

Double Down on North Korea's Bluff

by Carl Baker

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The instinctive reaction to last week's announcement by North Korea that it plans to launch a satellite next month was to denounce it as a violation of the "Leap Day deal." That arrangement involved "simultaneous unilateral announcements" offering nutritional assistance from the US while North Korea promised to place a moratorium on its nuclear program, including long-range missile launches.

We all know what will happen next. The US demands additional sanctions, North Korea withdraws from its part of the bargain, and tensions increase. Let me suggest a way to avoid another rerun: rather than insisting that the launch violates the long-range missile launch moratorium, Washington should test the North Korean claim that it is launching a satellite and not a missile by accepting Pyongyang's offer to allow experts and journalists to observe the launch.

While most analyses of the North's rationale for making this announcement involve Pyongyang palace intrigue, this approach is mistaken. The planned launch has been a long time in the making. The use of a new test facility suggests that it is part of a long-term strategy and is not being driven by an internal power struggle as much as it is by the desire to establish the legitimacy of the satellite program. That does not mean the announcement is not provocative. It is clearly meant to create discord and provoke responses from multiple parties.

Therefore, the US would be well-served to be more nuanced in its response. There is a real potential for what North Korea is calling the US bluff on Washington's oft-repeated pledge that it bears no hostile intent toward North Korea. From Pyongyang's perspective, US insistence that an attempted satellite launch is the same as a missile launch is a clear manifestation of that hostility. While the US (and much of the rest of the world) is satisfied that there is no difference between North Korea's satellite program and a missile program, North Korea clearly did not get that memo. And they may have a case.

Some basic terminology seems to be a big part of the problem – and we don't have to be rocket scientists to make sense of rocket science. Most basically, a long-range missile or a satellite is attached to a rocket. For a satellite, the intent is to propel it out of the earth's atmosphere and into an orbit around the earth and keep it there. In contrast, a long-range missile is launched into space so that the missile re-enters the earth's atmosphere and hits its intended target without burning up as it re-enters. In short, the payloads are distinct but the rocket propulsion systems are basically the same. That confusion was

evident in a March 18 *Korea Herald* editorial that argued the planned launch "is a missile launch and a satellite launch put together."

Even the United Nations Security Council resolutions that address North Korea's ballistic missile program, misuse the term. UNSC Resolution (UNSCR) 1695, which demands the suspension of the missile program, recalls that "the DPRK launched an object propelled by a missile without prior notification to the countries in the region..."

Similarly, following the DPRK's second attempted satellite launch in 2009, the UNSC Presidential Statement condemning the attempt as a violation of UNSC Resolution 1718, "[d]emands that the DPRK not conduct any further nuclear test or launch of a ballistic missile" and "[d]ecides that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching." Similar language appears in UNSCR 1874 when it "[d]emands that the DPRK not conduct any further nuclear test or any launch using ballistic missile technology." Unfortunately, but probably for good reason, the precise relationship between the ballistic missile program and the satellite program was not addressed.

Nevertheless, a missile is not a satellite, nor is it a rocket. Some refuse to accept the difference, insisting that it is impossible or unnecessary to make a distinction. Thus, one influential analyst (who knows better) responded to the latest announcement by dismissing the difference between a missile and satellite launch and confused the issue further by suggesting that "A moratorium on missile launches that includes an exception for space launches is like a moratorium on nuclear testing that permits "peaceful nuclear explosions – pointless." From North Korea's perspective, that is the equivalent of being denied the right to develop aerospace technology to prevent it from building airplanes that could deliver a bomb. Of course, there is real concern about the intent behind the North Korean satellite program since a great deal of dual-use technology is involved. If you can propel a satellite into space, then you can propel a missile into space. But that does not make the difference between them meaningless.

The problem is exacerbated by the world's refusal to acknowledge that North Korea has the right to launch satellites even if it is only to warble paeans to Kim Il Sung. In 1998, after the first attempted satellite launch by North Korea, it took the US almost two months to reluctantly acknowledge that the event was a satellite launch and not a long-range ballistic missile test. In 2009, the UNSC presidential statement essentially equated the satellite launch with North Korea's 2006 ballistic missile barrage, leading most people to conclude there is no difference.

Leaving the definition of a missile vague has helped avoid a confrontation in the UN over sanctions. By referring to the North Korean long-range missile program in the sanctions resolutions and presidential statements, the UNSC has provided a loophole for those who have quietly supported North Korea's "independent right to the use of outer space."

North Korea exploits this distinction, not only by screaming insults at those who would deny it the right to launch a satellite, but by changing its approach to launches. In 1998, much of the consternation in the international community was because North Korea attempted the launch without warning. In 2009, it followed all necessary protocol by notifying the appropriate international agencies. This time, it announced that the launch will take place from what has been reported as a new launch site at Tongch'ang Dong on the West Coast and will be aimed in a southerly direction—on approximately the same path as the recent satellite launch attempts by South Korea—and has invited everyone to come and watch. Pyongyang can argue that each step has been taken to further legitimize its right to engage in satellite launches and to make them less provocative.

Most significantly, the issue goes to the heart of North Korea's assertion that the US retains a hostile policy. From Pyongyang's perspective, the US refusal to accept the legitimacy of the launch under any circumstances when there are potentially exculpatory details, shows Washington's real intent. By announcing that it is inviting international experts and journalists to observe the launch, North Korea is focusing attention on its right to engage in space exploration. That is part of the provocation.

Calling the US bluff at this point in time presents a serious dilemma for the Obama administration. Acknowledging a distinction between missiles and satellites would likely be interpreted as a signal of weakness to political opponents and allies alike – not a good move in an election campaign. But, refusing to acknowledge the difference gives North Korea an excuse to walk away from its nuclear moratorium.

One alternative would be to re-introduce the issue in the UN and demand that the satellite program be explicitly included in the language of any resolution to remove any doubt that sanctions are intended to apply to it and not just the long-range ballistic missile program. One suspects that a similar approach failed in 2009. The US and its friends pretended the issue was settled while North Korea (with at least implicit support from others) proceeded under the assumption it was not.

North Korea clearly does not intend to stop its pursuit of a satellite program. Therefore, perhaps the best strategy would be to accept the North Korean offer to observe the launch and push for more transparency in its satellite program. This would undermine Pyongyang's claim that the US has "hostile intent" and force it to accept demands for more transparency regarding the program. This would reassure the US that this really is a satellite launch and not a missile test. It would make any attempt to launch a long-range missile more provocative and could be characterized as a clear breach of UN sanctions. It would also provide an opportunity to learn more about the new launch facility and the propulsion system used to launch

the satellite. Of course, the US would have to demand to be more than just casual observers of the launch and be guaranteed access to facilities and the actual equipment.

Some will reject this approach, claiming that allowing North Korea to proceed with the launch is a sign of weakness and gives it the opportunity to test the propulsion system that would be used for a long-range ballistic missile. But it seems better than the alternative – a return to stalemate. Maybe it is time to call North Korea's bluff rather than get sucked back into the tactical tit-for-tat that has allowed Pyongyang to control the strategic game for years.

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