

ISSUE BRIEF

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North Korean–Cuban Arms Shipment Shows Need to Tighten Sanctions

Bruce Klingner

Even by North Korean standards, the story was odd. To a world used to North Korean exports of weapons, the seizure of a North Korean ship carrying arms from Cuba was unique. Pyongyang’s attempted transshipment of antiquated weapons revealed much about the North Korean regime.

First, Pyongyang clearly continues to violate multiple United Nations Security Council (UNSC) resolutions. Second, the U.N. sanctions are hurting North Korean finances, forcing the impoverished regime to scramble for cash. Third, the U.N. resolutions continue to have loopholes that must be rectified.

The *Chong Chon Gang*. Panamanian authorities seized the North Korean freighter *Chong Chon Gang* for attempting to transport Cuban SA-2 surface-to-air missiles and MIG-21 fighter planes. Havana quickly admitted the arms shipment, declaring that the weapons were to be refurbished by North Korea and returned to Cuba. The explanation is plausible, since North Korea already has an extensive air defense network and would not need the Cuban weapons.

The arms shipment is consistent with previous North Korean behavior of shipping arms and

contraband. Several North Korean freighters made similar trips to Cuba in recent years and may have been carrying weapons, though none was inspected. The *Chong Chon Gang* is registered to North Korea’s largest state-owned shipping company and was previously detained by Ukraine in 2010 for carrying narcotics.

The North Korean–Cuban military contract is one component of an extensive effort by Pyongyang to gain desperately needed cash and resources. Besides arms trades, the North Korean government is involved in counterfeiting foreign currencies, producing and distributing illegal narcotics and counterfeit pharmaceuticals, and even insurance scams.

Although the obsolete Cuban Missile Crisis-era weapons pose no military threat, their transshipment is a violation of UNSC resolutions. The resolutions are directed primarily at impeding North Korea’s nuclear and ballistic missile programs, but they also prohibit North Korean export or import of conventional arms. UNSC Resolution 1718 directs all nations to “prevent the direct or indirect supply, sale or transfer to [North Korea of] any battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems including spare parts.”

The UNSC established a Panel of Experts to review member countries’ implementation of UNSC resolutions imposed on North Korea. In June 2013, the panel concluded that North Korea has continued to defy the international community by importing and exporting missile- and nuclear-related items. The panel also concluded that the vast majority of violations are movements by sea, though it is uncertain whether there are fewer movements of illicit

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The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

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cargo by air or whether illicit air transfers are more difficult to pinpoint.

Judging the Effectiveness of Sanctions.

Critics of U.N. and U.S. sanctions frequently question their effectiveness, since they have not yet forced Pyongyang to abandon its nuclear and missile programs. But neither did repeated bilateral and multilateral efforts at negotiation and unconditional engagement. Adopting such a narrow viewpoint overlooks the multifaceted utility of sanctions:

- They send a strong signal that the global community will uphold U.N. resolutions. If laws are not enforced and defended, they cease to have value.
- They show that there are consequences for defying international agreements by imposing a heavy penalty on violators.
- They constrain North Korea's ability to acquire the components, technology, and finances to augment and expand its arsenal.
- They impede North Korean nuclear, missile, and conventional arms proliferation.
- In conjunction with other policy tools, they seek to modify North Korean behavior.

The U.N. Panel of Experts concluded that “while the imposition of sanctions has not halted the development of nuclear and ballistic missile programs, it has in all likelihood considerably delayed the [North Korean] timetable...choked off significant funding which would have been channeled into its prohibited activities [and] hampered its arms sales and illicit weapon programs. The resolutions are also crucial in preventing the country from exporting sensitive nuclear and missile technology.”

While the panel was “highly confident that the financial measures of the resolutions are in general being effectively implemented by major banks,” implementation is less effective in countries with weaker regulations, creating gaps that North Korea exploits.

Little Likelihood of U.N. Action. Although the North Korean shipment is another violation of U.N. resolutions, it is unlikely that there will be any meaningful U.N. response. The weapons were

unsophisticated and old, no nuclear technology was involved, and they were not destined for Iran. These facts will elicit little action other than perhaps adding a few new entities to the sanctions list.

In the past, China—consistently acting like North Korea's defense lawyer in the UNSC—has allowed minimalist responses to North Korean nuclear tests, less for ballistic missile tests, and no action at all after previous North Korean conventional arms shipments were intercepted. Beijing even obstructed any U.N. response to North Korea's two acts of war against South Korea in 2010.

Closing the Loopholes. Although the intercepted arms shipment was a relatively minor violation, Washington should use the incident to insist that all nations fully implement U.N. sanctions. Pyongyang clearly continues to defy the international community, and action should be taken to prevent North Korean procurement and export of missile- and nuclear-related components.

The Obama Administration should press the UNSC to close the loopholes in existing resolutions, such as by adding measures to enable military means to enforce the sanctions. Current resolutions do not give naval and law enforcement agencies the authority to board and inspect North Korean ships on the high seas, even if suspected of carrying nuclear technology or ballistic missiles. Doing so would prevent recurrences of the *Kang Nam* and *M/V Light* incidents of 2009 and 2011, in which the U.S. Navy was prevented from boarding North Korean ships suspected of being engaged in proliferation.

To this end, the U.N. should add U.N. Charter Chapter 7, Clause 42 authority to the U.N. resolutions against North Korea rather than the existing weaker Clause 41.

An Impetus to Action. Panama should be commended for inspecting and seizing the North Korean ship for violating U.N. resolutions. While shipment of obsolete weapons might be dismissed as insignificant, the incident underscores North Korea's continued efforts to circumvent international measures to constrain its nuclear and missile programs and illicit activities. The incident should be an impetus to addressing shortcomings in existing resolutions.

—*Bruce Klingner is Senior Research Fellow for Northeast Asia in the Asian Studies Center at The Heritage Foundation.*