



US-Korea Relations:

Common Cause as DPRK Threats Increase

Stephen Noerper, The Korea Society

The closing months of 2014 saw new US vulnerabilities akin to those in South Korea as North Korea purportedly leveled a massive cyberattack against Sony Pictures Entertainment. President Obama attributed the attack to the DPRK on Dec. 19 and promised a “proportional” response. The US and ROK earlier cited an increase in the broader DPRK threat and affirmed common cause and new resolve in the course of annual mid-autumn Security Consultative Meetings and “2+2” (foreign and defense ministers) sessions. Aside from statements in support of the US-ROK alliance, the pushback of wartime operational control (OPCON), perhaps into the mid-2020s, was the main takeaway.

In September, there was heightened concern over the 40-day absence of North Korea’s Kim Jong Un, with ROK and US analysts weighing suggestions of everything from health issues to a military coup. Speculation dissipated when Kim remerged mid-October. Aside from leadership concerns, condemnation of North Korea’s human rights record increased, marked by a dramatic late-November UN General Assembly resolution calling for Security Council referral to the International Criminal Court, in an overwhelming 111-19 vote. The UNGA action flew in the face of the DPRK’s reported “charm” offensive, with senior leaders visiting the close of the Incheon Asian Games and North Korea releasing US detainees Jeffery Fowle in October and Matthew Todd Miller and Kenneth Bae in November. US National Intelligence Office Director James Clapper flew to Pyongyang and returned with Miller and Bae. Late November saw the cyberattack on California-based Sony Pictures Entertainment, after the DPRK vociferously objected to the planned release of the *The Interview*, a comedy involving the assassination of Kim Jong Un.

The case of the missing leader

ROK and US analysts and media were stymied by the disappearance of Kim Jong Un after Sept. 3, when he attended a concert in Pyongyang. Speculation ranged from various ailments to questions of regime stability and even a military coup. Kim was seen limping at a July 8 memorial service marking the 20th anniversary of Kim Il Sung’s passing, and DPRK state media reported Kim’s experiencing “discomfort” on Sept. 26. Speculation intensified after Kim failed to visit the Kumsusan Mausoleum to mark the Oct. 10 anniversary of the founding of the Workers’ Party of Korea (WPK). South Korean reports of visits to Kim by French and German doctors intensified the focus on maladies – ankle and leg problems, renal failure, gout, and diabetes were all suggested. Meanwhile, South Korean media coverage of defector accounts led to speculation that Kim might have been ousted by disenchanted generals or leaders in the WPK Organization and Guidance Department. There appeared little evidence of a coup, however, with ROK Chairman of the Joint Chiefs of Staff Adm. Choi Yun-hee advising the National Assembly

that Kim “did not have major problems in ruling,” a view seconded by the Ministry of Unification. Purportedly Vice Marshall Hwang Pyong So visited Kim, who was recovering from ankle and foot surgery, at a villa outside Pyongyang.

US-ROK security dialogues

September opened with three days of meetings in Washington between special representative Hwang Joon-kook of the ROK and US counterpart Glyn Davies. On Sept. 15, ROK National Security Advisor Kim Kwan-jin met National Security Advisor Susan Rice and key officials to discuss Mideast terrorism and humanitarian cooperation, ROK implementation of missile defense, and wartime operational control (OPCON). Mid-September also saw the US and ROK engage in a sixth round of Korea-US Integrated Defense Dialogue (KIDD), addressing wartime OPON transfer. On Sept. 21, they held the 11th round of negotiations on the 123 Civil Nuclear Energy Cooperation Agreement on the sidelines of an IAEA plenary in Vienna.

Though not a security dialogue per se, the civilian nuclear cooperation agreement – named after Section 123 of the 1954 US Atomic Energy Act outlining conditions for partner countries to facilitate nuclear deals (such as technology and fuel transfer) – is seen by the US in a security context. Given its proliferation concerns, the US wants to retain the provisions in the current agreement that prohibit the ROK from reprocessing spent fuel; the ROK sees reprocessing as beneficial for domestic use and something that would help it sell reactors overseas. The new agreement may fall short of ROK demands that could fuel backlash and difficulty in bilateral relations as Seoul expressed concerns over sovereignty, lack of recognition for its record in safety and security, and inequality with other partners, especially Japan, which has consent to reprocess spent fuel.

Underscoring Korea’s leadership in environmental security, ROK President Park Geun-hye visited New York on Sept. 23-24 to lend support to the UN Climate Summit and address the opening of the 69th General Assembly. The president met afterward with senior leaders from The Korea Society, Council on Foreign Relations, Asia Society, National Committee for American Foreign Policy, and Foreign Policy Association.

On the bilateral security front, in late October the ROK and US held their 46th annual Security Consultative Meeting (SCM) in Washington. Defense Secretary Chuck Hagel and ROK Minister of Defense Han Min-koo agreed on a delay in the transfer of wartime operational control (OPCON) to the ROK. Transfer had been slated for December 2015, and was delayed to an unspecified date when ROK forces felt capable of effectively responding to an increase in DPRK provocations – perhaps as long as a decade on. Hagel suggested that “while this agreement will delay the scheduled transfer of operational control, it will ensure that when the transfer does occur, Korean forces have the necessary defensive capabilities to address an intensifying North Korean threat.” Defense Minister Han described the security situation on the Peninsula as “more precarious than ever,” given expanding nuclear capabilities and aerial drone provocations. The ROK and US also agreed to maintain Combined Forces Command and Eighth US Army headquarters in Seoul’s Yongsan area until the time of the transfer.

The postponement of OPCON transfer triggered opposition in Korean civil society. Two thousand residents of Dongducheon north of Seoul protested in early November outside Camp Casey, home to the US Second Infantry Division. Mayor Oh Se-chong decried the results of the SCM in Washington, stating that “63 years ago, the government forcibly expropriated our land and handed it over to the US military. Today it didn’t even bother to consult Dongducheon residents before unilaterally deciding to keep US forces here.” Residents called for the relocation of US bases to Pyeongtaek by 2016, as had been planned.

Following the Washington SCM, the defense chiefs joined Secretary of State John Kerry and Foreign Minister Yun Byung-se for a third “2+2” ministerial meeting in Washington to reaffirm the bilateral relationship and Mutual Defense Treaty. Kerry described the US-ROK alliance as “stronger than ever.” A joint statement also underscored the “global partnership” in actively addressing emerging challenges to peace and security, including Ebola and the Islamic State. Kerry noted “a terrific working relationship. We’re particularly grateful to our friends from the Republic of Korea for their support on issues ranging from Ebola to Iraq to the nuclear negotiations with Iran to our efforts to calm things in the South China Sea.”

Throughout the final months of the year, concern about a fourth DPRK nuclear test persisted. Following the mid-November passage of the UNGA statement condemning North Korea’s human rights record, the DPRK threatened with nuclear test countermeasures. In late October, David Sanger of *The New York Times* described US Forces Korea Commander Gen. Curtis Scaparrotti’s concern that the DPRK had completed its years-long quest to miniaturize a nuclear warhead. Scaparrotti cautioned at a Pentagon news conference that for a weapon “that complex without it being tested the probability of it being effective is pretty darn low,” but that “they have the capability to have miniaturized the device at this point.”

DPRK human rights

A remarkable increase in pressure on North Korea took place at the United Nations, following the [UN Commission of Inquiry](#) (COI) report released earlier in the year and condemning North Korea for Nazi-like atrocities. In mid-September, North Korea released its own “official report” presenting a 75-page defense of its human rights record, decrying the UN COI and its findings. On Sept. 23, Secretary of State Kerry, world leaders, and civil society leaders met to call attention to the DPRK’s human rights abuses. Early October saw an [EU- and Japan-led resolution](#) go before the UNGA’s Third Committee for deliberation. On Oct. 20, North Korea’s Permanent Representative to the UN, Ambassador Jang Il Hun, attempted to defend the DPRK’s human rights record at the Council on Foreign Relations; his presentation met tough questioning from those attending. In late October, UN Special Rapporteur for North Korean Human Rights Marzuki Darusman presented a report recommending ICC referral and submission of the COI report to the United Nations Security Council (UNSC). The recommendation followed an Oct. 27 offer by the DPRK on the sidelines of the UNGA meeting offering Darusman a trip to the DPRK.

The crescendo of efforts came to a head on Nov. 18 with the United Nations General Assembly Third Committee voting on a resolution condemning “the long-standing and ongoing systematic, widespread and gross violations of human rights in the DPRK.” The measure expressed serious

concern over torture and other cruel, inhumane, and degrading treatment and punishment, and the extensive system of political prison camps in the DPRK. In a resounding 111-19 vote, with 55 abstentions, the EU/Japan-authored (and 62 nations co-sponsored) resolution called for submission of the Commission of Inquiry report to the Security Council, referral of the situation in the DPRK to the International Criminal Court, and targeted sanctions against those most responsible “for acts that the commission has said may constitute crimes against humanity.” It also promised continued examination at the UNGA’s 70th session with a comprehensive report from the secretary general and continued findings from the special rapporteur. The DPRK decried the vote and threatened a nuclear test to counter UN “aggression.” *The New York Times* Rick Gladstone described the UNGA vote as “groundbreaking.”

US detainees

In part to soften the growing condemnation on human rights, North Korea released 56-year-old Jeffrey Fowle on Oct. 21; Fowle was arrested in May for leaving a Bible at a club. DPRK state media described the release as coming after repeated appeals by President Obama and at the personal direction of Kim Jong Un. On Nov. 8, North Korea released 46-year-old Kenneth Bae, held for two years and sentenced to 15-years hard labor for using a Christian organization to preach against the DPRK and foment a “religious coup,” and 25-year-old Matthew Todd Miller, who tore up his visa on entering the DPRK, ostensibly to report from inside a prison camp, and was sentenced to six years. North Korea had pressed for the US to send a senior emissary in the guise of former Presidents Carter or Clinton, who had won earlier releases. In the end, Director of National Intelligence James Clapper flew to the country on an unannounced mission and left with the two aboard.

Sony attack

Concerns about DPRK cyber warfare capability leaped with the late November attack on Sony’s California operations. Some 11 terabytes of data, including several films, were stolen. *Reuters* cited an unnamed national security expert as saying the DPRK was the principal suspect. Cyber security researchers at Kaspersky Lab identified technical evidence linking the breach to earlier attacks in the Middle East and South Korea (the latter included 30,000 PCs at ROK banks and broadcasters last year) and concluded that North Korea was responsible. *Business Insider* warned that DPRK involvement would make the incident “a potential turning point in cyber warfare.”

The DPRK had threatened “merciless retaliation” over the release of *The Interview*, a comedy in which the CIA asks two Americans to assassinate North Korea’s leader. *Bloomberg* cited concurrence by Symantec and other cyber security professionals that the likely culprit was North Korea, possibly using agents outside the country and with DarkSeoul or Cholima group characteristics (responsible for the South Korean attacks earlier). While denying the attack, North Korea hailed it as a “righteous” act by individuals who sympathized with its cause. It also suggested a joint investigation with the US, swiftly rejected by Washington. On Dec. 19, President Obama credited North Korea with the attacks and promised a “proportional” response. By year’s end, the United States had levied new sanctions against 13 senior DPRK officials and entities, including the main intelligence body. The US also may have engaged in counter-attacks, as the DPRK encountered some system failure with its thousand-plus Internet accounts, though

experts cautioned that apparent shutdowns also might have been a deterioration of the DPRK system or self-imposed closure. Some technology experts questioned whether a Sony insider had masterminded the attack on the company using the DPRK as a dupe, though those in doubt also acknowledged the private sector's lack of actionable intelligence and greater US government resources that would enable it to identify the real culprits.

US public opinion on Korea

The period also saw release of an important assessment on public sentiments regarding US-Korea relations. The Chicago Council on Global Affairs issued a [September 2014 survey](#), [Foreign Policy in the Age of Retrenchment](#), with results on Asian issues by Dina Smeltz and Craig Kafura. In his *Asia Unbound* blog, Council on Foreign Relations Senior Fellow Scott Snyder reviewed the results on Korea, noting a growing gap in US favorability toward the ROK (55 out of 100) vs. the DPRK (23 out of 100, a poll low). Despite slow-going in US diplomacy, 85 percent of Americans responding favor diplomacy over military options with the DPRK, with two-thirds supporting interdiction over the trafficking of nuclear materials. Forty-seven percent of Americans responding support US troops defending the ROK in the event of conflict, a record high since 1974.

Chronology of US-Korea Relations September-December 2014

Sept. 3, 2014: North Korean leader Kim Jong Un appears at a Pyongyang concert and is not seen again until mid-October.

Sept. 3, 2014: UN Security Council Resolution 1718 DPRK Sanctions Committee meets to consider the mid-term report of its Panel of Experts, with a recommendation that the DPRK's strategic rocket fire command and its head be subject to sanctions.

Sept. 3, 2014: US officials vow to "leave no stone unturned" to free three US citizens held by North Korea.

Sept. 6, 2014: DPRK fires three short-range missiles off its east coast.

Sept. 9, 2014: ROK Special Representative for Korean Peninsula Peace and Security Affairs Hwang Joon-kook arrives in Washington for three days of meetings with US Special Representative of the Secretary of State for North Korea Policy Glyn Davies.

Sept. 14, 2014: DPRK Supreme Court convicts Californian Matthew Todd Miller of "acts hostile to the DPRK while entering the territory of the DPRK under the guise of a tourist" and sentenced him to six years hard labor.

Sept. 15, 2014: DPRK submits its own report on its human rights situation, decrying “hostile forces” as behind the “false nature” of the UN Commission of Inquiry (COI) findings.

Sept. 15, 2014: ROK National Security Advisor Kim Kwan-Jin visits Washington and meets counterpart Susan Rice to discuss the Islamic State, missile defense, and OPCON transfer.

Sept. 17-18, 2014: ROK Chief of Office Planning and Coordination Ryu Je-Seung and Deputy Assistant Secretary of Defense for East Asia David Helvey lead the sixth round of the Korea-US Integrated Defense Dialogue (KIDD) to address OPCON transfer.

Sept. 21, 2014: ROK and US representatives meet in Vienna to discuss the 123 Civil Nuclear Energy Cooperation Agreement.

Sept. 23, 2014: Secretary of State John Kerry participates in a senior-level discussion with heads of state, UN officials, and NGO leaders calling attention to the ongoing, widespread and systematic human rights violations in the DPRK.

Sept. 23-24: ROK President Park Geun-Hye visits New York for the UN Climate Summit, UNGA Opening, and sideline discussion with NY-based NGO leaders. DPRK Foreign Minister Ri Su Yong attends the UNGA opening, the first such gesture in 15 years.

Sept. 26, 2014: In a [speech at the UN General Assembly](#), DPRK Foreign Minister Ri Su Yong states that the DPRK’s nuclear weapons are not a “bargaining chip” and that the Korean nuclear issue will be resolved with termination of the US hostile policy.

Sept. 28-Oct. 3, 2014: US Special Envoy for Six-Party Talks Sydney Seiler and US Special Representative for North Korea Policy Glyn Davies travel to Seoul, Beijing, and Tokyo.

Oct. 4, 2014: North Korea’s Hwang Pyong So and two other officials visit South Korea to attend the closing ceremonies of the 17th Asian Games in Incheon. They also meet South Korean Unification Minister Ryoo Kihl-jae and National Security Director Kim Kwan-jin, agreeing to resume high-level North-South dialogue.

Oct. 6, 2014: Assistant Secretary of State Daniel Russel and Assistant Secretary of Defense David Shear meet ROK Foreign Minister Yun Byung-se and Deputy Minister for Political Affairs Lee Kyung-soo in Seoul to discuss bilateral affairs and regional issues.

Oct. 7, 2014: Warships from the two Koreas exchange warning shots after a North Korean ship briefly violates the disputed Northern Limit Line in the West (Yellow) Sea.

Oct. 8, 2014: UN opens dialogue on an EU/Japan-led draft resolution on DPRK human rights violations, calling for referral of Kim Jong Un to the International Criminal Court (ICC).

Oct. 8, 2014: The Korea Society hosts a forum on *New Dynamics on Korea-China-U.S. Relations* in Seoul, featuring former Assistant Secretary of State James Kelly and senior Korean, Chinese, and US analysts.

Oct. 13, 2014: North Korean leader Kim Jong Un reappears in public after a 40-day absence and with cane in hand visits a new residential district for scientists and the State Academy of Sciences Natural Energy Institute.

Oct. 16, 2014: US-ROK Defense Industry Consultative Committee (DICC) conducts its 23rd meeting aimed at developing US-ROK industry dialogue in Arlington, VA.

Oct. 20-24, 2014: US and ROK navies conduct their annual *Clear Horizon* exercise designed to increase interoperability in mine countermeasures operations. *Clear Horizon* is one of 20 annual bilateral training exercises aimed at strengthening the alliance.

Oct. 20, 2014: DPRK Ambassador to the United Nations Jang Il Hun offers a defense of human rights in North Korea at the Council on Foreign Relations.

Oct. 21, 2014: North Korea frees US detainee Jeffrey Fowle.

Oct. 23, 2014: Defense Secretary Chuck Hagel and Defense Minister Han Min-koo lead the 46th annual US-ROK Security Consultative Meeting (SCM) in Washington, DC.

Oct. 23, 2014: George W. Bush Presidential Center in Dallas hosts a discussion with North Korean refugees and private sector and public service leaders on ways to improve the human rights situation in the DPRK.

Oct. 24, 2014: Defense Secretary Hagel, Defense Minister Han, Secretary of State Kerry and Foreign Minister Yun affirm the US-ROK bilateral relationship and Mutual Defense Treaty in a third ‘2+2’ ministerial meeting.

Oct. 24, 2014: Mark Lippert sworn in as the new US ambassador to Korea by Secretary Kerry. Lippert departs for Seoul on Oct. 28.

Oct. 24, 2014: The ROK joins the US in not attending China’s newly launched Asia Infrastructure Investment Bank (AIIB) launch. The ROK joining as a founding member was a matter of contention.

Oct. 27, 2014: DPRK offers UN Special Rapporteur Marzuki Darusman the possibility of traveling to North Korea on the sidelines of a UNGA discussion.

Oct. 27, 2014: US Special Envoy for the Six-Party Talks Sydney Seiler arrives in Seoul to participate in the first high-level meeting of the Northeast Asia Peace and Cooperation Initiative (NAPCI). Seiler meets ROK Director General for DPRK Nuclear Affairs Shin Chae-hyun.

Oct. 29, 2014: Carnegie Middle East Center and Duyeon Kim release [*Beyond the Politics of the US-South Korea 123 Agreement*](#).

Nov. 6, 2014: Sung Kim is named US special representative for North Korea policy and deputy assistant secretary of state for Korea and Japan.

Nov. 8, 2014: North Korea releases US detainees Kenneth Bae and Matthew Todd Miller to Director of National Intelligence James Clapper at the conclusion of a two-day visit.

Nov. 18, 2014: UNGA Third Committee votes 111-19 for passage of a resolution submitting the COI report to the UNSC and urging UNSC referral of DPRK leadership to the International Criminal Court. DPRK threatens to retaliate with a fourth nuclear test.

Nov. 24, 2014: Sony Pictures Entertainment in California fall victim to a cyberattack claiming 11 terabytes of data (including several films), with immediate suspicion of North Korea as the provocateur.

Dec. 3, 2014: ROK Presidential Committee for Unification Preparation delegation led by Vice Chair Chung Chong-wook visits the US.

Dec. 8, 2014: ROK Unification Minister Ryoo Kihl-jae visits New York and Washington, DC.

Dec. 9, 2014: DPRK media condemns US “mulling” UNSC referral of its leadership to the ICC.

Dec. 15, 2014: US Trade Representative Michael Froman and South Korean Trade Minister Yoon Sang-jick convene the third meeting of the KORUS Joint Committee.

Dec. 19, 2014: President Obama blames the DPRK for the cyberattacks on Sony Pictures Entertainment and vows “proportional responses.”

Dec. 22, 2014: Following the overwhelming UNGA vote, UN undersecretary general for political affairs and assistant secretary general for human rights briefs UNSC members on “The Situation in the DPRK” at Australia’s initiation.

Dec. 27, 2014: DPRK media condemns ROK for support of the UNGA resolution condemning DPRK human rights abuses and promising a “high price.”

Dec. 31, 2014: ROK President Park Geun-hye vows an “actual and detailed” foundation for unification to end the 70-year division of the Peninsula in her New Year’s message.

Jan. 1, 2015: DPRK leader Kim Jong Un suggests resumption of “highest-level” inter-Korean dialogue in his New Year’s address, receiving a positive, though cautious, response in the ROK.