

**NORTH KOREA'S DIPLOMATIC GAMBIT:
WILL HISTORY REPEAT ITSELF?**

HEARING
BEFORE THE
SUBCOMMITTEE ON ASIA AND THE PACIFIC
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
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NORTH KOREA'S DIPLOMATIC GAMBIT: WILL HISTORY REPEAT ITSELF?

WEDNESDAY, APRIL 11, 2018

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:00 p.m., in room 2172 Rayburn House Office Building, Hon. Ted Yoho (chairman of the subcommittee) presiding.

Mr. YOHO. The hearing will come to order. Good afternoon and thank you for being here today and taking your time.

In a speech on New Year's Day, North Korea's dynastic, totalitarian dictator, Kim Jong-un, laid the groundwork for a charm offensive at the Winter Olympics which has led to proposed summits with President Moon Jae-in and President Trump. In March, Kim also undertook a surprise visit to Beijing, underscoring China's continued influence over the Kim regime.

Earlier this week, the press reported that the North Korean officials confirmed to U.S. diplomats that denuclearization would be on the table for the upcoming summit between President Trump and Kim Jong-un. Previously, the U.S. public only had this information secondhand from South Korean and Chinese interactions with the North.

Just yesterday, Kim Jong-un acknowledged for the first time that he is willing to sit across from President Trump and discuss his nuclear program. The confirmation puts to rest a small part of the uncertainties surrounding these talks, but more significant risks and uncertainties remain. At this stage, all we know is that these talks will be an inflection point. History will decide whether they are best seen as an opportunity or a trap. The talks could very well lead to an improvement of the security situation on the Korean Peninsula, but they also could be the catalyst for a violent eruption of the security crisis that has been building for decades, either because the talks devolve or even if the talks succeed, but the free world buckles and empowers Kim by giving up too much.

We still don't know Kim's true motivations. It may well be that his entire charm offensive is simply a daring gambit to ease the pain of the unprecedented pressure campaign. Even if Kim approaches negotiations in good faith and not just carrying out a cynical ploy, there is still risk. Like any negotiator, Kim intends to walk away with everything he wants while giving away as little as possible as we have seen in the past.

The likeliest scenario is that Kim wants concessions that the United States will find completely unacceptable. Kim wants the United States to lift sanctions to empower his regime further and desert our South Korean allies by withdrawing U.S. forces and our nuclear umbrella.

It is worth noting that North Koreans have only said they are willing to discuss the denuclearization of the Korean Peninsula, not the denuclearization of North Korea specifically. As Dr. Lee and Dr. Cha point out in their commentary and testimonies, this distinction does not get the attention it deserves given the unique implication of both, and that is why it is so important that you are here today to put a highlight on that.

Other creative negotiating outcomes might involve transferring goods or currency which has been done before with disastrous results. North Korea has time and again failed to show the world that it is willing to negotiate in good faith. On the other hand, we have many examples of North Korea using diplomatic gambits to get paid, dodge sanctions, and advance its nuclear weapons program.

American resolve is the key to mitigating many of these risks. Easing the maximum pressure campaign prematurely would give Kim the easy victory he desires. It would also weaken the multilateral coalition that follows our lead which the administration has painstakingly built over the last year. Kim's promises are worth nothing and nothing is what we should trade for empty words.

It is said that the definition of insanity is doing the same thing over and over again and expecting a different result. With such high stakes we can't afford to repeat ourselves and the United States must do things differently than we have before. We must learn how and why previous rounds of dialogue broke down and apply those lessons going forward to best empower our negotiators. Fortunately, our panel today includes three of the people who are best qualified to make recommendations on how to accomplish this.

And with that, members present will be permitted to submit written statements to be included in the official hearing record and, without objection, the hearing record will remain open for 5 calendar days to allow statements, questions, and extraneous material for the record subject to length limitation in the rules and the witnesses' written statements will be entered into the hearing record.

I thank the witnesses for being here today and turn to the ranking member for any remarks.

And, Mr. Bera, do you want to take that mantle right now?

[The prepared statement of Mr. Yoho follows:]

North Korea's Diplomatic Gambit: Will History Repeat Itself?

Subcommittee on Asia and the Pacific

House Committee on Foreign Affairs

Wednesday, April 11, 2018

Opening Statement of Chairman Ted Yoho

In a speech on New Year's Day, North Korea's dynastic totalitarian dictator Kim Jong-un laid the groundwork for a charm offensive at the Winter Olympics which has led to proposed summits with President Moon Jae In and President Trump. In March, Kim also undertook a surprise visit to Beijing, underscoring China's continued influence over the Kim regime.

Earlier this week, the press reported that North Korean officials confirmed to U.S. diplomats that denuclearization would be on the table for the upcoming summit between President Trump and Kim Jong-un. Previously, the U.S. public only had this information secondhand, from South Korean and Chinese interactions with the North.

Just yesterday, Kim Jong-un acknowledged for the first time that he is willing to sit across from President Trump and discuss his nuclear program. The confirmation puts to rest a small part of the uncertainties surrounding these talks. But much more significant risks and uncertainties remain.

At this stage, all we know is that these talks will be an inflection point. History will decide whether they are best seen as an opportunity, or a trap. The talks could very well lead to an improvement of the security situation on the Korean peninsula. But they could also be the catalyst for a violent eruption of the security crisis that has been building for decades—either because the talks devolve, or even if the talks succeed, but the free world buckles and empowers Kim by giving up too much.

We still don't know Kim's true motivations. It may well be that his entire charm offensive is simply a daring gambit to ease the pain of the unprecedented pressure campaign. Even if Kim approaches negotiations in good faith, and not just carrying out a cynical ploy, there is still risk. Like any negotiator, Kim intends to walk away with everything he wants while giving away as little as possible.

The likeliest scenario is that Kim wants concessions that the United States will find completely unacceptable. Kim wants the United States to lift sanctions to empower his regime further, and to desert our South Korean allies by withdrawing U.S. forces and our nuclear umbrella.

It's worth noting that the North Koreans have only said that they are willing to discuss the "denuclearization of the Korean peninsula," not the denuclearization of North Korea specifically. As Dr. Lee and Dr. Cha point out in their commentary and testimony, this distinction does not get the attention it deserves given the unique implications of both.

Other creative negotiating outcomes might involve transferring goods or currency, which has been done before with disastrous results. North Korea has time and again failed to show the world that it is willing to negotiate in good faith. On the other hand, we have many examples of North Korea using diplomatic gambits to get paid, dodge sanctions, and advance its nuclear weapons program.

American resolve is the key to mitigating many of these risks. Easing the maximum pressure campaign prematurely would give Kim the easy victory he desires. It would also weaken the multilateral coalition that follows our lead, which the Administration has painstakingly built over the last year. Kim's promises are worth nothing, and nothing is what we should trade for empty words.

It's said that the definition of insanity is doing the same thing over and over again and expecting a different result. With such high stakes, we can't afford to repeat ourselves, and the United States must do things differently than we have before. We must learn how and why previous rounds of dialogue broke down and apply those lessons going forward to best empower our negotiators. Fortunately, our panel today includes three of the people who are best qualified to make recommendations on how to accomplish this.

Mr. BERA. And the ranking member is walking in right now, so I will relinquish—

Mr. YOHO. There he is right there. But I think—well, we will just wait a minute here. I think it is important as you guys realize that, that you are here today to talk about what is going on in North Korea and how we can do recommendations to the administration to the State Department on how we move forward and we want to hear your testimonies on what denuclearization means to us and what it means to the Kim regime.

And if the ranking member is ready for opening remarks, I am going to turn to you, sir, thank you.

Mr. SHERMAN. I thank you for being here. We have had a long history and we look forward to learning from that history. I think the success we will have in negotiations will be dependent upon us having a reasonable bargaining position. I remember when the North Koreans were seeking a nonaggression pact and the position chiefly of then Vice President Cheney was we can't do that, we want to invade.

But another part of our success will depend upon how tough we are with sanctions. We have U.N. sanctions that are considerably better than anything we have had in the past. We need, however, to cut off North Korea from the banking system, and this may not be achievable just by sanctioning those Chinese banks that do business with North Korea because there will always be a few small banks in China willing to do business with North Korea. It may be necessary to have sanctions on the entire Chinese banking systems until the Government of China turns off the financial flow to North Korea.

I would also point out that the U.N. resolution allows a 2-year period for these "guest workers" that are one of North Korea's major exports to continue to operate and to remit money to the North Korean regime. It is more than a little vexing that Poland and other countries who depend on the United States for their defense have chosen to make use of this 2-year grace period. It is vexing that they have North Korean workers there to begin with and I think the United States has to be more forceful in getting certainly our allies to do more than minimal adherence to the U.N. resolution.

In the 115th Congress I have joined with colleagues in introducing five bills that condemn and sanction North Korea. We need to strengthen, to redouble of course our alliance with South Korea. In the agreement to have talks with Kim Jong-un, we have made substantial concessions that I don't think are highlighted. We have, in effect, conveyed the opportunity to meet face-to-face with a President of the United States, a dream of this regime. But second, it puts us in a position where we can't ratchet up the sanctions on the eve of the talks.

So North Korea buys itself some time when we are not ratcheting up the sanctions and in return they have not stopped creating fissile material, engineering nuclear weapons, or doing the engineering on their intercontinental ballistic missiles. They just pause in testing which may be fully consistent with an all-out effort to develop the program, since you go through an engineering phase,

a prototype building phase and then a testing phase and they had just completed many of their tests.

So, finally, we have to discuss the risk that North Korea will sell its nuclear weapons. This has already occurred to one degree. In 2007, Israel destroyed in Syria a nuclear weapons plant in creation. What was underpublicized at the time is that all the technology—the kits, the equipment—came from North Korea. So North Korea has already sold a kit to make nuclear weapons at a time when it, itself, did not have more fissile material than it thought it needed for its own defense.

I think, perhaps the number one goal of our negotiations has got to be the kind of monitoring that would assure us that North Korea is not selling fissile material or completed nuclear weapons, because as dangerous as North Korea is those who would want to buy nuclear weapons from North Korea may be more dangerous. With that I yield back.

Mr. YOHO. The chair will now recognize Mr. Chabot of Ohio.

Mr. CHABOT. Thank you very much, Mr. Chairman, and I want to thank you for holding this very important hearing.

The global community has watched carefully as the President has dramatically changed our engagement strategy with North Korea and after recent sanctions Kim Jong-un now wants come to the negotiating table. And I would say President Trump to his credit along with this Congress, both Republicans and Democrats, have been ratcheting up sanctions on North Korea for the better part of a year now and North Korea is starting to feel the pain.

Unfortunately, 90 percent of the North Korean people live a horrific life under any circumstances and are on the verge of starving with or without sanctions. But the sanctions are apparently making it tougher for Kim to figure out how he is going to continue to pay his bloated military forces and the regime flunkies who keep him in power.

So it is we have almost an historic occurrence that will be coming up soon with this meeting. Whether it is the sanctions or whether it is the President's threats to Kim Jong-un, whatever the motivation, it is my view that a face-to-face is far preferable to war. And it seemed that military action was the direction we were headed without some intervening event and this could very well be that intervening event.

My advice to the President would be the following, and that is to take Ronald Reagan, who my colleague to my left, your right, worked for those years as a speechwriter of his, I would take his attitude when he was dealing with the Russians and maybe take it a step further. Reagan said trust, but verify. I would advise distrust and verify.

This is not the North Koreans' first rodeo. They have negotiated previous deals with previous American administrations accompanied by our allies and the Russians and Chinese and then broken those deals time and time again. The deals have typically been along the lines of we give them food and oil in return for a promise and their nuclear program and they take our offerings and then cheat and continue their rogue program in secret and eventually out in public when they think it is to their advantage to use that to threaten us.

So, President Trump, I would also advise him to review with specificity the history of previous negotiations with the North Koreans and learn from those encounters. True, Kim's father was in charge in those days, but this rotten apple didn't fall far from that rotten apple tree or from the rotten grandfather's for that matter. So these are important times and I look forward, I think we all do, to working with the administration to make sure that it goes in a direction that benefits us, our allies, and world peace. So thank you very much, Mr. Chairman.

Mr. YOHO. Thank you for your comments.

Next, we will go to Dr. Ami Bera from California.

Mr. BERA. Thank you Mr. Chairman and to the ranking member.

I think the issue of stability on the Korean Peninsula and certainly how we approach North Korea has been a pretty bipartisan issue in this committee and certainly in Congress and our strategy of isolation of North Korea, maximum pressure, and certainly the U.N. Security Council has been helpful, secondary sanctions to look at the Chinese banks and Chinese commerce to try to put pressure on his currency reserves, et cetera, all with the goal of opening the door of diplomacy and opening dialogue certainly has been the right strategy, separate the errant tweet occasionally that, you know, we prefer not necessarily happen.

I look forward to hearing from the experts on this panel on a couple things. One, with that desire to create some insecurity with the North Korean ruling elite, to create some insecurity with his military particularly with his generals, the assessment of what life in North Korea is like and have we had any impact, with the underlying broader question of what is different this time in how we approach these negotiations or how our allies in the Republic of Korea as they engage in initial conversations. You know, as President Moon has said, they will go in with eyes wide open as should we in engaging in this with eyes wide open.

So it is a distinguished panel. I look forward to what the panel has to say, and again obviously a very timely hearing. So I will yield back.

Mr. YOHO. Thank you for your comments.

I will next go to Mr. Dana Rohrabacher from California.

Mr. ROHRABACHER. Yes, and look forward to hearing the witnesses today. I was here 25 years ago when we made a deal under President Clinton that provided millions and millions of dollars' worth of oil that we just gave to the North Korean Government in exchange for not having a nuclear program. All those, I think it was \$150 million, I believe, I am not sure of the exact number. You folks probably know what that number was. But my my, how about that, we gave them \$150 million and they went ahead and built a nuclear weapon anyway.

Sometimes we are such fools and it is distressing to think that American leaders at that level were that stupid to be dealing, to be giving money to that ilk. What we had at that time was a regime that was dedicated to Marxist-Leninist dictatorship. They were fanatic Marxists and Communists and you cannot buy a way, that type of commitment. You just can't do that. They don't appreciate that. That is not what they, how you can make a deal with that kind of person.

Today it is different, isn't it? Today, Kim Jong-un is not his father and I think that is the most important thing that we have to understand. This is not like it was 25 years ago and we do not have someone who was raised among Marxist-Leninist dogma. We have instead a young man leading that country who was raised at an elitist school in Switzerland, totally aware of what is going on in the Western world, thus he has a different perspective than the Marxist-Leninists, his father and his father's father. So perhaps that means we have an opportunity now to do something that we didn't have before and we should be very careful about that.

Now I saw Ronald Reagan in a very similar spot. I worked with Reagan for 7, 7½ years. When he became President you had some very hardcore Communists. Andropov ended up being one of the leaders there of Russia, but then Gorbachev came to power and he realized that Gorbachev was not someone dedicated to Marxism-Leninism, he was a man who wanted to make Russia, do something good about Russia.

Reagan handled it superbly and when they had their first meeting and Reagan made an offer and Gorbachev wouldn't go along with what one of the bottom lines was he walked away from it. But then he with one hand he was like this, we were helping the mujahideen fight against Soviet troops in Afghanistan, but the other hand Ronald Reagan held out like this, let's make a deal.

Well, we now have a President who now also knows how to make a deal and we will be dealing with someone who is not a hardcore Marxist-Leninist but maybe just maybe wants to do something for his people. So I see what is going on in Korea as today there is a great opportunity for a President like President Trump who just takes great pride that he knows how to make a deal that will work for both parties.

So with that Mr. Chairman I am very anxious to hear from our witnesses on what they think that deal could be.

Mr. YOHO. Thank you.

Next, we will go to Ms. Ann Wagner from Missouri.

Mrs. WAGNER. Thank you, Mr. Chairman. I have just a brief few words for organizing this very timely hearing. I had the opportunity to visit the DMZ last August and I saw firsthand the palpable tension in the region. Japan and South Korea, some of our strongest allies, are finding themselves in the crosshairs of North Korea's dangerous game of nuclear brinkmanship. The Kim regime's reckless belligerence and inclination to escalate crises pose an immediate threat to global stability. Although I worry full denuclearization is not possible under the Kim regime, I applaud the administration and our President for seizing an opportunity to pursue a more permanent, peaceful solution.

With that Mr. Chairman I yield back and I look forward to our line of questioning.

Mr. YOHO. And I thank you for your comments.

And what I want to turn our attention now to is our witnesses, but before we go there we know what didn't work in the past. You know, we have seen 25 years of failed policies that were stop and go and in that interim we saw North Korea get stronger and stronger in their technology. And if we look at, and I don't want to take your thunder away, Dr. Cha, but in 1994 to 2008, between

those years North Korea conducted 17 missile tests and one nuclear test; from January 2009 through the end of the two terms of the Obama administration this number increased to 65 missile tests and four nuclear tests; and during the first year of this President, President Trump, we have seen 20 missile tests and one hydrogen test.

And so we know the narrative is they are going to continue to grow and I want to know what has changed as you talk. And I read your testimonies and what I would like for you to do is go beyond that in recommendations of policies. I can tell you this administration does listen. We have sent stuff to them before. They have taken it in, some of it they have used. And so this is a chance that we can direct those negotiations. I know the administration is probably listening, but I also know North Korea is probably listening and so let this be a prelude of what is to come.

And let me get my notes here. We are thankful to be joined today by Dr. Sung-Yoon Lee, the Kim Koo-Korea Foundation Professor in Korean Studies and assistant professor at the Fletcher School of Law and Diplomacy at Tufts University. Thank you for being here.

Next is Dr. Victor Cha, senior adviser and Korea chair at the Center for Strategic and International Studies and the Honorable Christopher R. Hill, former Assistant Secretary for East Asian and Pacific Affairs at the U.S. State Department and former U.S. Ambassador to South Korea. We thank you for being here. We thank you for your time and look forward to your testimony.

And Dr. Lee, I think you all know how it works. You have to hit the speaker button in front of you. You have 5 minutes and then we will go into questions when you all get done. Thank you.

Dr. Lee?

STATEMENT OF SUNG-YOON LEE, PH.D., KIM KOO-KOREA FOUNDATION PROFESSOR IN KOREAN STUDIES AND ASSISTANT PROFESSOR, THE FLETCHER SCHOOL OF LAW AND DIPLOMACY, TUFTS UNIVERSITY

Mr. LEE. Thank you, Chairman Yoho and distinguished members of the subcommittee, for this rare opportunity. Allow me, please, to make five brief points. First, address the basic internal dynamics in the Korean Peninsula in order to underscore the fact that North Korea will probably never give up its nukes and ICBMs unless presented with the specter of regime collapse. Second, argue that North Korean behavior both in its calculated provocations and post provocation, fake peace ploys as we are witnessing today, these actions are approximately predictable. There are patterns to these behaviors.

Third, argue that history already is repeating itself. Kim Jong-un is taking a page or two or three from his daddy's year 2000 playbook and his playbook from the early 2000s, able to line up the leaders of the biggest powers in the world, get them eager to meet with Kim Jong-un thereby legitimate him and come across, Kim coming across as a reasonable person with whom the outside world can do business. Fourth, try to assess Kim's intentions. And, finally, fifth, make some recommendations on how best to address this latest post provocation, fake peace ploy.

In the Korean Peninsula, as we know, we have a two-state formulation, South Korea vs. North Korea. Both states are engaged in a life and death existential contest for pan-Korean legitimacy. When you consider the conventional indices of measuring state power, political attractiveness, soft power, economic power, size of your territory, population, and military power, except for military power we know North Korea lags far behind the richer, the freer, far more legitimate South.

So for the North Korean regime contending with and catching up with and perhaps one day prevailing over the South Korean state is a nonnegotiable proposition to assume, to presume that we can, through artful diplomacy and for the right price, get North Korea to give it up, give up its nukes, is a bit misplaced, in my view. No person, I would think, would entertain that presumption with respect to the eight other nuclear states that we can get them through conventional diplomacy to give it up.

But we have entertained that hope because North Korea is so backward and so dependent on outside aid. For the very same reasons, precisely the very same reasons because North Korea has nothing else, I think one has to admit that North Korea is most unlikely to give it up. And President Trump during his address to the ROK National Assembly on November 7th last year laid out the basic internal dynamic very aptly when he said, "The very existence of the thriving South Korean Republic threatens the very survival of the North Korean dictatorship."

When pundits opine that North Korea is unpredictable, I think what they really mean is it is unconventional. Just by looking at the calendar we can sort of approximately predict when the next big weapons test is coming. They like to do these things on a major holiday, both theirs as well as American, and occasionally Chinese. Likewise, their post provocation peace ploys are also predictable, I would say.

In 2000, after having established his credibility, Kim Jong-il, for example, firing a missile over Japan for the first time on Sunday, August 31st, 1998, and the next year instigating a naval skirmish vis-a-vis South Korea, softened up the South with a course for the first ever summit meeting. And 2 weeks before his meeting with the South Korean leader, Kim Jong-il made his very first visit to China in late May and met with the Chinese leader and then he pocketed \$500 million from the South and then turned his gaze on the U.S. for the first time, sent a special envoy to President Bill Clinton and invited President Clinton to come to Pyongyang. Next year he met with Putin in August 2001, the following year Japan got nervous and Prime Minister Koizumi paid Kim Jong-il a visit in Pyongyang in September 2002, and made a repeat visit 2 years later.

So we can see his pattern play out. Kim Jong-un made his very first visit to China after assuming power 6 years ago, just as his own father did in 2000, 6 years after assuming power. What are Kim's intentions? Well, to draw out open-ended, never-ending negotiation process on the denuclearization of the Korean Peninsula. We don't say North Korea for some strange reason, Korean Peninsula. And that means in North Korean parlance dislodging the United States extending nuclear deterrents from the region.

I would advise the Trump administration to think hard on the basic logic, the following question. At which point between February 9th when Vice President Pence attending the opening ceremony of the Pyeongchang games called North Korea's outreach to the South a charade and Kim Jong-un's invitation for a summit meeting conveyed by the South Korean's envoys a month later on March 8th, at what point did Kim's intentions turn from fake to not fake?

They have been planning for this for years now and there are many, many traps strewn on the path to Pyongyang. So I would advise President Trump basically to call for some action. Release foreign detainees, unlawfully detained Canadian, American, South Korean; allow separated families across the DMZ and across the Pacific, American families, the basic freedom of communication, exchange of letters, making telephone calls before and after regulated, routinized family meetings; make sure not to prematurely relax sanctions of the terms for gradual suspension and ultimate termination of sanctions are codified into law, Sections 401 and 402 of the 2016 sanctions law; and lastly, don't be mesmerized by Kim Jong-un.

Outsiders, intellectuals, statesmen, and journalists have variously been stunned when meeting with one of the Kims in the first, second, third and they come across as worldly, knowledgeable, have a sense of humor even, and they say strangely pleasing things like, we understand that the U.S. troops in the South play a stabilizing role so we are not eager for their immediate withdrawal. They come across as reasonable and the outsider comes away thinking through by virtue of his own charisma, intelligence, and empathy that he has gained some deep understanding of North Korea. No, don't underestimate North Korea. They are very crafty at this game of using both the carrot and stick.

I have gone beyond my time. Forgive me.

[The prepared statement of Mr. Lee follows:]

Testimony of Sung-Yoon Lee
Kim Koo-Korea Foundation Professor in Korean Studies and Assistant Professor
The Fletcher School of Law and Diplomacy, Tufts University

Subcommittee on Asia and the Pacific, Foreign Affairs Committee,
U.S. House of Representatives
"North Korea's Diplomatic Gambit: Will History Repeat Itself?"
April 11, 2018

Thank you, Mr. Chairman, and distinguished members of the Subcommittee:

I am honored to have this opportunity to present my views on how best to address North Korea's 2018 version of post-provocation peace play.

I. North Korea's Unconventional Antics are Approximately Predictable

When pundits intone North Korea is "unpredictable," what they actually mean is that the ultra-weird, cultish Kim dynasty is "unconventional." Isolationist, poor, nasty, brutish, and strangely buffoonish, the North Korean regime defies the conventions of the "nation state" or "rational actor." Hence, its strangely bellicose rhetoric and threatening actions come across as "unpredictable" or "irrational," while its post-provocation concessionary ploys, such as calling for talks and summit meetings, creates variously illusions of "crisis averted" and even a "breakthrough."

The North Korean regime is a bizarre composite of contradictions. For example, the leadership deifies itself and revels in luxuries while systematically depriving its population of the even the most basic rights, such as, of the freedom of domestic travel, access to foreign media, and as the UN Commission of Inquiry Report on Human Rights in North Korea alleges, the "right to food and related aspects of the right to life."¹ The regime approaches foreign policy with a mix of medieval unsophistication and avant-garde criminality.² The nation boasts of having become a full-fledged nuclear state after firing an inter-continental ballistic missile with the range to hit every corner of the United States,³ while without fail each year secures its place in the world's

¹ See "Report of the Detailed Findings of UN Commission of Inquiry Report on Human Rights in the Democratic People's Republic of Korea," February 2017, 144-208. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/108/71/PDF/G1410871.pdf?OpenElement>

² The Democratic People's Republic of Korea is the only state in the post-1945 era that, as a matter of state policy, has mass produced and exported contraband such as drugs, counterfeits, fake familiar-brand cigarettes and pharmaceuticals, all the while assiduously adhering to the norms of state-sponsors of terrorism with active proliferation and political assassinations abroad.

³ Mark Lander and Choe Sang-Hun, "North Korea Says It's Now a Nuclear State. Could that Mean It's Ready to Talk?" *The New York Times*, November 29, 2017. <https://www.nytimes.com/2017/11/29/world/asia/north-korea-nuclear-missile.html>

top ten list on the UN World Food and Agriculture Organization's metric, the "Prevalence of Undernourishment in the Total Population." North Korea's most recent record of 40.8 percent of the population is significantly higher than the average figures for Eastern Africa (32.0%) and Sub-Saharan Africa (21.5%), which consist of immiserated, illiterate, pre-industrial, agriculture-based economies. For an industrialized, urbanized, literate country, North Korea's man-made and man-enforced food insecurity situation has world-historical moral and legal implications.⁴

Such is the unique image of North Korea's contradictions and outright weirdness—a belligerent, well-nourished dictator presiding over a backward nation of hungry people—that when Pyongyang launches missiles or threatens the U.S. and its allies with nuclear annihilation in spite of U.S. signals for bilateral talks or even apparent progress in such talks, American responses have ranged from bewilderment and indignation, to even a tendency to write North Korea off as a child throwing a temper tantrum.⁵ In the meantime, North Korea has drastically advanced its own nuclear posture review and ballistic missile programs while reaping billions of dollars in cash, food, fuel, and other blandishments from South Korea, the United States, Japan, and China. The U.S. alone gave North Korea concessionary aid in excess of \$1.3 from 1995 to 2008.⁶

What accounts for Pyongyang's unconventional behavior and policies? Moral turpitude is a factor, but more relevant considerations are the systemic constraints on the Korean peninsula. If the dictum "all politics is local" is more or less true, then perhaps "all international politics is local" may at least be partially valid. Yet, seldom have U.S. policymakers seriously considered the internal dynamic of the Korean peninsula, but rather choosing to believe that North Korea merely reacts to stimuli, both hostile and conciliatory, coming out of the White House. But from the North's point of view, the systemic rivalry with the South is an ominous reality that cannot be ignored. In the contest for pan-Korean legitimacy, the only way for the gloomily inferior Democratic People's Republic of Korea one day to prevail over the vastly superior Republic of Korea (ROK) is do all it can to maximize its nuclear threat capability and extort the democratic, risk-averse South. For the Kim regime, nuclear-armed missiles are much less a "bargaining chip" or "deterrent," but the sole means to its long-term regime preservation and ultimately emerging victorious over the incomparably richer, freer South. President Donald Trump captured this dynamic well when he, in an address to the ROK National Assembly in November 2017, remarked, "[T]he very existence of a thriving South Korean republic threatens the very survival of the North Korean dictatorship."⁷

⁴ Food and Agriculture Organization of the United Nations, "The State of Food Security and Nutrition in the World 2017," 79, 78, and 77, respectively. <http://www.fao.org/3/a-i7695e.pdf>

⁵ "Clinton Likens North Korea to Unruly Children," Reuters, July 20, 2009. <https://uk.reuters.com/article/us-korea-north-clinton/clinton-likens-north-korea-to-unruly-children-idUSTRE56J2FV20090720>

⁶ Mark E. Manyin and Mary Beth D. Nikitin, "Foreign Assistance to North Korea," Congressional Research Service, April 2, 2014. <https://fas.org/sgp/crs/row/R40095.pdf>

⁷ "Remarks by President Trump to the National Assembly of the Republic of Korea, November 7, 2017, Seoul, Republic of Korea," The White House. <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-national-assembly-republic-korea-seoul-republic-korea/>

In this game, for Pyongyang, it pays to provoke. And it pays even more to placate afterwards. Why? Because, since the end of the devastating Korean War in 1953, the risk-prone, seemingly irrational North has been able to condition the risk-averse, rational United States and South Korea to accept temporary de-escalation and the possibility of talks as preferable to maintaining sustained pressure—even non-military diplomatic pressure—on Pyongyang. North Korea’s strategy of exerting maximum pressure on its adversaries through provocations and, on occasion, even lethal attacks, followed by a period of disingenuous diplomatic outreach has bought itself invaluable time and money with which to advance its nuclear and ballistic missile capabilities.

Now, on the verge of nuclear breakout, North Korean leader Kim Jong Un, through his “unexpected” diplomatic gambit, seeks to deceive the U.S. and its allies into prematurely stopping the enforcement of financial measures against himself and his cronies, so that he may be better positioned to roll out his perfected nuclear policy at an opportune time. Simply by changing his tune from *molto agitato* to *placido* and sending a few hundred state cheerleaders and performers to South Korea during the Pyeongchang Olympics, Kim Jong Un has been able to effect a dramatic self-image makeover as a reasonable, not-so-terrible, peace-seeking leader. In the aftermath of his visit with Chinese President Xi Jinping in late-March in the midst of preparing for a summit meeting with President Donald Trump, Kim may, to some, already have come across as a not-so-anti-social and even *reasonable* and *rational* (in a conventional sense) statesman.

II. Pyongyang’s Predictable Fake Peace Overtures

Just as it is possible today approximately to predict—through intelligence, surveillance, reconnaissance, and *reading the calendar*—North Korea’s next big provocation, so it is also possible approximately to predict Pyongyang’s next faux peace overture. In recent years, North Korea watchers have finally caught on that Pyongyang prefers to resort to a major provocation on a major national holiday, both its own as well as American and Chinese. For example, North Korea’s first nuclear test took place on October 9, 2006, on the eve of the nation’s Party Founding Day, which in this year happened to be Columbus Day in the U.S. Its second nuclear test came on May 25, 2009, which was Memorial Day in the U.S. This insult was preceded by Pyongyang’s first long-range missile test during the Obama administration on Sunday, April 5, just hours before President Barack Obama, on his first visit to Europe as President, was about to deliver his first major foreign policy speech on the theme of a world without nuclear weapons. Sundays are also popular days of the week for provocations, as a bang on a Sunday spikes the odds of topping the international headlines as of Monday morning which, in turn, paints its adversaries further into a corner. Pyongyang’s third nuclear test was on February 12, 2013, right in the middle of China’s most important national holiday, Lunar New Year’s celebrations—the first for Xi Jinping as the nation’s new leader. On July 4, 2017, North Korea fired its first-ever ICBM. And on America’s Independence Day in 2006, Pyongyang gave the U.S. a seven-rocket salute, including a long-range missile blast.

In a similar vein, it is also quite possible to predict Pyongyang's next faux peace offensive. After a banner ballistic year in 2017, Kim Jong Un was bound to de-escalate in 2018 and use the Olympic stage to proposition South Korea, the natural first target, for inter-Korean talks and manipulate Seoul into softening up the U.S. and Japan, much to the delight of China and Russia. With temporary de-escalation and a compliant Seoul by his side, Kim Jong Un was able to proposition President Trump for a summit meeting, just as his father, Kim Jong Il, did with President Bill Clinton in late-2000. The effect has been to change the atmospherics in the region from tense to cordial, re-engage China for greater political and economic cover, and pave the road for re-engaging a Japan nervous about being sidelined by the U.S. Any progress on the normalization of diplomatic relations between Tokyo and Pyongyang will entail money flow in the tens of billions of dollars from Tokyo to Pyongyang.

Why did Kim Jong Un so dramatically change his tune at the outset of 2018? Because, once again, it pays to provoke first, then placate afterwards. In ascending order of implausibility, there are four plausible explanations for Kim's sudden outreach:

First, Kim Jong Un woke up on New Year's Day and, in a moment of epiphany, decided to be a nice man going forward.

Second, Kim was so touched by South Korea President Moon's patience during his yearlong bluster barrage, that Kim decided to reciprocate with warm gestures and good manners.

Third, Kim felt so constricted by the U.S.-led financial sanctions enforcement over the past year that he, fearful of an impending coup, made the strategic decision sometime in the two months between shooting his most powerful ICBM to date on November 29, 2017 and New Year's Day 2018 to entice President Trump into prematurely relaxing sanctions.

Fourth, all the outreach and fake smiles as of January 2018 were pre-planned in an attempt to buy time and funds with which to complete his nuclear and ICBM capabilities, so that he may leap one giant step closer to completing the "*juche* revolution," which in North Korean parlance means obliterating South Korea and establishing a One Totalitarian Korea under Kim's own rule. Evicting the U.S. forces from the region through credible nuclear threat on the U.S. mainland is an essential step in effecting this new, incomparably happier alternative future.

In fact, while most of the outside world focused on the passing conciliatory part of Kim Jong Un's New Year's address, Kim did underscore several times in his speech the vital importance of completing the highest national goal of completing the *juche* revolution. Quite often, North Korea tells the world what its strategic intentions and next moves are. Kim Jong Un today is simply taking a page out of his father's 2000 playbook. That year, Kim Jong Il, the second hereditary ruler of the dystopian dynasty that is the Democratic People's Republic of Korea, set a new standard in international shakedown. After firing a missile over Japan (for the first time) in 1998 and following it up with a naval skirmish against South Korea in 1999, Kim the Second wound down his crisis-crescendo dial and called on his South Korean counterpart, Kim Dae Jung, for a summit. In June, Kim the Second hosted the first-ever inter-Korean summit meeting

and pocketed \$500 million the South.⁸ Next, Kim turned to softening up Washington. In October Kim sent his senior-most military man, Vice Marshal Jo Myong-Rok, to Washington. Mr. Jo conveyed to President Bill Clinton Kim's invitation for a summit meeting in Pyongyang. President Clinton, who was keen on traveling to Pyongyang, was saved some embarrassment and much political and economic capital by the George W. Bush-Al Gore election recount problem that dragged on until mid-December. But his Secretary of State Madeleine Albright was hastily dispatched to Pyongyang before the November election. And before all this took place, the second-generation hereditary communist leader made an unannounced visit to Beijing in late-May, his first trip to China as the top leader, six years upon assuming power in 1994 and about a fortnight shy of his summit meeting with the South Korean leader.

Likewise, Kim the Third made his first visit to Beijing this March, six years upon assuming power and on the eve of his meetings with South Korean President Moon Jae-In and President Trump. This visit to Beijing by the third-generation anti-social North Korean leader was bound to happen. While pundits of various persuasions have waxed nostalgic in recent years about the sorry state of Sino-North Korean relations today—solely based on the flimsy fact that Kim had yet to be received in person by Xi Jinping—the hard-playing North Korean has been hard at work perfecting his own nuclear policy and setting the chessboard for this glorious day: To be able to coax Seoul, Washington, Tokyo, and Beijing for summits as a legitimate global diplomat-statesman presiding over his veritable nation of nukes and gulags.

III. What Does Kim Jong Un Seek?

In trying to assess Kim Jong Un's intentions, the Trump administration might ask itself a serious question:

At which point between Vice President Mike Pence's invalidation of Kim Jong Un's Pyeongchang Olympics outreach as a "charade" during his attendance of the opening ceremony on February 9 and Kim's courting of President Trump via the South Korean envoys on March 8 did the Dear Leader's intentions become not fake? In President Trump's impulsive acceptance of Kim's brash calls for a summit, is the world to understand that while Kim's smiles-laden outreach to Seoul—to be sure, an easier target—is fake, its proposition to Washington is sincere, for it may have been born of fear?

While Kim Jong Un must take seriously loose talk of "preemptive strike," history since the end of the Korean War shows that neither the U.S. nor South Korea has ever responded with military force even in egregious lethal attacks by the North, such as, international terrorist attacks against the South Korean government and civilians or the shootdown of a U.S. spy plane in international airspace on April 15, 1969, regime founder Kim Il Sung's birthday, which killed all 31 U.S. servicemen on board. In other words, even before crossing the nuclear Rubicon, North Korea had thoroughly deterred the U.S. with conventional weapons alone. Today, armed with nukes and

⁸ Sung-Yoon Lee, "Engaging North Korea: The Clouded Legacy of South Korea's Sunshine Policy," American Enterprise Institute Press, April 2010. <http://www.aei.org/publication/engaging-north-korea-the-clouded-legacy-of-south-koreas-sunshine-policy/>

ICBMs, not to mention chemical, biological, and radiological weapons, would Pyongyang be truly afraid of a preventive or preemptive attack by the U.S., for which there is no precedent?

Furthermore, history even just over the past few months suggests that Kim is rather undaunted by verbal threats or U.S.-ROK combined military exercises. For example, undeterred by the rhetoric of “fire and fury” in August 2017, Pyongyang went ahead with its most powerful nuclear test to date on September 3, which was the nation’s first thermonuclear test. Moreover, deterred neither by President’s Trump’s name calling (“Rocket Man”) nor his threat of “total destruction” while speaking at the UN General Assembly later in the month, Pyongyang went ahead with its landmark ICBM test in late November. Therefore, for President Trump to jump at the very first proposition by Kim Jong Un for a summit meeting—the strategic dimensions of which the Kim regime must have been calculating for years—was almost certainly the first mistake.

Then how should the Trump administration proceed?

First, in negotiating the terms of the summit meeting, the United States should make some basic demands right away—action beyond words. Start with small steps such as calling on Kim to release unlawfully detained U.S., Canadian, and South Korean citizens and allow separated Korean families across the Demilitarized Zone *and* the Pacific (that is, separated families and relatives in the North and in the U.S.) the basic freedom of telephone calls and exchange of letters—both preceding and following routinized, regular meetings. All the while, enforce U.S. sanctions laws resolutely, as tempting as it may be to compromise for the sake of diplomatic progress.

President Trump must be fully informed that the terms of the gradual suspension and ultimate termination of U.S. sanctions against the Kim regime are codified into law. Unless Pyongyang takes meaningful steps toward the complete dismantlement of its nuclear plants, centrifuges, and other WMD programs; stops illicit activities such as counterfeiting U.S. currency, money laundering and proliferation; releases all political prisoners and stops censoring the North Korean people in extremis; abides by international norms as an aid-recipient nation and complies with monitoring; releases all abductees and unlawfully held foreign citizens; reforms its horrific prison camps; and, ultimately, establishes an open and representative society, the U.S. is legally bound to continue to enforce sanctions.⁹

Third, inconvenient as it may be, President Trump must speak the truth to Kim Jong Un. If the president is able to look at Kim in the eye and tell him, “Mr. Kim: Tear down the walls of your inhumane gulags,” his meeting with the tyrant, even if denuclearization fails in the near-term, may mark a powerful symbolic moment in history. But if Mr. Trump falls for Kim’s trap and, after indulging in the bonhomous moment of the summitry, prematurely relaxes sanctions — thus, legitimating and rewarding the world’s most tyrannical leader—then his meeting with Kim will become yet another bleak moment in the inglorious annals of U.S. diplomacy *vis-à-vis* Pyongyang.

It very well could be worse. North Korea today stands on the verge of nuclear breakout and becoming a continual credible nuclear threat to the continental United States. A summit meeting

⁹ See Sections 401 and 402, North Korean Sanctions and Policy Enhancement Act of 2016.

short on substance will only enable Kim to buy more time and resources with which to preempt U.S. preemption and perfect his own nuclear posture, to be implemented at a time of his own choosing. For President Trump to succumb to Pyongyang's transparent ploy and prematurely deprive himself of the one effective non-lethal policy he has—sanctions enforcement—would be to affirm Karl Marx's maxim, "History repeats itself, the first as tragedy, then as farce."

Worse still, in the strange, atavistic case of the North Korean nuclear saga, the North's first summit gambit in 2000 was farcical aplenty. A replay of history in 2018 may invite not just a conventional tragedy, but nuclear calamity.

IV. How to Avoid Kim's Traps?

President Trump must at all cost circumvent Pyongyang's traps and ensure that the joke, for once, is on Kim. How may he do this?

First, don't underestimate the North Korean leader. America's inability to take North Korea seriously as a formidable foe with a sophisticated strategic playbook of its own goes back to the first days of the Korean War. Once news broke that Kim Il Sung, the founder and grandfather of the current leader, started the war in June 1950, the Harry Truman administration immediately assumed that the North's invasion across the 38th parallel was a mere prelude to a highly coordinated expansionist Communist plan. A senior official in the State Department said the relationship between Josef Stalin and Kim Il Sung was "exactly the same as that between Walt Disney and Donald Duck." After all, presumed the Truman administration, how could the 38 year-old Kim Il Sung, so dependent on both Moscow and Beijing as he was, be anything but Stalin's puppet?

The Trump administrations must remember that on the ledger of nuclear diplomacy over the past quarter century, North Korea has wrested away from the U.S., South Korea, and Japan billions of dollars in aid in return for false pledges of denuclearization. Pyongyang truly excels in playing its neighbors. And as hard as it is to accept, the U.S. has been and today still is playing catch-up.

Second, get semantics right and argue about their meaning. What Kim seeks is a drawn-out, open-ended, non-biting, time-saving, sanctions-busting negotiations process on the "denuclearization of the Korean peninsula." Such a drawn-out "denuclearization of the Korean peninsula" negotiations North Korea regards as the sine qua non to becoming completely, verifiably, and irreversibly a powerful nuclear state. In fact, Kim and Xi likely would have discussed just how to draw out as long as possible the timetable for "denuclearization of the Korean peninsula." Considering there are no nukes in the South, what does this phrase exactly mean?

While most American policymakers blithely repeat this strange formulation (the phrase made its debut in the 2005 Joint Statement of the Six-Party Talks and is enshrined in every UN Security Council Resolution on North Korea passed since July 2006), to Pyongyang the phrase means the abrogation of the U.S.-ROK alliance treaty and the ultimate goal of dislodging the U.S. extended nuclear deterrence from the region—that is, South Korea *and* Japan. Getting Washington to halt sanctions against Pyongyang's palace economy and sign a peace treaty are necessary steps in this

long-term goal. Today, North Korea is closer than ever to realizing these tantalizing dreams, thanks in part to the outside world's uncompromising gullibility.

Third, don't fall for Kim Jong Un's self-effacing humor or fake "reasonable" statements. The South Korean envoys who met Kim Jong Un on March 5, upon return home, spoke glowingly of Kim as someone who is "bold and sincere," as well as having a sense of humor. This is a time-tested trick that Kim the First, Second, and Third have all mastered and employed variously on befuddled foreign visitors. Such is the very low expectation and strong biases that the outsider brings into his rare encounter with the North Korean leader, that when the weird strongman comes across as actually knowledgeable about world affairs, confers on the guest gracious hospitality, and even makes fun of himself, the visitor is dazzled and comes away from the meeting with the conviction that he has gained new, deep insights into the Kim regime, most likely by virtue of his own charisma, empathy, and intelligence.

Furthermore, not infrequently, the North Korean will raise the stakes and say startlingly reasonable things, for example, that he understands that the U.S. troops in the South and the region play a stabilizing role, and thereby, shall not call for their immediate withdrawal. At times he will say that he needs to say very unkind things about the "U.S. imperialists" for the sake of domestic consumption, although he does not really mean it and actually seeks to improve relations with Washington. These are all tricks the Kims have used on South Korean and American visitors since the early-1970s—on journalists, academics, and officials—in an attempt to come across as a reasonable party with whom the outside world can conduct conventional state-to-state business; which means, for now, turn a blind eye on the North's nukes and gulags and pay up for the sake of de-escalation and enticing Pyongyang to keep its fake promises of peace and denuclearization.

V. Conclusion

The temporary lull in North Korea's bellicose rhetoric and nuclear blackmail are a mere interlude before its next big provocation. North Korea has a compelling need to show the U.S. that it can combine a thermonuclear warhead with an ICBM that can withstand the re-entry into the earth's atmosphere. Thereafter, it will bank on being a constant nuclear threat to every major U.S. city, and thereafter extort and censor the U.S. and its allies with abandon. At some point, North Korea will need to demonstrate that it more than willing to fight a limited nuclear war with the U.S. A nation that has been committed for half a century to building such threat capabilities does not give up overnight due to just over a year of tough sanctions enforcement and insinuations of preemptive strike.

To return to the failed North Korea policies of the past will only give the Kim regime more time to perfect its nuclear arsenal while millions of ordinary North Koreans each day are abused by the state. Coddling Pyongyang will ensure complete failure and beckon a nuclear calamity.

To forge the future with proactive coercive diplomacy—one that employs unremitting financial sanctions and multi-faceted information dissemination operations into the North—in tandem with conventional diplomacy and military deterrence even in the face of fake peace overtures, offers the best hope denuclearization and changing the nature of the North Korean regime. The

United States is uniquely well-positioned to accelerate that eventuality; however, the path to Pyongyang is strewn with dangerous traps.



Mr. YOHO. Dr. Lee, thank you.
Dr. Cha?

**STATEMENT OF VICTOR CHA, PH.D., SENIOR ADVISER AND
KOREA CHAIR, CENTER FOR STRATEGIC AND INTER-
NATIONAL STUDIES**

Mr. CHA. Thank you, Chairman Yoho and Ranking Member Sherman and subcommittee members.

So I guess the first question is whether this summit is a good or a bad thing and I think generally summits are good things. They allow us to use an action-forcing event to bring to conclusion months long or years long of negotiations. But what you generally want is a careful and deliberate negotiation process with the promise of a summit at the end. What we have today is the promise of a summit within weeks without enough time for substantive negotiation. That leaves two possible outcomes.

The first is failure. Lack of preparation and pre-negotiations could lead to a failure, and the danger of a failed summit is that it could actually take us a step closer to armed conflict because there is no diplomacy left after a summit. Or we could have limited success where the two leaders might agree to some broad principles about denuclearization, about peace, about normalization, and then leave it to a team of negotiators to work out the details over the course of months or years. The point is that a summit without adequate preparation has a greater chance of failing and without such preparation delaying it might be a good thing.

Second, a summit is not a strategy and a summit without a strategy can be dangerous. There must be a strategy for diplomacy that would be relevant whether the summit succeeds or fails and I think there are four elements of such a strategy. The first is compellence. The United States must continue the application of sanctions or maximum pressure as a way to compel the North Korean regime to realize that its nuclear path does more harm than good to the regime. This must include sanction of Chinese entities and individuals which the administration has already started, who do not comply with U.N. sanctions.

The second element is counter-proliferation. North Korea presents a serious horizontal proliferation threat as the chairman noted. This is unacceptable to U.S. security. A comprehensive strategy to stop this must start with our allies but expand to U.N. member states to stop any transfer of WMD from North Korea.

The third element relates to deterrence. The United States must meet the threat from North Korea by substantially upgrading our alliance capabilities and countering North Korea's strategy to de-couple alliance commitments to defend South Korea. Up-gunning our alliances includes military exercising, information sharing, ASW, missile defense, and counterstrike. This will not only deal with North Korea, it will also make our alliances and the U.S. position in Asia stronger for the next generation.

The fourth element relates to diplomacy. I do not know whether the current path will be meaningful, but I think we all want it to succeed for the sake of peace. But let me offer a couple of observations about the path forward.

First, a useful metric of North Korea's intentions on denuclearization would be to seek reaffirmation of a formulation that they agreed to in writing in 2005 when they said that they would "abandon all nuclear weapons and existing nuclear programs." I believe there would be no disagreement from China, Russia, Japan, or South Korea to having North Korea reaffirm this more specific commitment.

Second, what may make the diplomatic round different from the past is North Korea's long-range ballistic missiles may be an area focus in addition to the nuclear weapons. This is the case because of the rapid development of these weapons and because President Trump has said himself it is never going to happen in terms of North Korea having these capabilities. This raises an important principle of any negotiation. We must protect alliance equities in any negotiation with North Korea. Our North Korea policy should start with our allies and should not be at the expense of our allies.

Third, the summit offers a unique opportunity for the leaders to discuss a comprehensive settlement. For the United States this must include human rights abuses in North Korea. The addressing of these human rights abuses would be an important metric of North Korea's true intention to reform and join the community of nations.

Finally, a number of core questions need to be answered in advance of negotiations. For example, what is the price we are willing to pay for denuclearization? What would warrant the lifting of sanctions? What is the risk we are willing to accept if we can succeed in negotiations and what is the cost we will accept of a military solution?

Let me close with a few words about military force. I believe the United States should always be prepared to use force to defend against a North Korean attack, to retaliate against North Korean proliferation, and to preempt an imminent attack by North Korea. The prospect of a preventive unilateral attack by the United States on North Korea is more difficult and controversial for reasons outlined in my written testimony. Such an action would have to take sober account of a threat to 350,000 Americans who live in Japan and South Korea and that decision would have to be made by this body in conjunction with the executive branch. Thank you.

[The prepared statement of Mr. Cha follows:]



**Statement Before the
House Committee on Foreign Affairs
Subcommittee on Asia and the Pacific**

***“North Korea’s Diplomatic Gambit:
Will History Repeat Itself?”***

A Testimony by:

Victor Cha, Ph.D.

Professor of Government, Georgetown University
Senior Adviser and Korea Chair,
Center for Strategic and International Studies

April 11, 2018

2172 Rayburn House Office Building

Introduction

Chairman Yoho, Ranking Member Sherman and distinguished members of the committee, it is a distinct honor to appear before this committee to discuss the challenges posed by North Korea.

As we assess the situation surrounding North Korea, it would not be unfair to characterize the recent turn of events as volatile. Over the past year, the Trump administration appeared to be gearing up for a conflict when the president said that the United States would rain “fire and fury” against Pyongyang. But just last month, the president abruptly changed course and accepted an invitation to meet with North Korean leader Kim Jong-un by the end of May 2018—a decision that caught even his own White House and State Department by surprise.

I have been a scholar, policymaker, and pundit on Korea in Washington, D.C. for 25 years. While there are many things that seem familiar about the current situation, there are also things that feel different. We are near the threshold, or even crossing the threshold of events that in the past seemed only remotely possible.

North Korea is about to cross into becoming a homeland security threat to the United States. Under the leadership of Kim Jong-un, the state has enshrined in its constitution that it has no intention to give up nuclear weapons.

The United States is talking more about military strikes than it ever has done before. The president said that if things do not work out, we will have to go to: “Phase two may be a very rough thing, may be very, very unfortunate for the world.” At the same time, President Trump has created diplomatic whiplash for everyone with his decision to promise summit diplomacy with North Korea. But for many in Washington, D.C., diplomacy may have run its course. Again, the president’s statement that “we have run out of road” on North Korea is an ominous reflection of where he thinks this may all end up.

And South Korea, China, and Japan are in new and unenviable positions where they must try to find a solution between an unpredictable United States and an incorrigible North Korea.

It is at times like these when miscalculation or misperception can be the enemy of peace. Where signaling or mis-signaling can easily create an action-reaction spiral that could throw the peninsula into a war. We are in a moment that calls for prudence in our tactics, policy, and strategy.

History has demonstrated that the United States cannot afford to make a mistake on the Korean peninsula. Indeed, whenever we have neglected Korea or undertaken uninformed policies, it has redounded negatively for the United States. In 1905, we agreed to Japan’s dominance of Korea, which did not fare well for either the United States or Korea. In January 1950, we drew a defense perimeter that excluded Korea (and Taiwan), which played a role in North Korea’s decision, with Soviet and Chinese support, to invade the South in June 1950. In the fall of 1950, we made the decision to advance a counteroffensive north of the 38th parallel, which resulted in a bloody war with China.

This is not to argue that the outcome of war in all of these cases -- with Imperial Japan, North Korea, and China -- was the fault of the United States. And this is not to say that every decision made by the United States on the peninsula has been bad. On the contrary, we have made careful and thoughtful decisions which have contributed to one of the most successful alliances in modern history.

However, the United States sometimes has a propensity for rushed and expedient decisions on Korea, made in the heat of the moment, that have never gone well. In these critical moments, when we make such choices, they have cost tens of thousands of American lives. We cannot afford such costs again.

The Current Crisis

Where exactly are we today? What are we to make of the Olympics peace diplomacy at the Pyeongchang Olympics, and U.S.-North Korea "Hamburger summit"? Is the North Korean leader turning over a new leaf? Is the regime threatening to attack the U.S. homeland? Or, is it seeking an exit ramp from a perpetual cycle of crises? Let us look at the numbers.

Between 1994 and 2008, North Korea conducted 17 missile tests and one nuclear test. From January 2009 through the end of the two terms of the Obama administration, this number increased to 65 missile tests and 4 nuclear tests. During the first year of President Trump's term, we have seen 20 missile tests and one hydrogen bomb test. By this metric alone, the threat has increased.

The rapid advancement of the North's long-range ballistic missile program, in particular, has been of concern, and has outpaced all of the expert predictions. The community of experts believe now that North Korea is months away from fielding an ICBM capable of reaching anywhere in the U.S. There are still some technical hurdles that remain undemonstrated, but the exhibition of key capabilities (solid fuel, mobile launchers), suggest linear development to a survivable nuclear and missile deterrent. This poses multiple threats, including a homeland threat, a proliferation threat, and a demonstration effect threat (in sense that others may want to emulate North Korea).

Options?

So, how are we to deal with this? There are diplomatic reasons to welcome a summit between the leaders of the Northeast Asian powers, including an unprecedented one between the United States and North Korea. However, a summit is not a strategy. Indeed, a summit without a strategy is a tactic, and should this tactic fail, it may actually bring us closer to war as we will have exhausted all diplomatic options. What is needed is a strategy that we can implement regardless of the success or failure of the diplomacy.

The core of any strategy is a combination of compellence, counterproliferation, and deterrence. In the former case, the United States has at its disposal ten UN Security Council Resolutions, as well as six Executive Orders, statutes, rules and regulations to sanction North Korean individuals, companies, and third parties who have financed proliferation.

The point of these sanctions is to apply continual pressure and impose costs on the regime such that it can no longer afford to continue on its nuclear path. Critics say that sanctions do not work, pointing to anecdotal evidence of Audis on the thoroughfares of Pyongyang. I disagree. I participated over 10 years ago in executing the first smart sanctions campaign against North Korea. What the Trump administration is executing now is beyond anything that we could have imagined a decade ago in terms of the scope of coverage and global participation in the sanctions campaign. This is a major league campaign that is having an impact. Sanctions have led to an increase in prices of gas, rice and other commodities in the country. It has effectively reduced 1/3 of oil imports, and banned all coal and sectoral trade exports, to the extent that over 90 percent of North Korea's 2.7 billion in exports was banned under UNSCR 2375. Subsequently, UNSCR 2397 banned the remaining 10 percent, meaning that nearly 100 percent of North Korea's exports are now banned from import by UN members states.

We must remember that sanctions do not work until they do. That is, every sanctions campaign – e.g., Iran – was said not to work until the day it changed the target state's behavior. And when the target's behavior changes, no one pays attention anymore to what the sanctions accomplished. President Trump's "maximum pressure" campaign is probably the most successful element of the policy thus far.

Counterproliferation

The second element to the strategy deals with counterproliferation. North Korea presents not only a vertical proliferation threat, but also a horizontal one. No country has been more consistent in its willingness to sell its weapon systems to other bad actors, and the U.S. must consider seriously that Pyongyang would do the same with its nuclear and ballistic missile capabilities.

The global sanctions campaign helps to reduce the sources of hard currency available to the regime to fund its programs. In addition to targeting proliferation financing, a comprehensive strategy must expand UN member states' participation in a campaign to stop any transfer of WMD materials from North Korea. The core of any such effort begins with U.S. allies in the theater including South Korean and Japanese intelligence, port authorities, coast guards, and navies. Radiating out from this ring would be additional levels of support from the United States and other UN member states that would stop transfer efforts in ports, in customs areas, and at sea. Chinese and Russian cooperation would make this a meaningful effort at multilateral security cooperation in Northeast Asia.

Deterrence

The third element to the strategy is deterrence. The United States must meet the North Korean threat by substantially improving our alliance capabilities in the region. One of North Korea's objectives is to hold U.S. and Japanese cities nuclear hostage in order to decouple alliance commitments to defend South Korea. To counter a decoupling strategy, the United States and allies must increase the tempo of military exercising to enhance readiness; it must do more to build seamless information-sharing channels with allies; it must increase allied cooperation on ASW (anti-submarine warfare); it must integrate allied MD (missile defense) capabilities; and ultimately

must build new strike capabilities to reaffirm our extended deterrence commitments to our allies. This will not only deal with North Korea, but also make our alliances stronger for the next generation in ways that enhance overall stability and security in the broader region.

China

What about China? China's interests in resolving the North Korean problem overlap only partially with ours. It is true that the effectiveness of sanctions will be measured in large part by the extent of Chinese cooperation. Talk to anyone in the White House who works on this and they will cite one statistic to you – 90 percent of North Korea's external trade is with one country, China. Since the Mar-a-Lago meeting with Xi Jinping in April 2017, President Trump has been focused on eliciting more cooperation from China. But there are limits to what China will do. It still believes that a collapse of the regime does not work to China's interests and for this reason it will never completely cut North Korea off. But if I had said to you last year that China would cut off coal, seafood, textiles, iron, and some oil with North Korea, you would have laughed in my face. Yet they are doing so, contrary to many predictions.

China can be part of the solution, or it can be part of the problem when it comes to our compellence strategy, which is why it is important to complement compellence with deterrence. If Beijing is willing to work with the global sanctions community in stopping proliferation and convincing the North that the nuclear path only leads to deprivation, then this can be the basis of a working relationship. However, if China takes with one hand and gives with the other – that is, if it backchannels support to the regime while it publicly voices support for UNSCR sanctions, then the United States will be forced to treat China as part of the problem, including sanctioning individuals and entities directly. Thus, while executing compellence, we must also focus without distraction on building the credibility of our extended deterrence capabilities in the region and significantly up-gunning our alliances. Doing so ensures that our North Korea strategy stays consistent with our broadest strategic objective in the region of preventing the rise of another hegemon in Asia.

Diplomacy

What about diplomacy? The purpose of a compellence, counterproliferation, and deterrence strategy is not to choke the regime to death, but to impose enough costs so the target changes its behavior. My personal view is that Kim Jong-un's decisions to participate in the Olympics, to conduct outreach to South Korea for a summit, and to message an inclination for talks with the United States, are in no small part because they are feeling the bite of sanctions.

I do not know whether the current diplomatic path will be meaningful. I think we all want it to succeed for the sake of peace. Having participated intimately in the last set of substantive negotiations and agreements on this issue, I have three observations about the path forward.

First, the permanence of any negotiated outcome will be a function of whether North Korea is willing to compromise on its core position, because this core position is in conflict with the one shared by the United States, its allies, and the global community.

For the United States, the core position is complete, verifiable, and irreversible denuclearization. Normalization of relations, and a peace treaty ending the Korean war are all possible if this core condition is met.

For North Korea, the core position is that the United States must accept North Korea as a nuclear weapons state. Without a change in the North's core position, this deadlock will impede the success of any negotiation.

Second, the only condition that I see under which the North would accept denuclearization is if the United States somehow attenuated its alliance commitment to South Korea. In the recent spate of diplomacy, you will have noticed that the North Korean leader was quoted as having said he is willing to discuss "denuclearization of the Korean peninsula if the security of the regime can be guaranteed." He also said that a nuclear-free Korean peninsula was the last wish of his father.

The media suggested and the administration intimated that these statements constituted a breakthrough. But any who have had experience negotiating with North Korea have encountered these familiar expressions. The "denuclearization of the Korean peninsula" is an expression used by the North that refers to the end of the U.S. nuclear umbrella in Asia, the end of extended deterrence commitments to South Korea, and the removal of ground troops as the only way to signal an end to U.S. "hostile policy." The phrase recalling Kim's predecessor's wishes for a nuclear-free peninsula was the exact phrase that Kim Jong-il used with regard to his father (Kim Il-sung) during the course of the past two denuclearization agreements. These statements, without any additional elaboration of the North's position, do not represent a breakthrough. At most, they represent a restatement of decades-old policy.

According to this logic, the United States has a choice if it wants a deal – it could end its treaty commitment to South Korea, or it could extend that commitment to the entire Korean peninsula. Neither seems likely.

Third, this unprecedented summit offers the unique opportunity for the leaders to discuss a comprehensive settlement that addresses all issues between the two countries. For the United States, this must include human rights abuses in North Korea. Due to the work of Congress and the UN Commission of Inquiry in making this issue an important metric of Pyongyang's true intention to reform and join the community of nations, it is difficult to conceive of a broader political settlement without addressing the government's abusive treatment of its citizens.

Fourth, any future negotiation's success will be premised on our capacity to have strategy dictate the tactics rather than having the tactics operate in place of a strategy. A summit is not a strategy. We often hear President Trump saying, "Let's see...I can go hard in either direction," meaning diplomacy or war. But incremental and tactical steps in a negotiation are directionless without answers to core questions regarding the strategy in advance of a summit.

For example, this administration will inevitably see the rubber hit the road on negotiations when North Korea demands some form of sanctions relief, which as I noted earlier is the most successful element of the administration's compellence strategy. The questions that Congress, the White House, and the interagency process must answer before sending the president into a summit are many:

- What is the price we are willing to pay for denuclearization?
- What is the price we are willing to pay to stop the ICBM program?
- Given the President's promise that a North Korean ICBM threat was "never gonna happen," which is the priority – the nuclear warheads or the ICBMs?
- What must North Korea demonstrate in an agreement before we begin to lift sanctions?
- What is the risk we are willing to accept if we can't succeed in the negotiation?
- What is the cost we will accept of a military solution?
- If we undertake a military option, should this be of a limited or all-out nature?

These questions all needed to be answered by Principals and the president in advance of President Trump's meeting, not just to help him, but to have metrics for judging success or failure of any negotiation. But I sense that over the past year, the administration has not spent protracted amounts of its precious time thinking about diplomacy. Rather, it has spent most of its time generating papers about pressure and military options.

Military Strike

Regarding military options, the President has talked about "raining fire and fury" on the North. Former National Security Advisor H.R. McMaster has said the chances of war increase every day. The North has threatened, in turn, that it will incinerate U.S. cities.

I believe the United States must always be prepared to use military force. And the United States must exercise with South Korea and Japan in order to be militarily prepared. But force should only be used under specific conditions.

- **Defense:** If North Korea attacks the U.S. or its allies, or fires a missile at the U.S. or allied populations, the U.S. should respond.
- **Proliferation:** If the North proliferates weapons, technology, or material in ways that kill U.S. citizens, then the U.S. should respond.
- **Pre-emption:** If we detect an imminent North Korean missile attack or nuclear attack, then we must use force to pre-empt that imminent threat.

The most controversial element of force is a preventive war – a unilateral attack by the United States on North Korea to prevent the growth of the threat. I will not debate the legalities of a preventive strike, a decision that rests with the U.S. Congress and the presidency. I look at this

from the perspective of a former NSC staffer who would have to enumerate: 1) the objectives of a military strike; 2) whether those objectives could be successfully accomplished with a strike; and 3) whether the costs for accomplishing this objective would be worth the candle. My personal judgment is that a military strike would not accomplish any one of a number of conceivable objectives, it would be extremely costly, and it would escalate in ways that could threaten hundreds of thousands of American lives.

- First, an attack would not stop the North Korean nuclear threat, it would only degrade it temporarily.
- Second, even a massive attack could not be guaranteed to end the program since we do not have perfect information on locations, and must contend with potential capabilities buried deep underground, even inaccessible to bunker-buster ordinance.
- Third, a unilateral attack would not stop the proliferation threat. It would only make it worse as the North would pursue retaliatory proliferation.
- Fourth, a unilateral attack would have few, if any supporters in the global community, which could undercut cooperation on the sanctions campaign, and in a worst case would undermine alliance cooperation and put China in a stronger position in the region.
- Fifth, a unilateral attack could create the very decoupling dynamic that U.S. deterrence seeks to avoid – in the sense that some partners may support an attack on the Korean peninsula under the condition that they could avoid North Korean retaliation.
- Finally, a strike could lead to massive escalation into a general war. This would put 250,000 Americans in South Korea and 100,000 Americans in Japan (not to mention millions of Koreans and Japanese) at risk without any conceivably workable noncombatant evacuation plan. The largest civilian evacuation we have conducted was 60,000 in 1975 in Vietnam.

The strongest argument for a military strike is that the North Korean threat must be dealt with today rather than tomorrow; otherwise, the irrational and reckless leader is undeterrable and cannot be won over through negotiation. I understand that those who favor a strike believe that the North Korean dictator, like all small dictators, seek personal survival at the core, and therefore Kim might not respond to a limited strike if the consequences would be destruction of his regime.

But there is a flaw in this logic: If the target is undeterrable, then why should we believe that the target would become deterrable with a military strike? Can irrational, belligerent leaders in peacetime really turn rational in wartime? The answer to this question can be a topic debated among ivory-towered rational-choice academics at Georgetown or other universities. But to hazard a guess at the answer in order to execute a military operation constitutes the type of historic uninformed, expedient decision that would once again risk hundreds of thousands of American lives on the Korean peninsula.

Mr. YOHO. Thank you for your statement.
And Ambassador Hill, and thank you for your service in your long service to our country.

**STATEMENT OF THE HONORABLE CHRISTOPHER R. HILL
(FORMER ASSISTANT SECRETARY FOR EAST ASIAN AND PA-
CIFIC AFFAIRS, U.S. DEPARTMENT OF STATE; FORMER U.S.
AMBASSADOR TO SOUTH KOREA)**

Ambassador HILL. Thank you very much Chairman Yoho, Ranking Member Sherman and members of the subcommittee. Thank you very much for the opportunity to appear before you today and discuss the situation in North Korea and the prospects going forward. I think there is no question a growing North Korean threat and I think that on that basis this is a very timely hearing.

The threat posed by ballistic missiles and nuclear weapons has been with us for many decades, but at no time has it required more urgent attention than today. And in this regard, I believe President Trump's decision to meet with the North Korean leader is in my judgment correct, but nonetheless fraught with considerable uncertainty and risk. A meeting with the leader of North Korea needs to be meticulously planned and frankly the outcome of the meeting should be understood at its outset.

This is not a meeting where you go in with no idea of how you go out. It needs to be understood at the outset. The willingness to meet, I think, is a courageous gesture by President Trump, but it is going to be up to his staff to make it a success for him, for our country, and for partners and allies. There is no question past negotiations with the North Koreans have not been successful, but I think there is much we can learn from some of those efforts.

It has often been suggested that the North Koreans have used past negotiations to advance their weapons programs, but in fact North Korea has used the time in between negotiations to even better effect. This was the case when I took over as the U.S. Representative to the Six-Party Talks process that got underway in earnest in 2005. Frankly, when we looked at the amount of plutonium produced by the Yongbyon reactor during the time that there was no agreement on the shutdown of that reactor, that is, between December 2002 and July 2007, that reactor produced some 40 kilograms of plutonium, which depending on their bomb design could be enough for five to ten weapons.

It is believed that most of this fissile material that they have today was produced when they did not have a negotiating process and I think we need to keep in mind the fact that when you don't negotiate there are consequences to that as well. This of course does not suggest that if we only kept talking to them things would go well. It is often stated that North Korea's interest in nuclear weapons has to do with their survival as a regime. And in fact to test this proposition, the 2005 Joint Statement included from the U.S. side security guarantees not to attack North Korea, our preparedness to have cross-recognition of states in the region, as well as our willingness to conclude a peace agreement to provide for a more durable instrument to replace the armistice that ended the Korean War.

North Korea ultimately chose to walk away from this package of security provisions, all provisions that they said they required. They also walked away from energy and economic assistance and claiming that they simply could not accept what was, from our vantage point and the vantage point of South Korea, China, Japan, and Russia, minimally credible verification protocols.

I think it is important to understand that North Korean behavior since then and throughout has led me to the conclusion that they may claim that the purpose of their nuclear programs is to defend against security threats posed by the U.S., the real purpose of their arsenal is to cause the U.S. to decouple its security relationship from South Korea. It aims to oppose a new calculus for a U.S. President whether this President or a future President.

Does the U.S. treaty obligation to help defend South Korea expose the U.S. to the threat of nuclear attack? Each nuclear test, each missile test, every demonstration of its ability to hit the U.S., every threat to send missiles toward the U.S. territories' people is designed to corrode faith in the U.S.-ROK alliance. In short, North Korea's nuclear program is far more offensive in nature than it is defensive.

While President Trump is correct to respond positively to the invitation to meet Kim Jong-un, he should be guided by the need to avoid making any concessions that would suggest a weakening of the U.S. alliance commitment to South Korea such as withdrawal of U.S. conventional troops or a reduction in the pace and schedule of annual military exercises. The North Koreans always ask for such a reduction of exercises and we have always refused and we should continue to do so.

Quite to the contrary, President Trump should reaffirm our commitment to our allies, work closely with China and others in the region, especially our other brave ally Japan, so that North Korea does not miscalculate our resolve and so that other allies in the region and around the world are reaffirmed in their confidence in the U.S. The stronger sanctions that the Trump administration has succeeded in having adopted in the U.N. Security Council have been made possible by precisely the willingness to negotiate that the President has professed on several occasions.

So as we go forward there are a number of things we need to keep in mind. First of all, work with those allies and have those allies work with each other. This is not always easy. Secondly, we need to work with China. The idea that we are going to solve this and then look back and see that China was somehow against us throughout this, I don't think so. I think we are going to have to figure out a common language with China, especially, and this is a third point, to keep those U.N. sanctions strong and robust and even stronger in the future. We need to continue to look for ways to slow up their program whether interdicting international supply chains or whatever it takes, but we need to look for ways to deal with that.

And, finally, we need to keep the door open to diplomacy. This is the way we reach and cooperate with our allies and this is the way that we need to stay engaged until we achieve the ultimate end which must be nothing less than the denuclearization of North Korea. Thank you.

[The prepared statement of Ambassador Hill follows:]

Written Statement

Name: Christopher R. Hill
Title: Former Assistant Secretary of State for East Asian
and Pacific Affairs
Name of Committee: Asia and the Pacific Subcommittee
Date and Title of Hearing: ...April 11, 2018 – North Korea’s Diplomatic Gambit:
Will History Repeat Itself?

Chairman Yoho, Ranking Member Sherman and Members of the Committee:
Thank you for the opportunity to appear before you today for this timely hearing
on North Korea. Thank you also for your attention to the growing North Korea
threat and offering me the opportunity to convey my views on the subject.

The threat posed by North Korea’s ballistic missile and nuclear weapons has been
with us for many decades, but at no time has it required more urgent attention than
now. In this regard President Trump’s decision to meet with North Korean leader
Kim Jong Un was, in my judgment, correct, but one that is fraught with uncertainty
and risk. A meeting with the leader of North Korea must be meticulously planned,
with the outcome of the meeting well understood at its outset. The willingness to
meet is a courageous gesture by President Trump, but it is now up to his staff to
make it a success for him, for our country, and for our partners and allies.

As the title of this hearing suggests, past negotiations with the North Koreans have
not been successful in ending the problem posed by Pyongyang’s nuclear
ambitions. But as the holding of this hearing also suggests, there is much to be
learned from those past efforts. In that vein, let me discuss the period that I was
engaged in the effort to denuclearize North Korea during the second term of the
administration of George W. Bush, from 2005 until 2008.

It has sometimes been suggested that the North Koreans have used past
negotiations to advance their weapons programs. In fact, the North Koreans have
used the time in between negotiations to even better effect. This was the case
when I took over as the US representative to the Six Party Talks, a process that got
underway in earnest during the summer of 2005. Those who proudly express their
skepticism about diplomatic negotiations should be prepared to offer a note of
caution about diplomatic vacuums when nothing is accomplished and when, as the

North Korean experience has shown, the problem gets worse for not having had any diplomatic track.

After the Agreed Framework that was signed in October 1994 and ended in 2002, North Korea announced in December 2002 its intention to expel international inspectors and restart the Yongbyon nuclear facility and related plutonium reprocessing plant. By the time it was closed down and international inspectors permitted to return in July 2007, the plant had produced on the order of magnitude about 40 kg of plutonium which, depending on a bomb design, could be enough for about 5-10 weapons. It is believed that most of this fissile material was produced during the period between the ending of the Agreed Framework and the implementation of the Six Party Agreement, that is, when there was no diplomatic process.

The Six Party Process was an on-going nuclear negotiation whose first major accomplishment was the Joint Statement reached on September 19, 2005 among all the Six Parties. The key element was North Korea's commitment to "abandoning all nuclear weapons and existing nuclear programs and returning at an early date to the treaty of the nonproliferation of nuclear weapons (NPT) and to IAEA (International Atomic Energy Agency) Safeguards."

The day after the announcement of the September Joint Statement, the United States announced that it had declared a Macao based bank known as Banco Delta Asia (BDA) as a money laundering concern due to the presence of North Korean accounts. The bank froze North Korean accounts totaling about \$23 million. The North Koreans, in turn, promptly suspended its participation in the Six Party Talks. A year later, in October 2006, and while talks were in abeyance, it exploded its first nuclear device.

In February 2007, an agreement was reached to return the funds to North Korea, and at that point the Six Party negotiations resumed.

The Six Parties reached a second agreement that February to begin implementation of the September 2005 agreement. Upon the return of the \$23 million in July 2007, North Korea shut down the reactor, returned the international inspectors to the site, and welcomed US personnel who began to disable the facilities with the goal of making the reconstituting of the reactor difficult. The North Koreans also took the action of destroying the plant's cooling tower in return for a US decision to remove it from a list of state-sponsors of terrorism, for which, by the terms of the statute, it was eligible.

In the fall of 2008, negotiations began on a verification protocol. The North Korean declaration of its nuclear programs made no mention of any purchases related to a suspected Highly Enriched Uranium (HEU) program, concerns which had led to the ending of the Clinton era Agreed Framework.

Throughout the negotiations the North Koreans denied the existence of an HEU program, explaining away purchases as related to other nonnuclear programs. By the late fall of 2008 it had become clear that North Korea's version of a verification protocol, i.e. to limit inspections to those sites already known, was inadequate, and the negotiations went into suspension again, this time in anticipation of a new administration in Washington.

In the spring of 2009, with no talks in the offing, North Korea declared its participation in the Six Party Process null and void, and began a series of nuclear tests starting in May 2009. In November 2010, it unveiled an apparent HEU facility, with 2,000 shiny centrifuges that appeared to a prominent American scientist who was shown the facility to be operational.

Since the Six Party Talks ended in the Fall of 2008, North Korea has used this period of diplomatic hibernation to conduct five nuclear tests, culminating in the testing of an apparent hydrogen weapon in September 2017. It has also continued to test a new generation of missiles. Its rhetoric has also hardened. In the context of disassociating itself from its previous agreement to abandon all its weapons, North Korea has even taken the measure of including nuclear weapons in its new constitution of 2012.

This is not to say that if we only kept talking, all would be well. It is often stated that North Korea's interest in nuclear weapons has to do with regime survival. To test this proposition, the 2005 Joint Statement included, from the US side, security guarantees not to attack North Korea, a preparedness to have cross-recognition of states in the region, as well as the concluding of a peace agreement to provide for a more durable instrument to replace the armistice that ended the Korean War.

North Korea ultimately chose to walk away from this package of security provisions, as well as significant energy and economic assistance, claiming it could not accept the reasonable demand of the United States and the other four parties (South Korea, China, Japan, Russia) for a minimally credible verification protocol. North Korea's behavior then and since has led me to conclude that while North Korea may claim that the purpose of its nuclear program is to defend against

security threats posed by the US, the real purpose of North Korea's nuclear arsenal is to cause the US to decouple its security relationship from the Republic of Korea. It aims to impose a new calculus for a US president: Does the US' treaty obligation to help defend South Korea expose the US to the threat of nuclear attack? Each nuclear test, each missile test, every demonstration of its ability to hit the US, every threat to send missiles toward US territories or peoples, is designed to corrode faith in the U.S.-ROK alliance. In short, North Korea's nuclear program is far more offensive in nature, than it is defensive.

While President Trump is correct to respond positively to an invitation to meet Kim Jong Un, he should be guided by the need to avoid making any concessions that would suggest a weakening of the US alliance commitment to South Korea, such as withdrawal of US conventional troops or a reduction of the pace and schedule of annual US-ROK military exercises. Quite the contrary, President Trump should reaffirm our commitment to our ally and work closely with China and others in the region, especially our other brave ally, Japan, so that North Korea does not miscalculate U.S. resolve, so that other allies in the region and around the world are reaffirmed in their confidence in the US, so that we are able to maneuver from a position of strength, and so that any solution is sustainable. The stronger sanctions that the Trump administration has succeeded in having adopted by the United Nations Security Council have been made possible by precisely the willingness to negotiate that the President has professed on several occasions.

Thank you.

Mr. YOHO. I thank you for that and look forward to going into the questions.

And, Dr. Lee, you looked at this from an academic side, studying it and writing about this. Dr. Cha and Ambassador Hill, you both have been at the Six-Party Talks and you got, you know, right involved in that. And if we look back at the chronological timeline that I have talked about in the very beginning, and we saw the escalation of either ICBMs or nuclear weapons going on for the last 25 years and we have been through three attempts at having a resolution to this and we have been through three administrations and we are where we are at today having these talks today. So we know what doesn't work.

And what we have seen is North Korea has become more advanced in their weaponry, their ICBMs along with the nuclear weapons with the last one looking like it was a hydrogen bomb, and they have become more emboldened. And so as I said earlier, we are where we are at today. And then keep in mind, people say, well, as you brought up, Kim Jong-un is out like, well, okay, now we are going to play nice. You know, people say he is really a good guy. He is joking around and all that.

But we need to keep in mind who he is. He is the guy that has killed over 140 people that were close to him including his uncle with anti-tank guns, his half-brother with chemical weapons. So this is who we are dealing with. And then we see the condition of the people in North Korea and then we have heard that there are no-go zones for the government in the rural areas because they know they are not safe out there.

And I think the best thing to do is that as you brought up, Dr. Lee, is the only way they are going to denuclearize is if there is a regime change. And of course going into nuclear talks on the continent it is historic, but if Kim Jong-un knows that that is the only way this is going to happen or we know that, I don't want to impede that. There has got to be a good solution, a win-win situation.

And I know one of the things that comes up is the unification of the Korean Peninsula. And I told the South Koreans that our goal is to facilitate that situation and of course we are going to talk more about that after these talks start and we have those talks and this is so timely because the talks with Moon Jae-in will be this month and hopefully with President Trump next month.

But if unification comes up is that possible on the Korean Peninsula, Dr. Lee?

Mr. LEE. Under the current circumstances unification on an equitable merger type of harmonious unification is impossible. You just cannot have two states, one which is 50 times richer than the other, agree to a joint venture of one body, one government. It is implausible. What is different today is that Kim Jong-un of course North Korea stands on the verge of complete nuclear breakout. Its capabilities are far stronger than at any time in history in terms of his growing lethality, his credible, constant credible nuclear threat to the U.S. mainland. Furthermore, North Korea now has for the first time a softer, kinder, feminine face to the very unattractive state that North Korea is. The royal sister, were she to make a trans-Pacific visit to the United States as a special envoy, for example, she is reported to be pregnant, were she to make that

long arduous journey looking visibly pregnant, well-wishers the world over will say—

Mr. YOHO. Right.

Mr. LEE [continuing]. The hardworking, self-sacrificing, peace-seeking young lady is doing so much, the administration has to yield and give some concessions. What is also different today is it is unlikely that the United States despite North Korea's unconventional campaign of fundraising through provocations will give North Korea the kind of generous aid as in the past.

Congressman Rohrabacher, may I respectfully point out the United States gave North Korea about \$500 million more than the sum that you cited, an excess of \$650 million in fuel aid and about the same in food aid, in excess of \$1.3 billion between 1995 and 2008.

Mr. YOHO. I am going to cut you off there because I will let you talk to him about that. I want to get your ideas because you guys were there when the sanctions or when they were de-listed as a state sponsor of terrorism. We worked hard to get them back on that list and this is something that North Korea needs to understand that I see no relinquishing of any of the sanctions. That we worked hard to get those sanctions working with China and putting pressure through our Treasury Department out of this committee to do those things, and our goal is to make sure that the sanctions aren't backed off, they are not de-listed as a state sponsor of terrorism.

And what are your thoughts on that? Just stay strong, do not relinquish until they bring something to the table that says this is a good faith gesture? Ambassador Hill, do you want to take that? And then what I will do is we are going to go to the ranking member.

Ambassador HILL. I think the reality of the situation is that in laying out a suite of sanctions there needs to be some corresponding actions that the North Koreans would take and we can look at what each action can be and what it is worth in terms of sanctions relinquishment. I must say with respect to U.N. sanctions, if you talk about the difficulty of putting sanctions on there, it is great difficulty in getting anything through the U.N. Security Council especially when you have members such as China and Russia who have a very different view. I would be very reluctant to relax any of those U.N. sanctions because of the great difficulty of putting them back on.

With respect to bilateral sanctions, I think it is quite another picture. I think with respect to issues such as state sponsor of terrorism that was a sanction that was taken off but it could have been put on a lot earlier and, frankly speaking, I was surprised that it took so long. North Korea had long since withdrawn its signature, in effect, from the six-party agreement back in 2005. They did that in 2009 and I think we should have slapped those sanctions on immediately and we could have.

Mr. YOHO. I agree with you. And we asked Secretary Tillerson right in the beginning of his tenure to put those back on and they said they were studying it. So the goal is to keep them on until we get, you know, accurate information that they are really wanting to change.

Next, we will go to the ranking member, Mr. Sherman.

Mr. SHERMAN. Ambassador Hill, you point out that summits may be a good thing, but I will point out you wage war and peace with the President you have, not the President you wish you had, and how these turn out so we will have to see.

I agree with you that we cannot allow the Security Council to pass a resolution withdrawing sanctions. We could, however, agree to a 6-month suspension of those sanctions that would automatically go back into force unless there is another resolution. We could always veto a resolution. If we sanction North Korea without negotiating they are going to keep making fissile material and missiles. And if we negotiate without sanctioning them then we get to have talks with them, but they are going to keep making fissile material and missiles.

I have a couple questions for the record I would like all three witnesses to respond to. The first is, assuming we are not successful in rolling back very, very significantly the North Korean program in the next year, how likely is it that Japan will develop its own nuclear weapons and how important is it to China that Japan not develop its own nuclear weapons?

The second question for the record is what could be done—the U.N. sanctions seem pretty strong—and not what do you do to convince others to agree to strengthen them, but if you were the Security Council what would you do to strengthen them other than shorten the phase-in periods and add financial sanctions? Now, Dr. Lee, you correctly point out I think that the North Korean Government doesn't want to give up its nuclear program unless they face regime-threatening sanctions and it is pretty difficult to put those in place and of course that China doesn't want the regime threatened.

So my question is—and there is another reason for that in as Gaddafi gave up his nuclear program, Saddam gave up his nuclear program—they are both dead. So I will agree with you it is going to be very hard to get them to give up their nuclear weapons. The question is what level of pressure is necessary to get them to agree to limit those weapons in number, agree to a strict monitoring of those weapons, and freeze their missile program? If we were aiming for that level of control would we have to have the regime teetering on destruction or would they give us that even if they were in less dire straits?

Mr. LEE. Some may take the view that the reason Kim Jong-un changed his behavior as of New Year's Day is due to growing fear from tough sanctions enforcement by the United States. And credit is due where it is due, President Trump is the first U.S. leader to, in a meaningful way, enforce sanctions against North Korea. At the same time, I don't think Kim Jong-un is so fearful of an imminent coup that he has changed his tune from *molto agitato* to *placido*.

When President Trump spoke all fire and fury in early August, for example, Kim Jong-un was quiet for about 25 days and many people opined maybe he is fearful. But then on August 29th he fired a missile over Japan and that day is known in Korea, both in North and South, as National Humiliation Day for it was on that date in 1910 that Korea was colonized by Japan and just 5 days later North Korea conducted its first nuclear test. And when

President Trump on September 19th at the U.N. General Assembly spoke of Rocketman and total destruction, undeterred Kim Jong-un fired off that devastating ICBM in late November.

Mr. SHERMAN. Dr. Lee, I am going to have to interrupt because I have a question for Dr. Cha.

You have spoken, obviously we need tougher banking sanctions. We need to prevent North Korea from being able to borrow money and undertake large transactions. You spoke of sanctioning individual Chinese banks, but it occurs to me that if you are the 100th largest Chinese bank and you happen to be based in northern China you might very well decide, well, I don't want to do business with the United States. After all, there are 99 bigger institutions that will be signed on an American bank. I just do business with North Korea instead.

So the question is can we achieve what we are trying to achieve by sanctioning individual entities in China or do we have to sanction all of the Chinese economy until Beijing knocks on the door of some bank that doesn't want to do business in the United States and says you are a Chinese bank, you can't do business with North Korea? Do we need entity sanctions or country sanctions?

Mr. CHA. It is a great question. I think a decision to sanction the entire Chinese banking system would entail equities that go far beyond North Korea and it would be hard, as someone who—

Mr. SHERMAN. I am suggesting threatening it rather than actually doing it, but go ahead.

Mr. CHA. From what I have seen in terms of what this administration has done so far although they haven't spoken about it publicly a lot, as you know well the secondary sanctioning of China is well underway. I mean they have sanctioned scores of entities and individuals. Now you are absolutely right that most—

Mr. SHERMAN. Little ones that don't do business with the U.S. anyway.

Mr. CHA. Right, right. And that is why they are not a problem in U.S.-China relations. That is why the Chinese Government doesn't care. Sanctioning the entire Chinese banking system would, I don't know if we would even necessarily solve our North Korea problem because they are not transacting through the Bank of China or other places, they are transacting through these smaller ones that you talked about.

Mr. SHERMAN. Does Beijing lack the capacity to control what goes on by banks on its own territory? Is this some sort of failed state?

Mr. CHA. I would say that they probably have less control than we think they do over all of these—

Mr. SHERMAN. Well, we are able to tell small banks in Nebraska not to do business with terrorists. I assume that Beijing has at least as much control over there. IC, Independent Community Bankers association, we do, and I yield back.

Mr. YOHO. Thank you. Next, we will go to Mr. Rohrabacher from California.

Mr. ROHRABACHER. Yes, thank you, Mr. Chairman. So we know now that Kim Jong-un killed his uncle, murdered his uncle and also murdered his half-brother among other things that he has done. And were these killings an indication that he was a hardcore

Communist who basically felt that those people were undermining his efforts, or was it an indication that they were hardcore Communists and he wanted to take things in another direction that they would oppose? Which one of those and maybe just right down the line, what you think.

Mr. Ambassador, start with you.

Ambassador HILL. I think the murder of his uncle, Jang Song-thaek, who was in a Communist Party meeting and was essentially perp-walked out of the meeting and then killed the next day, I think the Chinese took that as an attack on the China relationship. And I think Kim Jong-un was kind of making an important statement there because he was essentially saying the Chinese thwarted my father in realizing his goal of being nuclear, I am not going to let that happen. So it was the kind of statement that he is kind of keeping the Chinese at bay. The Chinese took it as an insult to them and that is one of the reasons that he was never invited to China until just a few weeks ago.

Mr. ROHRABACHER. Thanks for that analysis.

Would you agree with that?

Mr. CHA. Yes, I would agree with that. I mean I don't think it was about ideology. I think it was all about power.

Mr. ROHRABACHER. Right.

Mr. CHA. And whether it was power that the uncle was having in terms of—

Mr. ROHRABACHER. Well, it wasn't a power about, it wasn't a conflict over whether we should have a reform type movement, but it was all just maybe what gang we are going to associate with, China or Russia or whatever. Do you agree with that Dr. Lee?

Mr. LEE. Jang Song-thaek was the de facto number two man. He was recognized as such for over a decade. And usually in a totalitarian system the life of the number two man is short and precarious. It was almost preordained. With respect to the half-brother he was a marked man the day he gave a live TV interview to a major Japanese broadcaster coming out against a third father-to-son hereditary succession.

North Korea operates like a giant criminal syndicate. It as a matter of state policy produces and sells drugs, fake pharmaceuticals, fake famous brand U.S. cigarettes, counterfeits U.S. currency, and it is business not personal in that kind of system.

Mr. ROHRABACHER. I understand. But we go into details about the cars that they import or the amount of whiskey they import, but yes, like a criminal enterprise. What should we seek, Ambassador Hill, what would be the minimum that we should seek to get out of the meeting between our President and the Korean leader?

Ambassador HILL. Well, I would agree with what Dr. Cha said which is the absolute minimum needs to be a reaffirmation of their commitment to the goal of denuclearization which was to bring them back into compliance with the international treaty, the Non-proliferation Treaty.

Mr. ROHRABACHER. And they have already made some statements yesterday, I believe, was that indicated that they might go in that direction; is that correct?

Ambassador HILL. Yes. But I think that has to be memorialized in writing and I think it needs to be very clear. What I would like

to see, actually, is the way summits are usually done, which is you take the national security advisor and put that person on a plane and that person should be talking to his counterpart and they should have an agreed joint statement on what the two leaders are going to come out with. So I think the national security advisor should be on a plane by now rather than being in the White House and he should be trying to make sure this is a success. And I would judge the minimum success would be a North Korean commitment to their early denuclearization and rejoining the Non-proliferation Treaty as a nonnuclear state.

Mr. ROHRABACHER. Well, I think that is great advice for our President and I know that John Bolton would love to do that for his new boss. And we wish John Bolton the success in what he is doing and I hope he gets the opportunity to do the kind of things you just outlined.

Ambassador HILL. I wish I could give him a restaurant suggestion in North Korea, but I couldn't think of any.

Mr. YOHO. Thank you.

Next, we will go to Mr. Connolly from Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman. I just got that image of John Bolton dining in Pyongyang. I can't get that out of my head. I just want to thank you, Mr. Chairman, for this panel, a wonderful panel, really a very thoughtful discussion.

Ambassador Hill, we met in Korea and Japan and I read your book. You gave us a copy of your book, thank you, and Dr. Cha and Dr. Lee, really wonderful comments. Dr. Lee, you talked about Humiliation Day back in 1910. Were you saying that Kim Jong-un deliberately picked that day to make a message to the Korean people about his missile development program?

Mr. LEE. To stick it to Japan. He said so afterwards this was a message for Japan.

Mr. CONNOLLY. Yes. It wasn't an accidental date.

Mr. LEE. No. And as he said in the wake of his first ICBM test ever on American Independence Day last year, this is my gift package to the American imperialists and there will be more packages coming your way.

Mr. CONNOLLY. Dr. Cha said the danger of a failed summit is that it brings us closer to war. No diplomacy after a summit and a summit without adequate preparation has a greater chance of failure, your comment on that?

Mr. LEE. I completely agree with that assessment. Even a summit meeting between among allies, months at least weeks of preparation go into it, all the wrinkles need to be ironed out. Unlike a blind date, there needs to be no spontaneity, no surprises. So I think impulsively to accept Kim Jong-un's proposition was probably a mistake, but the U.S. surely can recover from that mistake.

If President Trump is able to look at Kim Jong-un straight in the eye and tells him in public, Mr. Kim, tear down the walls of your horrific gulags that may mark at least a powerful symbolic moment in U.S.-North Korea relations even if denuclearization in the short term is not possible.

Mr. CONNOLLY. So this is, you know, first time an American President has met with the leader of North Korea. Don't we need to be careful about setting expectations? I mean tearing down all

your gulags, denuclearizing, meaning you roll it back and set it in some closet somewhere else, can you promise you will join the Nuclear Non-proliferation Treaty and you will never use nuclear weapons ever again, and by the way while you are at it you are going to respect human rights and go to church on Sunday or Temple, I mean are those realistic expectations for the first summit between the President of the United States and the head of the North Korean regime?

Mr. LEE. I fear many people are still caught up in the drama of the day when President Nixon visited China in February 1972, but that summit was preceded by Henry Kissinger's visit in July the previous year which, in turn, was preceded by some 18 months of secret negotiations. And the agenda was of course the common threat, perceived threat of the Soviet Union, and for the United States creating the excitement of winning China back as the U.S. was losing Indochina, and for Mao and Zhou they had their own agenda too to win Taiwan's seat in the U.N. Security Council. We don't see that kind of convergence of interests.

Mr. CONNOLLY. Here, that is right.

Dr. Cha, I quoted your testimony. Help us understand, you know, the upside we can all speculate about on a summit. What is the downside? Because I look at it and think, gee, this is awfully risky from a diplomatic point of view. The stature of the United States presidency which is something that Kim Jong-un would more than welcome and if Kim Jong-un spurns President Trump at that summit he gets everything we get nothing. We are humiliated. We lose face. Our diplomacy is set back and Kim Jong-un laughs all the way to the nuclear repository. I am simplifying it, but I really think those are kind of the risks and stakes.

But I would like to hear you enumerate what could go wrong with a summit. You obviously had something in mind when you made that statement.

Mr. CHA. Right. So I mean, I think there are a couple of things. The first is as you described, Kim may just want the meeting in and of itself as a nuclear weapons state, the handshake, the picture, and that is all he wants. I mean the other is, and I think Chairman Yoho raised this early, the heightened expectations on our side that we expect a lot more to come out of this meeting than the President and the President will be quite disappointed by that.

The other thing as I mentioned in the testimony is our allies. I mean there are things that for example one thing that is different from the time that we were involved in negotiations is the long-range ballistic missile threat and I think there would be focus on that by any negotiating team. But there are other alliance equities that are involved when we talk about things lower than the long-range missile.

Mr. CONNOLLY. Right.

Mr. CHA. The medium-range threat, the short-range ballistic missile threat, so like I said we always want our policy going into these negotiations to be something that is benefiting all of us in the region, the allies, and not something that we do with North Korea that separates us from our allies.

Mr. CONNOLLY. Mr. Chairman, would you allow Ambassador Hill to answer the same question, and then I am done.

Mr. YOHO. Yes, sir. Go ahead.

Mr. CONNOLLY. I thank the chair.

Ambassador HILL. I think the worst outcome would be the situation where the President somehow walks out and it is seen as a failure. I think the concern of course is when you start with heads of state rather than assistant secretaries there is kind of nowhere to go and so there is a sense that if it is unsuccessful the diplomatic track has kind of reached the end and I think that would bring back in great strength the idea that you might have to look more carefully at military solutions.

I would like to emphasize, you know, I approached the whole issue having been Ambassador in South Korea and seeing the terrible damage that was being done to our relationship with South Korea back in 2003, 2004 when there was no sense of any negotiation going on and the sense among the Korean people saying it is easy for you living in Washington not to worry about negotiation but we are right here, and so I think it is very important that any U.S. negotiator whether it is a President or a lowly assistant secretary needs to understand that the South Korean people are why we are there. They are the ally.

And if we create a circumstance where we have set the thing up for failure or otherwise had no progress made where the track will inevitably shift over back to the military, I think we will have created problems in an alliance that we really need to be very close and strong.

Mr. YOHO. Thank you for that.

Next, we will go to Mr. Perry from Pennsylvania.

Mr. PERRY. Thanks, Mr. Chairman. Thanks, gentlemen, for your attendance. And I have been listening pretty carefully to the conversation and I just need to, I feel like I need to offer an alternative view.

While I respect your opinions and you are certainly, I think, much more learned than I am and let me just say that up front, but let me also say that it seems to me that all these notions of it has got to go through this step and this person and this amount of time and these protocols—and I get that the South Korean people are wonderful. I have been there and they are just wonderful folks and I understand that they have much more at stake than we do and when you say, Ambassador, that we are there for them, but we are not only there for them. And with all due respect, all these other protocols that have been discussed, where have they gotten us?

So I would suggest to you that we are where we are because we are in the precipice of a dramatic shift in the calculus where this nation under this ruler has the ability to deliver nuclear weapons anywhere in the world and I think that changes the calculation exponentially. And I would also remind everybody that while the protocols were different under Nixon and Kissinger and China, look at where we are now with China. I mean yes, we talk and we, you know, 25 percent of their market is the United States and so on and so forth, but for the bulk of my lifetime economically they have been increasing in their aggressive and in their capabilities vis-a-vis us.

So I just think that there is another paradigm and quite honestly I think it is refreshing and I think the stakes are high, but I would just say that it seems to me that doing everything that we have been used to doing has gotten us to this point without any success whatsoever. So let me ask you this. The relationship, and I understand that the Koreans see this very differently than the United States does, that reunification is something that they long for, there is family connections, there are nationality connections and pride and so on and so forth, but does the relationship between President Moon and Kim Jong-un, does that and has that recent rekindling of that relationship, has that enfeebled the United States' position?

Anybody?

Ambassador HILL. I think it reflects some of the complex decision making that President Moon Jae-in has within his own political party among his people and managing the relationship with the United States. I don't think there are too many Koreans who would say that the relationship with the United States is not of central importance to them, and I think they have done much to keep this alliance strong including fielding one of the best militaries in the world. I think that you compare the South Korean military to any military in NATO, it is very strong.

There is a terrible problem with North Korea but it is a problem that South Koreans have to deal with, grapple with every day. And by no means am I suggesting that we are informed entirely by their issues because with these intercontinental ballistic missiles this comes right to our equities as well, but if we wanted to ignore that and somehow allow North Korea—I said earlier in my testimony that I think what North Korea's goal here is not so-called regime survival, their goal here is to decouple us from the Korean Peninsula.

Mr. PERRY. And I agree with you about that for sure.

Ambassador HILL. That is brutal stuff. And if we give in to that we have a problem with alliances all over the world. We are, if you will, a sort of island power that needs those overseas alliances. We need to have these important allies out there and I think what goes on in Korea can inform what can go on in other parts of the world.

So we have to handle it—

Mr. PERRY. But in a broader sense, Moon's kind of relationship so to speak recently, is it more of a political calculation for his own purposes as the leader of Korea and becoming, and aspiring to be the leader of South Korea, or is it strategic and does it, is it a force multiplier for us, because I don't necessarily see it as assisting in our efforts to denuclearize them while North Korea is specifically working to decouple the relationship with the United States.

Ambassador HILL. I will defer to the opinions of others, but my opinion is that Moon understands the North Korean threat as well as every other Korean leader has and understands the importance of the U.S. relationship, but he believes that they will have more room to maneuver if there is dialogue with the North Koreans. And I think this started as an effort to create a safer environment for the Olympics but it has gone beyond that and I think it is in our interest to stay very close to Mr. Moon. And I might add that Presi-

dent Moon has the reputation for saying the same thing to different people which is quite refreshing.

Mr. CHA. The only thing I will add is that I think that a lot of the diplomacy that we are seeing now was generated by the South Koreans, you know, again using the Olympics initially. And I mean that is a good thing in the sense that in December of last year we all thought we would be, you know, possibly, certainly in a crisis, but possibly close to armed conflict by April. So in that sense it is a good thing. However, at the same time there is the danger of raising expectations and overselling what the North Koreans may be interested in. And I worry about that quite a bit because the last thing we want is for the President to walk into this meeting and say this is not what I expected.

Mr. PERRY. Well, I don't know who is raising expectations. From my standpoint, anybody that has watched North Korea over the course of their lifetime knows that they are very, they are completely duplicitous so they are not to be trusted whatsoever. I have almost zero expectations. I am glad for the diplomacy. I much prefer it to anything else that as far as the options that are before us, but I have very low expectations.

But once again I don't think it takes us any less further than we are at the present time or where we were—look, it is great that whether the Olympics were just the opening, the entree, and then great things happen from there and we can continue or whether it is just another ruse by the North Koreans, I think we have to take the shot. So I am all for that.

Let me just ask you one last question with the chairman's indulgence. What are the tangible indications of denuclearization? Let's just say, let's not raise any expectations, right, let's not. But if it were to happen, other than, Ambassador Hill, I think you said commit in writing, with all due respect I think they would crumple the paper up that that is written on as soon as they walk away from writing it if that is what they so desire and they don't care about it.

But what are the tangible indications of denuclearization and what is the time frame that America should look for if North Korea is indeed sincere?

Ambassador HILL. I will just say that the purpose of committing in writing is not necessarily to have denuclearization. It is to say to the other countries involved in the Security Council process that the U.S. has gone further than, has tried as hard as it could and the North Koreans have, if they crumple up this piece of paper, prevaricated once again and that we need to move further on sanctions.

So I consider getting them on the record a key factor in getting even stronger sanctions which it may require. After all, this is a country that can produce nuclear weapons but cannot produce gasoline. And so the capacity to sanction gasoline, the capacity to make sure sanctions are fully enforced even in the ship-to-ship efforts that we have seen lately, if we can do that I think North Korea will be more in a mindset to consider their future and the fact that their future may be better without nuclear weapons.

But in answer to your question, I do not see a tangible indication from the North Koreans that they are prepared to denuclearize. I haven't seen that for several years.

Mr. CHA. Also your question was what would we want to see in terms of tangible, so I would point to three things very broadly. The first is movement in terms of things beyond the plutonium program because in the past they have sold the plutonium program to us and when the real concern was this newer, more modern program.

The second thing is ICBMs. That is the thing that is different today from the last three times we did this negotiation, this ability to reach out and touch the United States with something they did not have before. So those would be two of the priorities, I think.

Mr. PERRY. Mr. Chairman, thank you.

Mr. YOHO. No, I appreciate your question and I appreciate you all hanging in there. And I think this is an important thing and the expectation level yet would be great to be very optimistic about that we would love to get, you know, something not just in writing. I think writing is worthless. It is the actions that go with that.

And this again the Foreign Affairs Committee has been so good at the different bills and letters we have written out. H.R. 1771 was the sanctions act, H.R. 757 North Korea Sanctions and Policy Enhancement Act, thank you there, H.R. 3364, Countering America's Adversaries Through Sanctions Act, letters to the administration on secondary sanctions, we also sent them to the Treasury Department asking why haven't these secondary entities in China been sanctioned and we were happy to see those things did follow through. And then H.R. 3898, the Otto Warmbier North Korea Nuclear Sanctions Act which passed the House, I think it was 415 to 2 and it is waiting for work in the Senate which is probably one of the strongest sanctions against North Korea.

But here we are and we look at an isolated state, North Korea, when the rest of the world is progressing and we have China that has the biggest hand as far as trade with North Korea knowing they do 90 percent of the trade with them, China, I would think, would want a resolution to this as much if not more than South Korea. South Korea is right there, they are very vested. We are very vested. We have roughly 48,000 military people, 200,000 support people with them and families so it is very serious for us too. But if you look at the trade difference between South Korea and China and North Korea and China, the trade between South Korea and China is multiple folds of what it is to North Korea.

And eventually after all wars it seems we focus on trade, so I would think China would come to the table to put the pressure more so on North Korea to be sincere about really getting rid of the nuclear weapons. The nuclear weapons is going to box Kim Jong-un into a further corner of isolation and then what you have is the threat of Japan maybe developing nuclear weapons which China won't like, and it just, it starts a cascade, a catch-22 situation where we don't become safer in the world, we become less safe. And so this is something let's hope these talks go well.

And as far as unification, I was over there talking to the people of South Korea, I said can you explain to me how that would work? Does that mean North Korea would become more like South Korea?

And they said no, and I said well, does that mean South Korea has to become more like North Korea? And it was kind of quiet in the room.

And it is just a tough situation and let's just hope through the diplomacy, through the continued sanctions that we have going on that I, for one, will recommend these will not be backed off and if anything else they will be tightened up until, you know, you are earnest in what you are saying you are going to do and then we have the verification of that and then welcome North Korea into the 21st century. I don't think anybody is trying to invade North Korea. I think that is pretty well established. And let them know that, you know, we welcome you into the world with the rest of us on an even playing field.

So with that I thank you for your time. A lot of good recommendations came out of here. We look forward to passing those on to the administration and I just thank you for your expertise and your time being here. The meeting is adjourned, thank you.

[Whereupon, at 3:40 p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Asia and the Pacific
Ted Yoho (R-FL), Chairman

April 6, 2018

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Asia and the Pacific in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Wednesday, April 11, 2018

TIME: 2:00 p.m.

SUBJECT: North Korea's Diplomatic Gambit: Will History Repeat Itself?

WITNESSES: Sung-Yoon Lee, Ph.D.
Kim Koo-Korea Foundation Professor in Korean Studies and Assistant Professor
The Fletcher School of Law and Diplomacy
Tufts University

Victor Cha, Ph.D.
Senior Adviser and Korea Chair
Center for Strategic and International Studies

The Honorable Christopher R. Hill
*(Former Assistant Secretary for East Asian and Pacific Affairs, U.S.
Department of State; Former U.S. Ambassador to South Korea)*

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Asia and the Pacific HEARING

Day Wednesday Date 04/11/18 Room 2172

Starting Time 2:20 pm Ending Time 3:40 pm

Recesses (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Yoho

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

TITLE OF HEARING:

North Korea's Diplomatic Gambit: Will History Repeat Itself?

SUBCOMMITTEE MEMBERS PRESENT:

Chabot, Rohrabacher, Perry, Wagner, Brooks, Sherman, Bera, Connolly

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Donovan

HEARING WITNESSES: Same as meeting notice attached? Yes No

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

QFR - Sherman

QFR - Wagner

SFR - Connolly

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 3:40 pm


Subcommittee Staff Associate

Statement for the Record

Congressman Gerry Connolly

AP Subcommittee Hearing: "North Korea's Diplomatic Gambit: Will History Repeat Itself?"

April 11, 2018

A nuclear-armed North Korean regime poses a dangerous threat to U.S. national security and that of our allies. The United States must be prepared to engage in robust and persistent diplomacy in order to achieve denuclearization of the Korean Peninsula. But President Trump's impulsive agreement to a summit with Kim Jong-un is a high-risk gambit that could derail the prospect of negotiations before they begin. The move instantly strengthened the regime in Pyongyang and gained no concessions in return. Furthermore, the failure of this presidential summit would cause lasting damage to the prestige of the Office of the President and could be used by the Trump Administration to justify kinetic action on the Korean Peninsula.

A presidential summit is valuable leverage that Trump has squandered in exchange for nothing. Rewarding Kim Jong-Un with that which he desires most – international legitimacy – is not without cost. It signals to nuclear threshold states that they too should adopt the North Korean model of extreme brutality, threats, and endless provocation.

The Administration must learn Kim Jong-un's motives for seeking this meeting, and understand fully the leverage and incentives we have to deter North Korea from its current destructive path. The ultimate goal of negotiations with North Korea is denuclearization of the Korean Peninsula. A strict and comprehensive international sanctions regime has brought Kim to the negotiating table. But the United States must make clear the carrot we will offer in exchange for strict and verifiable denuclearization requirements placed on Pyongyang.

We have a model that works. In response to illicit Iranian nuclear activities, the international community established a robust sanctions regime that drove Iran to the negotiating table. Before agreeing to formal talks, the United States extracted specific commitments from Iran to freeze portions of its nuclear program. But it was the promise of relaxed sanctions and increased international trade that convinced Iran to reverse its nuclear program and adopt the Joint Comprehensive Plan of Action (JCPOA), with which it is in compliance to this day. Articulating incentives for denuclearization is an essential component of any diplomatic engagement with North Korea, including the upcoming dialogue between President Trump and Kim Jong-un.

Successful diplomatic negotiations will require a fully resourced and staffed State Department, a robust interagency team, and a disciplined strategy. The Trump Administration is woefully unprepared on each of these fronts. Despite the fact that the Korean Peninsula has been the number one global flashpoint for Trump's entire presidency, several critical diplomatic positions remain unfilled. There is no nominee for U.S. Ambassador to South Korea. Susan Thornton and Andrea Thompson have yet to be confirmed as Assistant Secretary of State for East Asian and Pacific Affairs and Under Secretary for Arms Control and International Security, respectively. Special Representative for North Korea Policy Joseph Yun recently retired. And in the midst of critical diplomatic preparations for a presidential summit, Trump fired Secretary of State Rex Tillerson and nominated CIA Director Mike Pompeo to replace him.

If this summit is deemed a failure, whether because expectations are not met or it does not occur, the United States may find itself even closer to the brink of war with North Korea. Indeed, Trump's new National Security Advisor John Bolton recently characterized the presidential summit as "a way to shorten the amount of time we're going to waste on negotiations that will never produce the result we want, which is Kim giving up his nuclear program." If conflict were to break out on the Korean Peninsula again, upwards of 25 million people on either side of the DMZ would be at immediate risk. Army Chief of Staff, Gen. Mark Milley, said "the brutality of this will be beyond the experience of any living soldier." Estimates are at least 10,000 Americans could be wounded in the opening days of combat and hundreds of thousands of civilian casualties are likely. It is for this reason that military action must be an absolute last resort.

The Korean Peninsula remains one of the most dangerous flashpoints on the globe. The President's hasty summit agreement, coupled with his neglect of U.S. diplomatic resources, risk blundering us into war rather than setting the stage for peace. We must remain open to diplomatic engagement with the North, but not at any cost and not without concrete assurances that such an endeavor is guided by steady hands.



Questions for the Record

Congresswoman Ann Wagner

AP Subcommittee Hearing: "North Korea's Diplomatic Gambit: Will History Repeat Itself?"

April 11, 2018

1. Clearly, Sino-U.S. cooperation on North Korea, while necessary, has its limits. China has cooperated with the Trump Administration to an unprecedented degree—even going so far as to ban dual-use exports to North Korea this past weekend—but its regional agenda is not the same as ours. Ambassador Hill, to what extent will China seek to control the direction of the upcoming U.S.-North Korea talks? Could the United States improve its bargaining position by establishing common ground with China in advance?
2. The Kim regime has tied nuclear power to its legitimacy. Yet, as you have observed, Dr. Cha, many North Koreans have highly negative attitudes towards the nuclear weapons program. What is the extent of anti-regime sentiment in North Korea? How can the United States credibly leverage this discontent?
 - a. Dr. Cha, you mentioned that Russian support would help neutralize North Korean proliferation activities. Yet Russia supports numerous regimes that are actively engaged in proliferation of weapons of mass destruction, such as Syria and Iran. How can we count on Russia to support counterproliferation efforts against North Korea?
3. Dr. Lee, in your testimony you describe North Korea as "*seemingly* irrational." That's an apt description of a government that has deployed a remarkably sophisticated strategy to manipulate risk for financial and diplomatic gain. This is not a new phenomenon. Over fifty years ago, the great deterrence theorist Thomas Schelling wrote extensively about this very strategy, which North Korea has used for decades. You imply that we should tweak our understanding of "rational actors." How would you define rationality in Northeast Asia? How should the U.S. change its approach to rogue states?

Dr. Lee: If all politics truly is local, then the U.S. must take into serious consideration that the basic internal dynamic in the Korean peninsula—a backward totalitarian state competing against an advanced democracy for pan-Korean legitimacy. One often mocks and patronizes the ultra-weird North Korean regime, but history shows that the Kim dynasty has maximized its comparative advantages of hyper-expanded military and little regard for human life to extort its bigger neighbors. The regime has also weaponized its ultra-weirdness to maximum effect, so that an all-too-predictable post-provocation peace ploy creates unfounded expectations of genuine peace and actually compels adversaries into prematurely making concessions.


As someone who has read North Korea's propaganda in the original Korean for decades, and who is familiar with how that propaganda has exploited regional and ideological

divides within South Korean society, I am convinced that Pyongyang is pursuing a rational, long-term strategy of alternately charming and censoring the other incomparably more successful state, South Korea, into submission. In the wake of the April 27 Moon Jae In-Kim Jong Un summit meeting, President Moon is building on a series of Joint Statements that accept an inter-Korean confederation government marked by no “mutual criticism”—as if there exists some kind of moral equivalence between the democratic Seoul and totalitarian Pyongyang—as the shared objective of both Koreas. Certainly, Pyongyang's sophisticated influence operations in South Korea are one important part of this unconventional equation. But another, the latent anti-Americanism in the South, born of the persisting dependence mentality on the part of the South Korean people that the U.S. *should* have resolved all inherently Korean questions like liberation, nation-building, and democracy, is a key factor in these unfavorable dynamics.

Furthermore, extortion and terrorism increasingly play important roles. Pyongyang's attempted assassination of defectors, attacks like those against the ROKS Cheonan and Yeonpyeong Island in March and November, respectively, in 2010, the Kuala Lumpur VX attack in February 2017, a series of cyberattacks in recent years, and now, nuclear blackmail will send a message that there will be consequences if Seoul refuses to submit to Pyongyang's extortion and post-abuse placation. In late-2014 Pyongyang even challenged American's own freedom of expression with terrorist threats over a film parodying Kim Jong Un.

Thus, if Pyongyang has a rational plan to subvert the U.S. and South Korean democracies, the United States, too, must be willing to subvert the North Korean political system with information operations that directly challenge Kim Jong Un's legitimacy, and that inform the North Korean people that it is none other the North Korean tyrant himself who blocks their path to a life worth living. Moreover, this message should be imparted continually to the South Korean people as well as to the world at large. A murderous tyrant may don a smile and dupe much of the civilized world; but one is but a murderous tyrant, while the other is a civilized world still. It is our duty to inform the world public the whole truth and nothing but the truth.

[Note: No additional responses to the previous questions were received prior to printing.]



Questions for the Record

Ranking Member Brad Sherman

AP Subcommittee Hearing: "North Korea's Diplomatic Gambit: Will History Repeat Itself?"

April 11, 2018

Question for all three witnesses: Dr. Sung-Yoon Lee, Dr. Victor Cha, Amb. Christopher Hill.

1. If we are not successful in freezing and rolling back significantly North Korea's nuclear weapons program in the next year or two, will Japan develop or take steps toward developing its own nuclear weapons, and what steps could it take? How important is it to China that Japan not develop or take steps toward developing its own nuclear weapons?

Dr. Lee: Such is the taboo and public resistance to nuclearization in Japan, Tokyo is unlikely to go nuclear unless its Korean neighbor—Seoul—first crosses the nuclear Rubicon. Such a two-step nuclear proliferation in Northeast Asia, almost unthinkable a decade ago, is increasingly becoming an eventuality with the relentless acceleration of North Korea's nuclear and missiles programs.

I am less concerned about the spread of nuclear weapons itself than about where they spread. China's growing aggressive behavior and its record of facilitating North Korea's proliferation have created a dangerous imbalance of power in the region. If the United States proves unable to offset this imbalance, then Washington's ability to tell states like Japan, South Korea, or even Taiwan that they must continue to live on the wrong side of this imbalance solely in the trust of U.S. extended nuclear deterrence can only be compromised. The proliferation of nuclear weapons to Britain and France did not represent a threat to peace or stability in Europe; rather, within the framework of the NATO alliance, nuclear Britain and France arguably checked potential Soviet aggression and contributed to protecting the peace in Europe. In an age when Americans are increasingly weary of guaranteeing the defense of other nations, it may be time to revise U.S. thinking about responsible democracies acquiring nuclear weapons for their own defense against aggressive neighbors. In such an event, the U.S. should seek a more formal alliance with the new nuclear states to combine U.S. deterrent power with their nascent capabilities and reduce the risk of war and further proliferation. This new dynamic in Northeast Asia, its inherent proliferation risks notwithstanding, will likely coerce states like North Korea and China to moderate their behavior rather than challenge it with further aggression.

2. What could be done to strengthen the already strong UN economic sanctions on North Korea—that ban almost all North Korean exports and limit its oil and refined petroleum imports—not in terms of getting countries to adhere to sanctions, but in terms of adding to the sanctions themselves? Other than shortening the period for the repatriation of North Korean guest workers abroad (which is currently two years), and adding financial and banking sanctions, what more sanctions measures could the UN adopt? Would China vote yes on such sanctions measures and why?

Dr. Lee: On paper, the U.S. has vastly increased the number of designations of North Korean proliferators and, to date, has sanctioned one small Chinese bank, the Bank of Dandong. In reality, however, the story is neither compelling nor reassuring. The sanctions enforcement effort is badly understaffed. The Treasury Department, the FBI, the Justice Department, and the intelligence agencies all lack sufficient resources to identify, sanction, and prosecute violators. I was disheartened to read a recent Bloomberg News report that the Treasury Department has decided to impose no sanctions whatsoever on the big Chinese banks that continue to violate U.N. sanctions and violate U.S. laws by laundering North Korean money through the U.S. financial system.

Evidence from the U.N. Panel of Experts and Justice Department filings shows that big Chinese banks are still failing to prevent North Korea from laundering money, either knowingly or by failing to perform the due diligence required by new Treasury regulations that implement Section 201 of the North Korea Sanctions and Policy Enhancement Act of 2016. The official quoted in Bloomberg's report said that Treasury was abstaining from blocking major banks from the financial system for fear of adverse consequences for the system as a whole. That may be a legitimate concern, but it does not account for other available legal tools, including less special measures under Section 311 of the Patriot Act, criminal prosecutions such as the recent case against the Chinese conglomerate ZTE, or the tool that the Obama administration used with great success to enforce Iran sanctions—civil penalties in the billions of dollars for violations of U.S. sanctions legislations.

Treasury's position instead amounts to preemptive immunity for Chinese banks to break U.S. laws. I am puzzled that the Treasury Department would place the interests of China's banks over its duty to obey and enforce the laws passed by the elected representatives of the American people and signed by two U.S. Presidents of different parties. This statement by Treasury almost guarantees that sanctions will fail to disarm Kim Jong Un peacefully. It is for Congress to conduct the oversight that will compel the Treasury Department to faithfully execute this nation's laws.

[**Note:** No additional responses to the previous questions were received prior to printing.]

