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North Korea: U.S. Relations, Nuclear Diplomacy, and Internal Situation

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Summary

North Korea has presented one of the most vexing and persistent problems in U.S. foreign policy in the post-Cold War period. The United States has never had formal diplomatic relations with the Democratic People's Republic of Korea (the official name for North Korea), although contact at a lower level has ebbed and flowed over the years. Negotiations over North Korea's nuclear weapons program have occupied the past three U.S. administrations, even as some analysts anticipated a collapse of the isolated authoritarian regime. North Korea has been the recipient of over \$1 billion in U.S. aid (though none since 2009) and the target of dozens of U.S. sanctions.

This report provides background information on the negotiations over North Korea's nuclear weapons program that began in the early 1990s under the Clinton Administration. As U.S. policy toward Pyongyang evolved through the 2000s, the negotiations moved from a bilateral format to the multilateral Six-Party Talks (made up of China, Japan, Russia, North Korea, South Korea, and the United States). Although the negotiations reached some key agreements that laid out deals for aid and recognition to North Korea in exchange for denuclearization, major problems with implementation persisted. The Six-Party Talks have been suspended throughout the Obama Administration. As diplomacy remains stalled, North Korea continues to develop its nuclear and missile programs in the absence of any agreement it considers binding. Security analysts are concerned about this growing capability, as well as the potential for proliferation to other actors.

After Kim Jong-il's death in December 2011, his youngest son, Kim Jong-un, has consolidated authority as supreme leader. Bilateral agreements with the United States in February 2012 involving the provision of aid and freezing some nuclear activities fell apart after Pyongyang launched a long-range ballistic missile in April 2012. Prospects for negotiations dimmed further after another, more successful, launch in December 2012 and a third nuclear test in February 2013. In response to new U.N. sanctions, Pyongyang sharply escalated its rhetoric and took a number of provocative steps. The U.S. reaction included muscular displays of its military commitments to defend South Korea and moves to bolster its missile defense capabilities.

Since this flare in tensions, North Korea has expanded its diplomatic outreach with Japan, South Korea, and Russia. The release in late 2014 of three U.S. citizens who had been detained in North Korea also may have removed one obstacle to restarting dialogue with the United States. As ties with China apparently cooled, Pyongyang appeared to be seeking to avoid diplomatic isolation as well as to reduce its almost total economic dependence on China. Simultaneously, international attention to North Korea's human rights violations intensified at the United Nations, drawing Pyongyang's concern and protests. North Korea is already under multiple international sanctions imposed by the United Nations Security Council in response to its repeated missile and nuclear tests.

North Korea's intransigence and the stalled negotiations present critical questions for the Obama Administration. Do the nuclear tests and successful long-range missile launch fundamentally change the strategic calculus? Has North Korea's capacity to hurt U.S. interests, up to and including a strike on the United States itself, increased to the point that military options should be considered more carefully? Is returning to the Six-Party Talks, dormant since 2008, still a goal? Relatedly, does the United States need a strategy that relies less on Beijing's willingness to punish Pyongyang? Do North Korea's nuclear advances mean that Obama's approach (known as "strategic patience" – see page seven) is too risky to continue? More broadly, should the United States attempt to isolate the regime diplomatically and financially? Should those efforts be

balanced with engagement initiatives that continue to push for steps toward denuclearization? Do the North's nuclear and missile tests and attacks on South Korea suggest that regime change is necessary before prospects for peaceful resolution may improve?

Although the primary focus of U.S. policy toward North Korea is the nuclear weapons program, there are a host of other issues, including Pyongyang's missile programs, illicit activities, violent provocations inflicted upon South Korea, and abysmal human rights record. Modest attempts by the United States to engage North Korea remain suspended along with the nuclear negotiations.

This report will be updated periodically. (This report covers the overall U.S.-North Korea relationship, with an emphasis on nuclear diplomacy. For information on the technical issues involved in North Korea's weapons programs and delivery systems, as well as the steps involved in denuclearization, please see the companion piece to this report, CRS Report RL34256, *North Korea's Nuclear Weapons: Technical Issues*, by Mary Beth D. Nikitin. Please refer to the list at the end of this report for CRS reports focusing on other North Korean issues.)

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Figure I. Map of the Korean Peninsula



Sources: Map produced by CRS using data from ESRI, and the U.S. Department of State's Office of the Geographer.

Notes: The "Cheonan Sinking" refers to the March 2010 sinking of a South Korean naval vessel, the Cheonan, killing over 40 ROK sailors. A multinational investigation led by South Korea determined that the vessel was sunk by a North Korean submarine. Yeonpyeong Island was attacked in November 2010 by North Korean artillery, which killed four South Koreans (two Marines and two civilians) and wounded dozens.

* This map reflects geographic place name policies set forth by the United States Board on Geographic Names pursuant to P.L. 80-242. In applying these policies to the case of the sea separating the Korean Peninsula and the Japanese Archipelago, the Board has determined that the “Sea of Japan” is the appropriate standard name for use in U.S. Government publications. The Republic of Korea refers to this body of water as the “East Sea.”

Introduction

A country of about 25 million people, North Korea has presented one of the most vexing and persistent problems in U.S. foreign policy in the post-Cold War period. The United States has never had formal diplomatic relations with the Democratic People’s Republic of Korea (DPRK, the official name for North Korea). Negotiations over North Korea’s nuclear weapons program have occupied the past three administrations, even as some analysts anticipated a collapse of the diplomatically isolated regime in Pyongyang. North Korea has been both the recipient of billions of dollars of U.S. aid (official aid ceased in 2009) and the target of dozens of U.S. sanctions. Once considered a relic of the Cold War, the divided Korean peninsula has become an arena of more subtle strategic and economic competition among the region’s powers.

U.S. interests in North Korea encompass serious security, political, and human rights concerns. Bilateral military alliances with the Republic of Korea (ROK, the official name for South Korea) and Japan obligate the United States to defend these allies from any attack from the North. Tens of thousands of U.S. troops occupying the largest U.S. military bases in the Pacific are stationed within striking range of North Korean missiles. An outbreak of conflict on the Korean peninsula or the collapse of the government in Pyongyang would have severe implications for the regional—if not global—economy. Negotiations and diplomacy surrounding North Korea’s nuclear weapons program influence U.S. relations with all the major powers in the region and have become a complicating factor for U.S.-China ties.

At the center of this complicated intersection of geostrategic interests is the task of dealing with an isolated, authoritarian regime. Unfettered by many of the norms that govern international diplomacy, the leadership in Pyongyang, now headed by its dynastic “Great Successor” Kim Jong-un, is unpredictable and opaque. Little is known about the young leader and the policymaking system in Pyongyang. U.S. policymakers face a daunting challenge in navigating a course toward a peaceful resolution of the nuclear issue.

In the long run, the ideal outcome remains, presumably, reunification of the Korean peninsula under stable democratic rule.¹ At this point, however, the road to that result appears fraught with risks. If the Pyongyang regime falls due to internal or external forces, the potential for major strategic consequences (including competition for control of the North’s nuclear arsenal) and a massive humanitarian crisis, not to mention long-term economic and social repercussions, loom large. In the interim, policymakers face deep challenges in even defining achievable objectives, let alone reaching them.

¹ “Joint Vision for the Alliance of the United States of America and the Republic of Korea,” the White House, Office of the Press Secretary, June 16, 2009, http://www.whitehouse.gov/the_press_office/Joint-vision-for-the-alliance-of-the-United-States-of-America-and-the-Republic-of-Korea.

North Korea in Late 2014

Pyongyang's International Outreach

Three years into Kim Jong-un's rule, the young leader has consolidated power in Pyongyang and maintained a defiant stance in relation to the outside world. In late 2014, however, North Korea appeared to be making efforts to engage other countries. Because multilateral negotiations (known as the Six-Party talks and including China, South Korea, North Korea, Japan, Russia, and the United States) on North Korea's nuclear weapons program have been at a standstill since 2009, Pyongyang has mostly pursued its outreach through bilateral channels. Although North Korea has continued to develop its nuclear weapons and long-range missile capabilities, in 2014 it eschewed the sort of provocations that draw the loudest international condemnation. Some analysts, while deeply wary of the leadership's intentions, see Pyongyang opening its doors a crack to the international community.²

In October and November 2014, North Korea released three detained U.S. citizens, taking the first step toward re-engaging with the United States. The prisoners had been held for between six months and over two years and had constituted the most immediate stumbling block to any bilateral dialogue between Pyongyang and Washington. Earlier in the year, North Korea reached an agreement with Japan to reopen the investigation of the fate of Japanese citizens abducted by North Korean agents in the 1970s and 1980s. In exchange, Japan relaxed some of its unilateral sanctions, with the promise of more easing if the North provides resolution to the issue that has frozen bilateral relations for the past decade. North Korea also sent three very high-level emissaries to Seoul to broach restarting inter-Korean engagement tracks and has reached out to Russia to reestablish stronger ties.

Many of these moves may be motivated by North Korea's apparently cooling relationship with Beijing. China remains North Korea's primary patron, but recent actions and statements by Chinese officials indicate both distrust in Kim's regime and a weariness of defending North Korea internationally. Under President Xi Jinping, China's fundamental strategic calculus still appears to favor providing a lifeline to Pyongyang to avoid its collapse and the ensuing instability, but it shows less willingness to protect North Korea from international criticism. Beijing has also cultivated stronger ties with Seoul, reportedly offending Pyongyang. Pyongyang's international diplomacy seems to indicate that Kim feels the need to reach out to other parties. North Korea has long feared being overly dependent on China, and may be exploring alternatives for trade and political support. Two other possible explanations for this burst of diplomacy are, one, a desire to break the tight coordination among the United States and its partners on North Korea policy, and two, an attempt to deflect criticism by the United Nations regarding human rights violations in North Korea (see next section).

² Anna Fifield, "While Kim Jong Un Is Absent, North Korean Diplomats Are Working Overtime," *Washington Post*, October 10, 2014.

Sensitivity to Human Rights Criticism

In another foreign policy shift, Pyongyang officials have appeared more concerned about international condemnation of North Korea's human rights record. Although the United Nations and other organizations have long drawn attention to the appalling state of human rights in North Korea, Pyongyang generally appeared to brush off such criticism. Since 2013 the United Nations Human Rights Council has taken a more expansive approach to evaluating North Korea's human rights record, conducting a thorough study (known as a Commission of Inquiry) that concluded in February 2014 that North Korea had committed "crimes against humanity" and should face charges at the International Criminal Court (ICC).³ In an unusual move, North Korea's U.N. diplomats tried unsuccessfully to change the language in a draft resolution. They sought to drop the ICC reference in exchange for an official visit by the U.N. Special Rapporteur on human rights in North Korea. This unusually strong resistance by North Korea may indicate a genuine fear of the consequences of an ICC investigation into "crimes against humanity."

Commentators have credited the U.N. process for pushing the regime to engage on the human rights issue, although official North Korean news outlets and public statements continue to accuse "hostile forces" of politicizing the human rights issue in order to bring down the regime. In October 2014, North Korean officials gave a briefing at the United Nations that mentioned for the first time North Korea's detention centers and "reform through labor" policies, though stopped short of acknowledging the harsher political prison camps (*kwanliso*). North Korea also announced that it had ratified a U.N. protocol on child protection in an apparent attempt to push back against the scathing U.N. report. These efforts apparently failed to convince U.N. member states, who in November voted overwhelmingly (111 yes; 19 no; 55 abstain) to recommend that the U.N. Security Council refer the human rights situation in North Korea to the ICC. It remains to be seen whether this round of U.N.-centered diplomacy leads to sustained dialogue on human rights issues with North Korea, or whether it causes North Korea to further isolate itself from the international community.

North Korean Nuclear and Ballistic Missile Capabilities

U.S. analysts remain concerned about the pace and success of North Korea's weapons development. Analysis of commercial satellite imagery indicated, and South Korean official sources confirmed, that North Korea has likely doubled the size of its uranium enrichment facility at Yongbyon.⁴ This enhanced capacity could allow North Korea to produce enough highly enriched uranium for up to five nuclear weapons per year. The same evidence indicates that North Korea has stopped operations at its plutonium production reactor at Yongbyon, which had reportedly been in operation for several months. One analysis of satellite imagery suggests that North Korea may be removing spent fuel rods from that reactor to extract weapons-grade

³ <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>

⁴ David Albright and Serena Kelleher-Vergantini, "Yongbyon: Centrifuge Enrichment Plant Expands while 5 MWe Reactor Is Possibly Shut Down," Institute for Science and International Security, October 3, 2014.

Jeong Yong-soo and Ser Myo-ja, "North Operates New Uranium Plant," *Korea JoongAng Daily*, November 5, 2014.

plutonium.⁵ For more information and analysis, see CRS Report RL34256, *North Korea's Nuclear Weapons: Technical Issues*, by Mary Beth Nikitin.

Open source assessments of North Korea's warhead and missile development have differed, particularly on the question of whether the North has the capability to launch a miniaturized warhead on an intercontinental ballistic missile. (North Korea has periodically threatened to strike the United States with nuclear weapons.) In October 2014, Commander of U.S. Forces in Korea General Curtis Scaparrotti remarked that he thought North Korea may have the ability to miniaturize a nuclear warhead.⁶ However, ballistic missile experts have pointed out that North Korea has not performed the amount of testing needed for its long-range missiles to constitute a credible threat. These experts also point to the lack of evidence that North Korea has developed effective reentry vehicles.⁷

Questions about the Condition of Kim Jong-un's Health

From early September to mid-October 2014—roughly 40 days—Kim Jong-un did not appear in public, creating speculation about his health (he had been seen limping on prior occasions) and the possibility of a coup. A North Korean television news program reported during his absence that he was experiencing some “discomfort,” and when he first reappeared in public he walked with the aid of a cane.⁸ North Korean state media reports subsequently indicated that Kim has returned to good health, but some observers assert that he may have a chronic or recurring condition, such as gout.⁹ The prolonged, unexplained disappearance of Kim from public view reinforced for many observers the inherent instability of the North Korean dictatorial system constructed on veneration of the supreme leader.

History of Nuclear Negotiations

North Korea's nuclear weapons program has concerned the United States for three decades. In 1986, U.S. intelligence detected the start-up of a plutonium production reactor and reprocessing plant at Yongbyon, which were not subject to international monitoring. In the early 1990s, after agreeing to and then obstructing International Atomic Energy Agency (IAEA) inspections, North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty (NPT). According to statements by former Clinton Administration officials, a preemptive military strike on the North's nuclear facilities was seriously considered as the crisis developed. Discussion of

⁵ Nick Hansen, “North Korea's Yongbyon Nuclear Facility: Reactor Shutdown Continues; Activity at Reprocessing Facility,” 38North blog, U.S.-Korea Institute at SAIS, October 19, 2014, <http://38north.org/2014/11/yongbyon111914>.

⁶ “Commander, U.S. Forces Korea, General Curtis Scaparrotti and Rear Admiral John Kirby, Press Secretary,” U.S. Department of Defense, Press Briefing, Washington, DC, October 24, 2014, <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=5525>.

⁷ Wyatt Olson, “North Korea Likely Unable to Reach U.S. with Nuke Yet, Experts Say,” *Stars and Stripes*, November 12, 2014.

⁸ Benjamin Kang Lim and James Pearson, “North Korea Leader Kim Is Still in Charge, Has Leg Injury: Source,” Reuters, October 9, 2014.

⁹ Kim Tae-shik, “N. Korean Leaders' Return after 40-Day Hiatus,” *Vantage Point: Developments in North Korea*, Yonhap News Agency, Vol. 37, No. 11 (Nov. 2014), pp. 12-15.

sanctions at the United Nations Security Council and a diplomatic mission from former President Jimmy Carter diffused the tension and eventually led to the 1994 Agreed Framework, an agreement between the United States and North Korea that essentially would have provided two light water reactor (LWRs) nuclear power plants and heavy fuel oil to North Korea in exchange for a freeze and eventual dismantlement of its plutonium program under IAEA supervision. The document also outlined a path toward normalization of diplomatic and economic relations as well as security assurances.

Beset by problems from the start, the Agreed Framework faced multiple reactor construction and funding delays. Still, the fundamentals of the agreement were implemented: North Korea froze its plutonium program, heavy fuel oil was delivered to the North Koreans, and LWR construction commenced. However, North Korea had not complied with commitments to declare all nuclear facilities to the IAEA and put them under safeguards. In 2002, the George W. Bush Administration confronted North Korea about a suspected uranium enrichment program,¹⁰ which the North Koreans then denied publicly. With these new concerns, heavy fuel oil shipments were halted, and construction of the LWRs was suspended. North Korea then expelled IAEA inspectors from the Yongbyon site, announced its withdrawal from the NPT, and restarted its reactor and reprocessing facility after an eight year freeze.

Six-Party Talks

Under the George W. Bush Administration, negotiations to resolve the North Korean nuclear issue expanded to include China, South Korea, Japan, and Russia. With China playing host, six rounds of the “Six-Party Talks” from 2003-2008 yielded occasional progress, but ultimately failed to resolve the fundamental issue of North Korean nuclear arms. The most promising breakthrough occurred in 2005, with the issuance of a Joint Statement in which North Korea agreed to abandon its nuclear weapons programs in exchange for aid, a U.S. security guarantee, and normalization of relations with the United States. Despite the promise of the statement, the process eventually broke down due to complications over the release of North Korean assets from a bank in Macau (see section “North Korea’s Illicit Activities”) and then degenerated further with North Korea’s test of a nuclear device in October 2006.¹¹

In February 2007, Six-Party Talks negotiators announced an agreement that would provide economic and diplomatic benefits to North Korea in exchange for a freeze and disablement of Pyongyang’s nuclear facilities. This was followed by an October 2007 agreement that more specifically laid out the implementation plans, including the disablement of the Yongbyon facilities, a North Korean declaration of its nuclear programs, delivery of heavy fuel oil, and a U.S. promise to lift economic sanctions on North Korea and remove North Korea from the U.S. designation under the Trading with the Enemy Act (TWEA) and list of state sponsors of terrorism. The plutonium program was again frozen and placed under international monitoring with the United States providing assistance for disabling of key nuclear facilities. Under the

¹⁰ Material for nuclear weapons can be made from reprocessing plutonium or enriching uranium. The uranium enrichment program provided North Korea with a second pathway for creating nuclear bomb material while its plutonium production facilities were frozen.

¹¹ For more details on problems with implementation and verification, see CRS Report RL33590, *North Korea’s Nuclear Weapons Development and Diplomacy*, by Larry A. Niksch.

leadership of Assistant Secretary of State for East Asia and Pacific Affairs Christopher Hill, the Bush Administration pushed ahead on the deal. It removed the TWEA designation in June 2008 after North Korea submitted a declaration of its plutonium program. After terms of a verification protocol were verbally agreed upon in October 2008, the United States removed North Korea from the terrorism list.¹² However, disputes over the specifics of the verification protocol between Washington and Pyongyang stalled the process again. North Korea did continue to disable portions of its Yongbyon facility through April 2009, when it expelled international inspectors following a ballistic missile test and subsequent United Nations Security Council (UNSC) sanctions. In May 2009, North Korea tested a second nuclear device.

Multilateral negotiations on North Korea's nuclear program have not been held since December 2008. Pyongyang's continued belligerent actions, its vituperative rhetoric, its declarations of intent to be a nuclear weapons power, and most importantly its failure to fulfill obligations undertaken in previous agreements have halted efforts to restart the Six-Party Talks. The United States and North Korea came to a temporary agreement on a renewal of denuclearization steps in February 2012, discussed below.

Obama Administration North Korea Policy

"Strategic Patience" Approach

The Obama Administration has maintained a policy toward North Korea known as "strategic patience," which essentially waits for North Korea to come back to the negotiating table while maintaining pressure on the regime. The main elements of the policy involve insisting that Pyongyang commit to steps toward denuclearization and mend relations with Seoul as a prelude to returning to the Six-Party Talks; closely coordinating with treaty allies Japan and South Korea; attempting to convince China to take a tougher line on North Korea; and applying pressure on Pyongyang through arms interdictions and sanctions. U.S. officials have stated that, under the right conditions, they seek a comprehensive package deal for North Korea's complete denuclearization in return for normalization of relations and significant aid, but have insisted on a freeze of its nuclear activities and a moratorium on testing before returning to negotiations. This policy has been closely coordinated with South Korea and accompanied by large-scale military exercises designed to demonstrate the strength of the U.S.-ROK alliance.

In addition to multilateral sanctions imposed by the United Nations, the Obama Administration has declared unilateral sanctions through several executive orders. In August 2010, Executive Order 13551 targeted entities engaged in the export or procurement of a number of North Korea's illicit activities, including money laundering, arms sales, counterfeiting, narcotics, and luxury goods. The White House also designated five North Korean entities and three individuals for sanctions under an existing executive order announced by former President George W. Bush that targets the sales and procurement of weapons of mass destruction. In April 2011, Executive Order 13570 imposed sanctions on 15 more firms, both North Korean and others who dealt with North

¹² For more information on the terrorism list removal, see CRS Report RL30613, *North Korea: Back on the Terrorism List?* by Mark E. Manyin.

Korea. However, the practice of using “front companies” to evade such sanctions has limited the effectiveness of some sanctions.¹³

Critics claim that the “strategic patience” approach has allowed Pyongyang to control the situation and steadily improve its missile and nuclear programs. North Korea has been able to flagrantly violate UNSC Resolutions with rocket launches and nuclear tests. The policy also depends on U.S. allies maintaining unity, but engagement initiatives by Japan and South Korea have raised the possibility of divergent approaches toward the North. The collapse of the denuclearization talks has intensified concerns about proliferation as cash-strapped North Korea may turn to other sources of income. Because of North Korea’s poor economic performance, there is a strong fear that it will sell its nuclear technology or fissile material to another country or a non-state actor.¹⁴ Evidence of nuclear cooperation with Syria, Libya, and potentially Burma has alarmed national security experts.¹⁵

North Korean Provocations

Despite the overtures for engagement after Obama took office, a series of provocations from Pyongyang halted progress on furthering negotiations. These violations of international law initiated a periodic cycle of action and reaction, in which the United States focused on building consensus at the UNSC and punishing North Korea through enhanced multilateral sanctions. The long-range ballistic missile test conducted by Pyongyang in May 2009 impelled the UNSC to issue a rebuke. North Korea followed the missile test with its second nuclear test in November 2009. In response, the United States coordinated passage of UNSC Resolution 1874, which outlines a series of sanctions to deny financial benefits to the Kim regime. Three years later, this cycle repeated itself: North Korea launched two long-range missiles in 2012, the UNSC responded with rebukes, North Korea tested a nuclear device in February 2013, and the United States again wrangled yet harsher sanctions through the UNSC (Resolutions 2087 and 2094). This approach to discouraging North Korea’s provocative acts appears to emphasize the participation and support of China, the country with the greatest leverage on North Korea.

Failure of “Leap Day” Agreement in 2012

The major exception to the pattern of mutual recrimination occurred in late 2011, shortly before Kim Jong-il’s death, when the Obama Administration launched bilateral discussions with the North Koreans to restart negotiations on denuclearization. After Kim’s death, talks stalled, but later resumed and resulted in the “Leap Day Agreement” announced on February 29, 2012. Actually two separate agreements, the deal committed North Korea to a moratorium on nuclear tests, long-range missile launches, and uranium enrichment activities at the Yongbyon nuclear facility, as well as the readmission of International Atomic Energy Agency (IAEA) inspectors.

¹³ Jeffrey Lewis and Catherine Dill, “Smoke and Mirrors: DPRK Front Companies in China and Russia,” 38North blog, U.S.-Korea Institute at SAIS, November 18, 2014, <http://38north.org/2014/11/jlewis111814>.

¹⁴ James R. Clapper, “Statement for the Record, Worldwide Threat Assessment of the U.S. Intelligence Community,” Director of National Intelligence, January 29, 2014.

¹⁵ See CRS Report R43480, *Iran-North Korea-Syria Ballistic Missile and Nuclear Cooperation*, coordinated by Paul K. Kerr.

The Obama Administration pledged 240,000 metric tons of “nutritional assistance”¹⁶ and steps to increase cultural and people-to-people exchanges with North Korea. Administration officials characterized the deal as modest in scope and cautioned that a return to the multilateral Six-Party talks was not imminent. After North Korea scuttled the deal only two months later by launching a long-range rocket, the Obama Administration appeared to retreat from offering up further agreements due to the perception that Pyongyang was not a reliable negotiating partner. A third nuclear test in February 2013 further hindered efforts to restart talks.

North Korean Demands and Motivation

Since President Obama took office, North Korea demanded that it be recognized as a nuclear weapons state and that a peace treaty with the United States must be a prerequisite to denuclearization. The former demand presents a diplomatic and semantic dilemma: despite repeatedly acknowledging that North Korea has produced nuclear weapons, U.S. officials have insisted that this situation is “unacceptable.”

After years of observing North Korea’s negotiating behavior, many analysts believe that such demands are simply tactical moves by Pyongyang and that North Korea has no intention of giving up its nuclear weapons in exchange for aid and recognition.¹⁷ The multinational military intervention in Libya in 2011, which abandoned its nuclear weapon program in exchange for the removal of sanctions, may have had the undesirable side effect of reinforcing the perceived value of nuclear arms for regime security. North Korean leaders may believe that, without the security guarantee of nuclear weapons, they are vulnerable to overthrow by a rebellious uprising aided by outside military intervention. In April 2010, North Korea reiterated its demand to be recognized as an official nuclear weapons state and said it would increase and modernize its nuclear deterrent. On April 13, 2012, the same day as the failed rocket launch, the North Korean constitution was revised to describe the country as a “nuclear-armed nation.” In March 2013, North Korea declared that its nuclear weapons are “not a bargaining chip” and would not be relinquished even for “billions of dollars.”¹⁸ North Korea has also suggested that it will not relinquish its nuclear stockpile until all nuclear weapons are eliminated worldwide.¹⁹ The apparent intention of Pyongyang to retain its nascent nuclear arsenal raises difficult questions for Washington about the methods and purpose of diplomatic negotiations to denuclearize North Korea. Debate continues on the proper strategic response, with options such as trying to squeeze

¹⁶ The United States maintains that its food aid policy follows three criteria: demonstrated need, severity of need compared to other countries, and satisfactory monitoring systems to ensure food is reaching the most vulnerable. Strong concerns about diversion of aid to the North Korean military and elite exist, although assistance provided in 2008-2009 had operated under an improved system of monitoring and access negotiated by the Bush Administration. Obama Administration officials were reportedly divided on whether to authorize new humanitarian assistance for North Korea in 2012, but ultimately decided to offer 240,000 metric tons of food aid as a confidence-building measure within the Leap Day Agreement. Several Members of Congress have spoken out against the provision of any assistance to Pyongyang because of concerns about supporting the regime.

¹⁷ See, for example, Jonathan D. Pollack, *No Exit: North Korea, Nuclear Weapons, and International Security* (New York: Routledge, 2011).

¹⁸ Choe Sang-hun, “North Korea Vows to Keep Nuclear Arms and Fix Economy,” *New York Times*, March 31, 2013.

¹⁹ “DPRK NDC Issues Statement Refuting UNSC Resolution,” Korean Central News Agency (North Korea), January 24, 2013.

the dictatorship to the point of collapse, to buying time and trying to prevent proliferation and other severely destabilizing events.

Identifying patterns in North Korean behavior is challenging, as Pyongyang often weaves together different approaches to the outside world. North Korean behavior has vacillated between limited cooperation and overt provocations, including testing several ballistic missiles over the last 15 years and three nuclear devices in 2006, 2009, and 2013. Pyongyang's willingness to negotiate has often appeared to be driven by its internal conditions: food shortages or economic desperation can push North Korea to re-engage in talks, usually to extract more aid from China or, in the past, from South Korea. North Korea has proven skillful at exploiting divisions among the other five parties and taking advantage of political transitions in Washington to stall the nuclear negotiating process.

China's Role

As host of the Six-Party Talks and as North Korea's chief benefactor, China plays a crucial role in dealing with Pyongyang. Beijing's decision to host the talks marked China's most significant foray onto the international diplomatic stage and was counted as a significant achievement by the Bush Administration. Formation of the six-nation forum, initiated by the Bush Administration in 2003, confirms the critical importance of China's role in U.S. policy toward North Korea. The United States depends on Beijing's leverage at times to relay messages to the North Koreans, push Pyongyang for concessions and attendance at the negotiations, and punish the North for its actions. Enhancing the effectiveness of the existing multilateral sanctions relies largely on Chinese enforcement. In addition, China's permanent seat on the UNSC ensures its influence on any U.N. action directed at North Korea.

In addition to being North Korea's largest trading partner by far—accounting for roughly 60% of North Korea's trade—China also provides considerable concessional assistance. The large amount of food and energy aid that China supplies is an essential lifeline for the regime in Pyongyang, especially after the cessation of most aid from South Korea under the Lee Administration. It is clear that Beijing cannot control Pyongyang's behavior—particularly in the cases of provocative nuclear tests and missile launches—but even temporary cessation of economic and energy aid is significant for North Korea.

Both sides have some reservations about becoming too interlinked: Beijing faces condemnation from the international community and deterioration of relations with an important trade partner in South Korea for defending North Korea, and Pyongyang seeks to avoid complete dependence on China to preserve its autonomy. For the time being, both capitals appear to have calculated that their strategic interests—or, in the case of Pyongyang, survival—depend on the other.

China is rhetorically committed to the goal of denuclearization, but its overriding priority is to prevent the collapse of North Korea.²⁰ Beijing fears the destabilizing effects of a humanitarian crisis, significant refugee flows over its borders, and the uncertainty of how other nations,

²⁰ For background information, please see CRS Report R41043, *China-North Korea Relations*, by Dick K. Nanto and Mark E. Manyin.

particularly the United States, would assert themselves on the peninsula in the event of a power vacuum. While focusing on its own economic development, China favors the maintenance of regional stability over all other concerns. China is expanding economic ties and supporting joint industrial projects between China's northeastern provinces and North Korea's northern border region. Chinese firms and individuals have made significant capital investments in North Korea. Many Chinese leaders also see strategic value in having North Korea as a "buffer" between it and the democratic, U.S.-allied South Korea.

However, since 2010 an increasing number of Chinese academics are calling for a reappraisal of China's friendly ties with North Korea, in light of the material and reputational costs to China. The rhetorical emphasis by Chinese leaders on denuclearization of the Korean Peninsula—even in meetings with North Korean officials—provides evidence that Beijing's patience may be waning. In what was seen by many as a diplomatic slight, Chinese President Xi Jinping paid a high-profile state visit to Seoul in July 2014, but has yet to meet with Kim Jong-un. Despite this apparent decline in relations, Beijing remains an obstacle to punishing North Korea for its abuses in international fora such as the United Nations.

North Korea's Internal Situation

Kim Jong-un appears to have consolidated power at the apex of the North Korean regime, though uncertainty remains about the regime's priorities. The Kim regime has been promoting a two-track policy (the so-called *byungjin* line) of economic development and nuclear weapons development, explicitly rejecting the efforts of external forces to make North Korea choose between one or the other. Initially, some observers held out hope that the young, European-educated Kim could emerge as a reformer, but his behavior since has not indicated a plan to implement systemic change. In fact, his ruthless drive to consolidate power demonstrates a keen desire to keep the dictatorship intact.

The First Three Years Under Kim Jong-un

Kim Jong-un has displayed a different style of ruling than his father while hewing closely to the policies established before his December 2011 succession as supreme leader. Kim has allowed Western influences, such as Disney characters and clothing styles, to be displayed in the public sphere, and he is informal in his frequent public appearances, at times embracing citizens—especially youths. In a stark change from his father's era, Kim Jong-un's wife was introduced to the North Korean public. Analysts depict these stylistic changes as an attempt to make Kim seem young and modern and to conjure associations with the revered Kim Il-sung's "man of the people" image.

Rhetoric from the Kim Jong-un regime has emphasized improving the quality of life for North Korean citizens, but reforms designed to achieve that stated goal have been slow to emerge. The range of modern amenities available to the privileged residents of Pyongyang has expanded to include items like modified smartphones and European cosmetics—luxuries unheard of outside the uppermost elite just years ago—while most North Koreans outside the capital region continue to live in meager circumstances. Expectations that the regime would pursue "Chinese-style" agricultural reform on a national basis have proven incorrect so far.

One exception to the inertia of economic policy in North Korea has been the rapid growth of special economic zones (SEZs). The Kim regime appears to believe that SEZs can be one means for North Korea to import foreign capital, technology, and business knowledge without spreading unorthodox ideas among the wider population. (Reportedly, Chinese officials for decades have encouraged North Korea to emulate the example of China, in which SEZs played a critical role in the transition from a communist economic system to a market-based system.) The prospects for the North Korean SEZs are mixed; the strategic location and deep-water port of the Rajin-Sonbong (Rason) SEZ have led to major development in recent years, but the poor infrastructure and weak investment protections at other SEZs do not bode well for foreign investment.²¹

The Purge of Jang Song-taek

The purge and execution in December 2013 of Jang Song-taek, North Korea's second most powerful figure, reverberated in policy circles both for its reported brutality and for its potential implications for political stability in Pyongyang. The move was announced by official North Korean media outlets, including footage of Jang being hauled away by security forces. Jang's removal was unusual because of his elite status (in addition to his official titles, he was Kim Jong-un's uncle by marriage) and because of how publically it was conveyed both to the outside world and to North Koreans. Jang's downfall completed nearly a total sweep of late ruler Kim Jong-il's inner circle, signaling Kim Jong-un's consolidation of authority in Pyongyang.

Jang's demise portends heightened uncertainty about the regime in several dimensions. First, it indicates Kim's boldness, which could lead to more provocative and unpredictable actions in the future. Second, the chilling effect on the elite in Pyongyang could lead to internal unrest as those who considered themselves secure look for reassurance from other potential power bases. Third, Jang's departure eliminates one of Beijing's main contact points with the regime; Jang had been seen as relatively friendly to Chinese-style economic reforms and business ties. It is likely that the chilly state of Pyongyang-Beijing relations in 2014 is partly due to the purge of Jang.

Leadership and State Institutions

When Kim first came to power, many observers predicted that he would rule with the aid of regents coming from his father's inner circle, especially Jang Song-taek. Since then, however, the notion of collective leadership has faded as Kim has replaced the inner leadership circle appointed by his father with younger officials. Personnel decisions seem to portray a strategy to rein in the military and concentrate power in Kim Jong-un's hands.

The appointments of Kim Jong-un and others to high-level party positions have led some analysts to posit that the Korean Workers Party (KWP) may be gaining in stature over the military establishment. The emphasis on the Central Military Commission, the tool through which the Party controls the military, may indicate that the regime is moving away from the concentrated power in the National Defense Commission established by Kim Jong-il and instead returning to a Party-centric order, as was the case under Kim Il-sung.

²¹ Andray Abrahamian, "The ABCs of North Korea's SEZs," US-Korea Institute at SAIS, November 19, 2014.

Expanding Sphere of Information

The North Korean regime remains extraordinarily opaque, but a trickle of news works its way out through defectors and other channels. These forms of grass-roots information gathering, along with the public availability of high-quality satellite imagery, have democratized the business of intelligence on North Korea. In 2011, the Associated Press became the first Western news agency to open a bureau in Pyongyang, though its reporters are subject to severe restrictions. Previously, South Korean intelligence services had generally provided the bulk of information known about the North.

Pyongyang appears to be slowly losing its ability to control information flows from the outside world into North Korea. Surveys of North Korean defectors reveal that some within North Korea are growing increasingly wary of government propaganda and turning to outside sources of news, especially foreign radio broadcasts, which are officially illegal.²² After a short-lived attempt in 2004, North Korea in 2009 restarted a mobile phone network, in cooperation with the Egyptian telecommunications firm Orascom. The mobile network reportedly has over 2.4 million subscribers, and foreigners using mobile phones in North Korea can now make international calls and access the internet.²³ Although phone conversations in North Korea are monitored, the spread of cell phones should enable faster and wider dissemination of information.

Other U.S. Concerns with North Korea

North Korea's Missile Programs²⁴

North Korea places a high priority on the continued development of its ballistic missile technology.²⁵ Despite international condemnation and prohibitions in UNSC Resolutions, North Korea twice in 2012 launched long-range rockets carrying ostensible satellite payloads and in spring and summer 2014 fired approximately 10 shorter range ballistic missiles.²⁶ North Korea has an arsenal of approximately 700 Soviet-designed short-range ballistic missiles, according to unofficial estimates, although the inaccuracy of these antiquated missiles obviates their military effectiveness.²⁷ A U.S. government report said in 2013 that North Korea has deployed small

²² Marcus Noland, "Pyongyang Tipping Point," *Wall Street Journal* op-ed. April 12, 2010.

²³ Martyn Williams, "Koryolink Subscriptions Hit 2.4 Million," North Korea Tech blog, September 8, 2014, <http://www.northkoreatech.org/2014/09/08/koryolink-subscriptions-hit-2-4-million>.

²⁴ For more information, see CRS Report RS21473, *North Korean Ballistic Missile Threat to the United States*, by Steven A. Hildreth.

²⁵ Stephen Haggard, Daniel Pinkston, Kevin Stahler, and Clint Work, "Interpreting North Korea's Missile Tests: When Is a Missile Just a Missile?" Witness to Transformation blog, Peterson Institute for International Economics, October 7, 2014, <http://blogs.piie.com/nk/?p=13532>.

²⁶ North Korea claims that the purpose of these rocket launches is to place a satellite in orbit, and thus it is entitled to develop space launch vehicles as a peaceful use of space. However, long-range ballistic missiles and space-launch vehicles use similar technology, and, because of this overlap, the UNSC acted to prohibit any North Korean use of rocket technology in Resolutions 1718 and 1874.

²⁷ *North Korean Security Challenges: A Net Assessment* (London: International Institute for Strategic Studies, 2011), pp. 144-146.

numbers of medium- and intermediate-range ballistic missiles (unofficial estimate: about 100 and fewer than 30, respectively) that could reach Japan and U.S. bases there, but the intermediate-range missiles have never been flight-tested.²⁸ North Korea has made slow progress toward developing a reliable long-range ballistic missile; the December 2012 launch was the first successful space launch after four consecutive failures in 1998, 2006, 2009, and April 2012.

After its first long-range missile test in 1998, North Korea and the United States held several rounds of talks on a moratorium on long-range missile tests in exchange for the Clinton Administration's pledge to lift certain economic sanctions. Although Kim Jong-il made promises to Secretary of State Madeleine Albright, negotiators could not conclude a deal. These negotiations were abandoned at the start of the Bush Administration, which placed a higher priority on the North Korean nuclear program. Ballistic missiles have not been on the agenda in the Six-Party Talks. In 2006, UNSC Resolution 1718 barred North Korea from conducting missile-related activities. North Korea flouted this resolution with its April 2009 test launch. The UNSC then responded with Resolution 1874, which further increased restrictions on the DPRK ballistic missile program. The 2012 Leap Day Agreement included a moratorium on ballistic missile tests, which North Korea claimed excludes satellite launches.

North Korea's inconsistent progress toward developing a long-range missile calls into question the long-standing U.S. National Intelligence Estimate that North Korea could successfully test an inter-continental ballistic missile (ICBM) by 2015.²⁹ The author of a 2012 RAND technical report on the North Korean nuclear missile threat asserts that the Unha-3 rocket, which successfully lifted an estimated 100 kg satellite payload into orbit in December 2012, is incapable of carrying a nuclear warhead at inter-continental range. "If [North Koreans] wanted an ICBM, they have to develop a new rocket, using different technology. This would take a very long time, require a lot of work, and cost a lot of money."³⁰ A net assessment by the International Institute for Strategic Studies concluded in 2011 that a future North Korean ICBM "would almost certainly have to undergo an extensive flight-test program that includes at least a dozen, if not two dozen, launches and extends over three to five years."³¹ Such a program would make North Korean intentions obvious to the world. Others argue that North Korea might take a radically different approach and accept one successful test as sufficient for declaring operational capability.

Official reports indicate that North Korea has also been developing a road-mobile ICBM, dubbed the KN-08, although this missile has never been flight-tested.³² Analysts examining commercial satellite imagery believe that North Korea has conducted multiple tests of KN-08 rocket engines,

²⁸ National Air and Space Intelligence Center, *Ballistic and Cruise Missile Threat*, NASIC-1031-0985-13, Wright-Patterson Air Force Base, OH, June 2013, p. 17, and IISS (2011), pp. 131-135, 141-145.

²⁹ David Wright, "Questions About the Unha-3 Failure," *38 North*, May 2012, <http://38north.org/2012/05/dwright050412>.

National Intelligence Council, *Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015* (unclassified summary), September 1999, http://www.dni.gov/files/documents/Foreign%20Missile%20Developments_1999.pdf.

³⁰ Evan Ramstad, "After First Glance, North Korea's Missiles Not As Fearsome," *Wall Street Journal*, December 13, 2012, <http://blogs.wsj.com/korearealtime/2012/12/13/after-first-glance-north-koreas-missiles-not-as-fearsome/>.

³¹ IISS (2011), p. 155.

³² NASIC (2013), pp. 20-22. This report refers to the KN-08 by its Korean name Hwasong-13.

but the system—should it function successfully—is likely more than a year away from even an initial deployment.³³ Admiral Samuel Locklear, Commander of U.S. Pacific Command, said in September 2014 that, although it is “hard for us to get an exact assessment” of how close North Korea is to fielding an operational KN-08 missile, the notional ICBM is a growing concern.³⁴

The potential ability of North Korea to miniaturize a nuclear warhead and mate it to a ballistic missile, especially an ICBM, is a key concern of the United States. The Director of National Intelligence stated in April 2013, “North Korea has not yet demonstrated the full range of capabilities necessary for a nuclear armed missile.”³⁵ Yet experts at the Institute for Science and International Security assessed in February 2013 that “North Korea likely has the capability to mount a plutonium-based nuclear warhead on the shorter range [800-mile] Nodong missile.”³⁶ General Curtis Scaparrotti, the Commander of U.S. Forces Korea, stated in October 2014, “I don’t know that [North Korea has a functioning, miniaturized nuclear device].... What I’m saying is, is that I think given their technological capabilities, the time that they been working on this, that they probably have the capabilities to put this together.”³⁷ Until North Korea tests such a device, the outside world will remain uncertain about North Korean nuclear capabilities.

Foreign Connections

North Korea’s proliferation of missile technology and expertise is another serious concern for the United States. Pyongyang has sold missile parts and/or technology to several countries, including Egypt, Iran, Libya, Burma, Pakistan, Syria, United Arab Emirates, and Yemen.³⁸ Sales of missiles and telemetric information from missile tests have been a key source of hard currency for the Kim regime.

North Korea and Iran have cooperated on the technical aspects of missile development since the 1980s, exchanging information and components.³⁹ Reportedly, scientific advisors from Iran’s ballistic missile research centers were seen in North Korea leading up to the December 2012 launch and may have been a factor in its success.⁴⁰ There are also signs that China may be

³³ Nick Hansen, “North Korea’s Sohae Satellite Launching Station: Major Upgrade Program Completed; Facility Operational Again,” 38 North blog, U.S.-Korea Institute, October 1, 2014, <http://38north.org/2014/10/sohae100114>.

³⁴ Tony Capaccio and David Lerman, “North Korea Inching Toward Mobile Long-Range Missile, Locklear Says,” *Bloomberg News*, September 26, 2014.

³⁵ James Clapper, “DNI Statement on North Korea’s Nuclear Capability,” Office of the Director of National Intelligence, Press Release, April 11, 2013.

³⁶ David Albright, “North Korean Miniaturization,” U.S.-Korea Institute at SAIS, February 22, 2013, <http://38north.org/2013/02/albright021313>.

³⁷ “Commander, U.S. Forces Korea, General Curtis Scaparrotti and Rear Admiral John Kirby, Press Secretary,” U.S. Department of Defense, Press Briefing, Washington, DC, October 24, 2014, <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=5525>.

³⁸ *Jane’s Sentinel Security Assessment—China and Northeast Asia*, January 22, 2010 and IISS (2011), pp. 180-181.

³⁹ For more information, see CRS Report R42849, *Iran’s Ballistic Missile and Space Launch Programs*, by Steven A. Hildreth.

⁴⁰ Javier Serrat, “North Korea, Iran Highlight Proliferation Risks of Knowledge Transfers,” *World Politics Review*, December 10, 2012, <http://www.worldpoliticsreview.com/articles/12554/north-korea-iran-highlight-proliferation-risks-of-knowledge-transfers>.

John S. Park, “The Leap in North Korea’s Ballistic Missile Program: The Iran Factor,” National Bureau of Asian (continued...)

assisting the North Korean missile program, whether directly or through tacit approval of trade in sensitive materials. Heavy transport vehicles from Chinese entities were apparently sold to North Korea and used to showcase missiles in a military parade in April 2012, prompting a U.N. investigation of sanctions violations.⁴¹

Regional Missile Defense Systems

The United States, Japan, and (to a lesser extent) South Korea, have deployed ballistic missile defense (BMD) systems to protect their territory and military forces from the threat of North Korean attacks. During the 2009 and 2012 North Korean long-range missile tests, U.S. and allied forces reportedly made ready and available a number of BMD systems, in addition to the intelligence gathering capabilities sent into the region. Japan deployed Patriot interceptor batteries around Tokyo and on its southwestern islands, in the event of an errant missile or debris headed toward Japanese territory.⁴² Aegis BMD ships deployed to the area as well. In response to the heightened tensions in spring 2013, the U.S. military accelerated deployment of a ground-based Theater High Altitude Air Defense (THAAD) BMD system to Guam, two years ahead of schedule.

As part of the efforts by the United States and its allies to change China's strategic thinking about North Korea, the BMD deployments may have an impact. Chinese media made the Patriot deployments a major part of their coverage of the April 2012 launch.⁴³ A subtext to those reports was that North Korea's actions are feeding military developments in Asia that are not in China's interests. Many observers, particularly in the United States and Japan, argue that continued North Korean ballistic missile development increases the need to bolster regional BMD capabilities and cooperation. For more information, see CRS Report R43116, *Ballistic Missile Defense in the Asia-Pacific Region: Cooperation and Opposition*, by Ian E. Rinehart, Steven A. Hildreth, and Susan V. Lawrence.

North Korea's Human Rights Record

Although the nuclear issue has dominated negotiations with Pyongyang, U.S. officials regularly voice concerns about North Korea's abysmal human rights record. Congress has passed bills and held hearings to draw attention to this problem and seek a resolution. The plight of most North Koreans is dire. The State Department's annual human rights reports and reports from private organizations have portrayed a little-changing pattern of extreme human rights abuses by the North Korean regime over many years.⁴⁴ The reports stress a total denial of political, civil, and

(...continued)

Research, December 19, 2012, <http://www.nbr.org/publications/element.aspx?id=638>.

⁴¹ Peter Enav, "Experts: North Korea Missile Carrier Likely from China," Associated Press, April 19, 2012.

⁴² For both 2012 launches, the North Korean rocket trajectory was to have taken it in the upper atmosphere above two small Japanese islands in the Ryukyu island chain.

⁴³ "朝鲜宣布发射卫星引发世界关注 (The DPRK's Announcement of a Satellite Launch Triggers the World's Attention)," People's Daily Online, webpage, April 2012, <http://world.people.com.cn/GB/8212/191606/240872/index.html>.

⁴⁴ See U.S. Department of State, 2011 Country Report on Human Rights Practices: Democratic People's Republic of (continued...)

religious liberties and say that no dissent or criticism of leadership is allowed. Freedoms of speech, the press, and assembly do not exist. There is no independent judiciary, and citizens do not have the right to choose their own government. Reports also document the extensive ideological indoctrination of North Korean citizens.

Severe physical abuse is meted out to citizens who violate laws and restrictions. Multiple reports have described a system of prison camps (*kwanliso*) that house roughly 100,000 political prisoners, including family members who are considered guilty by association.⁴⁵ Reports from survivors and escapees from the camps indicate that conditions are extremely harsh and that many do not survive. Reports cite starvation, disease, executions, and torture of prisoners as a frequent practice. (Conditions for non-political prisoners in local-level “collection centers” and “labor training centers” are hardly better.) The number of political prisoners in North Korea appears to have declined in recent years, likely as a result of high mortality rates in the camps.⁴⁶

In addition to the extreme curtailment of rights, many North Koreans face limited access to health care and significant food shortages. In a 2013 survey, the World Food Program assessed that 84% of households have borderline or poor food consumption.⁴⁷ UNICEF has reported that each year some 40,000 North Korean children under five became “acutely malnourished,” with 25,000 needing hospital treatment. Food security is a constant problem for North Koreans, many of whom reportedly suffer from stunting due to poor nutrition.

Human Rights Diplomacy at the United Nations

During the past decade, the United Nations has been an important forum to recognize human rights violations in North Korea. Since 2004, the U.N. Human Rights Council has annually renewed the mandate of the Special Rapporteur on the human rights situation in North Korea. Member states have also addressed the issue through annual resolutions in the U.N. General Assembly. Led by Japan and the European Union, the U.N. Human Rights Council established for the first time in March 2013 a commission to investigate “the systematic, widespread and grave violations of human rights in the Democratic People’s Republic of Korea ... with a view to ensuring full accountability, in particular where these violations may amount to crimes against humanity.” The Commission of Inquiry (COI) conducted public hearings in South Korea, Japan, and the United States to collect information and shed light on the inhumane conditions in North Korea. The COI concluded in February 2014 that North Korea had committed “crimes against humanity” and the individuals responsible should face charges at the ICC.

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Korea, May 24, 2012, available at <http://www.state.gov/documents/organization/186491.pdf>; and Amnesty International Annual Report 2011—North Korea, available at <http://www.unhcr.org/refworld/country,COI,,PRK,4562d8cf2,4dce154c3c,0.html>.

⁴⁵ David Hawk, “North Korea’s Hidden Gulag: Interpreting Reports of Changes in the Prison Camps,” Committee for Human Rights in North Korea, Washington, DC, August 27, 2013.

⁴⁶ Ibid, pp. 33-37.

⁴⁷ “Harvests in DPR Korea Up 5 Percent for Third Year but Chronic Malnutrition Persists,” World Food Program, November 28, 2013.

In November 2014, U.N. member states voted overwhelmingly (111 yes; 19 no; 55 abstain) to recommend that the UNSC refer the human rights situation in North Korea to the ICC. Although it appears likely that either Russia or China (or both) will use their veto at the UNSC to prevent the ICC from taking up this case, the United Nations has become a central forum for pressuring North Korea to respect the human rights of its citizens.

North Korean Refugees

For two decades, food shortages, persecution, and human rights abuses have prompted perhaps hundreds of thousands of North Koreans to flee to neighboring China, where they are forced to evade Chinese security forces and often become victims of further abuse, neglect, and lack of protection. If repatriated, they risk harsh punishment or execution. There is little reliable information on the size and composition of the North Korean population located in China. Estimates range up to 300,000. The United Nations High Commissioner for Refugees (UNHCR) has not been given access to conduct a systematic survey. Reports indicate that many women and children are the victims of human trafficking, particularly women lured to China seeking a better life but forced into marriage or prostitution.⁴⁸ Some of the refugees who escape to China make their way to Southeast Asia or Mongolia, where they may seek passage to a third country, usually South Korea. In the period 2006-2011, an average of 2,568 North Koreans per year found refuge in South Korea, but in the period 2012-2013 the rate of refugees reaching South Korea dropped 41%, reflecting tightened border security measures in North Korea after the death of Kim Jong-il.⁴⁹

On January 1, 2013, Congress passed the North Korean Child Welfare Act of 2012 (H.R. 1464) to address the humanitarian challenges faced by North Korean refugee children and the children of one North Korean parent living outside North Korea. The bill requires the Department of State to brief Congress on its efforts to advocate for these children, potentially including adoption of eligible children; develop a strategy to address the many challenges of adoption by American parents; encourage other countries to resolve the issue of statelessness for these children, where that is a problem; and to work with the South Korean government on these issues. One target of the bill appears to be the children of Chinese fathers and North Korean mothers, children who in some cases are denied citizenship papers and are thus *de jure* stateless.⁵⁰ The bill also seeks a solution to the extremely difficult problem of establishing the eligibility for adoption of refugee or stateless North Korean children with no documentation and no recourse to civil authorities.

The North Korean Human Rights Act

In 2004, the 108th Congress passed, and President George W. Bush signed, the North Korean Human Rights Act (H.R. 4011; P.L. 108-333). Among its chief goals are the promotion and

⁴⁸ United States Department of State, Trafficking in Persons Report 2013—Korea, Democratic People’s Republic of, June 19, 2013, available at <http://www.state.gov/j/tip/rls/tiprpt/2013>.

⁴⁹ Republic of Korea Ministry of Unification, Major Statistics in Inter-Korean Relations, accessed November 24, 2014, <http://eng.unikorea.go.kr/content.do?cmsid=1822>.

⁵⁰ Committee for Human Rights in North Korea, *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China*, Washington, DC, 2009.

protection of human rights in North Korea and the creation of a “durable humanitarian” option for its refugees. The North Korean Human Rights Act (NKHRA) authorized new funds to support human rights efforts and improve the flow of information, and required the President to appoint a Special Envoy on human rights in North Korea. Under the NKHRA, North Koreans may apply for asylum in the United States, and the State Department is required to facilitate the submission of their applications. The bill required that all non-humanitarian assistance must be linked to improvements in human rights, but provided a waiver if the President deems the aid to be in the interest of national security.

In 2008, Congress reauthorized NKHRA through 2012 under P.L. 110-346 with the requirement for additional reporting on U.S. efforts to resettle North Korean refugees in the United States. In August 2012, Congress approved the extension of the act (P.L. 112-172) through 2017. A “Sense of the Congress” included in the bill calls on China to desist in its forcible repatriation of North Korean refugees and instructs U.S. diplomats to enhance efforts to resettle North Korean refugees from third countries. The 2012 NKHRA reauthorization maintained funding at the original levels of \$2 million annually to support human rights and democracy programs and \$2 million annually to promote freedom of information programs for North Koreans, but reduced appropriated funding to resettle North Korean refugees from \$20 million to \$5 million annually, reflecting the actual outlays of the program.

Implementation

Relatively few North Korean refugees have resettled in the United States. According to the State Department, as of December 2012, 149 North Korean refugees have been resettled in the United States.⁵¹ The Government Accountability Office (GAO) reports that in spite of the U.S. government’s efforts to expand resettlements, rates did not improve from 2006-2008.⁵² Several U.S. agencies were involved in working with other countries to resettle such refugees, but North Korean applicants face hurdles. Some host countries delay the granting of exit permissions or limit contacts with U.S. officials. Other host governments are reluctant to antagonize Pyongyang by admitting North Korean refugees and prefer to avoid making their countries known as a reliable transit point. Another challenge is educating the North Korean refugee population about the potential to resettle in the United States, many of whom may not be aware of the program. An American non-governmental organization called “NK in USA” seeks to aid the transition of refugees to normal lives in the United States.

Under the NKHRA, Congress authorized \$2 million annually to promote freedom of information programs for North Koreans. It called on the Broadcasting Board of Governors (BBG) to “facilitate the unhindered dissemination of information in North Korea” by increasing Korean-language broadcasts of Radio Free Asia (RFA) and Voice of America (VOA).⁵³ A modest amount

⁵¹ CRS e-mail correspondence with U.S. Department of State, December 31, 2012.

⁵² U.S. Government Accountability Office, *Humanitarian Assistance: Status of North Korean Refugee Resettlement and Asylum in the United States*, GAO-10-691, June 24, 2010, available at <http://www.gao.gov>.

⁵³ Broadcast content includes news briefs, particularly news about the Korean Peninsula; interviews with North Korean defectors; and international commentary on events occurring in North Korea. The BBG cites a Peterson Institute for International Economics survey in which North Korean defectors interviewed in China and South Korea indicated that they had listened to foreign media including RFA. RFA broadcasts five hours a day. VOA broadcasts five hours a day (continued...)

has been appropriated to support independent radio broadcasters. The BBG currently broadcasts to North Korea 10 hours per day using two medium wave frequencies and multiple shortwave frequencies. RFA has also reached out to an increasing number of cell phone users in North Korea, including by introducing an iPhone app to listen to RFA.⁵⁴ Although all North Korean radios are altered by the government to prevent outside broadcasts, defectors report that many citizens have illegal radios that receive the programs. There have also been both public and private efforts in the past to smuggle in radios in order to allow information to penetrate the closed country.⁵⁵

Cybersecurity

Security experts and U.S. officials have voiced increasing concern about North Korea's improving cyberattack capabilities. In March 2013, an attack on the computer systems of several South Korean media and financial institutions disrupted their functioning for days, in one of the most significant cyberattacks in history; cybersecurity analysts identified North Korean hackers as the culprit.⁵⁶ Major media outlets reported that North Korean hackers appeared to be responsible for a cyberattack on Sony Pictures Entertainment in November 2014, an intrusion that disrupted the company's communication systems, released employees' personal information, and leaked yet-to-be released films.⁵⁷ Because use of the internet is heavily restricted in North Korea, some analysts note, the attacks are likely to be state-sponsored.⁵⁸ (Some reports speculate that the cyberattack on Sony Pictures could have been an attempt to punish the company for its production of a comedy in which American journalists assassinate Kim Jong-un at the instigation of the Central Intelligence Agency.) Although its internet infrastructure lags far behind that of developed countries, North Korea is reportedly investing heavily in improving its military capabilities in the cyber domain. In October 2013, then-Commander of U.S. Forces Korea, General James Thurman, listed cybersecurity as one of the most worrisome threats from North Korea.⁵⁹

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with three of those hours in prime-time from a medium-wave transmitter in South Korea aimed at North Korea. VOA also broadcasts from stations in Thailand; the Philippines; and from leased stations in Russia and eastern Mongolia. In January 2009, the BBG began broadcasting to North Korea from a leased medium-wave facility in South Korea. The BBG added leased transmission capability to bolster medium-wave service into North Korea in January 2010. RFA broadcasts from stations in Tinian (Northern Marianas) and Saipan, and leased stations in Russia and Mongolia.

⁵⁴ Broadcasting Board of Governors FY2013 Budget Request, <http://www.bbg.gov/wp-content/media/2012/02/FY-2013-BBG-Congressional-Budget-Request-FINAL-2-9-12-Small.pdf>.

⁵⁵ "Infiltrators of North Korea: Tiny Radios," *New York Times*, March 3, 2003. Accessed at <http://www.nytimes.com/2003/03/03/international/asia/03RADI.html>

⁵⁶ Mark Clayton, "In Cyberarms Race, North Korea Emerging As a Power, Not a Pushover," *Christian Science Monitor*, October 19, 2013.

⁵⁷ Ellen Nakashima, Craig Timberg, and Andrea Peterson, "Sony Pictures Hack Appears to Be Linked to North Korea, Investigators Say," *Washington Post*, December 3, 2014.

⁵⁸ "North Korean Tactics in Cyberwarfare Exposed," *CNET*. September 2, 2014.

⁵⁹ Lolita Baldor, "US Worried About NKorea's Cyber, Missile Threats," Associated Press, October 1, 2013.

North Korea's Illicit Activities

Strong indications exist that the North Korean regime has been involved in the production and trafficking of illicit drugs, as well as of counterfeit currency, cigarettes, and pharmaceuticals.⁶⁰ Much of the illicit activities is reportedly administered by "Office 39," a branch of the government that some analysts estimate generates up to \$2 billion annually.⁶¹ North Korean crime-for-profit activities have reportedly brought in important foreign currency resources, exemplified by a foiled plot to smuggle 100 kg of North Korean-origin methamphetamines into the United States in November 2013.⁶² However, recent reports indicate that the scale of these activities has shrunk since the 2000s.⁶³ U.S. policy during the first term of the Bush Administration highlighted these activities, but they have generally been relegated since to a lower level of priority compared to other issues.

In September 2005, the U.S. Treasury Department identified Banco Delta Asia, located in Macau, as a bank that distributed North Korean counterfeit currency and allowed for money laundering for North Korean criminal enterprises. The Treasury Department ordered the freezing of \$24 million in North Korean accounts with the bank. This action prompted many other banks to freeze North Korean accounts and derailed potential progress on the September 2005 Six-Party Talks agreement. After lengthy negotiations and complicated arrangements, in June 2007 the Bush Administration agreed to allow the release of the \$24 million from Banco Delta Asia accounts and ceased its campaign to pressure foreign governments and banks to avoid doing business with North Korea. The UNSC has renewed efforts to pressure Pyongyang through the restriction of illicit activities and financial access following the 2009 and 2012 nuclear tests.

North Korea has sold conventional arms and military expertise to several Middle Eastern and North African states, although this arms trade has declined greatly from the Cold War era. In July 2014, international observers refocused attention on North Korean arms exports to the Middle East when Britain's *Telegraph* reported that the Palestinian militant group Hamas sought to purchase rockets from North Korea to replenish its stocks.⁶⁴ The article also cited Israeli military commanders who apparently believe that North Korean experts provided logistical advice on Hamas's tunnel network. (North Korea has denied the report's validity.⁶⁵) There is a history of apparent Hamas-North Korea connections that provides evidence for the claim's plausibility, and past North Korean dealings or alleged dealings with Syria and/or Iran could have helped facilitate such possible connections.⁶⁶

⁶⁰ For more information, see CRS Report RL33885, *North Korean Crime-for-Profit Activities*, by Liana Rosen and Dick K. Nanto.

⁶¹ "Defectors Detail How North Korea's Office 39 Feeds Leader's Slush Fund," *Wall Street Journal Online*, September 15, 2014.

⁶² Sari Horwitz, "5 Extradited in Plot to Import North Korean Meth to U.S.," *Washington Post*, November 20, 2013.

⁶³ Marcus Noland, "North Korea Illicit Activities," North Korea: Witness to Transformation blog, Peterson Institute for International Economics, March 11, 2013, <http://www.piie.com/blogs/nk/?p=9650>.

⁶⁴ Con Coughlin, "Hamas and North Korea in Secret Arms Deal," *Telegraph*, July 26, 2014. North Korea is renowned for its expertise in sophisticated tunneling projects.

⁶⁵ Emily Rauhala, "North Korea Denies Selling Missiles to Hamas," *time.com*, July 29, 2014.

⁶⁶ Andrea Berger, "North Korea, Hamas, and Hezbollah: Arm in Arm?," 38North blog, U.S.-Korea Institute at SAIS, August 5, 2014, <http://38north.org/2014/08/aberger080514>.

U.S. Engagement Activities with North Korea

Official U.S. Assistance to North Korea⁶⁷

Between 1995 and 2008, the United States provided North Korea with over \$1.2 billion in assistance, of which about 60% paid for food aid and about 40% for energy assistance. The U.S. government has not provided any aid to North Korea since early 2009; the United States provided all of its share of pledged heavy fuel oil by December 2008. Energy assistance was tied to progress in the Six-Party Talks, which broke down in 2009. From 2007 to April 2009, the United States also provided technical assistance to North Korea to help in the nuclear disablement process. In 2008, Congress took legislative steps to legally enable the President to give expanded assistance for this purpose. However, following North Korea's actions in the spring of 2009 when it test-fired a missile, tested a nuclear device, halted denuclearization activities, and expelled nuclear inspectors, Congress explicitly rejected the Obama Administration's requests for funds to supplement existing resources in the event of a breakthrough in the Six-Party Talks.

U.S. food aid, which officially is not linked to diplomatic developments, ended in early 2009 due to disagreements with Pyongyang over monitoring and access. In 2011, North Korea issued appeals to the international community for additional support. The abrogated Leap Day Agreement would have provided 240,000 metric tons of food and nutritional aid intended for young children, pregnant mothers, and the elderly.

POW-MIA Recovery Operations in North Korea

From 1990 to 1992, North Korean officials directly engaged with Members of Congress—especially Senator Bob Smith, co-chairman of the Senate Select Committee on Prisoners of War and Missing in Action Affairs—to discuss the recovery of U.S. prisoners of war-missing in action (POW-MIAs) in North Korea.⁶⁸ In 1996, after a series of difficult negotiations, North Korea and the United States agreed to conduct joint investigations to recover the remains of thousands of U.S. servicemen unaccounted for during the Korean War. The U.S. military and the Korean People's Army conducted 33 joint investigations from 1996-2005 for these POW-MIAs. In operations known as “joint field activities” (JFAs), U.S. specialists recovered 229 sets of remains and has successfully identified 107 of those.⁶⁹ On May 25, 2005, the Department of Defense announced that it would suspend all JFAs, citing the “uncertain environment created by North Korea's unwillingness to participate in the Six-Party Talks,” its declarations regarding its

⁶⁷ For more, see CRS Report R40095, *Foreign Assistance to North Korea*, by Mark E. Manyin and Mary Beth D. Nikitin.

⁶⁸ C. Kenneth Quinones, “The US-DPRK 1994 Agreed Framework and the US Army's Return to North Korea,” in Rudiger Frank, James Hoare, et al., editors, *Korea Yearbook Volume 2: Politics, Economy and Society* (Leiden: Koninklijke Brill NV, 2008).

⁶⁹ Separately, from 1990 to 1994, North Korea unilaterally handed over 208 boxes of remains, some of them commingled. U.S. specialists have identified 104 soldiers from those remains so far.

intentions to develop nuclear weapons, its withdrawal from the NPT, and concerns about the safety of U.S. members of the search teams.⁷⁰

Talks between the United States and North Korea on the joint recovery program resumed in 2011 and led to an agreement in October 2011. In January 2012, the Department of Defense announced that it was preparing a mission to return to North Korea in early 2012. However, Pyongyang's determination to launch a rocket in contravention of the "Leap Day Agreement" and UNSC resolutions cast doubt on the credibility of North Korean commitments, and the Department of Defense suspended the joint mission in March 2012.⁷¹ The United States has not undertaken any JFAs with the KPA since May 2005. In October 2014, North Korean state media warned that the remains of U.S. POW-MIAs are in danger of being damaged or displaced by construction activities and floods, a warning that most likely conveys Pyongyang's desire to return to broader bilateral negotiations with Washington.⁷² The Department of Defense has said that the recovery of the remains of missing U.S. soldiers is an enduring priority goal of the United States and that it is committed to achieving the fullest possible accounting for POW-MIAs from the Korean War.

Non-Governmental Organizations' Activities

Since the famines in North Korea of the mid-1990s, the largest proportion of aid has come from government contributions to emergency relief programs administered by international relief organizations. However, some non-governmental organizations (NGOs) are playing smaller roles in capacity building and people-to-people exchanges, in areas such as agriculture, health, informal diplomacy, information science, and education. Despite turbulent relations between the U.S. and DPRK governments, many NGOs are able to maintain good working relationships with their North Korean counterparts and continue to operate through periods of tension. In the period January-June 2014, U.S. NGOs sent \$19.5 million in humanitarian aid to North Korea.⁷³

The aims of such NGOs are as diverse as the institutions themselves. Some illustrative cases include NGO "joint ventures" between academic NGOs and those engaged in informal diplomacy. Several religious organizations with programs around the world are active in North Korea on a small scale. These religious NGOs generally have a humanitarian philosophy and aim to provide aid to the more vulnerable sectors of the North Korean population. Most of these organizations have an ancillary goal of promoting peaceful relations with North Korea through stronger people-to-people ties. The following is a small sample of NGO activities in North Korea.

- In 2008, the Nuclear Threat Initiative, Stanford Medical School, and Christian Friends of Korea identified multiple-drug-resistant tuberculosis as a serious health problem in North Korea. By providing North Korean scientists with the scientific equipment, generators, and other supplies to furnish a national tuberculosis reference laboratory, they hoped to enable North Korean researchers

⁷⁰"U.S. Halts Search for Its War Dead in North Korea," *New York Times*, May 26, 2005.

⁷¹ Jim Garamone, "U.S. Suspends MIA Search in North Korea," *American Forces Press Service*, March 21, 2012. <http://www.defense.gov/news/newsarticle.aspx?id=67639>.

⁷² Choe Sang-hun, "North Korea Says G.I.s' Remains May Vanish," *New York Times*, October 13, 2014.

⁷³ "US NGO Aid to NK Increases Fourfold," *Daily NK*, August 7, 2014.

and physicians to take on this bacterial threat.⁷⁴ In 2010, North Korea health representatives signed a \$19 million grant agreement with the Global Fund to Fight AIDS, Tuberculosis, and Malaria to support procurement of laboratory supplies and vaccines over a two-year period.

- In 2007, the U.S.-DPRK Scientific Engagement Consortium formed to explore collaborative science activities between the United States and North Korea in subjects such as agriculture and information technology. American and North Korean scientists have organized several conferences, roughly biennially, to share their research and develop collaboration in areas such as academic exchanges, English language education for specialists, and digital science libraries.⁷⁵
- The American Friends Service Committee and the Mennonite Central Committee run small-scale sustainable agriculture projects. These two NGOs, among others, take the approach of “training the trainers” to spread improved agricultural practices among North Korean farmers.
- Mercy Corps is one of several NGOs providing assistance and supplies to medical clinics in North Korea. Mercy Corps reports, “The health system is unable to provide for the needs of common citizens, medicine is in short supply, and electricity is rarely available for the most simple, let alone complicated, procedures.”⁷⁶

Timeline of North Korean Actions 2009-2013

String of Provocations in 2010

The South Korean navy corvette *Cheonan* was patrolling the Yellow Sea near the maritime border between North and South Korea on March 26, 2010, when an explosion in the hull sunk the ship, taking the lives of all 46 sailors on board. A multinational investigation team led by South Korea determined that the ship was sunk by a torpedo from a North Korean submarine. The Obama Administration expressed staunch support for Seoul and embarked on a series of military exercises to demonstrate its commitment. According to some analysts, the torpedo attack may have been an effort to bolster Kim Jong-il’s credibility as a strong leader confronting the South, and therefore his authority to select his son, Kim Jong-un, as successor.⁷⁷

After the *Cheonan* incident, Pyongyang initiated further provocations. In November, North Korea invited a group of U.S. nuclear experts to the Yongbyon nuclear complex to reveal early

⁷⁴ “New Tuberculosis Lab Hailed as Breakthrough in Health Diplomacy,” *Science*, March 12, 2010. pp. 1312-1313.

⁷⁵ Cathy Campbell, “A Consortium Model for Science Engagement: Lessons from the U.S.-DPRK Experience,” *Science and Diplomacy*, June 2012.

⁷⁶ “North Korea,” Mercy Corps website. Accessed on September 4, 2013, at <http://www.mercycorps.org/north-korea>.

⁷⁷ “U.S. Implicates North Korean Leader in Attack,” *New York Times*. May 22, 2010.

construction of an experimental light-water reactor and a small gas centrifuge uranium enrichment facility. The revelations of possible progress toward another path to a nuclear weapon prompted speculation that North Korea was attempting to strengthen its bargaining position if the talks resumed. Further, the sophistication of the uranium enrichment plant took many observers by surprise and renewed concerns about Pyongyang's capabilities and deftness in avoiding sanctions to develop its nuclear programs.

On November 23, 2010, shortly after announcing its new nuclear facilities, North Korea fired over 170 artillery rounds toward Yeonpyeong Island in the Yellow Sea, killing two South Korean marines and two civilians, injuring many more and damaging multiple structures. The artillery attack, which the North said was a response to South Korean military exercises, was the first since the Korean War to strike South Korean territory directly and inflict civilian casualties. Again, the U.S. military joined the ROK for military exercises, this time deploying the USS *George Washington* aircraft carrier to the Yellow Sea.

2011-2012: Renewed Engagement, "Leap Day Agreement," and Satellite Launch

In early 2011, Pyongyang appeared to be re-launching a diplomatic offensive and ceased to initiate more provocations, presumably to secure new economic assistance and food aid. Pyongyang welcomed foreign delegations, including the Elders group led by former U.S. President Jimmy Carter and a U.S. team led by Human Rights Envoy Robert King. Leader Kim Jong-il visited China four times in his last 20 months, with his itineraries heavy on stops that showcase Chinese economic development. China had urged Kim to embrace economic reform for years; some analysts saw the repeated trips as an indication that he sought further aid and support from Beijing, as well as perhaps to secure support for his successor. Although rhetoric toward South Korea remained harsh, Pyongyang engaged in some North-South dialogue sessions.

A series of U.S.-DPRK bilateral meetings in late 2011 and early 2012 led to the February 29, 2012, "Leap Day Agreement," which held out the promise of diplomatic progress. U.S. negotiators verbally warned their North Korean counterparts that any missile testing, including under the guise of a peaceful satellite launch, would violate the terms of the agreement, but this message was not received or was ignored by Pyongyang. In response to the March 2012 announcement that North Korea would launch a satellite to honor the 100th anniversary of the birth of Kim Il-sung, the United States declared the agreement to be nullified. In April 2012, a Taepodong-2 missile (called Unha-3 by North Korea) took off from a launch site in western North Korea, but it failed roughly 90 seconds into its flight and fell into the Yellow Sea.⁷⁸ (See "North Korea's Missile Programs" section.)

In a break from past precedent, North Korea followed the failed rocket launch with another launch eight months later, in December 2012, and this time succeeded in putting what it called an "earth observation satellite" into orbit. This fourth launch of a Taepodong-2 missile again earned Pyongyang near-universal condemnation, including an unusually pointed statement of "regret"

⁷⁸ NORAD and USNORTHCOM Acknowledge Missile Launch, NORAD News, April 12, 2012, Peterson Air Force Base, Colorado.

from an official Chinese spokesperson. The scientific community believes that the satellite is likely not following the intended orbit nor is it transmitting information back to Earth, but it will remain in orbit for at least several years.⁷⁹

2013: Third Nuclear Test

Beginning in December 2012, North Korea initiated a string of provocations and unusually hostile threats that dimmed any hopes that Kim Jong-un would lead his country in a new direction. Pyongyang conducted a nuclear test in February 2013 and amplified its rhetoric against South Korea and the United States to include the threat of preemptive nuclear strikes. The United States and South Korea then carried out previously scheduled joint military exercises, further raising Pyongyang's ire. The United States sent a B-2 stealth bomber on a practice sortie over South Korea, as well as B-52 bombers and F-22 fighters, underscoring its commitment to protecting South Korea under the U.S. "nuclear umbrella" and responding to any new attack.

The February 12, 2013, nuclear test was North Korea's third. North Korean authorities proclaimed that the test used a "miniaturized lighter nuclear device with greater explosive force." Nuclear experts have not been able to determine the explosive force of the nuclear weapon, nor whether it used uranium or plutonium, but the seismic magnitude of the test indicates that the North Koreans appear to be closer to their objective. Many analysts believe that North Korea's goal is to develop a nuclear warhead small enough to mount on their medium- and long-range ballistic missiles. The missile tests conducted in 2012 under the guise of satellite launches displayed the increasing capability of Pyongyang's long-range missile program, although the tests fell short of demonstrating the ability to strike distant targets accurately.

After the February 12 test, the UNSC passed a resolution that condemned the test and imposed a new round of sanctions on North Korea. It is significant that China assented to the new sanctions, which tighten existing restrictions on North Korean banking and commerce and add enforcement measures. The resolution particularly targeted cash transfers that are believed to fund North Korea's weapons programs and luxury items favored by the ruling elite.

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⁷⁹ "Crippled N. Korean Probe Could Orbit for Years," *Korea Herald*, December 18, 2012; William Broad and Choe Sang-hun, "Astronomers Say North Korea Satellite Is Most Likely Dead," *New York Times*, December 17, 2012.

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