

# Korean War II

By Gordon G. Chang

At this moment the Kang Nam, a North Korea tramp freighter, is on the high seas tailed by a team of American destroyers and submarines and watched by reconnaissance satellites and aircraft. On board, its cargo could be plutonium pellets, missile parts or semi-ripe melons. In any event, Washington wants to know what is in the rusty ship's hold.

Why the interest in this particular vessel? The Kang Nam is a "repeat offender" and known to carry "proliferation materials." As an unnamed American official told Fox News this month, "This ship is presumed to be carrying something illicit given its past history." United Nations Security Council Resolution 1874, unanimously passed on June 12, broadened the concept of illicit cargoes as far as North Korea is concerned. It prohibits Pyongyang from selling arms, even handguns.

The Security Council, while banning Pyongyang's export of weapons, has not given U.N. member states the means of enforcing the new restrictions. Resolution 1874 calls upon countries to inspect North Korean cargoes on the high seas—but only "with the consent of the flag State," in this case North Korea. Should Pyongyang refuse—as it most certainly would—a member state can, within the terms of the resolution, direct a vessel to "an appropriate and convenient port" for inspection by local officials. Should Pyongyang refuse to divert the ship, the resolution contemplates the filing of a report to a U.N. committee.

It looks as if Washington will file such a report soon. Last week, Washington promised the Chinese to abide by the restraints imposed by Resolution 1874. This means, in all probability, that the United States will be reduced to watching the Kang Nam unload an illegal cargo at its intended destination.

Yet Washington does not have to adopt such a feeble approach. The North Koreans have, inadvertently, given the U.S. a way to escape from the restrictions of the new Se-

## When will the U.S. recognize that Pyongyang renounced the armistice?

curity Council measure. On May 27, the Korean People's Army issued a statement declaring that it "will not be bound" by the armistice that ended fighting in the Korean War. This was at least the third time Pyongyang has disavowed the interim agreement

that halted hostilities in 1953. Previous renunciations were announced in 2003 and 2006.

The U.N. Command, a signatory to the armistice, shrugged off Pyongyang's beligerent statement. "The armistice remains in force and is binding on all signatories, including North Korea," it said immediately after the renunciation, referring to the document's termination provisions. That may be the politically correct thing to say, but an armistice as a legal matter cannot remain in existence after one of its parties, a sovereign state, announces its end. Today, whether we like it or not, there is no armistice.

Furthermore, there has never been a peace treaty formally ending the Korean War. This means the U.S., a combatant in the conflict, as leader of the U.N. Command, is free to use force against Pyongyang. On legal grounds, the U.S. Navy therefore has every right to seize the Kang Nam, treat the crew as prisoners of war and confiscate its cargo, even if the ship is carrying nothing more dangerous than melons. Because the Navy has the right to torpedo the vessel, which proudly flies the flag of another combatant in the war, it of course has the right to board her.

But does America have the will to do so? "Rules must be binding. Violations must be punished. Words must mean something," President Barack Obama, reacting to North Korea's test of a long-range mis-

sile, said in the first week of April. Unfortunately, the President's words have apparently meant little because Kim Jong Il's beligerent state has, since that time, detonated a nuclear device, handed out harsh sentences to two American reporters, and announced the resumption of plutonium production. North Korea has threatened nuclear war several times in recent days and this month sent one of its patrol boats into South Korean waters. American envoys, in response, have issued stern warnings, participated in meetings in the region, and engaged in high-level diplomacy in the corridors of the U.N. None of this, however, has led to the enforcement of rules or the punishment of the North Korean regime.

North Korea's words, in contrast, have



The U.S. has a legal right to board North Korean ship Kang Nam, which is suspected of carrying illicit weapons.

meant something. They have, as noted, ended the armistice. Of course, no one is arguing that the nations participating in the U.N. Command resume a full-scale land war in Asia. Yet recognizing the end of the temporary truce would allow the U.S. to use more effective measures to stop North Korean proliferation of missile and nuclear technologies. The Bush administration sometimes got around to warning Kim

Jong Il about selling dangerous technologies but never did anything about it.

Instead, President Bush outsourced the problem to the U.N. In October 2006, in response to the North's first nuclear detonation, the Security Council passed a resolution aimed at halting North Korean proliferation. Unfortunately, Beijing refused to implement the new rules, calling the measures unacceptable, even after voting in favor of them. Since then, more evidence has come to light of North Korea's transfer of nuclear weapons technology to Iran and Syria.

The lesson of the last few years is that the U.N. is not capable of stopping North Korean proliferation. No nation can stop it except the U.S. Of course, ending North Korea's sales of dangerous technologies to hostile regimes will anger Pyongyang. This month, for instance, the North said that interception of the Kang Nam would constitute an "act of war."

Yet, as much as the international community would like to avoid a confrontation, the world cannot let Kim Jong Il continue to proliferate weapons. Moreover, it is unlikely that he will carry through on his blustery threats. The North Koreans did not in fact start a war when, at America's request, Spain's special forces intercepted an unflagged North Korean freighter carrying Scud missiles bound for Yemen in December 2002. Even though the Spanish risked their lives to board the vessel, Washington soon asked Madrid to release it. At the time, the Bush administration explained there was no legal justification to seize the missiles.

Now, the Obama administration has no such excuse. There is definitely a legal justification to seize the Kang Nam. North Korea, after all, has resumed the Korean War.

*Mr. Chang is the author of "Nuclear Showdown: North Korea Takes On the World" (Random House, 2006).*

# Policing Pakistan

By C. Christine Fair

The United States has spent some \$12 billion trying to help Pakistan save itself. Unfortunately, Washington has lavished most of the aid on the Pakistan army. It is time to reconsider that decision and focus instead on improving the country's police force.

There are many reasons why the army can't fix what ails the nation. First, sustained use of the army against its own citizens goes against the grain. A number of Pakistani officers have told me that they did not join the army to kill Pakistanis; they joined to kill Indians. Officers themselves debate whether the army can successfully oust the militants, and even if it can, whether it could hold the area for long. The army's past and recent track record in clearing and holding territory is not encouraging.

Second, the army has resisted developing a counter-insurgency doctrine. It prefers to plan and train for conventional battles and views its struggle against insurgents as a "low-intensity" conventional conflict. Washington has been slow to understand that this is not a quibble over semantics but a serious difference in how the army intends to contend with the threat. The Pakistani army believes India is its principal nemesis, not the insurgents who have occupied the Swat valley and destabilized Pakistan and the region.

Third, the army's sledgehammer attempt to expel militants from their various redoubts has devastated much of Paki-

stan's Pashtun belt, flattening villages and forcing more than three million people to flee. The devastating blitzkrieg shows that the Pakistani army resists developing an effective counter-insurgency capability to secure, not dispossess, the local population.

A police force-led effort would be better than one led by the army, as the history of successful counterinsurgency movements in disparate theatres across the globe shows. Militants understand the potential power of the police even if Washington and Islamabad do not. Since 2005, insurgents and terrorists have killed about 400 police each year in suicide bombings, assassinations, and other heinous crimes, according to Hassan Abbas, a former police officer in Pakistan who is now a research fellow at Harvard University's Belfer Center for Science and International Affairs.

The police make for easy targets because they are outgunned, under-resourced, inadequately equipped and poorly trained. Because most don't even have the same lucrative death benefits as army personnel, many have simply fled the fight to protect their families. Police officers in Swat have even taken out newspaper advertisements declaring that they have left the force in hopes that insurgents will spare them and their families. To take the lead in fighting the militants, Pakistan's police will need training, modern weaponry, personal-protection equipment, life insurance and access to civilian intelligence.

## The army isn't well equipped to fight the insurgency.

Police in Pakistan are admittedly widely reviled for being corrupt. However there are encouraging signs of change. Several policing organizations, such as the National Highways and Motorway Police, the Islamabad Police and the

Lahore Traffic Police have all gained the trust of their citizenry through professional and courteous conduct. In these forces, police are paid a handsome salary and are subject to strict accountability for their performance. Their new salaries are too valuable to lose by taking small bribes.

Pakistan's police leadership seems up for the challenge. Since 2000, Pakistan's own police leadership has led the demand for police reform only to be stifled by military and civilian political leadership who benefit from a corrupt police force that does their bidding. It's time for the international community to support these unexpected reformers.

So far, only 2.2% of U.S. funding to Pakistan has gone to assisting the police—\$268 million between 2002 and 2008 for narcotics control, law enforcement and border security. The U.S. has an enormous opportunity to help the one Pakistani institution that actually wants American help.

Should the Obama administration embrace this task, it will need to change its approach to police training, and it will need international partners. The State Department, which has traditional responsibility for this area, cannot do it alone. As the

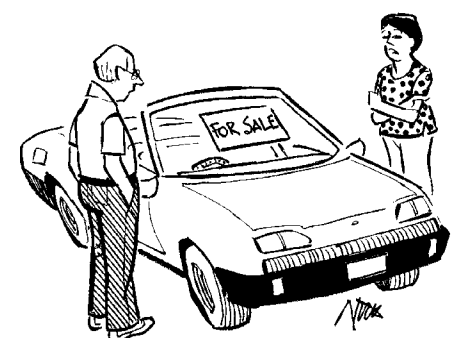
experience with police training in Afghanistan has shown, the Department of Defense has to step in to take the lead on police training. Unfortunately, the international community has resisted supplying trainers or resources to the Afghanistan effort and some contractors have not performed well.

Now more than ever, Pakistan's insecurity touches the shores of Europe and Asia. Washington and other friends of Pakistan should commit to helping Pakistan's police secure the country. It will take years. But it can only happen if preparations begin now.

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