



**Statement before the
House Foreign Affairs Committee**

***“Countering the North Korean Threat: New
Steps in U.S. Policy”***

A Testimony by:

Victor Cha, Ph.D.

Senior Adviser and Korea Chair
Center for Strategic and International Studies (CSIS)

February 7, 2017

2172 Rayburn House Office Building

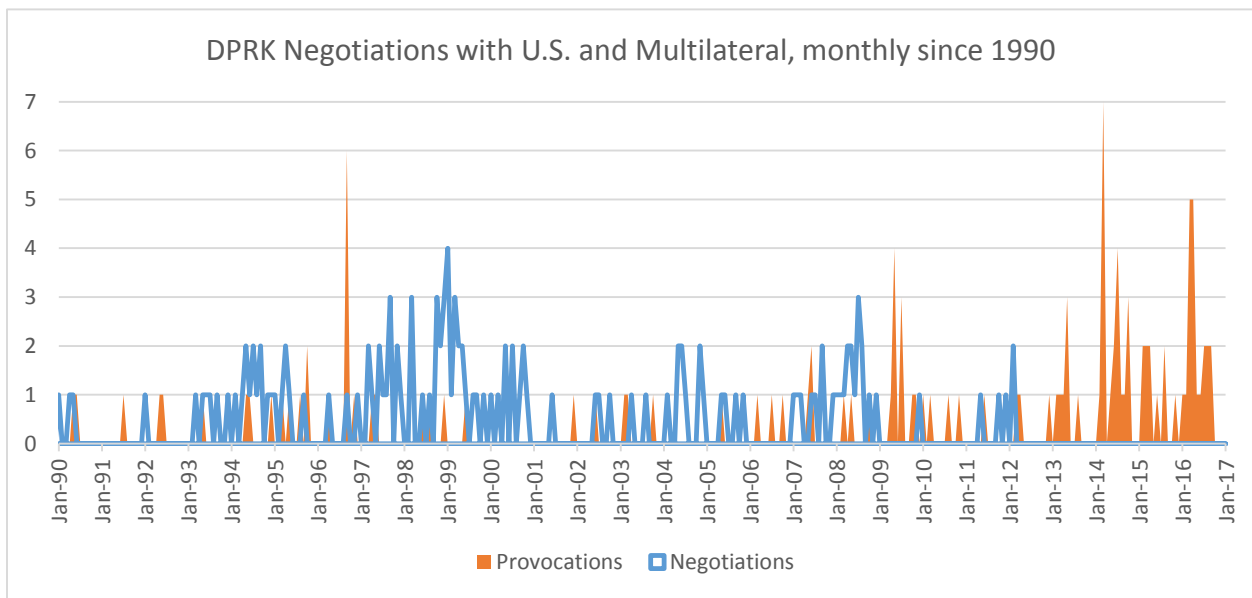
Chairman Royce, Ranking Member Representative Engel and distinguished Members of the Committee, it is a distinct honor to appear before this committee to discuss the challenges posed by North Korea to US policy for the new administration.

The Crisis Before Us

Mr. Chairman, presidencies are defined not by the agenda they have coming into office. Instead, the mettle of every president is tested by the unexpected crises that come their way, and in particular, how they respond to those challenges. For President George W. Bush, for example, the crisis was of course the terrorist attacks of September 11. From that moment onwards, the entire complexion of President Bush’s two terms in office were colored by the events of that fateful day.

For President Trump, the crisis could very well come from North Korea. Over the past eight years, the regime in Pyongyang has demonstrated three tendencies: 1) It has spurned any serious and substantive diplomacy with all neighbors, including with China, South Korea, and Russia; 2) it has pressed forward aggressively with a military testing program of ballistic missiles and nuclear devices; and 3) it has continued to perpetrate human rights abuses of the worst kind.

At the Center for Strategic and International Studies we have collected data on North Korea’s nuclear and missile tests and on bilateral and multilateral talks related to these programs. The table below illustrates the trends in diplomacy and trends in missile/nuclear testing (and other provocations) since 1990.



CSIS *Beyond Parallel* Original Datasets, Database on DPRK Bilateral and Multilateral Diplomatic Negotiations, forthcoming.¹

¹ Table prepared by William Tedrick.

Between 1994 and 2008, North Korea conducted 17 missile tests and 1 nuclear test. However, in the past eight years, these numbers have increased to 62 missile tests and 4 nuclear tests, including 20(missile) and 2 (nuclear) respectively in the past year alone.²

There used to be a debate in the expert policy community and within the US government about the purpose of these activities. Some said that the regime, isolated and alone after the end of the Cold War, was building a program for its security, but would be open to negotiating away that program for security guarantees and energy assistance. Indeed, this premise formed the basis of extensive negotiations and significant agreements in 1994 and in 2005 that ultimately failed, but not without demonstrating the U.S. commitment to seek a peaceful resolution to the problem.

I think most in the expert community today would have a different assessment of the North's intentions. The pace of the testing – that some have characterized in the past as a “provocation disguised as an olive branch” – is designed to traverse critical technical thresholds to achieve a modern nuclear weapons force.³ In the past years already, the North has demonstrated through testing and propaganda statements that it is pursuing the technology for mobile launch capabilities, a solid fuel propellant, a miniaturized nuclear warhead, submarine launched ballistic missiles, and an exoatmospheric launch capacity.

The objective of this weapons drive is clear: To field a modern nuclear force that has the proven ability to threaten first US territories in the Pacific, including Guam and Hawaii; then the achievement of a capability to reach the US homeland starting with the West Coast, and ultimately, the proven capability to hit Washington DC with a nuclear-tipped ICBM.

The strategic purpose of this capability is not to launch an attack on Washington, as this would certainly translate into an abrupt termination of the regime in Pyongyang. Instead, it is to deny the US access to the region in support of its alliance commitments. By holding US cities hostage, the DPRK could work to impede the ability of the US to flow forces and materiel to critical nodes and bases in defense of South Korea or Japan.

The resulting new strategic environment may or may not undercut the credibility of US extended deterrence guarantees to its allies. To a great extent, this will depend on US policy. However, this new strategic environment – as Bob Gallucci and I explained in the *New York Times* last January will create an inherently unstable situation as North Korean confidence in their ability to deter the United States can lead to more provocative conventional acts of coercion in the region against South Korea and Japan to extort benefits.⁴

The Next Provocation

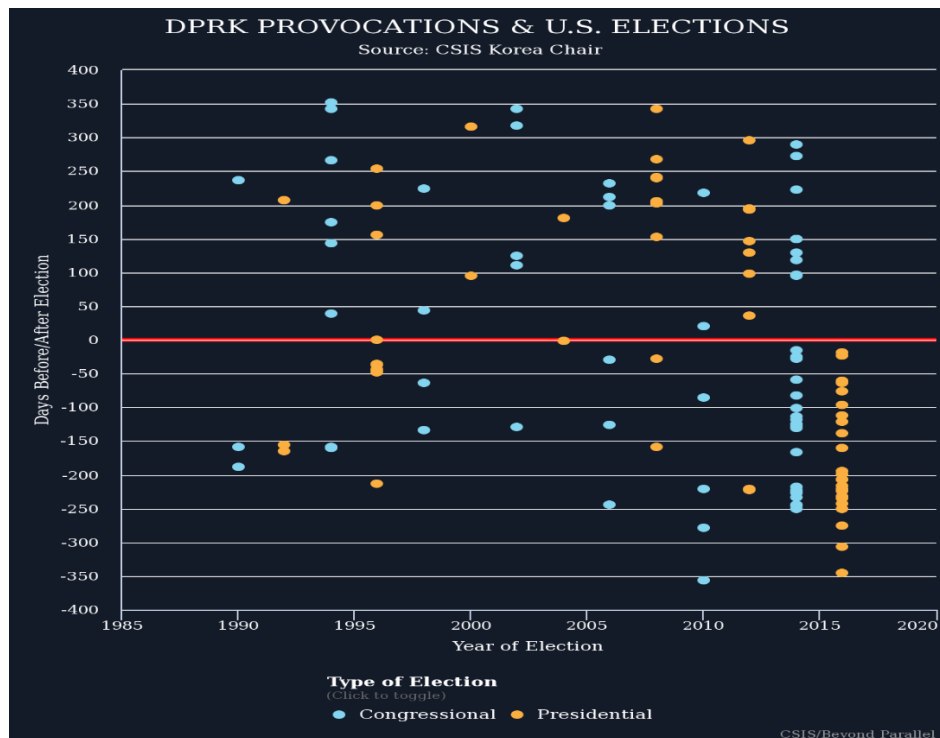
² Victor Cha, “Snapshot of North Korea’s Five Nuclear Tests,” *CSIS Beyond Parallel*, September 9, 2016, <http://beyondparallel.csis.org/fifth-nuclear-test-snapshot/>

³ Leon V. Sigal, “A Bombshell That’s Actually an Olive Branch,” *Los Angeles Times*, October 18, 2002, <http://articles.latimes.com/2002/oct/18/opinion/oe-sigal18>

⁴ Victor Cha and Robert L. Gallucci, “Stopping North Korea’s Nuclear Threat,” *The New York Times*, January 8, 2016, <https://www.nytimes.com/2016/01/08/opinion/stopping-north-koreas-nuclear-threat.html>

Mr. Chairman, I estimate that it is highly likely that the North will carry out another intercontinental ballistic missile (ICBM) test or nuclear test early in the Trump administration. The purpose would be to demonstrate advancements in their technology, and to assert a position of strength that would put the President on his back heels.

The data that we have collected at CSIS represents one of the most complete unclassified records of North Korean provocations to date. One pattern we have discerned is a tendency to target U.S. elections for provocations. During Kim Jong-un's time in office, the North has taken aggressive actions within about four weeks of U.S. presidential and congressional elections.⁵



CSIS Beyond Parallel Original Datasets, Database on U.S. Elections and North Korean Provocations, October 2016.

True to form, Pyongyang carried out two (failed) medium-range ballistic missiles (MRBM) tests prior to President Trump's election on October 15 and 20, 2016. The only reason they have not followed the election with an action, we believe, is because of the domestic political crisis in South Korea. That is, President Park Geun-hye's political downfall and the potential for a progressive, pro-DPRK government coming to power in the South has complicated Pyongyang's calculations as they do not want to take actions that might create ballast for the conservatives.⁶ However, once

⁵ Victor Cha, "DPRK Provocations Likely Around U.S. Presidential Election," *CSIS Beyond Parallel*, October 2016, <http://beyondparallel.csis.org/dprk-provocations-likely-around-u-s-presidential-election/>

⁶ It is worth noting that on the day after the National Assembly's vote to impeach President Park, KCNA publicized a military exercise designed to decapitate the leadership in the Blue House. "Kim Jong Un Guides Combat Drill of Special Operation Battalion of KPA Unit 525," *Rodong Sinmun*, December 12, 2016, http://www.rodong.rep.kp/en/index.php?strPageID=SF01_02_01&newsID=2016-12-12-0019

this crisis of leadership in the South is resolved (or even before then), ballistic missile and nuclear tests are sure to follow.

Policy Priorities for the United States

Any new strategy toward North Korea must be based on a full reading of the negotiating record of past administrations. As veterans of past negotiations from Democrat and Republican administrations, Bob Gallucci and I have laid out the general principles that should undergird any policy review for the Bush Institute last November.⁷ I have submitted this paper for the record.

In addition to those principles, I believe that a new policy must be based on certain assumptions, all of which represent changes from the past.

First, North Korea, under the current regime, will not give up its nuclear weapons.

Second, the portfolio of pressure and diplomacy administered over the past 25 years has been ineffective.

Third, the DPRK program is significant threat. It is no longer a “small” program. The uranium-based program has the potential for a nuclear breakout, producing scores of weapons on an annual basis.

Fourth, absent a change in its strategic thinking, China will limit its cooperation to those measures that do not risk a collapse of the regime.

Fifth, the threat currently faced in the theater by North Korea’s nuclear progress will enlarge to a homeland threat in the course of the current administration’s tenure.

Mr. Chairman and distinguished committee members, this situation requires that we seek a new policy that revisits some of the core tenets of U.S. policy as practiced by previous administrations.

Risk

A new policy toward North Korea must entail a higher level of risk acceptance on the part of the United States. In general, we seek to minimize risk as we deal with DPRK policy, but this minimization has had two effects: 1) it has restricted the options available to us; and 2) it has allowed the DPRK to incrementally but significantly grow their program. We have to be willing to accept more risk – both in military strategy and in diplomacy.

Defense and deterrence

Though well-intentioned as response measures, there are diminishing returns in terms of credibility and deterrence messaging to flying bombers around the Korean peninsula every time the North

⁷ Victor Cha and Robert L. Gallucci, “Toward a New Policy and Strategy for North Korea,” *George W. Bush Institute*, November 2016, <http://gwbcenter.imgix.net/Resources/gwbi-toward-a-new-policy-for-north-korea.pdf>

does another nuclear test. The United States and ROK have no choice but to expedite (i.e., not just reaffirm) the deployment of THAAD on the peninsula. Thought should also be given to a regular rotation of new assets and capabilities to the peninsula that enhance extended deterrence. These might include new arrangements that leverage ROK missile capabilities.

North Korea claims that they are now able to mate a nuclear warhead with a long-range ballistic missile compel the United States to think about its declaratory policy. Absent very good intelligence (something rare with DPRK), we will not know what is atop the next Unha (ICBM) rocket that the North will stack on a launchpad.

Sanctions

The combination of the Treasury Department's designation of the DPRK as a jurisdiction of "primary money laundering concern" under Section 311 of the PATRIOT ACT, the North Korean Sanctions and Policy Enhancement Act, and the sectoral measures sanctions under UNSCRs 2270 and 2321 comprise a new level of sanctioning. There will be many who criticize sanctions as being ineffective. Sanctions are the most maligned instrument in the diplomatic toolbox. The reality is that we don't know whether sanctions work until they do. That is, only after the North returns to the negotiating table, or falters under pressure, or gives up its weapons, the policy community will point to sanctions and say they work. Until then, folks will say sanctions don't work.

So we need to keep the pressure on and expand the scope. Sanctioning of North Korea's slave labor exports and third-party entities that have willful involvement in DPRK insurance fraud schemes should be considered. Secondary sanctioning (discussed below) should also be considered. We also need to work harder on full enforcement of unilateral and multilateral sanctions. Sanctions enforcement should be pursued in conjunction with our allies and regional stakeholders as well as through international mechanisms.

China

China is both part of the problem with North Korea and part of the solution. We need Beijing's cooperation, particularly on sanctions, but as we talk about in the Bush Institute report, we should not subcontract our policy to our primary peer competitor in the region. Secondary sanctioning against entities that knowingly or unknowingly facilitate North Korea's WMD proliferation activities and other illicit activities is a must. Such a measure must accept that it could have negative externalities in US-China bilateral relations.

Russia

Russia has traditionally been a bit player on the Korean peninsula and in the Six-Party talks. But there may be opportunities for a larger Russian role. Aside from cooperation on nuclear counter-proliferation, a UN Security Council strategy that sought Russian acquiescence to new resolutions (for example, on human rights abuses) could increase pressure on both the DPRK and China.

Human rights

The new administration must make an early and high-level statement about the North's atrocious human rights record and our support of the recommendations of the UN Commission of Inquiry on human rights in the DPRK. Mobilizing UN Security Council members to implement those recommendations would be an important measure, since North Korea's nuclear program is intertwined with its abuse of its citizens. A campaign among UN member states to stop the import of North Korean "slave labor," could arrest millions of dollars of annual income to the regime.

The renewal of the North Korea Human Rights Act in Congress in 2018, set to expire this year 2017, provides an opportunity to appropriate higher levels of funding for the delivery of information about the outside world to North Korea citizens hungry for such news.

Diplomacy

No US policy should be composed only of sanctions, military exercises, and diplomatic isolation. Historians would remember such a policy as paving a path to war. As I noted earlier, a new US policy must entail greater risk. This applies not just to coercive measures but also to diplomacy. I am not in a position today to map out new diplomatic overtures to the regime. But let me just offer some questions that are worthy of consideration:

- Given the North's extant capabilities and its commitment, enshrined in its Constitution, never to give up these weapons, should we accept the fact that the North is a nuclear weapons state? Does doing so open up policy options for us that did not exist before?
- Following the previous question, should we engage with the North to prevent nuclear accidents or strategic miscalculation?
- Should the structure of any future diplomatic negotiation include "paying for" a freeze to testing and nuclear operations? This was the practice of the previous two agreements, but my estimation is that President Trump would consider it a sucker's deal to be willing to "rent" a temporary freeze of the program, only to have it broken later by the North Koreans.
- Should we prioritize the return of detained American citizens from the North and the return of POW/MIA remains, both previously on the margins of policy?
- Should we integrate our human rights concerns about North Korea with our mainstream security policies?

I am not in a position to answer these questions today, but it will be incumbent on the new administration to contend with all of them as they map out the path in dealing with one of the most vexing security challenges in Asia.