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North Korea Throws Down Missile Gauntlet

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North Korea's launch of a long-range Taepo Dong-2 missile is a direct challenge not just to the United States but to the international community's resolve to confront threats to regional stability. U.N. Resolutions 1695 and 1718 unambiguously prohibited Pyongyang from launching a missile or "satellite." Indeed, even the continued existence of North Korea's missile programs is itself a violation that international timidity has allowed to proceed unaddressed.

North Korea's defiance represents the first foreign policy test of whether the Obama Administration's actions will match its strong rhetoric. President Barack Obama and Secretary of State Hillary Clinton have described the beginnings of a firm and principled approach to North Korea, including the need to impose additional sanctions if Pyongyang does not fully comply with its commitments. The U.S. response to North Korea's missile provocation must send a strong signal that Pyongyang cannot continue to benefit from brinkmanship and military threats.

If the United Nations Security Council wants to salvage any credibility for its resolutions and to uphold the tenet of nonproliferation, it has no choice but to fully enforce the existing resolutions. It must also pass a follow-on agreement that contains stronger punitive measures and allow the use of all tools—including sanctions and military force—to target North Korean and other nations' companies and government organizations that have violated the U.N. resolutions.

Pyongyang's launch is a tangible manifestation of the continuing threat that ballistic missiles pose to

the United States and its allies. North Korea's overflight of Japan with a Taepo Dong-1 missile in 1998 galvanized Japanese support for missile defenses—support affirmed by Pyongyang's attempted 2006 launch of a Taepo Dong-2. Today's missile flight should similarly serve as a catalyst for the Obama Administration to maintain efforts to deploy U.S. missile defense systems.

Pyongyang Claims "Satellite" Is Not Violation.

The launch is a clear violation of the two resolutions passed by the U.N. Security Council, which "demands that the DPRK not ... launch a ballistic missile [and] decides that the DPRK shall suspend *all activities* related to its ballistic missile program [and] abandon [its] ballistic missile program in a complete, verifiable, and irreversible manner." Although North Korea claimed its 1998 Taepo Dong-1 missile launch was a civilian satellite, U.N. Resolution 1695 instead assessed the event as having "launched an object propelled by a missile."¹

By characterizing the launch as a civilian satellite, North Korea is attempting to minimize negative repercussions from this provocative act. Indeed, China and Russia may use this obfuscation to justify resistance to a strong U.N. Security Council response. But mastering the difficult multi-stage capabilities of

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a satellite launch and ballistic missile are technologically identical: The same missile that can be used to launch a satellite can also deliver a nuclear warhead.¹

How the U.S. Should Respond. The Obama Administration and Congress should enact a three-fold response to North Korea's blatant violation of U.N. resolutions:

1. Implement punitive sanctions.

- Demand that all U.N. member nations fully implement existing U.N. resolution requirements to prevent North Korea's procurement and export of missile- and WMD-related items and technology and freeze the financial assets of any involved North Korean or foreign person, company, or government entity. Any nation that does not implement the resolution would also be subject to its sanctions.
- Coordinate a multilateral effort of financial, military, law enforcement, and intelligence organizations to sanction North Korean and other foreign companies and government entities that are involved in North Korean missile and WMD development and proliferation.
- Submit a new U.N. Security Council resolution invoking Chapter VII, Article 42 of the U.N. charter, which allows for enforcement by military means. In 2006, China insisted that U.N. Resolutions 1695 and 1718 adopt the weaker Article 41 provisions.² Other measures that should be considered are those initially proposed by the U.S. and Japan in 2006, including a ban on transit of North Korean ships and planes, an embargo on North Korean exports, and a 30-day deadline for North Korean compliance.

- Enforce U.S. law, including Section 311 of the USA PATRIOT Act, against North Korean illicit activities such as currency counterfeiting, money laundering, production and distribution of illegal drugs, and counterfeit pharmaceuticals. It was a grave mistake of the Bush Administration to allow Pyongyang to dictate an abrogation of enforcing U.S. and international laws in return for North Korea's return to the six-party talks.

2. Continue U.S. and allied missile defense development and deployment.

- Give U.S. Standard Missile-3 sea-based missile defense interceptors the ability to intercept long-range missiles in the ascent phase of flight before it releases decoys that may confuse or overwhelm the defense.
 - Recognize that, because long-range missiles spend a majority of their flight times in space, space-based interceptors constitute the most effective and reliable way to counter future generation missiles that North Korea or other nations may develop. Congress should call on the Obama Administration to prepare space-based missile defense interceptors by constructing a space test bed for missile defense.
 - Call on South Korea to deploy a multi-layered missile defense system that is interoperable with a U.S. regional missile network. In the past, South Korea's progressive administrations have been hesitant to do so for fear of aggravating Pyongyang and endangering Seoul's engagement policy.
- 3. Augment non-proliferation efforts.*
- Urge South Korea and China to join the Proliferation Security Initiative (PSI) to better defend

1. United Nations Security Council Resolution 1695, July 15, 2006, at <http://www.un.org/News/Press/docs/2006/sc8778.doc.htm> (March 23, 2009); U.N. Resolution 1718, October 14, 2006, at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/572/07/PDF/N0657207.pdf?OpenElement> (March 23, 2009).

2. Article 41 stipulates: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

Article 42 stipulates: "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." See United Nations, "Charter of the United Nations," at <http://www.un.org/aboutun/charter/chapter7.shtml> (March 27, 2009).

against North Korean proliferation of missile- and WMD-related technology and components. Pyongyang's assistance to Syrian construction of an undeclared nuclear reactor showed the potential danger of nuclear proliferation. Similarly, the U.S. invoking PSI in late 2008 to request that India prevent a North Korean flight from Burma to Iran shows Washington believes Pyongyang remains an active proliferator.

Rhetoric or Resolve? During the presidential campaign, then-Senator Joseph Biden prophetically warned, "Mark my words: It will not be six months before the world tests Barack Obama like they did John Kennedy. ... We're gonna have an international crisis, a generated crisis, to test the mettle of this guy."³ North Korean leader Kim Jong-il took up the challenge by launching a Taepo Dong missile.

In 2008, presidential candidate Obama stated that "sanctions are a critical part of our leverage to pressure North Korea to act. They should only

be lifted based on performance. If the North Koreans do not meet their obligations, we should move quickly to re-impose sanctions that have been waived, and consider new restrictions going forward."⁴

The U.S. and indeed the world now wait to see whether President Obama's strong rhetoric will be backed up by firm resolve to confront North Korea's defiance of the international community. The ramifications of Obama's response go far beyond the Korean Peninsula. After all, it was President Kennedy's disastrously weak performance during a 1961 meeting with Nikita Khrushchev that inspired the Soviet leader to engage in the Berlin Crisis and the Cuban Missile Crisis.

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3. "Biden to Supporters: 'Gird Your Loins', For the Next President 'It's Like Cleaning Augean Stables,'" ABC News The Radar, October 20, 2008, at <http://blogs.abcnews.com/politicalradar/2008/10/biden-to-suppor.html> (March 16, 2009).
4. Jonathan Ellis, "McCain and Obama on North Korea," *The New York Times*, June 26, 2008, at <http://thecaucus.blogs.nytimes.com/2008/06/26/mccain-and-obama-on-north-korea> (March 16, 2009).