



## Sanctions and Defiance in North Korea

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North Korea has now been sanctioned five times by the United Nations Security Council for its nuclear and missile tests: resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). UNSC Resolution 2270 is the strongest one yet, spelling out in great detail the proscribed goods and requiring that all parties neither import them from nor export them to North Korea. Each resolution obliges the members to carry out the terms of the sanctions and (as the April 15 press statement of the UNSC says) « facilitate a peaceful and comprehensive solution through dialogue. » This is a case of mission impossible for two fundamental reasons: the sanctions will not work, and the fact of them impedes any chance for a « peaceful and comprehensive solution. » The way forward, which I discuss at the end of this article, is to address North Korea's legitimate security concerns and economic needs while also considering how to build trust and reduce tensions in Northeast Asia as a whole.

### Sanctions: Why They Fail

Foremost among the obstacles to an effective North Korea sanctions regime is smuggling along the China-DPRK (North Korea) border. Military items disguised as ordinary goods seem easily able to evade detection thanks to inconsistent inspection by border guards, bribery, false declarations, and North Korean firms based in China that actually belong to military-run trading companies. Since these practices are surely well known to the Chinese authorities, it seems fair to assume they have no strong interest in preventing or at least substantially reducing it—something they could accomplish with a more intensive border inspection process. That China is not doing so no doubt reflects its oft-stated position that the North Korean nuclear issue is the result of other countries' policies, not China's, hence that resolving it is others' responsibility, mainly the US.

This is not to say that China is refusing to follow the UNSC's latest resolution (UNSCR 2270). Beijing's criticism of North Korea's nuclear and missile tests has become increasingly harsh and open over the last few years, and voting to approve UN sanctions is one way to underscore its criticism. Reports indicate, for example, that China has closed its ports to North Korean coal and iron ore exports. But the Chinese have created a large loophole. At their insistence, 2270 allows for humanitarian trade affecting people's « livelihood. » Thus, as China's foreign ministry spokesperson said on March 4, « We will earnestly observe the UNSCR 2270. The resolution prohibits the DPRK's export of coal, iron ore and iron, but those that are deemed essential for people's livelihood and have no connection with the funding of the DPRK's nuclear and missile programs will not be affected. » As a result, China's exports to North Korea actually rose about 15 percent in the first 3 months of 2016 compared with 2015, and Chinese imports rose nearly 11 percent.

These figures come from a Chinese customs official. They may underplay the actual trade figures, which are said to have been deleted from official PRC trade reports in order to hide the volume and character of the trade. China is hardly alone when it comes to evading sanctions on North Korea. The DPRK operates numerous entities that do business abroad in illicit goods. Namibia, Iran, and Russia are usually mentioned in this regard. Two specialists call these trading entities « North Korea, Inc. » Their research concludes that « sanctions have actually improved North Korea's ability to procure components for its nuclear and missile programs. »

The reason is that the trading firms, mainly in China and Hong Kong, have been willing and able to pay a higher price for these goods to middlemen, who in turn are willing to take greater risks to sell. The writers acknowledge the great difficulty in getting ahead of the curve when it comes to identifying the North Korean firms and finding ways to put them out of business. In the end, they say, only diplomacy will resolve the problem.

Reflagging and renaming North Korean ships is another common tactic, as is falsely claiming a ship's destination as (for example) China rather than the DPRK. For example, an unpublished UN report describes how the North Koreans used a Singapore branch of a Chinese bank to pay for their ships to transport weapons through the Panama Canal. Then there is the story of a British banker who, according to the Panama Papers, set up a front company in Pyongyang, registered in the British Virgin Islands, to sell and procure arms.

North Korea's military program also benefits from the fine line that often exists between civilian and military items. Commercial trucks, for example, can be used to mount a variety of weapons. A Chinese-made truck used in both China and North Korea for mining operations has reportedly been adapted by the North Korean military for its new mobile rocket-propelled artillery system. Six mobile intercontinental missiles (possibly fakes or mock-ups) paraded in Pyongyang in April 2012 likewise were mounted on Chinese-made trucks.

When all is said and done, the most likely scenario is that the new round of sanctions will produce no better results than previous rounds. This is so not only because North Korea has many ways to procure items needed for its military purposes, and plenty of willing private sellers. China, as North Korea's principal trade partner for many years, is not going to watch the North disintegrate in spite of Beijing's discomfort over Pyongyang's nuclear and missile programs. China's leaders will do more than previously to enforce sanctions, such as inspection of cargo bound for and incoming from North Korea; but they will do a good deal less than the US wants, especially when it comes to border inspections. For just as President Obama has hawkish advisers who want to turn the screws on North Korea even tighter in hopes of regime change, President Xi has people around him who think resisting US pressure is strategically more important to China than undermining Kim Jong-un. Secretary of State John Kerry may well say that China's approach « has not worked, and we cannot continue business as usual. » But the Chinese have a perfectly good comeback, namely, that Washington and Pyongyang must find a way back to the negotiating table.

#### Weapons: Full Speed Ahead in North Korea

North Korea is on a military tear. In response to UN sanctions, it carried out its fourth nuclear test in January and a satellite launch that had missile implications in February. Then, when new UN sanctions were imposed and the annual month-long US-ROK military exercises began, the DPRK diverged from its usual practice by openly drawing attention to a number

of new weapons it claims to have. It paraded a road-mobile intercontinental-range missile (probably not yet actually produced), launched five short-range missiles into the East or Japan Sea, claimed to have an indigenously produced engine that would enable an ICBM to reach the US with a nuclear weapon, claimed to have tested a miniature nuclear weapon, test-fired an intermediate-range missile (which failed), and tested a missile launched from a submarine. A fifth nuclear test may well take place before a major party congress in May. (See the chart below published by the BBC.)

How and when any of the weapons the North claims to have might actually be operational is open to speculation. Some US military officers, as well as South Korean specialists, now accept that the North already has the capability to reach the US with a nuclear-tipped missile, while experts who dispute that view nevertheless believe the North will soon have that capability.

What does seem clear is that Kim Jong-un is pressing his weapons specialists to produce a reliable deterrent that will force the issue of direct talks with the US. Meeting with nuclear specialists in early March, he praised their work and, according to the North Korean press, specifically cited « research conducted to tip various type tactical and strategic ballistic missiles with nuclear warheads, » meaning a miniaturized nuclear weapon. Kim is quoted as saying that it « is very gratifying to see the nuclear warheads with the structure of mixed charge adequate for prompt thermo-nuclear reaction. The nuclear warheads have been standardized to be fit for ballistic missiles by miniaturizing them . . . this can be called [a] true nuclear deterrent . . . Koreans can do anything if they have a will. »

South Korean sources are convinced the North can now put a nuclear warhead on a medium-range (800 miles) *Rodong* missile capable of reaching all of the ROK and Japan. These are the missiles the North launched in a test in March. Whether the North has actually fitted such a missile with a warhead is unknown; nor is it known whether the North will be able to do the same once it possesses an ICBM.

### Dealing Sensibly with North Korea

North Korea has a long history of militant nationalism in response to external threats, reflected in Kim Jong-un's quoted remark above and concretely in the speed with which it is developing a sophisticated nuclear and missile capability. Like the North Vietnamese during the Vietnam War, the DPRK is not going to take orders from foreign powers, friends and adversaries alike, least of all when its leaders believe US nuclear weapons and military exercises pose a threat. Predictably, therefore, Pyongyang treats international sanctions, intended to punish it, as *incentives* to push ahead with development and production of new weapons for deterrence. It may only be a matter of time before a North Korean missile will be able to reach the US mainland, but Kim Jong-un, like his father and grandfather, is ever mindful of that fact that North Korea is surrounded by the overwhelming strategic power of the US and its South Korean and Japanese partners. Nuclear weapons are the ultimate equalizer, and bargaining chip. In addition, the DPRK also faces a US president who once upon a time called for eliminating nuclear weapons but now is presiding over their significant upgrading, in competition with Russia and China. That upgrading includes miniaturization, which from one angle-the one most likely to have the North Korean military's attention-increases the possible use of a nuclear weapon in warfare. North Korea's evident work on miniaturization may hardly be coincidental.

The best and only chance of dissuading Kim Jong-un from continuing on the path of

weapons modernization, which is both dangerous and ruinous in terms of human development, is to put before him a package of alternative incentives- a peace treaty to end the Korean War, security guarantees, sustainable energy options, and meaningful economic aid. A joint US-China initiative that, within the context of a revived Six-Party Talks, incorporates such a package would be a welcome development indeed, as much for improving their bilateral relations as for deescalating tensions with the DPRK. As an interim step, Washington might have accepted a proposal put forth by DPRK foreign minister Ri Su-yong, who told the Associated Press on April 23, shortly after the submarine-launched missile test, that if the US « stops the nuclear war exercises in the Korean peninsula, then we should also cease our nuclear tests. » « It is really crucial, » he said, « for the United States government to withdraw its hostile policy against the DPRK and as an expression of this stop the military exercises, war exercises, in the Korean Peninsula. Then we will respond likewise. » But President Obama quickly rejected the proposal. I have also put forth in these pages the idea of creating a Northeast Asia Security Dialogue Mechanism. Its agenda would ultimately include multilateral denuclearization, but would start with discussion of other security-related topics on which it might be easier to find common ground, the aim being trust building.

Hence, what is often referred to as « the North Korean nuclear issue » is much more than that. The heart of the matter is peace and security in Northeast Asia, which involves a host of interlinked issues: strategic mistrust between the US and China, territorial disputes, increasing military spending and basing agreements, cross-border environmental problems, and nuclear weapons possessed by four countries today and possibly two more (Japan and South Korea) tomorrow. Decision makers in Washington, though overwhelmed by problems in the Middle East, need to pay attention to the Korean peninsula and think outside the box.

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