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Kim Jong Nam's Death: What It Means For Malaysia

By David Han and Shawn Ho

Synopsis

Two months since the death of North Korean Kim Jong Nam at the Kuala Lumpur International Airport, investigations continue into who orchestrated the attack. What are the implications of this case for Malaysian foreign policy and domestic politics?

Commentary

ON 13 FEBRUARY 2017, Kim Jong Nam, the half-brother of North Korea's leader Kim Jong Un, died at Kuala Lumpur International Airport 2 after he was poisoned by two women, from Vietnam and Indonesia, allegedly with the deadly VX nerve agent. Their suspected accomplices were eight North Koreans, four of whom departed Malaysia while three stayed in the North Korean embassy. Another suspect, Ri Jong Chol, was arrested but later released due to a lack of evidence. The three who were in the embassy departed for North Korea on 31 March 2017 together with Kim Jong Nam's body after it was released from the mortuary. This was done in an apparent swap deal for nine Malaysians who were (till then) not allowed to leave North Korea.

The North Korean government initially refuted the Malaysian claim that the dead person was Kim Jong Nam, asserting that he was a person named Kim Chol as stated in his diplomatic passport, and that he died of a heart attack. This whole episode has domestic and foreign policy implications for Malaysian Prime Minister Najib Razak. It has also highlighted the deft and sensitive approach that Malaysia has taken to handle this incident. The return of the nine Malaysians to Malaysia has helped to significantly improve Prime Minister Najib's standing among Malaysians.

Domestic Implications for Najib

As Prime Minister Najib's popularity in Malaysia had been dented in recent years by domestic challenges such as the 1MDB scandal, he has sought to turn around every possible opportunity on the foreign policy front to his advantage. One unintended consequence of this episode is that it boosted his popularity as well as that of his Barisan National government. It also indicates that Prime Minister Najib places high emphasis on domestic considerations in his foreign policy decision-making to the extent that he is willing to be flexible and pragmatic to achieve his foreign policy goals.

The manner in which the Malaysian authorities went about swiftly to investigate this complex case has also reflected well on Najib's government. From the police to the diplomats and ministers, they have all conducted the investigations in a transparent and open manner, regularly communicating updates to the media and public in this high-profile case that has captured global attention.

Malaysia's Careful Approach

Malaysia's sensitive approach to the investigations has been laudable. Malaysian authorities did not jump to any conclusions: not once did any Malaysian official declare or conclude that the North Korean state was behind the death of Kim Jong Nam since investigations are still ongoing.

Even when the North Korean suspect Ri Jong Chol was arrested on suspicion that he was the driver of the other North Korean suspects to the airport and was somehow involved in the case given his background as a chemist, he was released after questioning over two weeks.

Similarly, the three North Koreans, who were housed in the North Korean Embassy, were also allowed to leave Malaysia after questioning by the Malaysian authorities. They were satisfied with the statements given by the three North Koreans, declaring they played no role in the death of Kim Jong Nam.

The only significant action meted out on the diplomatic front was to declare the North Korean Ambassador to Malaysia *persona non grata* (a Latin phrase which literally means "an unwelcome person") for his remarks that Malaysia's handling of the investigations could not be trusted.

Under Prime Minister Najib, Malaysia has tended to avoid conflicts in its foreign relations with other countries. It has emphasised the use of diplomacy rather than confrontation to resolve difficult bilateral disputes as in the recent negotiations with North Korea.

Malaysia has also refused to break diplomatic ties with North Korea. Unless North Korea engages in an act which severely threatens Malaysia's national interests such as its security, sovereignty, or territorial integrity, Malaysia is unlikely to break off relations with North Korea. In short, Malaysia's overall approach in managing this case shows its deftness in diplomacy in that it will not allow a single dispute to threaten its overall bilateral relations with other countries.

Impact on Malaysia's Ties with Indonesia and Vietnam

Given that the remaining four North Korean suspects are likely to be back in Pyongyang, it is uncertain how the legal proceedings and criminal investigation by the Malaysian authorities will proceed.

If the Malaysian courts conclude that the two women from Indonesia and Vietnam are guilty of the killing of Kim Jong Nam and therefore liable for the death penalty, this could bring a backlash from Indonesia and Vietnam. This is due to the view that the two women were tricked into the "prank" and they had no idea that it would result in the death of the man who was later confirmed to be Kim Jong Nam.

Soon after the arrest of the two women suspects, the governments of Indonesia and Vietnam sought access to their citizens who were under Malaysian custody. However, Malaysia rejected their requests as investigations were still in the initial phase. Subsequently, after meetings between their foreign ministers at the ASEAN Foreign Ministers' Meeting (AMM) in the Philippines, Malaysia allowed Indonesia and Vietnam access to their citizens on 25 February 2017.

Additionally, Indonesia and Vietnam have pledged their commitment to provide legal assistance to the two women suspects. Indonesian and Malaysian police forces have been cooperating in the case, while Vietnamese authorities have been working with Malaysia to clarify information on Kim Jong Nam's murder.

Such developments appear to indicate that Malaysia, Indonesia and Vietnam have been mindful not to allow this incident to sour their bilateral relations since the focus should still be on determining the mastermind behind the killing of Kim Jong Nam.

One positive outcome of this whole episode is that it could serve as an impetus for Malaysia to engage in further cooperation with Indonesia and Vietnam to pay more attention to threats from weapons of mass destruction (WMD) and unconventional subterfuge since this incident could have happened anywhere else in Southeast Asia.

It remains to be seen how this case would be fully resolved given the remaining unanswered questions and uncertainties. What happens next in the investigations may have implications for Malaysian domestic politics and the country's relations with Indonesia and Vietnam.

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