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

### **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."<sup>1</sup> The regime approaches foreign policy with a mix of medieval unsophistication and avant-garde criminality.<sup>2</sup> 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,<sup>3</sup> while without fail each year secures its place in the world's

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<sup>1</sup> 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>

<sup>2</sup> 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.

<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

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. policymaker 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."<sup>7</sup>

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<sup>4</sup> 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>

<sup>5</sup> "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>

<sup>6</sup> 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>

<sup>7</sup> "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.<sup>8</sup> 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 shutdown 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

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<sup>8</sup> 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.<sup>9</sup>

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

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<sup>9</sup> 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 38<sup>th</sup> 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.