

BACKGROUND

No. 3011 | APRIL 20, 2015

Respond Cautiously to North Korean Engagement Offers

Bruce Klingner

Abstract

In what is now something of an annual rite on the Korean Peninsula, 2015 dawned with perceived “signals” of North Korea’s supposed desire to resurrect diplomatic ties with the United States and South Korea. Some advocates of renewing such ties believe that the only way to constrain Pyongyang’s growing nuclear arsenal is to rush back to nuclear negotiations without insisting on preconditions. While the U.S. should remain open to diplomatic engagement, such an approach must be undertaken in conjunction with sanctions and targeted financial measures in response to North Korea’s violations of U.S. law and U.N. resolutions.

In what is now something of an annual rite on the Korean Peninsula, 2015 dawned with perceived signals of North Korea’s supposed desire to resurrect diplomatic ties with the United States and South Korea. Although these signals were met with predictions of another inter-Korean summit, Pyongyang’s offer to refrain from nuclear tests in return for a freeze on allied military exercises was quickly—and correctly—rejected. The regime subsequently added ever more preconditions, ultimately rejecting even the possibility of talks with either Washington or Seoul.

By late February, hopes of improved inter-Korean relations and a diplomatic resolution to the North Korean nuclear problem had, once again, dissolved. On the eve of the latest annual U.S.–South Korean military exercises in March, Pyongyang abandoned its charm offensive and threatened to wage a “merciless, sacred war” against the United States.

Some advocate that the only way to constrain Pyongyang’s growing nuclear arsenal is to rush back to nuclear negotiations without

KEY POINTS

- By proposing that it receive a benefit for not testing nuclear weapons, North Korea sought to be rewarded for doing what it was already obligated to do under U.N. Security Council resolutions.
- North Korea’s extensive requirements for security assurances and proof of U.S. non-hostile intent transcend, and are incompatible with, previously agreed-upon parameters of Six-Party Talks agreements.
- Pyongyang has demonstrated that nothing will satisfy its demands because it perceives nuclear weapons as the only way to prevent North Korea from becoming another Iraq, Yugoslavia, or Libya.
- While the United States should remain open to conditional diplomacy—based on principles of conditionality, transparency, and reciprocity—such efforts should be part of an integrated, comprehensive strategy utilizing all the instruments of national power.

This paper, in its entirety, can be found at <http://report.heritage.org/bg3011>

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

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

insisting on preconditions. But there is little utility to negotiations when Pyongyang rejects the core premise of such talks—North Korea’s abandonment of all its nuclear weapons and programs.

While the U.S. should remain open to diplomatic engagement, such an approach must be undertaken in conjunction with sanctions and targeted financial measures in response to North Korea’s violations of U.S. law and United Nations resolutions. Washington must also ensure sufficient defenses for itself and its allies against the growing North Korean military threat. Yet the Obama Administration has only weakly enforced U.S. laws, and underfunded America’s defense requirements, both of which have left the United States vulnerable.

Offering What It Doesn’t Have

In January, North Korea called on the United States to ease tensions on the Korean Peninsula by “temporarily suspending joint military exercises in and around South Korea this year, and [in return] the DPRK [Democratic People’s Republic of Korea] is ready to temporarily suspend the nuclear test over which the U.S. is concerned.”¹ The North Korean Deputy Ambassador to the U.N. hinted that “many things were possible” if the military exercises were cancelled this year.²

Seoul and Washington correctly rejected this proposal. Canceling the combined exercises would have degraded U.S. and South Korean deterrence and defense capabilities necessitated by North Korea’s previous invasions—terror attacks; its forward-deployed, offensively positioned military forces; and repeated threats of attacks, including nuclear strikes on the United States and its allies.

Furthermore, North Korea’s offer was, on its face, illegitimate, as Pyongyang was attempting to barter over something it does not legitimately possess. Numerous U.N. Security Council (UNSC) resolutions preclude North Korea from conducting any nuclear or ballistic missile tests. Specifically, in 2013, U.N. Resolution 2094 “condemn[ed] in the strongest possible terms” the last DPRK nuclear test, which

was in “violation and flagrant disregard” of the previous UNSC resolutions. The UNSC declared that the test constituted a challenge to the Nuclear Non-Proliferation Treaty (NPT) and international efforts at strengthening non-proliferation of nuclear weapons, and “posed a danger to peace and stability in the region and beyond.”³

By proposing that it receive a benefit for not testing nuclear weapons, North Korea sought to be rewarded for doing what it was already obligated to do under UNSC resolutions. Pyongyang claimed that its proposal was aimed at reducing tensions on the Korean Peninsula. But it would be far more effective if the regime:

- **Reduced or canceled** its own military Winter Training Cycle and Summer Training Cycle;
- **Refrained** from threatening tactical attacks against South Korea and nuclear annihilation of Washington, Seoul, and Tokyo;
- **Ceased** threatening constitutionally protected freedom of speech activities in South Korea and the United States;
- **Announced** its return to the armistice, the 1992 inter-Korean denuclearization agreement, pledges of non-aggression, and the Six-Party Talks—all of which Pyongyang declared in 2013 to be “null and void”;
- **Affirmed** its commitment to the goal of the Six-Party Talks, that is, the denuclearization of North Korea; and
- **Pledged** to comply with UNSC resolutions.

Pyongyang’s Conditional “Unconditional” Offers

In his New Year’s Day speech, Kim Jong-un declared it possible to

1. Jack Kim, “North Korea Offers to Suspend Nuclear Tests If U.S. Suspends Military Drills,” Reuters, January 10, 2015, <http://www.reuters.com/article/2015/01/10/us-northkorea-usa-drills-idUSKBNOKJ09F20150110> (accessed March 23, 2015).

2. Hong So Yeon, “NK’s U.N. Deputy Ambassador Urges Suspension of Military Drills,” *Daily NK*, January 14, 2015, <http://www.dailynk.com/english/read.php?num=12789&catald=nk00100> (accessed March 21, 2015).

3. United Nations, “Security Council Strengthens Sanctions on Democratic People’s Republic of Korea, in Response to 12 February Nuclear Test,” March 7, 2013, <http://www.un.org/press/en/2013/sc10934.doc.htm> (accessed March 21, 2015).

resume the suspended high-level contacts and hold sectoral talks if the South Korean authorities are sincere in their stand towards improving inter-Korean relations through dialogue.... And there is no reason why we should not hold a summit meeting if the atmosphere and environment for it are created.⁴

Yet his speech contained a clear prerequisite to holding such talks: The U.S. and South Korea would have to end their combined military exercises, which Kim labeled the “the root cause of the escalating tension on the peninsula and the danger of nuclear war facing our nation.” Kim declared: “There can be neither trustworthy dialogue nor improved inter-Korean relations in such a gruesome atmosphere in which war drills are staged against the dialogue partner.”⁵

As North Korea’s official *Nodong Shinmun* media affirmed, “Unless the South and the United States stop their nuclear war games aimed at a northward invasion, it is clear that no talks between the two Koreas or between North Korea and United States can progress.”⁶

Pyongyang subsequently made its offer of dialogue contingent on Seoul preventing its citizens from sending leaflets via balloons into North Korea, and revoking sanctions imposed in May 2010 after Pyongyang sank a South Korean naval ship, killing 46 sailors. North Korea condemned the balloon launches as an “intolerable provocation hurting the dignity of North Korea’s leadership” and warned a South Korean activist that he would “pay for his crimes in blood” if copies of the movie *The Interview*

were smuggled into the country.⁷ Additionally, the North Korean National Defense Commission threatened to “deliver ruthless punishment” and even warned Seoul not to “criticize” Pyongyang’s proposals for dialogue.⁸

Such threats are consistent with previous North Korean threats against South Korean constitutionally protected rights of freedom of expression and freedom of the press. In April 2013, North Korea predicated dialogue on Seoul both stopping, and apologizing for, public anti-North Korean demonstrations.⁹ The Korean People’s Army warned that, if the demonstrations continued, “[o]ur retaliatory action will start without any notice from now.”¹⁰ In April 2012, the regime threatened South Korean newspaper and TV stations with military attacks for their articles deemed to be insulting to the North Korean leadership.

Furthermore, the North Korean Committee for the Peaceful Reunification of Korea declared in January 2015:

If the South Korean government is sincerely interested in humanitarian issues [reunions of families separated during the Korean War], it should first remove the ban that was imposed for the purpose of confrontation.... Without solving this issue [sanctions], any kinds of talks, contacts, or exchanges are impossible.¹¹

Then the regime shut the door on dialogue completely. As Kim Jong-un declared in February, “We are unwilling to sit down with mad dogs anymore who keep howling that they are going to use the

4. “Kim Jong Un’s New Year Address,” KCNA, January 1, 2015, <http://www.kcna.co.jp/item/2015/201501/news01/20150101-21ee.html> (accessed March 24, 2015).

5. Ibid.

6. Ser Myo-ja, “Regime Again Calls for a Halt to Military Drills,” *Korea Joongang Daily*, January 19, 2015, <http://koreajoongangdaily.joins.com/news/article/Article.aspx?aid=2999812> (accessed March 21, 2015).

7. “North Korea Threatens to Reconsider Dialogue with South Korea,” Channel NewsAsia, January 22, 2015, <http://www.channelnewsasia.com/news/asiapacific/north-korea-threatens-to/1606654.html> (accessed March 21, 2015).

8. “N. Korea Sulks Over Talks Conditions,” *The Chosun Ilbo*, January 26, 2015, http://english.chosun.com/site/data/html_dir/2015/01/26/2015012601846.html (accessed March 21, 2015).

9. Kim Hee-jin, “Pyongyang Demands Apology Before Talks,” *Korea Joongang Daily*, April 17, 2003, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2970283> (accessed March 21, 2015).

10. Alastair Gale, “Pyongyang Rejects Bid for Dialogue,” *The Wall Street Journal*, April 16, 2013, <http://www.wsj.com/articles/SB10001424127887323346304578426552957772588> (accessed March 21, 2015).

11. “North Korea Says South Must Lift Sanctions Before Talks,” Channel NewsAsia, January 23, 2015, <http://www.channelnewsasia.com/news/asiapacific/north-korea-says-south/1610594.html> (accessed March 21, 2015).

method of change to bring down our socialist system.”¹² The National Defense Commission avowed:

It is the decision of the army and people of the DPRK to no longer have the need or willingness to sit at the negotiating table with the U.S. [Also] it is only too apparent that no major change or transformation could be achieved in inter-Korean relations even if we were to sit down a thousand times with such government officials.¹³

North Korea then warned that the United States “should be mindful that the time of nightmares is coming nearer when they will meet the most disastrous, final doom on the U.S. mainland [with] smaller, precision and diversified nuclear striking means [as well] as cyberwarfare capabilities.”¹⁴

“Treasured Sword” Not a Bargaining Chip

Not long ago, many experts blamed the George W. Bush Administration for the North Korean nuclear impasse. But Pyongyang’s equally obstreperous behavior toward President Barack Obama—including nuclear and missile tests despite U.S. offers of engagement—resulted in a belated epiphany that blame for the North Korean nuclear problem lies squarely with the regime itself.

Through words and actions, North Korea has made clear that it has no intention of abandoning the nuclear weapons programs it has pursued for 60 years:

- Minister of Foreign Affairs Ri S. Yong: “The nuclear deterrent of the DPRK is not intended to threaten or attack others, neither is it a bargaining chip to be exchanged for something else.”¹⁵
- The National Defense Commission: “Nothing would be more foolish than trying to force the army and people of the DPRK to lay down the treasured sword—nuclear weapons.”¹⁶
- The Korea Workers Party Central Committee decided in 2013 that “the nuclear weapons of [North] Korea are not goods for getting U.S. dollars and they are neither a political bargaining chip nor a thing for economic dealings to be... put on the table of negotiations aimed at forcing [North Korea] to disarm itself. [North Korea’s] possession of nuclear weapons shall be fixed by law and the nuclear armed forces should be expanded and beefed up qualitatively and quantitatively until the denuclearization of the world is realized.”¹⁷
- Kim Jong-un declared: “Our nuclear weapons are a precious asset common to the nation forever guaranteeing the thriving prosperity of a reunified fatherland. Our nuclear armed forces serve as a reliable war deterrent and as a guarantee for defending the sovereignty of the nation. Peace, and wealth and prosperity, as well as the people’s happy lives, rest upon powerful nuclear armed forces.”¹⁸

-
12. Son Won-je, “Kim Jong-un Says North Korea Isn’t About to Sit Down with ‘Mad Dogs,’” *The Hankyoreh*, February 2, 2015, http://www.hani.co.kr/arti/english_edition/e_northkorea/676421.html (accessed March 21, 2015).
 13. “U.S. Imperialists Will Face Final Doom: DPRK NDC,” KCNA, February 4, 2015, <http://www.kcna.co.jp/item/2015/201502/news04/20150204-02ee.html> (accessed March 21, 2015), and Son Won-je, “Propaganda Balloon Launches Again Presenting Obstacle to Inter-Korean Dialogue,” *The Hankyoreh*, January 9, 2015, http://www.hani.co.kr/arti/english_edition/e_northkorea/672915.html (accessed March 21, 2015).
 14. “U.S. Imperialists will Face Final Doom,” KCNA.
 15. Laurence Norman, “North Korea Says Nuclear Program Isn’t ‘Bargaining Chip,’” *The Wall Street Journal*, September 27, 2014, <http://online.wsj.com/articles/north-korea-says-nuclear-program-isnt-bargaining-chip-1411858575> (accessed March 21, 2015).
 16. “NDC Policy Department Blasts Park Geun Hye’s Anti-DPRK Invectives,” KCNA, September 27, 2014, <http://www.kcna.co.jp/item/2014/201409/news27/20140927-21ee.html> (accessed March 21, 2015).
 17. “Report on Plenary Meeting of WPK Central Committee,” KCNA, March 31, 2013, <http://www.kcna.co.jp/item/2013/201303/news31/20130331-24ee.html> (accessed March 21, 2015).
 18. North Korea Leadership Watch, “Party Central Committee Convenes Plenary Meeting (updated),” Kim Jong-Un, speech at the March 31, 2013, plenary meeting of the Korean Workers’ Party Central Committee, <https://nkleadershipwatch.wordpress.com/2013/03/31/party-central-committee-convenes-plenary-meeting/> (accessed March 24, 2015).

- North Korea revised its constitution in May 2012 to declare itself a “nuclear-armed state.”¹⁹
- Pyongyang declared in February 2010 that “those who talk about an economic reward in return for the dismantlement of [North Korea’s] nuclear weapons would be well advised to awake from their daydream.”²⁰ The official North Korean media pronounced, “Only fools will entertain the delusion that we will trade our nuclear deterrent for petty economic aid.”²¹

North Korea also declared that its previous commitments in international accords to denuclearize as well as previous diplomatic agreements with South Korea were null and void. For instance:

- North Korea announced it was revoking “all agreements on nonaggression, reached between the North and the South [and] nullifying the [1992] joint declaration on the denuclearization of the Korean Peninsula.”²²
- The Supreme Command of the North Korean People’s Army declared the armistice “null and void.”²³
- North Korea declared it no longer recognized the Six-Party Talks or the September 2005 joint agreement.
- The North Korean Committee for the Peaceful Reunification of the Fatherland announced: “We proclaim the Joint Declaration on

Denuclearization of the Korean Peninsula completely invalid.” The Six-Party Talks were “rendered null” and there will be “no talks for the denuclearization of the peninsula.”²⁴

- The Ministry of Foreign Affairs announced: “The Six Party Talks and the joint September 19 [2005] statement were rendered null and the denuclearization of the Korean Peninsula was put to an end. There will be no more discussion over denuclearization of the Korean Peninsula in the future although there will be talks for securing peace and security in the peninsula.”²⁵

An Unbridgeable Gap?

Pyongyang asserts its nuclear weapons are a response to the U.S. “hostile policy” and nuclear threat. The regime has an insatiable list of demands to ameliorate their perception of hostility and to improve the atmosphere of negotiations. These demands have included:

- **Military demands** (end of U.S.–South Korean military exercises, removal of U.S. troops from South Korea, abrogation of the bilateral defense alliance, cancelling of the U.S. extended deterrence guarantee (nuclear umbrella), and worldwide dismantlement of all U.S. nuclear weapons);
- **Political demands** (establishment of formal diplomatic relations with the U.S and no action on the U.N. Commission of Inquiry report on North Korean human rights abuses);

19. “N.K. Calls Itself ‘Nuclear-Armed State’ in Revised Constitution,” Yonhap News Agency, May 30, 2012, <http://english.yonhapnews.co.kr/northkorea/2012/05/30/76/0401000000AEN20120530005200315F.HTML> (accessed March 21, 2015).

20. “North Korea Refuses to Abandon Nukes,” CNN, February 19, 2010, <http://www.cnn.com/2010/WORLD/asiapcf/02/19/north.korea.nuclear/> (accessed March 21, 2015).

21. “North Korea Pledges Not to Abandon Nukes,” *The Korea Herald*, February 21, 2010, <http://news.asiaone.com/News/Latest+News/Asia/Story/A1Story20100221-199951.html> (accessed March 21, 2015).

22. The Inter-Korean Basic Agreement, Article 9 states: “South and North Korea shall not use force against each other and shall not undertake armed aggression against each other.” Jethro Mullen, “North Korea Vows End to Nonaggression Pacts After U.N. Vote,” CNN, March 8, 2013, <http://www.cnn.com/2013/03/08/world/asia/north-korea-sanctions/index.html> (accessed March 21, 2015).

23. Choe Sang-hun, “North Korea Threatens to Attack U.S. With ‘Lighter and Smaller Nukes,’” *The New York Times*, March 5, 2013, <http://www.nytimes.com/2013/03/06/world/asia/north-korea-threatens-to-attack-us-with-lighter-and-smaller-nukes.html> (accessed March 21, 2015).

24. Lee Eun-joo, “North Warns South About Sanctions,” *JoongAng Ilbo*, January 26, 2013, <http://koreajoongangdaily.joinsmsn.com/news/article/article.aspx?aid=2966145&cloc=joongangdaily|home|newslist1> (accessed March 21, 2015).

25. “N. Korea Vows to End Denuclearization Talks,” *Yonhap*, January 23, 2013, <http://english.yonhapnews.co.kr/northkorea/2013/01/23/95/0401000000AEN20130123001500315F.HTML> (accessed March 21, 2015).

- **Law enforcement demands** (removal of all U.N. sanctions, U.S. sanctions, and targeted financial measures); and
- **Societal demands** against South Korean constitutionally protected freedom of speech (pamphlets, “insulting” articles by South Korean media, and anti-North Korean public demonstrations in the streets of Seoul).

North Korea’s extensive requirements for security assurances and proof of U.S. non-hostile intent transcend, and are incompatible with, previously agreed-upon parameters of Six-Party Talks agreements. Beyond that, Pyongyang has demonstrated that nothing will satisfy its demands because it perceives nuclear weapons as the only way to prevent North Korea from becoming another Iraq, Yugoslavia, or Libya. As Pyongyang has made clear, the “treasured sword” of nuclear weapons is what defends North Korea, and indeed enables economic development. For example:

- Kim Jong-un declared, “We should never forget the lesson taught by the Balkan Peninsula and the Middle East region, which did not acquire powerful national defense capabilities for self-defense while looking to big powers and even abandoned their existing war deterrent under pressure and appeasement of imperialists, and ended up as a victim of aggression in the end.”²⁶
- The Korea People’s Army Supreme Command asserted that North Korea “is neither the Balkans nor Iraq and Libya.”²⁷
- The Ministry of Foreign Affairs: The “Libyan crisis teaches the international world a serious lesson. It was fully exposed before the world that Libya’s nuclear dismantlement much touted by the United States in the past turned out to be a mode of aggression whereby the latter coaxed the former with such sweet words as ‘guarantee of security’ and ‘improvement of relations’ to disarm itself and then swallowed it by force. It

proved [that] peace can be preserved only when one builds up one’s own strength.”²⁸

What Should Be Done

Diplomacy. The U.S. should reject North Korean claims that tensions on the Korean Peninsula are the result of America’s “hostile policies.” Instead, the presence of U.S. military forces in South Korea is a direct response to Pyongyang’s past attacks and continuing threats.

While the United States should remain open to conditional diplomacy—based on principles of conditionality, transparency, and reciprocity—such efforts should be part of an integrated, comprehensive strategy utilizing all the instruments of national power. Specifically, such diplomacy should be used along with policies that:

- **Enforce** U.S. laws and U.N. resolutions with punitive measures for violations;
- **Provide** information to the people of the DPRK through overt and covert means;
- **Allow** for non-official engagement; and
- **Ensure** sufficient defenses for the U.S. and its allies.

Washington should not reward Pyongyang for simply obeying previous agreements, U.N. resolutions, or international law. Nor should it go down the bottomless rabbit hole of offering concessions to “improve the negotiating atmosphere” or “prove lack of U.S. hostility.” After all, it is not the U.S. and South Korea that have repeatedly violated UNSC resolutions, conducted deadly military attacks, and habitually threatened the government and populace of rival nations. Such behavior has been the province of Pyongyang.

Indeed, Pyongyang has indicated that no level of allied offers of economic and energy assistance can provide the security assurances necessary for denuclearization. As such, there is no utility in offering such assistance, at least for denuclearization

26. Kim Jong-Un, speech at the March 31, 2013, Plenary Meeting of the Korean Workers’ Party Central Committee.

27. “Spokesman for Supreme Command of KPA Clarifies Important Measures to Be Taken by It,” KCNA, March 5, 2013, <http://www.kcna.co.jp/item/2013/201303/news05/20130305-21ee.html> (accessed March 21, 2015).

28. “Foreign Ministry Spokesman Denounces U.S. Military Attack on Libya,” KCNA, March 22, 2011, <http://www.kcna.co.jp/item/2011/201103/news22/20110322-34ee.html> (accessed March 21, 2015).

purposes. Similarly, since North Korean nuclear weapons are supposedly a response to the U.S. “nuclear threat,” no South Korean offers of security measures and economic assistance can dissuade Pyongyang from its nuclear programs.

Diplomacy can still be used to ascertain whether North Korean public statements reflect actual negotiating positions and whether the North Korean requirements for security assurances is less than the totality of cumulative regime statements. Diplomats could also determine if there is a different set of North Korean demands for capping their nuclear programs in the near term, while, in the long term, still pursuing complete denuclearization.

However, U.S. diplomats would need to make clear to their North Korean counterparts that even an interim solution would still require an extensive and intrusive verification regime to monitor Pyongyang’s uranium-based nuclear weapons program—an operation whose components are more easily concealed than plutonium-based production and reprocessing facilities. The Six-Party Talks collapsed in late 2008 when Pyongyang refused to accept a less vigorous inspection regime than would be required today.

While working-level diplomat talks are practical, there should not be senior-level (Undersecretary of State and above) talks absent some indication of progress with Pyongyang. Nor should there be a formal resumption of Six-Party Talks without a North Korean public affirmation of intent to abide by its prior denuclearization commitments.

Sanctions. Given North Korea’s obdurate obstructionism, diplomatic denuclearization of the regime currently appears unattainable. Pyongyang previously acceded to the 1992 North–South Denuclearization agreement, the Non-Proliferation Treaty,²⁹ the International Atomic Energy Agency (IAEA) safeguards, the Agreed Framework, three Six-Party Talks agreements, and the Leap Day Agreement, all of which ultimately failed.

Therefore, the United States and other nations should maintain and expand sanctions, law

enforcement, and targeted financial measures to uphold U.S. and international law; impose penalties on violators; constrain import of items for North Korea’s nuclear and missile programs; impede proliferation; and moderate regime behavior including compliance with agreements and U.N. resolutions.

Additionally, the United States should enhance punitive measures against North Korea to the same degree as has already been applied against other rogue regimes,³⁰ including Iran and Burma. The pursuit of legal remedies, the implementation of U.N. resolutions, and efforts to combat proliferation of weapons of mass destruction (WMD) and missiles are not negotiable and should continue—at least until North Korea ceases its belligerent behavior. Specifically, Washington should:

- **Call upon** all U.N. member nations to 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.
- **Fully implement** existing U.S. laws against North Korea’s illicit activities. Contrary to media depictions of North Korea as the most heavily sanctioned country in the world, the U.S. has imposed stronger punitive measures against the Balkans, Burma, Cuba, Iran, and Zimbabwe. Washington should impose the same measures on Pyongyang as it has already done for other countries for far less egregious violations of U.S. law, including:
 - **Designating** North Korea as a primary money-laundering concern such as the U.S. Treasury previously designated Ukraine, Burma, and Iran;

29. Non-Proliferation Treaty, Article II states, “Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.”

30. For a more extensive list of recommended targeted financial measures that should be applied to North Korea, see Bruce Klingner, “Time to Get North Korean Sanctions Right,” Heritage Foundation *Background* No. 2850, November 4, 2013, <http://www.heritage.org/research/reports/2013/11/time-to-get-north-korean-sanctions-right>.

- **Banning** North Korean financial institutions' correspondent accounts in the United States. The U.N. Panel of Experts concluded that North Korean transactions continue to be mostly in "United States dollars from foreign-based banks and transferred through corresponding bank accounts in the United States."³¹
- **Publicly identifying and sanctioning** all foreign companies, financial institutions, and governments assisting North Korea's nuclear and missile programs and call on foreign banks, businesses, and governments to reciprocate U.S. actions.
- **Formally charging** North Korea as a currency counterfeiter.
- Congress should **assess** additional measures against North Korea, including those contained in the House of Representatives-approved North Korea Sanctions Enforcement Act.
- The U.S. should **impose** sanctions on third parties, particularly Chinese financial institutions and businesses, that trade with those on the sanctions list or export prohibited items.
- The U.S. should **impose** human rights-related sanctions, including against the North Korean leadership, as America has done to other despotic regimes.

Security. Because international diplomacy and U.N. resolutions have not prevented North Korea from continuing to develop nuclear weapons and intercontinental ballistic missile capabilities, the U.S. should:

- **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 Asia. Massive defense budget cuts are already affecting U.S. capabilities in the region, increasing risk to allies, U.S. security,

and economic interests, and the safety of U.S. service personnel and American citizens living and working in the region.

- **Call on South Korea to deploy a multi-layered missile defense system that is interoperable with a U.S. regional missile network.** Such reform would provide for a more coherent and effective defense of allied military facilities and the South Korean populace. Seoul should purchase a medium-tier ground-based system, such as the THAAD, as well as SM-6 or SM-3 shipborne missiles.
- **Express support for an expanded Japanese security role both in Asia and in global humanitarian and peacekeeping missions.** The U.S. should reassure Japan's neighbors that such changes, including implementing collective self-defense, pose no security threat to the region. Designed to augment stability in the region, these initiatives are a direct response to growing North Korean and Chinese threats.

Human Rights. A year after the release of a U.N. Commission of Inquiry report detailing North Korea's crimes against humanity, the Obama Administration has yet to take any action. The U.S. has penalized other regimes for similar violations, including direct sanctions against two presidents; yet, America has still not taken similar action against Kim Jong-un or his regime. To this end, the U.S. should:

- **Press for the U.N. Security Council to take action on the report of the Commission of Inquiry.**
- **Call on Beijing to abandon repatriation of North Korean defectors and allow visits by the U.N. rapporteur on North Korean human rights to investigate refugee conditions in northeast China.**
- **Engage with China, Mongolia, and Southeast Asian nations to facilitate travel by North Korean refugees.**

31. "Why Legal Investments in North Korea Are a Money Laundering Risk," One Free Korea, March 9, 2015, <http://freekorea.us/2015/03/09/why-legal-investments-in-north-korea-are-a-money-laundering-risk/> (accessed March 21, 2015).

- **Expand public diplomacy to promote greater North Korean exposure to the outside world.** Washington should expand broadcasting services, such as by Radio Free Asia, and distribution of leaflets, DVDs, computer flash drives, documentaries, and movies into North Korea through both overt and covert means. Increased North Korean exposure to information is a useful long-term means to begin the transformation of the nature of the regime, as took place in Communist Eastern Europe and the Soviet Union.

Conclusion

North Korea may be willing to talk—but not about the topic of paramount U.S. concern: the denuclearization required by U.N. resolutions and to which Pyongyang has already committed. Some experts assert that the U.S. should return to negotiations since otherwise North Korea will continue augmenting its nuclear arsenal. However, Pyongyang has repeatedly shown it continues to build weapons both during negotiations and even after signing agreements to abandon its nuclear programs.

While successive U.S. Administrations sought to diplomatically curtail Pyongyang's nuclear programs, recent studies conclude the North Korean nuclear threat is growing rapidly. Dr. Siegfried Hecker, former Director of the Los Alamos Nuclear Laboratory, concluded that North Korea could have 20 nuclear weapons by 2016.³² The Korea Institute at School of Advanced International Studies (SAIS) predicted a worst case scenario of Pyongyang having 100 nuclear weapons by 2020.³³

The Obama Administration has only timidly and incrementally increased U.S. sanctions and targeted financial measures against North Korea's repeated violations of U.S. law and U.N. resolutions, refusing to impose the same measures as already applied to other countries. President Obama and Congress imposed sequestration-mandated cuts to U.S. defense spending that have degraded America's defense capabilities. As a result, the United States and its allies now face an unprecedented danger.

—*Bruce Klingner is Senior Research Fellow for Northeast Asia in the Asian Studies Center, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.*

32. "N. Korea to Have 20 Nuke Bombs by 2016: U.S. Expert," Yonhap, December 10, 2014, <http://english.yonhapnews.co.kr/national/2014/12/10/13/0301000000AEN201412100100315F.html> (accessed March 21, 2015).

33. Joel Witt and Sun Young Ahn, "North Korea's Nuclear Futures: Technology and Strategy," US-Korea Institute at SAIS, February 2015, <http://38north.org/wp-content/uploads/2015/02/NKNF-NK-Nuclear-Futures-Wit-0215.pdf> (accessed March 21, 2015).