



North Korea: U.S. Relations, Nuclear Diplomacy, and Internal Situation

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Summary

North Korea has been among the most vexing and persistent problems in U.S. foreign policy in the post-Cold War period. The United States has never had formal diplomatic relations with the Democratic People's Republic of Korea (the official name for North Korea). Negotiations over North Korea's nuclear weapons program have consumed the past three U.S. administrations, even as some analysts anticipated a collapse of the isolated authoritarian regime. North Korea has been the recipient of well over \$1 billion in U.S. aid and the target of dozens of U.S. sanctions.

This report provides background information on the negotiations over North Korea's nuclear weapons program that began in the early 1990s under the Clinton Administration. As U.S. policy toward Pyongyang evolved through the George W. Bush and Obama presidencies, the negotiations moved from mostly bilateral to the multilateral Six-Party Talks (made up of China, Japan, Russia, North Korea, South Korea, and the United States). Although the negotiations have reached some key agreements that lay out deals for aid and recognition to North Korea in exchange for denuclearization, major problems with implementation have persisted. With Six-Party Talks suspended since 2009, concern about proliferation to other actors has grown.

After Kim Jong-il's sudden death in December 2011, it appears that his youngest son, Kim Jong-un, has steadily consolidated his authority as supreme leader. Pyongyang had shown signs of reaching out in 2011 after a string of provocative acts in 2010, including an alleged torpedo attack on a South Korean warship and an artillery attack on Yeonpyeong Island, but has continued its pattern of alternating between overtures and provocations. Bilateral agreements with the United States in February 2012 involving the provision of aid and freezing of some nuclear activities fell apart after Pyongyang launched a rocket in April 2012. Confidence for further negotiations dimmed further after another, more successful, launch in December 2012.

The Obama Administration, like its predecessors, faces fundamental decisions on how to approach North Korea. To what degree should the United States attempt to isolate the regime diplomatically and financially? Should those efforts be balanced with engagement initiatives that continue to push for steps toward denuclearization, or for better human rights behavior? Should the United States adjust its approach in the post-Kim Jong-il era? Is China a reliable partner in efforts to pressure Pyongyang? Have the North's nuclear and missile tests and attacks on South Korea demonstrated that regime change is the only way to peaceful resolution? How should the United States consider its alliance relationships with Japan and South Korea as it formulates its North Korea policy? Should the United States continue to offer humanitarian aid?

Although the primary focus of U.S. policy toward North Korea is the nuclear weapons program, there are a host of other issues, including Pyongyang's missile program, illicit activities, and poor human rights record. Modest attempts at engaging North Korea, including joint operations to recover U.S. servicemen's remains from the Korean War and some discussion about opening a U.S. liaison office in Pyongyang, remain suspended along with the nuclear negotiations.

This report will be updated periodically. (This report covers the overall U.S.-North Korea relationship, with an emphasis on the diplomacy of the Six-Party Talks. For information on the technical issues involved in North Korea's weapons programs and delivery systems, as well as the steps involved in denuclearization, please see the companion piece to this report, CRS Report RL34256, *North Korea's Nuclear Weapons: Technical Issues*, by Mary Beth Nikitin. Please refer to the list at the end of this report for CRS reports focusing on other North Korean issues.)

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Latest Developments

Missile Launches in 2012

North Korea's failed attempt to launch a long-range ballistic missile in April ended the possibility of a new round of international diplomacy on Pyongyang's nuclear program. On April 13, 2012, North Korea launched, as it had announced it would, a long-range ballistic missile with what it called an "earth observation satellite." The missile failed to reach orbit, exploding over the Yellow Sea about 90 seconds after take-off. The launch was timed to coincide with the massive celebrations of the 100th anniversary of the birth of the country's founder, Kim Il-sung. Kim's grandson and newly anointed supreme leader of North Korea, Kim Jong-un, appears to have consolidated his authority in the year since the death of his father (Kim Il-Sung's son) Kim Jong-il in December 2011. (See "North Korea's Internal Situation" section below.)

In a break from past precedent, North Korea followed the failed rocket launch with another launch on December 12, 2012, and this time succeeded in putting an "earth observation satellite" into orbit. The timing was somewhat surprising, given the failed attempt just eight months prior, the risk that the launch could again fail, and the fact that past tests have been conducted in the spring or fall. This fourth launch of a Taepodong-2 missile (called the Unha-3 rocket by North Korea) again earned Pyongyang near-universal condemnation, including an unusually pointed statement of "regret" from an official Chinese spokesperson. Although North Korea claims its intentions are entirely peaceful, the launch is considered by most observers to be equivalent to a ballistic missile test, therefore in violation of United Nations Security Council Resolution 1718 passed in October 2006. The scientific community believes that the satellite is likely not following the intended orbit nor is it transmitting information back to Earth, but it will remain in orbit for at least several years.¹

Most analysts believe that the dominant reason North Korea conducted missile launches this year was to bolster Kim Jong-un's legitimacy and authority among the North Korean people and elites. The Kim regime and/or some powerful North Korean "hard liners" may have wished to use the tests to show their continued defiance of the rest of the world (in particular to new leadership in China and the re-elected Obama Administration), to threaten and embarrass the United States and its allies, to upstage South Korea as the next officially recognized space launch country, and perhaps to influence the South Korean presidential election on December 19.² The regime may also have calculated that a different act of defiance, such as another nuclear test or a military provocation, may have invited retaliation and/or forced China to take a tougher stance against Pyongyang.

U.S. Reaction

The April launch halted Obama Administration engagement efforts with North Korea, moves taken in close consultation with the South Korean government. Most prominently, the

¹ "Crippled N. Korean probe could orbit for years," *Korea Herald*, December 18, 2012.

William Broad and Choe Sang-hun, "Astronomers Say North Korea Satellite Is Most Likely Dead," *New York Times*, December 17, 2012.

² The DPRK attempted a previous test, in 2009, shortly before a scheduled South Korean space launch attempt.

Administration suspended its portion of the February 29, 2012, U.S.-North Korea agreements, in which the United States promised to provide food assistance and North Korea agreed to allow international inspectors back to its Yongbyon nuclear facilities as well as to abide by a moratorium on nuclear enrichment and nuclear and missile tests. At the time, some analysts believed that this so-called “Leap Day Agreement” could open the door to the eventual resumption of “Six Party Talks” diplomacy over North Korea’s weapons of mass destruction programs.³ However, two and a half weeks later, North Korea announced that it would launch a satellite. Days after the North Korean announcement, the Obama Administration also suspended another portion of its recent outreach to Pyongyang, the planned resumption of U.S.-DPRK missions to search North Korean territory for the remains of missing U.S. soldiers from the Korean War-era.

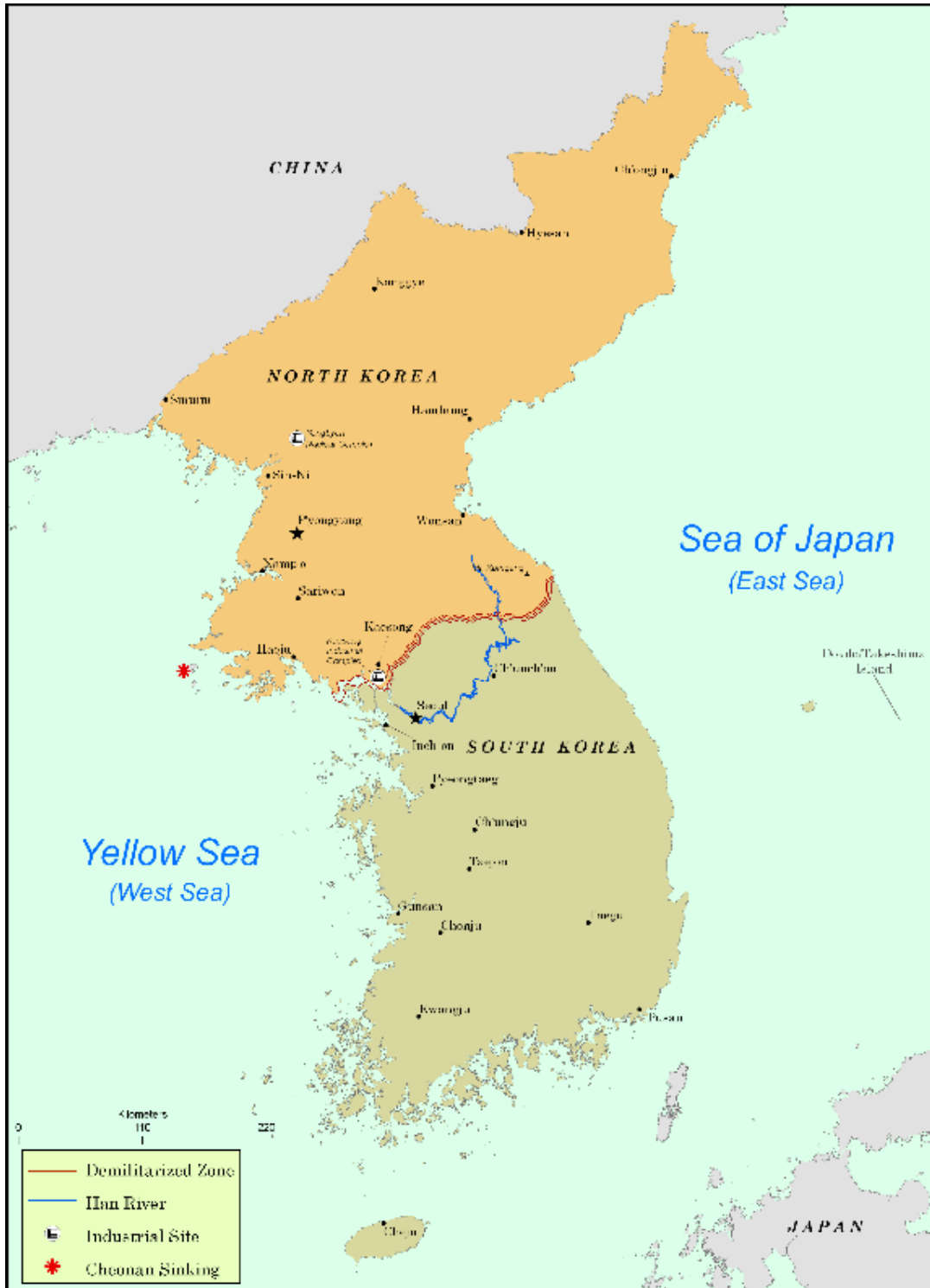
On the multilateral front, the Obama Administration responded to the April launch by, among other steps, taking the matter to the United Nations Security Council (UNSC). The Council—on which China and Russia serve, with the power to veto UNSC actions—authorized an April 16, 2012, UNSC Presidential Statement that “strongly condemns” that launch, which it regards as “a serious violation” of Security Council resolutions 1718 and 1874.⁴ The statement also directed the U.N.’s North Korea Sanctions Committee to tighten existing sanctions against North Korea by designating new North Korean enterprises that are subject to an asset freeze and by identifying additional nuclear and ballistic missile technologies that are banned for transfer to and from North Korea.⁵ Reportedly, the United States is attempting to orchestrate a similar or more punitive response to the December rocket launch at the UNSC.

³ Participants in the Six Party Talks, which were last held in late 2008, are China, Japan, North Korea, Russia, South Korea, and the United States.

⁴ Among other items, UNSC Resolution 1874, adopted in 2009, bans “any launch using ballistic missile technology.” UNSC Resolution 1718, adopted in 2006, “demands” that North Korea “not conduct any further nuclear test or launch of a ballistic missile.”

⁵ For more on sanctions against North Korea, see CRS Report R40684, *North Korea’s Second Nuclear Test: Implications of U.N. Security Council Resolution 1874*, coordinated by Mary Beth Nikitin and Mark E. Manyin, and CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack.

Figure 1. Korean Peninsula



Source: Prepared by CRS based on ESRI Data and Maps 9.3.1; IHS World Data.

Introduction

An impoverished nation of about 23 million people, North Korea has been among the most vexing and persistent problems in U.S. foreign policy in the post-Cold War period. The United States has never had formal diplomatic relations with the Democratic People's Republic of Korea (DPRK, the official name for North Korea). Negotiations over North Korea's nuclear weapons program have consumed the past three administrations, even as some analysts anticipated a collapse of the isolated authoritarian regime in Pyongyang. North Korea has been both the recipient of billions of dollars of U.S. aid and the target of dozens of U.S. sanctions. Once considered a relic of the Cold War, the divided Korean peninsula has become an arena of more subtle strategic and economic competition among the region's powers.

U.S. interests in North Korea encompass crucial security, political, and human rights concerns. Bilateral military alliances with the Republic of Korea (ROK, the official name for South Korea) and Japan obligate the United States to defend these allies from any attack from the North. Tens of thousands of U.S. troops occupying the largest U.S. military bases in the Pacific are stationed within proven striking range of North Korean missiles. An outbreak of conflict on the Korean peninsula or the collapse of the government in Pyongyang would have severe implications for the regional—if not global—economy. Negotiations and diplomacy surrounding North Korea's nuclear weapons program influence U.S. relations with all the major powers in the region and have become a particularly complicating factor for Sino-U.S. ties.

At the center of this complicated intersection of geostrategic interests is the task of dealing with an isolated authoritarian regime, now under the additional pressure of executing a transfer of power following the death of leader Kim Jong-il in December 2011. Unfettered by many of the norms that govern international diplomacy, the leadership in Pyongyang, now headed by its dynastic "Great Successor" Kim Jong-un, is unpredictable and opaque. So little is known about the new leader that the uncertainty surrounding policymaking in Pyongyang may be more murky than it was under Kim Jong-il. U.S. policymakers face a daunting challenge in navigating a course toward a peaceful resolution of the nuclear issue with a rogue actor.

In the long run, the ideal outcome remains, presumably, reunification of the Korean peninsula under stable democratic rule. At this point, however, the road to that result appears fraught with risks. If the Pyongyang regime falls due to internal or external forces, the potential for major strategic consequences (including competition for control of the North's nuclear arsenal) and a massive humanitarian crisis, not to mention long-term economic and social repercussions, loom large. In the interim, policymakers face deep challenges in even defining achievable objectives, let alone reaching them.

Overview of Past U.S. Policy on North Korea

Over the past decade, U.S. policy toward North Korea has ranged from direct bilateral engagement to labeling Pyongyang as part of an "axis of evil." Despite repeated provocations from the North, since 1994 there is no publicly available evidence that any U.S. administration has seriously considered a direct military strike or an explicit policy of regime change due to the threat of a devastating war on the peninsula. Although there have been periodic efforts to negotiate a "grand bargain" that addresses the full range of concerns with Pyongyang's behavior and activities, North Korea's nuclear program has usually been prioritized above North Korea's human rights record, its missile program, and its illicit and criminal dealings.

Even as the strategic and economic landscape of East Asia has undergone dramatic changes, North Korea has endured as a major U.S. foreign policy challenge. Washington shifted from a primarily bilateral approach for addressing North Korea during the Clinton Administration to a mostly multilateral framework during the Bush Administration. As the chair of the Six-Party Talks and North Korea's only ally, the centrality of China's role in dealing with Pyongyang has become increasingly pronounced. North Korea is dependent on China's economic aid and diplomatic support for its survival. (See "China's Role" section below.) Cooperation on North Korea has competed with other U.S. policy priorities with Beijing such as Iran, currency adjustment, climate change, and human rights.

Relations with other countries, particularly Japan and South Korea, also influence U.S. policy toward North Korea. In recent years, Japan's approach to North Korea has been harder-line than that of other Six-Party participants, because of stalled progress on resolving the issue of abducted Japanese citizens. South Korean President Lee Myung-bak was seen as more hawkish on Pyongyang than his recent predecessors, particularly since the sinking of the *Cheonan* in March 2010.

Identifying patterns in North Korean behavior is challenging, as Pyongyang often weaves together different approaches to the outside world. North Korean behavior has vacillated between limited cooperation and overt provocations, including testing several ballistic missiles over the last fifteen years and two nuclear devices in 2006 and 2009. Pyongyang's willingness to negotiate has often appeared to be driven by its internal conditions: food shortages or economic desperation can push North Korea to re-engage in talks, usually to extract more aid from China or, in the past, from South Korea. North Korea has proven skillful at exploiting divisions among the other five parties and taking advantage of political transitions in Washington to stall the Six-Party Talks negotiating process.

At the core of the North Korean issue is the question of what Pyongyang's leadership ultimately seeks. As North Korea continues to reject diplomatic solutions to denuclearizing the peninsula, analysts have begun to coalesce around the consensus that Pyongyang is committed to maintaining a minimum number of nuclear weapons as a security guarantor. However, debate rages on the proper strategic response, with options ranging from trying to squeeze the dictatorship to the point of collapse to buying time and trying to prevent proliferation and other severely destabilizing events.

Obama Administration North Korea Policy

In his presidential campaign and inaugural address, President Obama indicated a willingness to engage with "rogue" governments. Even as North Korea carried out a series of provocative acts, the Obama Administration has maintained a policy toward North Korea known as "strategic patience," which essentially waits for North Korea to come back to the negotiating table while maintaining pressure on the regime. The main elements of the policy involve insisting that Pyongyang commit to steps toward denuclearization and mend relations with Seoul as a prelude to returning to the Six-Party Talks; attempting to convince China to take a tougher line on North Korea; and applying pressure on Pyongyang through arms interdictions and sanctions. U.S. officials have stated that, under the right conditions, they seek a comprehensive package deal for North Korea's complete denuclearization in return for normalization of relations and significant aid. This policy was closely coordinated with the Lee Administration and accompanied by large-scale military exercises designed to demonstrate the strength of the U.S.-ROK alliance.

The Administration has formulated its approach to North Korea against the backdrop of its global nonproliferation agenda. After pledging to work toward a world free of nuclear weapons in an April 2009 speech in Prague, President Obama has taken steps to further that goal, including signing a new nuclear arms reduction treaty with Russia, convening a global leaders' summit to secure stockpiles of nuclear materials, and releasing a new Nuclear Posture Review that outlines new U.S. guidelines on the use of nuclear weapons. In April 2012, South Korea hosted the second Nuclear Security Summit, which drew a sharp contrast with North Korea's destabilizing nuclear program.

The collapse of the denuclearization talks has intensified concerns about proliferation. Critics claim that the "strategic patience" approach has allowed Pyongyang to control the situation and steadily improve its missile and nuclear programs. Because of North Korea's dire economic situation, there is a strong fear that it will sell its nuclear technology to another rogue regime or a non-state actor. Evidence of some cooperation with Syria, Iran, and potentially Burma has alarmed national security experts. The Israeli bombing of a nuclear facility in Syria in 2007 raised concern about North Korean collaboration on a nuclear reactor with the Syrians. Reports surface periodically that established commercial relationships in conventional arms sales between Pyongyang and several Middle Eastern countries may have expanded into the nuclear realm as well.⁶

Despite the overtures for engagement after Obama took office, a series of provocations from Pyongyang halted progress on furthering negotiations. In 2009, the North tested a second nuclear device, expelled American and international nuclear inspectors, and declared it would "never" return to the talks. In response to the test, the United Nations Security Council unanimously passed Resolution 1874, which outlines a series of sanctions to deny financial benefits to the regime in Pyongyang.⁷ Despite reports of China's harsh reaction and its support for adoption of UNSC Resolution 1874, Beijing has remained unwilling to impose more stringent economic measures that might risk the Pyongyang regime's survival.

The *Cheonan* sinking and Yeonpyeong Island shelling (see "North Korean Behavior During Obama Administration" section below) elicited a new round of unilateral American sanctions and drew the United States even closer to its regional allies, South Korea and Japan.⁸ Trilateral coordination of North Korea policy between Washington, Seoul, and Tokyo has been unprecedented, with ministerial-level meetings in 2011 and 2012. American and South Korean policies appear in complete alignment, with both governments insisting that North Korea demonstrate a serious commitment to implementing the denuclearization aspects of the 2005 Six-Party Talks agreement. U.S.-South Korean cooperation has been underscored by a series of military exercises in the waters surrounding the peninsula, as well as symbolic gestures such as the state visit of President Lee Myung-bak to the White House in October 2011. North-South relations took very modest steps forward in 2011 through some bilateral meetings, enabling U.S. officials to pursue further negotiations.

⁶ For more information, see CRS Report RL33590, *North Korea's Nuclear Weapons Development and Diplomacy*, by Larry A. Niksch.

⁷ For more information, see CRS Report R40684, *North Korea's Second Nuclear Test: Implications of U.N. Security Council Resolution 1874*, coordinated by Mary Beth Nikitin and Mark E. Manyin.

⁸ For more information, see CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack.

In late 2011, shortly before Kim Jong-il's death, the Administration launched bilateral negotiations with the North Koreans to restart discussions about denuclearization. After Kim's death, talks stalled, but later resumed and resulted in the "Leap Day Agreement" announced on February 29, 2012. Actually two separate agreements, the deal committed North Korea to a moratorium on nuclear tests, long-range missile launches, and uranium enrichment activities at the Yongbyon nuclear facility, as well as the readmission of International Atomic Energy Agency (IAEA) inspectors. The Obama Administration pledged 240,000 metric tons of "nutritional assistance" and steps to increase cultural and people-to-people exchanges with North Korea. Administration officials characterized the deal as modest in scope and cautioned that a return to the multilateral Six-Party talks would still be months away, at best.

Only two weeks after the announcement of the agreements, North Korea declared that it would launch an "earth observation satellite" during its founder's centennial celebration. U.S. officials condemned the planned launch as a violation of existing UNSC resolutions and the February 29 agreements, and suspended their commitment to provide food aid. Following the rocket launch on April 13, 2012, the UNSC, including China, authorized an April 16, 2012, Presidential Statement that "strongly condemns" the launch, which it regards as "a serious violation" of UNSC Resolutions 1718 and 1874. In the statement, which the United States characterized as a "stronger response" than the UNSC's reaction to North Korea's 2009 rocket launch, the Council also directed the U.N.'s North Korea Sanctions Committee to tighten existing sanctions against North Korea by designating new North Korean enterprises that will be subject to an asset freeze and by identifying additional nuclear and ballistic missile technology that will be banned for transfer to and from North Korea.⁹

Early indications are that the United States would like the UNSC to carry out a more punitive response to the December 10, 2012, rocket launch than the one achieved in April.¹⁰ However, it is not clear China would support new U.N. sanctions against Pyongyang, and the Obama Administration is simultaneously attempting to secure Beijing's cooperation with U.S. policy objectives on Syria and Iran. The United States may instead focus on impeding North Korean financial transactions, in an effort similar to the crackdown initiated on Banco Delta Asia in 2005.

Food Aid Debate Within U.S. Government

In early 2011, North Korea issued an appeal for international food aid. A subsequent World Food Program (WFP) assessment reported in March that a quarter of the North Korean population was facing severe food shortages. A U.S. delegation, led by Special Envoy for Human Rights in North Korea Ambassador Robert King, visited the nation in May 2011 to carry out its own assessment. The United States maintains that its food aid policy follows three criteria: demonstrated need, severity of need compared to other countries, and satisfactory monitoring systems to ensure food is reaching the most vulnerable. Strong concerns about diversion of aid to the military and elite exist, although assistance provided in 2008-2009 had operated under an improved system of monitoring and access negotiated by the Bush Administration. Obama Administration officials were reportedly divided on whether to authorize new humanitarian assistance for North Korea, but ultimately decided to offer 240,000 metric tons of food aid as a

⁹ United States Mission to the United Nations, "Fact Sheet: UN Security Council Presidential Statement on North Korea Launch," press release, April 16, 2012, <http://usun.state.gov/briefing/statements/187937.htm>.

¹⁰ Flavia Krause-Jackson, "North Korea Unlikely to Get UN Punishment Until Next Year," *Bloomberg*, December 17, 2012.

confidence building measure within the Leap Day Agreement. Several Members of Congress have spoken out against the provision of any assistance to Pyongyang because of concerns about supporting the regime. Yet no aid has been delivered, because U.S. officials are not convinced that North Korea will respect the monitoring arrangements. In June 2012, a United Nations evaluation team confirmed that over 60% of the population continues to suffer from chronic food insecurity.

North Korean Behavior During Obama Administration

Since President Obama took office, North Korea has emphasized two main demands: that it be recognized as a nuclear weapons state and that a peace treaty with the United States must be a prerequisite to denuclearization. The former demand presents a diplomatic and semantic dilemma: despite repeatedly acknowledging that North Korea has produced nuclear weapons, U.S. officials have insisted that this situation is “unacceptable.” According to statements from Pyongyang, the latter demand is an issue of building trust between the United States and North Korea.

After years of observing North Korea’s negotiating behavior, many analysts believe that such demands are simply tactical moves by Pyongyang and that North Korea has no intention of giving up its nuclear weapons in exchange for aid and recognition. The recent Western intervention in Libya, which abandoned its nuclear weapon program in exchange for the removal of sanctions, had the undesirable side effect of reinforcing the perceived value of nuclear arms for regime security. In April 2010, North Korea reiterated its demand to be recognized as an official nuclear weapons state and said it would increase and modernize its nuclear deterrent. On April 13, 2012, the same day as the failed rocket launch, the North Korean constitution was revised to describe the country as a “nuclear-armed nation.”

Pattern of Conciliation and Provocations

North Korea’s behavior has been erratic since the Obama Administration took office. After an initial string of provocations in 2009, most prominently the May 2009 nuclear test, North Korea appeared to adjust its approach and launched what some dubbed a “charm offensive” strategy. In August 2009, Kim Jong-il received former U.S. President Bill Clinton, after which North Korea released two American journalists who had been held for five months after allegedly crossing the border into North Korea. The following month, meetings with Chinese officials yielded encouraging statements about Pyongyang’s willingness to rejoin multilateral talks. A North Korean delegation traveled to Seoul for the funeral of former South Korean President Kim Dae-jung and met with President Lee Myung-bak. In early 2010, Pyongyang called for an end to hostilities with the United States and South Korea. Some observers saw this approach as a product of deteriorating conditions within North Korea. The impact of international sanctions, anxiety surrounding the anticipated leadership succession, and reports of rare social unrest in reaction to a botched attempt at currency reform appeared to be driving Pyongyang’s conciliatory gestures. (See “North Korea’s Internal Situation” section below.)

String of Provocations in 2010

Expectations of an impending return to multilateral negotiations were altered by the dramatic sinking of the South Korean navy corvette *Cheonan* on March 26, taking the lives of 46 sailors on board. A multinational investigation team led by South Korea determined that the ship was sunk

by a torpedo from a North Korean submarine. The Obama Administration expressed staunch support for Seoul and embarked on a series of military exercises to demonstrate its commitment. According to some analysts, the torpedo attack may have been an effort to bolster Kim Jong-il's credibility as a strong leader confronting the South, and therefore his authority to select his son, Kim Jong-un, as successor.¹¹

After the *Cheonan* incident, Pyongyang initiated further provocations. In November, North Korea invited a group of U.S. nuclear experts to the Yongbyon nuclear complex to reveal early construction of an experimental light-water reactor and a small gas centrifuge uranium enrichment facility. The revelations of possible progress toward another path to a nuclear weapon prompted speculation that North Korea was attempting to strengthen its bargaining position if the talks resumed, or perhaps trying to advertise its goods to potential customers. Further, the sophistication of the uranium enrichment plant took many observers by surprise and renewed concerns about Pyongyang's capabilities and deftness in avoiding sanctions to develop its nuclear programs.

On November 23, shortly after announcing its new nuclear facilities, North Korea fired over 170 artillery rounds toward Yeonpyeong Island in the Yellow Sea, killing two South Korean Marines and two civilians, injuring many more and damaging multiple structures. The artillery attack, which the North said was a response to South Korean military exercises, was the first since the Korean War to strike South Korean territory directly and inflict civilian casualties. Again, the U.S. military joined the ROK for military exercises, this time deploying the USS *George Washington* aircraft carrier to the Yellow Sea. Despite Pyongyang's threats of retaliation, South Korea staged previously scheduled live fire exercises near Yeonpyeong Island, prompting an emergency meeting of the United Nations Security Council amid fear of the outbreak of war. Perhaps due to Chinese pressure, the North refrained from responding.

Renewed Engagement, "Leap Day Agreement," and Satellite Launches

In early 2011, Pyongyang appeared to be re-launching a diplomatic offensive and ceased to initiate more provocations, presumably to secure new economic assistance and food aid. Pyongyang welcomed foreign delegations, including the Elders group led by former U.S. President Jimmy Carter and a U.S. team led by Human Rights Envoy Robert King. Leader Kim Jong-il visited China four times in his last twenty months with his itineraries heavy on stops that showcase Chinese economic development. China had urged Kim to embrace economic reform for years; some analysts saw the repeated trips as an indication that he sought further aid and support from Beijing, as well as perhaps to secure support for his successor. Although rhetoric toward the South remained harsh, Pyongyang engaged in some initial North-South dialogue sessions.

A series of U.S.-DPRK bilateral meetings in late 2011 and early 2012 led to the February 29, 2012, "Leap Day Agreement," which held out the promise of diplomatic progress. U.S. negotiators verbally warned their North Korean counterparts that any missile testing, including under the guise of a peaceful satellite launch, would violate the terms of the agreement, but this message was not received or was ignored by Pyongyang. In response to the March 16, 2012, announcement that North Korea would launch a satellite to honor the 100th anniversary of the birth of Kim Il-sung, the United States declared the agreement to be nullified. On April 13, 2012, a Taepodong-2 missile (called Unha-3 by North Korea) took off from a launch site in western

¹¹ "U.S. Implicates North Korean Leader in Attack," *New York Times*. May 22, 2010.

North Korea. U.S. military commands tracking the rocket reported that the first stage fell into the sea about 165 kilometers west of Seoul, and “the remaining stages were assessed to have failed and no debris fell on land. At no time were the missile or the resultant debris a threat.”¹² (See “North Korea’s Missile Program” section below.)

In a break from past precedent, North Korea followed the failed rocket launch with another launch eight months later, on December 12, 2012, and this time succeeded in putting what it called an “earth observation satellite” into orbit. The exact timing appeared to catch most countries by surprise, as North Korea had disassembled parts of the rocket for repairs just two days before. This fourth launch of a Taepodong-2 missile again earned Pyongyang near-universal condemnation, including an unusually pointed statement of “regret” from an official Chinese spokesperson.

Background: History of Nuclear Negotiations

North Korea’s nuclear weapons programs have concerned the United States for nearly three decades. In the 1980s, U.S. intelligence detected new construction of a nuclear reactor at Yongbyon. In the early 1990s, after agreeing to and then obstructing IAEA inspections, North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty (NPT).¹³ According to statements by former Clinton Administration officials, a pre-emptive military strike on the North’s nuclear facilities was seriously considered as the crisis developed.¹⁴ Discussion of sanctions at the United Nations Security Council and a diplomatic mission from former President Jimmy Carter diffused the tension and eventually led to the 1994 Agreed Framework, an agreement between the United States and North Korea that essentially would have provided two light water reactors (LWRs) and heavy fuel oil to North Korea in exchange for a freeze of its plutonium program. The document also outlined a path toward normalization of diplomatic relations.

Beset by problems from the start, the agreement faced multiple delays in funding from the U.S. side and a lack of compliance by the North Koreans. Still, the fundamentals of the agreement were implemented: North Korea froze its plutonium program, heavy fuel oil was delivered to the North Koreans, and LWR construction commenced. In 2002, U.S. officials confronted North Korea about a suspected uranium enrichment program, dealing a further blow to the agreement. With these new concerns, construction of the LWRs made minimal progress, and the project was suspended in 2003. After North Korea expelled inspectors from the Yongbyon site and announced its withdrawal from the NPT, the project was officially terminated in January 2006.

¹² NORAD and USNORTHCOM Acknowledge Missile Launch, NORAD News, April 12, 2012, Peterson Air Force Base, Colorado.

¹³ Walter Pincus, “Nuclear Conflict Has Deep Roots: 50 Years of Threats and Broken Pacts Culminate in Apparent Nuclear Test,” *Washington Post*, October 15, 2006.

¹⁴ “Washington was on Brink of War with North Korea 5 Years Ago,” *CNN.com*, October 4, 1999 and North Korea Nuclear Crisis, February 1993 - June 1994,” *GlobalSecurity.org*.

Six-Party Talks

Under the George W. Bush Administration, the negotiations to resolve the North Korean nuclear issue expanded to include China, South Korea, Japan, and Russia. With China playing host, six rounds of the “Six-Party Talks” from 2003-2007 yielded occasional incremental progress, but ultimately failed to resolve the fundamental issue of North Korean nuclear arms. The most promising breakthrough occurred in 2005, with the issuance of a Joint Statement in which North Korea agreed to abandon its nuclear weapons programs in exchange for aid, a U.S. security guarantee, and normalization of relations with the United States. Some observers described the agreement as “Agreed Framework Plus.” Despite the promise of the statement, the process eventually broke down due to complications over the release of North Korean assets from a bank in Macau and then degenerated further with North Korea’s test of a nuclear device in October 2006.¹⁵

In February 2007, Six-Party Talks negotiators announced an agreement that would provide economic and diplomatic benefits to North Korea in exchange for a freeze and disablement of Pyongyang’s nuclear facilities. This was followed by an October 2007 agreement that more specifically laid out the implementation plans, including the disablement of the Yongbyon facility, a North Korean declaration of its nuclear programs, and a U.S. promise to lift economic sanctions on North Korea and remove North Korea from the U.S. list of state sponsors of terrorism. Under the leadership of Assistant Secretary of State for East Asia and Pacific Affairs Christopher Hill, the Bush Administration pushed ahead for a deal, including removing North Korea from the terrorism list in October 2008.¹⁶ Disagreements over the verification protocol between Washington and Pyongyang stalled the process until the U.S. presidential election in November 2008, though North Korea did demolish portions of its Yongbyon facility.

Multilateral negotiations on North Korea’s nuclear program have not been held since December 2008. Pyongyang’s continued belligerent actions, its vituperative rhetoric toward South Korean politicians, and most importantly its failure to fulfill obligations undertaken in previous agreements has halted efforts to restart the Six-Party Talks.

China’s Role

As host of the Six-Party Talks and as North Korea’s chief benefactor, China plays a crucial role in the negotiations. Beijing’s decision to host the talks marked China’s most significant foray onto the international diplomatic stage and was counted as a significant achievement by the Bush Administration. Formation of the six-nation forum, initiated by the Bush Administration in 2002 and continued under the Obama Administration, confirms the critical importance of China’s role in U.S. policy toward North Korea. The United States depends on Beijing’s leverage to relay messages to the North Koreans, push Pyongyang for concessions and attendance at the negotiations, and, on some occasions, punish the North for its actions. In addition, China’s permanent seat on the UNSC ensures its influence on any U.N. action directed at North Korea.

¹⁵ For more details on problems with implementation and verification, see CRS Report RL33590, *North Korea’s Nuclear Weapons Development and Diplomacy*, by Larry A. Niksch.

¹⁶ For more information on the terrorism list removal, see CRS Report RL30613, *North Korea: Back on the Terrorism List?* by Mark E. Manyin.

In addition to being North Korea's largest trading partner by far, China also provides considerable concessional assistance. The large amount of food and energy aid that China supplies is an essential lifeline for the regime in Pyongyang, especially after the cessation of most aid from South Korea under the Lee Administration. It is clear that Beijing cannot control Pyongyang's behavior—particularly in the cases of provocative nuclear tests and missile launches—but even temporary cessation of economic and energy aid is significant for North Korea. In September 2006, Chinese trade statistics reflected a temporary cut-off in oil exports to North Korea, in a period which followed several provocative missile tests by Pyongyang. Although Beijing did not label the reduction as a punishment, some analysts saw the move as a reflection of China's displeasure with the North's actions.¹⁷ In instances when the international community wishes to condemn Pyongyang's behavior, such as the sanctions imposed in UNSC Resolution 1874, Beijing's willingness to punish the regime largely determines how acutely North Korea is affected.

China's overriding priority of preventing North Korea's collapse remains firm.¹⁸ Beijing fears the destabilizing effects of a humanitarian crisis, significant refugee flows over its borders, and the uncertainty of how other nations, particularly the United States, would assert themselves on the peninsula in the event of a power vacuum. While focusing on its own economic development, China favors the maintenance of regional stability over all other concerns. To try to bolster North Korea's economy, China is expanding economic ties and supporting joint industrial projects between China's northeastern provinces and North Korea's northern border region. Many Chinese leaders also see strategic value in having North Korea as a "buffer" between it and the democratic, U.S.-allied South Korea.

North Korea's Internal Situation

Kim Jong-un appears to be consolidating power at the apex of the North Korean regime, though uncertainty remains about the regime's future. Some observers hold out hope that the young, European-educated Kim could emerge as a reformer, but most analysts conclude that the North's outdated ideology and closed political system make reforms risky, ineffective, and reversible. Kim's novice status likely makes him more beholden to established interests in the elite; this insecurity may have contributed to the decision to test long-range missiles as a means to bolster his authority and prestige.

Succession Process

Formal evidence of the selection of Kim Jong-un first emerged in 2010, when he was appointed as a four-star general as well as a vice-chairman of the Central Military Commission, a powerful organ of the Korean Workers Party (KWP). In the weeks after Kim Jong-il's death in December 2011, the younger Kim was named "Supreme Commander" of the Korean People's Army and was described by official state organs as the nation's "sole national leader." In April 2012, the Supreme People's Assembly awarded him the chairmanship of the National Defense Commission. These steps completed Kim Jong-un's public sweep of all major power centers—

¹⁷ "China Cut Off Exports of Oil to North Korea," *New York Times*. October 30, 2006.

¹⁸ For more information, please see CRS Report R41043, *China-North Korea Relations*, by Dick K. Nanto and Mark E. Manyin.

party, military, and state—in North Korea. Even as Kim consolidated his authority, there were loud reminders that his power stemmed from the dynastic succession process embraced by the regime. The late Kim Jong-il was named “Eternal General Secretary” of the KWP and “Permanent Chairman” of the National Defense Commission. Analysts point out that the expectation of intense loyalty to his father and grandfather restrains Kim Jong-un’s power, particularly in terms of undertaking any serious reforms that might run counter to the ideology set out by his predecessors.

The First Year Under Kim Jong-un

Kim Jong-un has displayed a different style of ruling than his father while hewing closely to the policies established before his appointment as supreme leader. Kim has allowed Western influences, such as Disney characters and clothing styles, to be displayed in the public sphere, and he is informal in his frequent public appearances, at times embracing citizens – especially youths. In a stark change from his father’s era, Kim Jong-un’s wife was introduced to the North Korean public. Analysts depict these stylistic changes as an attempt to make Kim seem young and modern and to conjure associations with the revered Kim Il-sung’s “man of the people” image.

Early rhetoric from the Kim Jong-un regime emphasized improving the quality of life for North Korean citizens, but reforms designed to achieve that stated goal have been slow to emerge. A focus on improving amusement parks has been one visible outcome. Reportedly, a new policy to shrink the size of agricultural collectives and increase farmers’ incentives was introduced in pilot projects.¹⁹ Expectations that the regime would pursue this “Chinese-style” agricultural reform on a national basis have proven incorrect. Meanwhile, there are signs that inflation has become a serious problem for North Korea.²⁰

Leadership and State Institutions

When Kim first came to power, many observers predicted that he would rule with the aid of regents coming from his father’s inner circle, especially Kim-Jong-il’s brother-in-law Jang Song-taek. It is possible that a collective leadership makes national policy decisions while promoting Kim Jong-un as the visible figurehead of the regime. However, many analysts point to personnel decisions that seem to portray a strategy to concentrate power in Kim Jong-un’s hands and sideline influential military leaders: four of the highest-ranking generals in the Korean People’s Army (KPA) were stripped of their ranks.²¹ In addition to the purges, a civilian party functionary was appointed to director of the KPA’s important General Political Department. South Korean media have cited sources that say Kim is elevating the internal security apparatus as well as those in charge of propaganda.²²

¹⁹ Sang Yong Lee, “6.28 Agriculture Policy on the Back Foot,” *Daily NK*, November 12, 2012.

²⁰ Marcus Noland, “The Return of Macroeconomic Instability,” *North Korea: Witness to Transformation* blog, Peterson Institute for International Economics, September 11, 2012, <http://www.piie.com/blogs/nk/?p=7418>.

²¹ Alexandre Mansourov, “Part III: Overhauling the Legacy Government,” 38 North blog, US-Korea Institute at SAIS, December 21, 2012, <http://38north.org/2012/12/amansourov122112/>.

²² Luke Herman, “Two Kims. Two Paths,” *NK News.Org*, October 22, 2012, http://www.nknews.org/2012/two_paths_two_kim/.

The appointments of Kim Jong-un and others to high-level party positions have led some analysts to posit that the KWP may be gaining in stature over the military establishment. The emphasis on the Central Military Commission, the tool through which the Party controls the military, may indicate that the regime is moving away from the concentrated power in the National Defense Commission established by Kim Jong-il and instead returning to a Party-centric order, as was the case under Kim Il-sung. The *Songun*, or “Military First,” policy appears to have remained in place, but Kim Jong-un appears to have focused on rebuilding many party institutions to establish an alternative power center.²³

After the February 2012 deal with the United States, some analysts posited that the relatively pro-engagement camp had asserted itself, only to be followed by the provocative announcement of the satellite launch. It is unknown whether these contradictory actions were intentional or were a symptom of internal regime dysfunction.

Expanding Sphere of Information

The North Korean regime remains extraordinarily opaque, but a trickle of news works its way out through defectors and other channels. These forms of grass-roots information gathering, along with the public availability of high-quality satellite imagery, have democratized the business of intelligence on North Korea. In 2011, the Associated Press became the first Western news agency to open a bureau in Pyongyang, though its reporters are subject to severe restrictions. North Korea invited international journalists to observe the so-called satellite launch in April 2012. Previously, South Korean intelligence services had generally provided the bulk of information known about the North.

Pyongyang appears to be slowly losing its ability to control information flows from the outside world into North Korea, which may explain the regime’s unprecedented public acknowledgement of the failed launch in April 2012. Surveys of North Korean defectors reveal that some within North Korea are growing increasingly wary of government propaganda and turning to outside sources of news, especially foreign radio broadcasts, which are officially illegal.²⁴ After a short-lived attempt in 2004, North Korea in 2009 restarted a mobile phone network for the elite, in cooperation with the Egyptian telecommunications firm Orascom.²⁵ The mobile network reportedly has approximately one million subscribers.

Relations with China

As North Korea prepared for the end of the Kim Jong-il era and the succession of Kim Jong-un, the regime appeared to draw closer to China. Beijing reciprocated by resisting appeals from the United States and other countries to blame North Korea for the sinking of the Cheonan in a UNSC statement. Following Kim Jong-il’s death in December 2011, Beijing voiced support for Kim Jong-un in an effort to legitimize the new leader and shore up his regime. Bilateral relations

²³ Stephan Haggard and Luke Herman, “Information—and Disinformation—on the North Korean Political Scene,” North Korea: Witness to Transformation blog, Peterson Institution for International Economics. December 18, 2012, <http://www.piie.com/blogs/nk/?p=8631>.

²⁴ Marcus Noland, “Pyongyang Tipping Point,” *Wall Street Journal* op-ed. April 12, 2010.

²⁵ Peter Nesbitt, “North Koreans Have Cell Phones: Why Cell Phones Won’t Lead to Revolution and Why They Strengthen the Regime,” *Joint U.S.-Korea Academic Studies: Emerging Voices*, vol. 22 (2011).

then cooled in 2012, perhaps as a result of China's allowing a UNSC statement that reproached North Korea for its rocket launch in April 2012. Only a handful of high-level delegations traveled between Pyongyang and Beijing in 2012. Nevertheless, China has resisted imposing new sanctions or other penalties on North Korea for its violations of international law.

China and North Korea continue to develop their highly complementary trade and investment ties, though several contradictions hamper deeper engagement. North Korea needs foreign capital to improve its infrastructure, exploit natural resources, and create productive exporters, but the multitude of corrupt and self-serving actors within the North Korean system has led to poor results for Chinese investors.²⁶ China is by far North Korea's largest trading partner (57% of all trade in 2011), but North Korea fears dependence on China and exposure to subversive information from China's relatively open society. Despite the obstacles, the two countries announced their intention to create or revamp several Special Economic Zones in northern North Korea to facilitate deeper economic linkages.²⁷

Analysts have noted deepening links between the KWP and the Chinese Communist Party (CCP). Some analysts have identified Beijing's pursuit of economic cooperation with North Korea—including the provision of capital and development of natural resources within North Korea—as channeled through the CCP International Liaison Department, that is, through party-to-party engagement.²⁸ The apparent increase in the KWP's power in Pyongyang's decision-making process could augment this political and economic relationship.

Both sides have some reservations about becoming too interlinked: Beijing faces condemnation from the international community and deterioration of relations with an important trade partner in South Korea for defending North Korea, and Pyongyang seeks to avoid complete dependence on China to preserve its autonomy. For the time being, both capitals appear to have calculated that their strategic interests—or, in the case of Pyongyang, survival—depend on the other. However, since 2010 an increasing number of Chinese academics are calling for a reappraisal of China's friendly ties with North Korea, in light of the material and reputational costs to China.

Other U.S. Concerns with North Korea

North Korea's Missile Programs²⁹

Despite international condemnation and UNSCR prohibitions, North Korea twice in 2012 launched long-range rockets carrying ostensible satellite payloads, demonstrating the importance that Pyongyang places on continued development of ballistic missiles.³⁰ North Korea has an

²⁶ David Stinson, "Chinese Company 'Shanghaied' in North Korea," *Confucianism and Trade Imbalances*, August 11, 2012, <http://theartofeconomicwar.wordpress.com/2012/08/11/chinese-company-shanghaied-in-north-korea/>.

²⁷ Jung-A Yang, "Report: North to Designate 3 More SEZs," *Daily NK*, September 23, 2012.

²⁸ John Park, "On the Issues: North Korea's Leadership Succession: The China Factor," United States Institute of Peace, September 28, 2010.

²⁹ For more information, see CRS Report RS21473, *North Korean Ballistic Missile Threat to the United States*, by Steven A. Hildreth.

³⁰ North Korea claims that the purpose of these rocket launches is to place a satellite in orbit, and thus it is entitled to develop space launch vehicles as a peaceful use of space. However, long-range ballistic missiles and space-launch vehicles use similar technology, and, because of this overlap, the UNSC acted to prohibit any North Korean use of (continued...)

arsenal of approximately 700 Soviet-designed short-range ballistic missiles, according to unofficial estimates, although the inaccuracy of these antiquated missiles obviates their military effectiveness.³¹ A U.S. government report said in 2009 that North Korea has deployed small numbers of medium- and intermediate-range ballistic missiles (unofficial estimate: about 100 and fewer than 30, respectively) that could reach Japan and U.S. bases there, but these missiles have never been flight-tested.³² North Korea has made slow progress toward developing a reliable long-range ballistic missile; the December 2012 launch was the first successful space launch after four consecutive failures in 1998, 2006, 2009, and April 2012.

After its first long-range missile test in 1998, North Korea agreed to a moratorium on long-range missile tests in exchange for the Clinton Administration's pledge to lift certain economic sanctions. This deal was later abandoned during the Bush Administration, which placed a higher priority on the North Korean nuclear program. Ballistic missiles have not been on the agenda in the Six-Party Talks. In 2006, UNSC Resolution 1718 barred North Korea from conducting missile-related activities. North Korea flouted this resolution with its April 2009 test launch. The UNSC then responded with Resolution 1874, which further increased restrictions on the DPRK ballistic missile program. The 2012 Leap Day Agreement included a moratorium on ballistic missile tests, which North Korea claimed excludes satellite launches.

North Korea's inconsistent progress toward developing a long-range missile calls into question the long-standing U.S. National Intelligence Estimate that North Korea could successfully test an inter-continental ballistic missile (ICBM) by 2015.³³ The author of a 2012 RAND technical report on the North Korean nuclear missile threat asserts that the Unha-3 rocket, which successfully lifted an estimated 100 kg satellite payload into orbit in December 2012, is incapable of carrying a nuclear warhead at inter-continental range. "If [North Koreans] wanted an ICBM, they have to develop a new rocket, using different technology. This would take a very long time, require a lot of work, and cost a lot of money."³⁴ A net assessment by the International Institute for Strategic Studies concluded in 2011 that a future North Korean ICBM "would almost certainly have to undergo an extensive flight-test program that includes at least a dozen, if not two dozen, launches and extends over three to five years."³⁵ Such a program would make North Korean intentions obvious to the world. Others argue that North Korea might take a radically different approach and accept one successful test as sufficient for declaring operational capability.

The North Koreans' ability to successfully miniaturize nuclear warheads and mount them on ballistic missiles is a primary concern for the United States. Then-Chief of the KPA General Staff Ri Yong-Ho reportedly told fellow North Korean officials in 2012 that their long-range missiles

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rocket technology in Resolutions 1718 and 1874.

³¹ *North Korean Security Challenges: A Net Assessment* (London: The International Institute for Strategic Studies, 2011), pp. 144-146.

³² National Air and Space Intelligence Center, *Ballistic and Cruise Missile Threat*, NASIC-1031-0985-09, Wright-Patterson Air Force Base, OH, April 2009, p. 17, and IISS (2011), pp. 131-135, 141-145.

³³ David Wright, "Questions About the Unha-3 Failure," *38 North*, May 2012, <http://38north.org/2012/05/dwright050412>.

³⁴ Evan Ramstad, "After First Glance, North Korea's Missiles Not As Fearsome," *Wall Street Journal*, December 13, 2012, <http://blogs.wsj.com/korearealtime/2012/12/13/after-first-glance-north-koreas-missiles-not-as-fearsome/>.

³⁵ IISS (2011), p. 155.

could hit the United States with nuclear weapons, but there is no public evidence that Pyongyang has progressed in miniaturizing or testing a warhead capable of surviving re-entry at ICBM range.³⁶ Congressional testimony from senior officials in the intelligence community has not produced a definitive statement on whether or not North Korea has achieved this critical capability.

Foreign Connections

North Korea's proliferation of missile technology and expertise is another serious concern for the United States. Pyongyang has sold missile parts and/or technology to several countries, including Egypt, Iran, Libya, Myanmar, Pakistan, Syria, United Arab Emirates, and Yemen.³⁷ Sales of missiles and telemetric information from missile tests have been a key source of hard currency for the Kim regime.

North Korea and Iran have cooperated on the technical aspects of missile development since the 1980s, exchanging information and components.³⁸ Reportedly, scientific advisors from Iran's ballistic missile research centers were seen in North Korea leading up to the December 2012 launch and may have been a factor in its success.³⁹ There are also signs that China may be assisting the North Korean missile program, whether directly or through tacit approval of trade in sensitive materials. Heavy transport vehicles from Chinese entities were apparently sold to North Korea and used to showcase missiles in a military parade in April 2012, prompting a U.N. investigation of sanctions violations.⁴⁰

Regional Missile Defense Systems

During the 2012 North Korean missile tests, U.S. and allied forces reportedly made ready and available a number of ballistic missile defense (BMD) systems, in addition to the intelligence gathering capabilities sent into the region. Japan deployed Patriot interceptor batteries around Tokyo and on its southwestern islands, in the event of an errant missile or debris headed toward Japanese territory.⁴¹ Aegis BMD ships were reported in the area as well. The Aegis-based Standard Missile interceptor has a much greater capability than the Patriot system, but no officials ever clarified whether Aegis (U.S. or Japanese ships) had the capability to shoot down the North Korean missile if it malfunctioned and threatened allied territory.

³⁶ "Ex-N. Korea Army Chief: Rockets Could Be Used to Transport Nukes," *Korean Broadcasting System*, December 11, 2012, http://english.kbs.co.kr/News/News/News_view.html?page=1&No=95239&id=Po.

³⁷ *Jane's Sentinel Security Assessment—China and Northeast Asia*, January 22, 2010 and IISS (2011), p. 180-181.

³⁸ For more information, see CRS Report R42849, *Iran's Ballistic Missile and Space Launch Programs*, by Steven A. Hildreth.

³⁹ Javier Serrat, "North Korea, Iran Highlight Proliferation Risks of Knowledge Transfers," *World Politics Review*, December 10, 2012, <http://www.worldpoliticsreview.com/articles/12554/north-korea-iran-highlight-proliferation-risks-of-knowledge-transfers>.

John S. Park, "The Leap in North Korea's Ballistic Missile Program: The Iran Factor," National Bureau of Asian Research, December 19, 2012, <http://www.nbr.org/publications/element.aspx?id=638>.

⁴⁰ Peter Enav, "Experts: North Korea Missile Carrier Likely from China," *Associated Press*, April 19, 2012.

⁴¹ The North Korean rocket trajectory was to have taken it in the upper atmosphere above two small Japanese islands in the Ryukyu island chain.

As part of the efforts by the United States and its allies to change China's strategic thinking about North Korea, however, the deployments may have had powerful symbolic value. Chinese media made the Patriot deployments a major part of their coverage of the April launch. A subtext to those reports was that North Korea's actions are feeding military developments in Asia that are not in China's interests.⁴² Many observers, particularly in the United States and Japan, would argue that continued North Korean ballistic missile development could increase pressure to create a formally integrated Northeast Asian BMD architecture—comparable to the European Phased Adaptive Approach—including the United States, South Korea, and Japan.

North Korea's Human Rights Record

Although the nuclear issue has dominated negotiations with Pyongyang, U.S. officials periodically voice concerns about North Korea's abysmal human rights record. The plight of most North Koreans is dire. The State Department's annual human rights reports and reports from private organizations have portrayed a little-changing pattern of extreme human rights abuses by the North Korean regime over many years.⁴³ The reports stress a total denial of political, civil, and religious liberties and say that no dissent or criticism of leadership is allowed. Freedoms of speech, the press, and assembly do not exist. There is no independent judiciary, and citizens do not have the right to choose their own government. Reports also document the extensive ideological indoctrination of North Korean citizens.

Severe physical abuse is meted out to citizens who violate laws and restrictions. Multiple reports have described a system of prison camps that house up to 200,000 inmates, including many political prisoners.⁴⁴ Reports from survivors and escapees from the camps indicate that conditions in the camps for political prisoners are extremely harsh and that many do not survive. Reports cite executions and torture of prisoners as a frequent practice. Based on defector testimony and a study of satellite imagery, Amnesty International concluded in 2011 that the prison camps have been growing in size.⁴⁵

A 2011 study of DPRK defectors indicates that in recent years many North Koreans have been arrested for what would earlier have been deemed ordinary economic activities. North Korea criminalizes market activities, seeing them as a challenge to the state. Its penal system targets low-level or misdemeanor crimes, such as unsanctioned trading or violations of travel permits. Violators face detention in local-level "collection centers" and "labor training centers." Defectors have reported starvation, suffered beatings and torture, and witnessed executions in these centers.⁴⁶

⁴² At the top of the webpage that China's People's Daily created for information about the North Korean launch are a series of photographs of the Japanese Patriot units. See <http://world.people.com.cn/GB/8212/191606/240872/index.html>.

⁴³ See U.S. Department of State, 2011 Country Report on Human Rights Practices: Democratic People's Republic of Korea, May 24, 2012, available at <http://www.state.gov/documents/organization/186491.pdf>; and Amnesty International Annual Report 2011—North Korea, available at <http://www.unhcr.org/refworld/country,COI,,PRK,4562d8cf2,4dce154c3c,0.html>.

⁴⁴ Radio Free Asia, North Korea: "Political Prison Camps Expand," May 4, 2011, available at <http://www.unhcr.org/refworld/docid/4dd288f128.html>.

⁴⁵ Amnesty International: "Images Reveal Scale of North Korean Political Prison Camps," May 3, 2011, available at <http://www.amnesty.org/en/news-and-updates/images-reveal-scale-north-korean-political-prison-camps-2011-05-03>.

⁴⁶ Stephan Haggard and Marcus Noland, *Witness to Transformation, Refugee Insights into North Korea* (Peterson (continued...))

In addition to the extreme curtailment of rights, many North Koreans face limited access to health care and significant food shortages. In a recent survey, the World Food Program identified urgent hunger needs for 3.5 million citizens in North Korea, out of a total population of 24 million. UNICEF has reported that each year some 40,000 North Korean children under five became “acutely malnourished,” with 25,000 needing hospital treatment. The food security situation improved slightly from 2011 to 2012, but 28% of the population reportedly suffers from stunting.⁴⁷

North Korean Refugees

For two decades, food shortages, persecution, and human rights abuses have prompted perhaps hundreds of thousands of North Koreans to flee to neighboring China, where they are forced to evade Chinese security forces and often become victims of further abuse, neglect, and lack of protection. There is little reliable information on the size and composition of the North Korean population located in China. Estimates range up to 300,000. The United Nations High Commissioner for Refugees (UNHCR) has not been given access to conduct a systematic survey. Reports indicate that many women and children are the victims of human trafficking, particularly women lured to China seeking a better life but forced into marriage or prostitution.⁴⁸ Some of the refugees who escape to China make their way to Southeast Asia or Mongolia, where they may seek passage to a third country, usually South Korea. If repatriated, they risk harsh punishment or execution.

On January 1, 2013, Congress passed the North Korean Child Welfare Act of 2012 (H.R. 1464) to address the humanitarian challenges faced by North Korean refugee children and the children of one North Korean parent living outside North Korea. The bill requires the Department of State to brief Congress on its efforts to: advocate for these children, potentially including adoption of eligible children; develop a strategy to address the many challenges of adoption by American parents; encourage other countries to resolve the issue of statelessness for these children, where that is a problem; and to work with the South Korean government on these issues. One target of the bill appears to be the children of Chinese fathers and North Korean mothers, children who in some cases are denied citizenship papers and are thus *de jure* stateless.⁴⁹ The bill also seeks a solution to the extremely difficult problem of establishing the eligibility for adoption of refugee or stateless North Korean children with no documentation and no recourse to civil authorities.

The North Korean Human Rights Act

In 2004, the 108th Congress passed, and President George W. Bush signed, the North Korean Human Rights Act (H.R. 4011; P.L. 108-333). Among its chief goals are the promotion and protection of human rights in North Korea and the creation of a “durable humanitarian” option for

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Institute for International Economics, 2011), p. 51.

⁴⁷ UNICEF: “DPRK national nutrition survey released,” December 13, 2012, http://www.unicef.org/media/media_66756.html.

⁴⁸ United States Department of State, Trafficking in Persons Report 2012—Korea, Democratic People’s Republic of, June 19, 2012, available at <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>.

⁴⁹ Committee for Human Rights in North Korea, *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China*, Washington, DC, 2009.

its refugees. The North Korean Human Rights Act (NKHRA) authorized new funds to support human rights efforts and improve the flow of information, and required the President to appoint a Special Envoy on human rights in North Korea. Under the NKHRA, North Koreans may apply for asylum in the United States, and the State Department is required to facilitate the submission of their applications. The bill required that all non-humanitarian assistance must be linked to improvements in human rights, but provided a waiver if the President deems the aid to be in the interest of national security.

In 2008, Congress reauthorized NKHRA through 2012 under P.L. 110-346 with the requirement for additional reporting on U.S. efforts to resettle North Korean refugees in the United States. In August 2012, Congress approved the extension of the act (P.L. 112-172) through 2017. A “Sense of the Congress” included in the bill calls on China to desist in its forcible repatriation of North Korean refugees and instructs U.S. diplomats to enhance efforts to resettle North Korean refugees from third countries. The 2012 NKHRA reauthorization maintained funding at the original levels of \$2 million annually to support human rights and democracy programs and \$2 million annually to promote freedom of information programs for North Koreans, but reduced appropriated funding to resettle North Korean refugees from \$20 million to \$5 million annually, reflecting the actual outlays of the program.

Implementation

Relatively few North Korean refugees have resettled in the United States. According to the State Department, as of December 2012, 149 North Korean refugees have been resettled in the United States.⁵⁰ The Government Accountability Office (GAO) reports that in spite of the U.S. government’s efforts to expand resettlements, rates did not improve from 2006-2008.⁵¹ Several U.S. agencies were involved in working with other countries to resettle such refugees, but North Korean applicants face hurdles. Some host countries delay the granting of exit permissions or limit contacts with U.S. officials. Other host governments are reluctant to antagonize Pyongyang by admitting North Korean refugees and prefer to avoid making their countries known as a reliable transit points. Another challenge is educating the North Korean refugee population about the potential to resettle in the United States, many of whom may not be aware of the program.

Under the NKHRA, Congress authorized \$2 million annually to promote freedom of information programs for North Koreans. It called on the Broadcasting Board of Governors (BBG) to “facilitate the unhindered dissemination of information in North Korea” by increasing Korean-language broadcasts of Radio Free Asia (RFA) and Voice of America (VOA).⁵² A modest amount has been appropriated to support independent radio broadcasters. The BBG currently broadcasts

⁵⁰ CRS email correspondence with U.S. Department of State, December 31, 2012.

⁵¹ U.S. Government Accountability Office, *Humanitarian Assistance: Status of North Korean Refugee Resettlement and Asylum in the United States*, GAO-10-691, June 24, 2010, available at <http://www.gao.gov>.

⁵² Broadcast content includes news briefs, particularly news about the Korean Peninsula; interviews with North Korean defectors; and international commentary on events occurring in North Korea. The BBG cites a Peterson Institute for International Economics survey in which North Korean defectors interviewed in China and South Korea indicated that they had listened to foreign media including RFA. RFA broadcasts five hours a day. VOA broadcasts five hours a day with three of those hours in prime-time from a medium-wave transmitter in South Korea aimed at North Korea. VOA also broadcasts from stations in Thailand; the Philippines; and from leased stations in Russia and eastern Mongolia. In January 2009, the BBG began broadcasting to North Korea from a leased medium-wave facility in South Korea. The BBG added leased transmission capability to bolster medium-wave service into North Korea in January 2010. RFA broadcasts from stations in Tinian (Northern Marianas) and Saipan, and leased stations in Russia and Mongolia.

to North Korea ten hours per day using two medium wave frequencies and multiple shortwave frequencies. RFA has also reached out to an increasing number of cell phone users in North Korea, including by introducing an iPhone app to listen to RFA.⁵³ Although all North Korean radios are altered by the government to prevent outside broadcasts, defectors report that many citizens have illegal radios that receive the programs. There have also been efforts in the past by the U.S. and South Korean governments to smuggle in radios in order to allow information to penetrate the closed country.

In 2009, Robert R. King, a long-time aide to the late Representative Tom Lantos, became the Obama Administration's Special Envoy on North Korean Human Rights Issues. Before joining the Administration, he was involved in the planning of Representative Lantos' human rights agenda, visited North Korea and played a role in the passage of the NKHRA. King's mission to North Korea to assess humanitarian needs and raise broader human rights issues with North Korean officials was the first by a Special Envoy on North Korea Human Rights since the creation of the post under the 2004 law. According to the State Department, King's office is closely integrated with the Office of the Special Envoy on North Korea, Glyn Davies.

North Korea's Illicit Activities

Strong indications exist that the North Korean regime has been involved in the production and trafficking of illicit drugs, as well as of counterfeit currency, cigarettes, and pharmaceuticals. DPRK crime-for-profit activities have reportedly brought in important foreign currency resources and come under the direction of a special office of the KWP.⁵⁴ Although U.S. policy during the first term of the Bush Administration highlighted these activities, they have generally been relegated since to a lower level of priority compared to other issues.

In September 2005, the U.S. Treasury Department identified Banco Delta Asia, located in Macau, as a bank that distributed North Korean counterfeit currency and allowed for money laundering for North Korean criminal enterprises. The Treasury Department ordered the freezing of \$24 million in North Korean accounts with the bank. This action prompted many other banks to freeze North Korean accounts and derailed potential progress on the September 2005 Six-Party Talks agreement. After lengthy negotiations and complicated arrangements, in June 2007 the Bush Administration agreed to allow the release of the \$24 million from Banco Delta Asia accounts and ceased its campaign to pressure foreign governments and banks to avoid doing business with North Korea. Since the second nuclear test and the passage of U.N. Security Resolution 1874, there have been renewed efforts to pressure Pyongyang through the restriction of illicit activities, particularly arms sales.

⁵³ Broadcasting Board of Governors FY2013 Budget Request, <http://www.bbg.gov/wp-content/media/2012/02/FY-2013-BBG-Congressional-Budget-Request-FINAL-2-9-12-Small.pdf>.

⁵⁴ For more information, see CRS Report RL33885, *North Korean Crime-for-Profit Activities*, by Liana Sun Wyler and Dick K. Nanto.

U.S. Engagement Activities with North Korea

U.S. Assistance to North Korea⁵⁵

Since 1995, the United States has provided North Korea with over \$1.2 billion in assistance, of which about 60% has paid for food aid and about 40% for energy assistance. The United States has not provided any aid to North Korea since early 2009; the United States provided all of its share of pledged heavy fuel oil by December 2008. Energy assistance was tied to progress in the Six-Party Talks, which broke down in 2009. From 2007 to April 2009, the United States also provided technical assistance to North Korea to help in the nuclear disablement process. In 2008, Congress took legislative steps to legally enable the President to give expanded assistance for this purpose. However, following North Korea's actions in the spring of 2009 when it test-fired a missile, tested a nuclear device, halted denuclearization activities, and expelled nuclear inspectors, Congress explicitly rejected the Obama Administration's requests for funds to supplement existing resources in the event of a breakthrough in the Six-Party Talks.

U.S. food aid, which officially is not linked to diplomatic developments, ended in early 2009 due to disagreements with Pyongyang over monitoring and access. (The North Korean government restricts the ability of donors to operate in the country; see "Food Aid Debate Within U.S. Government" section above.) In 2011, North Korea issued appeals to the international community for additional support. The abrogated Leap Day Agreement would have provided 240,000 metric tons of food and nutritional aid intended for young children, pregnant mothers, and the elderly. Special Envoy Robert King stated on June 8, 2012, that the United States would possibly consider resumption of food aid in the future, if North Korea can restore confidence in the monitoring and access conditions.⁵⁶ An amendment (S.Amdt. 2454) to the FY2013 Agriculture Appropriations Act would prohibit the United States from providing any food aid to North Korea, except when the President exercises a national interest waiver.

POW-MIA Recovery Operations in North Korea

In 1994, North Korea invited the U.S. government to conduct joint investigations to recover the remains of thousands of U.S. servicemen unaccounted for during the Korean War. The United Nations Military Command (U.N. Command) and the Korean People's Army conducted 33 joint investigations from 1996-2005 for these prisoners of war-missing in action (POW-MIAs). In operations known as "joint field activities" (JFAs), U.S. specialists recovered 229 sets of remains and successfully identified 78 of those. On May 25, 2005, the Department of Defense announced that it would suspend all JFAs, citing the "uncertain environment created by North Korea's unwillingness to participate in the Six-Party Talks," its recent declarations regarding its intentions to develop nuclear weapons, and its withdrawal from the NPT, and the payments of millions of dollars in cash to the KPA for its help in recovering the remains.⁵⁷

⁵⁵ For more, see CRS Report R40095, *Foreign Assistance to North Korea*, by Mark E. Manyin and Mary Beth Nikitin.

⁵⁶ Robert R. King, "Media Roundtable at the U.S. Embassy," U.S. Department of State, June 8, 2012, <http://www.state.gov/p/eap/rls/rm/2012/06/188920.htm>.

⁵⁷ "U.S. Halts Search for Its War Dead in North Korea," *New York Times*, May 26, 2005.

Talks between the United States and North Korea on the joint recovery program resumed in 2011 and led to an agreement in October 2011. On January 27, 2012, the Department of Defense announced that it was preparing a mission to return to North Korea in early 2012. However, Pyongyang's determination to launch a rocket in contravention of the "Leap Day Agreement" and UNSC resolutions cast doubt on the credibility of North Korean commitments, and the Department of Defense suspended the joint mission on March 21, 2012.⁵⁸ The United States has not undertaken any JFAs with the KPA since May 2005. The Department of Defense has said that the recovery of the remains of missing U.S. soldiers is an enduring priority goal of the United States and that it is committed to achieving the fullest possible accounting for POW-MIAs from the Korean War.

Potential for Establishing a Liaison Office in North Korea

One prospective step for engagement would be the establishment of a liaison office in Pyongyang. This issue has waxed and waned over the past 16 years. The Clinton Administration, as part of the 1994 U.S.-North Korea Agreed Framework, outlined the possibility of full normalization of political and economic relations. Under the Agreed Framework, the United States and North Korea would open a liaison office in each other's capital "following resolution of consular and other technical issues through expert level discussions."⁵⁹ Eventually, the relationship would have been upgraded to "bilateral relations [at] the Ambassadorial level." Under the Bush Administration, Ambassador Christopher Hill reportedly discussed an exchange of liaison offices. This did not lead to an offer of full diplomatic relations pursuant to negotiations in the Six-Party Talks. In December 2009, following Ambassador Stephen Bosworth's first visit as Special Envoy to Pyongyang, press speculation ran high that the United States would offer relations at the level of liaison offices. The Obama Administration quickly dispelled these expectations, flatly rejecting claims that Bosworth had carried a message offering liaison offices.⁶⁰

Non-Governmental Organizations' Activities

Since the famines in North Korea of the mid-1990s, the largest proportion of aid has come from government contributions to emergency relief programs administered by international relief organizations. However, some non-governmental organizations (NGOs) are playing smaller roles in capacity building and people-to-people exchanges, in areas such as health, informal diplomacy, information science, and education.

The aims of such NGOs are as diverse as the institutions themselves. Some illustrative cases include NGO "joint ventures" between scientific and academic NGOs and those engaged in informal diplomacy. Three consortia highlight this cooperation: the Tuberculosis (TB) diagnostics project, run by Nuclear Threat Initiative (NTI), Stanford Medical School, and Christian Friends of Korea; the Syracuse University-Kim Chaek University of Technology digital library program; and the U.S.-DPRK Scientific Engagement Consortium, composed of the Civilian Research and

⁵⁸ Jim Garamone, "U.S. Suspends MIA Search in North Korea," *American Forces Press Service*, March 21, 2012. <http://www.defense.gov/news/newsarticle.aspx?id=67639>.

⁵⁹ 1994 US-DPRK Agreed Framework at <http://www.kedo.org/pdfs/AgreedFramework.pdf>.

⁶⁰ "U.S. Has Not Proposed Setting Up Liaison Office in Pyongyang Next Year: White House." *Yonhap*, December 19, 2009 (Lexis-Nexis).

Development Foundation Global (CRDF Global), the American Association for the Advancement of Science (AAAS), Syracuse University, and the Korea Society. The following is a sample of such efforts.

- In 2008, NTI, Stanford Medical School, and Christian Friends identified multiple drug resistant TB as a serious health threat. By providing North Korean scientists with the scientific equipment, generators, and other supplies to furnish a national tuberculosis reference laboratory, they hope to enable North Korean researchers and physicians to take on this bacterial threat.⁶¹ Over the course of 2010, the partners completed the TB reference laboratory, and installed a high voltage cable for more regular energy supply.⁶² In September 2010, North Korea health representatives signed a grant agreement for a two-year period with the Global Fund to Fight AIDS, Tuberculosis, and Malaria. The \$19 million dollar grant supported procurement of laboratory supplies as well as vaccines until July 2012.
- In 2001, Syracuse University and Kim Chaek University (Pyongyang) began a modest program of modifying open-source software for use as library support and identifying the international standards necessary to catalog information for the library at Kim Chaek. Over time this expanded to include twin integrated information technology labs at Kim Chaek and Syracuse and a memorandum to exchange junior faculty.
- In 2007, the U.S.-DPRK Scientific Engagement Consortium formed to explore collaborative science activities between the United States and North Korea in subjects such as agriculture and information technology. In December 2009, at the invitation of the North Korean State Academy of Sciences, Consortium members toured facilities and received briefings from researchers in biology, alternative energy, information sciences, hydrology, and health. Potential areas for collaboration include identification of shared research priorities, academic exchanges, joint workshops on English language, mathematics, biomedical research methods, renewable energy and digital science libraries, and joint science publications.

List of Other CRS Reports on North Korea

CRS Report RL34256, *North Korea's Nuclear Weapons: Technical Issues*, by Mary Beth Nikitin

CRS Report R41481, *U.S.-South Korea Relations*, coordinated by Mark E. Manyin

CRS Report R42126, *Kim Jong-il's Death: Implications for North Korea's Stability and U.S. Policy*, by Mark E. Manyin

CRS Report R40095, *Foreign Assistance to North Korea*, by Mark E. Manyin and Mary Beth Nikitin

⁶¹ "New Tuberculosis Lab Hailed as Breakthrough in Health Diplomacy." *Science*. March 12, 2010. p. 1312-1313.

⁶² Christian Friends of Newsletter, November 2010.

CRS Report R41438, *North Korea: Legislative Basis for U.S. Economic Sanctions*, by Dianne E. Rennack

CRS Report R41160, *North Korea's 2009 Nuclear Test: Containment, Monitoring, Implications*, by Jonathan Medalia

Archived Reports for Background

CRS Report R40684, *North Korea's Second Nuclear Test: Implications of U.N. Security Council Resolution 1874*, coordinated by Mary Beth Nikitin and Mark E. Manyin

CRS Report RL30613, *North Korea: Back on the Terrorism List?*, by Mark E. Manyin

CRS Report RL32493, *North Korea: Economic Leverage and Policy Analysis*, by Dick K. Nanto and Emma Chanlett-Avery

CRS Report RL33567, *Korea-U.S. Relations: Issues for Congress*, by Larry A. Niksch

CRS Report RL33590, *North Korea's Nuclear Weapons Development and Diplomacy*, by Larry A. Niksch

CRS Report RS22973, *Congress and U.S. Policy on North Korean Human Rights and Refugees: Recent Legislation and Implementation*, by Emma Chanlett-Avery

CRS Report RL33324, *North Korean Counterfeiting of U.S. Currency*, by Dick K. Nanto

CRS Report RL31696, *North Korea: Economic Sanctions Prior to Removal from Terrorism Designation*, by Dianne E. Rennack

CRS Report R41043, *China-North Korea Relations*, by Dick K. Nanto and Mark E. Manyin

CRS Report RS21473, *North Korean Ballistic Missile Threat to the United States*, by Steven A. Hildreth

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