Statement before the

Senate Committee on Foreign Relations

Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy

"ASSESSING THE NORTH KOREA THREAT AND U.S. POLICY: STRATEGIC PATIENCE OR EFFECTIVE DETERRENCE?"

A Testimony by:

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Senator Gardner, Senator Cardin (ranking Democrat) and members of the committee, it is a distinct honor to appear before this committee to discuss the challenges on the Korean peninsula.

I have three sets of comments to make today about the problem of North Korea. The first has to do with discerning their strategy of provocations; the second relates to the stability of the leadership; and the third relates to the path forward on both weapons and human rights, and what we might do to contend with this very difficult problem.

A caveat. Our knowledge of North Korea leaves much to be desired. It is indeed one of the hardest intelligence targets in the world given the regime's opacity. I believe the Chinese have lost a great deal of insight after the execution of Jang Song-thaek in December 2013. There are far fewer NGOs operating in the country compared to the past. And overhead satellite imagery provides us with a bird's eye view only of happenings on the ground. Thus, our assessments are often based on assumptions, judgments, hunches, and even guesses with the modest data that is available.

There have been media reports that North Korea might conduct some form of provocation to celebrate the 70th anniversary of the Workers' Party of Korea on October 10 this year. Experts believe that the most likely action will be the launching of a satellite. While such a launch would be ostensibly for civilian purposes, given North Korea's special history of missile activities, a launch would be a violation of UN Security Council Resolutions 1718, 1874, 2087 and 2094.

The systems that are of particular concern are the ones that could reach the United States. There are two systems of note, the untested KN-08 IRBM, also known as Hwasong-13, and the flight-tested Unha-3, also called Taepodong-3.

The untested road-mobile KN-08 could potentially make North Korea's nuclear force more survivable and less deterrable. Its estimated range of between 3,100 – 3,700 miles will allow it to hit Alaska, and places it well within the reach of Guam. Although only mockups of the KN-08 have been paraded – twice, once in 2012 and once in 2013 – it was enough to garner the attention of NORAD commander Admiral William Gortney's, who voiced his concerns earlier this April with his acknowledgement of North Korea's capability to successfully finish and deploy this new missile system.

The Unha-3, as many of you may recall, was used to successfully launch North Korea's first satellite, the Kwangmyongsong-3 Unit 2 into orbit on December 2012. The three-stage missile test occurred in defiance of U.S. and regional objections and in clear violation of existing UNSCRs. The test occurred several months after North Korea had failed in its first attempt to put Unha-3 into orbit that April, which had derailed the "Leap Day Agreement."

U.S. forces in Japan and Korea are already under threat from the North's Nodong MRBMs, which has a range of 620 miles, far enough to hit all of Japan. North Korea is widely believed to have around 200 Nodongs, and potentially 100 of the untested but

longer-ranged Musudan MRBMs (2,000 – 2,500 miles). Last year marked the most intense North Korean missile tests period ever, with more than hundreds of missile, rocket, and artillery tests by the Kim Jong-un regime.

North Korean cyber operations cannot be ruled out either. The hack of Sony in November 2014 raised concerns and questions about the extent of this new threat. CSIS just completed a study this month that warns that the North is developing its cyber capabilities in tandem with its other asymmetric threats, and has embedded these capabilities in party and military institutions responsible for events like the Cheonan naval ship sinking and other provocations. This potentially means that cyber operations could become more than just criminal acts, but could be integrated in the future with a military strategy designed to disrupt U.S. systems.

Commercial satellite imagery does not indicate a nuclear test in the offing. However statements by the U.S. and South Korean governments suggest that there is nothing to prevent another test at the Punggye-ri site.[1]

Strategy to Coerce and Divide

North Korea's strategy is to become recognized as a full-fledged nuclear weapons state with the capacity to reach the United States homeland with ICBMs and to deter the U.S. on the peninsula with shorter-range, even battlefield use, nuclear weapons. The sanctions under the Obama administration have not prevented the North from making progress in achieving this goal, if we take seriously the recent spate of statements attesting to advancements in their weapons (A list of those statements are attached in Appendix A).

The North is not interested in diplomatic give and take, but to win through coercive bargaining. That is, the strategy is to disrupt the peaceful status quo because they know we value it more than they, and then negotiate a dialing down of the crisis in return for benefits, some of which will be reinvested in their weapons development. That period of time when negotiations help to calm the waters after a provocation are seen by some as "successful diplomacy," but by others as mere extortion.

The North's strategy is also to divide allies. Sometimes known as "divide and conquer" Pyongyang likes to engage with one (i.e., the U.S.) while holding the other at arm's length (i.e., ROK). The North may be attempting some version of this currently as it will offer family reunions to the South in October while carrying out missile and nuclear tests directed at the U.S.

Uncertain Leadership Stability

The leadership is now in its fourth year but there continue to emerge stories about purges of high-level officials. Aside from the infamous execution of his uncle and the unknown

[1] Kim Eun-jung, "N. Korea ready for atomic test, yet no imminent sign: Seoul's defense chief," *Yonhap News,* February 10, 2014, available here http://english.yonhapnews.co.kr/northkorea/2014/02/10/33/0401000000AEN20140210004151315F.html

whereabouts of his aunt Kim Kyong-hui, the leader has removed about 70 officials, including the defense minister. Many of these are his own people, not merely those of his father's generation. Moreover, the leadership is hypersensitive to external criticism of the regime's legitimacy. This is evident not just in the histrionic response to the screening of the movie, *The Interview*, but also in the way they have reacted with anger at international criticisms for human rights abuses. In conjunction with the Bush Institute and several other NGOs, CSIS hosted an international conference on the one-year anniversary of the UN Commission of Inquiry report on North Korea in February 2015 that drew pointed criticism and officials protests from the government in Pyongyang. This is unusual because we have done scores of conferences on the challenges of North Korea's nuclear threats in the past with no response from the North. This does not appear to be the signs of a well-ensconced and secure leadership.

The Way Forward

North Korea remains the greatest proliferation threat in the world today and yet there are no clear and easy solutions. The choices are often made between options that are bad, and options that are worse. The issue has not been a front-burner one for this administration which has practiced a policy of "strategic patience." In the meantime, Pyongyang is growing its capabilities every day and is slowly but surely seeking to alter the strategic balance on the peninsula and in the region.

The United States must maintain resolute deterrence and stand ready to respond with overwhelming force to North Korean threats even as Washington seeks a peaceful, diplomatic solution. Diplomacy cannot wholly remove the use of force from the table if there is to be any urgency on China's part to work with the other parties to denuclearize the North.

The international community cannot countenance further tests and/or provocations, as this would only exacerbate an already acute moral hazard problem in our policy. A battery of financial sanctions on individuals involved in proliferation, cyber operations, and human rights abuses must be applied, the authorities of which were established in the Presidential Executive Orders 13382, 13466, 13551, 13570, 13619, and 13687, but these have yet to be implemented fully.

The North Koreans also must be made to understand the "non-utility" of their nuclear arsenal and that any such use would lead to their ultimate destruction. The one lesson of the nuclear revolution is that states that acquire nuclear weapons do not use them. It is an open question whether the regime has any understanding of the fundamentals of nuclear deterrence, which places an even higher premium on area missile defense in the region.

The North Korean threat provides proximate cause for a tightening of trilateral political and defense cooperation between the United States, Japan and ROK, which has been weakened recently. Allied trilateralism is not just important for deterrence against a nuclear North Korea, but for conveying to China the long-term strategic costs of its support of the regime.

The Six-Party talks need to be modified in the aftermath of the next North Korean provocation to other forms of multilateral coordination, including a five-party format involving the U.S., Japan, ROK, China, and Russia to include a more open discussion about the future of the peninsula and unification.

Finally, any future denuclearization strategy for North Korea must not ignore the human rights condition in the country. The international mobilization on North Korean human rights lacks partisan coloring, remains resilient, and puts as much pressure on the regime as the standing UNSCR sanctions regime. This is because the movement hits at the very heart of the regime's legitimacy.

In the United States, the champions of this movement number no more than 172 despite a refugee resettlement program that was signed into action eleven years ago. According to research by the Bush Institute, these individuals are doing well, but lack the support network that exists for the estimated 26,000 North Koreans that have resettled in South Korea, and yet they went through difficult ordeals to make this country their home.[2] Support of these individuals is the most direct way to improve the human condition in North Korea and to spread word of the regime's lies. No issue has raised more of a response than the direct calling out of the regime for how it treats its people. In the end, the North Korean state is built on a myth of utopian leadership. The more that myth is broken, the more the regime will be forced to change.

[2] Victor Cha, "Light Through the Darkness," The Bush Institute at George W. Bush Presidential Center, January 2015, available at http://www.bushcenter.org/sites/default/files/gwb_north_korea_report_call_to_action.pdf

Appendix A: DPRK Statements on Advancement of Missile/Nuclear Weapons Program in 2015[3]

Date	Statement's author	Statement's Details	Significance of Statement
February 7, 2015	Rodong Sinmun	▪ Kim Jong-un "watched a test-firing of new type of anti-ship rocket to be equipped at KPA naval units." ▪ "As the head of the East Sea Fleet ordered the test-firing, the ultra-precision anti-ship rocket blasted off from a rocket boat. The intelligent rocket precisely sought, tracked and hit the 'enemy' ship after taking a safe flight."	The statement confirmed the addition of an anti-ship cruise missile (ASCM) to the DPRK's growing missile program, specifically adding to the regional threat posed by the Korean People's Navy (KPN).
May 9, 2015	Korean Central News Agency (KCNA)	▪ Kim Jong-un had observed an "underwater test-fire of Korean-style powerful strategic submarine ballistic missile." ▪ "He stressed that the acquisition of the technology of firing ballistic missile from a strategic submarine underwater made it possible for the KPA to possess a world-level strategic weapon capable of striking and wiping out in any waters the hostile forces infringing upon the dignity of Songun Korea and conduct any underwater operation."	The announcement suggests progress in DPRK's nascent submarine launched ballistic missile (SLBM) program, which adds another component to its growing asymmetric capability. The SLBM Regardless of whether the test took place or not, the KCNA's announcement confirms DPRK's intentions to improve its submarine and SLBM capabilities.
May 20, 2015	Spokesman for the Policy Department of the National Defense Commission	▪ "The DPRK's underwater test-fire is part of the measures to increase the self-defence capability of its army and people, pursuant to the line of simultaneously developing the two fronts and a new higher level in the development of strategic striking means." ▪ "The DPRK has reached the stage of ensuring the highest precision and intelligence and best accuracy of not only medium-and short-range rockets but long-range ones."	The statement is a defense of DPRK's SLBM launch on May 9, and a reiteration of technological improvements in its ballistic missiles program.

[3] Thanks to Andy Lim for the research in this table.

June 15, 2015	Korean Central News Agency (KCNA)	▪ Kim Jong-un "watched a drill of firing new type anti-ship rockets…The highly intelligent rockets safely flew at the designated altitude, accurately detecting and hitting the 'enemy' warship."	The second test-fire of the new ASCM was another "milestone" in improving its operational capability for the KPN.
June 20, 2015	Rodong Sinmun	▪ "It is long since the DPRK entered into the full-fledged stage of manufacturing smaller and diverse nuclear strike means. It does not hide the fact that it has reached the phase of ensuring the precision and intellectual level and the highest rate of hits of its long-range rockets."	The Rodong Sinmun editorial was aimed at comments made by the new commander of PACOM, Admiral Harris who spoke to *TIME* magazine and said "the greatest threat we face is North Korea." In response, the editorial boasted about the continuing miniaturization of DPRK's nuclear weapons and ICBMs' capability.
September 14, 2015	Director of DPRK's National Aerospace Development Administration (NADA), interview with KCNA	▪ NADA "is pushing forward at a final phase the development of a new earth observation satellite for weather forecast, etc. positively conducive to the development of the nation's economy and made big progress in the research into the geostationary satellite, a new higher stage in the development of satellite" ▪ "the world will clearly see a series of satellites soaring into the sky at the times and locations determined by the WPK Central Committee"	The statement suggested improvements in DPRK's missile and satellite technology. DRPK successfully launched its first satellite, the Kwangmyongsong-3 Unit 2 into orbit in December 2012, which demonstrated its Unha-3/Taepodong 3's capability as a space launch vehicle (SLV) and as an ICBM threat. His statement also suggest plans for a potential long-range SLV launch to celebrate the upcoming 70th anniversary of the Workers' Party of Korea on October 10.
September 15, 2015	Director of DPRK's North Korean Atomic Energy Institute (unnamed), interview with KCNA	▪ "Scientists, technicians and workers in the field of atomic energy of the DPRK have made innovations day by day in their research and production to guarantee the reliability of the nuclear deterrent in every way by steadily improving the levels of nuclear weapons with various missions in quality and quantity as required by the prevailing situation." ▪ "…all the nuclear facilities in Nyo'ngbyo'n including the uranium enrichment plant and 5 MW graphite-moderated reactor were rearranged, changed or readjusted and they started normal operation…"	His statement confirmed the restart of the 5 MWe Reactor and uranium enrichment plant at the Yongbyon Nuclear Scientific Research Center. Furthermore, he confirmed that the Yongbyon facility, along with uranium enrichment had restarted two years ago, and proclaimed that both the quality and quantity of its nuclear weapons have improved.