



# A New Era of US Policy Toward the Korean Peninsula

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ISSUES & INSIGHTS

WORKING PAPER

VOL. 21, WP3 | February 2021



## **Pacific Forum**

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# TABLE OF CONTENTS

ABSTRACT .....	IV
A NEW ERA OF US POLICY TOWARD THE KOREAN PENINSULA .....	1
REVITALIZE THE FOUNDATIONS, BROADEN THE SCOPE .....	1
MORE TOOLS TO DETER NORTH KOREA .....	3
CONGRESS'S CRITICAL ROLE.....	5
A DEAL TO REDUCE NUCLEAR RISKS AND UPHOLD EXTENDED DETERRENCE .....	7
GUIDE THE LONG-TERM TRANSFORMATION OF NORTH KOREA .....	9
CONCLUSION: AN AGENDA FOR A LASTING ALLIANCE .....	10
ABOUT THE AUTHOR.....	12

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## ABSTRACT

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This paper offers concrete policy recommendations and institutional tools for the incoming Biden administration and Congress to revise policy toward the Korean Peninsula. Deterring North Korea will remain a focus of the alliance, but prioritizing denuclearization must no longer monopolize the alliance's political capital nor paralyze its global potential. The US and South Korea must clarify how shared values translate into policy convergence in security, economy, and technology domains to rediscover relevance in an era of multidimensional structural competition with China. Even without a comprehensive nuclear agreement with North Korea, the near-term priority must be to revitalize the regional security architecture to uphold extended deterrence to South Korea and Japan while institutionalizing a process of managing tensions and capping North Korea's most destabilizing capabilities. Lastly, Congress must deliberate a viable path toward risk reduction and peace with Pyongyang while advocating for transformational change through advocacy for human rights and freedom of information.

## **A New Era of US Policy Toward the Korean Peninsula**

The next presidential administration and Congress must think creatively about the tools at their disposal to repurpose alliances and influence international agreements—both to signal support for longstanding interests and inject fresh thinking about how to achieve common goals in an evolving regional landscape. The United States-Republic of Korea (US-ROK) alliance is evidence of decades of successful policy, yet its agenda is not fit for the current era. Deterring North Korea will remain a focus of the alliance, but prioritizing denuclearization must no longer monopolize the alliance’s political capital nor paralyze its global potential. The US and South Korea must broaden alliance initiatives to rediscover relevance in an era of multidimensional structural competition with China. This requires Seoul and Washington to clarify how shared values translate into policy convergence in the security, economy, and technology domains.

Even without a comprehensive nuclear agreement with North Korea, the near-term priority must be to revitalize the regional security architecture with South Korea and Japan while institutionalizing a process of managing tensions and capping North Korea’s most destabilizing capabilities. Movement toward a more “normal” relationship with North Korea in some areas would contribute to stability and should therefore be framed as mutually beneficial—not zero-sum. By balancing both deterrence and arms control diplomacy, Washington should aim to convince its allies that they can not only remain secure but prosper despite a nuclear-armed North Korea.

The following five policy goals should structure US policy toward the Korean Peninsula for the new era: First, revitalize the foundations and broaden the scope of the US-ROK alliance. Second, collaborate across government agencies to further adapt legal, diplomatic, and financial tools to deter North Korea. Third, Congress must assert its historically critical and constitutionally mandated role in engagement with North Korea toward a sustainable peace. Fourth, pursue a deal with North Korea that reduces nuclear risks and sustains the credibility of extended deterrence to regional allies. Finally, any proximate policy goals must play a part in guiding the long-term transformation of human rights and openness in North Korea.

### **Revitalize the Foundations, Broaden the Scope**

The Biden administration is conducting a review of North Korea policy, but it should conduct a review of the alliance to reassess the strategic challenges of the coming decade, determine how to meet those challenges, and cultivate the requisite political support in the executive and legislative branches of both countries. A central challenge for Seoul and Washington is to clarify how shared values translate into policy convergence in the security, economy, and technology domains. A “Free and Open Indo-Pacific” should find relevance not in loud rhetoric but in steady meaningful initiatives that advance the interests of both countries. The two must also discover how the US-ROK alliance can find relevance in the Indo-Pacific region, which has become the theater of priority for US foreign and defense policy. The alliance should resist framing of joint efforts as part of an anti-China coalition, but rather articulate them as the offspring of shared principles that demonstrate concrete benefits for our two societies.

First, the Biden administration and Congress should build a collaborative set of export controls and trusted suppliers of technologies with national security implications. The Economic Prosperity Network<sup>1</sup> conceived by the past administration is a good place to start. This network should help to not only prevent the leakage of critical supplies but prevent theft of goods deemed sensitive. South Korea is a lead exporter in integrated circuits and telecommunications technology—much of which flows into China—making South Korea a critical partner in securing industrial supply chains for critical infrastructure and technologies. Coordinating common standards in data governance, foreign finance oversight, and industrial security can stem the leakage of novel technologies from democratic nations into China.<sup>2</sup> South Korean firms’ technological edge has been eroding in recent years due to brain drain and theft of trade secrets<sup>3</sup> by Chinese competitors. In meetings with officials from South Korea, Japan, and Five Eyes partner countries, members of Congress should emphasize the importance of multilateral coordination to protect critical technologies and reduce financial risks of rerouting supply chains and developing new export controls. As the US and China struggle to standardize and deploy 5G telecommunications technology, the US can promote Samsung as the only other firm of scale to provide total end-to-end 5G solutions<sup>4</sup>.

Second, leverage the BUILD Act’s Development Finance Corporation (DFC) to catalyze green joint infrastructure planning and investment. South Korea has an opportunity to supplement its New Southern Policy by joining the United States’ “Blue Dot Network<sup>5</sup>” and investing in high-quality infrastructure across Asia. As the DFC takes shape, it should collaborate with private sector investors in democratic governments in Asia that share an interest in openness, transparency, sustainability, and compliance with international standards. The US and allies must coordinate investment and engagement with others in the region to compete with China’s state-run Belt and Road Initiative (BRI). President Moon Jae-in’s “Green New Deal” potentially aligns well with the Asia Reassurance Initiative (ARIA)’s “Asia Edge<sup>6</sup>” program, as the former invests in renewable energy technology and the latter incentivizes private sector investment in sustainable regional infrastructure with technologically advanced democratic allies. As South Korea and Japan have started to phase out coal power financing in Asia, the Biden administration has an opportunity to pivot to multilateral green energy architecture, improving both price and availability in relation to that of coal power.

Third, catalyze joint research, development, and deployment of new and emerging technologies. Both countries have an interest in honing their competitiveness in green and nuclear energy, telecommunications, artificial intelligence (AI), and space sectors. China’s

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<sup>1</sup> Humeyra Pamuk, A. (2021). *Trump administration pushing to rip global supply chains from China: officials*. Reuters. Retrieved 24 October 2020, from <https://www.reuters.com/article/us-health-coronavirus-usa-china/trump-administration-pushing-to-rip-global-supply-chains-from-china-officials-idUSKBN22G0BZ>.

<sup>2</sup> Brown, E. (2021). *Creating Alternative 5G Strategies*. In H. Sokolski, *New Frontiers for Security Cooperation with Seoul and Tokyo* (pp. 25-26). Nonproliferation Policy Education Center. Retrieved from [http://npolicy.org/article\\_file/2101\\_New\\_Frontiers\\_Occasional\\_Paper.pdf](http://npolicy.org/article_file/2101_New_Frontiers_Occasional_Paper.pdf)

<sup>3</sup> Hosokawa, K. (2021). *Samsung races to guard its secrets as China rivals close in*. Nikkei Asia. Retrieved 13 February 2021, from <https://asia.nikkei.com/Business/Business-Spotlight/Samsung-races-to-guard-its-secrets-as-China-rivals-close-in>.

<sup>4</sup> Lee, S. (2021). *Samsung takes on Huawei in race for 5G dominance*. Asia Times. Retrieved 24 February 2020, from <https://asiatimes.com/2019/11/samsung-takes-on-huawei-in-race-for-5g-dominance>

<sup>5</sup> U.S. Department of State. (2020). *Blue Dot Network*.

<sup>6</sup> U.S. Department of State. (2021). *Asia EDGE – Enhancing Development and Growth through Energy*.

“Made in 2025” strategy applies state support to capture greater shares of the global market’s technology sectors, posing an outsized threat to South Korea’s position as an exporter of high-end technologies. Moon’s recently announced “Digital New Deal”—coupled with new legislation in the US Congress prioritizing leadership in artificial intelligence<sup>7</sup> and standard setting—demonstrate growing political will in Seoul and Washington to lead the AI and autonomous systems industries. Together with allies in Seoul, Washington can employ the Multilateral Telecommunications Security Fund to collaborate on innovation and deployment strategies of interoperable Open Radio Access Networks (ORAN) networks to erode Beijing’s monopolistic vendor dependency and allow a greater number of the actors to innovate and design these technologies. By prioritizing investment in research and setting standards governing the use of AI and related critical technology, Washington and Seoul can safeguard long-term competitiveness, promote innovation, and ensure that future technologies are employed in ways that protect democratic values.

### **More Tools to Deter North Korea**

The consensus surrounding the international sanctions regime constructed to deter North Korea’s nuclear and ballistic missile advances has weakened since the 2018 rapprochement. As the Biden administration reviews its approach to sanctions, it should clearly communicate the purpose of sanctions and build credible paths toward relieving them. The rationale for sectoral UNSC sanctions that comprehensively squeeze everyday market activity require re-evaluation given North Korea’s decision to suspend nearly all trade with China. The resulting humanitarian costs and growing repression of private markets run counter to US interests. These sanctions serve as leverage and a tactic to conduct diplomacy; impractical diplomatic aims will distort their perceived utility and purpose. If the near-term goal is no longer denuclearization, then the US should consider how to prevent the advance and proliferation of Pyongyang’s weapons programs without stifling the economy through wholesale sanctions. Pressure broadly applied to pressure North Korea’s socioeconomic system and without paths to relief alone carries significant trade-offs and is unlikely to achieve North Korean disarmament.

Financial tools can thwart North Korea’s import of critical inputs required for indigenous production of weapons of mass production and long-range delivery platforms. They can also create incentives to comply with internationally recognized fundamental human rights. The US can deter criminal activity and tighten sanctions enforcement by building partner capacity to detect illicit activities in their territory, publicly documenting violations and threatening secondary sanctions of violators, and utilizing new technologies to track proliferation finance. It is important that Congress can provide the financial, intellectual, and political resources that enable a presidential administration to target and deter specific actions.

First, launch a multilateral coalition to counter illicit North Korean cyber activity. The prospects of illicit DPRK cyber theft are rising due to the risks that the pandemic poses to traditional sanctions evasion activity, as well as the growing sums that are accessible via cyberspace. In the summer of 2020, four US government agencies last month released a joint alert over the resumption of activity this year by a group of “North Korean government cyber actors” who

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<sup>7</sup> *Summary of AI Provisions from the National Defense Authorization Act 2021*. Stanford University. (2021). Retrieved 10 February 2021, from <https://hai.stanford.edu/policy/policy-resources/summary-ai-provisions-national-defense-authorization-act-2021>.

have attempted to steal as much as \$2 billion from 2014-2019.<sup>8</sup> Multilateral cyber coordination should incentivize joint member-state attribution as well as industry attribution to cybercrimes to raise international and corporate awareness of illicit behavior and closes vulnerability gaps. Sen. Cory Gardner (R-Colorado)<sup>9</sup> introduced the bipartisan Cyber League of Indo-Pacific States (CLIPS) Act,<sup>10</sup> which aimed to create an information-sharing center and cooperate on attribution and enforcement. The Department of State should work with partner nations to implement ARIA's \$100 million annual authorization to combat cyber threats and strengthen partner networks' resilience to attacks. These resources could expand technical assistance programs run by the Department of State, including the Export Control and Related Border Security (EXBS) Program or the Bureau of International Security and Nonproliferation programs, to enable partner countries to fight proliferation finance by strengthening their regulatory and legal regimes. Congress should also highlight and condemn reported illicit actors and consider holding hearings to raise cyber awareness across the general public and the private sector.

Second, fine-tune export control regimes to coordinate the international community's restrictions on critical supplies for nuclear and ballistic missile development. Conduct studies to identify materials that serve as critical chokepoints for development of weapons of mass destruction (WMD) and ballistic missile programs, especially the import or indigenous production of transporter-erector launchers (TELs), solid rocket fuels, and tritium—all of which contribute to a more credible strategic ICBM force. Propose the implementation of a comprehensive catch-all control regime including dual-use and sub-threshold items. The trade network in Dandong in particular is central to the finance and procurement of proliferation-related materials. On Sept. 1, 2020, the Departments of Treasury, State, and Commerce provided a North Korea Ballistic Missile Procurement Advisory<sup>11</sup> that educates the private sector about ballistic missile procurement entities (chemicals, electronics, metals, etc.) and deceptive techniques employed in support of the regime's ballistic missile program. The departments of Treasury and Commerce should work with intergovernmental organizations such as the Financial Action Task Force (FATF) to further educate the international community about best practices, generate buy-in to a catch-all control regime, and build domestic capacity to institute more robust control regimes. Use these regimes as basis for sanctioning China if it does not adhere to stricter catch-all regime standards.

Third, apply behavioral analytics methods to improve tracking of illicit DPRK finance. Knowledge of the true extent of UNSC sanctions violations is limited by China's false, obscure, or unpublished documentation of trade across the Dandong-Sinuiju border. However, novel private sector approaches including using lakes of data and sophisticated algorithmic methods could more efficiently recognize illicit North Korean activity patterns. The Royal United

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<sup>8</sup> United Nations Security Council. (2019). *Report of the Panel of Experts established pursuant to resolution 1874 (2009)* (pp. 4; 26-30; 109-112). Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/243/04/PDF/N1924304.pdf?OpenElement>

<sup>9</sup> Full disclosure: The author was a National Security Fellow for Sen. Gardner until December 2020.

<sup>10</sup> *S.Res.140 - 116th Congress (2019-2020): A resolution urging the establishment of a Cyber League of Indo-Pacific States to address cyber threats*. Congress.gov. (2020). Retrieved 20 February 2020, from <https://www.congress.gov/bill/116th-congress/senate-resolution/140/text>.

<sup>11</sup> US Department of the Treasury. (September 1, 2020). *North Korea Ballistic Missile Procurement Advisory*.



Services Institute for Defence and Security Studies (RUSI) recently published a report<sup>12</sup> outlining how a small network of Dandong-based companies facilitate enormous exports of North Korean goods and procurement of crucial inputs for nuclear and ballistic programs. Further, these networks are likely run by North Koreans and deal directly with North Korean government entities. Utilizing novel analytics methods could better identify networks of proliferation finance and North Korean front companies in China, enabling the DOJ to pursue criminal indictments.

Fourth, coordinate global information-sharing between financial institutions. National governments must coordinate to align legislative and regulatory frameworks to enable the data-sharing essential to thwart illicit DPRK finance and trade activities. Policymakers in partner countries should work to streamline the declassification of intelligence and package it in reports for governments and the private sector without running into privacy and data-sharing roadblocks. A coalition of trusted partners, such as the Five Eyes countries, South Korea, and Japan should construct common legal and regulatory frameworks to share information related to cybercrime. The group could broaden this concept to work with Germany, France, and countries in Southeast Asia to expand the sharing of data. Since North Korean cyber criminals and sanctions violators will likely target smaller countries with less resilient infrastructure, the US should engage smaller countries in Southeast Asia that either have been or are likely to become victims of future cybercrime.

### **Congress' Critical Role**

Close coordination between Congress and the executive branch is necessary for a sustainable and implementable peace process. Past negotiations with North Korea have broken down due to partisan politics and halted implementation of predecessors' policies. The Executive Branch should seek Congressional buy-in through regular briefings as required by the Asia Reassurance Initiative Act. Congress can visibly signal support for executive-led negotiation initiatives through resolutions or other public statements. Such coordination would clarify US interests at stake and foster trust needed to allow the White House flexibility and credibility throughout the negotiation process.

First, Congress should deliberate the purpose of and context in which it would support of an end-of-war declaration. At the very least, a declaration is a low-risk signal of the political will of the United States government to engage in negotiations toward the end of war (and denuclearization). This lends credibility to any sitting US president when negotiating a deal that will take years to implement. Moon Chung-in, President Moon's foreign affairs and national security advisor, has already informally outlined the purpose and implementation of such a declaration.<sup>13</sup> The SFRC should hold a hearing to clarify what an end-of-war declaration and peace treaty with North Korea would entail, and what benefits, costs, and risks they would carry for US interests in the region. The SASC must coordinate with the SFRC to balance efforts of détente with steps to strengthen deterrence, as the two could be at cross-purposes

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<sup>12</sup> Royal United Services Institute for Defence and Security Studies. (2021). *The Billion-Dollar Border Town North Korea's Trade Networks in Dandong (Part 1)*. London. Retrieved from [https://rusi.org/sites/default/files/billion-dollar\\_border\\_town\\_final\\_web\\_version.pdf](https://rusi.org/sites/default/files/billion-dollar_border_town_final_web_version.pdf)

<sup>13</sup> Friedman, U. (2021). *The Plan to End the Korean War*. The Atlantic. Retrieved 14 March 2020, from <https://www.theatlantic.com/international/archive/2018/08/north-korea-war-declaration/568603/>.

with one another. Congress should consider proposing steps toward such a declaration, such as a mutual commitment to refrain from proliferation of nuclear materials, to refrain from aggression toward each other or US allies, or to further reduce military postures near the inter-Korean border. However, Washington should also manage expectations, jointly determine with Tokyo and Seoul what a declaration means and does not mean, and clearly signal this to actors in the region.

Second, improve the political sustainability of the alliance through ongoing and institutionalized inter-parliamentary engagement between the US Congress and the ROK National Assembly. Strategic issues of high politics require the sustained support of those that represent the two peoples. Recent debates over who benefits from free trade agreements and excessive defense spending require clear connections between foreign engagement and the prosperity and security of our peoples. This is why Congress should work to establish a semi-annual dialogue between key members of the Senate Foreign Relations Committee (SFRC) and the ROK Foreign Affairs and Unification Committee, as well as between the Senate Arms Services Committee (SASC) and the ROK National Assembly's National Defense Committee. Committees should hold hearings on the future orientation of the alliance, including wartime operational control (OPCON) transfer, the future of United Nations Command (UNC) structure and United States Forces Korea (USFK) presence, to clarify the significance of these changes to US foreign policy and help Congress understand strategic implications of what are often highly political issues. Regular consultation among key members of both legislatures can foster a long-term strategic alliance vision and stabilize the bilateral relationship alongside potentially disruptive changes in executive branch.

Third, consider the creation of an escrow fund to catalyze the disarmament process through a tangible set of concessions for initiating the peace and denuclearization progress. An escrow fund does not alter the sanctions regime but secures Congressional guarantees for ad hoc financial compensation for North Korea. It allows Congress to assert its power and support negotiations by highlighting an initial set of peace and disarmament steps that merit North Korean access to funds. Funds would be contributed and overseen by the US, ROK, and Japan—and possibly Russia and China, and would be used for energy, infrastructure, or other development projects. A fund would serve as a catalyst for the implementation of a peace and disarmament deal, but may not be a politically sustainable means to sustain momentum throughout the process. Congress could retain oversight by limiting the use of the funds for development projects and steps in the disarmament process.

Fourth, consider using Cooperative Threat Reduction (CTR) authorities to facilitate technical and financial assistance for denuclearization, build trust with key constituencies, and reorient North Korean WMD industries toward civil sector activity. Congress has the benefit of using the existing authority of the CTR program (1991 Nunn-Lugar Soviet Nuclear Threat Reduction Act) and designing specific exemptions required for initial CTR efforts. Initial efforts may mutually beneficial efforts, to include securing hotlines among key states coordinating removal and supplying emergency-response equipment and training. Later efforts could focus on converting WMD industry to civilian sectors by re-training scientific and technical community and building infrastructure, paying North Korea for transfer elsewhere of highly enriched fissile

material to be downblended and used for electrical power.<sup>14</sup> These could be highly appealing carrots that cultivate economic growth and valuable scientific expertise—two benefits the regime has highlighted in domestic media as the goal of building nuclear arsenal. The program will be a political lift, but CTR funding for disarmament and development would be relatively small compared to the costs of deterring a growing nuclear program. The CTR programs focus not only on immediate steps to disable and secure nuclear infrastructure, but on the longer-term goal of displacing North Korea's military-first political machine and incentivizing peaceful but lucrative applications of advanced technology.

## **A Deal to Reduce Nuclear Risks and Uphold Extended Deterrence**

Only by revitalizing US credibility will allies maintain sufficient confidence in US extended deterrence to consent to a freeze and slow rollback of North Korean capabilities. The alliance must renew perceptions of US nuclear credibility while tempering instincts to introduce new weapons that both fuel a further arms race and heighten nuclear risks with North Korea. Under Moon, Seoul has invested heavily on a conventional counterforce strategy to deter and defeat both conventional and nuclear threats while hedging against US abandonment.<sup>15</sup> The largest deterrence gap will remain at the nuclear threshold and it requires not additional capabilities, but shared demonstrations and exercises of will. An agreement for North Korean nuclear restraint may first require adjustments to US-ROK deterrence posture and consultations. In short, the US should pursue a balance of capabilities that continues to favor the US and its allies but that creates conditions for arms control rather than an arms race. The US must lead a realistic assessment of disarmament prospects and invest ample diplomatic capital to secure the buy-in of key regional allies.

First, retool US-ROK alliance extended deterrence mechanisms to respond to North Korean nuclear coercion and escalation. The 2018 National Defense Strategy Commission's report assessed that nuclear escalation by North Korea poses a fundamental dilemma to the US strategy.<sup>16</sup> Until denuclearization occurs, the primary challenge for the alliance is to reassure Seoul of US nuclear credibility despite Pyongyang's advances. This can be done by introducing NATO-like sharing arrangements or ministerial-level nuclear planning to the existing Deterrence Strategy Committee (DSC) and Extended Deterrence Strategy and Consultation Group (EDSCG), or by developing a trilateral nuclear crisis planning mechanism to formulate policy decisions in peacetime and to engage in crisis.<sup>17</sup> Seoul and Tokyo want to participate in nuclear planning to ensure that any nuclear decisions walk the fine line between entrapment and abandonment. Trilateral planning will be a politically arduous step for Seoul, but it is a

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<sup>14</sup> Rusten, L., & Johnson, R. (2019). *Building Security Through Cooperation: Report of the NTI Working Group on Cooperative Threat Reduction with North Korea* (pp. 39-53). Retrieved from [https://media.nti.org/documents/NTI\\_DPRK2019\\_RPT\\_FNL.pdf](https://media.nti.org/documents/NTI_DPRK2019_RPT_FNL.pdf)

<sup>15</sup> Bowers, I., & Hiim, H. (2021). Conventional Counterforce Dilemmas: South Korea's Deterrence Strategy and Stability on the Korean Peninsula. *International Security*, 45(3), 7-39. [https://doi.org/10.1162/isec\\_a\\_00399](https://doi.org/10.1162/isec_a_00399)

<sup>16</sup> The National Defense Strategy Commission. (2018). *Providing for the Common Defense: The Assessment and Recommendations of the National Defense Strategy Commission*. Retrieved from <https://www.usip.org/sites/default/files/2018-11/providing-for-the-common-defense.pdf>

<sup>17</sup> Roberts, B. (2020). *Living With a Nuclear-Arming North Korea*. The Stimson Center. Retrieved from <https://www.38north.org/wp-content/uploads/pdf/38-North-SR-2011-Brad-Roberts-Nuclear-North-Korea-Deterrence.pdf>

reasonable condition for a seat at the nuclear planning table. At the least, trilateral discussions will signal political unity; at best, any resulting steps will signal collective resolve of the allies to stand up to nuclear coercion. They will also serve to manage ally perceptions of extended deterrence as the Biden administration probes for diplomatic openings with Pyongyang and considers adjustments to US nuclear posture. If these dialogues are in the 2+2 format, ministers of defense and foreign affairs can coordinate steps toward détente with steps toward deterrence, which can run at cross-purposes with one another.

Second, determine (with Japan and South Korea) what kind of North Korean capabilities are tolerable in the near-term in a more normalized and less hostile relationship. It is easier to deter through combined US and allied capabilities rather than to completely disarm North Korea, and any disarmament will take years to implement. What is tolerable is a function of both strategic military analysis and alliance politics, and therefore the tolerance threshold requires consistent consultation with the ROK and Japan as well as understanding of elite and public perceptions. Pyongyang is unlikely to relinquish its conventional capabilities given Seoul's growing ability to strike its leadership and neutralize its key defense assets. Japan is still deliberating the ranges and missions of its new strike capabilities. An alliance-centered approach should disincentivize North Korean attempts at nuclear coercion or escalation in a crisis and maintain sufficient escalation dominance in the conventional and nuclear domains. Therefore, it is critical to constrain the quantitative growth, reliability, and technological sophistication of North Korea's ICBM force.<sup>18</sup> The immediate goal should therefore be to prevent testing of ICBMs and multiple independent warheads. The US can initially rely on national technical means but should work toward an on-the-ground verification regime for a freeze of production facilities. With an acceptable conventional balance on the peninsula, undermining North Korea's ability to strike the US homeland and will temper decoupling fears and Pyongyang's belief that it can deter US intervention.

Third, initiate a military dialogue to build US understanding of North Korean nuclear thinking and influence North Korea's nuclear doctrine in ways that minimize the risks of nuclear war. North Korea's growing weapons capabilities, the dearth of inter-military crisis communication mechanisms, and ambiguity of North Korea's nuclear doctrine create conditions ripe for conflict escalation, as well as nuclear first use due to misperception or miscalculation. Regular communication would facilitate enhanced crisis management measures, permit the US to learn more about North Korean nuclear doctrine and strategy, and allow the US to convey US intentions, clarify signals, and reduce misperceptions.<sup>19</sup> Institutionalized engagement between national security apparatuses could begin with low-hanging fruit of a prisoners of war and missing in action (POW/MIA) proposal, then move toward higher-level engagement on the sidelines of a multilateral summit, and culminate with the establishment of communication hotlines and a ministerial-level summit. Section 1675 of the 2020 National Defense

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<sup>18</sup> Garlauskas, M., 2021. *We Must Prevent North Korea from Testing Multiple Reentry Vehicles*. [online] Beyond Parallel. Available at: <<https://beyondparallel.csis.org/we-must-prevent-north-korea-from-testing-multiple-re-entry-vehicles/>> [Accessed 6 November 2020].

<sup>19</sup> Jackson, V., 2021. *How to Engage the Enemy: The Case for National Security Diplomacy with North Korea*. [online] United States Institute of Peace. Available at: <<https://www.usip.org/publications/2020/09/how-engage-enemy-case-national-security-diplomacy-north-korea>> [Accessed 4 September 2020].> [Accessed 4 September 2020].

Authorization Act (NDAA) required DOD to submit a report to Congress assessing the utility of military-to-military dialogue to reduce risks of miscalculation leading to nuclear war, but this report was never delivered.

Four, shore up stability by building on conventional arms control agreements that reduce risks of conflict near the DMZ that could spark a wider war. War on the peninsula would not likely begin with a North Korean invasion or bolt-from-the blue attack, but would escalate from low-level conventional provocations, attempted demonstrations of resolve, or miscalculation in a crisis. To curtail these risks, all parties should move forward with conventional arms control and support South Korea's efforts to build on the 2018 Comprehensive Military Agreement (CMA), over which the United Nations Command would continue to oversee implementation. Seek to move conventional firepower back from the DMZ and engage in maritime domain awareness and fishing cooperation the Han River Estuary. Both houses of Congress should consider a "sense of Congress" resolution that supports agreed-upon tension-reduction measures. This would effectively provide momentum toward demilitarization along the border and be politically feasible in an atmosphere of good-faith negotiation like that which preceded the 2018 CMA. If another opportunity arises, Congress should be prepared to rally behind a conventional arms control process that reduces threats to US military personnel and civilians in Seoul.

### **Guide the Long-Term Transformation of North Korea**

The United States has rarely prioritized long-term transformational goals in its North Korea policy. Yet experts have consistently articulated that denuclearization is not possible without a governance system accountable to its people and respectful of their rights. The nuclear program serves to both legitimate actions taken in defense of external threats and a symbol around which to coalesce the mythological, ideological, and cultural aspirations of the Korean people. This deep linkage to the Kim family dynasty's legitimacy remains a structural impediment to denuclearization, yet also illuminates points of pressure that can drive the regime toward denuclearization. The flow of information into North Korea may erode the fictions of righteous governance and the nuclear myth around which society is structured. Cultivating openness and private market liberalization would advance stability, diversify Pyongyang's dependence away from Beijing, and reduce the incentives to invest in nuclear weapons.

First, promote societal opening by facilitating the flow of information into and out of North Korea. Kim Jong Un inherited a system of oppression and control from his father and grandfather that has grown increasingly unfit for rule in the 21<sup>st</sup> century. A steady information penetration campaign could be a highly effective means to shape the regime's approach to human rights and systematic exploitation of citizens in prison camps. By utilizing emerging technologies and nongovernmental broadcasting in cooperation with the ROK government, NGOs, and networks within North Korea, the US possesses a powerful means to introduce information needed to activate civil society to hold its government to account. The Ministry of Unification under Moon has suppressed freedom of information activities by defectors and the National Assembly outlawed cross-border information activities in pursuit of inter-Korean

rapprochement.<sup>20</sup> The resulting uproar highlights political polarization in Seoul as well as a familiar tension between implementing national security policy and adhering to democratic values. As Korean democracy decides whether this is a fair price for sustainable peace with Pyongyang, Washington should tread carefully to avoid perceptions of infringing on ROK sovereignty. The current debate provides an opportunity for members of both US Congress and the ROK National Assembly to exchange views on the matter through interparliamentary exchanges.

Second, Congress must articulate a national security rationale for a sustained human rights policy toward North Korea. The incentives for nuclear disarmament will not exist unless the North Korean leadership faces the opportunity costs of continued armament—growing elite and popular discontent. The decision of Congress to reauthorize the North Korean Human Rights Act in 2017 requires the president to appoint a Special Envoy on North Korean Human Rights to ensure human rights considerations are included in policy formulation. This role is not merely politically useful to the Congress, but essential to national security because persistent gross human rights violations cast long-term risks to US objectives on the peninsula. Pyongyang would be unable to fund its military programs—at nearly one quarter of its GDP—without robbing its overseas workers and prison camp laborers of their wages. North Korea’s *songbun* system institutionalizes discrimination in accordance with loyalty to state ideology, thereby closing the space for political change. The United States must remain a steady voice for human rights in North Korea at the United Nations, where the 2014 Commission of Inquiry (COI) report on human rights in North Korea garnered international attention and sparked a flurry of North Korean diplomatic initiatives in its defense.<sup>21</sup> Throughout any implementation of a nuclear deal and the modification of proliferation-related sanctions, Congress should continue to use the voice of office to highlight violations and enforce human rights-related sanctions to steadily realize change.

### **Conclusion: An Agenda for a Lasting Alliance**

This paper offers concrete policy recommendations and institutional tools for the Biden administration and Congress to revise and improve upon policy toward the Korean Peninsula against the broader strategic backdrop of recent years. While the US-ROK alliance will continue to deter North Korean aggression for years to come, China’s growing assertiveness and expanding interests require the alliance to broaden its agenda into the realms of technology innovation, infrastructure investment, and protecting against new vulnerabilities in supply chains and cyberspace. The Biden administration is already beginning to explore novel forms of alliance cooperation to influence the regional environment and protect US and ally competitiveness. Furthermore, many of these policy initiatives can find support from both a conservative and progressive presidential administration in Seoul.

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<sup>20</sup> Power, J., 2020. *North Korea rights activists see oppression in Seoul’s audit plans*. [online] South China Morning Post. Available at: <<https://www.scmp.com/week-asia/politics/article/3094289/north-korea-rights-activists-see-oppression-seouls-audit-plans>> [Accessed 24 July 2020].

See also: Martin, T., 2020. *Sending Bibles and K-Pop to North Korea Can Now Land You in a South Korean Jail*. [online] WSJ. Available at: <<https://www.wsj.com/articles/no-more-bashing-kim-jong-uns-regime-at-the-border-south-korea-says-11608039452>> [Accessed 14 June 2020].

<sup>21</sup> Hawk, D., 2014. *North Korea Responds to the UN Commission of Inquiry*. [online] 38 North. Available at: <<https://www.38north.org/2014/10/dhawk101614/>> [Accessed 13 July 2020].

With limited political capital and a divided Congress, Washington faces the task of how to prioritize initiatives with its ally and integrate them into a broader regional strategy. Washington should first consider how to prevent the erosion of US security commitments by adapting the deterrence architecture and nuclear extended deterrence consultative mechanisms. Moreover, allies can reduce the risks of nuclear war by halting technological advances of North Korean WMD and instituting a process to cultivate a political relationship with North Korea. Crafting a comprehensive set of policies remains a challenge given the constraints of domestic politics in both countries and the conflicting prerogatives of various interest groups and government agencies. Nevertheless, that is the task at hand for the president, and his credibility—both as a steadfast ally and a negotiator of peace—will require the support of the Congress.

## ABOUT THE AUTHOR

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