

WHAT TO DO WITH NORTH KOREA NOW? NO ANSWERS YET

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What Happened

On April 5, North Korea delivered on a North Korean promise. It launched a long range missile, also known as a Taepo-dong 2, a 3-stage rocket, in the direction of Japan. While monitors of the launch attest the rocket traveled for about 13 minutes before plunging into the Pacific Ocean, North Korea continues to insist it successfully delivered a satellite into orbit with the launch—something it had been promising for a few months to do. Arguments over the true intentions of the launch—including issues of sovereignty and peaceful rights to the development of space—seemed likely to derail any United Nations Security Council (UNSC) decisions. However, an agreement was finally reached on April 13 denouncing the launch. This sent North Korea into a wild tantrum of threats (to restart nuclear development) and breaks (from the Six Party Talks).

North Korea's actions and statements, if borne out, place the country back on a path to advancing its nuclear-weapons program. April ended with more questions than answers about what the U.S. plan of action will be.

What Was the UN Decision and What Does it Mean?

On April 13, the UNSC adopted a unanimous Presidential Statement denouncing the launch as a violation of an earlier Council resolution that banned Pyongyang from conducting nuclear and ballistic missile tests. In accordance with the Statement, the UNSC also designated three companies of the DPRK as targets of sanctions and many types of military supplies and materials as embargo items.

Why is this significant?: In July 2006, Pyongyang launched seven missiles, prompting the UNSC to pass Resolution 1695 demanding that North Korea no longer launch any missiles. Then, three months later, the North tested its first nuclear device, prompting a revamping of Resolution 1695 into Resolution 1718 and the decision that North Korea be barred from all launching and testing of all missiles and nuclear devices. However, under the Outer Space Treaty, North Korea, as a recognized state, has the right to the peaceful development of space. As long as argument continued over the North's intentions with the April 5 launch, it was debatable whether North Korea's launch was actually in violation of Resolution 1718. The Statement, however, declares that it was. Therefore, regardless of what the North might say it launched, the UN, and all the members of the Security Council, declare that what it did launch counts as missile development and thus is not allowed. This clarifies, in legal terms, the difficult technological distinction between a rocket used for missile development or satellite launch and essentially tells the North that there is no distinction.

Why isn't it significant?: Because a presidential statement carries significantly less weight than an actual UNSC resolution, the Statement creates ambiguity and debate over how enforceable the sanctions will be. Technically, a presidential statement has no binding force.

Nonetheless, this is the first time that the UNSC has penalized individual companies linked to North's missile and nuclear offenses. The three state companies, Korea Mining Development Trading Corp., Tanchon Commercial Bank, and Korea Ryongbong General Corp., have previously been sanctioned by the United States for trading missile technology with Iran, Yemen, and Pakistan. The Security Council has also called to reinforce a trade ban on items that North Korea could potentially use in the development of missiles. Such items include "the latest technology related to ballistic missile technology," according to Baki Ilkin, who chairs the Council's North Korea sanctions committee.

How North Korea is Reacting

"We totally reject and do not recognize any sort of decision that has been made in the Security Council," said a senior North Korean diplomat, Pak Tok Hun, insisting that the launch was part of a peaceful effort to send a satellite into outer space.

North Korea called the UN action an "unbearable insult," although it is less enforceable than the 2006 resolutions. A day after the statement, on April 14, it expelled International Atomic Energy Agency (IAEA) monitors from its nuclear facilities, said it would withdraw from the Six Party Talks, and declared it would restart the reprocessing facilities that it disabled as part of that diplomatic process.

“Unless the UN Security Council immediately apologizes, we will have no choice but to take inevitable additional self-defense measures,” a North Korean Foreign Ministry spokesman told the North’s state-run news agency, KCNA, on April 29. “This will include a nuclear test and a test of a intercontinental ballistic missile. And as the first step of that process, we will without delay start technological development to secure our own supply of nuclear fuel,” he said, referring to its intention to enrich uranium and start new facilities. North Korea’s uranium enrichment activities have long been a concern of the international community, although it has continued to deny having any such activity. This is the first time that North Korea has declared it intends to pursue a second project in addition to long-known facilities that have provided it with plutonium for nuclear weapons.

With regards to the new sanctions, a North Korean statement issued on April 29 said: “Such sanctions can never work on the DPRK which has been subject to all sorts of sanctions and blockade by the hostile forces for the past scores of years...The hostile forces are foolishly scheming to suffocate the DPRK’s defence industry by physical methods as they failed to attain their aims for disarming the DPRK through the six-way talks. In the 1990s the DPRK already declared that any anti-DPRK sanctions to be put by the United Nations, a legal party to the Korean Armistice Agreement, would be regarded as a termination of the agreement, that is, a declaration of war.”

Then on April 30, “We state again that our country will no longer enter into the six-way talks and will strengthen nuclear deterrence power in every way,” stated a commentary carried by the country’s official news agency.

Pursuing a test of another atomic device would largely reverse the course North Korea was on in October, when the United States removed North Korea from its list of state sponsors of terror. At that time, Pyongyang was dismantling the nuclear complex that provided fuel for its atomic weapons and allowing inspectors from the IAEA to watch.

What Now?

By and large, the other five parties to the Six Party Talks are issuing reaction statements of disappointment, without any strong declarations for action. On April 25, U.S. Secretary of State Hillary Clinton announced that the United States hopes to resume talks with North Korea but was also “very pleased” with the strong UN action. While Washington hopes to resume dialogue with the North, however, it is becoming increasingly evident that the United States might have to do so on a bilateral basis—an arrangement North Korea has long preferred and pursued.

In South Korea, many argue that tensions are running at a 10-year high on the peninsula, with the North insisting a second Korean war is imminent. In previous months, North Korea had already torn up its non-aggression pacts with the South and threatened not to recognize a tense maritime border, but South Korea had no immediate comment following the most recent statements from the North.

Meanwhile, China continues to call for calm and the continuation of the talks claiming they have not dissolved. On April 30, a spokeswoman from China’s Foreign Ministry said, “We hope that all sides will pay attention to the big picture and appropriately resolve the relevant problems and together protect the progress of the six-party talks process.” When asked whether the latest belligerence from the North would affect the China-DPRK relationship, she said only that the possibility of North Korea’s conducting a second nuclear test was merely “hypothetical,” so it could not yet be said how it would affect relations.

The Six Party Talks, which have survived numerous hiatuses throughout the last six years, now seem more susceptible to disappearance than ever.