

# North Korea's Missiles, Nukes, and False Promises: How to Respond?

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## Hearing on North Korea After Kim Jong-il: Still Dangerous and Erratic

It is an honor to appear before the House Foreign Affairs Committee and to provide analysis of North Korea's continuing efforts to develop a credible capacity to deliver long-range nuclear weapons to the United States, the relationship of North Korea's current circumstances and leadership succession to those efforts, and my critical review of the Obama administration's most recent diplomatic efforts to curb North Korea's nuclear weapons and missile programs. This Committee is well aware that North Korea has continued to advance its nuclear weapons development despite over two decades of efforts led by both Republican and Democratic administrations. This testimony will address two main topics: 1) the U.S.-DPRK Leap Day Agreement and its shortcomings, and 2) how the United States should redouble its efforts to shape North Korea's strategic environment rather than trying to identify the right combination of carrots and sticks to be used in a negotiation with Pyongyang.

Major assumptions and conclusions that are part of this assessment include the following:

- Under current circumstances, North Korea appears likely to continue its nuclear weapons and missile development regardless of who is in charge in Pyongyang, Seoul or Washington.

- Unchecked pursuit of its nuclear weapons and missile programs will eventually enable North Korea to threaten the United States directly with a deliverable nuclear strike capability.
- The United States should recognize that North Korea's missile launch failure does not lessen its defiance of the international community or its continuing efforts to improve its nuclear weapons and missile capabilities.
- The Obama administration's Leap Day Agreement with North Korea was unveiled as a modest step designed to constrain North Korea from pursuing provocations and return to denuclearization negotiations in exchange for provision of food assistance. But the inclusion of food aid as part of the deal was misguided, as was the failure of the U.S. statement to publicly state its opposition to North Korean satellite tests that use the same technologies used to launch ballistic missiles.
- Past efforts to deal with North Korea have prioritized the task of finding the right mix of incentives and disincentives that will convince the regime to denuclearize; *future efforts should prioritize shaping the environment to influence North Korea's strategic options, while also maintaining regular direct dialogue with North Korea so as to minimize the possibility of miscalculation by either side.*
- *Hold North Korea accountable for its actions.* The task of holding North Korea accountable for its provocations while minimizing the risk of tension escalation remains a fundamental dilemma for the United States and its allies. North Korea has pursued provocations with relative confidence that its opponents will err on the side of a measured response; this calculus may not hold in the future. It also imposes substantial risks to any party that seeks to break a dynamic that has allowed North Korea to pursue provocations with relative impunity. North Korea's attempts to reap gains from its provocations is a second major risk factor on the peninsula related to the expanded threat capacity the North may gain from efforts to advance its nuclear and missile programs.
- *Minimize reliance on China.* Efforts to shape North Korea's strategic environment must recognize that China's chief interest is promotion of North Korean stability and gradual economic reform, and contend with China's subsequent assistance to its ally. U.S. cooperation with China over North Korea is necessary, but remains limited by a divergence of American and Chinese interests on the Korean peninsula. The United States should pursue North Korea's denuclearization while minimizing dependence on China to achieve those objectives. At the same time, Sino-U.S. cooperation on North Korea issues is necessary and desirable, where possible.
- *Exploit North Korea's partial integration with its neighbors.* North Korea is not completely isolated from the outside world. It is increasingly dependent on cash flows and subsidies from external sources including China. North Korea's dependency on external resources is a double edged sword. Its reliance on external resources may be a factor for instability, depending on who controls resource inflows into North Korea.

## Obama administration's approach to North Korea: An Assessment of the Leap Day Agreement

### A) North Korea's 2012 test: Déjà vu all over again?

North Korea's efforts to conduct nuclear and missile tests in 2009 framed the Obama administration's policy toward North Korea. The Obama administration's initial inclination to establish diplomatic channels for dialogue quickly evaporated following North Korea's launch of a satellite "for peaceful purposes" on April 5, 2009, hours prior to President Obama's speech in Prague outlining his initiative to eventually rid the world of nuclear weapons. In that speech, President Obama stated that North Korea would not receive rewards for provocations. The Obama administration pushed for a strong condemnation at the UN Security Council, in the form of a UN Security Council President's statement condemning North Korea for undertaking the launch.

North Korea responded poorly to the UN resolution, announcing its withdrawal from the Six Party Talks and threatening to conduct a nuclear test. North Korea followed through on that threat on May 25, 2009, stimulating further UN condemnation, including the passage of UN Security Council Resolution 1874 prohibiting North Korean ballistic missile tests of any kind and imposing an inspections regime on suspected shipments of nuclear materials to or from North Korea.

Fast forward to 2012, and one might conclude that we are in the middle of the same movie, with North Korea's third nuclear test as a plausible next step following last week's failed long-range missile launch. North Korea announced its plans to launch a satellite on March 16, and President Obama declared a week later in Seoul that there would be "no rewards for provocations." Ignoring widespread condemnation from the international community, North Korea launched a rocket on April 13 that exploded in air a little over one minute following the launch. Despite the failure of North Korea's launch, the UN has responded by deploring North Korea's launch, calling upon North Korea to "re-establish its preexisting commitments to a moratorium on missile launches" and has directed the committee responsible for implementing UN security council resolutions against North Korea to make additional sanctions recommendations. Pyongyang is likely to use the UN President's Statement to justify a third North Korean nuclear test. North Korea may have calculated that all its neighbors are preoccupied by domestic political transitions, and that no party will be able to lead an effective international response, either through the UN or through a coalition of the willing.

North Korea's defiance is particularly bitter medicine for the Obama administration. Top administration officials had pledged that the Obama administration would not negotiate with North Korea unless it finds a way to change the pattern of North Korean behavior, but North Korean behavior remains unchanged. North Korea's announcement that it would conduct a satellite test came only sixteen days after a modest Obama administration Leap Day agreement in which North Korea pledged not to conduct a "long-range missile launch" or nuclear test and to allow the return of IAEA inspectors to Yongbyun in return for U.S. food aid. The agreement failed to change the patterns of the past or to constrain North Korea from pursuing provocations.

## B) The Failings of the Leap Day Agreement

I do not fault the administration for continuing dialogue in the immediate aftermath of Kim Jong-il's death and before the formal assumption of additional titles by Kim Jong-un. Direct dialogue provided an opportunity to understand more about leadership succession in an opaque regime and to make important judgments based on those interactions. But in retrospect, I believe it was a mistake to announce an agreement before the political situation in Pyongyang was fully consolidated, even if it was an understanding that had been negotiated prior to Kim Jong-il's death. The result is a setback for U.S.-DPRK relations.

I want to draw attention to two specific failings of the administration's approach to talks with the DPRK. First, it was a mistake to allow food aid to be brought directly into the negotiations as a quid pro quo for North Korean actions, and referring to such U.S. assistance as evidence of non-hostility. Although food aid decisions are inherently political, especially with a regime like that of North Korea, the United States has historically tried to keep them at arms length from politics. Ambassador Robert King announced three perfectly sensible criteria for the provision of humanitarian aid to North Korea in February 2011: 1) demonstrated need in North Korea, 2) demonstrated need relative to the absolute needs of other humanitarian crises around the world, and 3) mutual agreement on a monitoring system in North Korea in line with international standards. These should have been the only criteria for determining aid to North Korea, and they should have been followed regardless of North Korean demands to include food aid as a quid pro quo for North Korean pledges. By accepting North Korean assertions of linkage and then formalizing an agreement that U.S. assistance will only be given in conjunction with specific North Korean actions, the United States has allowed its hands to be tied on food assistance to a set of political criteria that have almost nothing to do with humanitarian need. This unfortunately differs from the U.S. position in the late 1990s, when the United States was able to provide food to victims of the North Korean famine via the UN WFP and private donors, resisting overt linkage between humanitarian aid provision and political talks.

This mistake of linking food aid to North Korean behavior, was then compounded when President Obama, in his speech at Hankook Foreign Language University several weeks ago, identified U.S. willingness to provide this assistance as evidence of U.S. non-hostility to North Korea. While the administration has understandably concluded that a lack of trust between the two countries following the North Korean missile launch prohibits the U.S. from providing food aid, the North Koreans are now likely to claim U.S. non-provision as evidence of its hostility toward the North.

A second failing of the administration in rolling out the Leap Day statements is in part an illustration of the modesty of the actions pledged by the parties in two parallel statements. The fact that the governments released separate statements is already a sign of differences or issues between the two countries that made the issuance of a joint statement undesirable or unattainable. But once it was determined that the United States had the freedom to unilaterally issue its own statement, there should have been an effort to remove ambiguity from the U.S. statement to the extent possible. In its own statement, the United States should have been more explicit that "long-range missiles" also include satellites. The U.S. chief negotiator has indicated that this point was made clear to his DPRK counterpart during negotiations; there would have been no harm—in light of the fact that each side issued their own statement—in the United States providing more detail in its own statement so as to remove any hint of ambiguity regarding U.S. expectations. A DPRK foreign ministry statement from March 25 asserts that by not providing such specificity, the

statements do not preclude North Korea from conducting a peaceful satellite launch. This sort of public statement contradicting U.S. assertions is likely to further dampen prospects for renewed U.S. direct, high-level diplomacy with North Korea, at least for the time being.

### **Shaping the Strategic Environment Versus Negotiating With North Korea**

In retrospect, the high point of the Obama administration's efforts to ensure that North Korea received no "reward" for provocations was probably the June 2009 passage of UN Security Council Resolution 1874, a surprisingly toughly-worded resolution that even gained China's support. But the PRC moved in a different direction from late summer of 2009, when it recognized the strategic value of Sino-DPRK relations, enhanced the regularity of high-level communications with Kim Jong-il, and made a full court press to promote economic relations with Pyongyang. From that point, the Obama administration's efforts to promote regional cohesion as a means by which to pressure North Korea began to fall apart. Not only did China focus on economic engagement with North Korea at the expense of any serious efforts to implement the UN resolution, but also the Obama administration's initial efforts to promote international sanctions under UNSC Resolution 1874 appeared to fall off the map of the Obama administration's policy priorities.

The Obama administration failed to capitalize on its initial efforts to shape North Korea's strategic environment. The policy of "strategic patience" was too easily interpreted to mean parking the North Korea issue and waiting for North Korea to change its mind, assuming that a North Korean change of heart (or regime?) would be inevitable. By the time the Obama administration resumed direct dialogue with North Korea in 2011, there was not an accompanying strategy designed to shape North Korea's strategic environment so as to limit its alternatives to negotiation. The collective failure of the international community to respond to North Korean provocations against South Korea in 2010 further gave North Korea confidence that there would be no serious price for additional provocations. China blocked even a discussion at the UN Security Council of the most serious inter-Korean conventional altercation in decades, the November 2010 shelling of Yeonpyeong Island that resulted in civilian casualties. China's rediscovery of a strategic element in its relations with North Korea was a major factor that has made it more difficult to shape North Korea's environment so as to induce North Korea to shift away from reliance on a nuclear weapons capability. The United States must work harder in the future--not to negotiate a strategic choice with North Korea--but instead to create an environment in which North Korea recognizes that its only way forward will require abandonment of the nuclear path.

Shaping North Korea's strategic choices will be exceedingly difficult. It will require even more careful coordination among allies, cooperation with but not dependency on China, exploitation of North Korea's partial dependence on external economic support, and a willingness to make North Korea's denuclearization a top-rank foreign policy priority over a sustained period of time. And it will require regular diplomatic dialogue with North Korea, but only as a secondary component of a U.S. strategy. Progress should be measured by North Korea's willingness to move in a different direction based on an assessment of its own interests and options rather than on the basis of U.S. application of "carrots and sticks." The record of U.S. negotiations with North Korea shows that neither carrots nor sticks have been effective in influencing North Korea's behavior, suggesting that North Korea's behavioral change will not be a product of negotiation, but rather of the regime's own changed calculus based on its internal circumstances. An open channel for dialogue may be useful to minimize miscalculation and

misunderstanding and to gain information about North Korea's decisionmaking. But there is probably no need for direct negotiations until after North Korea has shown a change in its strategic direction.

The task of shaping North Korea's strategic choices will face challenges from at least three fronts, each of which will require extraordinary diplomatic dexterity to manage well. These challenges include the need to hold North Korea accountable through concerted allied action while managing the risk of conflict escalation, the need to expand cooperation with China without depending on China to influence North Korea, a more aggressive utilization of North Korea's partial dependency on the outside world while not allowing the North to exploit benefits derived from external interactions to its own ends.

#### A) Strengthened Alliance-Based Efforts to Hold North Korea Accountable for its Actions

Neither South Korea nor the international community has been able to hold North Korea accountable for its destabilizing provocations, regardless of whether they are primarily inter-Korean in nature or involve North Korea's antagonism of the international community. The threat of force against North Korea in response to its provocations may invite North Korea's retaliation (and certainly will invite North Korea's bluster), even if such measures are conceived of as proportionate to the provocation. North Korea has capitalized on Western fears of both North Korean instability and prospects for military escalation to its advantage thus far, recognizing that the West and South Korea potentially have much more to lose from a conflict than does North Korea.

A rare example of a credible deterrent response on the part of the United States is the mobilization of U.S. forces to cut down the tree in the middle of Panmunjom following the North Korean ax murder of two U.S. soldiers. But that incident also reveals the extraordinary difficulty inherent in the task of holding North Korea accountable: the United States deployed extraordinary resources to mount a tree trimming operation that in a post-cold war security environment seem even more disproportionate to the circumstances than was the case in the cold war context of the 1970s. Changing the past pattern of negotiations with North Korea will not be possible unless the United States and its allies are willing to show the political will to make North Korea pay a price for its destabilizing actions while simultaneously minimizing the temporary risks of conflict escalation that might result from such a strategy.

#### B) Securing Chinese Cooperation While Minimizing Dependence on China for Results

China prioritizes regime stability in North Korea and is suspicious of both U.S. strategic intentions and the U.S.-ROK security alliance. China and the United States share common interests in keeping inter-Korean tensions under control, keeping the Korean peninsula non-nuclear and preventing the breakout of a humanitarian crisis in North Korea. But the limited nature of these interests means that the United States ultimately cannot depend on China to "deliver" success in dealing with North Korea. Despite the desirability of an official Sino-U.S. dialogue on how to address these common concerns, including how to respond to instability in North Korea, there are limits to what Washington can expect from cooperation with China regarding North Korea. In the absence of more effective Sino-U.S. cooperation, the United States will have to work more closely with its allies South Korea and Japan, both to devise an effective strategy for shaping North Korea's strategic choices and for responding to North Korean instability.

### C) Exploit North Korea's Partial Integration With its Neighbors

The United States should try to utilize North Korea's partial dependence on external economic support to promote North Korea's change from within. One evidence of the effect of North Korea's partial integration with the outside was that North Korea had no choice but to publicly announce the failure of its satellite launch after having allowed foreign media into the country to cover the launch. This stands in contrast to past launches in 1998 and 2009, at which time the North Korean media declared success regardless of the actual outcome of the launch. Unfortunately, any approach that attempts to exploit North Korea's marketization and information inflows to catalyze internal changes in North Korea is likely to require time in order to succeed, but it may prove to be the most effective option for influencing North Korea's internal choices. External pressure and sanctions will not prevent North Korea from getting the resources that it needs from China. How can the United States facilitate further North Korean opening and integration? One step might be to open the door more widely to non-governmental exchange and academic research in selected non-scientific areas by North Koreans in the United States. The U.S. has in recent years tied visa approval to North Korean behavior, but as North Korea seeks to make itself prosperous, it will need cadres with greater international experience in order to be able to pursue economic reforms. The United States government should remove barriers to citizen exchanges with North Korea, especially by granting visas to visiting academics and policymakers, and should consider allowing North Koreans to participate in the Fulbright-Hays programs on academic exchange at U.S. universities. Even if North Korea only sends its most trusted cadres for long-term education in the United States, their educational experiences may be a factor that will facilitate North Korea's internal transformation.

### **Conclusion**

If the United States can identify effective means by which to hold North Korea accountable for its actions, cooperate with China where necessary while minimizing dependence on China to change North Korea's strategic environment, and utilize North Korea's existing economic exposure to facilitate change in the country, these three tracks might begin to add up to a situation that could influence North Korea's strategic choices. Recent experience with Burma's reforms underscore that it is only after North Korea's leadership has made a strategic decision to move in a different direction that there will be potential for progress in U.S.-DPRK relations, or reason to invest significant effort in direct negotiations with North Korea.