

North Korea's New Leadership Fails its First Diplomatic Test

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Many long-time observers predicted North Korea in early 2012 was headed for positive change. Its new leader—at perhaps 28 years of age, the world's youngest—presented himself as a breath of fresh air. Kim Jong Un appeared on the surface to be quite unlike his stodgy, secretive father, Kim Jong Il. In 17 years as North Korea's dictator, the elder Kim's voice was believed to have been broadcast only once—briefly and likely by accident—to the country's citizens. Kim Jong Un, in contrast, spoke publicly and eagerly. He projected an image as a reformer ready to modernize his desperately poor country. He is energetic and the spitting image of his grandfather Kim Il Sung, the charismatic founder of the North Korean state. Many experts believed the third Kim would work to end his cloistered country's deep isolation.

Even the capital city, Pyongyang, appeared revitalized and rejuvenated after Kim Jong Un's ascension. Cell phones were ubiquitous. Women, perhaps emboldened by the stylish wife of the new leader, stepped out in more modern clothes. New buildings erected for the gala 100th anniversary celebration of Kim Il Sung's birth on April 15 dotted the skyline.

Were we witnessing harbingers of true change, or merely a facelift on the regime's facade? The United States was determined to test whether the new leader was prepared to end his country's longstanding isolation and its traditional antagonism toward the outside world. We were ready to find a way forward if he and his government were prepared to engage in good faith.

Like most observers watching North Korea following the December 2011 death of Kim Jong Il, I welcomed the prospect of change under the new leadership in Pyongyang. North Korea took positive initial steps. While many feared Kim Jong Il's death would scuttle a diplomatic process that had been underway between the United States and North Korea to explore a way back to regional multilateral talks, that did not occur. We were encouraged when—during the mourning period for his father's death—Kim Jong Un showed a willingness to pick up with us where his father had left off.

Just two months after Kim Jong Un's assumption of power, the United States and North Korea reached a modest but potentially important understanding on February 29, 2012. The “Leap Day Understanding” or “Leap Day Deal” as it came to be known, was designed to build confidence and ultimately create the conditions necessary for resuming the long-stalled Six-Party Talks on denuclearization. The Six Parties—North Korea, South Korea, China, Japan, Russia, and the United States—had not met since North Korea walked out of the last negotiating round in 2008.

It did not take long for us to learn how little Kim Jong Un and his associates valued diplomacy. Just 16 days after Washington and Pyongyang announced the deal, Pyongyang

dropped a bombshell. It stated its intention to put a satellite into orbit using ballistic missile technology proscribed by UN Security Council resolutions.

With this fateful decision, North Korea's new, young leader slammed his country's hopeful diplomacy into reverse. He spurned a better relationship with the United States and potential integration into the international community for the sake of consolidating his power at home.

This reversal was as disappointing as it was familiar. Despite his fresh image and promising rhetoric of a better future for the North Korean people, Kim Jong Un's changes proved to be stylistic, not substantive. He appears to have rooted his vision for his country firmly in the past: a small, privileged elite continues to lavish resources on long-range missile and nuclear capabilities at the expense of his long-suffering subjects. While Pyongyang may have received a facelift, and a few members of the elite were profiting, the vast majority of North Korea's 25 million lived in poverty beyond their gleaming capital, without permission even to visit it.

Here, I recount the Obama administration's initial attempts to change that vision, which led to the "Leap Day Understanding;" describe the aftermath of North Korea's nullification of that modest deal; and contemplate the increasingly bleak prospects for progress in 2013.

Toward the Leap Day Understanding

Soon after entering office in 2009, the Obama administration expressed a willingness to engage North Korea if Pyongyang demonstrated a willingness to fulfill its longstanding denuclearization commitments and obligations. In the months that followed, however, North Korea responded with a series of provocations: the launch of a long-range ballistic missile; the declaration of its intent to reverse disablement steps at its Yongbyon nuclear complex; the expulsion of international nuclear monitors and US technical experts; its withdrawal from the Chinese-led Six-Party Talks; and, in May 2009, a nuclear test.

Concurrently, in March 2009, North Korea unilaterally ended a half-million metric ton US food aid program aimed at providing critical nutritional assistance to North Korea's most vulnerable populations—children and the elderly. It expelled American food aid monitors who were in North Korea to ensure the assistance was not diverted to the military. North Korea escalated its provocative behavior in 2010 by sinking the South Korean naval corvette *Cheonan*, shelling Yeonpyeong Island, and revealing a uranium enrichment program at Yongbyon.

North Korea's actions made diplomatic engagement exceedingly difficult. Nonetheless, committed to make progress on denuclearization, the United States embarked on a series of exploratory talks with North Korea to chart a path back to the Six-Party Talks. This effort stretched over eight months and three continents—New York in July 2011, Geneva in October 2011, and, shortly after Kim Jong Il's death, Beijing in February 2012—culminating in the February 29 "Leap Day Understanding."

This understanding established confidence-building measures designed to pave the way for what we all hoped would be the eventual resumption of the Six-Party Talks and eventual denuclearization. The essential element of this understanding was a North Korean moratorium on nuclear tests, long-range missile launches, and uranium enrichment activity at Yongbyon. Additionally, it undertook to allow the International Atomic Energy Agency (IAEA) to return to Yongbyon to monitor the cessation of uranium enrichment and to confirm the disablement of North Korea's plutonium production facilities.

Merely 16 days after the understanding was reached, however, North Korea publicly announced its intent to launch a satellite to mark the 100-year anniversary of Kim Il Sung's birth. Within hours, the Five Parties—the United States, South Korea, Japan, China, and Russia—had denounced the North Korean announcement, and in the days that followed, dozens of other nations and international organizations had taken up the refrain. Despite four weeks of intensive public and private calls on North Korea not to proceed, including, vociferously, from China, on April 13, Pyongyang conducted a long-range Taepo Dong-2 launch, scuttling nearly a year's worth of diplomatic outreach.

The Post-Leap Day Period

Even by North Korean standards, its reversal of the "Leap Day Understanding" was a profound demonstration of bad faith. During our negotiations, I made clear that any launch—including one characterized as a "civilian" or satellite launch—would be a deal breaker. By renegeing once again on its commitments and acting in clear violation of its international obligations, North Korea not only spurned an improved relationship with the United States but also outraged the international community. With unprecedented speed, the UN Security Council—essentially over the course of a weekend—adopted a strong Presidential Statement condemning the launch and expanded existing UN sanctions on North Korea.

Sadly, Pyongyang's reversal also made clear that the North Korean leadership would not uphold its commitments under two other, important humanitarian initiatives the United States had been negotiating through separate channels: the distribution of 240,000 tons of nutritional assistance to the most vulnerable North Koreans and the resumption of recovery operations for the remains of US soldiers lost in the Korean War.

The message could not have been clearer. Pyongyang was not acting in good faith and does not prioritize improved relations with the United States and the international community. Rather than seeking to improve the welfare of the North Korean people, it is determined to defy the international community and expand its nuclear and missile capabilities.

Since last year's April launch, Pyongyang has doubled down on its efforts to expand its nuclear and missile capabilities. On December 12, North Korea conducted yet another launch using ballistic missile technology, and only two months later, announced it had conducted its third nuclear test. Both provocations were met with overwhelming

condemnation by the international community, including the UN Security Council's adoption of resolutions 2087 and 2094.

North Korea responded to the international community's condemnation by unleashing a litany of highly provocative statements, including threatening to launch a preemptive nuclear strike against the United States and asserting that it has nullified the Armistice Agreement, which for more than 60 years has ensured peace and stability on the Korean Peninsula. While it is concerning when any signatory to a mutual agreement publicly declares its intent to withdraw from it, this is a mutual armistice and North Korea cannot withdraw from it without the concurrence of the others. North Korea will be held fully accountable for the consequences of any actions that violate the Armistice Agreement or threaten regional peace and stability.

So where does this leave us on North Korea? With little choice but to pressure the DPRK in order to sharpen its choices. Without meaningful and demonstrated change in Pyongyang's priorities, we cannot have credible and authentic diplomatic talks. The United States is not in the business of conducting talks for talks' sake. Pyongyang has historically used talks as cover to develop its weapons.

But even as North Korea appears uninterested in serious engagement with the United States, active US diplomacy on North Korea continues. Beyond our close consultations with South Korea, Japan, China, and Russia, we have expanded our engagement with a growing list of non-traditional partners such as Brazil, India, and Indonesia, contributing to the rising chorus of regional and global voices that have called on North Korea to fulfill its commitments, comply with its international obligations, and refrain from provocative acts that undermine regional security and the global nonproliferation regime. International outrage against North Korea's choices continues to grow.

China, however, remains key to changing North Korea's calculus. Given its unique economic, political and historical ties to North Korea, China is better positioned than any other state to change Pyongyang's priorities. The United States will continue to seek China's cooperation to push Pyongyang in the right direction. There are signs a genuine debate has begun in Beijing about how best to bring about a change in North Korean behavior. For the first time, authoritative voices are suggesting China should rethink its unconditional support of Pyongyang.

Looking Ahead

2013 marks the ten-year anniversary of the first round of Six-Party Talks. Whether we will be able to resume denuclearization talks with North Korea, however, is up to Pyongyang. The Five Parties remain committed to progress on denuclearization, which, as codified in the 2005 Joint Statement signed by all, remains the basis of the Six-Party Talks. North Korea, on the other hand, has declared the Six-Party Talks, the 2005 Joint Statement and denuclearization dead due to what it calls "US hostile policy."

This flies in the face of the facts. Sixty years of peace on the Korean Peninsula have not occurred by accident. The United States has no hostile intent toward North Korea, a point we have underscored publicly and privately to its representatives. We would welcome open-minded leadership in Pyongyang that leads to real reform and meaningful changes to improve the well-being of the North Korean people. The United States remains committed to a credible and authentic diplomatic process that would lead to the denuclearization of the Korean Peninsula in a peaceful manner.

The United States has demonstrated its genuine concern for the welfare of the North Korean people by providing over \$800 million in humanitarian assistance, including 2.2 million metric tons of food aid since 1996. We remain deeply concerned about the grievous human rights situation in North Korea and the well-being of its people. According to the 2012 Human Rights Report, North Korea has incarcerated 100,000-200,000 prisoners in political prison camps, where inmates are subjected to forced labor, torture and starvation. Whole families are condemned—in most cases without trial—when one member commits an alleged crime. There is no civil society to build upon. North Korea's elaborate social classification system subdivides its population into 51 categories, based on loyalty to the Kim family and the state. The rigid system dictates nearly all aspects of citizens' lives—access to education and health care, employment opportunities, place of residence, even marriage prospects.

The result of such brutality has been heart-rending deprivation and stark social inequality. According to a 2009 UNICEF report, one in three children remains stunted as a result of chronic malnutrition. All of this, meanwhile, takes place as a privileged class in Pyongyang thrives and the leadership pumps an untold fortune into fielding nuclear weapons, ballistic missiles and the largest per-capita military in the world. How North Korea addresses human rights will have a significant impact on the prospect for closer US-North Korea ties.

With recent leadership transitions in the capitals of all of our Five-Party partners—South Korea, Japan, China and Russia—and, of course, North Korea, 2013 should present a unique opportunity to collectively take a more positive path in the North Korean nuclear crisis. North Korea's negotiating partners are ready to find a better way forward. North Korea's dispiriting rejection of peace offers should not dissuade us.

While new leadership offers new opportunities, Pyongyang's fundamental choice remains the same. It is the choice President Obama offered to the North Korean leadership early in his presidency, and reiterated during his November 2012 speech in Burma: "Let go of your nuclear weapons and choose the path of peace and progress. If you do, you will find an extended hand from the United States of America."