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North Korea Nuclear Test: Time for U.S. and U.N. to Get Serious on Sanctions

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North Korea has again openly defied the international community, first by launching a rocket in violation of United Nations resolutions and then threatening those that seek to punish—however meekly—the regime for its transgressions. Yet the United States and the U.N. remain reluctant to fully implement measures to make sanctions more effective. This policy timidity emboldens Pyongyang to continue expanding and improving its nuclear weapons and missile delivery arsenal.

The time to impose more effective sanctions—though long overdue—is particularly opportune now as North Korea is poised to conduct another nuclear test and South Korea’s incoming President Park Geun-hye has offered an open hand of dialogue.

The U.S. should make clear to North Korea—and its principal defender, China—that another nuclear test would doom nascent

inter-Korean reconciliation and lead to further allied military measures that neither Pyongyang nor Beijing wants. Yet such necessary military steps are themselves threatened by additional draconian cuts to the U.S. defense budget. Further military reductions would degrade U.S. deterrent and defense capabilities and undermine President Obama’s much-vaunted—and over-hyped—Asian “pivot” strategy.

Another Timid U.N. Response. The U.N. Security Council unanimously condemned North Korea’s December 2012 rocket launch by issuing a new resolution. The council demanded “immediate compliance” by North Korea but refused to implement the means to do so. The council admitted that, despite its efforts, North Korea continued to transfer cash and prohibited items but hollowly vowed its “determination to take significant action” in the event North Korea did so again.

The Security Council pledged that it is “prepared to strengthen, modify, suspend or lift the measures as may be needed in light of [North Korea’s] compliance,” even though it did nothing of any consequence to punish the regime for yet another violation. The only tangible result of the new resolution was that 10 additional

North Korean entities were added to the sanctions list. Yet last April, Washington and Seoul requested 40 new entities, only to be rebuffed by Beijing in all but three. China also impeded a U.N. expert group report that concluded that North Korea continues to proliferate nuclear and missile items through a network of front companies.

U.S. Ambassador to the U.N. Susan Rice described this timid squeak of U.N. indignation as demonstrating to North Korea “that there are unanimous and significant consequences [and] an increasingly steep price to pay” for repeatedly violating U.N. resolutions. Ambassador Rice also claimed that the resolution “concretely help[s] to impede the growth of North Korea’s WMD [weapons of mass destruction] program and reduce the threat of proliferation.”

North Korea Threatens Response. Pyongyang issued four successive statements in response to the U.N. resolution. North Korea declared that the Six-Party Talks as well as the 1992 inter-Korean denuclearization agreement “were rendered null” and that there will be “no talks for the denuclearization of the peninsula.” In 2009, Pyongyang abrogated all inter-Korean

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agreements as well as the armistice ending the Korean War.

North Korea vowed to continue missile tests and to conduct a “high-level” nuclear test. The powerful National Defense Commission announced that the “various satellites and long-range rockets that we will fire and the high-level nuclear test we will carry out are targeted at the United States.” Pyongyang also threatened “strong physical countermeasures” against South Korea if it participates in sanctions. In 2010, Pyongyang twice attacked South Korea, killing 50 citizens.

China Part of the Problem. New Chinese leader Xi Jinping declared North Korean nuclear weapons were “intolerable,” while Chinese officials claim that Beijing’s support for denuclearization will put “considerable pressure” on North Korea. Yet China has repeatedly obstructed meaningful U.N. actions by insisting on toothless resolutions and minimal enforcement. Beijing even prevented any U.N. response to North Korea’s two acts of war against South Korea in 2010 and its disclosure of a uranium enrichment facility, which violated U.N. resolutions.

China also undermines any incentive for Pyongyang to return to the Six-Party Talks by engaging economically with North Korea. Rather than facing the conditionality of the nuclear negotiations, the belligerent regime can get what it needs from China through direct assistance and bilateral trade while avoiding fulfilling its denuclearization commitments.

Time to Act Unilaterally

Since the U.N. has been reluctant to impose measures, the U.S. should unilaterally:

- Insist that the next U.N. resolution—to be implemented after a North Korean nuclear test—include 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.
- Demand that all U.N. member nations fully implement U.N. resolution requirements to prevent North Korea’s procurement and proliferation of missile- and WMD-related items and technology.
- Publicly identify all North Korean and foreign banks, businesses, and government agencies suspected of violating U.N. resolutions.
- Freeze and seize the financial assets of any involved North Korean and foreign person, company, or government entity violating U.N. resolutions and U.S. or international law.
- Call upon foreign banks, businesses, and governments to reciprocate U.S. actions against North Korean and foreign violators.

- Lead an international effort against North Korean illegal activities, including currency counterfeiting and drug smuggling. U.S. law enforcement actions in 2005 against Pyongyang’s accounts in Banco Delta Asia were highly effective, but they were later abandoned in acquiescence to North Korean demands to “improve the atmosphere” for nuclear negotiations.

U.S. Losing Ground. The U.S. is losing ground in its efforts against the North Korean threat. Last month’s successful North Korean rocket launch was a huge leap forward in its decades-long quest to threaten the U.S. with a nuclear weapon. North Korean officials privately claim that Pyongyang already has the capability to reach the U.S. with nuclear-tipped missiles. After examining the recovered North Korean missile, Seoul estimated that it could have reached the West Coast of the U.S.

The Obama Administration should overcome its reluctance to impose more extensive punitive measures against Pyongyang as well as the foreign entities that assist its nuclear and missile programs. It should also make clear to the new Chinese leadership that continued sheltering of its recalcitrant ally only increases the potential for a crisis on the Korean Peninsula.

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