A Modest Leap Forward: Why the US-North Korea ‘Leap Day Deal’ Has Potential

By John Delury & Chung-in Moon

The tangled knot that is the North Korean nuclear issue is closer to some kind of resolution due to the surprise deal announced by Pyongyang and Washington on February 29. Or is it?

The controversial agreement to swap denuclearization steps for food aid from the US is hardly earth-shaking but it could lead to concrete progress, write North Korea experts John Delury and Chung-in Moon, who see signs of hope in the move by new leader Kim Jong Un.

THE FIRST THING to bear in mind about the US-North Korea “Leap Day Deal” is its curious timing. While it was announced on February 29, a day remarkable in itself for coming around only once in every four years, in fact the two sides choreographed this “pre-step” for “pre-step” duet last year during exploratory talks held in New York, Geneva and, finally, Beijing. The key breakthrough — Pyongyang’s agreement to suspend its uranium enrichment program — came in Beijing on Dec. 16, in talks ostensibly about humanitarian aid, thus spurring the more senior, nuclear negotiating teams (led by Glyn Davies for the US and Kim Kye-gwan for North Korea) to quickly plan their own Beijing meeting to close the deal. In other words, an agreement was reached, but not completed, on the day before Kim Jong Il died.

This struck many observers as a rather extraordinary re-enactment of the passing of Kim Il Sung, who died on the very same day that US-North Korea talks were to resume in Geneva, talks that would — after a one-month hiatus due to Kim’s death — result in the landmark 1994 Agreed Framework. Similarly, this year’s Leap Day Deal, announced days after the delayed, final burst of discussions in Beijing between Davies and Kim, represents a kind of foreign policy “last testament” from Kim Jong Il. His son Kim Jong Un inherited a pre-approved path back toward engagement and denuclearization thanks to those December talks in Beijing. Although the pre-steps on both sides could be described, to use US Secretary of State Hillary Clinton’s word, as “modest,” this deal is in fact the first substantive, co-operative interaction between the US and North Korea since President Barack Obama came into office. And the fact that it represents the first major foreign policy decision of the post-Kim Jong Il leadership is an important signal of Pyongyang’s willingness to engage.

So what does the deal boil down to, based on statements released simultaneously from North Korea’s Foreign Ministry and the US Department of State? Pyongyang agreed to place a moratorium on long-range missile and nuclear tests, suspend all nuclear activities — including uranium enrichment, and allow IAEA inspections at Yongbyon to ensure compliance with the deal. The North also conceded on the total amount and kind of aid (having originally hoped for over 300,000 tons of rice and grains) and most of the US conditions on delivery and monitoring.

The only concrete step Washington agreed to is supplying 20,000 metric tons monthly of “nutritional assistance” (corn-soy blend, vegetable oil, pulses, therapeutic foods for starving children and others in need) over 12 months. More vaguely, it was “prepared to take steps” to improve bilateral relations and increase people-to-people exchanges. Beyond that, Washington reaffirmed that it has no hostile intent toward Pyongyang, remains committed to the Sept. 19, 2005, Joint Statement of the Six-Party talks and the 1953 Armistice Agreement and does not target its sanctions against the North Korean people’s livelihood. Pyongyang’s statement raises the prospect of getting light water reactors as a next step, but the US State Department makes no mention of that issue.

On both sides, the commitments are reversible. Washington can decide at any time to stop sending the monthly bags of Plumpy’nut food supplement and other items. And Pyongyang can, at any moment, end its self-imposed test moratorium, resume nuclear program activities or expel inspectors. North Korea’s announcement adds a pointed caveat that the moratorium holds “while productive dialogue continues.”

WHAT’S THE BIG DEAL?

What, then, is the larger significance of the Leap Day Deal, and why at this point did the two sides go through with it? Is it a purely transactional enriched-biscuits-for-uranium-enrichment exchange that makes tactical sense for each side, at least for the time being? Or, does this joint action by the Obama administration and the Kim Jong Un regime signal a possible strategic shift in relations?

For now, US officials are working hard to dampen expectations and pre-empt criticisms of the agreement. Their safest course is to defend the Leap Day Deal in minimalist terms as a way to freeze North Korea’s nuclear progress, get some eyes on the ground and somewhat more effectively manage the problem. In this way, the administration does not expose itself to criticism for being naive enough to believe North Korea will actually give up its nukes. This administration, after all, has been profoundly skeptical of Pyongyang almost since its inception when, in April and May of 2009 as President Obama was still getting his bearings, the North launched a “satellite” missile, left the Six Party Talks, announced a new uranium enrichment program, and staged a nuclear test. Obama also put a high priority on a strong alliance with Seoul, whose conservative government has been in no rush to engage Pyongyang, to put it mildly. Additionally, Beijing’s diplomatic credibility was compromised from Washington’s perspective since early 2010 as a host of issues raised tensions in US-China relations — and this limited the effectiveness of Beijing’s effort to revive US interest in their pet diplomatic project, the Six-Party talks.

Perhaps the cosmetic regime change in Pyongyang is motivating the Obama administration to give negotiations a try. Perhaps an anticipated shift in South Korea from hard-line to engagement by the leading candidates to replace...
President Lee Myung-bak next year is changing the US calculus about how to balance engagement with the North against the alliance with the South. Perhaps the US, in “pivoting” back to Asia currently, has more of an appetite to deal with Pyongyang directly — not just under the cover of Beijing’s multilateral fig leaf of the Six-Party talks. Or maybe the intense pressure to prevent Iran’s nuclear ambitions made a deal to at least freeze North Korea’s program particularly attractive. Whatever the motivation, Obama’s team is now involved in a bilateral dynamic that allows the US to test North Korea’s intentions and prod Pyongyang to move further in a co-operative, rather than confrontational or isolationist, direction. This could well be the tipping point from “strategic patience” to “strategic engagement.”

Looking at this freeze-for-aid deal from the perspective of North Korean strategic logic and negotiating priorities, at first blush it seems surprising that Pyongyang was willing to sacrifice a security and sovereignty issue in return for humanitarian assistance. No matter how hungry their people, North Korea would not normally trade deterrence for bread alone (and this is not even “bread”). The notion that North Korea made the deal out of desperation as it scrounges for resources for the April centenary of Kim Il Sung’s birth makes little sense, given that North Korea will receive by then, at most, some 40,000 tons of “corn-soy blend” in bags emblazoned with the American flag — hardly suitable for demonstrating North Korea’s presumed status as a “strong and prosperous nation.”

Indeed, thinking from a North Korean perspective, the Leap Day Deal looks like a compromise, concession in which Pyongyang accepted this monthly shipment only as a good faith “pre-step” gesture by the United States, but made clear during negotiations that they expect more substantive measures in the near future to reciprocate their continued movement toward denuclearization. North Korea’s bigger agenda appears to be structured around both political and economic priorities. The most elemental political priority, which should not be underestimated, is the new regime’s desire for American recognition, and even a positive relationship with the US. That signal can be easy to miss amid all the sturm und drang of North Korean rhetoric — but the deal speaks for itself.

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Opportunities and Obstacles: Revelations From a Dialogue With North Korea

By Chung-in Moon

In the absence of normalized relations between the US and North Korea, so-called “Track Two” dialogue plays a key role in the relationship. From March 7 to 9, North Korea’s chief nuclear envoy, Vice Foreign Minister Ri Yong-ho, made a rare visit to New York for a conference that illustrated both the opportunities for and obstacles to rapprochement between Pyongyang and Washington. Ri attended in the capacity of “consultant to the Institute for Disarmament and Peace” to satisfy the provisions of a Track Two meeting.

Convened by Syracuse University’s Maxwell School and Friedrich-Ebert-Stiftung, the conference involved about 50 participants from nations included in the Six-Party talks plus two others, Germany and Mongolia. The senior US official in attendance was Senator John Kerry, joined by former officials Henry Kissinger, James Steinberg and Donald Gregg. Seoul dispatched chief nuclear envoy Sung-nam Lim at the last moment to join the South Korean delegation, which comprised National Assemblymen Hak-kyu Sohn and Choong-hwan Kim, former unification minister Dong-won Lim, scholars Nak-chung Paik and Chung-min Lee and myself. There were seven representatives from North Korea, and prominent figures representing China, Japan, Russia, Germany, and Mongolia.

The official topic for discussion revolved around peace, security and co-operation in Northeast Asia, with special sessions on learning from German and European experiences, and the role of civil society and non-governmental organizations (NGOs) in confidence building. One noticeable absence in the conversation was mention of the Six-Party talks.

The conference’s most remarkable feature was the North Koreans’ eagerness, to the point of desperation, in pushing for normalization with the US, and the implication that Kim Jong Un might be behind it. The overall message from the North Korean delegation was clear: The top priority of Pyongyang’s “new diplomacy under new leadership” is improving ties with Washington.

Facing this push from the North Korean delegation for an improvement in ties, the American response was cold and firm. Key messages included the following:

• “Unlike past generations, the new leadership in North Korea does not want to fight the US. It wants peace.”

• “The US portrays North Korea as a rogue state, a criminal state and a member of an Axis of Evil. For us, the threat from the US is real. And the lesson we have learned is that improvements in DPRK-US relations are virtually impossible without a change in Americans’ basic mindset.”

• “There are only four countries — Bhutan, Cuba, Iran and North Korea — with which the US does not have diplomatic ties. Bhutan has refused ties to the US, while Iran and Cuba were diplomatically recognized but later diplomatic ties were severed. But the US has never recognized North Korea. No chance was given to us. The US is punishing us not because of WMD and terrorism, but because of political and ideological differences. This is unfair.”

• “The American formula of ‘North Korea denuclearizes first, then we will engage in dialogue and normalization’ has not worked. A new formula should be sought. America is the great power, whereas the DPRK is a small country. It is very difficult for a small country like us to undertake proactive actions because they can be seen as signs of weakness that would trigger provocative behavior from strong countries. Can’t the US take steps first, actions such as the removal of hostile intent and policy, lifting of sanctions, normalization of relations and transformation of the armistice agreement into a viable peace treaty? If the US undertakes such proactive measures, then the North Korean nuclear issue, both horizontal and vertical proliferation, will be automatically resolved.”

• “We are more than willing to give up nuclear weapons if the US provides us with a nuclear umbrella. We would even consider an alliance with the US. What we need from the US is security assurance.”

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building reactors. Recent satellite photographs indicate North Korea continues to make progress on construction of its experimental light-water reactor at Yongbyon.

FROM PRE-STEPS TO REAL STEPS?
The Leap Day Deal is just a starting point — that much is for sure. So, where do we go from here? The picture in Seoul is murky. On his visit to South Korea at the end of January, Assistant Secretary of State Kurt Campbell sent a mixed message. He promised that Seoul should be the first stop for Pyongyang if it hopes to engage the world, but he also “shared with South Korean friends” — diplomat-speak for “warned Seoul” — that the US saw “hope in diplomacy.” And the most glaring absence in the Leap Day Deal was any mention of inter-Korean relations, let alone an apology or even signal of regret from the North over the shelling of Yeonpyong Island in 2010. This was a diplomatic defeat for the Blue House, which had no choice but to accept the White House decision to re-engage the North in a bilateral framework despite the absence of any improvement in inter-Korean relations. The White House is now, arguably for the first time during the Obama-Lee period, taking the lead in North Korea policy, rather than the other way around. The lame duck Lee has dwindling political capital, and is unlikely to spend it fighting this reversal.

For Beijing, by contrast, the next step is crystal clear: swift resumption of the Six-Party talks. From a North Korean perspective, then, even if the talks resume soon, their success will depend on the political will and leadership of the Americans, dragging Seoul and Tokyo along, to deliver on energy and economic assistance, normalization of relations, and security guarantees. And a key motivation for North Korea to improve relations with the United States and take denuclearization steps is economic. As we have argued before, the legitimacy of Kim Jong Un will depend on ensuring the country’s defense and satisfying the economic needs of the people. This involves considerably more than 20,000 tons of nutritional assistance, although that is of immediate use in staving off hunger. The bigger agenda is restoring agricultural production, promoting light industry, selling-off underground resources and leveraging “free trade zones” like the port at Rason. All of this will require foreign direct investment, which explains the ongoing restructuring of foreign investment-related organizations and push to revive special economic zones along the China border. Pyongyang knows that improving ties with the United States is the world’s best market signal to help induce foreign capital to enter the country. But the Kim Jong Un regime will tread very cautiously as they consider shifting from “military-first,” i.e. security above all else, to “strength and prosperity.”

In the US, the conventional wisdom at the prospect of re-negotiating with North Korea is a toxic mix of weariness and wariness. “We won’t buy the same horse twice,” “no talks for talks’ sake” and “don’t trust, even if verified” are the slogans of the day. No one thinks Pyongyang is close to CVID (complete, verifiable, irreversible denuclearization), and many think North Korea will never voluntarily surrender its nuclear goose that lays the golden eggs. Fueling that pessimism and cynicism are the perils of a US election year in which many Republicans and conservative media outlets are armed and ready to fire at Obama for “appeasing” a card-carrying member of the Axis of Evil. Given these political constraints, Obama Administration officials may prefer to finesse further concrete steps toward denuclearization from Pyongyang in a bilateral context. But the process can only go so much further before what’s on the agenda is precisely what was left on the table the last time the six parties met. On top of that, Seoul and Tokyo’s security concerns in any major deal with North Korea necessitate their involvement, as does the likelihood that they will be expected to foot a large part of the bill for compensating the Pyongyang’s voluntary denuclearization (still a sore point in South Korea vis-à-vis the Agreed Framework, which they didn’t sign, but ended up paying for).

We are guardedly optimistic about where the Leap Day Deal might lead. “Pre-steps” could soon become real steps, and the deal may mark the return of US-North Korea co-operation, however tortured, as the driving force in Korean denuclearization, as it was in the second terms of Bill Clinton and George W. Bush. The Obama administration would be wise not to push the “reset” button, but rather, pick up from the September Joint Statement of 2005, February Agreement of 2007 and state of play in late 2008, and carry the ball forward from there. Verification will be the critical issue — of North Korea’s nuclear program, material, facilities and actual weapons. Negotiations broke down in 2008 over a written verification protocol, and they will be even harder now that both a plutonium and uranium program need to be verified. But diplomacy is a “hard slog,” as then-Senator Obama wrote in The Audacity of Hope, and “peace is hard,” as President Obama recently told the United Nations. The US-North Korea deal is an encouraging sign that the slogging is under way.

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