



Statement before the
House Committee on Foreign Affairs
Subcommittee on Asia and the Pacific

***“North Korea’s Perpetual
Provocations: Another Dangerous,
Escalatory Nuclear Test”***

A Testimony by:

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Chairman Salmon, Representative Sherman (ranking Democrat) and distinguished members of the committee, it is a distinct honor to appear before this committee to discuss the challenges posed by North Korea in the wake of its fifth nuclear test.

The #1 threat to the next U.S. presidency

North Korea's fifth nuclear test last week is the latest in a pattern of aggressive WMD provocations. According to CSIS *Beyond Parallel* Original Datasets, the nuclear detonation and the prior week's ballistic missile launches tally 62 provocations (see appendix A) since President Obama came to office:¹

By any metric this represents a heightened tempo of activity. During the 1994-2008 period according to open source data, for example, the North conducted only 17 missile tests and one nuclear test (see appendix A). North Korea is the darkest stain on the Obama presidency's pivot to Asia, and will present itself as the most immediate national security threat to a Clinton or Trump presidency.

What do they want?

Testing was once interpreted by pundits to be an attention-getting effort for dialogue with the United States, and therefore was not appreciated for the face-value that the threat presented. Whether true or not in the past, it would be irresponsible today to adhere to such an interpretation.

North Korea is executing a strategy designed to demonstrate a survivable nuclear deterrent before the next U.S. administration comes into office. This means that further tests are likely if there are technological hurdles still not surmounted. Over the past year, Pyongyang, through propaganda photos and demonstrations, have signaled every element of a nuclear deterrent including a miniaturized warhead, re-entry vehicle, solid fuel propellant, and mobile-launch capabilities from sea and from land. CSIS *Beyond Parallel* datasets also indicate that additional demonstrations are likely in a defined time-window bracketing the U.S. presidential election in November.²

North Korean statements suggest the regime is ready to mass-produce nuclear-tipped ballistic missiles as they had "standardized" a design. While there is requisite bluster in every North Korean statement, and even though this adversary is still years away from striking the U.S. homeland with a ballistic missile, we must accept now that 1) they threaten U.S. troops in Korea and Japan, and as far away as Guam and Hawaii; and 2) they are well on a path to field an ICBM force to reach the U.S.

The goal, moreover, is not to produce a few bombs in the basement; instead, it is a force of 100 or more nuclear-armed weapons, ranging from long-range strike to battlefield use that could be employed in a shooting war.³ North Korea's strategic goals are to deny the U.S. access to the region with a survivable nuclear threat, to break the extended deterrence guarantees in the alliance, and to eventually coerce South Korea into suing for peace. With the United States, the

¹ Victor Cha, "Snapshot of North Korea's Five Nuclear Tests," *Beyond Parallel*, September 9, 2016, retrieved from <http://beyondparallel.csis.org/fifth-nuclear-test-snapshot/>

² Victor Cha, "North Korean provocations and U.S. presidential elections," *Beyond Parallel*, <http://beyondparallel.csis.org> (forthcoming).

³ Jeffrey Lewis, "The Fifth Test: North Korea Building a Strategic Rocket Force?" *Beyond Parallel*, September 9, 2016, <http://beyondparallel.csis.org/the-fifth-test-north-korea-building-a-strategic-rocket-force/>

North seeks a peace treaty not so much to end the Korean war, but to codify U.S. recognition of it as a bona fide nuclear weapons state.

The media's focus on Pyongyang's drive to perfect a nuclear missile that can reach the United States obscures a second problem deriving from the program's development – horizontal proliferation. North Korea has sold every weapons system that it has ever developed. The Pakistani Ghauri missile is a North Korean missile. The Iranian Shahab missile is a North Korean missile.⁴ The nuclear reactor building in Syria pre-emptively destroyed by the Israelis on September 6, 2007 showed designs identical to the 5-megawatt reactor in North Korea.⁵ If North Korea starts to amass some version of its “standard” nuclear missile, there is no guarantee that they will not sell those weapons as they have sold past systems.

Ineffective responses

The international response to this strategy is as predictable as it is ineffective. The UN will respond with a statement of condemnation and possibly another Security Council resolution authorizing additional multilateral sanctions. The U.S. will likely move some assets to the region (Hawaii, Guam, and the Korean peninsula) to enhance deterrence posture, will encourage more U.S.-ROK-Japan trilateral military cooperation, and will implement more unilateral sanctions. The increasing proximity of North Korean recent missile projectiles within Japan's ADIZ will boost Prime Minister Shinzo Abe's plans for enhancing Japan's defense capabilities. In South Korea, the fifth test will lead Park to focus her remaining year in office almost exclusively on national defense, as evidenced by THAAD and step increases in defense spending for 2017.

Sanctions have become a reflexive response and political panacea for shelving the North Korean problem. Multilateral and unilateral measures imposed after North Korea's 4th nuclear test in January have yet to be fully implemented and assessed. However, initial indications are that short of China cutting off border trade, closing off airspace and ports, terminating energy assistance, and restricting North Korean access to the Chinese financial system, sanctions are largely failing to achieve any of the following three objectives: 1) they are not weakening the regime; 2) they are not coercing a return to the negotiating table; and 3) they are not retarding the growth of the program. The result is a perpetual punting of the issue from administration to administration.

China may undertake some initial sanctions unilaterally against the regime, as well as sign on to another UN Security Council resolution. But ultimately, these activities will be tempered by Beijing's net assessment that destabilizing Pyongyang is more incongruous with Chinese interests than a burgeoning nuclear program.

Road ahead

Any serious reassessment of policy must operate from certain assumptions. First, North Korea will continue on its nuclear path as dictated by the current leadership. Kim Jong-un is firmly in control of the country and he appears to have eliminated any elites in the military or party who might oppose his decisions. The lack of internal opposition, and Kim Jong-un's unwavering belief that a dual-track policy of economic development and nuclear weapons development will

⁴ Paul K. Kerr et al., “Iran-North Korea-Syria Ballistic Missile and Nuclear Cooperation,” CRS Report R43480, February 26, 2016, <https://www.fas.org/sgp/crs/nuke/R43480.pdf>; Larry Niksch, “The Iran-North Korea Strategic Relationship,” Testimony before the House Committee on Foreign Affairs, July 28, 2015, 7-8, 16-17.

⁵ Paul K. Kerr et al., “Iran-North Korea-Syria Ballistic Missile and Nuclear Cooperation,” 6-7; [Nuclear Threat Initiative]. (2013, December 6). *al-Kibar Plutonium Production Reactor – Syria*. [Video File]. Retrieved from <https://www.youtube.com/watch?v=kz6xVVMa2nM>.

succeed (i.e. he can have his cake and eat it too), make it highly unlikely that North Korea will stop this nuclear inertia of its own accord. The increased tempo of testing, for example, which began in January 2009 does not just correspond with Obama's entrance to the White House. It also corresponds roughly with the period in which Kim Jong-un was designated the next future leader of North Korea.⁶ Data suggests that under Kim Jong-un, North Korea's nuclear and missile testing will continue to increase in intensity and frequency to achieve the desired results.

Second, negotiations may serve the purpose of curtailing further testing and provocations, but they will not retard the growth of the program. With each missile and nuclear test, Kim Jong-un appears to be gaining confidence and certainty that the world will recognize North Korea as a nuclear state and deal with it on those terms. North Korea has refused to participate in denuclearization talks despite multiple offers. Pyongyang has instead countered with proposals for disarmament talks (and a peace treaty) which would require the U.S. and its allies to acknowledge North Korea as a nuclear weapons state. The measures taken by the members of the Six-Party Talks and the UN have yet to reverse Kim Jong-un's growing confidence in North Korea's asymmetrical military capabilities.

Third, absent a change in its strategic thinking, China will limit its cooperation to those measures that do not risk a collapse of the regime. Following the September 9th test, China was critical of North Korea but it also blamed the U.S. and South Korea for provoking Pyongyang through the deployment of THAAD on the Korean peninsula. China is clearly frustrated with North Korea, but given Beijing's strategic outlook it remains to be seen how much additional pressure they are willing to impose on their neighbor.

And fourth, the threat currently faced in the theater by North Korea's nuclear progress will enlarge to a homeland threat in the course of the next administration's tenure. Pyongyang's pursuit of a range of nuclear weapons and missile systems indicates that North Korea is intent on acquiring a nuclear-tipped ICBM capable of hitting the continental United States and also developing a second-strike nuclear capability to deter any preemptive military actions.

Where does this leave us? What does it mean if we accept North Korea as it is and not as we wish it to be? Inevitably we are forced to make a decision between two different evils. Due to North Korea's singular focus on developing nuclear weapons and our own failure to stop the country's progress, we are ultimately left with two policy choices at this point. The first is to pursue negotiations with North Korea that could freeze their nuclear program but would be unlikely to achieve complete, verifiable, and irreversible denuclearization. This would likely reduce the frequency of provocations (as further testing would be prohibited) but it would also inadvertently acknowledge North Korea as a nuclear weapons state. This would do irreparable damage to the Nuclear Nonproliferation Treaty (NPT) regime and would likely lead to a nuclear domino effect, as South Korea and Japan pushed to develop their own programs in response. The U.S. and South Korea would also lose much of their moral authority as global champions of nuclear nonproliferation and their leverage to ultimately pressure North Korea to denuclearize completely.

⁶ Kim Jong-il reportedly had a debilitating stroke in August 2008. Rumors of the North Korean leader's bad health were rampant but actual facts related to his stroke and medical condition were confirmed publically by his French doctor in December 2008. Steven Erlanger, "Doctor Confirms Kim Jong-il Stroke," *New York Times*, Dec. 11, 2008, <http://www.nytimes.com/2008/12/12/world/asia/12kim.html>. According to government and media reports, Kim Jong-un was designated as the primary successor shortly afterward in early 2009. See David E. Sanger, Mark Mazzetti and Choe Sang-Hun, "North Korean Leader is Said to Pick a Son as Heir," *New York Times*, June 2, 2009; "Speculation Varies on Kim Jong-il's Successor," *Yonhap News*, January 22, 2009, <http://english.yonhapnews.co.kr/northkorea/2009/01/22/62/0401000000AEN20090121007400325F.HTML>

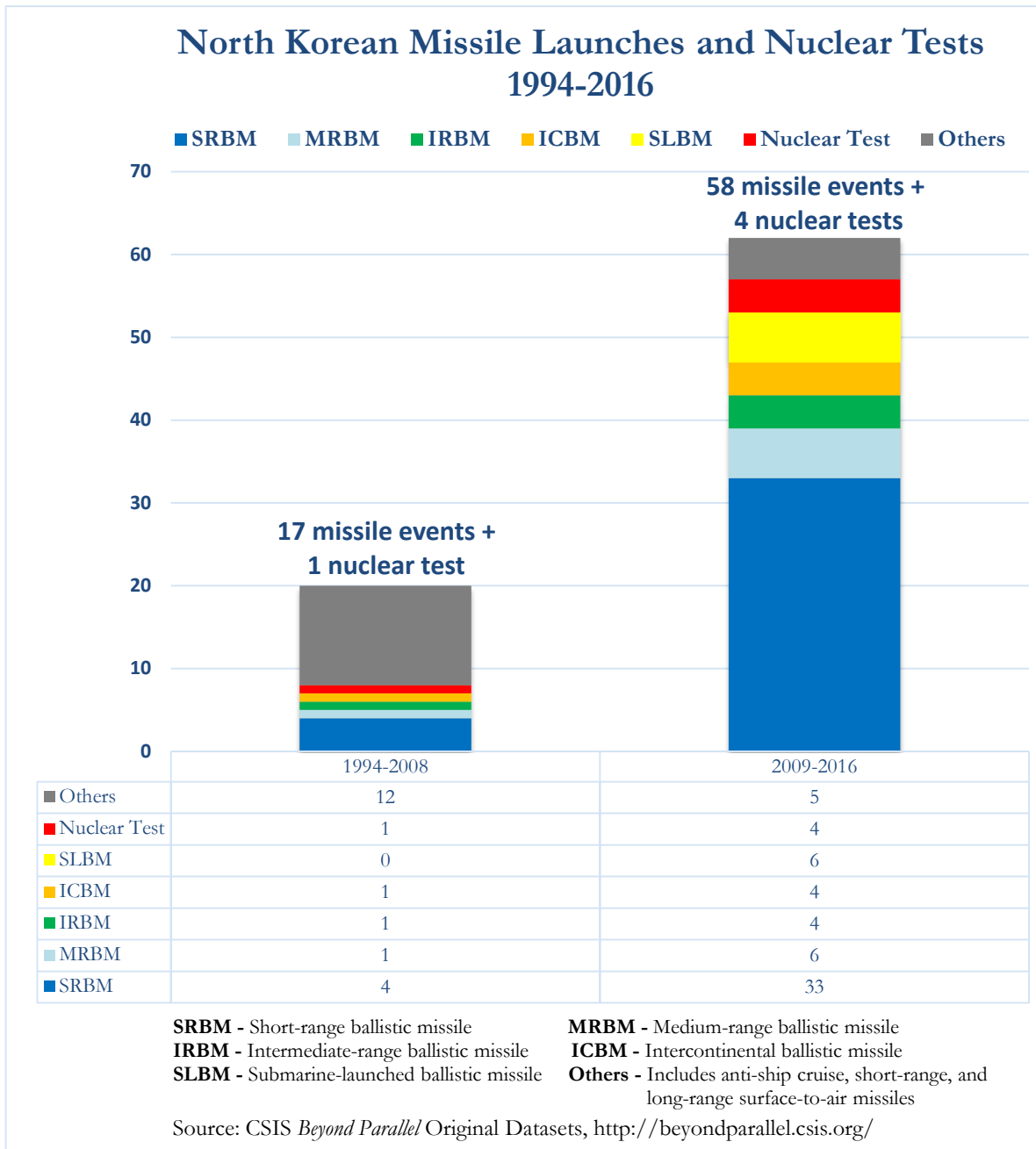
The second choice is to continue to ramp up extensive pressure on North Korea (economic, political, diplomatic, and social) so that top-down and the bottom-up change eventually forces the regime to recalculate and abandon its nuclear weapons program. The main problem with this choice is that it is highly dependent on China and Russia's participation in the application of pressure, and it is banking on the fact that North Korea will cave into pressure before it will develop a complete and diversified nuclear weapons program. It also guarantees that there will be more North Korean provocations—running the risk of triggering military conflict due to miscalculation, distrust, and fear among countries in the region. Which of these pathways is the lesser of two evils?

Experts who have worked on the North Korean nuclear issue for years know that pressure and dialogue are not mutually exclusive and both should be tools that are used to address the problem. What is perhaps most challenging is determining a strategy that mostly effectively brings all the levers of power (economic, diplomatic, military, and technology/information) to bear on this vexing problem to produce a different and better outcome. The following are my recommendations on next steps that can be taken.

The first order of business is to utilize the fifth test as a platform to ramp up additional sanctions on the regime. 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. Cutting North Korea off from the access to the international financial system might complicate the regime's ability to finance proliferation. Mobilizing UN Security Council members to implement the recommendations of the Commission of Inquiry Report on human rights abuses would be another important measure, since North Korea's nuclear program is intertwined with its abuse of its citizens. Appropriating more funds to support the delivery of information about the outside world to North Korea citizens hungry for such news would preserve a basic human right. There is a legitimate question, as well, about whether a country like North Korea that has violated over five UNSCRs should be considered worthy of membership in core international institutions.

Learned analysts over the past week have been cited projecting two roads ahead in resolving the current crisis. One is a road to war with all of its attendant costs and risks. The other is acceptance of North Korea as a nuclear weapons state, and trying to minimize the damage of the new situation with maximum deterrence and defense capacities with our allies.

A broader and deeper conversation is in order between the United States and its allies first, and then with others in the region about addressing the source of the problem rather than the symptoms. Regime collapse is understandably a proposition too risky for most to contemplate given the many unknowns and the risks of all-out war. However, encouraging voices more secular in nature and less tied to a cult of personality regime may offer change without the costs of collapse. A future leadership does not necessarily need to have democratic inclinations, though that would be preferred, because that is not the reality in North Korea. Leadership is likely to come from the military, which is the only organized social institution in the country with instruments of force. Secular dictators making rational economic decisions throughout history has been the lesser evil than cult-of-personality leaderships.

Appendix A: North Korean Missile Launches and Nuclear Tests (1994-2016)

*In some circumstances, North Korea may have fired more than one missile during a missile launch event. For example, on July 4, 2006, three types of missiles were launched on the same day, but was counted as one event.