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# CONGRESSIONAL TESTIMONY

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**The Trump-Kim Summit: Outcomes and Oversight**

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## The Trump-Kim Summit: Outcomes and Oversight

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A presidential meeting, particularly the first with an enemy nation, is considered the highest coin in the realm of diplomacy. Previous presidents felt that it wasn't worth spending on North Korea without clear evidence that the regime had committed to addressing allied security concerns. Such was the case in 2000 when President Bill Clinton turned down a summit invitation from Pyongyang because the regime refused to negotiate the terms of a missile agreement prior to the presidential visit.

What return on investment did the U.S. get from President Trump spending this valuable, once-in-a-lifetime presidential currency in a meeting with Kim Jong-un? The Singapore Communiqué was disappointing, particularly given the pre- and post-summit hype.

There was nothing new in the joint statement. Each of the four major components of the Trump-Kim communiqué were in previous accords with North Korea and most were stronger or more encompassing in previous iterations. Most notably, the North Korean pledge "to work toward complete denuclearization of the Korean Peninsula" in the Singapore Communiqué is weaker than the September 2005 Six Party Talks Joint Statement.

The Trump Administration emphasizes that the summit is only the beginning of a process. As such, it is the return to the first step in the well-trodden path of diplomacy with North Korea. Hopefully this time will turn out differently than the eight previous failed agreements with the regime.

### **Comparison of the Singapore Communiqué with previous North Korean agreements:**

**Singapore Communiqué:** "The United States and the DPRK commit to establish new U.S.-DPRK relations in accordance with the desire of the peoples of the two countries for peace and prosperity.

- **October 12, 2000 - US-DPRK Joint Communiqué:** "The United States and the DPRK have decided to take steps to fundamentally improve their bilateral relations in the interests of enhancing peace and security in the Asia-Pacific region...[and] prepared to undertake a new direction in their relations."

**Singapore Communiqué:** "The United States and the DPRK will join their efforts to build a lasting and stable peace regime on the Korean Peninsula."

- **October 12, 2000 - US-DPRK Joint Communiqué:** "to reduce tensions on the Korean Peninsula and formally end the Korean War by replacing the 1953 Armistice Agreement with permanent peace arrangements."

**Singapore Communiqué:** Reaffirming the April 27, 2018 Panmunjom Declaration, the DPRK commits to work towards the complete denuclearization of the Korean Peninsula.

- ***Treaty on the Non-Proliferation of Nuclear Weapons:*** Article II - Each non-nuclear-weapon State Party to the Treaty undertakes not... to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.
- ***Joint Declaration of South and North Korea on the Denuclearization of the Korean Peninsula (1992):*** "South and North Korea shall not test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons...South and North Korea shall not possess nuclear reprocessing and uranium enrichment facilities."
- ***Six Party Talks Joint Statement (September 2005):***
  - The six parties unanimously reaffirmed that the goal of the six-party talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner.
  - The Democratic People's Republic of Korea (North Korea) committed to abandoning all nuclear weapons and existing nuclear programs and returning at an early date to the treaty on the nonproliferation of nuclear weapons (NPT) and to IAEA (International Atomic Energy Agency) safeguards.
- ***Six Party Talks Joint Statement (February 2007)***
  - Within 60 days, North Korea will "Shut down and seal the Yongbyon nuclear facility for the purpose of abandonment; Invite the IAEA to return to the country to conduct all necessary monitoring and verification as agreed between the IAEA and the DPRK; Discuss a list of all its nuclear programs and materials, including the plutonium extracted from fuel rods that will be abandoned pursuant to the Joint Statement; and in the follow-on phase, the DPRK will provide a complete declaration of all nuclear programs and disablement of all existing nuclear facilities."

**Singapore Communiqué:** "The United States and the DPRK commit to recovering POW/MIA remains including the immediate repatriation of those already identified."

- ***October 12, 2000 - US-DPRK Joint Communiqué:*** "The U.S. side expressed appreciation for DPRK cooperation in recovering the remains of U.S. servicemen still missing from the Korean War, and both sides agreed to work for rapid progress for the fullest possible accounting."
- ***Note:*** U.S. teams previously operated in North Korea to recover and remove to the United States the remains of U.S. military personnel from the Korean War. Between 1995 and 2005, 33 recovery operations were conducted in North Korea and 200 sets of remains were returned.

Despite pre-summit statements by the administration that North Korea was moving toward accepting the UN-required concept of complete verifiable irreversible dismantlement of its nuclear programs, there was no evidence of that in the communiqué. When asked during a press conference why he didn't get Kim to agree to CVID, Trump replied, "Cause there's no time."

The Trump-Kim joint statement also did not include any reference to missiles, nuclear/missile test moratorium, biological and chemical weapons, verification, or human rights -- all topics that the Trump Administration stated would be discussed during the summit. By contrast, the 2000 President

Clinton-Marshall Jo communiqué included a pledge by North Korea to "not launch long-range missiles of any kind while talks on the missile issue continue."

### **Disparities Over Definitions**

Resolving the difference between the U.S. and North Korea definitions of such seemingly straightforward terms as "denuclearization" and "Korean Peninsula" is critical. Pyongyang defines "denuclearization" as global arms control and, as a self-professed member of the nuclear club, the regime will eliminate its nuclear arsenal when the other members do so.

In May, a senior North Korean official publicly rejected U.S. demands that the dictatorship rapidly, verifiably and irreversibly abandon its nuclear arsenal before getting any rewards. Instead, Vice Foreign Minister Kim Gye-gwan repeated long-standing demands for U.S. security and economic concessions in return for any constraint on Pyongyang's nuclear programs, and he affirmed that North Korea would not engage in unilateral disarmament.

Kim's statement was a reiteration of well-established regime positions that were well-known to Korea watchers but which surprised the White House which interpreted it as a broken promise. The realization of how far apart the two sides remained led the administration to lower expectations for the summit.

Another difference of view is that the U.S. interprets "Korean Peninsula" as the landmass encompassing North and South Korea. Therefore, denuclearizing the Korean Peninsula only pertains to the North Korean nuclear arsenal. However, Pyongyang defines the term to include anything that influences or impacts the peninsula which would include the U.S. extended deterrence guarantee ("nuclear umbrella") and any nuclear-capable system such as submarines, aircraft carriers, dual capable aircraft, and strategic bombers in Guam.

Because the U.S. and North Korea have such different interpretations and given the failure of eight previous diplomatic agreements with Pyongyang, it shows the necessity of having clearly delineated text and rigorous verification protocols. Both of those components were included in arms control treaties with the Soviet Union and Warsaw Pact but in none of the agreements with Pyongyang.

### **Canceling U.S.-South Korea Military Exercises**

After concluding the summit with Kim Jong-un, President Trump held a press conference in which he unilaterally declared that he would cancel the "provocative" U.S. - South Korea "war games" -- terms that Washington had always rejected when used by North Korea. This was a major unilateral concession to Pyongyang for which the United States received nothing in return.

Trump described the routine training exercises as "inappropriate" while negotiating with North Korea, but focused more on their cost. He commented that the exercises are "tremendously expensive ... South Korea contributes but not 100 percent...We save money -- a lot" by canceling them.

During subsequent interviews. Trump affirmed that "I hated them from the day I came in. I said, why aren't we being reimbursed? We pay for it. We pay millions and millions of dollars for planes...It costs us a lot of money. I saved lot of money."

For years, the U.S. had correctly rejected North Korea's "freeze for freeze" proposal in which Pyongyang would suspend its prohibited nuclear and missile tests in return for Washington and Seoul suspending allied conventional military exercises. In September 2017, U.S. Ambassador to the UN Nikki Haley dismissed the freeze for freeze proposal as "insulting [since] "When a rogue regime has a nuclear weapon and an [intercontinental ballistic missile] pointed at you, you do not take steps to lower your guard."<sup>1</sup>

As I wrote in 2015, "canceling the combined exercises would have degraded U.S. and South Korean deterrence and defense capabilities necessitated by North Korea's previous invasions—terror attacks; its forward-deployed, offensively positioned military forces; and repeated threats of attacks, including nuclear strikes on the United States and its allies."<sup>2</sup>

Last week, my Heritage colleague U.S. Army Lieutenant General Thomas Spoehr (ret.) concluded that "canceling military exercises before North Korean has taken any concrete steps to demonstrate its intentions would be troubling...These exercises are necessary to ensure the interoperability and integration of operations [and] ensure readiness and preparedness."<sup>3</sup>

Spoehr assessed that "suspending these large joint exercises for an extended period of time, particularly for more than six months, could erode the readiness of U.S. and South Korean forces to successfully work together to defend South Korea. [If the president's pledge] "encompasses lower-level exercises, the negative impact on readiness will be more immediate and severe...Because ceasing these exercises would erode the U.S. and South Korea's ability to defend the peninsula."

Analysts at the Heritage Foundation have consistently recommended that the U.S. not accede to North Korean demands to cancel these exercises unless the north shows more tangible signs of seriousness in seeking peace and stability. Spoehr concludes that "the financial cost of these exercises is simply the price the U.S. must pay to defend its global national interests. The South Koreans pay their share of the exercise costs."

***Alliances are the cost-effective option.*** A key component to mitigating risk in northeast Asia is through maintaining strong alliances and robust forward-deployed U.S. forces in the region. The Heritage Foundation's annual Index of Military Strength<sup>4</sup> highlights the importance of alliances to U.S. security.

An essay in the 2017 index explains:

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<sup>1</sup> Paul D. Shinkman, "China's 'Freeze for Freeze' Plan for North Korea Gets Chilly Reception in U.S.," U.S. News and World Report, September 5, 2017, <https://www.usnews.com/news/world/articles/2017-09-05/us-rejects-chinas-freeze-for-freeze-plan-for-north-korea>.

<sup>2</sup> Bruce Klingner, "Respond Cautiously to North Korean Engagement Offers," The Heritage Foundation, April 20, 2015, <https://www.heritage.org/defense/report/respond-cautiously-north-korean-engagement-offers>.

<sup>3</sup> Thomas Spoehr, "Suspending Military Exercises in South Korea Carries Risks," The Heritage Foundation, June 12, 2018, <https://www.heritage.org/asia/commentary/suspending-military-exercises-south-korea-carries-risks>.

<sup>4</sup> "Index of U.S. Military Strength, The Heritage Foundation, <https://www.heritage.org/military-strength>.

The costs of alliances, including the sometimes disproportionate cost of alliance leadership, must not be weighed against cash savings but rather against the cost of possible conflict in blood as well as treasure without them.

Preserving peace and sustaining the global political and economic system's current U.S. orientation can be achieved most cost-effectively with allied support. The alternatives would call for either the maintenance of a huge U.S. military presence overseas far in excess of what is being maintained now or the holding of substantial forces in readiness at home in case the need arose to fight their way back into Europe or Asia to confront trouble in support of what is called "offshore balancing."<sup>5</sup>

Trump's decision was a mistake which risks degrading allied military deterrence and defense capabilities. He accepted the bad half of North Korea's bad freeze-for-freeze proposal without the regime codifying its nuclear and missile test moratorium in the Singapore Communiqué. Nor did Pyongyang reciprocate with a freeze of its own large-scale annual Winter Training Cycle and Summer Training Cycle conventional exercises.

It is unclear whether Trump will only cancel show-of-force activities such as flyovers of B-2 strategic bombers and large field training exercises Key Resolve and Ulchi Freedom Guardian or whether he will also ban unit field training exercises and command post exercises.

Even if restricted to large-scale exercises, the announcement could be a slippery slope in which Pyongyang demands curtailing additional allied military activity. North Korea has repeatedly criticized or taken action against an opponent which violated the regime's interpretation of a vague agreement. This year, North Korea canceled an inter-Korean meeting and criticized the allied military exercises that Kim Jong-un previously promised he wouldn't criticize because they "violated" the Panmunjom Declaration.

Trump's decision could also raise questions as to the continued utility of US Forces Korea on the peninsula if it cannot train there. Trump's unilateral decision, made without consultation with South Korea or Japan, will generate concerns of U.S. resolve and commitment to defend them. Japan Defense Minister Onodera told Secretary of Defense Mattis that Tokyo regretted not being informed beforehand of the decision, and that there are fears that the suspension of military exercises will weaken deterrence in the region. Onodera said, "US-South Korean military exercises are a critical pillar for regional peace and stability."<sup>6</sup>

### **Recommendations**

The United States may have the opportunity to finally cut the Gordian Knot of intertwined issues of eliminating the North Korean nuclear threat to the U.S. and its allies, ending the Korean War with a permanent peace treaty, addressing the regime's atrocious human rights record, and establishing diplomatic relations with Pyongyang. Perhaps this time is different. But there is a long track record of previous failed diplomatic efforts with Pyongyang which were all greeted in their time as breakthroughs.

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<sup>5</sup> Martin Murphy, "The Importance of Alliances for U.S. Security, The Heritage Foundation, <https://index.heritage.org/military/2017/essays/importance-alliances-u-s-security/#fn10-3781>.

<sup>6</sup> NHK News, June 16, 2018, <https://www3.nhk.or.jp/news/html/20180616/k10011480201000.html> (Japanese text).

As the U.S. and its allies work toward such an agreement, President Trump and U.S. diplomats should focus on several key tasks:

- ***CVID.*** North Korea should unequivocally, explicitly, and publicly accept the UN-required abandonment of the regime's nuclear, missile, and BCW weapons programs in a "complete, verifiable, and irreversible manner." [UN resolution cite]. It should be implemented in an expeditious manner.
- ***Return to previous agreements.*** Pyongyang should the affirm its recommitment to previous international denuclearization accords, the armistice ending the Korean War, the inter-Korean Basic Agreement, and return to the Non-Proliferation Treaty, the IAEA Safeguards agreement, and join the Missile Technology Control Regime.
- ***Require detailed, carefully crafted text.*** Past negotiations with North Korea were flawed because the allies, overeager to achieve an agreement, acquiesced to short, vague agreements which paid insufficient attention to details. Unlike extensively detailed arms control treaties with the Soviet Union which clearly identified definitions and provisions, all agreements with North Korea were terse and poorly crafted.
- ***Create a Road Map.*** Once both sides agree on what will be constrained and eliminated, there must be settlement on linkages and sequencing of responsibilities, as well as the timelines under which they will be carried out. There should be agreement on concise timelines for expedited rather than protracted implementation.
- ***Get it in writing.*** There has been a long history of Americans being surprised that North Korea had a different interpretation of the provisions and requirements of agreements. U.S. negotiator claims of oral agreements with North Korean counterparts enabled the regime to pocket concessions without reciprocating. Oral agreements with North Korea are not worth the paper they are written on. Unfortunately, we are already seeing signs of this in post-summit statements by President Trump and Secretary of State Pompeo.
- ***Distrust but verify.*** North Korean cheating on previous agreements makes it even more important to have a far more robust and intrusive verification regime than in the past. Parameters should be commensurate with the verification protocols of the START, INF, and CFE Treaties with the Soviet Union and Warsaw Pact.
  - Provisions must include data declaration of North Korea's nuclear, chemical, biological and missile production, fabrication, test and storage facilities and the stockpile of fissile material and weapons of mass destruction arsenals; dismantlement of those facilities and destruction of the regime's WMD arsenals; on-site inspections of declared facilities; and short-notice challenge inspections of non-declared facilities. Given President Trump's criticism of the JCPOA, an NK deal must provide complete and total access to all North Korean military sites.
- ***Maintain Pressure Until Significant Progress Is Achieved.*** President Trump should not relax sanctions in return for North Korean pledges or minimalist implementation. Trump should make clear the differences between negotiable trade sanctions, such as U.N. measures that limit North Korean import of oil and export of coal (which can be relaxed in return for progress on denuclearization), from non-negotiable U.S. targeted financial measures, which are law enforcement measures defending the U.S. financial system.
  - The North Korea Sanctions and Policy Enhancement Act, Sections 401 and 402 allow the U.S. to suspend sanctions for up to one year or remove sanctions only if North Korea has made progress on several stipulated issues. [North Korea Sanctions and Policy Enhancement Act of 2016, H.R. 757, 114th Cong., 2nd Sess., 2016.

- ***Peace treaty contingent on reducing conventional force threat.*** A peace treaty should be an endpoint of arms control negotiations rather than the opening gambit to improve relations with North Korea. Signing a peace treaty prematurely can dangerously degrade allied deterrence and defense capabilities since it would end the basis for the United Nations Command and could create momentum in both South Korea and the U.S. for “the war is finally over, bring the boys home.”
  - The U.S. and South Korea should not sign a peace treaty until the North Korean nuclear threat is eliminated and the conventional threat reduced. North Korea has extensive conventional, mechanized, armor, and artillery corps deployed near the demilitarized zone, posing a threat to the south.
  - These forces should be capped and then weaned away from the forward area using measures similar to those in the Conventional Armed Forces in Europe Treaty and the accompanying Vienna Document of Confidence and Security Building Measures. Reducing the potential for either side to conduct a sudden-start invasion while increasing transparency on military forces can lower tensions by reducing the potential for miscalculation leading to a military clash.
- ***Economic assistance should be predicated on CVID progress.*** Provision of aid and assistance should be implemented in a manner to encourage economic reform, marketization, and the opening up of North Korea to the outside world rather than providing direct financial benefits to the regime.
  - Should be consistent with U.S. laws and lending requirements of International Financial Institutions. Executive Order 13722 bans "new investment in North Korea [and] any approval, financing, facilitation, or guarantee by a US person...where the transaction...would be prohibited...if performed by a United States person or within the United States."
  - There should be direct payments of wages to workers rather than the procedures in the Kaesong joint-economic experiment whereby wages were paid to the regime which siphoned off the money and provided trading scrib to workers to be redeemed in factory stores.
- ***No normalization of diplomatic relations without progress on human rights.*** Pyongyang's human rights violations have been so widespread, systemic, and egregious that the UN Commission of Inquiry determined they legally constituted "crimes against humanity." Some of the U.S. sanctions imposed on North Korea, including directly against Kim Jong-un, are due to human rights violations. Suspension or removal of U.S. sanctions are, in part, predicated on North Korea improving internal human rights conditions.<sup>7</sup>

## Conclusion

The U.S. and its allies must keep their shield up and its sword sharp until the threat necessitating their need is removed or reduced. President John F. Kennedy declared, "The costs of freedom is always high -- but Americans have always paid it." America, and its mothers and fathers of those brave men and women in the U.S. military do not take that commitment lightly but we are willing to make it.

The parents of 28,500 American warriors have pledged their most precious treasure – their children – to defend our allies in the region. Many more would come if there were a crisis. There can be no

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<sup>7</sup> North Korea Sanctions and Policy Enhancement Act, Sections 401 and 402, <https://www.congress.gov/congressional-report/114th-congress/house-report/392/1?overview=closed>.



stronger signal of American commitment. We share common values and common cause with our South Korean ally. Yesterday...today...and tomorrow....katchi kapshida ("we go together").

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