considered and passed the agreement in February 2008. Since the KORUS FTA would run into great difficulties in U.S. Congress if Korea's ban was not lifted, the Korean government had to strike a deal with the United States on U.S. beef imports.

However, newly elected President Myung-bak Lee also decided to wait until after the April 9, 2008, parliamentary elections. Since Korea's upcoming parliamentary elections in April exacerbated the volatility of South Korean politics, central and local politicians were highly sensitive to rural voters who largely opposed the beef agreement. In addition, U.S. beef imports had been

suspended several times due to the discovery of pieces of backbone in shipments, raising concerns about the U.S. credibility in processing beef meat.

After all, both decisions by two Korean Presidents effectively delayed talks with the United States on revising the beef import rules.<sup>16</sup> These talks finally began on April 11 (Cooper & Manyin, 2007c, p.8; Jurena & Manyin, 2008, p. 3; Cooper, et al., 2008, pp. 1, 45).

#### The April 2008 beef agreement and its basic content

President Lee with a pro-business tendency won nearly 49% of the vote in the presidential election. He pledged to relax government regulations over domestic and foreign business and cut the corporation tax in order to restore the high level of South Korean economic growth (Niksch, 2007, p.21).

Korea's President Lee strongly favored the KORUS FTA and had made securing passage of the FTA a priority, both for South Korea's economic competitiveness and for revitalizing the U.S.-South Korean alliance (Jurenas & Manyin, 2010, p.12).<sup>17</sup> As mentioned above, Korea's lifting of the beef ban was widely regarded as a politically necessary condition for the Bush Administration to send this trade agreement to the U.S. Congress. It was also necessary for

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<sup>16</sup> In preparing to take office, South Korea's then President-elect Myung-bak Lee signaled an interest in moving quickly to resolve the beef issue. His transition team instructed the Ministry of Agriculture to place Korean inspectors at U.S. meat processing plants to conduct "on-the-spot" inspections (Jurenas, 2008, p. 5).

<sup>17</sup> Lee belonged to the right-of-center Grand National Party, while Roh belonged to the "progressive" or left-wing side of the political spectrum.

congressional consideration of legislation to implement the KORUS FTA (Jurenas & Manyin, 2011, p.12). The chief U.S. negotiator for the KORUS FTA, Wendy Culter, attended President Myung-bak Lee's inauguration ceremony on February 25, 2008 and stressed that the beef issue should be resolved to get the necessary support from U.S. key legislators, key congressmen and important stakeholders for the KORUS FTA (JoongAng Daily, 2008, February 27).

In addition, Carlos Gutierrez, the U.S. Secretary of Commerce, said that U.S. Congress leaders would not support the KORUS FTA if Korea did not fully open its beef market. He also pointed out two reasons why Korea should open its doors to U.S. beef. According to him, the first reason was that there was no basis for banning U.S. beef imports on hygienic grounds because the OIE classified the United States as a controlled-risk country for mad cow disease and advised Korea to import U.S. beef. The second was that U.S. beef imports would benefit Korean consumers because they could select quality beef at lower prices (JoongAng Daily, 2008, January 22).

However, in a survey of 727 homemakers in major cities across South Korea conducted by the Korea Rural Economic Institute in January, 85.5 percent of respondents considered U.S. beef "unsafe." Among them, 35.6% of respondents considered U.S. beef "very unsafe" (JoongAng Daily, 2008, January 24). In contrast, Korean business leaders at a Korea-U.S. business Council meeting in Hawaii on January 20 supported Korea's resumption of U.S. beef imports (JoongAng Daily, 2008, January 21).

In the meantime, there was a problem on the U.S. side. The U.S. government did not present a ratification bill to the U.S. Congress because U.S. Democrats had opposed the KORUS FTA to protect American automakers (JoongAng Daily, 2008, January 21). Senator Barak Obama, a Democratic candidate for the November U.S. presidential election expressed skepticism about the KORUS FTA. On February 11, 2008, Senator Obama stated that the KORUS FTA did not meet the U.S. interests in key industrial and agricultural sectors such as auto, rice and beef. He also suggested that President Lee visit the White House in order to meet President Bush after his inauguration (JoongAng Daily, 2008, February 15).

Just hours before newly elected Korean President Lee met President Bush at Camp David on April 18, 2008, U.S. and South Korean negotiators reached agreement on the sanitary rules that would greatly change the existing rules under the January 2006 beef agreement. The new agreement would allow entry to all cuts of U.S. boneless and bone-in beef and other beef products from the edible parts of cattle, irrespective of age, as long as specified risk materials (SRMs)<sup>18</sup> known to transmit mad cow disease were removed and other conditions were met (Jurenas & Manyin, 2011, p. 5). For example, the April 2008 agreement prohibited the entry of (1) all mechanically recovered and mechanically separated

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<sup>18</sup> Specified SRMs are “tonsils and distal ileum from cattle of all ages; and [the] brain, eyes, spinal cord, skull, dorsal root ganglia and vertebral column (excluding vertebrae of the tail, transverse processes and spinous processes of the cervical, thoracic and lumbar vertebrae, median crest and wings of the sacrum) from cattle 30 months of age and over at the time of slaughter” (Jurenas & Manyin, 2008b, p. 5).



meat and (2) advanced meat recovery (AMR) product from the skull and vertebral column of cattle 30 months of age and over at the time of slaughter.<sup>19</sup> These prohibitions reflect scientific conclusions that these materials can harbor the BSE agent in cattle and in turn infect humans if products from such cattle are consumed.

The agreement also prescribed the steps that South Korea's quarantine inspection agency could take if banned cattle parts or other problems were found in a shipment from a U.S. meat firm, and specified what its counterpart U.S. agency (USDA's Food Safety and Inspection Service) must do to address the matter. These were intended to serve as a map for handling specific problems in a way that did not stop altogether the flow of all U.S. beef exports to South Korea. Other rules spelled out the requirements that U.S. beef processing plants and the FSIS must meet in order for beef and beef products to be sold to South Korea (Jurenas & Manyin, 2011, pp. 5-6).

The U.S. feed ban rule: published or implemented?

One important provision would automatically broaden the age range of cattle covered by the agreement. South Korean and U.S. negotiators agreed to expand the age range from cattle under 30 months old to those older than 30

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<sup>19</sup> AMR product that is free of SRMs and central nervous system tissues is allowed. Ground meat, processed products and beef extracts may contain AMR but must be free of SRMs and all mechanically recovered or separated meat (Jurenas & Manyin, 2008b, p. 5).

months old at the time of slaughter, when the U.S. Food and Drug Administration (FDA) published its final animal feed ban rule. This provision was included to address South Korea's concerns about the use of all meat and bone meal of mammalian origin in farm animal feed. Thus, with the publication of this FDA rule on April 23, 2008, the bilateral agreement allowed imports of U.S. beef and beef products from all cattle, even those older than 30 months. Prior to this development, the agreement would have applied only to beef and beef products from cattle less than 30 months. Reportedly, the original stance of South Korea about the expansion of the age range was that the Korean government would allow all U.S. beef imports regardless of the age of cattle when the United States implemented (not just published) a tougher animal feed ban (Jurenas & Manyin, 2008, p.6; JoongAng Daily, 2008, January 21).

The published FDA rule barred the use in animal feed and pet food of specified risk materials<sup>20</sup> from cattle that had “the highest risk for carrying the agent thought to cause BSE.” FDA stated that these measures would strengthen existing safeguards that had been adopted against BSE. The rule reportedly fell short of South Korean negotiators' initial demands for (1) a broader ban on the materials that were allowed to be used in animal feed, (2) a requirement that ranchers reported cattle with BSE symptoms to the USDA, and (3) U.S.

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<sup>20</sup> Prohibited materials include the brains and spinal cords from cattle 30 months of age and older, the entire carcasses of BSE-infected cattle, the entire carcass of cattle that has not been inspected and passed for human consumption that is 30 months of age or older from which brains and spinal cords were not removed, tallow derived from BSE-infected cattle and from other prohibited cattle materials, and mechanically separated beef derived from the same prohibited materials (Jurenas & Manyin, 2008, p. 6).

implementation of a mandatory national animal identification system (Jurenas & Manyin, 2008, p. 6).

#### Provisions to be taken if problems were found during inspection

The April beef agreement prescribed steps that South Korea's quarantine inspection agency could take if banned cattle parts or other problems were found in a shipment from a U.S. meat firm and specified what its counterpart U.S. agency must do to address the matter. For example, if an SRM was found, USDA's Food Safety and Inspection Service (FSIS) would investigate to determine what caused the problem. In the meantime, Korea would more closely inspect other shipments from that U.S. firm until five lots passed inspection without the discovery of any food-safety hazard. Then, Korea could return to its standard inspection procedures and rates on imports from that firm (Jurenas & Manyin, 2008, p. 7).

If Korean inspectors detected any food-safety hazard other than SRMs in a lot from a U.S. firm, the Korean government might reject the lot. Korea must then notify and consult with the U.S. government on the matter and might request corrective action if appropriate. If the Korean government discovered two incidents of food-safety hazards involving separate lots from that same U.S. firm, Korea might suspend entries from that firm until corrective action occurred. One exception was the beef product from that firm, which was certified for export to Korea prior to the date of suspension, was eligible to be inspected. That U.S. meat

firm was suspended from exporting to Korea until the U.S. government informed the Korean government of what corrective action had been taken and the date the firm's suspension was lifted. Unlike the January 2006 agreement, these various provisions were intended to inspect other imports of U.S. beef and related products rather than to suspend their entry and revoke the right of that firm to sell beef to Korea. The final decision on the violated firm virtually belonged to the U.S. side (Jurenas & Manyin, 2008, p. 7).

Finally, if another case of BSE occurred in the United States, the U.S. government had to immediately conduct a thorough epidemiological investigation and inform the Korean government of the results. Then, the Korean government could only suspend imports of U.S. beef and products if the additional case or cases resulted in the OIE's decision of downgrading the U.S. BSE status (Jurenas & Manyin, 2008, p. 7). In sum, those provisions for addressing problems that could arise in future beef shipments were totally in favor of the United States.

Other rules compared to the previous 2006 beef agreement

The agreement also included provisions spelling out the requirements that U.S. beef exporters and the U.S. government must meet to sell beef and beef products to South Korea. Among other things, these provisions:

1) allowed all U.S. meat establishments operating under USDA inspection to sell beef and beef products to South Korea,<sup>21</sup> except in the case when Korea suspends a firm following the discovery of two food safety hazard incidents; 2) expanded the origin of foreign cattle from which beef and products could be exported to Korea to include cattle imported from Canada and raised in the United States for at least 100 days before slaughter. Previously, only boneless beef from cattle imported from Mexico and present in the United States for a minimum of 100 days was eligible for export; 3) detailed the steps that USDA's FSIS would take to handle cases of a U.S. meat establishment's "serious non-compliance," such as the discovery of a food-safety hazard during an audit or in a shipped product. For example, the U.S. authority immediately controlled the non-compliant product; stopped the production process if the problem continued until the determination was made that corrective and preventative measures had been taken; and allowed production to resume if the determination was made that corrective steps were adequate. Previously, the U.S. government was required to immediately suspend the inspection of beef destined for Korea when serious non-compliance with the agreement's health requirements was discovered (Jurenas & Manyin, 2008, p. 8); 4) required during the first 180 days after the agreement took effect that U.S. exporters would indicate on boxes of T-bone and Porterhouse steaks that such cuts come from cattle under 30 months of age; 5) allowed Korean

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<sup>21</sup> However, during only the first 90 days after the agreement takes effect, South Korea reserves the right to audit and/or reject U.S. decisions on the listing of new plants eligible to export beef to Korea or on re-listing those plants that had lost their eligibility to export because of problems with previous shipments (Jurenas & Manyin, 2008, p. 8).

government inspectors to conduct on-site audits of a representative sample of U.S. facilities that exported beef and products to Korea. Any resulting discovery of serious non-compliance with health requirements required the U.S. government to take appropriate measures. Previously, the Korean government could ask the U.S. government to stop the U.S. meat establishment from exporting beef to Korea; 6) required the United States to implement measures that met or exceeded OIE guidelines for controlled-risk status to detect and prevent the introduction and spread of BSE (Jurenas & Manyin, 2008, p. 9).

#### External factors of the April 2008 beef agreement

As mentioned above, the KORUS FTA was an external factor that was closely related to the beef agreement. The Korean government had insisted that the issue of U.S. beef imports was a completely separate issue from the KORUS FTA negotiations. However, the KORUS FTA affected the dynamics of the beef agreement making actual developments. If the beef agreement process could be regarded as a factory to make developments for the beef agreement, this factory would always produce actual developments whenever the KORUS FTA factor was put in the factory. If the factory of the beef agreement process was unrelated with the material of the KORUS FTA as the Korean government had argued, the factory could not produce any developments as products. In addition, the desire of Korean President Roh for the KORUS FTA was a catalyzer that catalyzed

reactions in the factory. In sum, the beef agreement process was selective for the KORUS FTA factor (Figure 4.2).

Mad cow disease was a continuing external factor for the beef agreement process. Concerns about bone fragments as BSE risk materials had inhibited the President Roh's desire and high-level talks from moving toward the revision of the January 2006 beef agreement (Figure 4.2).

#### Win-set sizes of the April 2008 beef agreement

As mentioned the January 2006 beef agreement was not considered commercially meaningful by U.S. beef producers because the agreement excluded bone-in beef products that were more popular with Korean consumers. Thus, even though the beef negotiation technically was not on the agenda of the FTA talks, U.S. efforts to resolve all issues of beef access to the Korean market subsequently became contentious as those talks continued.

About the time when U.S. President Bush announced his intention of signing the KORUS FTA to the U.S. Congress, South Korea's President Moonhyun Roh, on April 1, 2007 stated that he had personally promised President Bush that his government would support the OIE's formal decisions and recommendations. President Roh personally promised President Bush by a phone call and confirmed his promise by statement to the Korean public. South Korean officials said that they would resume the imports if the OIE determined that the United States was a "controlled risk" country (Cooper & Manyin, 2007c, p.3).

By the Korean President's promise, South Korean negotiators dramatically expanded their win-set from SK1 in figure 4.1 to SK2 in figure 4.2. However, there was still no overlapping area between the two nations' win-sets because the U.S. win-set virtually decreased from US1 to US2 right next to the USmax after the promise (Figure 4.2).

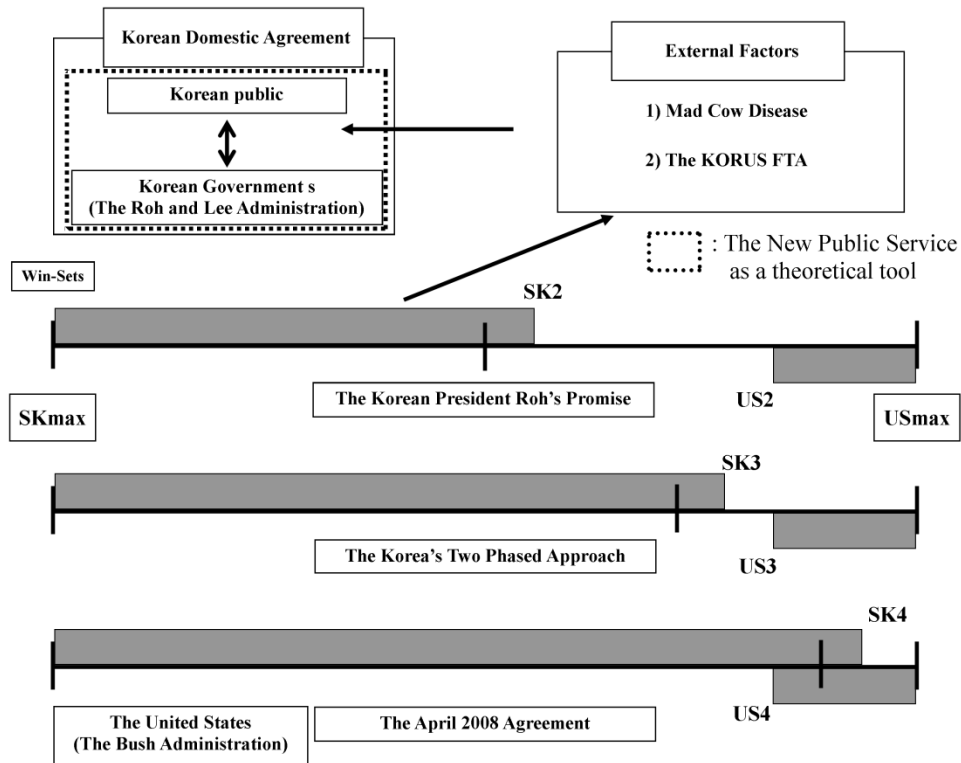
After the OIE's formal decision on May 22, 2007, the U.S. Department of Agriculture's (USDA's) top official on this matter commented that this risk classification meant that U.S. regulatory controls could effectively manage any possible risk of BSE in the U.S. cattle population, and that U.S. cattle and products from cattle of all ages could be safely traded in accordance with international guidelines. In addition, U.S. negotiators, U.S. Congress members, and U.S. interest groups including National Cattlemen's Beef Association (NCBA) had signaled that a full and viable opening on the beef issue was necessary for the passage of the KORUS FTA in U.S. Congress.

On November 9, 2007, South Korea's trade minister said that his government preferred the two-phased approach (Cooper, et al., 2008, p.49). As a result, the win-set of South Korea increased from SK2 to SK3. In contrast, the U.S. negotiators officially confirmed its stance of full access to the Korean beef market, regardless of age, as long as BSE risk materials were removed during processing. There was still no overlapping area between the two nations' win-sets because the U.S. win-set firmly remained around the USmax and two South Korean governments postponed the discussion of the U.S. side until Korean presidential and congressional elections had ended (Figure 4.2).



Figure 4.2

Korean domestic agreement, external factors, and win-sets



On April 18, 2008, U.S. and South Korean negotiators reached the new agreement on the sanitary rules that Korea would apply to beef imports from the United States. It allowed for imports of all cuts of U.S. boneless and bone-in beef and other beef products from cattle, irrespective of age, as long as specified risk materials known to transmit mad cow disease were removed and other conditions were met. One important provision would automatically broaden the age range of cattle covered by the agreement. In other words, just with the publication of the U.S. feed ban rule on April 23, 2008, it took only five days for the April beef

agreement to allow imports of U.S. beef and beef products from all cattle, regardless of age, as long as BSE risk materials were removed during processing.

The provision of greatly broadening the scope of the agreement made the win-sets of both countries overlapping completely in favor of the U.S. side, expanding the win-set size of the Korean side from SK3 to SK4 (Figure 4.2). Thus, the United States and the Korean negotiators reached the beef agreement without changing the win-set size of the United States.

## THE JUNE 2008 PRIVATE SECTOR ARRANGEMENT

### Initial reaction to April 2008 agreement and the exchange of letters

The decision to resume imports of U.S. bone-in beef took about four and half years. At first, the Myung-bak Lee Administration faced great online protests to importing U.S. bone-in beef. On April 29, 2008, a Korean broadcast (MBC, Munhwa Broadcasting Corporation) showed a program about mad cow disease, concerning the health of the people. The program reported that “nearly 95% of Koreans are genetically vulnerable to mad cow disease” and that “Korea has the lowest standard of beef inspection among northeaster Asian countries” (JoongAng Daily, 2008, May 3). After the TV report, public sentiment about the beef agreement became cold. Some citizens posted groundless claims on the internet, such as “95% of Koreans are likely to get mad cow disease,” “you can get mad cow disease just by ingesting powdered seasoning for instant noodles,” or “if you eat beef from a diseased cow, you get holes in the brain” (JoongAng Daily, 2008,

May 2). When some online protesters started a signature movement to impeach the President, over 590,000 citizens signed it in three days (JoongAng Daily, 2008, May 3). Figure 4.3 shows the number of daily created internet forum related to mad cow disease on a Korean internet company, “Daum,” which had provided online people (called “netizens”) with message boards for online discussions. After the TV report by a Korean broadcasting corporation (MBC, Munhwa Broadcasting Corporation) on April 29, interests and concerns about the mad cow disease rapidly increased. Figure 4.4 shows that the number of daily created forum for mad cow disease coupled with the U.S.-Korea beef negotiation also increased after April 29. This implies that the people as netizens recognized that the beef negotiation was closely connected with the Korean public safety regarding the danger of mad cow disease from U.S. beef imports.

The Korean TV coverage of the U.S. beef sector and Internet-spread rumors sparked large candlelight vigils in South Korea to protest the beef agreement and claim the re-negotiation with the United States (Jurenas & Manyin, 2011, p.6). Kyung-bae Min, a professor of NGO studies at Kyung Hee Cyber University, concluded that “because the Administration was not active in convincing the general public, people simultaneously started expressing their distrust of the government” insisting that “the Administration should talk to the people with specific facts” (JoongAng Daily, 2008, May 6a).

At the initial phase of the public protest, the Lee Administration responded that most mad cow stories were groundless and U.S. beef was safe. In a press meeting on May 2 to calm public fears, Woon-chun Chung, Minister of Food,

Agriculture, Forestry and Fisheries, and Soung-yee Kim, Minister for Health, Welfare and Family Affairs, said, “It is regrettable that rumors over the safety of U.S. beef, which have no basis in science, are spreading” (JoongAng Daily, 2008, May 5). On the other hand, President Lee told Jae-sup Kang, the Chairman of the GNP, that “this is not the first time that the nation has opened the beef market to the United States. We are merely reopening it” (JoongAng Daily, 2008, May 3).

The controversy over U.S. beef imports has snowballed with a feeling of insecurity over mad cow disease and a candlelight vigil was held on May 2, 2008. Candlelight vigils continued on May 3, 2008 to protest the planned resumption of U.S. beef imports despite the government’s press conference on May 2 to explain that U.S. beef was safe to eat. Thousands of students participated in the candlelight vigils, protesting the decision to reopening the local market to the U.S. beef with bones, which was known as a high BSE risk material. The students said that they joined the protest on their own accord (JoongAng Daily, 2008, May 5).

The Lee Administration blamed the former administration for the beef agreement. Lee Dong-Kwan, the presidential spokesman, said that the April beef agreement was already set by the Roh Administration (J20080503E). The Grand Nation Party (GNP) blamed possible behind-the-scenes forces for making the protests political. The opposition party, the United New Democratic Party (UNDP), insisted that the GNP ignored the public sentiment (JoongAng Daily, 2008, May 5). After the Korean government completed its internal review process of sanitary and phytosanitary standards by May 13, South Korea was expected to

open its doors to U.S. beef on May 15, when it resumed quarantine inspections for U.S. beef shipments (JoongAng Daily, 2008, May 6b).

Even Geun-hye Park, the former GNP chairwoman, criticized the government's decision and urged officials to consider renegotiating the beef deal. Park also said on May 6, "The public is bound to worry since the government, offering no specific explanations or contingency measures, keeps saying that U.S. beef is safe." It was highly unusual that a ruling party leader at the President's side criticized the government decision. Opposing political parties joined these protests, advocating that the government renegotiate or reject the agreement. Opposition party leaders threatened to propose a special law to nullify the decision to resume the imports. The center of criticism on the April beef agreement was a clause that allowed beef imports from U.S. cattle more than 30 months old. The opposition parties insisted that the clause should be renegotiated (JoongAng Daily, 2008, May 9b). However, the Agriculture Ministry and the Blue House said that renegotiation was impossible (JoongAng Daily, 2008, May 7). As political debate about the beef negotiation with the United States was gradually intensive, the Korean public's interest on the negotiation was also increasing. Figure 4.5 indicates that the Korean public had tried to get information about and discuss the U.S.-South Korea beef agreement as the public protests and the political debate had progressed.

Figure 4.3

The number of daily created forum for mad cow disease

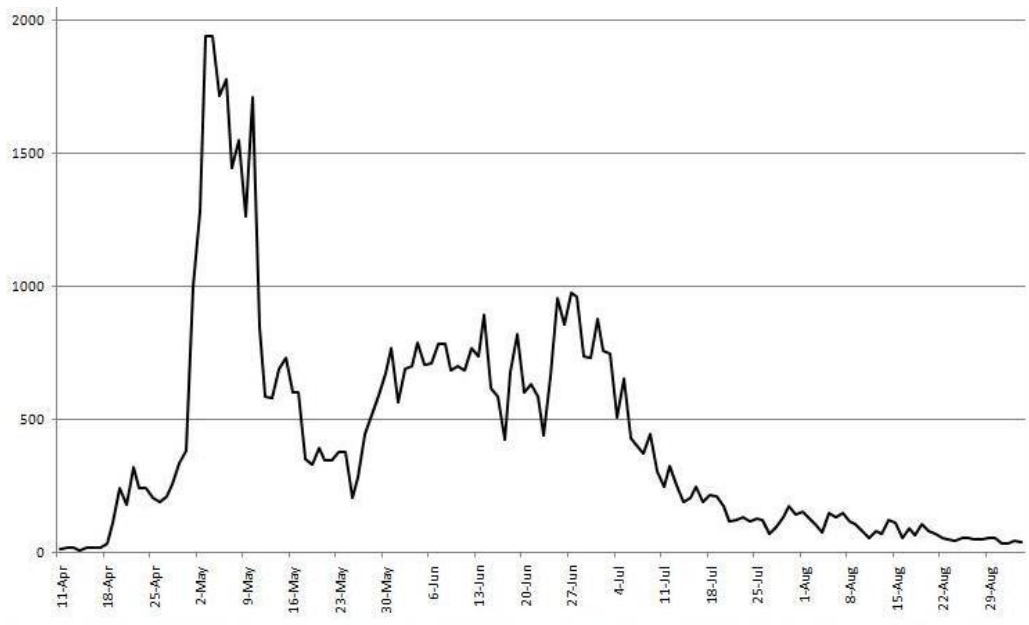


Figure 4.4

The number of daily created forum for mad cow disease coupled with the U.S.-South Korea beef negotiation

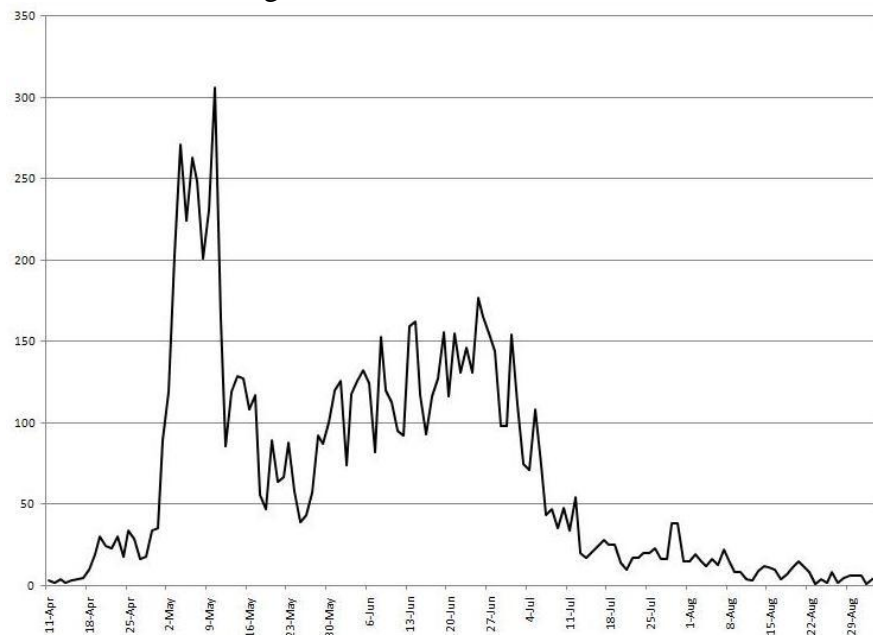
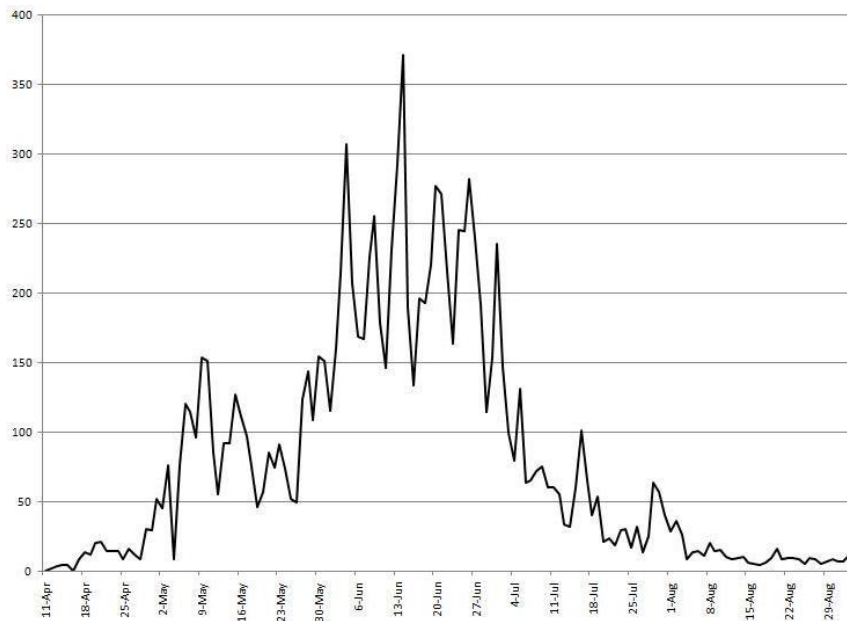


Figure 4.5

The number of daily created forum focused on the U.S.-Korea beef agreement



When President Lee's approval rating had fallen below 30% from nearly 60% two months ago when he took office (JoongAng Daily, 2008, May 9a), Korea's Agriculture Minister on May 7 stated that South Korea would suspend quarantine inspections of U.S. beef imports if another case of mad cow disease was detected in the United States despite a possible trade dispute. President Myung-bak Lee also said that beef imports would stop immediately if people's health was threatened and then worked out counter measures. The stance was in sharp contrast to the one the officials took on May 6 when they said renegotiating the beef deal was impossible. Furthermore, on May 8, Prime Minister Seung-soo Han went further by stating that the Korean government would put the people's health and safety before all else, and if a case of mad cow disease occurred in the United States that was believed to endanger public health, the Korean government

would act to ban imports of U.S. beef, conduct a survey of all U.S. beef imports, immediately send an investigative team to the United States, and negotiate to revise the signed beef agreement (JoongAng Daily, 2008, May 8; May 9b; Jurenas & Manyin, 2011, p. 9). Since the April agreement was scheduled to take effect on May 15, if the Korean government wanted renegotiation, it needed to renegotiate terms before then.

However, it remained unclear how the promised actions would be received in the United States (Jurenas & Manyin, 2011, p. 9). According to the April 2008 agreement, even if another outbreak of mad cow disease was discovered, Korea was not allowed to ban beef imports until OIE took the United States off the list of risk-controlled countries, although the reclassification process might take several months (JoongAng Daily, 2008, May 7). In fact, these statements raised concerns among U.S. trade officials that the agreement could be unraveling. The United States government initially maintained there would be no renegotiation, arguing that the United States was in full compliance with OIE guidelines.<sup>22</sup> They signaled to their Korean counterparts that there would be no renegotiation but decided to work together to find some accommodations (Jurenas & Manyin, 2011, pp. 7, 9).

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<sup>22</sup> The OIE made no age distinction in assessing the risk level of cattle slaughtered for beef. Instead, the OIE recommended that importing countries, to prevent the introduction of BSE, ensure that beef of any age meet certain conditions, such as the removal of those cattle tissues suspected of transmitting BSE and the implementation of effective safety controls for cattle feed (Jurenas & Manyin, 2011, p. 7).



On May 12, U.S. Trade Representative (USTR) Susan Schwab acknowledged that the United States accepted and supported the Prime Minister's statement and that the United States recognized Korea's right to take measures to protect public health that were consistent with international agreements' position on protecting public health. She also reiterated that the bilateral beef agreement should address any concerns of the Korean people by building several layers of procedures and safety measures to ensure that imported U.S. beef was safe (Jurenas & Manyin, 2011, p. 9).

Hyo-seuk Kim, the UDP floor leader argued that the Agricultural minister's official announcement of the deal, scheduled for May 15, should be postponed (JoongAng Daily, 2008, May 9c). After all, the Korean government, faced with the public outcry over the safety of U.S. beef, said that it would delay ministerial approval on the beef agreement by about a week to 10 days to have time to come up with a political solution (JoongAng Daily, 2008, May 16). The approval rating of the President Lee stood at 23% according to a May 14 survey conducted by the Grand National Party's research center (JoongAng Daily, 2008, May 31).

As the initial May 15 target for publishing the rules to implement the agreement passed, Korean trade officials, trying to find a way to defuse public criticism but still adhere to President Lee's then-position not to reopen the April agreement, continued talks with their U.S. counterparts. U.S. Commerce Secretary Carlos Gutierrez stated on May 16, "We believe that it is important to stick to agreements once they have been reached." He emphasized that U.S. beef

was safe and one of the biggest obstacles blocking the ratification of the KORUS FTA in the U.S. Congress was the beef issue. The United States was still demanding that Korea fully opened its market to U.S. beef before the U.S. Congress considered the KORUS FTA. Several days of intense behind-the-scenes talks culminated in an exchange of letters to clarify the agreement (Jurenas, 2008, p.9; JoongAng Daily, 2008, May 17).

On May 20, South Korea and the United States struck a rare diplomatic compromise to ease continuing worries over U.S. beef in the Korean public. Korean Trade Minister Jong-hoon Kim and his U.S. counterpart USTR Susan Schwab signed a letter that would allow South Korea to take necessary measures if an outbreak of mad cow disease occurs in the United States. The exchange of letters intended to provide cover for the Korean government to allay public concerns on the beef issue and verified what the Korean government already declared in a document. The letter did not specifically mention Korea's right to ban U.S. beef imports. The letter affirmed that South Korea, as a member of the World Trade Organization (WTO), had the right to protect its citizens from health and safety risks under Article XX of the General Agreement of Tariff and Trade (GATT) and the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, which allowed countries to impose more stringent requirements on imported products to protect human, animal or plant life or health. However, Korean Trade Minister Kim explained that both countries agreed in

writing to stipulate that Korea could exert quarantine rights to end beef imports from the United States if there was an outbreak of mad cow disease.<sup>23</sup>

Both trade ministers also clarified that certain beef parts would never be sent to Korea. The letter exchange addressed Korea's concern that the SRMs specified in the April agreement did not include two SRMs from cattle over 30 months old that were listed in U.S. regulations that was required to be removed from all beef and beef products, whether destined for U.S. consumption or export.<sup>24</sup> The United States agreed to recognize Korea's right to reject any beef shipment that contained these additional SRMs, and to block all future shipments from a U.S. processor that violated the expanded list of SRMs twice.

The Korean government argued that there was no longer any reason to renegotiate the April agreement. Opposing parties and civic groups said that the exchange of letters just confirmed the general right that was already in the GATT article and did not give South Korea enough right for food inspection (JoongAng Daily, 2008, May 20a; May 21a; Jurenas & Manyin, 2008, pp.9-10). The Korean public might think that the actual content in the exchanged letters showed the

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<sup>23</sup> While these letters did not specifically state that South Korea could prohibit U.S. beef if another U.S. case of mad cow disease did occur, the United States recognized that South Korea could exercise broad recourse permitted under multilateral agreements to protect its citizens' health (Jurenas & Manyin, 2008, pp. 9-10).

<sup>24</sup> The cervical vertebral, thoracic vertebrae and lumbar vertebrae of cattle older than 30 months were banned for sale as food in the United States as they were still considered SRMs. However, the April agreement did not clearly ban those parts from sale in Korea, although the Korean government told the public that those parts were removed at U.S. meat processing plants (JoongAng Daily, 2008, May 20b)

attitude of the Lee Administration to the public: “Talked big but accomplished actually nothing.”

#### Events after the letter exchange

Opposition leader Hak-kyu Sohn refused to support President Lee in getting the KORUS FTA ratified and insisted that the president should apologize for the government’s mishandling of the beef deal if he wanted to quell public fears over mad cow disease (JoongAng Daily, 2008, May 21b). Lee’s approval rating had plummeted to the lower-20% range. The domestic uproar in Korea following the April 2008 beef deal increased the perception among many South Koreans that Lee is overly solicitous toward the United States (Jurenas & Manyin, 2011, p.12).

In acknowledging the continuing strong, vocal opposition to the beef agreement, President Myung-bak Lee apologized for his government’s lack of efforts to sound out public opinion on resuming U.S. beef imports. On May 22, 2008, in a live televised speech, President Lee apologized for causing national unrest over U.S. beef imports saying, “I humbly accept the criticism that I have been negligent in carefully reading the public’s mind” on the beef issue. He pointed out that the exchange of letters showed that Korea has the right to “take sovereign measures to halt beef imports immediately” if there was a danger to public health. He also noted that the letters guaranteed the safety of U.S. beef that would be imported in accordance with international standards, providing the

Korean public with the same quality beef consumed by Americans. However, as the address continued after his apology, Lee urged lawmakers to ratify the KORUS FTA because Korean business would benefit more than those in the U.S (JoongAng Daily, 2008, May 23; Jurenas & Manyin, 2008, p. 10).

The apology by the President Lee could not satisfy what the Korean public possibly expected in the apology. The Korean public might have felt that the President asked the public to accept the KORUS FTA with its sacrifice in the beef agreement right after his only verbal apology. When Korean President Myung-bak Lee apologized to the angry public about the beef agreement, Korean ambassador, Tae-sik Lee stood by the April beef agreement saying, “Our government is determined to go ahead to implement his agreement as agreed upon” (JoongAng Daily, 2008, May 24).

Street protests continued for two days from May 24 to May 25 (actually the morning of May 26). These two nights of rallies against U.S. beef imports started peacefully but ended with clashes between protestors and riot police because riot police tried to block the march of protestors toward the Blue House, the House of the Korean President (JoongAng Daily, 2008, May 27). On May 26, Korea’s Agriculture Ministry announced another delay in issuing updated rules to apply to U.S. beef imports until it reviewed the report of inspectors who had just toured U.S. beef processing plants and the government held meetings with cattle producers to discuss the beef issue with them. Korea’s Agriculture Ministry finally announced on May 29 that it would publish on June 3 its rules to apply to imports of U.S. beef and products (Jurenas, 2008, p. 10). The announcement was

televised live nationwide at 4 p.m. The announcement stoked public anger. An alliance of about 1,700 civic groups called it “a declaration of war against the people,” arguing that the Lee Administration chose to protect the profits of the U.S. beef industry rather than protecting the Korean people’s right to health. The United Democratic Party also threatened to fight the government’s decision. To ease concerns of Korean livestock farmer, Agriculture Minister Woon-chun Chung proposed lowering the interest rate for state loans and increasing government subsidies from 1 trillion won (972 million dollars) to 1.5 trillion won. (JoongAng Daily, 2008, May 30).

However, public protests on the beef issue turned more violent from May 31 to June 1. On May 31, one of the biggest candlelight vigils occurred across Korea’s major cities such as Seoul, Busan, Daegu and Daejeon. Activist groups estimated that at least 100,000 people participated in the Seoul protest, while police estimated attendance at around 40,000. Protestors fought against riot police who tried to disperse them with water cannons. The Korean police also used heavily armed SWAT police forces. 228 people were arrested and more than 70 people were wounded and taken to nearby hospitals. Photos and video clips of riot police beating protestors and bleeding people had been circulating on popular internet sites, drawing thousands of angry posts (JoongAng Daily, 2008, June 2b). According to a survey conducted May 30 to May 31 by a Korean newspaper company, The JoongAng Ilbo, the President’s approval rating dropped to 19.7% (JoongAng Daily, 2008, June 2a).

Opposition political parties and even the governing Grand National Party asked the Lee Administration to postpone the publication, but agricultural ministry officials said 3,250 copies of the government's newspaper were already printed and would be distributed to government offices nationwide by 9 a.m. on June 3. However, the Korean government's stance changed at night on June 2. The Agriculture Ministry announced at 8 p.m. on June 2 that it decided to recall the papers and it would postpone the official publication of the rules. In addition, to address public uproar showing no signs of abating, Agriculture Minister Woonchun Chung announced that the Korean government had requested that the United States put on hold exports to South Korea of beef from cattle older than 30 months. South Korea sought this change based upon the widely held view that cattle younger than 30 months are less susceptible to mad cow disease. He stated that the publication of the eased quarantine regulations about U.S. beef imports would be postponed until the United States responded to this request, and added that quarantine inspection of U.S. beef at various stages of entry including beef already in Korea would also stop. This meant that quarantine inspections of U.S. beef would be suspended. This step was reportedly taken at the request of the President's ruling political party to restore civil order and end the violence (Jurenas & Manyin, 2008, p. 10; JoongAng Daily, 2008, June 3; June 4; Jurenas, 2008, p. 11). On the same day, President Lee in a cabinet meeting acknowledged the significant drop in his approval rating because of the controversy over the agreement, and stated, "It is only natural that we do not import beef from cattle older than 30 months as long as the public is worried about it, and the majority is

opposed to it” (Jurenas, 2008, p. 11). A number of beef importers intended to limit imports from the United States to beef from cattle under 30 months. A meat importers’ association with 70 members said that most of the importers agreed to voluntarily limit imports to beef from cattle less than 30 months old. This coincided with the Korean government’s intention to import the U.S. beef from younger cows because the Korean government appeared to prefer voluntary restrictions by meat importers to regulate U.S. beef imports without renegotiation. Five major U.S. beef exporters including Tyson Foods Inc. and Cargill Meat Solutions Corp. said that they would label their shipments to Korea with the cow’s age for Korean meat importers to distinguish beef shipments from older cows and refrain from importing them (JoongAng Daily, 2008, June 5).

Responding to Korea’s request to exclude beef from cattle aged more than 30 months, U.S. government spokesmen expressed disappointment with the continued delay in implementing the official beef agreement between the governments of the two countries. But the United States signaled that it would continue to work with the U.S. beef industry and Korean officials to address U.S. concerns about the delay, acknowledging Korea’s need to work within its system to address the issues that had arisen (Jurenas, 2008, p.12).

U.S. negotiators agreed to compromise in a way that would allow some sales to resume. They recognized that it was important to improve the Korean people’s confidence in U.S. beef and gradually increase the market share of U.S. beef against grass-fed Australian beef with competitive prices. U.S. officials began consultation with their Korean counterparts on approaches that could help



defuse the sensitivity of this issue among the Korean public. Additionally, in recognition of the importance of this issue, President Bush in a June 7 phone call with President Lee during 20 minutes promised to address the Korean leader's request to work out effective ways to limit U.S. beef exports to cattle aged 30 months or less. "President Myung-bak Lee explained to President Bush that Korean consumers were nervous about beef safety, and he asked President Bush to come up with substantial and effective measures that Koreans can trust so that beef from cattle older than 30 months old will not be exported," said Eun-hye Kim, a deputy spokeswoman at the Blue House. President Bush agreed with Lee to move forward to relieve the Korean people's fear and nervousness at the moment, saying that the United States would prevent meat from older cattle from being exported (Jurenas & Manyin, 2008, p.11; JoongAng Daily, 2008, June 9c).

Korea's agriculture minister stated that the government tried to seek a voluntary agreement by meat importers and exporters not to bring in beef from older cows from the United States and that quarantine inspections on U.S. beef would not resume until the Korean public regained confidence about beef safety through voluntary controls. Thus, the main point of new beef talks between Korea and the United States was probably whether or not the two countries' government officially confirmed the possible voluntary controls. In fact, the Korean government was considering that the two governments sign a memorandum of understanding (JoongAng Daily, 2008, June 6).

Some analysts in Korea questioned that the voluntary self-regulation by traders could be effective in stopping older beef from reaching Korean consumers.

According to the association of seventy major importers of U.S. beef, there were about 430 meat importers and 70 of them imported U.S. beef as their major import item (JoongAng Daily, 2008, June 7). In addition, one argument often made by protesters is that beef exporters and importers could not be trusted as they could try to circumvent the law to make profits (JoongAng Daily, 2008, June 10). Moreover, the Korean public began to express their discontent with President Lee's other policies as well as the beef issue and the approval rating of President Lee dropped under 20 percent (JoongAng Daily, 2008, June 9a). After a 72-hour marathon protest against U.S. beef imports with over 110,000 people for 3 days (attorney report), protests had continued to spread across Korea as reflected in a march on June 10 of a reported 80,000 demonstrators in Seoul, the capital of South Korea. In the march, protestors opposed the resuming of U.S. beef imports and called for Lee's resignation. The June 10 protest was the largest protest rally in South Korea since 1987. Korean Police dispatched more than 20,000 riot policemen to control the area near Seoul City Hall. Especially, to prevent the protests from marching toward the Blue House, police put up barricades at major intersections in central Seoul (JoongAng Daily, 2008, June 11). Also on June 10, the President's cabinet offered to resign, reportedly taking blame for the political turmoil triggered by the beef agreement. The President had not accepted these resignations. Some of rallies in June started peacefully and turned into illegal and violent protests partially by some of demonstrators and partially by the excessive actions of the police. Protestors were split over the violence. Some urged to stop

fighting with police while others argued that nothing would be accomplished with nonviolence (JoongAng Daily, 2008, June 9b; Jurenas, 2008, p. 11).

#### The voluntary private sector arrangement

After the phone call between the two presidents, a top USDA official on June 10 stated that the Administration had no intention to change the April deal, he indicated that USDA was not opposed to the proposal made by U.S. beef exporters to label beef to indicate the age of cattle. A top Korean trade official indicated that renegotiation would not be on the table, and that further discussions were for clarifying an earlier deal (Jurenas, 2008, p.12).

To respond to mounting public pressure, the Korean government twice pursued talks with the United States to find ways to defuse public concerns without “renegotiating” the beef agreement (Jurenas & Manyin, 2008a, p.5). To explore options and gauge sentiment on South Korea’s request to limit beef imports from older cattle, two South Korean delegations stayed in Washington to meet with U.S. government officials, legislators, and industry interests during the week of June 9-13. One delegation sent by the ruling political party sought to discuss changes to the agreement. The government’s delegation, led by the Agriculture Minister, reportedly was seeking assurances that U.S. exporters will not sell beef from cattle older than 30 months (Jurenas, 2008, p.12).

On June 21, 2008, following week-long intense negotiations with U.S. trade officials, the South Korean government announced that both governments had agreed to changes in and upon a process put into effect, the April agreement.

The process began the day before, when the Korean Meat Importers Association pledged “as an interim measure” to import only U.S. beef from cattle younger than 30 months “to increase consumer confidence” and requested the U.S. government to ensure that U.S. exporters ship beef produced only from cattle that meets this requirement. The Korean Importers’ Association pledged that U.S. beef from cattle older than 30 months would not be distributed in Korea, and expressed the commitment to import and supply high quality and safe beef, taking into consideration the priority of the Korean people’s health (Jurenas & Manyin, 2008, p.12). Korean importers said that they would not import some beef parts such as eyes, brains, skulls and spinal cord from cattle under 30 months old, which were not included in the banned list under the April beef agreement (JoongAng Daily, 2008, May 28a).

The Korean Importers’ Association asked that U.S. beef exporters take the steps necessary to put its pledges into effect. Also, on June 20, the U.S. meat industry acknowledged the Korean importers’ request and stated it “is prepared to limit [beef] exports to Korea to only products from cattle less than thirty months of age under a program verified by USDA as a transitional measure to full market opening consistent with OIE guidelines.” In their letter to the Secretary of Agriculture and to USTR, three industry associations requested that, as soon as Korea published rules to put into effect in the April agreement, the U.S.

government implement a program to verify the age of cattle slaughtered for beef to be exported to South Korea until “conditions in the Korea market supported the restoration of exports of all U.S. beef products” to that country (Jurenas & Manyin, 2008, p.12).

Both governments confirmed a “voluntary private sector” arrangement that allowed, for an unspecified time period, Korean firms to import U.S. beef (boneless and bone-in) produced only from cattle less than 30 months old. Publicly, both countries presented this arrangement as a transitional step to improve Korean people’s confidence in U.S. beef, and did not commit to any timetable for revisiting this matter. The private-sector arrangement reflected a “commercial understanding” reached between Korean beef importers and U.S. exporters, that as “a transitional measure,” only U.S. beef from cattle under 30 months of age will be sold to Korea (Jurenas & Manyin, 2011, pp. 6-7). The voluntary commercial arrangement still significantly expanded upon the products covered by the January 2006 protocol, which only permitted imports of boneless beef from cattle under 30 months old.

Changes in the June 2008 arrangement compared to the April 2008 agreement

On June 21, The U.S. Trade Representative (USTR) confirmed the Korean Trade Minister’s announcement that the “commercial understanding” reached between Korean beef importers and U.S. exporters as a transitional measure. USTR, in acknowledging the request received from the U.S. meat

industry for Korea's beef importers, stated that the "U.S. government will facilitate this transitional private sector arrangement" under a Quality System Assessment (QSA) program administered by USDA. The program would verify that beef shipped would be from cattle less than 30 months old, and would be voluntarily operating only at those beef processing plants that sought to sell beef and beef products to Korea. USDA would establish this program when South Korea implemented the April agreement (Jurenas & Manyin, 2008, p.12).

Both sides also agreed to some changes in the April agreement. First, certain U.S. beef products (brains, skulls, eyes, and spinal cords) that had not previously been exported to South Korea would not be covered by the agreement, until there was market demand in Korea for such products. USTR noted that these products now were not specified risk materials in cattle younger than 30 months. Second, Korea would have the right to take certain actions if its inspectors found "serious noncompliance" during their audits of U.S. beef plants, and if food safety hazards were detected when Korea inspected beef shipments at entry points. Third, Korea confirmed that rules to put the April agreement into effect would be published "shortly" (Jurenas & Manyin, 2008, p.12). South Korea published rules to put this agreement into effect on June 26, and quickly began to inspect U.S. beef shipments.

## Administrative steps taken to implement the beef agreement

Reflecting the beef agreement, as modified by the June 2008 private-sector arrangement, South Korea on June 26, 2008, officially published rules to put the beef agreement into effect, and began to inspect U.S. beef shipments held in cold storage in Korea since the fall of 2007.<sup>25</sup> On August 11, 2008, U.S. beef ribs and other bone-in beef cuts became available for sale in seven meat markets in two Korean metropolitan cities, Seoul and Pusan, and in outlets in neighboring provinces (Jurenas & Manyin, 2008a, p.7).

On the U.S. side, USDA agencies implemented the procedures intended to ensure that U.S. beef meets Korea's import requirements. Under these terms, each U.S. beef shipment to Korea must be accompanied by an export certificate issued by USDA's Food Safety and Inspection Service (FSIS) that confirmed the U.S. beef establishment participated in two programs administered by USDA's Agricultural Marketing Service (AMS). The first was that beef and products destined for South Korea must be produced under an approved AMS Export Verification (EV) program. This detailed the specific product requirements that a supplier must meet in order for an export shipment to be eligible to enter Korea. Currently, AMS listed 58 suppliers as covered by the EV program for Korea. The second was the voluntary Quality System Assessment (QSA) program that was implemented on July 10, 2008. This program verified that beef from a

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<sup>25</sup> These shipments include stocks of U.S. boneless beef exported in 2007 and 2008 and stored, but not inspected until the new beef agreement took effect on June 26, and exports of boneless and bone-in beef shipped after that date (Jurenas & Manyin, 2008a, p.7).

participating plant was from cattle less than 30 months of age. Currently, AMS had approved 54 exporting establishments as eligible to ship beef product that could be certified as meeting this requirement (Jurenas & Manyin, 2011, p.9).

#### The U.S. reaction to the June 2008 arrangement

Some Members of Congress responded cautiously or skeptically to the “voluntary commercial agreement,” noting that it changed the April agreement by allowing Korea to reject U.S. beef from cattle over 30 months of age, disregarded international standards that affirmed the safety of all U.S. beef regardless of age, and set an “unfortunate” or “dangerous” precedent in negotiating the terms of beef access into other countries (Jurenas & Manyin, 2008, p. 13).

However, much of the U.S. cattle and beef industry pointed to the fact that under the arrangement agreed to in June 2008, U.S. beef exports would continue to grow, and that the U.S. market share of Korea’s beef import market could be increasing.<sup>26</sup> Industry spokesmen expressed some apprehension about losing these gains if U.S. negotiators pushed South Korea too quickly for full beef access. Their stance might reflect a desire to avoid a repeat of the street protests that occurred in May 2008 and to preclude a Korean public perception that the United States was again pressuring South Korea for a policy change. The U.S. beef sector

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<sup>26</sup> The June 2008 agreement’s added requirement that beef be processed from cattle under 30 months of age is not expected to reduce potential sales volume, since the age of most U.S. cattle currently being slaughtered is younger (RL34528c, p.9). According to the National Cattlemen’s Beef Association, South Korea potentially represented a \$1 billion market and could grow to be the United States’ top beef customer (Jurenas & Manyin, 2008, p. 11).



likely would view such a scenario as undercutting the aggressive market promotion efforts made since late 2008 to assure Korean people of the safety of U.S. beef, which it viewed as having contributed to the increase in U.S. beef exports (Jurenas & Manyin, 2011, pp. 13-14).

#### Impact of beef protests on the Lee Administration and the KORUS FTA

The National Assembly's Unification, Foreign Affairs and Trade Committee, which wrapped up a hearing on the KORUS FTA on May 15, 2008 failed to send the trade bill to the assembly's Legislation and Judiciary Committee. The United Democratic Party (UDP), the biggest opposition party dominating the National Assembly at the moment, threatened to veto the KORUS FTA. The UDP argued that it would not take part in any discussions to ratify the Korea-U.S. free trade agreement unless renegotiation on the beef issue with the United States was completed. The government, the governing Grand National Party and local business groups feared that delay in the ratification of the bill in South Korea might hamper efforts in the United States to ratify the free trade pact. Man-soo Kang, the Minister of Strategy and Finance said on May 15, "A one-year delay in ratification of FTA deal will create an economic loss of 15 trillion won (14.4 billion dollars) to Korea," according to the estimate by Korea Chamber of Commerce (JoongAng Daily, 2008, May 16).

South Korean government officials portrayed the June-negotiated arrangement as going far to allay public concerns about the safety of U.S. beef.

However, although the protests against the beef agreement subsided in the summer of 2008, the political fallout of the controversy continued during the summer. Three high ranking Korean officials (including the Agriculture Minister and his deputy) resigned because of their involvement in the agreement's negotiations. The Korean National Assembly completed an inconclusive parliamentary inquiry on the strategy and process followed by two successive governments on negotiating this agreement (Jurenas & Manyin, 2011, p.7).

The protests damaged the President's political strength and boosted the position of opposition groups that had been demoralized before the candlelight vigils. In the late summer of 2008, Lee's approval ratings recovered from the trough they entered at the height of the protests, but for months they remained at a low level ranging from the mid-20% to 30%. It was not until late 2009 that Lee's poll numbers began to exceed 40% fairly consistently. Thus, the uproar over Lee's decisions on beef effectively ruined his "honeymoon" period to push many of his policy goals (Jurenas & Manyin, 2011, p.12).

The domestic uproar in Korea following the April 2008 beef deal had made President Lee reluctant to take a controversial step of forcing a vote on the KORUS. Some polls taken at the protests' height in early June indicated that support for the agreement had fallen below the 50% level. The protests emboldened the FTA's opponents in the National Assembly. Some politicians such as Hak-kyu Sohn, chairman of the United Democratic Party, had changed their original position even though they previously supported the ratification of the KORUS FTA. Although, in early July, Lee's cabinet approved a new KORUS

FTA bill for submission to a new session of Korean National Assembly, which had elections in April, the Lee government did not submit the KORUS FTA bill for consideration until early October 2008, partly because of lingering political sensitivities over the beef issue (Jurenas & Manyin, 2008a, p.7; Jurenas & Manyin, 2008, p.14; JoongAng Daily, 2008, May 21c). In April 2009, the National Assembly's Foreign Affairs, Trade and Unification Committee favorably reported the KORUS FTA ratification bill to the full legislature. However, the uproar in South Korea over the April 2008 beef agreement appeared to make many Korean politicians wary of trying to pass the agreement before the U.S. Congress votes. Finally, the Korean National Assembly passed the agreement on November 22 (Cooper, et al., 2011, p.1).

In the United States, even with the resumption of U.S. beef exports, the Bush Administration did not submit the agreement to Congress. While the Korean government spent its capacity on responding to and dealing with public protests against the agreement, lifting the beef ban, which was previously regarded as a politically necessary condition for the Bush Administration to send this trade agreement to Congress, became a less and less sufficient condition because of increased opposition to the KORUS FTA. As a result, although Lee and Bush reportedly agreed to work to pass the agreement through their respective legislatures by the end of 2008 (Jurenas & Manyin, 2008, pp.14, 17), the decision on when to submit this FTA to Congress was left to the next administration, the Obama Administration.

The protests also affected the 2010 FTA talks. President Lee was not likely to have political capital or political will to accept the changes in the beef agreement that the Obama Administration and various Members of Congress including Senator Baucus and Senator Grassley had asked<sup>27</sup> before the White House would consider submitting the KORUS FTA to Congress. Memories of the size and intensity of the 2008 anti-beef agreement protests in South Korea appeared to have directly influenced the position taken on the beef issue by Korean negotiators. Reflecting this political sensitivity and vulnerability, they reportedly rejected any discussion on this matter in the negotiations held in early November leading up to the summit between Presidents Obama and Lee and in the final talks leading to the supplemental agreement for the KORUS FTA. South Korea's trade minister had confirmed that there would be no more discussions on ending the age limits of U.S. cattle slaughtered for beef. Had he compromised again on the beef issue in late 2010, it was possible that securing passage of the KORUS FTA through Korea's National Assembly would have become more difficult. For this reason, the remnants of Korea's beef ban did not appear to have

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<sup>27</sup> Senator Baucus, chairman of the Senate Finance Committee (which would consider the Administration's bill to approve and implement the KORUS FTA) stated that he wanted access for all U.S. beef and cuts from cattle of any age as a condition for considering and ratifying the KORUS FTA. His statements stressed that the OIE has determined that U.S. beef from cattle irrespective of age can be safely imported, and that 60 countries now recognize this in accepting U.S. beef. Baucus has continued to reiterate that his objective is to see that U.S. beef access in all markets be based on internationally accepted rules, arguing that allowing an FTA partner such as Korea not to follow OIE guidelines would set a "dangerous precedent." Another approach laid out by Senator Grassley, then ranking member of the Finance Committee, would be to pursue efforts to secure additional beef access "in parallel to the FTA approval process" (Jurenas & Manyin, 2011, p. 13).

been linked to the 2010 KORUS FTA negotiations. In the negotiations on the supplemental agreement concluded on December 3, 2010, the beef issue reportedly received little discussion<sup>28</sup> as both sides focused on revising the auto provisions that had become increasingly important (Jurenas & Manyin, 2011, pp.12-15). Instead, the Obama Administration could gain South Korea's several concessions in the auto provisions in return. To avoid the demand from the United States in the beef issue, South Korea was passive on other issues (Cooper & Manyin, 2007d, p. 17). The Obama Administration planned to continue to work toward ensuring full access for U.S beef to the Korean market.

On October 3, 2011, President Obama submitted draft legislation (H.R.3080/S.1642) to implement the KORUS FTA to both houses of Congress. On October 12, the House passed H.R. 3080 and sent it to the Senate which passed it. The President signed the legislation on October 21, 2011 (Cooper, et al., 2011a, pp.1, 15-16).

External factors of the June 2008 private sector arrangement

The Korean government struggled to respond to public protests against the beef agreement and opposition political parties' call for its renegotiation aligned

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<sup>28</sup> On December 3, 2010, U.S.-and South Korean negotiators had agreed to modifications to some of the commitments made in the 2008 agreement. These modifications which were signed on February 10, 2011, are in the form of an "exchange of letters" and two "agreed minutes." In these modifications, the issue of full U.S. beef access was not resolved because the issue received little discussion due to its political sensitivity in South Korea (Cooper, et al., 2011a, pp.1, 16).

with the protests. Massive protests by the general public were crucial in forcing Korean decision-makers and negotiators to reach the June private sector arrangement. Thus, public protests would be a main external factor (Figure 4.6).

The Korean government appeared to be afraid that the KORUS FTA was not ratified in both Korea and the U.S. Congress.

#### Win-set sizes of the June 2008 private sector arrangement

While the U.S. beef industry and U.S. policymakers welcomed the initial April deal, Korean TV coverage of the issue and Internet-spread rumors that questioned the safety of U.S. beef resulted in escalating protests against the April 2008 beef agreement. Massive anti-South Korean government protests forced the two governments to renegotiate its terms. Admitting that the provisions in the April agreement were not strong enough to address Korean public concerns, both governments on May 20, 2008 signed and exchanged letters affirming that South Korea had the right to protect its citizens from health and safety risks with more stringent requirements.

However, opposition parties requested their government to renegotiate the initial terms and the Korean President's apologies for how his government mishandled this matter. The Korean government tried to secure additional changes in the beef agreement in order to allay public concerns about the safety of U.S. beef. However, U.S. officials countered with measures already in place to prevent the introduction of BSE in U.S. cattle herds to meet international

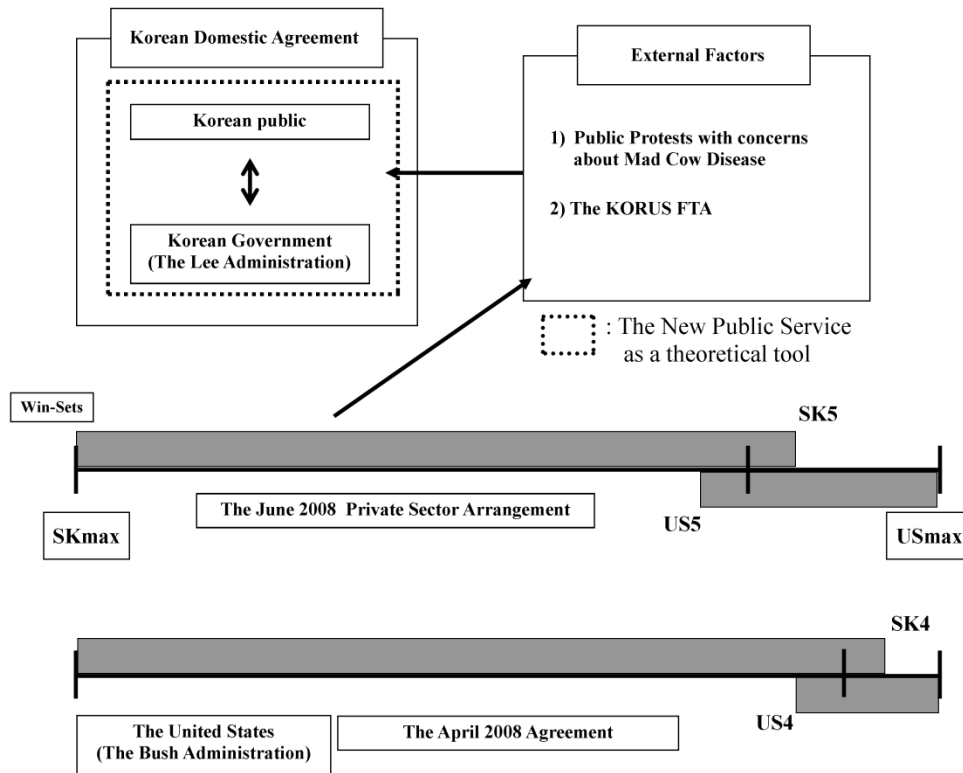
scientific standards. To address mounting public pressure, the Korean government twice pursued talks with the United States to find ways to defuse public concerns without “renegotiating” the beef agreement.

Both sides revised this deal on June 21, 2008. Both governments confirmed a “voluntary private sector” arrangement that allowed Korean firms to import U.S. beef produced only from cattle less than 30 months old. Both viewed this as a transitional step until Korean people regained confidence in the safety of U.S. beef. South Korea quickly published rules to put this agreement into effect, and began to inspect U.S. beef shipments. The U.S. Department of Agriculture similarly began to implement a new program to verify that the beef sold is processed from cattle under 30 months old.

U.S. beef industry noted that South Korea had given the U.S. more than 90 percent of its beef access by value under the June 2008 arrangement covering beef products from cattle younger than 30 months of age. U.S. beef industry sources signaled that for this reason, a “fix” to beef access issues might not be necessary and noted that it would be better that the implemented FTA eliminate Korea’s 40% tariff on beef imports from the United States as soon as possible (Cooper et al., 2010, p. 47). In these circumstances, to reach the voluntary private-sector agreement, U.S. Government’s win-set expanded from US4 to US5 and the Korean win-set reduced from SK4 to SK5. However, both view this voluntary private-sector initiative as a transitional step or measure until Korean consumers regain confidence in the safety of U.S. beef (Figure 4.6).

Figure 4.6

Korean domestic agreement, external factors, and win-sets





## CHAPTER 5. DISCUSSION AND CONCLUSIONS

### DISCUSSION FOR THE JANUARY 2006 BEEF AGREEMENT

#### Discussion with the old public administration

The Old Public Administration (OPA) regards the public as those who government officials made efforts to provide the help by the public administration (J. Denhardt & R. Denhardt, 2007, p.57). When South Korea placed a ban after the first U.S. case of mad cow disease, the interest of the working-level bureaucracy of the Korean government was to protect the Korean people against mad cow disease.

In the OPA, this type of public interest related to a public health and safety issue was not only the politically defined public interest to deal with public concerns about U.S. beef imports, but it was also “the highest ethical standard applicable to political affairs” (J. Denhardt & R. Denhardt, 2007, pp. 28, 68). Thus, for the January 2006 beef agreement, the interest of the Roh Administration was how Korean negotiators achieved the sanitation rules and standards of inspection in favor of the Korean people. The Roh Administration in this view was doing their duty faithfully throughout the negotiation process.

The OPA depends on experts and professional administrators who are capable of dealing with complex situations than direct involvement of common folks without specialized skills and knowledge. Since the public is considered dependent or followers, it is not surprising that the Korean government did not

make efforts to communicate with the people and hear public comments in the aspect of the OPA.

#### Discussion with the new public management

The New Public Management (NPM) regards the public interest, if it exists, as the aggregation of individual and interest group interests. The NPM may focus on a particular political process for the aggregation of interests and the adoption of interests in winning coalitions (J. Denhardt & R. Denhardt, 2007, pp.77, 79)

As mentioned above, Korean government held three professional meetings between veterinary experts from South Korea and the United States. Then there were the two livestock sanitation committee meetings to decide whether to resume imports of U.S. beef based on results of the three previous professional meetings. The livestock sanitation committee consists of officials, experts, producers, and consumers. Korean government officials had frequently said that the committee would decide whether to lift the ban on U.S. beef imports. Thus, Korean government might insist that the government had been progressing in the beef negotiations with domestic agreements through an adequate political process, reflecting various opinions. In addition, the committee appeared to function as a place for political process giving the Korean government “procedural rationality,” which is defined as “the extent to which the decision process involves the collection of information relevant to the decision and the reliance upon analysis of

this information in making the choice” (Singh and Mckeen, 2008, p.36).

Therefore, in the aspect of the New Public Management, the Korean public interest for the beef negotiations appeared to be realized through “a particular process that allows interests to be aggregated, balanced, or reconciled” (J. Denhardt & R. Denhardt, 2007, p.70).

On the other hand, proponents of the KORUS FTA and the beef agreement insisted that the Roh Administration achieve Korea’s national interest. In their view, with the proper give and take strategies in parallel with the KORUS FTA talks, the beef agreement appeared to maximize national interest as the aggregation of interests of individual and interest group on behalf of “winning coalition.”

Ongoing competitive pressure from Japanese firms, increased competition from the Chinese enterprise, and the rapid aging of the South Korean workforce had heightened the sense of urgency about boosting national competitiveness. South Korean officials and other South Korean proponents of the KORUS FTA argued that the medium and long-term gains from the FTA increased allocative efficiency of the South Korean economy, particularly in the service industries, through the influx of U.S. investment and technology and the spur of increased competition (RL33435\_20070625, pp.18-19). Thus, the Roh Administration emphasized the need of the KORUS FTA to boost the competitiveness of South Korean industries. Korean President Roh focused on not only benefits from the FTA but also gains from the momentum of market-oriented reform process induced by the FTA. Roh also thought that the KORUS FTA would mesh with his

policy goals. Finally, Roh made the KORUS FTA the top economic priority for the remainder of his tenure.

Under the circumstances, when the United States had signaled that Korea's ban on U.S. beef imports would be the greatest obstacle in advancing the KORUS FTA talks, South Korea made a concession to the United States by lifting its beef ban on January 13, 2006. Then, both sides announced their intention to launch FTA talks on February 2, 2006. For the Roh Administration, the January beef agreement was the result of satisfiable negotiations through which South Korea accepted the small loss of partially lifting the beef ban and acquired the great gain of launching the KORUS FTA in accordance with the NPM view.

In the beef negotiation process itself, the Korean government also properly utilized the give and take strategy. Korean negotiators initially wanted to import U.S. boneless beef from cattle less than 20 months old, applying a stronger standard than international standard. Before negotiations started, the Korean government recognized that if it allowed beef from cattle just under 30 months old, there could be strong resistance from its people that had raised health concerns (JoongAng Daily, 2006, January 2).

However, U.S. negotiators demanded the import of U.S. boneless and bone-in beef from cattle under 30 months old, reflecting U.S. cattle ranchers' dissatisfaction over a deal with Japan on the age standard. Since the Korean government virtually decided to import U.S. beef at least in December (JoongAng Daily, 2006, January 9), Korean negotiators accepted the international standard that called for international trade in boneless beef from cattle 30 months or

younger to make real progress in the beef negotiation for the FTA talks. They might have thought that the January beef agreement was better than the U.S.-Japan beef agreement because it allowed only U.S. boneless beef under 30 months old in accordance with the international standard while Japan's beef agreement allowed U.S. bone and bone-in beef despite its rigorous age standard.

The United States was not entirely satisfied because Korea did not fully open its market to all U.S. beef products from cattle under 30 months old. But the United States welcomed the January beef agreement, valuing the fact that the Roh Administration showed its political capability to make a compromise that the United States would expect in the future FTA negotiations (Manyin, 2006, February 9, p.25).

In view of NPM, the Roh administration seemed to pursue its own interest as national interest with winning coalitions maximizing the aggregation of individual and interest group interests at the expense of some parts of South Korea that was not to be included in the winning coalitions. At least, procedurally, the domestic agreement was accomplished through political process, despite questions about representativeness and the fair-treatment of the participation process.

## CONCLUSION FOR THE 2006 BEEF AGREEMENT

### Conclusion with the new public service

The South Korean government appeared to make efforts to maximize its gains from the January beef agreement both in parallel with the KORUS FTA and in accordance with the international standard to protect public health.

Nevertheless, in the aspect of the New Public Service, we can find shortcomings in the beef agreement.

First, the Korean government did not make efforts to communicate with the public through public forums, public hearings and so on. The government did not provide any opportunity to inform the public and hear public comments on the beef negotiation process. For example, unlike Japan, the Korean government did not provide the public and Congressmen with information about the advisory committee meetings and the professional meetings. In contrast, after months of negotiations, the U.S. and Japan on October 23, 2004 agreed to establish an interim marketing program to restart beef trade. This program was the beef export verification (BEV) program to certify that only beef products from cattle of 21 months or younger were shipped to Japan and that all SRMs from all cattle, regardless of age, had been removed at slaughter. Despite the agreement of the BEV program, Japan did not lift its ban, evaluating the program by July 2005 and modifying it if necessary after the evaluation by international health experts (Hanrahan & Becker, 2006a, p.2). In the meantime, the Japanese government opened information to the public through a website run by its Agricultural

Ministry. The Japanese government also provided opportunities to listen and explain to the public about results of the beef negotiation (Kang, 2006, pp. 34-37; Becker, 2005b, p. 3).

Korean government preferred to just provide the public with final government decisions about the beef agreement through the media one-sidedly rather than to communicate with the general public. In a panel about the KORUS FTA and the importation of U.S. beef held by the Democratic Labor Party (Minjoo Nodong Party) in October 2006, Chang-seub Kim, the chief of the livestock quarantine division at the Ministry of Agriculture, said that they did not upload information related to the beef negotiation because the Ministry feared that many people who visited its website would cause website failure by the huge influx of web traffic (Kang, 2006). In addition, when the Korean government virtually decided to import U.S. beef, Korea's vice agriculture minister just mentioned to the public to be aware that "allowing U.S. beef back into our country was nothing new because the U.S., which had been barred from exporting beef for the past few years, was allowed to resume it again" (JoongAng Daily, December 20).

Cobb, Ross, and Ross (1976) suggested three models of agenda building to show how an issue acquired formal agenda status. These models can also show how a government has its intention about an issue in the aspect of communication between the government and its people. In the outside initiative model, decision-makers are more likely to respond to public opinion because issues arising outside of government are articulated, expanded, and entered into government for

decision-making. On the contrary, decision-makers in both the mobilization model and the inside access model prepare their own policies in government. The difference between these two models is that while decision-makers in the mobilization model make efforts to expand the issue to the public to gain the people's support, decision-makers in the inside access model do not want their policy proposal to be expanded. For the January beef agreement, the Korean government followed the inside access model rather than following one of the other two models to get support from the public.

Second, Korean government did not pay attention to suggestions or comments of the sanitation committee. Against the criticism about the lack of communication with the public, the government insisted that it should depend on professional expertise rather than public opinion. They denied the request of public hearings about results of the three professional meetings and the two committee meetings by Congressman Gigab Kang based on Congress Law 122. The Ministry even replied, "We need to respect opinions of experts because the beef issue relies much on technologically and scientifically sophisticated knowledge," and they said later that there were no officially written documents about the meetings (Newswire, 2005, December 14; Kang, 2006, p. 37; The Agriculture Ministry report). Unfortunately, there were no public hearings about the beef negotiation.

However, when one takes a closer look at the Korean domestic agreement process to lift the beef ban, he/she can see that the livestock sanitation committee



was basically an advisory committee.<sup>29</sup> South Korean government appeared to make decisions on resuming imports of U.S. beef, regardless of results of the sanitation committee meeting. On December 14, 2005, the Korean animal sanitation committee recommended that the Korean government make efforts to rebuild Korean people's confidence in U.S. beef through public hearings and communicate information before the final decision of resuming U.S. beef imports. The committee also suggested that Korean government demand a stricter standard than the international standard and that the BEV program should implement the rigorous and strict standard (Kang, 2006, p. 32). However, the Korean government announced its intention to begin negotiation to resume U.S. beef imports on December 19, 2005, without public hearings and forums. Korean negotiators also agreed to lift its ban in 5 days after the bilateral talks for the U.S. beef import. The committee's recommendations such as a stricter standard and the BEV program were not reflected on the January beef agreement. Compared with the U.S.-Japan negotiation process, the U.S.-Korean negotiation advanced too quickly to strike a deal. Thus, it is not strange to say that the government decision of resuming of U.S. beef imports was made by high-level government officials including the Minister of Agriculture.

Third, the Korean government did not try to educate the people about the danger of mad cow disease despite the second case of U.S. mad cow disease in June, 2005.

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<sup>29</sup> Korean government could make its influence over the committee because the Ministry of Agriculture had the right to appoint or replace members of the committee.

Although the WTO guideline permitted international trade to export and import boneless beef from cattle 30 months or younger, some scientists warned that “mad cow prions (abnormal proteins as BSE agents)” might be stored up in normal beef cuts as well as brains and nervous system tissues in a sick cow (The Hankyoreh, 2003, December 29). Some European scientists suggested that the age limit for BSE screening in cattle should be lowered from 30 to 24 months because in Germany, two cattle aged 28 months was proved to be BSE positive (Deslys and Picot, 2002). Korean scientists also reported that the chance of mad cow disease in cattle under 30 months old was 0.05 percent. That was the reason why Japan insisted to limit imports to U.S. beef from cattle under 20 months old. Nevertheless, Korean government made no effort to relieve the public concern from these reports about mad cow disease. Despite risks to the public as a main stakeholder, the government had no communication about the details of the risks to the people in order for them to understand the risks and make informed decisions, which is an important factor for risk management (S. French & Maule, 2005, p.879). Since the shared belief and understanding through communication was not built up, Korean public could not help being vulnerable and sensitive to any rumors and news about mad cow disease.

## DISCUSSION FOR THE APRIL 2008 BEEF AGREEMENT

### Discussion with the old public administration

In the aspect of the Old Public Administration, Korean inspectors had performed their duty to protect the Korean public's health from any possible danger from the U.S. beef imports. Using X-ray inspection machines, South Korea screened all of the shipments from the United States. When Korean quarantine officials found small bone fragments, they suspended quarantine inspections on the U.S. beef shipments. Subsequently, U.S. beef imports had been suspended several times due to the discovery of pieces of backbone in shipments. U.S. agricultural officials and beef producers complained that the Korean government was applying the terms of the beef agreement too rigorously.

In the OPA, the public interest was politically defined and was accomplished and expressed in law (J. Denhardt & R. Denhardt, 2007, p.28). Therefore, the January 2006 beef agreement functioned as a law that made Korean officials recognize the importance of public interest and have the right to realize the public interest. The protection of the public health and safety from possible danger of U.S. beef imports was also the highest ethical standard for Korean officials to evaluate their duties.

However, in the OPA, working-level officials showed some limits to apply the January beef agreement to U.S. beef imports. When Korean high-level politics struggled to get the ratification of U.S. Congress to pass the KORUS FTA and was poised to ease the rules on U.S. beef imports, the role of Korean inspectors

was limited by elected officials. Although the January beef agreement was the officially defined public interest by the Korean politics at that moment, the stance of elected officials including Korean President Roh frequently limited the scope of the official public interest.

For example, Jong-hoon Kim, Korea's chief negotiator in the KORUS FTA talks called for his country's quarantine officials to have reasonable and scientific grounds, saying that it was a matter of interpretation whether the boneless meat could include bone chips. President Roh, in a national address on April 1, 2007, stated that he had personally promised President Bush that Korean government would uphold the commendations of the World Organization for Animal Health on the BSE risk status of the United States and open the Korean beef market at a reasonable level. The United States regarded President Roh's promise as a pledge that was equivalent to a written promise.

Under the circumstances, officials in charge of accomplishing and realizing the public interest at working-level had showed double-faced actions between strictness and 'passiveness.' For instance, while the U.S. side complained about the rigorousness of Korean government, the Korean public criticized the lack of principle to protect the public health and safety. Civic and farmers' groups questioned why the Korean government decided on August 27 to resume quarantine inspections of U.S. beef after a ban of less than a month. Despite a series of discoveries of various bone fragments, the Korean government also held the livestock sanitation committee meeting several times with an intention to gather opinions on the extent of further liberalization and discuss the timing of

rewriting the rules for U.S. beef imports. Apparently, while Korean officials and inspectors were doing their duties well in the aspect of the public interest with the OPA, there had been a conflict between the new public interest as politically being defined and the existing public interest as the formal public interest and the highest ethical standard.

#### Discussion with the new public management

In regard to the New Public Management (NPM), the KORUS FTA was the interest in winning coalitions through the particular political process for the aggregation of individual and interest group interests. President Moo-hyun Rho wanted to raise per capita gross domestic product (GDP) to \$20,000 by the end of the decade and transform South Korea into a major economic hub in Northeast Asia. The KORUS FTA meshed with President Roh's policy goals and strategies in his belief and the economic view point. At a symposium for the fourth anniversary of his administration on February 1, 2007, President Roh said:

“There may be a lot of difficulties ahead in the FTA negotiations with the United States, but I am strongly determined to speed up the process. The Korean people could be very embarrassed or feel slighted if Japan or China complete FTA deals with the United States ahead of Korea. Competition for FTA deals is a worldwide trend” (JoongAng Daily, 2007, February 1).

In fact, he determined to push for the KORUS FTA despite the risk of public criticism. He criticized politicians against the KORUS FTA who claimed that Korea would become a dumping ground for contaminated beef once the agreement was signed (JoongAng Daily, 2007, March 22). In addition, the livestock sanitation committee appeared to function as a tool to appease the public and the aggressive politicians, giving the Korean government and the politically defined public interest “a procedural rationality.”

On the other hand, the OIE decision on May 22, 2007 gave the United States two clear reasons as mentioned above by Carlos Gutierrez, the U.S. secretary of commerce. He first pointed out that there were no science-based reasons on hygienic grounds why Korea did not fully open its doors to U.S. beef because the OIE classified the United States as a controlled-risk country for mad cow disease and advised Korea to import U.S. beef. The second reason was that U.S. beef imports would benefit Korean customers because they could select quality beef at lower prices. Agriculture minister Hong-soo Park said that once the position of the OIE was official, the Korean government planned to hold separate talks so that a new beef agreement could be signed (JoongAng Daily, 2007, March 20). Sang-gyu Im, the next agriculture minister, said in a radio interview that if the safety was ensured in line with international customs, beef imports were unavoidable (JoongAng Daily, 2007, October 17).

In view of the NPM, since the KORUS FTA was a clear national interest and the beef agreement was unavoidable because of the OIE’s decision based on science, South Korea was expected to adopt a typical negotiating strategy: “give

less and take more.” As mentioned above, the KORUS FTA was very attractive to South Korea to revitalize their economy. Moreover, the economic principle of quality beef at lower prices was an excellent justification for the rewriting of the January beef agreement. On December 22, 2006, Sang-gi Lee, head of the livestock bureau at the Ministry of Agriculture and Forestry pointed out that “the free trade agreement and beef inspections are different things, but we should recognize that beef in Korea is five to ten times more expensive than international prices. To protect livestock farmers is important, but so are consumers”

(JoongAng Daily, 2006, December 22). Thus, the Korean government made a decision to get much more benefits from the KORUS FTA by giving the United States concessions in the beef sector. The Roh Administration might have thought that even concessions on rules and standards could also give the Korean people economic benefits in selecting beef with more choices. Korean farmers related to the beef sector were only victims, as the Roh Administration might have thought, in the KORUS FTA and the beef agreement. However, President Roh urged: since farmers produced commercial goods, they must deal with the market. Thus, if farm products were not price-competitive, farmers would have difficulty staying in business. Farmers must face reality (JoongAng Daily, 2007, March 22).

## CONCLUSION FOR THE APRIL 2008 BEEF AGREEMENT

Conclusion with the new public service

Given the size of the South Korean economy and its dependency on the U.S. economy, the KORUS FTA's economic impact on South Korea would be relatively much greater than the impact on the U.S. economy. Therefore, this was a logical conclusion that U.S. negotiators would be the primary demander in the negotiations, placing South Korean negotiators on the passive position in nature. When the U.S. side strategically related the KORUS FTA to the beef issue, South Korea could not ignore the demand of the United States which was the full access of U.S. beef to Korean beef market although the beef issue was politically sensitive. In fact, the two Korean governments placed the KORUS FTA their top priority. Figure 4.7 shows that both the Roh and Lee Administration had expanded the South Korea's win-set size throughout the beef negotiation process in accordance with the tight TPA schedules and deadlines for completing the KORUS FTA. It is clear that the KORUS FTA is the most important external factor that had affected the beef negotiation process.

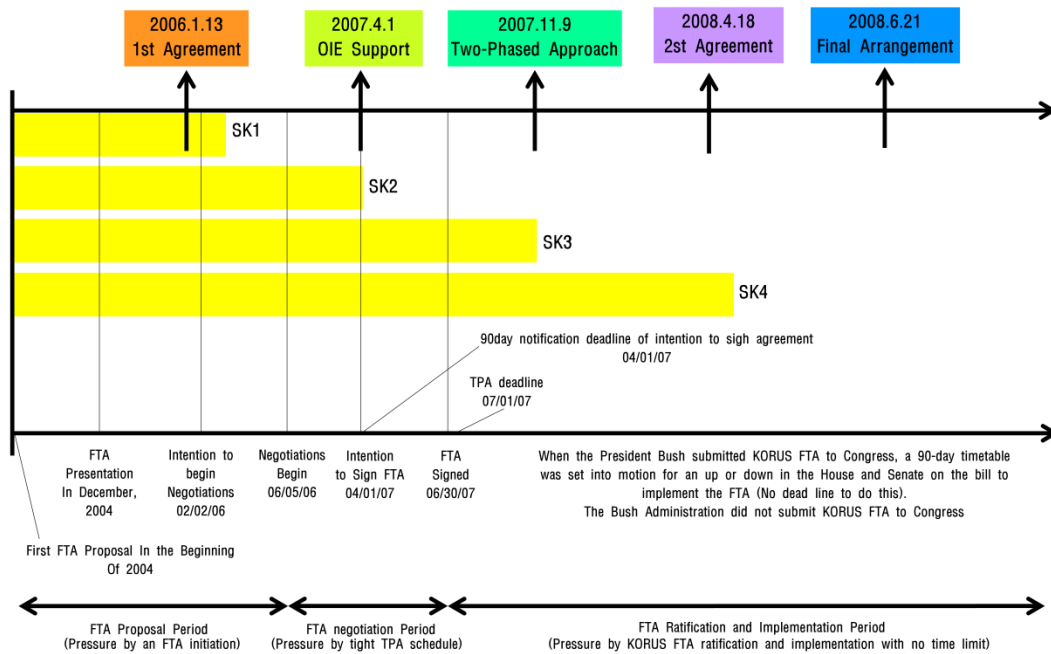
Nevertheless, the beef negotiation process by the two Korean governments showed some limits on the aspect of the New Public Service. First, the government did not communicate with the Korean public during the beef negotiation process. There was no chance to build the public interest with shared values. The clear target population of the beef agreement was the Korean public. Thus, policy-makers and negotiators needed to explain and justify their positions



in the beef negotiation process to the Korean public by articulating a vision of the public interest and then showing how their negotiation strategies were logically connected to the widely shared public values (Schneider & Ingram, 1993, p. 336). However, the two Korean governments took the inside access model as suggested by Cobb, Ross, and Ross (1976), and did not try to expand the beef issue to the public in order to gain their support. Ironically, the win-set size of South Korea had expanded SK1 to SK4, articulating the vision of Korean government toward the KORUS FTA.

Figure 4.7

Korean win-set changes under the KORUS FTA schedules under TPA



Second, without communication with the people, the two Korean governments defined the national interest based on their own angles, mainly with economic benefits as a public interest. Then, the Korean governments placed the KORUS FTA on their top priority. Although government officials had insisted that the KORUS FTA and the beef agreement were not related at all, the two agreements were substantially connected. Moreover, the public interest defined by the Korean governments made the beef agreement a side agreement rather than an independent agreement. In fact, South Korea favored the negotiation of the side agreement over the beef issue (Niksch, 2010, p.16).

By definition, “a side agreement is one that is ancillary to another agreement. In terms of international law, a side agreement refers to an international accord that is specifically negotiated to supplement a broader trade treaty” (USLEGAL.COM).

When the beef agreement became a side agreement, even if the impact of the revised beef agreement affected the public health and safety, the Korean public became dependents by the dynamic interaction of power and social constructions as Schneider & Ingram (1993) suggested. According to them, “benefits are expected to become oversubscribed to advantaged populations,” whereas dependents will receive too little benefits. They also insisted that “burdens will become oversubscribed especially to deviants (p. 337).” In the beef negotiation, business leaders, high-level government officials, and politicians in favor of the KORUS FTA were advantaged populations while the Korean public was dependents.

Finally, the Roh and Lee Administration ignored the need of nourishing and informing the people in the decision-making process. For example, when civic and farmers' groups requested the Korean government to release information on resuming quarantine inspections of U.S beef in the end of August, 2007, the government denied to release details on the policy making process related to U.S. beef imports. Indeed, during the beef negotiation process in which the Korean win-set size changed from SK1 to SK4, only the attentive public who were informed about and interested in the beef issue could get intermittent information through mass media. The general public who needed to be nourished was not informed about the beef issue. Korea's presidential and congressional election made two Korean Presidents hesitate to communicate with the public as well as delayed talks with the United States. In a sense, the Korean government did not provide the public with an opportunity to build the public interest with shared values beyond their self-interest (J. Denhardt & R. Denhardt, 2007, p.73).

## DISCUSSION FOR THE JUNE 2008 PRIVATE SECTOR ARRANGEMENT

### Discussion with the old public administration

When massive protests by the Korean public began, Korean officials appeared to make efforts to secure more safeguards to protect the Korean public against a surge in U.S. beef imports. During the protests, the Korean government had engaged in a tug-of-war with the U.S. side over the conditions for U.S. beef imports in order to guarantee the lives and safety of the Korean people. At a

glance, Korean officials did not pay much attention to how the public interest was built and changed by politics. Rather, they appeared to achieve the politically defined public interest using objective information and facts based on science.

However, they showed some limits to achieve the public interest. First, the Korean political process itself was not enough to build and reflect the politically defined public interest in South Korea. The public interest in the April beef agreement had been defined not only by the Korean domestic politics but also by external forces in line with the KORUS FTA and the OIE guidelines. The Korean public resented the Lee Administration for mainly responding to international forces rather than the voice of the Korean people. In this sense, the June private sector arrangement was close to the domestic public interest defined by Korean politics, even though the political process to define the public interest was vigorous and intensive. Second, Korean officials adhered to President Lee's response to the public uproar. They mainly focused on President Lee's stance and position in the beef issue rather than on the public interest as defined in the OPA, making hasty proposals. Even though the proposals intended to defuse public criticism, the public interest was not the one as the Korean public admitted and accepted through the political process. Korean politics did not respond to domestic people's voices and thereby, did not move people's hearts. As a result, the public interest on the beef issue was inclined toward the Korean President's preference. In sum, Korean politics could not make the public interest with people that would still be valuable on the beef issue, regardless of the KORUS FTA and

the President's preference. In Korean politics, serious discussion about the protection of the Korean people from U.S. beef imports was overlooked.

#### Discussion with the new public management

In the NPM view, Korean farmers and the related public and active groups were annoying customers who had paid less to the government and raised their voices for more gains. In fact, South Korea's farmers, while shrinking in terms of population and contribution to GDP, remain a politically powerful force in South Korea. Although the agriculture sector accounted for around 7% of South Korean employment, Korea's strong cultural ties to the rural area still made the sector a formidable political force in South Korea. That was the reason why South Korea usually maintained highly protectionist agricultural policies. Farmers and the related people and interest groups had rejected both the beef agreement and the KORUS FTA, which caused the Korean government to feel uneasy with conversing with them about the beef agreement (Cooper & Manyin, 2007e, pp. 7-8).<sup>30</sup> To avoid the expansion of the beef issue to the public, who might be linked to the agricultural sector, Korean government took the inside access model minimizing public awareness.

On the other hand, the Korean government appeared to ignore demands from the opposing and annoying customers and to receive wealthy customers with

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<sup>30</sup> In fact, a senior U.S. trade official mentioned that the Korean government made a difficult and courageous decision to reopen Korea's beef market to the United States (JoongAng Daily, 2008, May 24).

the KORUS FTA. For example, right after his apology in a televised national address, Lee urged lawmakers to ratify the KORUS FTA because Korean business would benefit more than those in the U.S. This request of the President implied that the Korean government placed the KORUS FTA on its top priority. Man-soo Kang, the Minister of Strategy and Finance stated that a one-year delay in the KORUS FTA ratification would cause the economic loss of 14.4 billion dollars.

The inside access model taken by Korean government can be another example to show how South Korea was inclined to the KORUS FTA. The inside access model was a useful way for decision-makers to reach the beef agreement with the fewest changes because decision-makers themselves proposed and implemented the policy, not seeking to build the public support for its implementation. Expansion in this model is only aimed at “particular influential groups which can be important in the passage and implementation of the policy,” limiting issue expansion to the public (Cobb, Ross, & Ross, 1976, p.135).

In the case of the U.S.-South Korea beef negotiation, the particular influential groups included the U.S. and South Korean government officials, the two countries’ presidents and economic leaders, and the U.S. Congressmen in favor of the KORUS FTA. The Korean Congressmen who represented the public seemed to be excluded from the influential groups because the two Korean governments regarded the beef agreement as a side agreement to supplement the

KORUS FTA.<sup>31</sup> Side agreements are also called “executive agreements that do not require congressional approval.” Thus, the beef agreement did not need any congressional approval. The two Korean governments, actually the Executives, could possess broad authority to enter into the international beef agreement (Barbour, 2011, pp. 9, 14).

Most importantly, under the circumstances, the public protests against the April beef agreement might be considered an anomaly in the structure of the NPM by the Korean government. In the case of the beef agreement, the public interest in South Korea was the national interest from the KORUS FTA with the winning coalition in the Korean politics. Thus, the public protests might have been an anomaly expressed by the public who was not in the winning side in the existing Korean politics, nor were they ever actually involved.

Since the Lee Administration focused on the public protests as an anomaly, it tried to seek remedies in the structure of the NPM in order to appease the public anger, not hampering the KORUS FTA and the April 2008 beef agreement. These remedies included the exchange of letters, the President’s verbal apology, and the Agricultural Ministry’s announcement of increasing government subsidies and lowering the interest rate for state loans as mentioned above. With these remedies as a carrot, the Korean government continually tried to find good-timing for resumption of U.S. beef imports. The June 2008 private

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<sup>31</sup> According to a CRS report, South the Korea favored the negotiation of the side agreement over the beef and auto issues (Niksch, 2010, p.16).

sector arrangement by the winning side's concession to the public criticism was likely to be the best option that the Korean government could do with the least damage in the KORUS FTA and the April agreement. South Korean government officials expected that the June private sector arrangement could allay public concerns about the safety of U.S. beef. However, although the protests against the beef agreement subsided in the summer of 2008, the political fallout of the controversy continued during the summer. This implied that the Korean public felt a great loss that was not satisfied with those remedies. There should be something more which took care of the loss the Korean public felt over the situation.

## CONCLUSION FOR THE JUNE 2008 PRIVATE SECTOR ARRANGEMENT

### Conclusion with the new public service

The anti-beef agreement protests in South Korea had subsided as time passed by. However, they had lingering effects on the relationship between the Korean government and its people, such as the erosion of the President's political standing and his government's ability to secure ratification of the KORUS FTA for a long time. In the initial phase of the protests, the Korean public focused on the public safety with attention to the possible danger of mad cow disease from U.S. beef imports, and then moved its focus on the beef agreement. As the beef deal came under more scrutiny, around the beginning of June, the protests had expanded to include tens of thousands of Korean people. They had developed into



a broad condemnation against the new government of Lee Myung-bak. According to U.S. Congressional report, the factors which had fueled the expansion of the protests appeared to include 1) “a perception that the beef deal symbolized Lee’s “arrogant” decision-making style” and 2) “a feeling that the avowedly pro-American Lee was too willing to concede to the United States on an issue of public safety.” But the report also stated that, as of the end of June 2006, the protestor’s target was the Lee government rather than the United States (Jurenas & Manyin, 2008b, pp. 14-15).

Thus, the Korean public appeared to be angry not only about the beef issue itself, but also about the attitude of the Korean government to the public and the lack of communication between the government and the public, as President Lee also admitted. This may suggest the need of a different view in understanding the beef issue and the public protest in South Korea.

The new public service argued that the public interest was not merely “the sum of all private interests” and was not “the sum remaining after canceling out their various pluses and minuses” (J. Denhardt & R. Denhardt, 2007, p. 71). This implied that “all people are entitled to identical or equal benefits, but suggest that, on balance, everyone be treated fairly” (p.69). Therefore, the new public service can be a useful theoretical tool to review the attitude of the Korean government in building the public interest and communicating with the public and to understand the essence of the beef issue through a different viewpoint from the commonly used aspect of the NPM.

In the aspect of NPS, the Korean government took brain-to-brain communication rather than heart-to-heart communication. The government had tried to strategically approach the public gradually giving each remedy, gauging the response of the public to the remedy, and catching a good-timing to reopen the beef market to U.S. beef. Benefits from the KORUS FTA were enough for the Korean government to quickly strike a compromise. The government acted as a manager at a store who gave annoying customers some credits on their accounts to quickly appease their dissatisfaction and then to focus on wealthy customers. The irony of the Korean beef issue was that the public who would actually consume the U.S. beef was not the actual customers. The actual customers in the beef issue were customers for the KORUS FTA. Thus, the Korean government did not need to carefully check the cause of dissatisfaction of the people. However, the public is the base of the country with sovereignty to the nation and the government. In the case of the beef negotiation, strategies were needed to international counterparts, not to the people. The Lee Administration should have acted democratically to the public.

Seeking brain-to-brain communication with the public, the Korean government also failed to read public opinion more carefully. The Lee Administration missed the opportunity to create a more constructive dialogue between the government and the public to understand each other's stance with confidence. Consequently, the Korean government appeared not to recognize the potential seriousness of the situation, considering the first candlelight vigils an anomaly by marginalized people, which could be easily solved in the existing

Korean political system. Moreover, even though it was natural that people demanded that the food they ate be safe, the Korean government discussed the beef issue with the U.S. side. The final shape and content of the exchange of letters and the June private sector arrangement were the products of the bidirectional dialogue between the Korean government and the United States<sup>32</sup>. Win-sets of the United States and the Korean government were already overlapped in each case of the exchange of letters and the private sector arrangement and both sides rather awaited and induced the Korean public's acceptance of the overlapped supplements.

Meanwhile, the protests that first began as peaceful candlelight vigils to show concerns about mad cow disease and the resumption of U.S. beef imports, turned into more aggressive and organized demonstrations in Seoul. Sang-jin Han, a sociology professor at Seoul National University, said that the candlelight vigils changed into political gatherings over time (JoongAng Daily, 2008, May 28b). King (2007) argued that domestic politics failed to integrate various needs and demands, excluding the marginalized and disadvantaged people in administrative decision-making. He said that "if the administrative processes do not invite citizens in, then citizens will seek involvement in other ways." Yong-bok Kim, a professor of politics at Kyungnam University also pointed out that the failure by

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<sup>32</sup> Cheol-hwan Byun, the spokesman for the National League of the New Right, a conservative civic group, argued that the group considered the Lee Administration the conservative government and its friend but the government did not listen to conservative groups that support the government. He added that the government ignored us when the conservative groups criticized the government's way of approaching the beef issue that was not mature enough to bring support, even from his supporters (JoongAng Daily, 2008, June 9a).

the Lee Administration to devise a timely and correct response had fueled the protests saying that “sometimes, an acceptable explanation did not work when the timing was off” (JoongAng Daily, 2008, June 10).

Finally, the Korean government abandoned its duty to help the Korean public to be nourished and reassured about the beef negotiation and the issue of mad cow disease. This abandonment caused at least the following four disadvantages to the Korean government:

First, when malicious rumors and exaggerated information about mad cow disease started to spread on internet forums, the Korean public could not help but be influenced by them. Since there had been no off-line opportunities to discuss mad cow disease with U.S. beef imports, the Korean people had easily engaged in a hot debate over them. Netizens began to build sensational and powerful stories based on rumors, exaggerated information, and some facts due to the lack of communication between the Korean government and its people, and the lack of information about mad cow disease and the beef agreement from government sources. Roger Schank, cognitive scientist, said that “humans are not ideally set up to understanding logic; they are ideally set up to understand stories” because stories are easier to remember (Pink, 2005, p.100). Stories also have contexts that cause an emotional impact and even create a panic (p.101). Indeed, lots of stories about mad cow disease and the beef negotiation included provocative and sensational words and pictures rather than facts based on commonly recognized science, causing fear that prevented people from working in scientific and logical fashion. Yoon Yang, psychology professor at Ewha

Womans University said that it was easy to manipulate a person with fear (JoongAng Daily, 2008, May 10).

Second, since the TV show by MBC inflamed a sense of insecurity over mad cow disease, these stories created an increasingly severe negative public sentiment about the hint of inequality. The Korean public reacted to the stories, felt that they had been ignored by the government as perceived or real, and had taken their frustration to the street. The controversy over U.S. beef imports had snowballed into a confused and worrisome state. As a result, President Myung-bak Lee issued a statement to the nation that included an apology for the recent uproar over the beef negotiation with the United States. It was unfortunate that a president who took office less than 100 days ago had to make a public apology.

Third, the Korean government accounted for the lack of trust because they did not provide the public with information about the beef issue. As mentioned above, even if the June private sector arrangement was the result of widespread public protests in South Korea, it could also have been a final conclusion of long and difficult series of negotiations between the United States and South Korea since December 2003. In retrospect, both the Roh Administration and the Lee Administration had made a series of mistakes throughout the beef negotiation process in communicating with people and taking care of the public health at possible risk. Nevertheless, it was also true that the both administrations had tried to strictly apply their quarantine rules to U.S. beef imports and had played a tug of war with the United States through additional negotiations to secure Korea's sovereignty for quarantines and fix the problems

even in their own ways. However, the Korean public did not acknowledge these efforts at all during the protests. Because of lack of trust as a result of poor communication and limited information, the Korean public might have found it difficult to trust their government who had made a series of mistakes.

Fourth, the public protest may have implanted a wrong impression on the Korean public that they could create sufficient pressure on decision makers to change the previously established policies whenever they felt inequality. This will be harmful for Korean democracy making the Korean political and administrative system fairly weak in pursuing their policies. If the Korean public cannot have an obligation over a policy, what other policies can the public cooperate on? While a government has a duty to help the public to be well-informed and nourished, the public also needs to keep in mind that undermining law and order is an obstacle to the establishment of a healthy society. In a democratic society, it is clear that both the government and the people in a country must be mature enough both sides to discuss shared beliefs through bidirectional communication in the country's domestic politics.

## CONTRIBUTION OF STUDY

### Summary of development of the public protest in South Korea

The dissertation has some contributions in the study of the policy-making process. First, it can provide a comprehensive framework to review and understand the foreign-policy making process itself and the dynamics of actors in

the process, considering both international and domestic situations. Second, it can reveal a systematic linkage between the beef negotiation process and the public protests with anger.

In 2008, the Korean people distrusted their government and ran into the streets to strongly protest the April 2008 beef agreement. Massive protests by the public initially began with peaceful candlelight vigils but turned violent. Tens of thousands of Koreans had taken the streets in Seoul, the capital of South Korea, and continued candlelight protests with some demonstrators becoming violent.

The Korean government and the ruling party, the Grand National Party, argued that the opposition side was taking advantage of the situation of massive protests. It was partially true that the intensity of the opposition to the April beef agreement gradually increased, including a lot of forces in the Korean polity such as anti-government and anti-American forces.

However, it was clear that the protestors' target expanded from the April beef agreement to the other policies pursued by the Lee government, then to the United States. When a Korean TV program questioned the safety of U.S. beef, the Korean people was trying to gather information about mad cow disease. The number of daily created forum for mad cow disease and the beef negotiation shows the aggressive efforts of the Korean people.

Since the Korean governments had taken the inside access model, the Korean public had learned the information of mad cow disease and the beef agreement mainly through online forums and web-surfing. The public had no chance for the policy-oriented learning suggested by the Advocacy Coalition

Framework (ACF). The ACF defines policy-oriented learning as “relatively enduring alterations of thought or behavioral intentions that result from experience and/or new information that are concerned with the attainment or revision of policy objectives” (Weible, 2007, p. 101).

The more the Korean people discovered how their government treated them in the beef negotiation process with the United States, the more uncertainty they felt toward trusting their government. Moreover, numerous internet stories about the beef issues had contexts with provocative and scandalous words that made the public increasingly distrust their government. The feature of the beef issue that was closely connected to safety of their daily lives from the possible danger of mad cow disease also inflamed people's self-interests about their health and safety.

Since there had been no opportunity in the Korean political structure of decision-making to discuss the beef agreement with the government, the Korean public expressed their discontent with the April agreement online and in the streets. At the moment, the Lee government should not miss the chance to be humble and sincere to listen to public opinion for the initial several weeks.

Korean government stated that it deeply thought about the people's concerns and how to relieve their worries. However, the method to appease the public discontent was made by the government in communication with the United States, not in communication with the people. The exchange of letters was a typical example to show the attitude of the Korean government to the public. The



Korean government judged the situation alone and suggested a remedy with little risk of hampering the April agreement and the KORUS FTA.

The Korean government continually tried to find an opportune time of the official announcement regarding the April agreement for resumption of U.S. beef imports. The public focused on the actual action rather than the words by the government and found that they "talked big but accomplished actually nothing." Then, the public was more vulnerable to exaggerated stories and instigation by extremists. Some of the protests turned violent and the violent protests caused many casualties in both the public and the riot police sides with tremendous social costs. Finally, the Korean government agreed to the voluntary private sector arrangement after intensive discussion with the United States and announced the arrangement to the public.

South Korean government officials expected that the June private sector arrangement could allay public concerns about the safety of U.S. beef. However, the protests against the beef agreement subsided in the summer of 2008, and the political fallout of the controversy continued during the summer.

People thought that the private sector arrangement was the interim measures to soothe the angry public. If there was no need to import U.S. beef that was 30 months and older, as Korean importers voluntarily agreed, Korean people asked why this could not be written in the April agreement. Yet, increasing concerns about the social unrest and the excessive actions of the police decreased the public protests only after July, 2008.

## Implication of this dissertation

This dissertation also has some implications in the U.S.-South Korea beef negotiation process. First, by focusing on citizen participation and the shared public interest through the point of view of the New Public Service, it suggests that the current policy-making system may include potential weakness that can threaten system stability. Second, it recognizes the Korean public protests as an immature but struggling effort to alter the balance of power within the subsystem rather than an incident with temporal anger or thoughtless political behavior. Third, it suggests the expansion of ideas of the New Public Service to the field of foreign policy-making to maintain system stability by nourishing actors to build the public interest with shared beliefs. Finally, it contributes to “developing theory in the area of citizen involvement in policymaking” in the aspect of premise and practice.

The Korean government had a fundamental norm of protecting the public health in the working-level bureaucracy as we reviewed in the previous section with the aspect of the old public administration. However, in the beef negotiation, the norm of protecting the public health was overwhelmed by the norm of seeking the national interest for the Korean economy. The problem was that Korean government adopted the strategy of the inside access model and the side agreement to attain the national interest with the winning coalition as "the sum remaining after canceling out their various pluses and minuses" (J. Denhardt & R. Denhardt, 2007, p.72).

The public interest by the beef agreement was not built on the shared belief in the aspect of the new public service. Although the Korean public still focused on the norm of the public safety and health, Korean government thought that the national interest was achieved by a proper political process, such as the livestock sanitation committee meetings that gave the Korean government "the instrumental rationality." There was no communication between the Korean government and the public about the shared values and beliefs.

Under the circumstances, the Korean government regarded the massive public protests against the April beef agreement and the U.S. beef imports as an anomaly in the existing Korean politics. It tried to find a solution to take care of this anomaly, using remedies that did not hamper the existing political structure in favor of economic growth by the KORUS FTA. In fact, as long as a government considers the phenomenon of public protest an anomaly that can be solved in the system, the government may think that it still controls the system and steers the direction toward which the system moves.

In contrast, the new public service suggests checking the structure of building the public interest. If a disease incidentally happens for some reason, a dose of medicine may work for the disease. However, if the disease originates from a constitutional defect, the physical constitution must be improved. In the aspect of the new public service, the Korean experience of government distrust and massive public protests in the U.S.-South Korea beef agreement was caused by the Korea's weak system in building the shared public interest in terms of international policy-making process.

Currently, the structure of decision-making is gradually moving from the steered and controlled structure to the open structure for participation and communication. The development of online communication and digital techniques will stimulate the change of structure. In addition, since many subjects of international negotiations are closely related to the public's daily lives under the current trend of globalization, the recognition of the public's shared beliefs and values will become increasingly more important.

The Korea's current system of decision-making through the beef case in the aspect of the new public service cannot make everyone be treated fairly on balance because the public interest on the current system mostly means the sum of all private interests. The current view of Korean public administration can be expressed in a slogan, "think and act strategically and efficiently." However, now it is time to think strategically and act democratically. To do so, the new public service theory emphasizes the role of government to serve the people. A government should make efforts to nourish and educate people to help them articulate their interest and have a capacity for doing something beyond their self-interests. This emphasis of the new public service may give us a new point of view to improve the physical constitution of Korean society through the review of the Korean beef issue.

Since J. Denhardt & R. Denhardt suggested a new trend in the relationship between citizens and government, information and communication technology have rapidly developed. This development highlights the importance of the aspect of the new public service. Electronic government (E-government) with Internet

and virtual mediating techniques has begun to “supplement and even replace and restructure traditional system. D.M. West defines E-government as the government with “the delivery of information and services online through the Internet and other digital means.” However, most e-governments still focus on providing information to the public (Brainard & McNutt, 2010, pp. 839-840).

Under the circumstances, the new public service provides the field of public administration with a new concept of the public interest and citizen involvement in policy making. The theory first suggests that the public interest must be built on the shared beliefs and values among citizens. To do so, the field of public administration should have a premise of valuing people and citizenship (J. Denhardt & R. Denhardt, 2007). This does not mean the change of communication skills or negotiation strategies in defining the public interest. Instead, this means a turn-around to build the shared public interest through heart-to-heart communication between governments and citizens. Further, the premise with the new public service will make citizen involvement, especially under the trend of e-government, to be collaborative to build the public interest rather than to be competitive to pursue private interests both between government-citizens and between citizens-citizens in policymaking. The emphasis of the role of government to nourish people in the new public service is also necessary to achieve the shared public interest and active citizenship because citizens in policymaking should be the ones who can articulate their interest and collaborate with their government beyond their self-interest as the attentive and informed public.

The Korean case of government distrust and public protest in the U.S.-South Korea beef agreement shows the importance of government-citizen communication in cyberspace and policymaking, and the necessity of active and mature citizenship. Finally, the new public service in the beef case advocates that when Korean people get hurt and lose faith in their government, the Korean government must not only feel sorry and change its strategies but also make a turning round, a complete alteration of its basic premise and practice about citizens and their involvement in policymaking.

Suggestion of this dissertation

The case of the mass protest in South Korea against the U.S.-Korea Beef Negotiation shows that the lack of communication between government and the public may cause tremendous economical and social costs. The Korean government could not do anything during a period of 80 days to advance the major policies including KORUS FTA that the government had planned. The honeymoon period of the Lee Administration was completely ruined by the public protest and noncompliance on the government's major policies.

Communication is a time-consuming matter but it is a necessary and valuable work for democracy, especially in the foreign policy-making area where unexpected external events easily affect the policy subsystem under the interconnection and uncertainty of current global society. Communication between government and the public may provide a society with wisdom and

immunity to achieve the shared public interest of a policy, irrespective of influential factors outside the policy subsystem. For this reason, government and the public must stand on a horizontal line to communicate with each other. However, the lighting of the horizontal communication engine will start from the government side in the beginning phase, especially on the area of foreign policy-making because of the expertise and the role of public administrators who serve and nourish people. Then the engine can run continuously with the fuel of the New Public Service and active citizen participation, enhancing public trust on government.

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