

Biden Administration Must Address Daunting North Korea Challenge

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KEY TAKEAWAYS

Over the past four years, North Korea's nuclear, missile, and conventional forces increased in scope and sophistication and can now target the American homeland.

The most immediate U.S. policy priority should be to shore up alliances and ensure a regional response to the growing security challenges in the Indo-Pacific.

The U.S. should pursue negotiations, but must also maintain a strong military deterrence and enforce U.S. sanctions until Pyongyang has reduced its nuclear threat.

As Joe Biden begins his presidency, he will likely seek to prioritize domestic issues, including remedying the devastating societal and economic impacts of the COVID-19 pandemic, over foreign policy. The world, however, has a tendency to intrude on the plans of new Presidents. In the Indo-Pacific, China will undoubtedly be the major foreign policy concern for the Biden Administration, since it encompasses military, economic, and diplomatic challenges.

North Korea may not initially be a predominant focus of the Administration, but Pyongyang does not like to be ignored. The regime has historically ramped up tensions early in a new U.S. or South Korean administration to, as one North Korean defector told this author, “train them like a dog” and induce concessions. Provocations could include continuation

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of tactical-level missile launches or the initial launch of the new massive intercontinental ballistic missile (ICBM) revealed in North Korea's October 10 parade or another nuclear test. Such blatant violations of United Nations resolutions would require a firm response by the Biden Administration.

However, the COVID-19 pandemic may serve to initially constrain North Korean provocations. Pyongyang did not implement its threat to conduct a "shocking action"¹ after its December 2019 deadline, possibly because of the impact of its self-imposed COVID-19 restrictions. The regime may delay provocations that are intended to drive U.S. negotiators back to the table with concessions until the COVID-19 situation stabilizes and its diplomats could meet face to face with U.S. counterparts.

Addressing Alliance Concerns

The most immediate and significant U.S. policy priority should be to shore up alliances and ensure a regional response to the growing security challenges in the Indo-Pacific region. President Biden should seek to reassure allies whose officials have in recent years increasingly questioned the continued viability of the United States as an ally.

The Biden Administration should focus on a traditional U.S. view of alliances that is based on shared values, principles, and objectives. While there will continue to be financial issues to negotiate, the transactional side of these relationships should be downplayed.

Washington should seek incremental, rather than exponential, increases in allied contributions to offset the cost of stationing U.S. forces overseas. Nor should there be a linkage between those contributions and U.S. troop levels. The U.S. security footprint in the Indo-Pacific should be determined by an assessment of current and future threats and the security architecture necessary for addressing them.

The Biden Administration should resume combined military exercises with South Korea when COVID-19 conditions allow. During the past two years, Washington and Seoul cancelled or curtailed numerous joint and combined exercises after President Trump dismissed them as provocative and too expensive. Doing so did not elicit any reciprocal diplomatic or military gestures from the North Korean regime.²

Confronting the North Korean threat is more effective when the United States, South Korea, and Japan coordinate security operations. Doing so has been hindered recently by a flare-up in long-standing historic issues between Seoul and Tokyo. The Biden Administration should try to ameliorate strained relations between America's critically important northeast Asian allies.

The Obama Administration had conducted extensive behind-the-scenes diplomacy with Seoul and Tokyo, which facilitated the 2015 bilateral agreement on comfort women.³ Then-Vice President Biden personally interceded with both South Korean President Park Geun-hye and Japanese Prime Minister Shinzo Abe to facilitate a bilateral meeting between them.⁴

Ever-Growing North Korean Threat

For decades, every incoming U.S. President has inherited a more dangerous North Korea than his predecessor. President Biden is no exception. During the past four years, North Korea's nuclear, missile, and conventional forces increased in scope and sophistication. Pyongyang conducted its first hydrogen bomb test and successfully launched two different ICBMs that can reach the American homeland with nuclear weapons.

Pyongyang is producing a new generation of advanced mobile missiles that are more accurate; are mobile and solid-fueled, making them more difficult to locate and target; and some have maneuverable warheads, which provide a greater ability to evade allied missiles. Pyongyang continues to *nuclearize* at an accelerated rate. The regime can create fissile materials for an estimated seven to 12 nuclear warheads per year,⁵ and expanded and refined manufacturing facilities for fissile material, nuclear weapons, missiles, mobile missile launchers, and reentry vehicles.⁶

In 2019, North Korea conducted a record number of 26 missile launches, all of which were violations of U.N. resolutions, while demonstrating five new weapons systems that increased the threat to South Korea and U.S. troops stationed there. In its October 2020 parade, Pyongyang revealed a record number of new weapons systems, including a new massive ICBM that may have the ability to carry multiple warheads to overwhelm U.S. missile defenses, a submarine-launched ballistic missile (SLBM), numerous multiple-rocket-launcher systems, and the regime's first new main battle tank in decades.⁷

North Korea Policy: Focus Should Be on Substance Not Personality

The northeast Asian security situation has deteriorated in recent years, which necessitates a stronger U.S. policy. Developments include the growing North Korean nuclear and missile threats to the American homeland, realization that summit diplomacy was unsuccessful in making progress on denuclearization, and bipartisan consensus on the need to pressure North Korea to denuclearize, as well as confront Chinese misbehavior in Asia.

The Biden Administration should return to a traditional “bottom up” bureaucracy-based and expert-based policy formulation and diplomatic outreach to North Korea. Future U.S.–North Korean summit meetings should be predicated on substantive progress at lower levels, including extensive negotiations that produce a detailed and comprehensive denuclearization agreement.

U.N. resolutions require North Korea to abandon its nuclear and missile forces in a complete, verifiable, and irreversible manner. However, debate rages amongst experts over the efficacy of continuing to press for full denuclearization, how firmly to apply sanctions, and conditions for offering inducements to Pyongyang. Some advocate seeking incremental arms control agreements that accept less than full denuclearization.

Nor is there consensus on how strongly to enforce U.S. sanctions laws or criticize Pyongyang’s human rights violations. Successive U.S. Administrations of both political parties failed to fully enforce U.S. laws and U.N. sanctions. The Obama Administration engaged in timid incrementalism⁸ of sanctions enforcement by targeting a few North Korean entities, pausing to see if that altered North Korean behavior, prior to taking action against other violators. Similarly, the Trump Administration’s “maximum pressure” strategy was never maximum.⁹

President Biden should enforce U.S. laws against North Korean transgressions more forcefully than the Bush, Obama, and Trump Administrations. To do so, however, he will have to restore the international consensus on pressuring Pyongyang, which was weakened by President Trump’s unconditional outreach to Kim Jong-un and lax enforcement of sanctions.

Will It Work? The North Korean nuclear problem has vexed successive U.S. Presidents of both political parties. Eight international denuclearization agreements with North Korea have all failed due to Pyongyang’s cheating or unwillingness to implement its promised actions. Over the years, the United States has tried diplomatic engagement, humanitarian assistance, security guarantees, sanctions relaxation, summit meetings, and reducing allied military deterrent, all to no avail.

Pyongyang may not be any more willing to engage diplomatically nor make any progress toward denuclearization with a Biden Administration than with previous U.S. Administrations. While experts debate limitless combinations of benefits, punishments, timelines, and approaches, the U.S. government has already produced drawers full of “road maps” depicting strategies for denuclearization. But all of them have been roads not taken by Pyongyang.

Even if President Biden directs the U.S. government to fully enforce its laws, he will find it difficult to persuade the international community to enforce U.N. sanctions when Washington failed to do so.

Recommendations for the Biden Administration

In order to re-affirm the U.S.–South Korean alliance and rebuild the combined military deterrence, the U.S. should:

- **Affirm unequivocal commitment to defending South Korea.** South Korean officials enter the Biden era concerned about the U.S. commitment to its treaty obligations. The U.S. should make absolutely clear to friend and foe alike that it will defend its allies.
- **Not threaten to reduce U.S. forces.** U.S. forces are necessary for defending a critical ally. The Trump Administration’s unwillingness to, for the first time in 12 years, affirm the customary commitment to maintain U.S. forces at the promised 28,500-troop level in the bilateral Security Consultative Meeting communique exacerbated concerns about the U.S. using troop levels as bargaining leverage in burden-sharing negotiations. The Biden Administration should declare that it will maintain current levels of U.S. forces until the North Korean nuclear, missile, and conventional force threats have been sufficiently reduced.
- **Abandon demands for an exponential increase in South Korean and Japanese reimbursement for U.S. troop presence.** U.S. forces overseas serve America’s strategic interests, including maintaining peace and stability in Northeast Asia. The Biden Administration should seek incremental, rather than exponential, increases in South Korea’s contribution to offset the cost of stationing U.S. forces.
- **End unilateral allied disarmament by resuming military exercises.** Two years of cancelled and constrained military exercises degraded allied deterrence and defense capabilities with no diplomatic or security benefits from North Korea in return. Washington and Seoul should resume military exercises when COVID-19 conditions allow.
- **Maintain conditions-based wartime operational control transfer.** Prematurely transitioning to a South Korean command of Combined Forces Command—before Seoul has ameliorated deficiencies in command, control, communications, computers, intelligence, surveillance, and reconnaissance and joint or combined operations; and the North Korean nuclear threat has been reduced—could have

detrimental consequences in wartime. President Moon Jae-in's push for transition during his term runs counter to the bilateral agreement for a conditions-based, rather than timeline-based, transfer. The U.S. should hold the line against politically driven decisions.

- **Review allied ballistic missile defense plans.** North Korea's growing ICBM force with potential multiple warheads and more launchers poses problems for American homeland missile defenses. Pyongyang's expanding force of tactical missiles and SLBMs increases the threat to U.S. allies and American forces in the region. The U.S., South Korea, and Japan should review and coordinate missile defense plans, including Tokyo's recent decision to cancel the Aegis Ashore program.
- **Define the future of the U.S.–South Korean alliance.** While North Korea must remain the predominant threat focus of the alliance, the allies should also focus on security challenges over the horizon. As South Korea continues to improve its military capabilities, Seoul should be called upon to assume greater responsibilities in regional and global security challenges. South Korea could play a larger role in ensuring freedom of navigation in the South China Sea. The country's economic vitality is dependent on safe passage of foreign energy supplies, which are threatened by China's expansionary actions. Seoul has been reluctant to engage in naval operations in the South China Sea for fear of antagonizing China.

Negotiations should create a comprehensive denuclearization accord to be implemented incrementally. To achieve this accord, the U.S. should:

- **Continue to press for working-level diplomatic meetings with Pyongyang.** U.S. diplomats should meet with their North Korean counterparts to determine the conditions under which the regime would comply with the 11 United Nations resolutions that require the regime to abandon its missile, nuclear, and any other weapons of mass destruction programs in a complete, verifiable, and irreversible manner.
- **Impose conditionality on future summit meetings.** Initial U.S.–North Korean summits occurred without suitable preparation or requirements for progress toward an agreement. Despite fanfare and claims of success, the three meetings only provided the illusion of

success. Subsequent summits should be reserved for formalizing an agreement worked out by diplomats or in-depth leader negotiations based on meticulous and well-planned policy positions.

- **Insist on a detailed, comprehensive road map to denuclearization.** Any future agreement must include an unambiguous and public North Korean commitment to the end state of abandoning its nuclear and missile production capabilities and existing arsenals. The accord should clearly delineate necessary actions by all parties, linkages to benefits to be provided, sequencing, and timelines for completion.
- **Require a robust verification protocol in any agreement,** including data declarations of North Korea's nuclear and missile programs and arsenal, provisions for the dismantlement of those facilities, and destruction of the regime's arsenals of weapons of mass destruction. There should be inspections and long-term monitoring of declared facilities, as well as the U.S. right to conduct short-notice challenge inspections of non-declared facilities. A data declaration should occur in the initial phase of implementation.
- **Condition a peace agreement on reducing the conventional force threat.** The U.S. and South Korea should not sign a peace treaty until the North Korean nuclear threat is eliminated and the conventional threat reduced. Conventional forces should be capped and then weaned away from the forward area using measures similar to those in the Conventional Armed Forces in Europe Treaty and the accompanying Vienna Document of Confidence and Security Building Measures. Signing a simplistic peace declaration would provide a false perception of peace while creating societal and legislative momentum for reducing or removing U.S. forces before reducing the North Korean threat that necessitated American involvement in the first place.
- **Refuse to coddle dictatorships.** The U.S. should make human rights an integral component of U.S. policy. The Biden Administration should fill the vacant Special Envoy for North Korean Human Rights position. Downplaying North Korean human rights violations is antithetical to U.S. values and undermines diplomatic isolation of North Korea. The North Korea Sanctions and Policy Enhancement Act, Section 104(a) (5) mandates sanctions against any person who knowingly facilitates severe human rights abuses.

- **Predicate economic assistance on progress toward complete, verifiable, and irreversible dismantlement.** Provision of aid and assistance should be implemented in a manner to encourage economic reform, marketization, and the opening of North Korea to the outside world rather than providing direct financial benefits to the regime. Aid should be consistent with U.S. rules, such as Executive Order No. 13722, which bans “new investment in North Korea [and] any approval, financing, facilitation, or guarantee by a U.S. person...where the transaction...would be prohibited...if performed by a United States person or within the United States.”¹⁰
- **Recommend discussions on confidence- and security-building measures (CSBMs).** As was the case in agreements between NATO and the Warsaw Pact, CSBMs can reduce tensions and the potential for miscalculation and conflict by augmenting transparency and notification procedures for military exercises and deployments.
- **Coordinate North Korea policy with South Korea.** South Korean President Moon has appointed a new national security team that advocates “creative” ways of providing benefits to North Korea while skirting international sanctions. Seoul remains overeager to lower the bar on sanctions enforcement, offer economic benefits, and sign a premature peace declaration in an attempt to improve inter-Korean relations. Washington must counsel the Moon Jae-in Administration to first insist on tangible progress on threat reduction and denuclearization and, if necessary, contact South Korean banks, businesses, and government agencies to remind them of existing laws and the penalties for violating them.

To enhance implementation of U.N. and U.S. sanctions, the U.S. should:

- **Enforce U.S. laws fully.** Sanctions are a critical component of U.S. foreign policy, upholding America’s laws and defending its financial system—but only if they are implemented. The U.S. should sanction the 300 North Korean entities violating U.S. laws, penalize Chinese banks engaged in money laundering and other crimes by identifying them as primary money-laundering concerns or imposing significant fines, impose sanctions against Chinese shipping companies flouting U.N. restrictions on North Korean oil, and impose secondary sanctions against ports aiding North Korean smuggling of goods prohibited by U.N. sanctions.

- **Reduce sanctions only when the triggering activity has abated.**
U.N. sanctions and U.S. punitive measures are responses to North Korean violations. As long as the sanctioned behavior continues, Washington should maintain its targeted financial measures. U.N. sanction restrictions on North Korean economic activity may be reduced in response to progress on regime denuclearization. However, some unilateral U.S. targeted financial measures, such as those defending the U.S. financial system, are law enforcement measures rather than diplomatic measures and should never be abandoned. Reducing U.S. sanctions is subject to legal constraints, such as the North Korea Sanctions and Policy Enhancement Act, Sections 401 and 402 which allow the U.S. to suspend sanctions for up to one year or remove sanctions *only if* North Korea has made progress on several stipulated issues, including human rights.¹¹
- **Respond promptly when North Korea violates U.N. resolutions.**
The Trump Administration ignored North Korea's 26 missile violations in 2019 (the most violations in a single year) as well as nine missile violations in March 2020 (the most in a month). Any future North Korean violation, particularly a nuclear or ICBM test, should trigger a decisive U.S. response.

Conclusion

North Korea will remain an intractable problem for yet another U.S. Administration. President Biden needs to develop a policy of deterrence, containment, pressure, and diplomacy. While each component has been a part of previous Administrations' policies, they have been applied in different manners and degrees.

The United States must always remain open to diplomatic engagement and negotiations, but must also learn from the mistakes of the past. Washington must maintain a strong military deterrence and continue to enforce U.S. laws until Pyongyang has taken necessary steps to reduce its nuclear threat to America's homeland and those of its allies. The road ahead will continue to be long and potentially dangerous but must be tread in close coordination with allies South Korea and Japan.

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