

Statement before the House Committee on Foreign Affairs

***“EXPLAINING AND RESPONDING TO THE
NORTH KOREAN MISSILE LAUNCH”***

A Statement by

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April 18, 2012

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The unsuccessful launch of the Unha-3 rocket on April 12 was a technological embarrassment for North Korea but also a diplomatic setback for the Obama administration. Pyongyang staged the launch to coincide with the promotion of Kim Jong-un to Secretary General of the Korean Workers Party and to celebrate the 100th anniversary of the birth of the “Great Leader” Kim Il Sung, but the rocket burst into flames and splashed into the Yellow Sea shortly after lift-off. The Obama administration rightly identified the launch as a ballistic missile test and condemned North Korea for violating existing UN Security Council resolutions. At the same time, the administration seemed genuinely surprised that Pyongyang would so quickly disregard a February 29 bilateral agreement with the United States not to engage in any such tests in the first place. In response to the launch, the United States and other members of the UN Security Council have issued a condemnatory but non-binding “President’s Statement” and returned to pressing business on Syria and Iran. However, I would suggest that the apparent lull after the North’s failed ballistic missile test is deceiving, and that we are likely to face increasing security challenges from Pyongyang in the months and years ahead.

Let me emphasize that point by answering three questions today. First, why did North Korea walk away from the February 29 agreement with such impunity? Second, does the failure of this long-range ballistic missile test give us breathing room to deal with the North Korean threat? And, third, what should the United States be doing to address the North Korea threat in the wake of the test?

Why Did North Korea Launch?

On February 29, the United States and North Korea reached an agreement for the resumption of the long-stalled Six Party talks; a moratorium on nuclear tests, long-range missile launches, and uranium enrichment activity at the North’s Yongbyon facilities; and the return of International Atomic Energy Agency (IAEA) inspectors to monitor the moratorium at Yongbyon. In exchange, the United States promised 240,000 tons of “nutritional assistance” and –according to the North Korean version of the agreement -- “an end to hostile policy” and “priority” in future discussions for “lifting of sanctions on the DPRK and provision of light water reactors.” Given the discrepancy between the U.S. and North Korean versions of the February 29 statement and recent experiences negotiating with the North, the administration was

appropriately sober and cautious about any prospects for verifiable denuclearization, but also appeared confident that they had forestalled any further escalation on the peninsula for the near term –meaning beyond the U.S. and South Korean elections. It therefore came as a surprise that the North announced only weeks later the intention to conduct a test launch of the Unha-3 rocket.

The suddenness of the North's violation of the February 29 agreement has led to speculation that hardline elements in the Korean Peoples' Army sabotaged the diplomatic efforts of the young and untested Kim Jong-un. The evidence is much stronger, however, that the younger Kim is following exactly the plan put in place by his father, Kim Jong-il. In fact, it should not have been at all surprising that the North would conduct this test, even after agreeing on a moratorium with the United States.

First, rather than being rolled back by the Korean Peoples' Army, Kim Jong-un has embraced the military in his succession strategy. Last week the younger Kim was promoted to the post of "First Secretary" (not Secretary General since his father holds that for eternity) and Chairman of the National Defense Commission. He also promoted dozens of generals to coincide with his own elevation and returned to the "Army First" policy initiated by his father.

Second, the missile test follows a predictable pattern of provocations in recent years. In July 2006, the North tested its long-range ballistic missile and then responded to anticipated international condemnation by conducting a nuclear test in October. In April 2009, the North again tested its long-range ballistic missile and then repeated its response to expected international condemnation by conducting a second nuclear test in May. Based on this pattern, it should not be surprising to see the North conduct a third nuclear test within the next few months, with the missile test being only the overture. The North has telegraphed as much with past assertions that 2012 will be the year it becomes a full nuclear weapons state.

Third, while the North may have lost 240,000 tons in food aid and gone into a temporary freeze in diplomacy with the United States, it gained enormous benefit in terms of marginalizing the conservative government of South Korean President Lee Myung-bak over the past several months. The Obama administration stuck closely to the Lee government in the aftermath of the deadly 2010 North Korean attacks on the South Korean corvette Cheonan and the island of Yeonpyeong. Indeed, South Korean preparations to counterattack North Korea at the end of that year probably explain why the North desisted from the missile tests which some experts expected as the next provocative step by Pyongyang in 2011. By July 2011, however, U.S. officials were meeting with the North Koreans in New York and then again in Geneva in October. While the administration coordinated these meetings with Seoul, there is little doubt that the U.S. shift towards engagement pushed the Lee government into backing away from demands for formal apologies for the 2010 attacks; a significant political victory for Pyongyang. Moreover, when one considers the cost of 240,000 tons of food aid compared with the more than \$800 million that the South Korean Unification Ministry estimates it cost Pyongyang to conduct the recent missile test, it is clear that Kim Jong-un was not heavily invested in the "nutritional assistance"

being offered by Washington. Indeed, the regime benefits from keeping parts of the population near subsistence level as part of a larger strategy of fear and coercion.

Finally, North Korea likely expects from the pattern in our behavior that the United States will return to talks at some point. When talks resume, the North will do what it has always done: refuse compensation for its violation of past agreements and demand new concessions in exchange for its now advanced capabilities in missiles and nuclear weapons.

Does It Matter, Since the Test Was a Failure Anyway?

The Unha-3's spectacular failure will tempt some to think we do not need to worry about the North Korean threat for a while longer. It is good news that the North suffered a setback in its plans to develop an ICBM capable of striking the United States. However, that should not distract us from the full range of North Korean threats or WMD capabilities successfully under development.

First and foremost is the North's nuclear weapons development program. The South Korean press cites numerous officials pointing to recent activities at the North Korean nuclear testing site. Given the historical pattern, one would expect a third test soon. The North probably has 4-8 plutonium based nuclear weapons in its stockpile at present, though we do not know the level of sophistication. The 2006 test yielded less than 1 kiloton and the 2009 test somewhere around 4 kilotons (by comparison, the atomic bomb that hit Nagasaki was 20 kilotons). A third plutonium test this year would allow the North Koreans to increase the kiloton yield further and validate work on miniaturization and weaponization.

It is also possible that the North could test its first uranium-based nuclear device. In 2002 the Bush administration confronted North Korea with evidence of its clandestine uranium enrichment program. The North then put the program into deeper hiding, which led numerous commentators, including the *New York Times*, to accuse the administration of exaggerating the original intelligence. Then in 2009, the North showed several U.S. nuclear experts a sophisticated uranium enrichment facility with 2000 centrifuges, proving that the 2002 intelligence estimate was correct and raising strong suspicion that the North had other uranium enrichment facilities hidden elsewhere. A successful uranium-based nuclear test would demonstrate that the North is positioned to begin spinning centrifuges in facilities that can be hidden from detection more easily than the plutonium facilities detected and monitored at Yongbyon by satellite and aircraft since the early 1990s. We then would probably have only limited ability to calculate how many uranium-based nuclear weapons the North could produce in the years ahead.

The North is also advancing its ballistic missile capabilities, despite the failure of the Unha-3 launch this month. After successful tests in the 1990s, the North has now deployed well over 200 Nodong missiles capable of ranging Japan and carrying larger payloads than the failed Unha-3, including at least crude chemical and biological weapons. In 2010, the North revealed a

road-mobile intermediate-range ballistic missile called the Musudan which is presumed to have a range of 3-5000 kilometers, though it has not been flight tested yet.

Finally, the North's willingness to transfer ballistic missile and nuclear capabilities to third parties is a demonstrated and serious threat. In 2003, North Korean officials told a U.S. delegation I joined that they had nuclear weapons and would "transfer" them if the United States did not end its "hostile policy." The Bush administration subsequently discovered traces of uranium hexafluoride sourced to North Korea in the caches turned over by Libya, and then in September 2007 the Israeli Air Force destroyed a nuclear reactor construction project at El Kibar in Syria, which was being built with the assistance of the North Koreans. More recently evidence has emerged that the North has engaged in ballistic missile sales and possibly talks on nuclear capabilities with Burma. The Iranian ballistic missile inventory bears strong resemblance to North Korea's and while there is no evidence that the North is helping Iran with uranium enrichment, it would not be surprising, particularly given the relationship between North Korean and Iran's proxy state Syria on nuclear-related technology.

In short, the North has been engaged for years in an aggressive and expensive program to develop uranium and plutonium-based nuclear weapons; the ballistic missiles to deliver them on target; and the credible threat of horizontal escalation through transfer to a third party. Pyongyang's vision of a grand resolution with the United States would involve freezing this program in exchange for sanctions-lifting, respect for the regime, and *de facto* recognition of the North as a nuclear weapons state. Sophisticated proponents of a diplomatic deal acknowledge this reality, but suggest the deal is worth taking, since the threat of transfer is so dangerous and the North would not be able to use nuclear weapons for regional hegemony the way Iran might. However, this would be an enormous strategic mistake. The North could keep any freeze on uranium unverifiable and then threaten nuclear blackmail whenever it wanted to raise the rent. Meanwhile, the cost to U.S. credibility in Northeast Asia would be devastating and the signal to other proliferators like Iran unmistakably weak.

What Can Be Done?

What then should the administration do in the wake of the April 12 missile launch?

The UN Security Council has already sanctioned North Korea under UNSCR 1718 and 1874, which followed the two previous nuclear tests. In addition, there has been increased trilateral security coordination among the United States, South Korea and Japan in the wake of the 2010 North Korean attacks on the *Choenan* and Yeonpyeong Island. The UNSC President's Statement is non-binding and carries less weight than a full Security Council resolution, but sends some of the right signals by directing the Council's Sanctions Committee to consider additional North Korean entities for sanctions, as well as identifying additional proliferation-sensitive technology that would be banned for export to North Korea.

However, these are still weak reeds to shake at North Korea in advance of a possible third nuclear test. The major diplomatic problem is that China continues to resist any steps that might destabilize North Korea or—in Beijing’s view—give the North an “excuse” for another nuclear test. Instead, Beijing continues emphasizing a resumption of U.S.-North Korea talks over coercive steps to deter the North from further escalation. China has also blocked the activities of the Sanctions Committee to date and has failed to implement previous sanctions with any seriousness. The appearance of a Chinese made chassis under the North’s newest medium range ballistic missile launcher in a parade in Pyongyang this past week is a particular black eye for Beijing. Japanese photojournalists have also taken pictures of the lone North Korean trading company now on the UNSC Sanctions list openly operating in China.

I understand the reasons why the administration is not pushing Beijing harder. There is a tradition of trying to maintain consensus in the Security Council and avoiding a split over any one issue, given parallel challenges with Syria and Iran. The administration has also been attempting to lower tensions that heightened with Beijing in 2010 over incidents in the East and South China Sea and Chinese implicit support for Pyongyang. However, this approach may be reaching the point of diminishing returns, both in terms of making the Security Council effective and shaping Chinese choices.

The United States could be doing more with Japan and South Korea, for example. I applaud Secretaries Clinton and Panetta for encouraging more trilateral coordination, which proved particularly effective after the North Korean attacks on South Korea in 2010. However, we have allowed that effort to wane over the past year, particularly with respect to military exercises and defense cooperation. Closer U.S.-Japan-ROK defense alignment has the benefit of demonstrating to Beijing the alternative to China using its own leverage on the North and also of better preparing us for dealing with a North Korea that threatens beyond the peninsula. In this regard, we have to recognize that the administration’s January Strategic Guidance and proposed defense cuts—not to mention the prospect of deeper cuts if there is sequestration—undercut the credibility of our resolve in the face of North Korean proliferation and Chinese acquiescence. Moreover, the resulting dilution of U.S. doctrine to defeat adversaries in two theaters cannot have been lost on a North Korean military that has long listed conflict in Southwest Asia as an opportunity for aggressive unification. Similarly, the Strategic Guidance’s call for pursuing deterrence with a smaller nuclear force has alarmed Japanese and Korean national security experts who are witnessing an increase in North Korean tactical nuclear weapons aimed at them.

We have also been too passive about the transfer, or horizontal escalation, threat. By returning illicit money to North Korea in March 2007 that had been frozen in Banco Delta Asia accounts in Macao and then remaining passive after the El Kibar reactor revelations in September of that year, the United States sent the wrong signals in terms of our resolve to interdict and respond to transfer of nuclear technologies. I also view the recent Nuclear Security Summit in Seoul as a lost opportunity to get back on track, since the summit did little to send a signal of resolve towards dangerous proliferators like North Korea or Iran, despite some useful

agreements among responsible users of nuclear power. Similarly, it would be an enormous mistake to set aside the Burma-North Korea link in order to make progress on other areas in our current dialogue with Burma.

Finally, we need to consider whether our use of food aid as an instrument of diplomacy is morally and strategically justifiable. President Bush, at least for the first six years of his administration, viewed food aid as something the United States should provide to people in need as long as delivery could be monitored. By linking food aid to talks on political and security issues, we do not actually provide strong incentives to the North and we undermine our ability to respond to humanitarian needs of those suffering under the regime we condemn. Having linked food aid to the February 29 agreement in the first place, the administration now has little choice but to halt the aid, but it will be important to get our priorities right in future. Similarly, we need a human rights policy that is unflinching in our condemnation of abuses in North Korea and our efforts to muster international support to prevent actions such as those by China to return refugees to North Korea against their will. Humanitarian and human rights policies towards North Korea deserve prioritization on their own merits and should not be linked to the up-and-down tactics of negotiations.

Did the administration make a mistake talking to the North Koreans? I have worked with the diplomats who took on this difficult task and have high regard for their professionalism. Communication with North Korea can serve our national interests in terms of intelligence-gathering, preserving a channel for dissuasion or de-escalation, and meeting our allies' expectations that there is still some role for diplomacy. However, engagement is a means and not an ends, and North Korea has proven repeatedly that it is an extremely limited means at that. The administration's aim of kicking the North Korea can down the road to 2013 was a tactical decision that was effectively manipulated by North Korea in pursuit of strategic objectives. The administration is now compounding that mistake by seeking to parcel out its response to North Korea in small doses so that it can offer a politically acceptable response after the North's likely nuclear test. This is not a problem that will ripen with age or be reversed with reactive tactics based on the domestic political calendar. The NSC Spokesman has said that the administration has broken the past cycle with North Korea. Unfortunately, that is not a defensible assertion.

I thank the Committee for its kind attention.