

Strength and Consistency: A Key to North Korean Nuclear Sanctions

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Abstract

Pyongyang's fourth nuclear test on January 6, 2016, the February 2 test launch of the *Kwangmyongsong-4* satellite (which in fact was a long-range missile), and other provocative activities amply reminded the international community of the reasons for strong and consistent sanctions. Such activities again proved the Kim Family Regime (KFR) will not accept voluntary changes or engage in denuclearization dialogue. Instead, the regime declared *de facto* "Nuclear-First Politics," thus ruling out the possibility of denuclearization. If the KFR is allowed to continue unhampered nuclear weapons development, it will become a nuclear power with over 50 nuclear weapons within a decade. Its weapons will include atomic bombs, boosted fission bombs, and hydrogen bombs. The KFR will also possess increasingly formidable delivery vehicles, such as Submarine Launched Ballistic Missiles and Intercontinental Ballistic Missiles. This situation must be a nightmare particularly to South Korea. However, the current international sanctions headed by the UNSCR 2270, along with unilateral sanctions, are unlikely to bear fruit in the foreseeable future due to China's conflicting policies. Beijing's attitude towards North Korean nuclear program has alternated between 'pressure and connivance;' its military relationship with the United States determining China's position on sanctions. China's alternating position prevents effective sanctions against North Korea. While the international community should endeavor to make sanctions concerted, strong and consistent, South Korea and the U.S. should think about a Plan B that includes presenting China the threat of nuclear proliferation in East Asia.

Keywords: Sanctions, Kim Family Regime, North Korea, China, United States, United Nations Security Council Resolution 2270, pressure, connivance, proliferation

Introduction: Dialogue, Sanction and Deterrence

Pyongyang, as many pundits predicted, has ratcheted up its peace offensive toward Seoul since the Seventh Workers' Party Congress took place in May 2016. Indeed, the North repeatedly called for the South-North military talks to "defuse the tension on the Korean Peninsula and build mutual trust" via various channels. During the period May 20-22, the National Defense Commission, the Ministry of the People's Armed Forces and the Committee for the Peaceful Reunification of the Fatherland proposed military-to-military dialogue. The North's peace rhetoric undoubtedly reflects its desperate attempt to create a rift in the international commitment to sanctions and escape from its self-inflicted isolation. Against this backdrop, the South's Ministry of National Defense rightfully demanded that the North "demonstrate its commitment to denuclearization" and rejected the self-proclaimed nuclear state's fake overture. The South and the international community have three cards in their hand to resolve the nuclear-North issues: dialogue, sanctions and deterrence. Now is the time to get the comprehensive picture and bring the Kim Jong-un regime to the dialogue table through sanctions and firm deterrence.

Pyongyang's fourth nuclear test on January 6 and the test launch on February 2 of the satellite *Kwangmyongsong-4*—which in fact was a long-range missile—were landmark events showing a dimensional shift in the gravity of the nuclear threats posed by North Korea. Immediately after the nuclear test, the North announced great success in its first hydrogen bomb test,¹ and North Korea's National Aerospace Development Administration claimed that "*Kwangmyongsong-4* was delivered by *Unha* rocket into polar orbit with apogee at 500 km, and the flight took 9 minutes and 46 seconds." Pyongyang, by conducting the carrier rocket launch, once again violated the United Nations Security Council's resolutions (UNSCR) that prohibit the North from conducting nuclear tests and using ballistic missile technology. In response to the test, the council—led by the United States—adopted UNSCR 2270 on March 2, the strongest non-military sanction targeting a specific country.²

Meanwhile, Pyongyang continued to carry out provocations in direct violation of the international sanctions. For example, the day after the adoption of UNSCR 2270, the North launched a new local-made 300 millimeter (mm) Multiple Launch Rocket System (MLRS) followed by the test launches over the following two months of *Scud*, *Rodong*,

Musudan and Submarine-Launched Ballistic Missiles (SLBM). Also, Pyongyang announced that it had perfected the miniaturization and standardization technology of nuclear warheads and the re-entry technology of long-range missiles, and was now equipped with solid-fuel rocket engines, and fully ready to make a preemptive and offensive nuclear strike against the United States.³ Pyongyang broadcasted Kim Jong-un's visit to the missile factory *Tae-sung* and the Storm Corps, the regime's elite special forces unit, and revealed the model of miniaturized nuclear warheads. In addition, the North continued its verbal attack on the South. Indeed, the General Staff Department of the North's Armed Forces threatened to conduct an operation to "liberate Seoul" and "scorch Seoul's presidential Blue House," and it launched an unprecedented verbal assault on President Park Geun-hye of South Korea. Moreover, the North revealed its artillery exercise appeared to be targeting Seoul, and jammed GPS in the Seoul metropolitan area and Gangwon Province in the South during the 4th Nuclear Security Summit. Furthermore, Kim Jong-un boasted that "the country emerged as a thriving nuclear power." Against this backdrop, most experts suggest that the North has no intention of backing down in its nuclear development program.

Inevitability of Strong and Consistent Sanctions

There is a broad range of reasons suggesting that the only route to lead Pyongyang to the table for substantive nuclear talks for now is through tapping into external forces, namely the international community's strong and consistent sanctions against the North. First of all, the Kim family's hereditary dynasty makes it fundamentally impossible to bring about changes from the inside. To be sure, there have been some cases in other countries where system changes along with economic reformation were made internally; however, it seems unlikely such an uprising would take place in the North, considering the stronghold of the Kim family regime.⁴ For instance, some of the Eastern European countries, including Romania and Albania achieved a *bottom-up* system change, and Tunisia, Yemen and Algeria also harnessed the bottom-up power born out of the Jasmine Revolution. Meanwhile, the system change in China, Vietnam, Myanmar and Cuba was *top-down*. In other words, the paradigm has been shifted (or is shifting) in the aforementioned countries by their leaders. The regimes in Iraq and Afghanistan, on the other hand, was turned upside down by *external forces* and the dictators were ousted from power. On an interesting note,

the system change in Libya was made possible due to the *internal, bottom-up force* inspired by the Jasmine Revolution combined with the *external force*.

In the case of North Korea, such system change powered by the internal force seems highly unlikely for the following reasons: The overlapping surveillance of numerous watchdogs, including the Organization and Guidance Department of Workers' Party, the Ministry of State Security, the Ministry of People's Security, General Political Bureau of the People's Army, and the Defense Security Command completely suppresses the bottom-up internal force. These organizations prevent the seeds of uprising and anti-regime movement from taking root. Also, there is no chance of the system change powered by "the top-bottom force" because of the Kim family's hereditary rule. China, Vietnam and Cuba are communist countries like North Korea; however, their leaders are elected within the ruling party, so they can focus on advancing the domestic economy instead of worrying about ways to cement their family dynasty. Once the Kim Jong-un regime is overturned, it is the North Korean people who will benefit the most: democratization, enhanced human rights and communication with the outside world. However, such benefits would pose a direct threat to the Kim dynasty, which makes system change led by the top extremely implausible. In this context, Pyongyang will not give up on its nuclear weapons, which are central to the regime's identity and survival, unless it is made to do so by the *external force*.

North Korea's nuclear power has multiple effects, and with this in mind, Kim Jong-un and his cronies will not relinquish their bargaining chip without a fight. Internally, the North's nuclear power has the halo effect: it is used as a promotional and political tool to legitimize the *Baekdu* bloodline. Externally, the regime's nuclear weapons have the *equalizing effect*: they are used as a defensive and diplomatic means to help Pyongyang stay free from the Washington's interference and give the regime equal bargaining power over negotiations. On the Korean Peninsula, the North's nuclear power has the nuclear shadow effect: it is used as a psychological instrument that enables Pyongyang to lead Seoul in bilateral negotiations despite its faltering economy and qualitative inferiority in conventional military forces. Additionally, Pyongyang's nuclear weapons may sway the American media to loosen Korea-U.S. ties and have the decoupling effect, preventing Washington from dispatching reinforcements to Seoul in case of emergency. In fact, the

Kim Jong-un regime, aware of the equalizing effect and the decoupling effect, has been obsessed with developing Intercontinental Ballistic Missiles (ICBMs), putting the U.S. within strike range and Submarine-Launched Ballistic Missiles (SLBMs) posing grave threats to the American forward military bases, including those in Guam and Okinawa, Japan; as a matter of fact, the regime has seen some success in this regard.⁵

Second, Pyongyang declared *de facto* "Nuclear-First Politics" at the Seventh Workers' Party Congress, which took place May 6-9, ruling out the possibility of denuclearization. The regime's young leader, Kim Jong-un, stated at the conference (the first since the 1980 Congress) that "the guidance of the Workers' Party has elevated the country into a nuclear, space power and pushed it into the absolute prime of its efforts to build a thriving nation."⁶ He also highlighted "a thrilling sound of the first hydrogen bomb explosion"⁷ and great successes in "the launch of [the] earth observation satellite, *Kwangmyongsong-4*."⁸ North Korean state media, *Rodong Sinmun*, hailed Kim Jong-un as the "Great Sun of the 21st Century" during the congress and praised the North as "an invincible military power armed with hydrogen bombs." Kim Jong-un also said at the briefing "North Korea will not use nuclear weapons against other nations unless its sovereignty is encroached upon by any hostile force with nuclear weapons,"⁹ and it will "faithfully fulfill its obligation for nonproliferation and strive for the global denuclearization."¹⁰ His statements reflect the regime's intention to be accepted as a nuclear-weapons state and reject international sanctions. The North had identified itself as a nuclear-possessing state in the country's constitution revised in 2012, and it now once again declared itself as a nuclear-weapons state. The Seventh Congress, in essence, was a political stunt of the regime by which it declared itself as the government of the nukes, by the nukes and for the nukes.

Third, the gravity of Pyongyang's nuclear issues, which create international uncertainty, can no longer be overlooked. In particular, Seoul, the most immediate would-be victim, cannot sit idly and watch Pyongyang as its nuclear capability builds up. For North Korea, the development of nuclear military power has been a three-generation national endeavor, and it is built on teachings left behind by late North Korea's founder Kim Il-sung. In the 1950s, Kim Il-sung began creating a talent pool for nuclear development, and in the 1960s, he established nuclear research centers in *Yongbyon* and *Bakcheon*. In the 1970s, he

prioritized the development of nuclear weapons, so much so that he ordered all ministries to "prioritize financing nuclear development over any initiative."¹¹ His son, Kim Jong-il, developed a massive nuclear development infrastructure as the executor of the nuclear project his late father initiated, and Kim Jong-un, who is third in line of the Kim dynasty, has built on the given infrastructure and continued to strengthening the nuclear capabilities. As the operator of the project, Kim Jong-un established the organizational structure to operate his nuclear might.¹² The Kim Jong-un regime, despite the international community's sanctions, conducted the third and fourth nuclear tests to create miniaturized, lightweight and diversified nuclear weapons, and ceaselessly test-launched delivery vehicles. If the regime is allowed to continue on its course of nuclear development, within a decade it will become a nuclear power with more than 50 nuclear weapons, including first-generation atomic bombs, 1.5-generation boosted fission bombs and second-generation hydrogen bombs, together with a variety of short and long-range delivery vehicles, including SLBMs and ICBMs.

Pyongyang is likely to be developing nuclear strategies targeting Seoul, now that it is gearing up to expedite deployment its nuclear weapons.¹³ There are two types of nuclear strategies that the North could potentially utilize: one with and the other without use of nuclear weapons. The strategy that does not use nuclear weapons is "Nuclear Blackmail," which is a strategy used by a nuclear state to achieve a political and diplomatic objective of putting psychological pressure on its non-nuclear counterparts through blackmailing or intentionally leaking information on possible nuclear attacks—creating "the nuclear shadow effect." The North's nuclear blackmail targeting the South has already been harvesting some fruits: Pyongyang has threatened to hit the Blue House or to set Seoul on fire, and it has dominated the inter-Korean relations by initiating crisis-dialogue shifts. Although the North has carried out bold provocations on the Korean Peninsula, including the *Cheonan* and *Yeonpyeong* attacks of 2010, the South has repeatedly failed to properly retaliate. North Korea's nuclear weapons not only prohibit the two Koreas from prospering together, but also put a damper on South Korea's will for peaceful reunification. Furthermore, the North's nuclear weapons constitute a critical obstacle to inter-Korean co-prosperity and unification. If the two Koreas are to live in peace and mutually prosper, there should not be any incentive for military provocations; however, a nuclear North Korea may decide it could easily

carry out armed provocations with impunity, as the South has no nuclear power. In addition, the peaceful reunification of the two Koreas cannot take place without the North's change of heart; yet, it continues to hold onto the status quo by using its nuclear power. Washington's nuclear umbrella is essential to deter the North's use of nuclear weapons against the South, but not helpful to offset or block the nuclear shadow.

The nuclear strategies that actually use nuclear weapons may include "demonstrative nuclear use," "tactical nuclear use," "strategic nuclear use," and so on. First, demonstrative nuclear use is a strategy that is not intended for mass destruction or killing, but for demonstration of its nuclear capability to deter the counterpart's attack or bring a war to an early end. The North may use nuclear weapons in this manner to create the decoupling effect and to stop the United States' engagement of a Korean contingency. Second, Tactical Nuclear Use refers to the use of nuclear weapons to hit the counter-force targets to win the battle. In this regard, North Korea could potentially target Republic of Korea (ROK) and U.S. military facilities, naval bases, and areas in which military bases are densely populated in South Korea. The large military bases in *Pyeongtak* and *Osan* could become the North's primary targets in its tactical use of nuclear weapons. Finally, strategic nuclear use involves counter-value strikes targeting the enemy's cities intended for mass destruction and killing. If the North chooses to make the strategic nuclear use against the South, it will strike major cities, industrial foundations and supporting facilities in the South; should this be the case, it will be the North's final decision on which the very survival of the regime depends.

There are countless threats, other than those listed above, with which Seoul is faced. Seoul should keep in mind that should Pyongyang carry out chemical and biological attacks, it will most likely make it either impossible or at least difficult to determine who is behind the attacks. In case the North clandestinely uses miniaturized nuclear weapons, radiological dispersion devices also known as 'dirty bombs' and/or chemical and biological weapons, the South will be unable to take punitive measures against the North in a timely manner. Seoul is also exposed to the threat of Pyongyang using nuclear weapons both intentionally and unintentionally. To put it simply, there is always a possibility of the regime deliberately conducting nuclear strikes considering the following: the regime's leader Kim Jong-un's misjudgment and his spontaneous, reckless and unpredictable nature.

There is also a possibility of accidental or unauthorized launching in the wake of black swans or broken arrows: political upheaval, revolt, computer malfunction, and so forth. All these threats make the already-anxious South even more vulnerable. While the North continues to build up its nuclear might and intensify nuclear blackmail, South Korea has to rely solely on conventional forces and the U.S. nuclear umbrella without having its own nuclear weapons to counter the North. The South simply cannot let this situation go on.

Variables to Successful Sanctions

UNSCR 2270 was adopted in accordance with Article 41 of Chapter VII of the UN Charter, and it is the sixth resolution specifically targeting the North. The sanctions of the resolution comprehensively cover areas including trade, imports and exports of all weapons, and financial activities. The resolution has strengthened the “catch-all” provision by expanding the list of banned items that could contribute to the Weapons of Mass Destruction (WMD)-related programs, including nuclear weapons, ballistic missiles and chemical and biological weapons. The resolution also clearly enumerates sanctions targeting the North's trade, natural resources and restrictions on the entry of the regime's vessels and/or aircraft. As a result of the resolution, Pyongyang can no longer export its primary revenue sources, such as coal, iron, iron ore, gold, vanadium, titanium and other resources, including rare-earth. In addition, the resolution imposes mandatory inspections of cargo to and from the North to control the flow of vessels and/or aircraft going in and out of the country; it also obligated all UN-member states to prohibit the entry into their ports of any vessel if the vessel is owned or controlled by a designated individual or entity prohibited by the resolution: North Korea's publicly owned Ocean Maritime Management Company's 31 vessels were included in the list of sanctioned entities. Lastly, the resolution includes stronger financial sanctions: it requires member states to close overseas branches of North Korean banks in their country, and prohibits them from opening new representative offices or branches in North Korea. Other banking relationships with the North's financial institutions, including wire transfers, are also banned. The list of sanctioned institutions and individuals has also been updated. Independent sanctions complementary to UNSCR have also been added. For example, the U.S. adopted H.R.757 on February 18, 2016, and gave an administrative order on March 16; the U.S. Treasury Department

designated the North as a primary money-laundering concern. Also Japan, China, Australia, the European Union (EU), Mexico, the Philippines, Switzerland and Russia have either carried out or announced independent sanctions against North Korea. On February 9, the Park administration, in response to Pyongyang's continuing bid for nuclear sophistication, shut down the Kaesong Industrial Complex, which had been in operation for the past 13 years. Following the unprecedented measure, Seoul announced on March 8 its own set of independent sanctions against Pyongyang, including financial sanctions, a ban on the entry of North Korean vessels, import and export of North Korean goods and use of North Korean businesses. The sanctions also prohibit the entry to South Korean ports for 180 days for vessels that have previously made a call at a North Korean port. South Koreans living overseas are advised not to dine at 130 or so restaurants operated by North Korea.

The newly adopted sanctions, if dutifully implemented consistently by the UN-member states and complemented by independent sanctions by individual states, will dry up the North's WMD program-related revenue. So far, Pyongyang has garnered \$4 billion to \$5 billion annually through exporting mineral resources, sending labor overseas, tourism, and so on. Anthracite, in particular, is the single-biggest export item, bringing in over \$1 billion to the communist regime. UNSCR 2270 will cut the money flow to North Korea at least by \$2 billion, if the sanctions are thoroughly followed through. Nonetheless, there are still sizable loopholes in the resolution. For instance, while the resolution bans exports from the North of mineral resources, it does not prohibit exports for livelihood purposes or those unrelated to generating revenue for the North's nuclear/missile programs or other activities that constitute UNSCR violations. Also, the resolution does not ban imports of oil aside from jet aircraft fuel. On the same note, the regime's exportation of labor is not prohibited under the resolution, although it is one of the greatest sources of foreign money in the secluded regime. In this context, primary factors determining the success of newly adopted sanctions are as follows.

The biggest variable in regard to the success of the sanctions against North Korea is none other than China. China is the number one trade partner of North Korea, importing a vast majority of the resources, and it is up to Beijing to determine whether or not the minerals Pyongyang exports are for livelihood purposes. In other words, China is free to continue importing North Korean minerals, if it so decides. In addition,

China could choose to keep on providing the North with 500,000 tons of oil every year; should this be the case, it would greatly diminish the financial impact of the resolution. There are other issues concerning China's capacity to live up to its pledges. For instance, China has limited capabilities to control smugglers at the border. The three Northeast provinces of China, Liaoning, Jilin and Heilongjiang, may disobey the government's order and continue to trade with North Korea, and for good reason: The three provinces are relatively underdeveloped, and their economic growth rate is well below the national average. It is questionable whether Beijing is willing and/or capable of compelling provincial governments. Moreover, there are also loopholes in the financial sanctions—Pyongyang may try to illegally open bank accounts and engage in trade, circumventing UNSCR 2270. Since most North Korean banks have their overseas branches in China, China's commitment to the resolution is a key to the success of the sanctions.

The bottom line is that China's approach toward a nuclear North Korea has been heavily swayed by Sino-U.S. military relations. In Northeast Asia at the moment, Beijing's "One Belt, One Road" initiative and Anti-Area/Access-Denial (A2/AD) strategy based on its expansionism destroying the status quo are getting a foothold, and Washington is implementing its "rebalancing" strategy intended to hold the emerging Asian superpower in check. A new era of great power competition between China-Russia on one hand and the United States-Japan on the other is dawning. Against this backdrop, China has continued to help survival of its communist ally by providing fuel and food even while participating in the UN sanctions on the North. Likewise, Beijing's attitude toward North Korean nuclear matters has been ambivalent, shuttling between "pressure and connivance."¹⁴ When bilateral military relations between China and the U.S. were cooperative, China took a stronger stance against the North's nuclear program; yet when the relations went sour, China stood by or loosened sanctions against it.¹⁵

Recently, territorial disputes in the East China Sea and South China Sea have often sparked an armed confrontation between China and the United States-Japan alliance. Since the end of 2013, when China built up artificial islands and military facilities in the contested South China Sea, the risk of the disputes escalating into a military clash has been on the rise.¹⁶ In this era of a new Cold War, perhaps it was the hostile relations between China and the U.S. that triggered China to go against the strong

sanctions imposed on North Korea right after its fourth nuclear test and sternly oppose the deployment of Terminal High Altitude Area Defense (THAAD) to South Korea.¹⁷ Whether or not China continues to carry out UNSCR 2270 is questionable; indeed, it may change its position and help its communist ally hang by a thread as its bilateral relationship with the U.S. changes course. In other words, Beijing may switch its position back and forth from supporting Pyongyang to sanctioning it as the power dynamics shift in the North-East Asia, although it pledged to dutifully implement UNSCR 2270. What is clear is that Beijing would not accept sanctions strong enough to threaten the very survival of the Kim Jong-un regime; also, Moscow is very likely to go with Beijing.¹⁸ In the same vein, China may have approved the May 31-June 2, 2016 visit of ViceChairman Ri Su-yong of the Korean Workers' Party¹⁹ in response to the following events: U.S. President Obama's visit to Vietnam on May 23 to lift a decades-old ban on sales of lethal military equipment; and the leaders of the Group of Seven (G-7) countries expression of "concern over China's increasingly assertive activity in the East and South China seas, renewing their warnings against one-sided attempts to change the status quo, and [stressing] the importance of peaceful resolutions" at the G7 summit held in Japan between May 26 and 27.²⁰ South Korea, under these circumstances, is aware of the possibility of China purposefully easing, if not withdrawing from, the sanctions against North Korea. All these complex power dynamics and interconnections show that the success of sanctions against the North comes down to the U.S.-China military relations.

The second variable to successful sanctions against North Korea is whether or not all member states collectively carry out UNSCR 2270. Fortunately, some of the states have demonstrated their commitment. For example, on February 10, 2016, Japan announced its independent sanctions against North Korea, banning bilateral people-to-people exchanges, financial flows, entry of North Korean vessels. The EU also declared it is adding 16 individuals and 12 institutions on the sanctioned list on March 4. The Philippines seized the *Jin Teng*, a North Korean vessel, on March 5 after it was listed in the UN sanctions, and on April 19, Mexico confiscated the *Mudubong*, a 6,700-ton North Korean cargo ship, which had been interned there for two years. In addition, Switzerland announced on May 18 that it would impose considerably tighter sanctions against North Korea through the full implementation of UNSCR 2270. Such measures include freezing North Korean assets,

closing North Korean bank branches and accounts, banning imports of North Korean mineral resources and limiting operations of North Korean aircraft and vessels. Moreover, on May 19, Russia declared that it would step up its political pressure on North Korea by banning financial exchanges with North Korea and closing North Korean bank accounts. These are positive signs; however, it remains unclear whether these countries will continue to follow through with their pledges to make UNSCR 2270 effective and submit their implementation reports to the UN. In fact, the track record of such reporting has been abysmal. UNSCRs 1918, 1874 and 2094, adopted from 2006 to 2013, obligate all member states to hand in their reports on implementation of the resolutions; however, as of now, a mere 20% of 193 members have submitted the report.²¹

The third variable is South Korea's nuclear diplomacy. The South has indeed done its utmost to build better diplomatic relations with China. Seoul chose to join the China-led Asian Infrastructure Investment Bank, while missing out on an opportunity to take part in the Trans-Pacific Partnership led by its strongest ally. President Park was the only democratic leader from a pro-Western country, who was present at China's 70th anniversary of victory over Japan and the end of the Second World War on September 3, 2015. She attended the Victory Day parade of the People's Liberation Army—which intervened in the Korean War—and prevented ROK-U.S. forces from achieving forceful unification of the Korean Peninsula. President Park and Xi have already had eight bilateral summits, and the Park administration has given its all to convince China to impose strong sanctions against the Kim Jong-un regime after its fourth nuclear test and launch of long-range missiles.

In this context, Seoul's decision to shut down the Kaesong Industrial Complex was a desperate measure to put a damper on Pyongyang's nuclear ambition. As the complex was closed, 124 South Korean companies, 55,000 North Korean workers and their 200,000 family members all lost a means of making a living. Indeed, the monetary loss which came with the shut-down was massive; however, what was even more damaging was the non-monetary loss. The Kaesong Industrial Complex was initially set up as a test bed for the South-North cooperation, and it grew into the golden child of the two Koreas; it ultimately became a diplomatic buffer protecting both sides. The trouble was that it was not fair for the South to ask China and the international community to financially isolate the North, following the fourth nuclear

test, while providing the North with \$100 million annually through the operation of the complex. Seoul's decision to close it was a mutually destructive measure damaging the two Koreas, but it was necessary to facilitate the strong and consistent international sanctions against the Kim Jong-un regime's die-hard nuclear ambition.

After the shutdown of the Kaesong Industrial Complex, the Park administration has continued to carry out diplomatic strategies to urge the international community to join in its effort to impose strong and consistent sanctions. A case in point is Park's diplomatic effort made during her participation at the Nuclear Security Summit held in Washington April 1-3, 2016.²² She also persuaded President Tsakhiagiin Elbegdorj of Mongolia, during his state visit to South Korea, to declare his support for UN sanctions on May 19; when she visited Uganda on May 29, President Park swayed President Yoweri Museveni to make a pledge to stop Uganda's security and military cooperation with North Korea. Nevertheless, South Korea's desperate diplomatic endeavors must be a relatively trivial variable, if not an inconsequential one, to the success of the sanctions, as it is a small nation surrounded by stronger ones in Northeast Asia. This situation amply explains why the Seoul government has concentrated its diplomatic efforts on China. If China backs away from the sanctions bloc, such an event may compel South Korea to choose extreme and radical choices.²³

The fourth and final variable to successful sanctions against North Korea is the ROK-U.S. combat readiness and military capability of deterring the North's nuclear threat. Seoul has taken diverse initiatives to enhance its own and allied deterrence capabilities to this end. First of all, Seoul's Ministry of National Defense earmarked 17 trillion won (U.S. \$15 billion) through mid-2020 to build up the Kill Chain and the Korean Air and Missile Defense (KAMD) systems, thus enhancing the nation's independent deterrence capabilities. However, some experts—including this author—have raised concerns over the technological and financial feasibility of both initiatives. They have pointed out that preemption through the Kill Chain system may not be viable technologically, financially or politically, and that the KAMD has only a limited ability to defend attacking nuclear-tipped missiles. More importantly, they point out that the North's SLBM, if deployed, can rather easily circumvent or penetrate the Kill Chain and the KAMD systems. Simply put, these pundits urge the Park administration to shift the high-cost and low-efficiency preemption and defense strategies to low-cost and high-

efficiency retaliatory strategies.²⁴ At any rate, it is important to note that the stronger deterrence capabilities become, the better they would restrain Pyongyang's nuclear provocations and lead the Kim Jong-un regime to denuclearize.

Simultaneously, Seoul and Washington have pursued a range of initiatives to reinforce the deterrence at the alliance dimension. For instance, on March 4, 2016, they signed an agreement to hold a working-level negotiation to form a ROK-U.S. joint working group in order to discuss the deployment of THAAD. The two nations carried out the 2016 Key Resolve and Foal Eagle, annual ROK-U.S. joint military drills, on an unprecedented scale March 7-April 10.²⁵ The Sang Yong Exercise, a joint landing drill carried out as part of Foal Eagle, was also conducted at the largest scale. The United States dispatched its state-of-the-art strategic assets, including aircraft carrier strike groups, F-22 Raptors and EC-130J Commando Solos, thus curdling the blood of the enemies in the North. Nevertheless, South Korean pundits want more fundamental measures to boost the allied deterrence such as redeployment of U.S. tactical nuclear weapons in South Korea, around-the-clock deployment of nuclear-armed submarines on the East Sea, and revision of the alliance treaty to insert “nuclear umbrella” and “automatic interventions” articles, to list a few.

Conclusion: Toward Concerted, Strong and Consistent Sanctions

Iran, after rounds of negotiations with the international community over the issues of nuclear development, finally found a win-win solution and clinched a deal in 2015: Iran agreed to give up on developing nuclear weapons but secured a right to continue its atomic program for peaceful use. The best route to denuclearization for North Korea may be the Iranian way, which is why South Korea and the international community expect North Korea to draw lessons from the Iranian deal and engage in substantive nuclear talks. However, Pyongyang, unlike Tehran, has an advanced nuclear weapons program; therefore, simple economic sanctions which swayed Iran may not do the trick. What is needed, in this context, is strong and consistent international sanctions against the North to bring Kim Jong-un and his cronies to the table. This brings us back full circle to my initial point: the current sanctions against North Korea are ultimately in the hands of China and the U.S., and the success of these sanctions fundamentally depends on Sino-U.S. cooperation.

Against this backdrop, China's flip-flopping toward a nuclear North Korea has perplexed the international community. Beijing, up until now, has been consistent in its approach toward the sanctions against Pyongyang: it has supported the international sanctions as long as they do not threaten the very survival of the Kim Jong-un regime. This hypocritical position of China goes directly against the core logic behind the sanctions: Sanctions should be strong enough to threaten the survival of the Pyongyang regime, if the international community wants to take the North to real denuclearization talks. Washington is also baffled by Beijing's recalcitrance. The Obama administration's question may be whether or not it is capable of coercing the Xi government to stop dodging its responsibility as a member of the international community. Beijing went through the phase of "peaceful rising" and now is entering the era of "the Rise of the Great Nations." Although Washington tries to suppress Beijing's expansionism, Beijing, instead of submitting to Washington's coercion, kicks its force up a notch by easing sanctions toward Pyongyang. The U.S. now must be in a dilemma with two mutually conflicting goals: it has to restrain China to check its expansionism, but must cooperate with China to sanction North Korea.

The dilemma that South Korea is facing is even more challenging: Seoul, lacking diplomatic leverage to sway China, must rely heavily on nuclear diplomacy through the ROK-U.S. alliance and engage in multilateral diplomacy. Still, all these diplomatic efforts will go to complete waste, if China decides to reverse its current position to foster North Korea in order to get back at the U.S. In this context, South Korean experts have raised concerns over the recent visit of Vice Chairman Ri Su-yong of North Korea's Worker's Party to China to meet with President Xi, since the visit may signal China's continued ambivalence over the North Korean nuclear issues. The ever-aggravating maritime conflict between the U.S. and China clearly demonstrates South Korea's predicament. With all the dilemmas aside, however, one thing is clear for South Korea: there is a distinction between its bilateral relationships with both the U.S. and China. One is a bloodshed alliance, and the other is a relationship expressed as a "strategic cooperation partnership" diplomatically. The ROK-U.S. alliance has provided South Korea with the nuclear umbrella, and is enhancing South Korea's national security through employing "the tailored deterrence strategy," "4D (detect-defense-disrupt-destroy) strategy,"²⁶ and in many other ways. On the other hand, the ROK-China "strategic cooperation

partnership," which was agreed on in 2008, means little to nothing in the realm of South Korea's national security—although it may mean a lot on the economic, social and cultural fronts. For example, when the *Cheonan* and *Yeonpyeong* attacks took place in 2010, unlike the U.S. (which immediately provided South Korea with security support), China sided with its ally, North Korea. In fact, China has a bilateral strategic partnership with over 50 countries, and Beijing is yet to define the substance of such relationships. Therefore, Seoul has to approach issues, such as the South China Sea disputes and the deployment of THAAD, with a clear understanding of the distinction between “alliance” and “strategic cooperation partnership.”

With this in mind, South Korea must help the U.S. achieve its rather contradictory and challenging goals: suppressing China's expansionism and cooperating with China to impose the strong and consistent international sanctions against North Korea. With regard to the South China Sea, Seoul noted that the U.S. 7th and 5th Fleets have safeguarded the security of the Western Pacific Ocean and the Indian Ocean, and that South Korea has enjoyed safe trading and energy shipping through the sea lines of communication (SLOCs) protected by the U.S. This is what the Seoul government must keep in mind, even while staying sensitive to China's ambivalent roles in the denuclearization of North Korea.

For the U.S., however, now may be the right time to consider the worst-case scenarios. To be sure, the U.S. will have to continue to work with China to carry out sanctions against North Korea, but it should think about Plan B and Plan C, preparing against the case that China decides to neutralize the international efforts with its continuing ambivalence. Such plans should include not only redeployment of tactical nuclear weapons on the South Korean soil or drastic intensification of extended deterrence, but also threat of a nuclear proliferation domino within the framework of cooperation with Asian allies. Today South Korean pundits take notes of Israel, which maintains a robust alliance with the U.S. even after becoming a *de facto* nuclear weapon state. Now is the time to send the right message to China for the purpose of concerted, strong and consistent sanctions and an end to the dangerous nuclear game of the unpredictable communist regime in Pyongyang.

Notes:

¹ South Korea and the U.S., however, discredited the claim considering the estimated explosive yield of the test (6 to 12 kilotons), the magnitude of the quake (4.8 to 5.1) and the geological conditions. Korean nuclear experts including myself put some weight on the possibility of a successful test of a boosted fission bomb. See: Kim Taewoo, "The Kim Jong-un regime's nuclear-first politics and deterrence strategies against the ROK", Korea Institute for Marine Strategy, *Strategy 21*, Spring 2016 Vol.; Sangmin Lee, "Technical assessment of the fourth nuclear test and the outlook for nuclear development," discussion paper submitted to the Second Sejong Policy Forum on February 4, 2016.

² China and Russia postponed the adoption, highlighting the importance of dialogue and negotiations. After the adoption, the two countries expressed their commitment to follow through the resolution, yet strongly opposed unilateral sanctions and military actions against North Korea.

³ In an interview with the Russian News Agency TASS on March 28, 2016, Ri Su-yong, Vice-chairman of North Korea's Worker's Party, said, "the People's Army is ready to conduct a preemptive nuclear attack against the United States' hostility." Ri also stated that "Pyongyang has no choice but to deter Washington's nuclear threat with its own nuclear power" at the High Level Thematic Debate on Achieving the Sustainable Development Goals (SDGs), held at the UN headquarters on April 21, 2016.

⁴ This part is based on the analysis of Professor Kim Yeol-soo of Sungshin Women's University; Yeol-soo Kim, "The possibility of a transition in the Kim Jong-un regime and strategy to collapse the regime", presented at a seminar on "National security against a nuclear North Korea and ways to achieve peaceful reunification of the Korean Peninsula," hosted by Korea Defense & Security Forum (KODEF) on May 19, 2016.

⁵ North Korea has continued to test-launch KN-11 (or "Bukkeukseong-1") SLBM, which is an improved version of the former Soviet Union's SS-N-6, in 2015 and 2016. The SLBM that was launched on April 23, 2016 showed signs of success in cold and hot launching, though it exploded in the mid-air after flying 30 km.

⁶ Korean Central News Agency quoted by Eric Talmadge, "Behind Closed Doors, North Korea Opens Ruling Party Congress," May 6, 2016, Available online at <http://bigstory.ap.org/article/c37fee52cf0948659c6cf683fa76f028/north-korea-readies-its-biggest-political-show-years>

⁷ Julian Ryall, "North Korean Nuclear Tests: What is a Hydrogen Bomb?" *The Telegraph*, January 6, 2016, Available online at <http://www.telegraph.co.uk/news/worldnews/asia/northkorea/12084548/North-Korea-nuclear-tests-What-is-a-hydrogen-bomb.html>

⁸ The National Committee on North Korea, "Kim Jong Un's Speeches at the 7th Workers' Party Congress," Available online at <http://www.ncnk.org/resources/news-items/kim-jong-uns-speeches-and-public-statements-1>

⁹ Richard Smart, "North Korea will not use nuclear weapons first, says Kim Jong-un," *The Guardian*, May 8, 2016, Available online at <https://www.theguardian.com/world/2016/may/08/north-korea-will-only-use-nuclear-weapons-if-sovereignty-is-threatened>

¹⁰ John Carlson, "Dealing with the North Korean Nuclear Threat," *The National Interest*, May 9, 2016, Available online at <http://nationalinterest.org/blog/the-buzz/dealing-the-north-korean-nuclear-threat-16102>

¹¹ Ko Young-hwan, "North Korea's agenda and strategy of nuclear development," testimony delivered at a policy discussion forum of the Council on Korea-U.S. Security Studies on January 27, 2016.

¹² North Korea placed the Strategic Force—created to operate the nuclear-armed military—at the same level as the army, navy and air force. The Party Central Military Commission is in charge of developing nuclear policies; the Second Economic Committee under the National Defense Commission provides funds and resources needed for nuclear development. The Ministry of Atomic Energy Industry and subordinate research institutions are responsible for research and development of nuclear weapons.

¹³ Kim Tae-woo, "North Korea's nuclear strategy and provocation scenario," in Institute of North Korean Studies, *North Korea*, May 2016 Vol.; Kim Taewoo et al, "Korea's military and security strategies against North Korean nuclear threats," a 2007 research project conducted at the Korea Institute for Defense Analysis; Kim Tae-woo, Kim Yeol-soo and Shin Sung-taek, *A study on North Korea's nuclear threats and South Korea's response strategies*, a 2007 research project employed by National Emergency Planning Commission.

¹⁴ See: Park Tae-hong, *A shift in China's political approach towards a nuclear North Korea and the reasons behind the transition*, Ph. D. thesis, Kookmin University 2016.

¹⁵ Ibid.

¹⁶ The South China Sea (365,000 km²) is an essential route for global trade and energy shipping, and a stepping stone for China to rise as a marine powerhouse. China explicitly referred to the South China Sea as a "core interest." Since 2013, it has carried out offensive policies to safeguard its interest. China announced "a new type of great power relationship" in June 2013. In November, it announced East China Sea Air Defense Identification Zone, and the next month it began working on the construction of artificial islands in the South China Sea. China dispatched oil and gas exploration vessels to the Parcel Islands in December 2014, strengthening its sway over the South China Sea. Such initiatives, of course, led to military confrontation with the United States.

¹⁷ Beijing warned Washington repeatedly over the latter's plan to deployment of THAAD in South Korea. For example, China's foreign minister Wang Yi, after meeting with his American counterpart on the sidelines of the Munich Security Conference, made clear that "the United States shall not undermine China's security using the Korean affairs as an excuse." President Xi Jinping, Foreign Minister Wang Yi and Chinese Ambassador to the Republic of Korea Qiu Guohong also spoke out against the possible THAAD deployment. It is interesting to note that China's special representative for Korean Peninsula Affairs, Wu Dawei, stated on March 3, 2016, "if Korea brings missile defense systems from Europe or Israel, it will not be a major concern." The remarks, made during his visit to Korea, show that Beijing's dispute with Washington over THAAD is in fact a power struggle between the two alpha dogs.

¹⁸ Chinese Foreign Minister Wang Yi and Russian Foreign Minister Sergey Lavrov, in a joint press conference following the Conference on Interaction and Confidence Building Measures in Asia (CICA) spoke out strongly against the latest nuclear test conducted by North Korea. Nonetheless, they stated that they would not allow chaos and war to break out on the Korean peninsula, which would be to no one's advantage; they asked for the resumption of the six-party talks. In addition, they agreed to collaborate on disputes in the South China Sea and opposed the deployment of THAAD in South Korea. These

statements reaffirm that China and Russia are using the North Korea card to gain the upper hand in the competition with the United States and Japan.

¹⁹ Immediately after Pyongyang's fourth nuclear test, Beijing was rather lukewarm about imposing sanctions. However, following adoption of UNSCR 2270, it showed some degree of commitment to participate in the sanctions. China later put a ban on importing seven major mineral resources, including North Korea's primary foreign revenue source—coal and iron—through the Ministry of Commerce's announcement on April 5. China repeated its pledge to thoroughly implement the UNSCR 2270, followed by a joint statement condemning the North's nuclear tests and missile launches at the 5th CICA. Against this backdrop, China's approval of Vice-chairman Ri's visit was all the more surprising and disappointing.

²⁰ China lodged a complaint through its ambassador to Japan against the G-7 Leaders' Declaration. *Yonhap News Agency*, May 31, 2016.

²¹ *Yonhap News Agency*, June 1, 2016.

²² President Park hosted Korea-U.S., Korea-Japan, Korea-U.S.-Japan and Korea-China summits on March 31,

2016, before the beginning of the 4th Nuclear Security Summit in Washington.

²³ Gallup Korea recently released a poll conducted on Jan 15, 2016 showing 54% of South Korean respondents supported the nation's independent nuclear armament, a 10% increase from the last poll carried out right after North Korea's third nuclear test in 2013. Following the fourth nuclear test, prominent politicians in South Korea including Chung Mong-joon, Won Yoo-chul and Roh Chul-rae renewed calls for Seoul to pursue its own nuclear option. Leading the chorus was Won Yoo-chul, then-floor leader for the ruling Saenuri party, who called for nuclear armament to counter the North's nuclear capabilities in his speech at the National Assembly's negotiation group on February 15, 2015. Also among pundits supporting South Korea's nuclear armament are Cho Gab-je (CEO of <http://www.chogabje.com/>) and Dr. Chung Sung-jang of the Sejong Institute. See: Chung Sung-jang, "Nuclear armament possible in 18 months if Park gives it a go" *Shindonga*, March 2016. In the case of Beijing's leaving the sanctions bloc, calls for Seoul's independent nuclear deterrence prompting serious discussions on special measures. Such measures include redeployment of U.S. tactical nuclear weapons, developing Seoul's nuclear armament within the alliance framework, and unilaterally developing atomic and hydrogen bombs without the U.S. consent.

²⁴ Kim Tae-woo, "Deterring the North Korean Bomb: Retaliation, Defense and Preemption," presented at an international conference commemorating the 10th anniversary of September 19th Joint Statement co-hosted by Institute for National Security Strategy and Heritage Foundation in Seoul; "Seoul must act to deter missiles" *Korea Herald*, June 13, 2015; "Deployment of THAAD and the outlook of Korea-U.S. and Korea-China relations," Jeju Peace Institute, JPI Policy Forum February 1, 2015; "the Kim Jong-un regime's nuclear-first politics and deterrence strategies against the ROK", in *Strategy 21*, Spring 2016.

²⁵ In the joint military drill, 300,000 Korean and 17,000 American soldiers including 9,200 U.S. Marines participated. U.S. Navy sailors deployed from the U.S. mainland, joined by Marines from the Okinawa, Japan-based III Marine Expeditionary Force conducted a landing operation targeting strategic objectives in North Korea. In total, 150 aircraft, including the U.S. Navy aircraft carrier *USS John C. Stennis* (CVN 74), and two amphibious warfare ships participated in the drill.

²⁶ The ROK and U.S. Defense Ministers signed on the "Tailored Deterrence Strategy" at the 45th Korea-U.S. Security Consultative Meeting (SCM) in 2013. The strategy refers to a range of military and non-military responses to be launched at different stages of North Korea's use of nuclear weapons. "4D Strategy" is a concept that was agreed upon at the 7th Korea-U.S. Integrated Defense Dialogue (KIDD) in Washington in 2015. Later, the Deterrence Strategy Committee (DSC) was established to further develop the 4D concept. Asdf