

# ISSUE BRIEF

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## North Korean Missile Launch Demands Strong U.S. Response

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North Korea defied international pressure and launched its Unha-3 missile on April 12. U.S. and South Korean officials indicate that the missile failed several minutes after launch. Although Pyongyang had characterized the launch as that of a peaceful civilian satellite, it is a blatant violation of existing U.N. Security Council (UNSC) resolutions that preclude any launch using “ballistic missile technology.” In addition, South Korean intelligence officials told reporters that satellite imagery showed Pyongyang may also be in the “final stages” of preparations for another nuclear test.

The United States should press for another UNSC condemnatory statement that closes existing loopholes and imposes additional sanctions on North Korea. Ensuing escalating international tensions from Pyongyang’s missile launch and

likely follow-on nuclear test could even spur North Korean leader Kim Jong-un to undertake more provocative military actions. The new, untested dictator is more likely than his father Kim Jong-il to miscalculate during a crisis, unaware that Seoul is more likely to retaliate to a military clash than in the past.

North Korea’s actions are taking place as the Obama Administration is failing to adequately resource its much-vaunted Asia pivot. Drawdowns in U.S. forces in Europe and Afghanistan are not shifting to address growing Asian threats—a case of robbing Peter to *not* pay Paul. The planned cuts to the U.S. military undercut Washington’s ability to fulfill its security commitments, even as North Korea and China are acting more assertively.

### **Bringing the Issue to the U.N.**

South Korea declared on April 10 that it would respond to the North Korean launch by immediately convening a meeting of the U.N. Security Council—chaired by the U.S. this month—to urge another resolution against Pyongyang. A South Korean official said, “We seek the adoption of a resolution that is one notch stronger than a chairman’s statement. It won’t be easy, but we’re

making preparations under the view to taking the highest level of countermeasures.”<sup>1</sup>

Previously, the UNSC responded to North Korea’s July 2006 long-range missile launch by approving U.N. Resolution 1695, but only issued a chairman’s statement after Pyongyang’s April 2009 long-range missile launch. The U.N. also passed Resolutions 1718 and 1874 after North Korea’s nuclear tests in 2006 and 2009.

The principal stumbling block at the United Nations will be China, which pursues an ambivalent policy toward North Korea—displeased with Pyongyang’s antics but unwilling to rein in its belligerent ally. U.S. diplomats will be uncertain about which China shows up in New York—either the China of 2006 and 2009, which was willing to approve punitive U.N. resolutions against Pyongyang in response to its earlier missile and nuclear tests, or the China of 2010, which obstructed an international response to two North Korean attacks on South Korea.

During his Asia trip in March, President Obama urged China to ratchet up pressure on North Korea. Washington must make clear to Beijing that continuing to obstruct a

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resolute international response will only engender more North Korean belligerence and a stronger allied response—neither of which is in China’s strategic interests. Although China expressed “deep concern” and urged North Korea to refrain from the missile launch, Beijing will most likely continue to act like North Korea’s defense attorney, calling for mutual restraint and a return to negotiations as if all parties were equally guilty.

**Another Nail in the Coffin of Engagement.** The launch not only pulls the plug on a recent bilateral U.S.–North Korean agreement but also makes any return to negotiations unlikely for the foreseeable future, particularly during a U.S. election year. North Korea’s provocations in 2009—after the Obama Administration had extended an open hand of dialogue—and the regime’s undermining of the latest agreement have increased skepticism over the viability of diplomatic deals with Pyongyang.

The Obama Administration was criticized for accepting a vaguely worded February 29 announcement from North Korea as the basis for a bilateral agreement, rather than insisting on a detailed joint document clearly delineating both sides’ commitments. In the Leap Day Agreement, North Korea promised a “moratorium on nuclear tests, long-range missile launches, and uranium enrichment activity at Yongbyon and [would] allow the IAEA to monitor the moratorium on uranium enrichment while productive dialogues continue.”<sup>2</sup> North Korea’s First Vice Foreign Minister Kim

Gye-gwan asserted in a letter to U.S. Ambassador Glyn Davies that “the moratorium on long-range missile launch did not include our peaceful satellite launch and that provided us with a fundamental base for our deal.”

After North Korea announced on March 16 that it would launch a missile in mid-April, U.S. officials scrambled to defend the agreement, claiming that they had emphatically made clear to North Korean diplomats that a satellite launch would be a deal-breaker. The Obama Administration announced it would not deliver the promised 240,000 tons of nutritional assistance called for in the agreement, generating additional controversy over linking food aid explicitly to denuclearization objectives.

**What the U.S. Should Do.** In response to the North Korean launch, the U.S. should take the following steps.

- **Submit a new U.N. Security Council resolution requiring more extensive sanctions on North Korea for yet another U.N. resolution.** The new U.N. resolution should invoke Chapter VII, Article 42 of the U.N. Charter, which allows for enforcement by military means. This would enable naval ships to intercept and board North Korean ships suspected of transporting precluded nuclear, missile, and conventional arms, components, or technology. To date, China has insisted that U.N. resolutions adopt the weaker Article 41 provisions.

- **Demand that all U.N. member nations fully implement existing U.N. resolution requirements** to prevent North Korea’s procurement and export of missile-related and WMD-related items and technology, and freeze the financial assets of any involved North Korean or foreign person, company, or government entity. Any violating government, business, bank, or individual should be subject to sanctions.
- **Washington should implement a comprehensive program to independently impose U.S. sanctions on any company, bank, or government agency complicit in North Korean proliferation.** Washington should also lead a multilateral initiative calling on other nations to similarly target North Korean and foreign proliferators as well as those engaged in North Korean illegal activities, such as currency counterfeiting and drug smuggling.
- **Maintain a robust forward-deployed military presence in South Korea and Japan.** The U.S. should augment joint training exercises with South Korea and Japan, including U.S. combat units deployed from the United States and U.S. forward bases in Asia.
- **Fully fund U.S. defense requirements.** Reducing U.S. military capabilities undercuts America’s ability to defend its allies, deter security threats, and respond quickly to aggressive actions or natural disasters in

1. “S.Korea to Convene UN Security Council if NK Launches Rocket,” The Dong-a Ilbo, April 11, 2012, <http://english.donga.com/srv/service.php3?biid=2012041130038> (accessed April 12, 2012).

2. Erich Weingartner, “Results of DPRK-USA Talks as Announced by the DPRK Foreign Ministry,” CanKor, February 29, 2012, <http://vtncankor.wordpress.com/2012/02/29/results-of-dprk-usa-talks-as-announced-by-the-dprk-foreign-ministry/> (accessed April 12, 2012).

Asia. The cuts announced thus far are damaging enough. The United States cannot possibly cut defense spending by the additional half-trillion dollars mandated under sequestration and still maintain necessary levels of deterrence and defense commitments to Asia.

- **Continue missile defense development and deployment, and call on South Korea to deploy a multi-layered missile defense system that is interoperable with a U.S. regional missile network.** Although the Lee Myung-bak government has indicated greater interest in such a system than previous liberal governments, Seoul has yet to make necessary decisions to begin implementation.

- **Approve Seoul's request to extend the permissible limits on its missile development beyond the current 300-kilometer range restriction.**

**Strengthen U.S. Defense and Put Pressure on North Korea.**

Despite the failure of North Korea's attempted missile launch, it remains a violation of several U.N. resolutions. Washington should not let Pyongyang's less than stellar missile performance hinder taking the issue to the United Nations. Failing to do so would undermine international attempts to moderate North Korean behavior.

The United States must ensure that it maintains sufficiently robust military forces in Asia to deter and defend against the

multifaceted North Korean security threat. Washington should also continue contingency planning with its allies for potential instability in North Korea. Although the missile failure by itself will not imperil Kim Jong-un's hold on power, additional missteps could eventually lead other members of the leadership elite to question whether the new North Korean leader is up to the task.

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