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United States Senate

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President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500

Dear Mr. President,

I write to strongly urge resolute action by the United States and its partners in the international community in response to North Korea's latest nuclear test on January 6, 2016. This test serves as yet another reminder of the Kim regime's determination to substantially increase its nuclear weapons capabilities, and of the grave threat that North Korea poses to the peace and stability of East Asia. According to The New York Times, North Korea could possess more than twenty nuclear bombs by the end of 2016,¹ and it continues to pursue ballistic missiles, including those capable of striking the continental United States. Were North Korea to miniaturize a nuclear device and mount it on a missile, it could threaten both the U.S. and its allies with nuclear attack.

North Korea's nuclear test is a clear violation of United Nations Security Council Resolution 1718—passed unanimously following North Korea's October 9, 2006 nuclear test—which prohibits North Korea from conducting further tests or launching ballistic missiles, and calls upon Pyongyang to terminate its nuclear and missile programs. North Korea's continued development of nuclear weapons and nuclear-capable ballistic missiles also violates subsequent unanimous Security Council Resolutions, including Resolution 1874, which demands that Pyongyang rejoin the NPT, Resolution 2087, which forbids further nuclear tests, and Resolution 2094, which calls upon North Korea to implement the September 2005 Joint Statement of the Six-Party Talks, in which North Korea “committed to abandoning all nuclear weapons and existing nuclear programs.”

Although these Security Council Resolutions imposed sanctions on North Korea, existing sanctions have yet to persuade the Kim regime to engage in a meaningful diplomatic dialogue about its nuclear and missile development programs, and major gaps remain in the comprehensiveness and enforcement of the sanctions regime. There are several steps that the

¹ David E. Sanger, “North Korea Blast Revives Question: How Do You Contain Pyongyang?” *New York Times*, January 6, 2016, <http://www.nytimes.com/2016/01/07/world/asia/north-korea-nuclear-test.html>.

Security Council could take to pressure North Korea to freeze development of nuclear weapons-related technologies and return to negotiations:

- Sanctions on North Korea's nuclear program could be tightened by amending the existing conventional weapons embargo to include a ban on imports of small arms and light weapons, which were exempted in 2009 by UNSCR 1874.
- The list of North Korean individuals and entities subject to the current travel ban and asset freeze imposed under UNSCR 1718 in 2006 could be expanded. Although the UN's Panel of Experts on North Korea has identified a number of individuals and entities that have assisted North Korea's nuclear and missile programs, many of these are not currently subject to sanctions, allowing them to operate with impunity.
- Mandatory UN sanctions could be imposed on non-North Korean entities, including banks, that facilitate and participate in North Korea's efforts to evade existing trade restrictions on conventional arms, luxury goods, and nuclear and missile technologies. Some of these middlemen are also identified in reports published by the UN's Panel of Experts on North Korea, but because they are not formally subject to sanctions, many countries lack the information or motivation necessary to take legal action against them.

Given China's past reluctance to vigorously enforce or expand existing sanctions against North Korea,² it could use its Security Council veto to block any efforts to strengthen the UN sanctions regime. To ensure that North Korea's nuclear test is met with a firm response, the United States could impose secondary sanctions on entities that facilitate North Korea's evasion of UN sanctions, its pursuit of nuclear weapons and ballistic missiles, and its violation of human rights. By barring these entities from access to U.S. markets and its financial system—and encouraging our international partners to do the same for their own markets—the U.S. can further restrict North Korea's efforts to secure revenue and sensitive components that it uses to advance its nuclear and missile programs.

Finally, the U.S. could designate North Korea's government as a "primary money laundering concern," which would provide the Treasury Department with authority to exclude North Korea from the dollar-based financial system. The use of this designation in 2005 against the Banco Delta Asia in Macao led to a run on the bank, and to considerable disruption of North Korea's revenue.³ Yet although the U.S. has applied this designation to a number of other countries, including Iran and Burma, and despite the Kim regime's status as one of the most flagrant counterfeiters of U.S. currency,⁴ we have never used this powerful tool against the North Korean government.

² As one report notes, "Beijing has continued to prioritize stability over denuclearization and has thus remained unwilling to put substantial pressure on the North." Bonnie S. Glaser and Brittany Billingsley, *Reordering Chinese Priorities on the Korean Peninsula* (Washington, D.C.: Center for Strategic and International Studies, November 2012).

³ David Lague and Donald Greenless, "Squeeze on Banco Delta Asia Hit North Korea Where It Hurt," *New York Times*, January 18, 2007, <http://www.nytimes.com/2007/01/18/world/asia/18iht-north.4255039.html>.

⁴ Dick K. Nanto, "North Korean Counterfeiting of U.S. Currency," CRS Report RL33324, June 12, 2009; Stephen Mihm, "No Ordinary Counterfeit," *New York Times*, July 23, 2006, <http://www.nytimes.com/2006/07/23/magazine/23counterfeit.html>.

Now is the time for the international community to send North Korea a strong signal that it will never improve its security or gain international acceptance by developing nuclear weapons or the means to deliver them. Only by resolutely joining together can we press North Korea to stop menacing its neighbors and the world, integrate itself into the international community, and begin to focus on improving the welfare of its citizens.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive style with a large, prominent "E" and "M".

Edward J. Markey
United States Senator