

Written Statement

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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.