NORTH KOREA AFTER KIM JONG-IL: STILL DANGEROUS AND ERRATIC

HEARING

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

APRIL 18, 2012

Serial No. 112–149

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/ or http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

73–815PDF WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

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NORTH KOREA AFTER KIM JONG-IL: STILL DANGEROUS AND ERRATIC

WEDNESDAY, APRIL 18, 2012

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will now come to order. Welcome to my fellow members of the committee, and of our distinguished panel of witnesses who are joining us today.

After recognizing myself and the ranking member, my good friend from California, Mr. Berman, for 7 minutes each for our opening statements, I will recognize the chairman and the ranking member of the Subcommittee on Asia and the Pacific for 3 minutes, followed by 1-minute statements from each committee member who wishes to speak.

We will then hear from our witnesses, and I would ask that you summarize your prepared statements to 5 minutes each before we move to the questions and answers with members under the 5-minute rule.

Without objection, the prepared statements of all of our witnesses will be made a part of the record, and members may have 5 legislative days in which to insert statements and questions for the record, subject to the length limitations in the rules.

The Chair now recognizes herself for 7 minutes.

Today we will examine the tumultuous events that have again consumed the Korean Peninsula. In a sense, negotiating with North Korea is similar to the endless repetition presented in the film Groundhog Day. Withdrawal from negotiations is followed by provocative action. Next, there is a wooing by the United States and its allies, with concessions offered. Then, a so-called breakthrough deal. Finally, another betrayal, often in the form of a missile launch or the disclosure of a secret nuclear operation.

It was so with the Clinton administration, with the George W. Bush administration, and thus it has come to pass, as well, with the Obama administration. President Clinton's agreed framework ended with the disclosure of Pyongyang's highly enriched uranium program. President Bush's attempt at rapprochement, including the removal of North Korea from the list of state sponsors of terrorism, which I adamantly opposed, was met with the construction of a secret nuclear reactor in Syria, which Israel thankfully destroyed.

And then, yet another betrayal. The Obama administration is confronted with the abject failure of its Leap Day deal on February 29th with North Korea, and has refused to send witnesses who were privy to the Beijing negotiations to testify today at our hearing.

Old Kim, Kim Jong-Il, had of course responded to President Obama's inaugural overture of an outstretched hand by kidnapping two U.S. journalists, firing a missile, setting off a nuclear weapon, sinking a South Korean naval vessel, and shelling a South Korean island. His son, Kim Jong-Un, seems fully intent on fulfilling the old adage that the apple doesn't fall far from the tree. He has already tried a failed missile launch, and may be plotting yet a third nuclear test.

The U.N. Security Council issued a presidential statement condemning the April 13th missile launch as a serious violation of Security Council Resolutions 1718, and 1874. No real consequences for North Korea's flagrant violation and action that threaten global peace and security.

While the missile blew up soon after leaving the launch pad, as all of us know, it is said that, in international relations, measuring intent is just as important as measuring capability. North Korea's rhetoric should have told our negotiators all they needed to know. The military-first policy of starving the people to feed the army and supply the munitions industry remains. The South Korean Defense Ministry estimated this month that the North Koreans spent $850 million on the failed missile launch, enough to buy corn to feed the entire population for an entire year. Politics in North Korea remains all about the Kim dynasty and its needs, not about either the concerns of the United States or the welfare of the Korean people.

A particularly unfortunate result of the Leap Day agreement was the combining of discussions of nuclear disarmament and food assistance at the same negotiating table. This was a departure from the approach of both the Clinton administration and the Bush administration, which held to the Reagan doctrine that a hungry child knows no politics. It also led to a highly embarrassing reversal on the food aid decision following the missile launch, even as administration officials insisted that there was no direct linkage between food assistance and the failed negotiations.

Our distinguished panel of experts can shed light today on whether succession from the old Kim to the young Kim has really changed anything in North Korea, or is it merely an old Kim in a new uniform? Further, there is the pressing issue of how we should respond to future provocation, including another nuclear test. We also wish to examine how we should go forward in addressing the simmering North Korean crisis: A rogue state, in possession of nuclear weapons, working on delivery capability, engaged in murky proliferation activities with opponents of the United States and south Asia.

The young general at Sunday's military parade gave every indication that trouble lies just ahead with North Korea. Dressed in a dark Mao suit, he viewed tanks, missiles, and goose-stepping troops as they paraded through North Korea's capital in a celebration of the hundredth anniversary of his grandfather's birth. In his first

public remarks since assuming power, the young Kim bombastically warned that "the days of enemies threatening and blackmailing us with nuclear weapons are forever over."

The new Kim looks and acts suspiciously very much like the old Kim. Here is a brief video clip, that will just take us a few seconds to line up, of the Cold War military parade held on Sunday in Pyongyang that clearly illustrates the nature and the priorities of the North Korean regime.

If we could show the clip?

[Whereupon, a video was played.]

Chairman ROS-LEHTINEN. Thank you very much. And now I am pleased to turn to my good friend, the ranking member of our committee, Mr. Berman of California, for his opening statement.

Mr. BERMAN. Well, thank you very much, Madam Chairman, for calling a very timely hearing. It is interesting to note, before I begin my opening statement, that the parade that we just saw that clip from showed a truck carrying a North Korean missile that looked very much, it is reported, like a similar Chinese truck. There are U.N. resolutions regarding the exports of arms to North Korea at this point.

Anyway, Pyongyang's failed missile launch, which is a clear violation of U.N. Security Council Resolutions, and carried out in defiance of strong international pressure, demonstrates that North Korea, under Kim Jong-Un, is essentially the same as when it was ruled by his father and grandfather.

Indeed, North Korean leaders have shown a remarkable consistency in reneging on commitments regarding their nuclear and missile programs, the latest being the February 29 Leap Day agreement. With the possibility of another nuclear test on the horizon, Pyongyang has shown its clear preference for provocative and destabilizing behavior. President Reagan famously remarked that, when dealing with the Soviet Union, we should trust but verify. With regard to North Korea, he might have said, "Never trust, and never cease to verify."

The fundamental questions before us today are, how can the United States and the rest of the world change the North's behavior? Is change even possible? And if not, then what should be the appropriate course of action to mitigate the North Korean threat? Successive Presidents, both Republican and Democratic, as the chairman pointed out, have pursued a policy of "tough engagement," with Pyongyang. Given North Korea's proclivity to break agreements before the ink has dried, does it make sense to continue this approach? If not, what is the alternative? Are there additional sanctions we could place on North Korea that would change their behavior, and does it make sense to tie food aid to specific actions taken by the North?

At a minimum, I believe the U.S. should do everything possible to ensure that existing U.N. Security Council Resolutions on North Korea are fully implemented, and I welcome the recent Security Council presidential statement, indicating that additional entities involved in North Korea's proliferation activities will be sanctioned in the coming days. We must also continue to coordinate closely with our South Korean and Japanese allies on how to best address

the North Korean threat, while maintaining a robust U.S. military presence in those countries.

By virtue of history and geography, China remains one of the few nations with some leverage over North Korea. Regrettably, Beijing has been unwilling to use that leverage to persuade Pyongyang to change course. While China may have expressed its displeasure with the North's recent missile launch, the fact remains that Beijing serves as Pyongyang's economic lifeline, sending food and fuel to prop up the North Korean regime, and luxury goods to satisfy the North Korean elite.

China continues to play this role because Beijing fears a flood of refugees from an unstable North Korea more than a North Korea armed with ballistic missiles and nuclear weapons. My guess is that Beijing also likes having a buffer between itself and South Korea, a strong U.S. ally. But by enabling the North Korean regime's reckless and aggressive behavior, which threatens regional stability, China ends up undermining its own security calculus.

And just what kind of regime is China backing? For the North Korean people, life under the young Kim is as bleak as ever, with the average citizen enjoying no real political, religious, or personal freedoms. Hundreds of thousands of North Korean political prisoners remain imprisoned in gulags. Others endeavor to escape by any means possible, even if it means crossing into China, where many refugees are forced into prostitution and hard labor.

Despite the North's efforts to appear "strong and prosperous" this year, to celebrate the hundredth birthday of the country's founder, vast numbers of North Koreans continue to face starvation. Sadly, the North Korean regime's misguided priorities, pouring hundreds of millions of dollars into its so-called space program, its nuclear programs, and its massive military, only underscore its cold-hearted callousness and blatant disregard for its own people. Chinese willingness to support such a wicked regime casts a dark shadow on Beijing's own international reputation.

I thank the panel of experts for being here this morning, and look forward to their thoughts on how to make our policy toward North Korea more effective. I yield back.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Berman. And taking Mr. Manzullo's spot, we will give 3 minutes to Mr. Royce, the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Thank you, Madam Chairman. Mr. Berman was just talking about the magnitude of the human rights abuses there. In terms of the numbers, this is the worst human rights abuser on the planet. And for any of us in these hearings who have heard the testimony or met up with defectors in China or in South Korea, it is truly appalling.

Now, when you think about the cost of this launch, at least a $0.5 billion cost to this launch—I have been in North Korea—there is no way that regime could squeeze pennies out of the populace in North Korea. To get this hard currency requires, for the most part, a funding source outside of the country. And frankly, if China were bothered by North Korea's ICBMs, if it were bothered by North Korea's dual-track nuclear program, it would stop subsidizing them. It would stop funding these operations.

A policy of tackling North Korea's illicit activities, which brings money from outside the country, whether it is the sale of their meth and heroin—they do a lot of that—or it is the sale of their missile programs, and bringing the hard currency back from that program, that is the way to weaken the regime.

And, as we will hear today, until it was dropped in favor of an alternative course of action in 2006, the Treasury Department went after North Korea's funds parked in Macau bank, attacking its counterfeiting, attacking its other illicit activities through the Proliferation Security Initiative.

If you will recall, on the high seas, many of these ships were stopped. It cut off the flow of currency into the regime, and that prevented—for a while—the government from paying its generals. It prevented for a while—according to the defectors we talked to, the missile program shut down. They couldn't buy gyroscopes on the black market for their missiles. I guess Japan had manufactured some gyroscopes, and you pay a premium on the black market to get those. They could no longer fund that, so for 8 months that program was shut down, until we reversed course and the money began to course back through the veins, back into the regime.

And this is what their head propagandist who defected to the United States told us. The number one goal is to get access to hard currency. For what purpose? To fund their nuclear program and their ICBM program. So it would require some energy, it would require some creativity, some focus. And I would say that that has been disturbingly absent to date in terms of how we address this problem. But for those of us——

Chairman ROS-LEHTINEN. Thank you.

Mr. ROYCE [continuing]. That would want to see a long-term solution to it, I think cut off the flow of illicit activities, look at what we did with Banco Delta Asia in terms of reinforcing that type of discipline, cut off the funding, and begin the process of the right kind of——

Chairman ROS-LEHTINEN. Thank you.

Mr. ROYCE [continuing]. Broadcasts into North Korea to begin the process of change internally.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Royce. Mr. Ackerman is recognized.

Mr. ACKERMAN. I thank the chair. I think you kids have got it covered.

Chairman ROS-LEHTINEN. Thank you. Mr. Manzullo is recognized.

Mr. MANZULLO. Thank you, Madam Chair, for calling this important hearing regarding North Korea and the future of the Korean Peninsula.

North Korea after Kim Jong-Il will remain just as dangerous and unstable as it was under his leadership. The glimmer of hope, no matter how minuscule, that Kim's successor, his son Kim Jong-Un, would pick a brighter path for his people, faded with last week's failed missile launch. Denuclearization of the Korean Peninsula remains a goal that the U.S. and the six-party partners must strive for. However, given North Korea's erratic behavior recently and

over the course of the past several years, the goal of denuclearization seems further away than ever before.

I commend the administration for halting assistance to the North, and I encourage the President and the Secretary of State to stand firm against any further destabilizing actions. Furthermore, if North Korea proceeds with testing a nuclear weapon, as they likely may do if prior behavior is any indicator, then all members of the six-party talks must forcefully condemn this behavior.

The future of North Korea is bleak, and it is the people of North Korea that will bear the unimaginable hardship of Kim Jong-Un's tyranny. It is my firm belief that North Korea will never give up its nuclear weapons, because it is the weapons themselves that the regime is using to maintain its iron grip there.

I hope our distinguished witnesses today will address the human rights tragedy, particularly as it relates to any possible negotiation with North Korea in the future. Madam Chair, again, thank you for calling this hearing. I look forward to hearing the testimony of our witnesses.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Manzullo. Thank you for your attendance, always. Ms. Bass is recognized.

Ms. BASS. Thank you, Chairman Ros-Lehtinen and Ranking Member Berman, for holding this hearing. Over more than five decades, the U.S. has strengthened its alliance and bolstered a lasting relationship with South Korea. Efforts, however, to achieve peace with North Korea have proven elusive and globally frustrating. With the passing of one leader and the emergence of another, now more than ever the United States must hold North Korea accountable for its actions, which continue to undercut peace and reconciliation on the Korean Peninsula.

I had the opportunity to go to the demilitarized zone, and looking at the—I don't know, it seemed almost like a scene out of history, looking back to the 1950s, at the level of tensions between the North and the South. And I am looking forward to comments that the panel might have about the new leader.

The world recently watched as North Korea failed to launch a rocket that many believe will be used to wage war. Events like this shed lights on the reality of the North and a society where many live in fear. Thank you for coming today.

Chairman ROS-LEHTINEN. Thank you so much. Mr. Chabot, the chairman of the Subcommittee on the Middle East and South Asia, is recognized.

Mr. CHABOT. Thank you, Madam Chair, and thank you for calling this timely hearing. Since the Obama administration came to office, its foreign policy has been characterized by so-called engagement. The President has defined this policy as extending an outstretched hand, in the hopes that the mere gesture would cause some of the world's most brutal dictators to unclench their fists.

The administration's engagement efforts with Bashar al-Assad of Syria, the brutal regime in Tehran, for example—those two are probably the best examples—have been complete failures. At best, they have not achieved their objectives, and at worst they have, in the eyes of the people in those countries, allied us with the regimes that brutalize them.

As Einstein noted, insanity is doing the same thing over and over again and expecting different results. And yet, that appears to be precisely what this administration has been doing in North Korea, as well as in the Mideast. As soon as one dictator passed, Kim Jong-Il, this administration leapt at the opportunity to engage with his son, Kim Jong-Un, who appears to be a chip off the old block. This has not worked, it will not work, and it should be reversed.

Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Chabot. And now I am pleased to recognize and introduce our panelists.

We will first hear from Frederick Fleitz—did I do that, more or less? Fleitz. He is currently the director of the Langley Intelligence Group Network. He served as a senior analyst with the CIA for almost two decades prior, and was Chief of Staff to John Bolton, then Under Secretary of State for Arms Control and International Security. To top off his distinguished career in government service, he became a professional staff member with the House Permanent Select Committee on Intelligence in 2006, acting as a senior advisor to our good friend, Committee Chairman Pete Hoekstra. Welcome back.

Then I would like to welcome Dr. Michael Green, a senior advisor and the Japan chair at the Center for Strategic and International Studies. Dr. Green previously served as Special Assistant to the President for National Security Affairs, and Senior Director for Asian Affairs at the National Security Council in the George W. Bush administration. He originally joined the NSC in 2001 as Director of Asian Affairs.

I would then welcome Mr. Scott Snyder, thank you, a Senior Fellow for Korean Studies and Director of the Program for U.S.-Korea policy at the Council on Foreign Relations. Prior to CFR, Mr. Snyder was a Senior Associate in the International Relations Program of the Asia Foundation, where he founded and directed the Center for U.S.-Korea Policy and served as the Asia Foundation's representative in Korea from the years 2000 to 2004.

And finally, we welcome Patrick Cronin. He is a Senior Advisor and Senior Director of the Asia Pacific Security Program at the Center for a New American Security. Previously, Dr. Cronin was the Director of the Institute for National Strategic Studies at the National Defense University, and has had a 25-year career inside government and academic research centers.

Thank you. We welcome our panelists today. I ask that our witnesses please keep your presentation to no more than 5 minutes. And without objection, the witnesses' entire statements, written statements, will be inserted into the hearing record.

So we will begin with Mr.——

Mr. FLEITZ. Fleitz.

Chairman ROS-LEHTINEN. Fleitz. Thank you.

STATEMENT OF MR. FREDERICK H. FLEITZ, MANAGING EDITOR, LIGNET.COM, NEWSMAX MEDIA (FORMER CIA INTELLIGENCE OFFICER AND FORMER CHIEF OF STAFF, UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY, U.S. DEPARTMENT OF STATE)

Mr. FLEITZ. Thank you, Madam Chairman, Ranking Member Berman, members of the committee. It is an honor to be here today. And Mr. Chandler, it is a special honor to be——

Chairman ROS-LEHTINEN. Could you put that microphone a little closer?

Mr. FLEITZ. Sorry. It is a special honor to see you here today. I enjoyed working with you on the House Intelligence Committee staff. My name is Fred Fleitz, and I am Managing Director of the Langley Intelligence Group Network, a Washington, DC-based global forecasting and intelligence service, and I formerly worked for the CIA and the State Department.

My remarks today will focus on North Korea's WMD and rocket program. Last week's multi-stage rocket launch that North Korea claims was intended to lift a satellite into orbit but was probably a test of an ICBM surprised some experts and U.S. diplomats. However, this launch was consistent with past North Korean behavior.

Although it may seem counterproductive, coming just weeks after a food aid deal was reached with the United States, North Korea has done this before, apparently in the wrongheaded belief that provocations strengthen its ability to prevail in future diplomatic talks. There has been a cycle of apparent North Korean agreements, followed by provocations, cooling-off periods, and then new agreements. Pyongyang has learned that, no matter how badly it acts, the United States will eventually come back to the negotiating table, usually with new concessions.

It is possible that last week's missile launch was intended to test American resolve. Since the February 29th food deal with the United States was quite generous and placed limited restrictions on the North Korean nuclear program, Pyongyang may have been tempted to see how far it could push Washington. North Korea may have believed, with the United States distracted by Afghanistan and Iran, U.S. officials would be reluctant to confront Pyongyang over the missile launch.

It is worth noting that international reaction to the launch was fairly weak. The U.N. Security Council this week was only able to pass a non-binding Presidential Statement, the usual response when the United States and its allies cannot get past Russian and Chinese vetoes. Despite speeches by U.S. officials condemning the launch, the United States is aware that the U.N. response was mild, and probably believes U.S. envoys will ask to meet with it again soon.

North Korea angrily responded to the Security Council's action and U.S. statements, but we don't yet know whether this was face-saving bravado or a real effort to ratchet up tensions. It does seem clear, however, from its recent statements, that North Korea plans more rocket launches.

Some experts are complaining that past practice in intelligence suggests North Korea could follow up last week's rocket launch

with a nuclear test. I am reluctant to make such a prediction for a number of reasons I outline in my prepared testimony. Despite reports of activity and digging at North Korea's nuclear site, I should note that such activity is very common. Given the country's extreme secrecy and good counterintelligence practices, I doubt very much there would be any good satellite imagery of a North Korean test preparation before Pyongyang announced that a test would take place.

Whether or not there is a North Korean nuclear test in the short term, its WMD programs are extremely dangerous. As I state in my prepared testimony, LIGNET believes Kim Jong-Un's hold on power is probably secure. He and his family assumed power of a state with robust WMD programs, including biological weapons, chemical weapons, ballistic missiles and nuclear weapons.

While the U.S. Intelligence Community has publicly stated that it does not know whether North Korea has nuclear weapons, it said in February 2009 that the country is capable of producing them and has enough plutonium for about six nuclear bombs. I want to point out that, 2 months after the U.S. Intelligence Community publicly released this figure, North Korea told the IAEA that it had decided to reactivate all Yongbyon nuclear facilities and to go ahead with the reprocessing of spent fuel. As a result, North Korea may have amassed several more weapons worth of plutonium since April 2009, and it may have yet even more nuclear weapons fuel.

We now know, after years of arguments within the U.S. Government, North Korea has a uranium enrichment program. This program was worked on over an extended period, according to the Director of National Intelligence. This program could be a source of weapons-grade fuel. The North Korean WMD program is, of course, also a special concern, as is its reactor that it helped build in Syria, which we have to think about very closely right now with the possible breakdown of the Syrian state.

I finally want to note that I believe North Korea and Iran closely watch each other's diplomacy with the United States. If Israeli Prime Minister Netanyahu's claim is accurate, that recent talks on Iran's nuclear program gave Iran a freebie and a 5-week gift from the world to continue enriching uranium, it will have a significant effect on North Korea's negotiating posture when U.S. officials try to resume diplomatic talks. The reverse is probably true. Too generous or too quick a deal with Pyongyang after the rocket launch will probably embolden Iran to drive a hard bargain in multilateral talks.

Thank you, Madam Chairman, and I look forward to your questions.

[The prepared statement of Mr. Fleitz follows:]

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CONGRESSIONAL TESTIMONY

North Korea After Kim Jong-Il: Still Dangerous and Erratic

Testimony before the Committee on Foreign Affairs U.S. House of Representatives

April 18, 2012

Frederick Fleitz
Managing Editor,
Langley Intelligence Group Network (LIGNET.com)

Chairman Ros-Lehtinen, Ranking Member Berman, members of the committee, thank you for inviting me to testify this morning before the House Committee on Foreign Affairs.

My name is Fred Fleitz and I am Managing Editor of LIGNET.com, the Langley Intelligence Group Network, a new Washington, DC-based global forecasting and intelligence service. Before I started this job last year, I worked on national security issues for 25 years for the U.S. government with the Central Intelligence Agency, the Department of State, the Defense Intelligence Agency, and the House Permanent Select Committee on Intelligence.

My testimony will discuss North Korea's leadership transition, the nature of the threat from North Korea, and U.S. policy toward the new Kim Jong-Un regime. My testimony reflects both my views and the analysis of LIGNET.com.

CONTINUATION OF A DANGEROUS REGIME

LIGNET believes Kim Jong-Un's hold on power probably is secure. The North Korean regime has been planning for his succession for a number of years. Kim Jong-Il's poor health was recognized after he nearly died from a stroke in late 2008. It is likely that succession planning shifted into high gear after this.

Kim Jong-Un may not have the same degree of power that his father held, but there is little incentive for the military to depose him. The Kim regime's extremely harsh punishment of traitors and political prisoners, including death and multi-generation prison terms for family members, serves as a powerful deterrent to any general thinking of staging a coup attempt. Kim Jong-Il carefully promoted and brutally purged top officials – especially in the military – to assure their loyalty. These officials are likely to fight hard to retain their positions of privilege and power.

If there have been any political maneuverings to succeed Kim Jong-Il or oust his family after his death, they have been kept secret. Kim Jong-Il's powerful brother-in-law Chang Sung Taek and his wife (and Kim's sister) Kim Kyong Hui were promoted to very high positions at the same time Kim Jong-Un, the youngest of three sons, was designated the heir apparent. Chang, who holds several high-level positions, including vice chairman of the National Defense Commission, may have run the country when Kim Jong-Il was incapacitated by his 2008 stroke. The elevation of Kim Jong-Il's sister and brother-in-law likely reflected his deep confidence in them and a plan to establish either a short-term triumvirate or a regent while Kim Jong-Un consolidates his power. Whether Kim Jong-Un will be a figurehead with Chang actually running the country is unknown but could become apparent in the coming year.

Kim Jong-Un, believed to be 28 years old, stepped on to the world stage with a tighter grip on power than any political heir has enjoyed in modern times. He rules over 24 million North Koreans who are suffering malnutrition and live under the most repressive regime on earth. The younger Kim is supported by the million-man North Korean army. U.S. Forces Korea Commander General James Thurman testified to Congress last month that North Korea has the world's largest special operations force, which includes 60,000 soldiers trained in a variety of

infiltration methods such as overland, airborne, and undersea entry into South Korea.[1] General Thurman also raised his concern about North Korea's growing ability to conduct cyber warfare against the United States and South Korea.

The North Korean conventional weapons arsenal is believed to include 13,000 artillery systems, 2,000 armored personnel carriers, 1,700 aircraft, and 800 surface combatants.[2] Its unconventional arsenal may include 600-800 ballistic missiles, a number of intercontinental ballistic missiles, both a chemical and a biological weapons program, and a nuclear program well enough developed that North Korea exported this technology to Syria.

While there are serious questions about the capabilities and operational readiness of North Korea's armed forces, it has a massive arsenal of missiles as well as chemical weapons and nuclear weapons targeting Seoul and the 24 million who live in the Seoul metropolitan area. There is little leeway for miscalculation on North Korea.

I believe last week's failed rocket launch suggests possible subtle changes in the way the new Kim Jong-Un regime will govern, although it is too early to tell what its ultimate policies will be. The regime's decisions to invite foreign press to observe the launch and its uncharacteristic honesty to the world and at home may represent a slightly less belligerent approach to the world, at least for now. Given its tight hold on power and lack of avenues for popular dissent, I doubt the failed launch will lead to any serious challenges to the Kim Jong-Un regime.

It would be a mistake to interpret minor changes in policy concerning the way North Korean officials handled last week's failed missile launch as a major policy shift. Kim Jong-Un may have signaled this when he endorsed the "military first" policy of his father during his first public speech at a massive celebration in Pyongyang yesterday. Another indication might have been a large, new shrouded missile that was part of a military parade yesterday, perhaps the next missile that North Korea plans to test.

A CRIMINAL STATE

It is likely that North Korea continues to engage in criminal activity to generate hard currency to shore up its disastrous economy and finance WMD programs. According to David Asher, a former senior adviser on North Korea for the U.S. State Department, "North Korea is the only government in the world today that can be identified as being actively involved in directing crime as a central part of its national economic strategy and foreign policy."[3] North Korea has engaged in illegal activities more typical of an organized crime syndicate than a nation state, including kidnapping, narco-trafficking, black market activity, and counterfeiting U.S. currency.

North Korea may have kidnapped several hundred Japanese and South Koreans in the late 1970s and early 1980s. Most are believed to have been taken to assist North Korean agents with

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[1] Testimony of General James D. Thurman, Commander, US Forces Korea, House Arms Services Committee, March 28, 2012
[2] Ibib.
[3] Peter Brookes, "Mob Nation," Heritage Foundation commentary, January 17, 2006, http://www.heritage.org/Press/Commentary/ed011706a.cfm.

espionage training. Some Japanese and South Korean women may have been seized to serve as wives for North Korean officials and spies. While North Korea admitted to a handful of Japanese abductions in 2002, it has never fully accounted for them. In 2004, North Korea provided remains of two allegedly deceased Japanese abductees that DNA testing later proved did not belong to them.

The issue of Japanese citizens abducted by North Korea remains an enormously important issue for the people of Japan and unfortunately has been largely ignored by both the Obama and Bush administrations.

North Korea has periodically engaged in other provocative acts over the last few years that were likely intended to demonstrate its military might and to lure its neighbors and the United States to the negotiating table so it could bargain for food and fuel aid. These include regular short-range missile tests and occasional tests of longer-range missiles, including some that could potentially reach the West Coast of the United States. North Korea detonated nuclear devices in 2006 and 2009, probably to both test its nuclear technology and to force the West to open nuclear talks on its terms.

The question now is whether Kim Jong-Un and his family members will engage in new provocative actions to consolidate their power and discourage the country's adversaries from trying to take advantage of the regime transition. Some experts have speculated that the March 20, 2010 sinking of the South Korean naval ship the *Cheonan* and the November 2010 shelling of the South Korean island of Yeonpyeong may have been actions taken on orders from Kim Jong-Un, perhaps as a way to establish his reputation with the North Korean army.[4]

Chinese officials have already met with Kim Jong-Un and likely strongly counseled him to avoid doing anything that could become an international incident. Based on last week's missile test, it is clear that he ignored such advice.

A DANGEROUS AND GROWING WMD PROGRAM

Kim Jong-Un assumes power of a state with a robust WMD program, including biological weapons, chemical weapons, ballistic missiles, and nuclear weapons. The country is believed to have a vast system of tunnels, caves, and underground facilities containing WMD stockpiles and production facilities. North Korean military leaders likely view these weapons as a deterrent and do not want to start a war with the South or the United States. North Korean generals know that while they could do enormous damage to South Korea and Japan with their missile arsenal, the U.S. response would devastate the country and destroy the regime.

North Korea's missile tests have been destabilizing because they increase the capability of Pyongyang to threaten its neighbors, possibly with missiles capable of delivering nuclear warheads. North Korea has 600-800 ballistic missiles, mostly short- and medium-range, intended

[4] James, Less, "Cheonan attack may be tied to North Korean succession," Christian Science Monitor, May 27, 2010, http://www.csmonitor.com/From-the-news-wires/2010/0527/Cheonan-attack-may-be-tied-to-North-Korean-succession Bill Powell, "Behind the Koreas' artillery fire: Kim succession," Time, May 23, 2010, http://www.time.com/time/world/article/0,8599,2032806,00.html

to strike South Korea and Japan. It has a small number of missiles designated ICBMs such as the Taepodong-2 which may have a range of 7,000 miles and the capability of striking the West Coast of the United States. This missile has now been tested twice, including two alleged satellite launches. U.S. Secretary of Defense Leon Panetta reportedly testified to Congress last November that North Korea is developing a road-mobile ICBM.[5] If true, such a missile could be capable of hitting the West Coast of the United States and would be difficult to detect.

North Korea's missile tests also serve as advertisements to other states in the market to buy ballistic missiles. North Korea is the world's leading vendor of ballistic missiles to rogue states and has earned hard currency by selling missiles to Iran, Syria, Libya, and possibly Burma. Iran and North Korea have forged an especially close relationship and Tehran's rapidly advancing missile program is based on North Korean technology.

North Korea's announcement last month that it would use a long-range rocket to place a satellite into orbit surprised some Western observers coming so soon after Pyongyang's February 29 agreement to freeze missile testing and some nuclear activity in exchange for 240,000 tons of food aid from the United States. Most Western observers believe the launch was actually a North Korean test of an intercontinental ballistic missile (ICBM) capable of delivering a nuclear payload as far as the western United States.

The Obama administration condemned the launch last week as "highly provocative" and a violation of UN Security Council resolutions. In October 2006, the Security Council unanimously passed Resolution 1718, which said that North Korea must "not conduct any further nuclear test or launch of a ballistic missile" and must "suspend all activities related to its ballistic missile program."

While North Korean officials rejected international condemnation of their planned missile launch, they did announce some steps that appear intended to lower tensions. Pyongyang released a flight plan that it termed a "safe-flight orbit" which used a more southerly route than the previous two alleged satellite tests to not overfly Japan. North Korea also invited large numbers of the international media to witness the launch. Even more unusual for the North Korean government, it admitted to the world and its people that last week's missile launch failed. This is in stark contrast to the 2009 long-range missile launch, which North Korea insisted had succeeded and placed a satellite in orbit that began broadcasting songs about Kim Il Sung and Kim Jong-Il. (North Korea made a similar claim about an alleged satellite it said was boosted into orbit by a failed multi-stage rocket launch in 1998.)

Last week's missile launch was consistent with past North Korean behavior. Although it may seem counterproductive coming, as it did, just weeks after a food aid deal was reached with the United States, North Korea has done this before, apparently in the wrong-headed belief that provocations strengthen its ability to prevail in future diplomatic talks. There has been a cycle of apparent North Korean agreements, followed by provocations, cooling-off periods, and then new agreements. Pyongyang has learned that no matter how badly it acts, the United States will eventually come back to the negotiating table, usually with new concessions.

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[5] Bill Gertz, "North Korea Making Missile Capable of Hitting US, " Washington Times, December 5, 2011, http://www.washingtontimes.com/news/2011/dec/5/north-korea-making-missile-able-to-hit-us/?page=all

Consider for example the 2007-2009 period when prospects for a nuclear agreement with North Korea were highest. The Bush State Department was determined to get an agreement with North Korea and dropped some sanctions on North Korean banks in 2007. In 2008, North Korea was removed from the U.S. state sponsors of terror list. The Obama administration came to office in January 2009 promising a policy of even closer engagement with North Korea.

Despite U.S. negotiators in the 2007-2009 time frame from Republican and Democratic administrations who were prepared to make compromises to get a deal with North Korea, the Six Party talks collapsed in April 2009 when North Korea fired a long-range missile that supposedly was intended to lift a satellite into orbit. North Korea then tested its second nuclear device on May 25, 2009. Also in April 2009, North Korea reactivated a nuclear reactor at its Yongbyon nuclear facility that had been disabled under an earlier agreement and resumed reprocessing spent nuclear fuel rods to produce plutonium.

Despite these provocations, the Obama administration kept talking to North Korea and sent Ambassador Stephen Bosworth, its North Korea special envoy, to meet with North Korean officials in Pyongyang in December 2009.

It is possible that last week's missile launch was intended to test American resolve and to see how much leeway North Korea has to continue its missile program. Since the February 29 food aid deal with the United States was quite generous and placed limited restrictions on the North Korean nuclear program, Pyongyang may have been tempted to see how far it could push Washington. North Korea also may have believed that with the United States distracted by Afghanistan and Iran, it would be reluctant to confront Pyongyang over the missile launch.

I believe North Korea probably gambled that the United States and its allies would only mildly protest the missile launch but were unlikely to hold it against it as long as the missile did not result in some kind of catastrophe, such as landing on Japanese soil.

Despite the reported "failure" of last Friday's launch, I believe this launch was indeed an ICBM test and could have provided North Korea with important technical data. Given the close cooperation between North Korea and Iran, it is likely that there were Iranian observers in North Korea at the time of the launch and Tehran will benefit from any data gathered from it. The test was thus a dangerous development since it may enhance the technical knowledge of both Iran and North Korea in developing a missile delivery system that could be used to carry nuclear weapons.

North Korea could follow up last week's missile test with an underground nuclear test, although the international blowback from such a test would seriously damage any future effort by Kim Jong-Un to reach out to other nations, assuming he wishes to do so. Some pundits have claimed that a nuclear test is now likely because two previous North Korean long-range missile tests were followed by nuclear tests and because South Korea has claimed there is satellite imagery of activity at North Korea's nuclear test sites. I am skeptical about these predictions and believe the chances of a nuclear test in the near future are less than 50-50.

I believe this for several reasons. First, the North Korean regime took significant steps to make last week's rocket launch less provocative, suggesting that it wanted to send a signal of strength but not go so far as to severely damage relations and its chances of winning more Western aid. Its openness with the press was unprecedented and was an effort to limit the political damage from the launch. It also is possible that the launch was actually at least partly to celebrate the 100th birthday of Kim Il-Sung.

Second, North Korea has only a limited amount of fissile material. I believe it will eventually test another nuclear weapon when it is technically ready and prepared to endure an enormous and debilitating amount of diplomatic isolation. While it is impossible to know exactly what this new regime will do, it does not appear to be moving in this direction.

Third, there is frequently some kind of activity going on at North Korea's nuclear sites. Given the country's extreme secrecy and good counterintelligence practices, I doubt very much that there would be any definitive imagery of a North Korean nuclear test before Pyongyang announced that one would take place.

This is not to say the North Korean nuclear weapons program is not extremely dangerous. I believe the trend for North Korea right now is to get diplomacy back on track and not torpedo its already dismal reputation with a nuclear test. Perhaps after a series of multilateral talks and aid deliveries, North Korea will then conduct a nuclear test.

U.S. INTELLIGENCE STUMBLES OVER NORTH KOREA'S EXPANDING NUCLEAR THREAT

While the U.S. intelligence community has publicly stated that it does not know whether North Korea has nuclear weapons, it stated in February 2009 that the country is capable of producing them and has produced enough plutonium for about six nuclear bombs.[6]

I want to point out that two months after the U.S. Intelligence Community released this figure, North Korea told the IAEA that "it had decided to reactivate all [Yongbyon nuclear] facilities and to go ahead with the reprocessing of spent fuel."[7] As a result, North Korea may have amassed several more weapons-worth of plutonium since April 2009.

Uranium enrichment is one of two routes North Korea is pursuing to produce nuclear fuel that could be used for weapons purposes. North Korea tested nuclear devices in 2006 and 2009 using plutonium fuel obtained by reprocessing spent fuel rods from a nuclear reactor at the Yongbyon nuclear complex. Many observers long believed that North Korea was pursuing nuclear weapons fuel through uranium enrichment, a process that is easier to conceal than the plutonium route since it does not involve a nuclear reactor or the difficult process of handling highly radioactive spent fuel rods.

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[6] Statement for the Record on the Worldwide Threat Assessment of the U.S. Intelligence Community for the House Permanent Select Committee on Intelligence, February 2009, p. 24.

[7] International Atomic Energy Agency Report by the Director General, "Application of Safeguards in the Democratic People's Republic of Korea (DPRK)," GOV/2009/45-GC(53)/13, June 30, 2009, p. 3. http://www.iaea.org/About/Policy/GC/GC53/GC53Documents/English/gc53-13_en.pdf

After years of disagreement within the U.S. government over whether North Korea had an active uranium enrichment program, North Korea ended the debate in November 2010 when it showed a private U.S. delegation led by former Los Alamos National Laboratory Director Siegfried Hecker a secret 2,000 centrifuge uranium enrichment facility at Yongbyon that Hecker described as "astonishingly modern."[8] Hecker was told that these centrifuges were to produce enriched uranium for a planned light water reactor.

The revelation to Hecker was extremely disconcerting because it demonstrated that North Korea had concealed a large-scale nuclear weapons program for 20 years or more from the world – and the U.S. intelligence community. Although the Bush administration confronted North Korea with evidence of this program a number of times between 2002 and 2010, U.S. intelligence officials had slowly reduced their certainty level for a North Korean uranium enrichment program because fresh intelligence indicating the existence of the program had dried up. This reflected an extreme reluctance by U.S. intelligence agencies to draw definitive conclusions about WMD-related issues due to the backlash over erroneous intelligence of Iraq's WMD programs prior to the Iraq war, especially the 2002 Iraq WMD National Intelligence Estimate. Many people I know in government accused U.S. intelligence agencies of becoming "gun shy" about drawing such conclusions since 2003.

This became so bad that as late as October 2010, despite fairly compelling evidence, there were intelligence analysts and agencies arguing that North Korea did not have a uranium enrichment program at all.

This is a dangerous situation. Secretary of State Colin Powell stated during a March 26, 2003, House Appropriations Committee hearing that North Korea started its program to enrich uranium "before the ink was dry" on the Agreed Framework pact signed by the Clinton administration in 1994. The advanced enrichment facility that Dr. Hecker was shown confirmed Powell's statement and represented years of covert nuclear research that the United States knew nothing about. Indeed, the U.S. Intelligence Community now concedes that this facility represented work over "an extended period."[9] Since the U.S. intelligence agencies did not know of the existence of this facility before North Korea showed it to the Hecker delegation, I am concerned that other covert facilities associated with nuclear weapons development may be operating in North Korea that the United States does not know about. Given the complexity of the new Yongbyon enrichment facility and how quickly it was constructed, I believe it is certain that other undisclosed nuclear facilities exist and were used to develop and support the Yongbyon enrichment facility.

I regret that this position is not universally held by U.S. intelligence analysts. According to the DNI's 2012 Worldwide Threat Report to Congress, "Analysts differ on the likelihood that other

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[8] Siegfried S. Hecker, "A Return Trip to North Korea's Yongbyon Nuclear Complex," Center for International Security and Cooperation, Stanford University, November 20, 2010 http://iis-db.stanford.edu/pubs/23035/HeckerYongbyon.pdf

[9] Statement for the Record on the Worldwide Threat Assessment of the U.S. Intelligence Community for the Senate Select Committee on Intelligence, February 16, 2012, p. 6.

production-scale facilities may exist elsewhere in North Korea."[10] I am concerned this suggests that despite the Hecker revelations, there are some U.S. intelligence North Korean analysts who refuse to admit they were wrong about the North Korean uranium enrichment program. The specter of the U.S. Intelligence Community's erroneous pre-war Iraq WMD analysis still haunts our intelligence analysis today.

I am therefore concerned about the limited access to nuclear facilities agreed to by North Korea in the food aid pact struck with the Obama administration in February. This agreement only covers the aging Yongbyon nuclear complex. By limiting inspectors to Yongbyon, the agreement raises the risk that North Korea will continue to build up its nuclear arsenal elsewhere while the international community is lulled into a false sense of complacency.

There also are still unresolved questions of North Korean nuclear proliferation.

North Korea is known to have proliferated nuclear technology when it helped Syria construct a nuclear reactor in the Syrian desert near the town of al-Kibar which Israel destroyed before it was activated in September 2007. This reactor had no apparent purpose other than to produce plutonium for nuclear weapons. Some have speculated that Iran was also involved in this project, possibly as an effort to build a plutonium-producing reactor that would not be discovered by UN inspectors in Iran.

Madam Chairman, as you know, the Bush administration delayed fully briefing Congress for months on the al-Kibar facility because it was so desperate to negotiate an agreement with North Korea and did not want this incident to interfere. There are still many unknowns about al-Kibar, including the location of its uranium fuel rods. This is now an issue with the prospect of the Syrian state breaking down. North Korea has refused to discuss al-Kibar with the United States. If U.S. talks resume with North Korea, our negotiators should press for information about the al-Kibar reactor, associated facilities, and the location of its fuel rods.

In conclusion, I believe we are seeing the Kim Jong-Un regime repeat the same threatening behavior and negotiating patterns of his father's regime. Like the prior regime, the new government probably has engaged in provocations in the mistaken belief that they strengthen its hand in future negotiations. It may not want war, but it could miscalculate with these provocations and spark a military conflict that could spin out of control.

North Korea knows that the Obama administration, like the Bush administration in its last years, is desperate to sign a diplomatic agreement. This probably convinced Pyongyang that it could get away with last week's missile launch as long as the missile did not land on another country, especially Japan.

There may be some good news in that North Korea's approach to last week's rocket launch may indicate that there is a line it is not currently prepared to cross. While anything is possible with this new regime, I do not believe a nuclear weapons test is imminent.

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[10] Ibid.

This could only be a temporary reprieve. North Korea sees its WMD and missile programs as essential to regime survival. It is unlikely to give them up. The only solution to North Korea's WMD programs is regime change, which at this time does not appear to be on the horizon.

North Korea is unlikely to give up its nuclear weapons or halt its nuclear weapons program, although it may pretend to do so to win more aid from the West. It will plead that last week's rocket test was peaceful and a non-event and try to resume multilateral talks and significant food and fuel aid. Meanwhile, it will continue its nuclear weapons development, possibly at undeclared sites, and at Yongbyon if the current U.S./IAEA agreement breaks down. It will also continue missile tests and missile sales to Iran. At the proper time – when it is technically prepared and ready to endure a period of increased isolation – it will probably conduct another nuclear test, possibly a uranium-based device.

Diplomatic talks with North Korea will inevitably resume. The United States should avoid new agreements that strengthen the regime or undermine U.S. interests. While we should not make food aid contingent on agreements concerning North Korea's nuclear program, the United States should only sign future food aid agreements that allow us to verify that the food is reaching the North Korean people and is not being diverted to the military. U.S. negotiators should press for full access for IAEA inspectors to all of North Korea's nuclear facilities and for answers to questions about the size of its nuclear arsenal, its plutonium program, and its uranium enrichment program.

It is worth noting that Iran and North Korea closely watch U.S.-led diplomacy with the other state. If Israeli Prime Minister Netanyahu's claim that the recent talks on Iran's nuclear program gave Iran "a freebie" and a five-week gift from the world to continue enriching uranium, it will have a significant effect on North Korea's negotiating posture when U.S. officials try to resume diplomatic talks. The reverse is probably also true; too generous and/or too quick a deal with Pyongyang after the rocket launch will probably embolden Iran to drive a harder bargain in multilateral talks.

The United States must resist the urge to normalize relations with North Korea until it acknowledges and starts to rectify its hideous human rights record, especially its inhumane detention camps for political prisoners. At the same time, the United States must honor our commitment to Japan that the issue of Japanese abductees will be satisfactorily resolved as part of any agreement with North Korea. Two successive U.S. administrations have ignored this issue in a misguided effort to curry favor with Pyongyang. Japan is one of America's closest allies and this issue should no longer be pushed off to the side to win an agreement with an American adversary.

Thank you Madam Chairwoman, Ranking Member Berman, and members of the committee for inviting me here today. I look forward to your questions and comments.

Chairman ROS-LEHTINEN. Thank you very much.

Dr. Green?

STATEMENT OF MICHAEL GREEN, PH.D., SENIOR ADVISOR AND JAPAN CHAIR, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Mr. GREEN. Madam Chairman, members of the committee, thank you for inviting us to testify today on this important subject. I have a concern about the human rights situation and humanitarian food aid issues, but would like to focus on three issues for now.

First, why did North Korea do this so soon after the Leap Day agreement? Second, does this mean we now have a breather, because the ICBM test failed? And third, what should we do?

On the why, I don't think we should be surprised. Late last year, I wrote a number of public things predicting that the North Koreans would do a missile or nuclear test in the first half of this year, because they have been telegraphing this for some time in their propaganda. This is 2012, the year North Korea said it would be a full nuclear weapons state.

The pattern is also quite clear. In 2006, in July, they tested a ballistic missile of a similar type. They were condemned by the U.N. And then, in October, they tested a nuclear device. In April 2009, they tested a similar ballistic missile. They were condemned by the U.N. And then in May they tested a nuclear device. I think it is not unreasonable to expect that in the next few months we will see, based on the historical pattern, a nuclear test.

So the pattern fits. Is this a period now where we can take a breather, where there is a lull, having expressed our condemnation through the PRST, or President's Statement in the Security Council? I don't think so. I think, as the chairwoman suggested, we are probably looking at increased escalation from North Korea in the coming months.

If they do a nuclear test, and if it is plutonium-based, we will learn a lot. The first two tests yielded about one kiloton, and then about four kilotons. The Nagasaki bomb, by comparison, was 20. If this is a 10 or 15 kiloton plutonium test, that is very dangerous. If they have learned to miniaturize or weaponize, that is dangerous. It could be a test based on their uranium enrichment program, which we have known about for years, including when I was in the administration, but which many commentators said couldn't be real until the North actually showed experts their centrifuges.

A uranium test would be very, very dangerous, because they could hide the capability and it would be difficult to detect. The ballistic missile threat is real: Nodongs, hundreds of them, aimed at Japan, that have been tested and have a large payload, and the new Musudan that they have unveiled.

And I would also particularly encourage a focus on the danger of transfer. In 2003, the North Korean delegation told the American delegation, of which I was a member, that if we did not end our hostile policy they would transfer their nuclear weapons capability to third countries. We took that threat seriously at the time. We later, the next year, found uranium hexafluoride traces in the cache turned over by the Libyans from North Korea. In 2007, the Israeli Air Force bombed a nuclear reactor complex in Syria built

by the North Koreans. In 2008, we had revelations about discussions between Burma and North Korea on nuclear issues. And, though there is no smoking gun, the Iran connection bears careful watching.

So the North is clearly heading toward a nuclear weapons capability, deliverable through ballistic missiles or through country transfer, and our efforts to date have slowed, but hardly deterred them from that path.

What do we do? The President's Statement from the Security Council had the right tone, had some of the right content. It was necessary, but far from sufficient. It is said North Korea will not negotiate under pressure, but the historical pattern is North Korea will not negotiate unless there is pressure, and the pressure has been far from sufficient to have an effect on their behavior.

The Security Council Resolutions and sanctions passed in the wake of the last two nuclear tests are not being implemented. Ranking Member Berman pointed out the TEL, the mobile chassis for their mobile launcher, and that is probably a Chinese-made system. I have seen Japanese photojournalists' collections of North Korean trading companies openly operating in China, that are on the sanctions list. The Sanctions Committee of the Security Council has not done anything since it was originally charged to look at this in 2009.

Although the administration effectively mobilized Japanese and Korean defense cooperation after North Korean attacks on South Korea in 2010, we have backed off. I also think we have to consider the signal it sends as we cut defense spending in the United States, and move away from a capability to manage two regional conflicts. The Korean People's Army in North Korea has for years said that our ability to do two-front wars will be one of their important considerations as they seek to "liberate" the South. And as Congressman Royce pointed out, we have backed off on interdicting illicit transfers from North Korea.

So I think there is no deep harm in talking to North Korea. We can learn a lot. It is an important aspect of our diplomacy. But I think the National Security Council meetings on North Korea should begin with pressure, coercion, interdiction, implementation of sanctions, and then, at the end, consider where the diplomatic and engagement piece fits in. And I think we have had it backwards for some time. Thank you.

[The prepared statement of Mr. Green follows:]

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Statement before the House Committee on Foreign Affairs

"EXPLAINING AND RESPONDING TO THE NORTH KOREAN MISSILE LAUNCH"

A Statement by

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April 18, 2012

2172 Rayburn Office Building

Explaining and Responding to the North Korean Missile Launch

Testimony before the House Foreign Affairs Committee

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Georgetown University

April 18, 2012

The unsuccessful launch of the Unha-3 rocket on April 12 was a technological embarrassment for North Korea but also a diplomatic setback for the Obama administration. Pyongyang staged the launch to coincide with the promotion of Kim Jong-un to Secretary General of the Korean Workers Party and to celebrate the 100th anniversary of the birth of the "Great Leader" Kim Il Sung, but the rocket burst into flames and splashed into the Yellow Sea shortly after lift-off. The Obama administration rightly identified the launch as a ballistic missile test and condemned North Korea for violating existing UN Security Council resolutions. At the same time, the administration seemed genuinely surprised that Pyongyang would so quickly disregard a February 29 bilateral agreement with the United States not to engage in any such tests in the first place. In response to the launch, the United States and other members of the UN Security Council have issued a condemnatory but non-binding "President's Statement" and returned to pressing business on Syria and Iran. However, I would suggest that the apparent lull after the North's failed ballistic missile test is deceiving, and that we are likely to face increasing security challenges from Pyongyang in the months and years ahead.

Let me emphasize that point by answering three questions today. First, why did North Korea walk away from the February 29 agreement with such impunity? Second, does the failure of this long-range ballistic missile test give us breathing room to deal with the North Korean threat? And, third, what should the United States be doing to address the North Korea threat in the wake of the test?

Why Did North Korea Launch?

On February 29, the United States and North Korea reached an agreement for the resumption of the long-stalled Six Party talks; a moratorium on nuclear tests, long-range missile launches, and uranium enrichment activity at the North's Yongbyon facilities; and the return of International Atomic Energy Agency (IAEA) inspectors to monitor the moratorium at Yongbyon. In exchange, the United States promised 240,000 tons of "nutritional assistance" and –according to the North Korean version of the agreement -- "an end to hostile policy" and "priority" in future discussions for "lifting of sanctions on the DPRK and provision of light water reactors." Given the discrepancy between the U.S. and North Korean versions of the February 29 statement and recent experiences negotiating with the North, the administration was

appropriately sober and cautious about any prospects for verifiable denuclearization, but also appeared confident that they had forestalled any further escalation on the peninsula for the near term –meaning beyond the U.S. and South Korean elections. It therefore came as a surprise that the North announced only weeks later the intention to conduct a test launch of the Unha-3 rocket.

The suddenness of the North's violation of the February 29 agreement has led to speculation that hardline elements in the Korean Peoples' Army sabotaged the diplomatic efforts of the young and untested Kim Jong-un. The evidence is much stronger, however, that the younger Kim is following exactly the plan put in place by his father, Kim Jong-il. In fact, it should not have been at all surprising that the North would conduct this test, even after agreeing on a moratorium with the United States.

First, rather than being rolled back by the Korean Peoples' Army, Kim Jong-un has embraced the military in his succession strategy. Last week the younger Kim was promoted to the post of "First Secretary" (not Secretary General since his father holds that for eternity) and Chairman of the National Defense Commission. He also promoted dozens of generals to coincide with his own elevation and returned to the "Army First" policy initiated by his father.

Second, the missile test follows a predictable pattern of provocations in recent years. In July 2006, the North tested its long-range ballistic missile and then responded to anticipated international condemnation by conducting a nuclear test in October. In April 2009, the North again tested its long-range ballistic missile and then repeated its response to expected international condemnation by conducting a second nuclear test in May. Based on this pattern, it should not be surprising to see the North conduct a third nuclear test within the next few months, with the missile test being only the overture. The North has telegraphed as much with past assertions that 2012 will be the year it becomes a full nuclear weapons state.

Third, while the North may have lost 240,000 tons in food aid and gone into a temporary freeze in diplomacy with the United States, it gained enormous benefit in terms of marginalizing the conservative government of South Korean President Lee Myung-bak over the past several months. The Obama administration stuck closely to the Lee government in the aftermath of the deadly 2010 North Korean attacks on the South Korean corvette Cheonan and the island of Yeonpyeong. Indeed, South Korean preparations to counterattack North Korea at the end of that year probably explain why the North desisted from the missile tests which some experts expected as the next provocative step by Pyongyang in 2011. By July 2011, however, U.S. officials were meeting with the North Koreans in New York and then again in Geneva in October. While the administration coordinated these meetings with Seoul, there is little doubt that the U.S. shift towards engagement pushed the Lee government into backing away from demands for formal apologies for the 2010 attacks; a significant political victory for Pyongyang. Moreover, when one considers the cost of 240,000 tons of food aid compared with the more than $800 million that the South Korean Unification Ministry estimates it cost Pyongyang to conduct the recent missile test, it is clear that Kim Jong-un was not heavily invested in the "nutritional assistance"

being offered by Washington. Indeed, the regime benefits from keeping parts of the population near subsistence level as part of a larger strategy of fear and coercion.

Finally, North Korea likely expects from the pattern in our behavior that the United States will return to talks at some point. When talks resume, the North will do what it has always done: refuse compensation for its violation of past agreements and demand new concessions in exchange for its now advanced capabilities in missiles and nuclear weapons.

Does It Matter, Since the Test Was a Failure Anyway?

The Unha-3's spectacular failure will tempt some to think we do not need to worry about the North Korean threat for a while longer. It is good news that the North suffered a setback in its plans to develop an ICBM capable of striking the United States. However, that should not distract us from the full range of North Korean threats or WMD capabilities successfully under development.

First and foremost is the North's nuclear weapons development program. The South Korean press cites numerous officials pointing to recent activities at the North Korean nuclear testing site. Given the historical pattern, one would expect a third test soon. The North probably has 4-8 plutonium based nuclear weapons in its stockpile at present, though we do not know the level of sophistication. The 2006 test yielded less than 1 kiloton and the 2009 test somewhere around 4 kilotons (by comparison, the atomic bomb that hit Nagasaki was 20 kilotons). A third plutonium test this year would allow the North Koreans to increase the kiloton yield further and validate work on miniaturization and weaponization.

It is also possible that the North could test its first uranium-based nuclear device. In 2002 the Bush administration confronted North Korea with evidence of its clandestine uranium enrichment program. The North then put the program into deeper hiding, which led numerous commentators, including the *New York Times*, to accuse the administration of exaggerating the original intelligence. Then in 2009, the North showed several U.S. nuclear experts a sophisticated uranium enrichment facility with 2000 centrifuges, proving that the 2002 intelligence estimate was correct and raising strong suspicion that the North had other uranium enrichment facilities hidden elsewhere. A successful uranium-based nuclear test would demonstrate that the North is positioned to begin spinning centrifuges in facilities that can be hidden from detection more easily than the plutonium facilities detected and monitored at Yongbyon by satellite and aircraft since the early 1990s. We then would probably have only limited ability to calculate how many uranium-based nuclear weapons the North could produce in the years ahead.

The North is also advancing its ballistic missile capabilities, despite the failure of the Unha-3 launch this month. After successful tests in the 1990s, the North has now deployed well over 200 Nodong missiles capable of ranging Japan and carrying larger payloads than the failed Unha-3, including at least crude chemical and biological weapons. In 2010, the North revealed a

road-mobile intermediate-range ballistic missile called the Musudan which is presumed to have a range of 3-5000 kilometers, though it has not been flight tested yet.

Finally, the North's willingness to transfer ballistic missile and nuclear capabilities to third parties is a demonstrated and serious threat. In 2003, North Korean officials told a U.S. delegation I joined that they had nuclear weapons and would "transfer" them if the United States did not end its "hostile policy." The Bush administration subsequently discovered traces of uranium hexafluoride sourced to North Korea in the caches turned over by Libya, and then in September 2007 the Israeli Air Force destroyed a nuclear reactor construction project at El Kibar in Syria, which was being built with the assistance of the North Koreans. More recently evidence has emerged that the North has engaged in ballistic missile sales and possibly talks on nuclear capabilities with Burma. The Iranian ballistic missile inventory bears strong resemblance to North Korea's and while there is no evidence that the North is helping Iran with uranium enrichment, it would not be surprising, particularly given the relationship between North Korean and Iran's proxy state Syria on nuclear-related technology.

In short, the North has been engaged for years in an aggressive and expensive program to develop uranium and plutonium-based nuclear weapons; the ballistic missiles to deliver them on target; and the credible threat of horizontal escalation through transfer to a third party. Pyongyang's vision of a grand resolution with the United States would involve freezing this program in exchange for sanctions-lifting, respect for the regime, and *de facto* recognition of the North as a nuclear weapons state. Sophisticated proponents of a diplomatic deal acknowledge this reality, but suggest the deal is worth taking, since the threat of transfer is so dangerous and the North would not be able to use nuclear weapons for regional hegemony the way Iran might. However, this would be an enormous strategic mistake. The North could keep any freeze on uranium unverifiable and then threaten nuclear blackmail whenever it wanted to raise the rent. Meanwhile, the cost to U.S. credibility in Northeast Asia would be devastating and the signal to other proliferators like Iran unmistakably weak.

What Can Be Done?

What then should the administration do in the wake of the April 12 missile launch?

The UN Security Council has already sanctioned North Korea under UNSCR 1718 and 1874, which followed the two previous nuclear tests. In addition, there has been increased trilateral security coordination among the United States, South Korea and Japan in the wake of the 2010 North Korean attacks on the *Choenan* and Yeonpyeong Island. The UNSC President's Statement is non-binding and carries less weight than a full Security Council resolution, but sends some of the right signals by directing the Council's Sanctions Committee to consider additional North Korean entities for sanctions, as well as identifying additional proliferation-sensitive technology that would be banned for export to North Korea.

However, these are still weak reeds to shake at North Korea in advance of a possible third nuclear test. The major diplomatic problem is that China continues to resist any steps that might destabilize North Korea or –in Beijing's view—give the North an "excuse" for another nuclear test. Instead, Beijing continues emphasizing a resumption of U.S.-North Korea talks over coercive steps to deter the North from further escalation. China has also blocked the activities of the Sanctions Committee to date and has failed to implement previous sanctions with any seriousness. The appearance of a Chinese made chassis under the North's newest medium range ballistic missile launcher in a parade in Pyongyang this past week is a particular black eye for Beijing. Japanese photojournalists have also taken pictures of the lone North Korean trading company now on the UNSC Sanctions list openly operating in China.

I understand the reasons why the administration is not pushing Beijing harder. There is a tradition of trying to maintain consensus in the Security Council and avoiding a split over any one issue, given parallel challenges with Syria and Iran. The administration has also been attempting to lower tensions that heightened with Beijing in 2010 over incidents in the East and South China Sea and Chinese implicit support for Pyongyang. However, this approach may be reaching the point of diminishing returns, both in terms of making the Security Council effective and shaping Chinese choices.

The United States could be doing more with Japan and South Korea, for example. I applaud Secretaries Clinton and Panetta for encouraging more trilateral coordination, which proved particularly effective after the North Korean attacks on South Korea in 2010. However, we have allowed that effort to wane over the past year, particularly with respect to military exercises and defense cooperation. Closer U.S.-Japan-ROK defense alignment has the benefit of demonstrating to Beijing the alternative to China using its own leverage on the North and also of better preparing us for dealing with a North Korea that threatens beyond the peninsula. In this regard, we have to recognize that the administration's January Strategic Guidance and proposed defense cuts –not to mention the prospect of deeper cuts if there is sequestration—undercut the credibility of our resolve in the face of North Korean proliferation and Chinese acquiescence. Moreover, the resulting dilution of U.S. doctrine to defeat adversaries in two theaters cannot have been lost on a North Korean military that has long listed conflict in Southwest Asia as an opportunity for aggressive unification. Similarly, the Strategic Guidance's call for pursuing deterrence with a smaller nuclear force has alarmed Japanese and Korean national security experts who are witnessing an increase in North Korean tactical nuclear weapons aimed at them.

We have also been too passive about the transfer, or horizontal escalation, threat. By returning illicit money to North Korea in March 2007 that had been frozen in Banco Delta Asia accounts in Macao and then remaining passive after the El Kibar reactor revelations in September of that year, the United States sent the wrong signals in terms of our resolve to interdict and respond to transfer of nuclear technologies. I also view the recent Nuclear Security Summit in Seoul as a lost opportunity to get back on track, since the summit did little to send a signal of resolve towards dangerous proliferators like North Korea or Iran, despite some useful

agreements among responsible users of nuclear power. Similarly, it would be an enormous mistake to set aside the Burma-North Korea link in order to make progress on other areas in our current dialogue with Burma.

Finally, we need to consider whether our use of food aid as an instrument of diplomacy is morally and strategically justifiable. President Bush, at least for the first six years of his administration, viewed food aid as something the United States should provide to people in need as long as delivery could be monitored. By linking food aid to talks on political and security issues, we do not actually provide strong incentives to the North and we undermine our ability to respond to humanitarian needs of those suffering under the regime we condemn. Having linked food aid to the February 29 agreement in the first place, the administration now has little choice but to halt the aid, but it will be important to get our priorities right in future. Similarly, we need a human rights policy that is unflinching in our condemnation of abuses in North Korea and our efforts to muster international support to prevent actions such as those by China to return refugees to North Korea against their will. Humanitarian and human rights policies towards North Korea deserve prioritization on their own merits and should not be linked to the up-and-down tactics of negotiations.

Did the administration make a mistake talking to the North Koreans? I have worked with the diplomats who took on this difficult task and have high regard for their professionalism. Communication with North Korea can serve our national interests in terms of intelligence-gathering, preserving a channel for dissuasion or de-escalation, and meeting our allies' expectations that there is still some role for diplomacy. However, engagement is a means and not an ends, and North Korea has proven repeatedly that it is an extremely limited means at that. The administration's aim of kicking the North Korea can down the road to 2013 was a tactical decision that was effectively manipulated by North Korea in pursuit of strategic objectives. The administration is now compounding that mistake by seeking to parcel out its response to North Korea in small doses so that it can offer a politically acceptable response after the North's likely nuclear test. This is not a problem that will ripen with age or be reversed with reactive tactics based on the domestic political calendar. The NSC Spokesman has said that the administration has broken the past cycle with North Korea. Unfortunately, that is not a defendable assertion.

I thank the Committee for its kind attention.

Chairman ROS-LEHTINEN. Thank you very much.

Mr. Snyder?

STATEMENT OF MR. SCOTT SNYDER, SENIOR FELLOW FOR KOREA STUDIES, DIRECTOR OF THE PROGRAM ON U.S.-KOREA POLICY, COUNCIL ON FOREIGN RELATIONS

Mr. SNYDER. It is a pleasure and an honor to appear before the committee——

Chairman ROS-LEHTINEN. If you could punch that little button and hold it close?

Mr. SNYDER. Sorry about that. It is an honor to appear before the committee. My colleagues have already covered a number of main points, especially related to the Security Council statement and North Korean response. I think it is clear that we are in the middle of a dynamic very similar to the one that we saw in 2009, where the likelihood of additional escalation exists. We are facing a defiant, sovereignty-focused new regime.

I want to address two topics. One is the failings of the Leap Day agreement, which have already been, I think, pointed out in the initial statements, namely the concern about the linkage of food to the negotiations with North Korea, which I agree was a mistake and should have been dealt with separately. And I go into that in some detail in my testimony.

And then I think, also, the failure to state in the U.S. statement very clearly that a satellite test would be considered as part of a long-range missile, and not acceptable for North Korea. Clearly, the effort so far that we have seen has not changed North Korea's behavior. How do we change North Korea's behavior?

I think that the way to do this is really to focus on changing the environment for North Korea in a way that influences its strategic options, rather than trying to negotiate carrots and sticks directly with North Korea as a vehicle by which to do that. Change the environment, and then talk to them to determine whether we are seeing the type of change that we need to see.

And of course, we have seen in the case of Burma recently a good example of a situation where the leadership has made a strategic choice to change, and then the U.S. has found some traction in terms of responding.

How do we change the environment? One, I think fundamental, challenge that we have faced in the face of North Korean provocations has been the failure to hold North Korea accountable for its actions, and this, I think, is particularly important in the context of alliance coordination.

Different provocations by North Korea provoke different levels of response from us and our allies. We saw the case where a conventional provocation against South Korea evoked a strong response from South Korea, and the U.S. was focused on trying to make sure that South Korea didn't respond in a way that escalated. Likewise, it seems to me that the South Korean response to the rocket launch, at least in terms of public response, was not that strong. And so the question of how we, essentially, show that there is a price for provocation.

Second, I think we need to minimize reliance on China, while continuing to cooperate with them in a limited way. I think it is

very clear that the Chinese have their own interests in promotion of North Korean stability and in gradualism, and that this is creating a gap in terms of expectations. We shouldn't be relying on China as a way of trying to pursue our approach to North Korea.

And then the third area I would like to point out is that, increasingly, this is a regime that is not isolated. It is partially integrated with the outside world. And so I think that we need to look carefully at whether or not that need for external funds that has already been addressed in various ways, for instance illicit activities, might also provide an opportunity for us.

The sanctions approach, the sanctions-only approach, means that the front door has been closed. But as long as China leaves the back door open, it is not going to work. And so I think we need to find a way to exploit North Korea's partial integration with its neighbors as a way of drawing the North Koreans out.

If the North Korean regime decided to move in the direction of reform—and it is true that we don't have much evidence that they have decided to—but the fact of the matter is that they don't have the technical specialists to be able to do it, even if they wanted to do it. And so we really need to find ways to expose North Koreans to long-range educational opportunities that will socialize them to western ways of thinking, as a way of inducing internal change in North Korea.

Thank you.

[The prepared statement of Mr. Snyder follows:]

COUNCIL on FOREIGN RELATIONS

April 18, 2012

North Korea's Missiles, Nukes, and False Promises: How to Respond?

Prepared statement by
Scott A. Snyder
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Council on Foreign Relations

Before the
Foreign Affairs Committee
United States House of Representatives
112th Congress

Hearing on North Korea After Kim Jong-il: Still Dangerous and Erratic

It is an honor to appear before the House Foreign Affairs Committee and to provide analysis of North Korea's continuing efforts to develop a credible capacity to deliver long-range nuclear weapons to the United States, the relationship of North Korea's current circumstances and leadership succession to those efforts, and my critical review of the Obama administration's most recent diplomatic efforts to curb North Korea's nuclear weapons and missile programs. This Committee is well aware that North Korea has continued to advance its nuclear weapons development despite over two decades of efforts led by both Republican and Democratic administrations. This testimony will address two main topics: 1) the U.S.-DPRK Leap Day Agreement and its shortcomings, and 2) how the United States should redouble its efforts to shape North Korea's strategic environment rather than trying to identify the right combination of carrots and sticks to be used in a negotiation with Pyongyang.

Major assumptions and conclusions that are part of this assessment include the following:

- Under current circumstances, North Korea appears likely to continue its nuclear weapons and missile development regardless of who is in charge in Pyongyang, Seoul or Washington.

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- Unchecked pursuit of its nuclear weapons and missile programs will eventually enable North Korea to threaten the United States directly with a deliverable nuclear strike capability.

- The United States should recognize that North Korea's missile launch failure does not lessen its defiance of the international community or its continuing efforts to improve its nuclear weapons and missile capabilities.

- The Obama administration's Leap Day Agreement with North Korea was unveiled as a modest step designed to constrain North Korea from pursuing provocations and return to denuclearization negotiations in exchange for provision of food assistance. But the inclusion of food aid as part of the deal was misguided, as was the failure of the U.S. statement to publicly state its opposition to North Korean satellite tests that use the same technologies used to launch ballistic missiles.

- Past efforts to deal with North Korea have prioritized the task of finding the right mix of incentives and disincentives that will convince the regime to denuclearize; *future efforts should prioritize shaping the environment to influence North Korea's strategic options, while also maintaining regular direct dialogue with North Korea so as to minimize the possibility of miscalculation by either side.*

- *Hold North Korea accountable for its actions.* The task of holding North Korea accountable for its provocations while minimizing the risk of tension escalation remains a fundamental dilemma for the United States and its allies. North Korea has pursued provocations with relative confidence that its opponents will err on the side of a measured response; this calculus may not hold in the future. It also imposes substantial risks to any party that seeks to break a dynamic that has allowed North Korea to pursue provocations with relative impunity. North Korea's attempts to reap gains from its provocations is a second major risk factor on the peninsula related to the expanded threat capacity the North may gain from efforts to advance its nuclear and missile programs.

- *Minimize reliance on China.* Efforts to shape North Korea's strategic environment must recognize that China's chief interest is promotion of North Korean stability and gradual economic reform, and contend with China's subsequent assistance to its ally. U.S. cooperation with China over North Korea is necessary, but remains limited by a divergence of American and Chinese interests on the Korean peninsula. The United States should pursue North Korea's denuclearization while minimizing dependence on China to achieve those objectives. At the same time, Sino-U.S. cooperation on North Korea issues is necessary and desirable, where possible.

- *Exploit North Korea's partial integration with its neighbors.* North Korea is not completely isolated from the outside world. It is increasingly dependent on cash flows and subsidies from external sources including China. North Korea's dependency on external resources is a double edged sword. Its reliance on external resources may be a factor for instability, depending on who controls resource inflows into North Korea.

Obama administration's approach to North Korea: An Assessment of the Leap Day Agreement

A) North Korea's 2012 test: Déjà vu all over again?

North Korea's efforts to conduct nuclear and missile tests in 2009 framed the Obama administration's policy toward North Korea. The Obama administration's initial inclination to establish diplomatic channels for dialogue quickly evaporated following North Korea's launch of a satellite "for peaceful purposes" on April 5, 2009, hours prior to President Obama's speech in Prague outlining his initiative to eventually rid the world of nuclear weapons. In that speech, President Obama stated that North Korea would not receive rewards for provocations. The Obama administration pushed for a strong condemnation at the UN Security Council, in the form of a UN Security Council President's statement condemning North Korea for undertaking the launch.

North Korea responded poorly to the UN resolution, announcing its withdrawal from the Six Party Talks and threatening to conduct a nuclear test. North Korea followed through on that threat on May 25, 2009, stimulating further UN condemnation, including the passage of UN Security Council Resolution 1874 prohibiting North Korean ballistic missile tests of any kind and imposing an inspections regime on suspected shipments of nuclear materials to or from North Korea.

Fast forward to 2012, and one might conclude that we are in the middle of the same movie, with North Korea's third nuclear test as a plausible next step following last week's failed long-range missile launch. North Korea announced its plans to launch a satellite on March 16, and President Obama declared a week later in Seoul that there would be "no rewards for provocations." Ignoring widespread condemnation from the international community, North Korea launched a rocket on April 12 that exploded in air a little over one minute following the launch. Despite the failure of North Korea's launch, the UN has responded by deploring North Korea's launch, calling upon North Korea to "re-establish its preexisting commitments to a moratorium on missile launches" and has directed the committee responsible for implementing UN security council resolutions against North Korea to make additional sanctions recommendations. Pyongyang is likely to use the UN President's Statement to justify a third North Korean nuclear test. North Korea may have calculated that all its neighbors are preoccupied by domestic political transitions, and that no party will be able to lead an effective international response, either through the UN or through a coalition of the willing.

North Korea's defiance is particularly bitter medicine for the Obama administration. Top administration officials had pledged that the Obama administration would not negotiate with North Korea unless it finds a way to change the pattern of North Korean behavior, but North Korean behavior remains unchanged. North Korea's announcement that it would conduct a satellite test came only sixteen days after a modest Obama administration Leap Day agreement in which North Korea pledged not to conduct a "long-range missile launch" or nuclear test and to allow the return of IAEA inspectors to Yongbyun in return for U.S. food aid. The agreement failed to change the patterns of the past or to constrain North Korea from pursuing provocations.

B) The Failings of the Leap Day Agreement

I do not fault the administration for continuing dialogue in the immediate aftermath of Kim Jong-il's death and before the formal assumption of additional titles by Kim Jong-un. Direct dialogue provided an opportunity to understand more about leadership succession in an opaque regime and to make important judgments based on those interactions. But in retrospect, I believe it was a mistake to announce an agreement before the political situation in Pyongyang was fully consolidated, even if it was an understanding that had been negotiated prior to Kim Jong-il's death. The result is a setback for U.S.-DPRK relations.

I want to draw attention to two specific failings of the administration's approach to talks with the DPRK. First, it was a mistake to allow food aid to be brought directly into the negotiations as a quid pro quo for North Korean actions, and referring to such U.S. assistance as evidence of non-hostility. Although food aid decisions are inherently political, especially with a regime like that of North Korea, the United States has historically tried to keep them at arms length from politics. Ambassador Robert King announced three perfectly sensible criteria for the provision of humanitarian aid to North Korea in February 2011: 1) demonstrated need in North Korea, 2) demonstrated need relative to the absolute needs of other humanitarian crises around the world, and 3) mutual agreement on a monitoring system in North Korea in line with international standards. These should have been the only criteria for determining aid to North Korea, and they should have been followed regardless of North Korean demands to include food aid as a quid pro quo for North Korean pledges. By accepting North Korean assertions of linkage and then formalizing an agreement that U.S. assistance will only be given in conjunction with specific North Korean actions, the United States has allowed its hands to be tied on food assistance to a set of political criteria that have almost nothing to do with humanitarian need. This unfortunately differs from the U.S. position in the late 1990s, when the United States was able to provide food to victims of the North Korean famine via the UN WFP and private donors, resisting overt linkage between humanitarian aid provision and political talks.

This mistake of linking food aid to North Korean behavior, was then compounded when President Obama, in his speech at Hankook Foreign Language University several weeks ago, identified U.S. willingness to provide this assistance as evidence of U.S. non-hostility to North Korea. While the administration has understandably concluded that a lack of trust between the two countries following the North Korean missile launch prohibits the U.S. from providing food aid, the North Koreans are now likely to claim U.S. non-provision as evidence of its hostility toward the North.

A second failing of the administration in rolling out the Leap Day statements is in part an illustration of the modesty of the actions pledged by the parties in two parallel statements. The fact that the governments released separate statements is already a sign of differences or issues between the two countries that made the issuance of a joint statement undesirable or unattainable. But once it was determined that the United States had the freedom to unilaterally issue its own statement, there should have been an effort to remove ambiguity from the U.S. statement to the extent possible. In its own statement, the United States should have been more explicit that "long-range missiles" also include satellites. The U.S. chief negotiator has indicated that this point was made clear to his DPRK counterpart during negotiations; there would have been no harm—in light of the fact that each side issued their own statement—in the United States providing more detail in its own statement so as to remove any hint of ambiguity regarding U.S. expectations. A DPRK foreign ministry statement from March 25 asserts that by not providing such specificity, the

statements do not preclude North Korea from conducting a peaceful satellite launch. This sort of public statement contradicting U.S. assertions is likely to further dampen prospects for renewed U.S. direct, high-level diplomacy with North Korea, at least for the time being.

Shaping the Strategic Environment Versus Negotiating With North Korea

In retrospect, the high point of the Obama administration's efforts to ensure that North Korea received no "reward" for provocations was probably the June 2009 passage of UN Security Council Resolution 1874, a surprisingly toughly-worded resolution that even gained China's support. But the PRC moved in a different direction from late summer of 2009, when it recognized the strategic value of Sino-DPRK relations, enhanced the regularity of high-level communications with Kim Jong-il, and made a full court press to promote economic relations with Pyongyang. From that point, the Obama administration's efforts to promote regional cohesion as a means by which to pressure North Korea began to fall apart. Not only did China focus on economic engagement with North Korea at the expense of any serious efforts to implement the UN resolution, but also the Obama administration's initial efforts to promote international sanctions under UNSC Resolution 1874 appeared to fall off the map of the Obama administration's policy priorities.

The Obama administration failed to capitalize on its initial efforts to shape North Korea's strategic environment. The policy of "strategic patience" was too easily interpreted to mean parking the North Korea issue and waiting for North Korea to change its mind, assuming that a North Korean change of heart (or regime?) would be inevitable. By the time the Obama administration resumed direct dialogue with North Korea in 2011, there was not an accompanying strategy designed to shape North Korea's strategic environment so as to limit its alternatives to negotiation. The collective failure of the international community to respond to North Korean provocations against South Korea in 2010 further gave North Korea confidence that there would be no serious price for additional provocations. China blocked even a discussion at the UN Security Council of the most serious inter-Korean conventional altercation in decades, the November 2010 shelling of Yeonpyeong Island that resulted in civilian casualties. China's rediscovery of a strategic element in its relations with North Korea was a major factor that has made it more difficult to shape North Korea's environment so as to induce North Korea to shift away from reliance on a nuclear weapons capability. The United States must work harder in the future--not to negotiate a strategic choice with North Korea--but instead to create an environment in which North Korea recognizes that its only way forward will require abandonment of the nuclear path.

Shaping North Korea's strategic choices will be exceedingly difficult. It will require even more careful coordination among allies, cooperation with but not dependency on China, exploitation of North Korea's partial dependence on external economic support, and a willingness to make North Korea's denuclearization a top-rank foreign policy priority over a sustained period of time. And it will require regular diplomatic dialogue with North Korea, but only as a secondary component of a U.S. strategy. Progress should be measured by North Korea's willingness to move in a different direction based on an assessment of its own interests and options rather than on the basis of U.S. application of "carrots and sticks." The record of U.S. negotiations with North Korea shows that neither carrots nor sticks have been effective in influencing North Korea's behavior, suggesting that North Korea's behavioral change will not be a product of negotiation, but rather of the regime's own changed calculus based on its internal circumstances. An open channel for dialogue may be useful to minimize miscalculation and

misunderstanding and to gain information about North Korea's decisionmaking. But there is probably no need for direct negotiations until after North Korea has shown a change in its strategic direction.

The task of shaping North Korea's strategic choices will face challenges from at least three fronts, each of which will require extraordinary diplomatic dexterity to manage well. These challenges include the need to hold North Korea accountable through concerted allied action while managing the risk of conflict escalation, the need to expand cooperation with China without depending on China to influence North Korea, a more aggressive utilization of North Korea's partial dependency on the outside world while not allowing the North to exploit benefits derived from external interactions to its own ends.

A) Strengthened Alliance-Based Efforts to Hold North Korea Accountable for its Actions

Neither South Korea nor the international community has been able to hold North Korea accountable for its destabilizing provocations, regardless of whether they are primarily inter-Korean in nature or involve North Korea's antagonism of the international community. The threat of force against North Korea in response to its provocations may invite North Korea's retaliation (and certainly will invite North Korea's bluster), even if such measures are conceived of as proportionate to the provocation. North Korea has capitalized on Western fears of both North Korean instability and prospects for military escalation to its advantage thus far, recognizing that the West and South Korea potentially have much more to lose from a conflict than does North Korea.

A rare example of a credible deterrent response on the part of the United States is the mobilization of U.S. forces to cut down the tree in the middle of Panmunjom following the North Korean ax murder of two U.S. soldiers. But that incident also reveals the extraordinary difficulty inherent in the task of holding North Korea accountable: the United States deployed extraordinary resources to mount a tree trimming operation that in a post-cold war security environment seem even more disproportionate to the circumstances than was the case in the cold war context of the 1970s. Changing the past pattern of negotiations with North Korea will not be possible unless the United States and its allies are willing to show the political will to make North Korea pay a price for its destabilizing actions while simultaneously minimizing the temporary risks of conflict escalation that might result from such a strategy.

B) Securing Chinese Cooperation While Minimizing Dependence on China for Results

China prioritizes regime stability in North Korea and is suspicious of both U.S. strategic intentions and the U.S.-ROK security alliance. China and the United States share common interests in keeping inter-Korean tensions under control, keeping the Korean peninsula non-nuclear and preventing the breakout of a humanitarian crisis in North Korea. But the limited nature of these interests means that the United States ultimately cannot depend on China to "deliver" success in dealing with North Korea. Despite the desirability of an official Sino-U.S. dialogue on how to address these common concerns, including how to respond to instability in North Korea, there are limits to what Washington can expect from cooperation with China regarding North Korea. In the absence of more effective Sino-U.S. cooperation, the United States will have to work more closely with its allies South Korea and Japan, both to devise an effective strategy for shaping North Korea's strategic choices and for responding to North Korean instability.

C) Exploit North Korea's Partial Integration With its Neighbors

The United States should try to utilize North Korea's partial dependence on external economic support to promote North Korea's change from within. One evidence of the effect of North Korea's partial integration with the outside was that North Korea had no choice but to publicly announce the failure of its satellite launch after having allowed foreign media into the country to cover the launch. This stands in contrast to past launches in 1998 and 2009, at which time the North Korean media declared success regardless of the actual outcome of the launch. Unfortunately, any approach that attempts to exploit North Korea's marketization and information inflows to catalyze internal changes in North Korea is likely to require time in order to succeed, but it may prove to be the most effective option for influencing North Korea's internal choices. External pressure and sanctions will not prevent North Korea from getting the resources that it needs from China. How can the United States facilitate further North Korean opening and integration? One step might be to open the door more widely to non-governmental exchange and academic research in selected non-scientific areas by North Koreans in the United States. The U.S. has in recent years tied visa approval to North Korean behavior, but as North Korea seeks to make itself prosperous, it will need cadres with greater international experience in order to be able to pursue economic reforms. The United States government should remove barriers to citizen exchanges with North Korea, especially by granting visas to visiting academics and policymakers, and should consider allowing North Koreans to participate in the Fulbright-Hays programs on academic exchange at U.S. universities. Even if North Korea only sends its most trusted cadres for long-term education in the United States, their educational experiences may be a factor that will facilitate North Korea's internal transformation.

Conclusion

If the United States can identify effective means by which to hold North Korea accountable for its actions, cooperate with China where necessary while minimizing dependence on China to change North Korea's strategic environment, and utilize North Korea's existing economic exposure to facilitate change in the country, these three tracks might begin to add up to a situation that could influence North Korea's strategic choices. Recent experience with Burma's reforms underscore that it is only after North Korea's leadership has made a strategic decision to move in a different direction that there will be potential for progress in U.S.-DPRK relations, or reason to invest significant effort in direct negotiations with North Korea.

Chairman ROS-LEHTINEN. Thank you. Thank you very much. Thank you to all of our panelists for excellent testimony.

Oh, Dr. Cronin, I am so sorry. I am so used to going that way, we had you all mixed up, and I apologize. I think we would like to hear from you, Dr. Cronin.

STATEMENT OF PATRICK M. CRONIN, PH.D., SENIOR ADVISOR & SENIOR DIRECTOR OF THE ASIA PROGRAM, CENTER FOR A NEW AMERICAN SECURITY

Mr. CRONIN. Madam Chairman, I appreciate that. And Ranking Member Berman and other members of the committee, thank you for this invitation on these timely proceedings. It is my judgment that the regime in Pyongyang indeed remains armed, dangerous, and prone to miscalculation. Indeed, the moment we think we know the next move of Kim Jong-Un is the moment we are going to be surprised yet again.

We have heard about some of the tactical mistakes of our recent policy. I want to focus on strategy, in the interests of time. My main argument is that the United States lacks an effective long-term strategy for achieving peace on the Korean Peninsula. Despite a strong alliance with South Korea, we are gradually losing leverage over an opaque regime in North Korea, determined to acquire nuclear weapons that are designed to hit American soil. We lack direct contact with North Korea's collective leadership. We rely far too much on secondhand information.

A new strategy is very difficult to put together. I don't suggest this is easy, and it is the nuance that will matter. Nonetheless, the new strategy I have proposed looks at five building blocks that we need to mix together. Those areas are strengthening defenses; strengthening alliances; creating crippling new targeted financial measures; but also establishing direct high-level contact with North Korea's leaders, if only to facilitate political fissures and better understand pressure points; and using engagement and information to dramatically expand the flow of information into and out of North Korea.

So first, Kim Jong-Un's satellite diplomacy should catalyze us to bolster our missile defenses. We have no ascent-phase, boost-phase intercept capacity. This, combined with our mid-phase and terminal-phase defenses, would help us and our allies make sure that we could knock this missile down the next time this happens.

Second, we need to further reinforce the military capabilities and the interoperability between U.S., South Korea and Japan, in all three countries. Comprehensive missile defenses need to be matched with greater integration of command and control and intelligence, surveillance and reconnaissance capabilities. Additional steps should be taken to give higher priority to U.S. forces in Korea, a command that has inevitably suffered from the decade-long priorities placed on the conflicts in Afghanistan and Iraq.

Third, we need to move beyond ineffective sanctions to find new means of applying real pain on recalcitrant leaders who flagrantly put international security at risk. The United States can use the combined force of government and the private sector to clamp down on the mostly Chinese banks the North's leadership relies on to fund critical leaders in the military party and ruling circles.

We need precision-guided financial measures that go as far as those attempted nearly several years ago with Banco Delta Asia, to squeeze key decision makers like Jang Sung-taek. If they were targeted and maintained over time, this could bring about change.

Fourth, the United States should seek to use serious pressure and defense tactics to open up more direct high-level talks with Kim Jong-Un, Jang Sung-taek, and two or three generals central to the collective leadership. It is a political objective, in other words, to our pressure and our force, and this is it. It is opening up those real talks that will matter.

Only by winning access to the true inner circle of North Korea can we hope to determine potential fault lines, pressure points, and opportunities. Long-term engagement will make us smarter about what kind of transition that may be possible for North Korea, while preparing us for a hard landing should the regime implode.

And fifth and finally, the United States and South Korea should expand their efforts to dramatically expand the flow of information into North Korea. North Korea cannot live forever in a cocoon. China and South Korea are growing so prosperous, the flow of information can get in. But coupled with engagement, we can expand that information, and it will start to change.

So defense, allies, financial measures, information, and high-level engagement are the building blocks for a potential new strategic approach. I believe, put together properly, within the next decade we could move North Korea away from its regular cycle of provocation and prevarication and human rights abuses, to something much better.

Thank you very much.

[The prepared statement of Mr. Cronin follows:]

CONGRESSIONAL TESTIMONY

North Korea after Kim Jong-il:
Still Dangerous and Erratic
Prepared Statement of Dr. Patrick M. Cronin

Center for a New American Security

April 18, 2012

Testimony Before the House Committee on Foreign Affairs

Prepared Statement of Dr. Patrick M. Cronin

Senior Advisor and Senior Director of the Asia-Pacific Security Program, Center for a New American Security

Madam Chairman and Members of the Committee, thank you for inviting me to join these timely proceedings. Having analyzed North Korea over three decades, it is my judgment that the regime in Pyongyang remains armed, dangerous and prone to miscalculation.

Last week Kim Jong-eun recklessly pursued a long-range missile launch in contravention of United Nations Security Council resolutions and a voluntary agreement with the United States. He used his maiden public address to announce the primacy of military force, and he ominously exhorted North Koreans to prepare for a "final victory." He boasted of unprecedented military achievements, suggesting potential progress in fabricating a nuclear ICBM while parading a road-mobile missile. Kim Jong-eun's determination to show seamless continuity during this rare leadership transition reminds us that North Korea may resort to lethal force without warning, as it did twice in 2010 and on numerous occasions in previous years. Meanwhile, the North's people suffer from economic hardship and brutal political oppression. In all these and other ways, North Korea is indeed still dangerous. It is also erratic in the sense that the moment we publicly predict the next move of "Kim 3.0" he may seek to dash our expectations yet again.[1]

My main argument is that the United States lacks an effective, long-term strategy for achieving peace on the Korean Peninsula. Despite a robust alliance with the Republic of Korea, we are gradually losing leverage over an opaque regime in North Korea determined to acquire nuclear weapons designed to hit American soil. We lack direct contact with North Korea's collective leadership and rely far too much on second-hand information. A sober assessment of our North Korea policy assumptions should produce both a new strategic approach and strengthen America's defensive posture in Northeast Asia. Let me explain briefly why our present approach is not working and what we should do about it.

Last week's failed missile launch demonstrated that we are counting on North Korean technical incompetence to ensure a large measure of our security. Thus, it would be a mistake to assume that we dodged a bullet when North Korea's Unha-3 missile exploded less than two minutes after launch. In reality, this launch portends an exponential advance in North Korean military might. While the liquid

[1] The phrase comes from analyst Jonathan Pollack.

fueled Unha-3 may be operationally impractical as an ICBM (at least compared to modern, solid-fueled rockets), it does provide an important test of the staging required for a long-range missile designed to carry a nuclear warhead.

North Korea's missile provocation carries costs to the United States and its allies which transcend merely damaging American credibility. It poses real military threats that must be addressed through a comprehensive strategy that also includes better defensive military means. Cutting food aid and pursuing UN Security Council resolutions are insufficient, even feeble, responses, and they do nothing to check North Korea's unrelenting ambition to build a long-range nuclear weapons program.

North Korea's missile exhibitionism has exposed five serious tactical mistakes in United States policy. *Tactical mistake number one is Washington's fixation on the quixotic objective of persuading North Korea to negotiate away its limited plutonium stockpile sufficient for 6-10 weapons.* Coercive diplomacy works best when seeking limited goals, not goals that threaten regime survival. The regime's dogged pursuit of nuclear weapons suggests that a nuclear weapon is viewed as crucial to its survival, and the finite plutonium stockpile means it cannot afford to squander that insurance by either selling it or bargaining it away. Yet we have persevered with a maximalist goal of denuclearization despite our lack of leverage or credibility when it comes to meting out punishment for noncompliance.

Meanwhile, North Korea has in all probability used Houdini-like misdirection to expand a more advanced highly-enriched uranium (HEU) weapons program, one that would provide for a larger nuclear stockpile, be harder to detect, and be easier to proliferate off the peninsula. In November 2010, when visiting U.S. experts were shown the North's surprising achievements in fashioning an HEU program, America simply doubled down on its preexisting determination to pursue denuclearization as the supreme policy objective. America's staunch ally in ROK's Lee Myung-bak's government fully embraced the same approach.

But without a realistic means of achieving denuclearization, our efforts only emit a smokescreen for North Korea's ambitions. *This highlights a second tactical mistake: namely, becoming ever-more reliant on China to tamp down the North's nuclear ambitions.* Outsourcing the problem has presented China with a choice between pacifying a screaming baby (North Korea) and calming down a nonplussed adult minder (the United States). Given such a choice, China has found it easier to restrain the United States than North Korea. Consequently, China grows in importance, while U.S. influence over North Korea and within Northeast Asia is at risk of receding.

A third tactical mistake concerns the use of humanitarian assistance as a bargaining tool over the North's nuclear programs. Humanitarian assistance should be given only on humanitarian grounds, and food provides no leverage vis-à-vis a goal vital to regime survival like a nuclear-armed missile. While the Obama administration wished to keep "nutritional assistance" separate from nuclear talks (and the food was a request from North Korea), the administration played into Pyongyang's negotiating tactics by delaying humanitarian assistance that should have begun careful distribution months earlier. Meanwhile, the absence of humanitarian aid workers on the ground in North Korea is hurting malnourished and at-risk elements of the population, not the regime itself.

A fourth mistake on the part of U.S. negotiators has been to allow North Korea to wriggle out of a firm verbal commitment not to launch any missiles, including those that might send a satellite into orbit. I believe American negotiators who say that they made this explicit in the process of striking the moratorium on nuclear and missile tests. I also can point to the international consensus—including China and Russia – that existing UN Security Council resolutions prohibit the missile program that the North so flamboyantly rolled out in the past month. But giving the North sufficient grey area to claim it was all a misunderstanding and that a weather satellite is harmless has made the United States look downright foolish.

Finally, we are the on verge of a fifth tactical error by not following up our admonitions with resolute action. Declaring the missile launch to be "unacceptable" does more harm than good if our only responses are rhetorical blandishments and unenforced sanctions.

The result of these and other tactical errors is that the United States is gradually paying reputational costs and teaching North Korea to ignore our warnings. Consider the fact that only several weeks ago the President put U.S. credibility in the hands of a multilateral nuclear summit in Seoul that was overshadowed by the missile diplomacy of a military regime spearheaded by a man still in his twenties. Kim Jong-eun, in effect, successfully outmaneuvered U.S., Chinese, South Korean, Russian, and Japanese military forces, which ended up within close proximity of each other in and around the East China Sea. The outcome could easily have been miscalculation and conflict between major powers. Now *that* should be unacceptable.

In announcing the missile launch as a breach of contract and unacceptable, the United States offered little evidence that it would pursue options that the regime in Pyongyang might regret. Instead, Washington continued to look to Beijing to crack down on its ally, an action China has simply not been willing or able to do.

The United States needs a fresh assessment and a new long-range strategy for ending the threats posed by North Korea. Such an assessment should mobilize the entire inter-agency process, all-source information, and then be based on a commitment that the United States national security community is willing to back over time in concert with our allies, especially South Korea.

That new strategy would look at five areas: strengthening defenses; strengthening alliances; creating crippling new targeted financial measures; establishing direct, high-level contact with North Korea's leaders, if only to facilitate potential fissures and better understand pressure points; and using engagement to dramatically expand the flow of information into and out of North Korea. Put together, I believe such a top-down and bottom-up strategy of defense, pressure and information could within this decade break North Korea's endless cycle of prevarication and provocation. In the short-to-mid-term, we should seek to deny the North any advantage from growing military capabilities, and in the mid-to-long-term we should seek denuclearization through unification.

First, Kim Jong-eun's satellite diplomacy should catalyze us to bolster our missile defenses. It is too risky to pursue overt regime change in North Korea to stem Pyongyang's provocations. However, the United States can defeat North Korea's intolerable missile program by developing low-technology-risk, boost-phase intercept capabilities based on proven Cold War propulsion technologies. Specifically, the United States and its allies can plug the gap in current missile defenses, which address mid-phase (SM-3 missiles) and terminal phase (PAC-3) but not missiles in their ascent or boost phase. Previous attempts to build boost-phase interceptors failed because of immature laser technologies, impractical operational concepts, and exorbitant cost. I have co-authored with Paul and Matthew Giarra a notion for how to proceed with cost-effective, boost-phase interceptors.[2] To fix this shortcoming, a high-speed, two-stage, hit-to-kill interceptor missile, launched from a Predator-type UAV can defeat many of these ballistic missile threats in their boost phase.

Second, we need to further reinforce the military capabilities and interoperability between the United States and South Korea, the United States and Japan, and among the three countries. Comprehensive missile defenses need to be matched with greater integration of command and control, as well as intelligence, surveillance and reconnaissance capabilities among the United States, South Korea and Japan. Additional steps should also be taken to give higher priority to U.S. forces in Korea, a command that has inevitably suffered from decade-long priorities placed on the conflicts in Afghanistan and Iraq. My aim is not to shortchange those theaters of conflict, but to recognize how we have neglected our

[2] Patrick M. Cronin, Matthew N. Giarra, and Paul S. Giarra, "Plugging U.S. Missile Defense Gaps," *The Diplomat*, April 16, 2012, http://the-diplomat.com/2012/04/16/plugging-u-s-missile-defense-gaps/.

commitment to maintain deterrence and readiness on the Korean Peninsula. At the same time, we need to work closely with Seoul as it prepares to assume responsibility for any wartime operational control in December 2015.

While opening channels of communication with the North, the United States should also conduct a bottom-up policy review to preempt a possible crisis in the U.S.-South Korea alliance. The trend of the past decade will reach a turning point by next year. The April 2012 National Assembly election in South Korea's National Assembly resulted in a narrow victory for the conservative ruling party. Whether the conservatives, the main opposition Democratic United Party or even an independent third party prevails in the December presidential election, the winning candidate is almost certain to press for reinvigorating economic ties with the North. South Koreans are unlikely to countenance watching North Korea slip further into China's ambit.

Third, we need to move beyond ineffective sanctions to find new means of applying real pain on recalcitrant leaders who flagrantly put international security at risk. The United States can use the combined force of government and the private sector to clamp down on the mostly Chinese banks the North's leadership relies on to fund critical leaders in the military, party and ruling circles. Precision-guided financial measures that go as far as those attempted nearly a decade ago with Banco Delta Asia could squeeze key decision-makers like Jang Sung-taek if they were targeted and maintained over time.[3] The North will seek to evade growing pressure, and financial measures will require constant adaptation and sustained high-level political support in Washington.

Fourth, the United States should seek to use serious pressure and defense tactics to open up more direct, high-level talks with Kim Jong-eun, Jang Sung-taek, and the two or three generals central to the collective leadership. We know too little about their decision-making dynamic. Only by winning access to the true inner circle of North Korea can we hope to determine potential fault lines, pressure points, and opportunities. Long-term engagement will make us smarter about what kind of transition may be possible for North Korea, while preparing us for a hard landing should the regime implode.

Fifth and finally, the United States and South Korea should expand their efforts to dramatically expand the flow of information into North Korea. North Koreans cannot forever be walled off from increasingly prosperous neighbors. A million cell phones now operate within North Korea, and the burgeoning flow

[3] We have outlined some of the more stringent measures that can be used to target the offshore bank accounts of a leadership in David L. Asher, Victor D. Comras and Patrick M. Cronin, *Pressure: Coercive Economic Statecraft and U.S. National Security* (Washington, D.C.: Center for a New American Security, January 2011), http://www.cnas.org/pressure.

of information may be hard to stop in one of the world's most closed regimes. Kim Jong-eun may actually understand this, as his uncharacteristic admission of failure after the Unha-3 shattered suggests.

Our defensive and coercive power, of course, must serve larger political goals. As we operationalize a multi-faceted strategy, we need to weave in all instruments of alliance power, including potential incentives for engagement and economic ties. I have written elsewhere about how the United States, South Korea and other allies and partners have lost what limited economic leverage we have over North Korea.[4] Over the past five years, the tenuous North Korean regime has drifted further away from South Korea and increasingly depends on China for its economic sustainment. Deployed intelligently, at the right time and with the right actors, economic engagement can be part of a long-term solution to peace on the Korean Peninsula.

Asia's only other economic pariah state, Burma (also known as Myanmar), has recently undergone a radical change in direction. Since the 2010 rise of Prime Minister Thein Sein as a nominal civilian leader, that country has gradually moved away from self-isolation by undertaking reforms; but it has not yet instituted real democracy. The release of hundreds of political prisoners; the reinstatement of the main opposition party and its leader, Aung San Suu Kyi; and the agreement to swap ambassadors with the United States have all been viewed as affirmations that the country is on a new path.[5] If Burma stays on its current trajectory, it may well go from being largely dependent on China to relying on a far more balanced set of economic relations with China, India, and other nations, including the United States. Similarly, if North Korea were to repair ties with South Korea, then the United States could support a growing economic relationship between North Korea and the outside world.[6] If Burma appears to benefit from reform, then perhaps North Korea could be persuaded to follow a new path as well. A diversified economic and political strategy would give North Korea far more independence.

Neither Sunshine policies nor coercion have yet produced significant progress toward denuclearization. Analysts can dispute whether a slow-down, or even a temporary freeze, represents progress; but there is no evidence to support the claim that either policy has reversed North Korean nuclear ambitions. Thus, many South Koreans may conclude that if nuclear weapons are a long-term problem, then the focus in the

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[4] Patrick M. Cronin, *Vital Venture: Economic Engagement of North Korea and the Kaesong Industrial Complex* (Washington, D.C.: Center for a New American Security, February 2012), http://www.cnas.org/node/7824.

[5] Associated Press, "Myanmar Wins Plaudits for Long-Awaited Release of Prominent Political Prisoners," *The Washington Post*, January 14, 2012, http://www.washingtonpost.com/world/asia-pacific/myanmar-wins-plaudits-for-long-awaited-release-of-prominent-political-prisoners/2012/01/14/gIQAwUGuxP_story.html.

[6] It's worth adding that if Burma were to become an active member of the international community in good standing, then it would largely have to desist from befriending North Korea.

near-to-mid term should be on ensuring that North Korea does not slide too close to China and away from a path toward unification. There is also a serious chance that South Korea will try to restore inter-Korean economic relations to the primary position, rather than watching China-DPRK ties grow to the point that they could have decisive implications for the future of Korean unification. Whatever South Koreans think about the regime in North Korea, they do not want to see North Korea become a de facto province of China. Such a development would foreclose the longstanding goal of a unified, free and democratic Korea, a hope that many Koreans and Americans have harbored since so many lost their lives in war some 60 years ago.

Renewed economic engagement between North and South Korea would be an important precursor to preventing conflict on the peninsula. It should take place in the context of a bottom-up policy review that holistically evaluates economic trends, nuclear issues, the 2015 transfer of operational control from the United States to South Korea and the need to establish regular military-to-military contacts with North Korea during its time of transition. Predicting the future of North Korea is a perilous task. Yet by mixing engagement with a serious review of national and alliance policy options for 2013 and beyond, the United States can minimize friction in its alliance with South Korea and retain leverage for shaping the future regional security environment. Defenses, allies, financial measures, information, and high-level engagement are the building blocks for a potential new strategic approach.

Chairman ROS-LEHTINEN. I admire your optimism. Thank you. Thank you, Dr. Cronin, I appreciate it. Now I thank all of the witnesses, and my apologies to cutting you off.

I wanted to ask about the third nuclear test, about the influence of China, and the cooperation of North Korea with Iran. As many of you had said, experts are expecting that North Korea will, indeed, conduct a third nuclear test, especially since the young general lost face with this fizzled missile launch. Do you anticipate that any future weapons tested will be plutonium-based, as in the past, or will it be triggered by highly-enriched uranium, demonstrating an alternative nuclear weapons system for Pyongyang? And what should the U.S. response be to such a test?

And then, following that, China's influence. As we read in press reports, China likely provided that mobile long-range missile launcher which North Korea put on display. This would obviously be in violation of U.N. Security Council Resolution 1874, and China, as a permanent member of the Security Council, is obligated to uphold sanctions. How involved is the People's Liberation Army in the development, in the supply of weapons to the North Korean military? Do we expect Chinese technical support for the development of North Korean missile technology?

And lastly, cooperation with Iran. Japanese media had reported that a 12-member Iranian delegation of missile and satellite development specialists secretly visited North Korea recently. The report says that this is by no means a recent occurrence or an isolated occurrence. What other activities, such as nuclear weapons design and development, have this regime collaborated on that we have not seen in public reporting as of yet?

Mr. Fleitz.

Mr. FLEITZ. Thank you, Madam Chairman. I think the issue of a third nuclear test is sort of the parlor game in Washington right now, when and if there will be a test. And I have talked to a number of experts around town, and many of them think there will be a test. I tend to think the chances are less than 50/50 right now.

I think there will be a nuclear test eventually, when North Korea is technically ready and prepared to endure the enormous amount of isolation it will endure, more than it already has. But they have to conduct a nuclear test, because we have to assume that they are developing the nuclear designs. Their uranium enrichment program would produce nuclear fuel which has not been tested yet, and I think eventually there will be a test of that kind.

I am sort of hoping that the statements before and after the rocket launch suggest that there may be a line they are not prepared to cross right now, and they may not currently be planning to conduct a nuclear test. But frankly, all bets are off with this country. Anything is possible.

I think missile tests are certain. The missile tests may be more threatening, because the missile tests could land on Japan, it could land on Hawaii, the West Coast of the United States. And it is the delivery system for a nuclear warhead. It also is something that they are using to advertise their missile technology to other rogue states, including Iran.

I think it is certain there was an Iranian delegation that was closely watching this missile test. I believe there probably has been

some type of collaboration between the Iranians and the North Koreans in the nuclear sphere. I have also always believed that the al-Kibar reactor in the Syrian Desert probably had some role from Iran, that maybe this was a nuclear reactor that was being built so Iran could somehow acquire plutonium or the technology to make plutonium in an area that the IAEA could not detect.

So I think this is a very dangerous situation, but concerning the issue of a third nuclear test, I just think it is hard to judge.

Chairman ROS-LEHTINEN. Thank you. Do any of the others—yes, Dr. Green?

Mr. GREEN. While we don't know, the historical pattern would suggest they will do a nuclear test. The propaganda of recent years, declaring 2012 the year North Korea will be a full nuclear weapons state, the hundredth anniversary of the birth of Kim Il-Sung, the great leader, would also suggest it.

When Sig Hecker and other experts were shown the uranium enrichment facility, they saw what they thought was 2,000 centrifuges spinning, and probably the tip of the iceberg. So technologically, it is, I would say possible or perhaps probable, they are close to ready to do a uranium test. It would up the ante on us considerably, and raise the asking price for any future negotiations.

So if I were betting, I would say they would do it, and that we may be looking at a uranium test. But we don't know, particularly with uranium because it is much easier to hide. It doesn't give a signature in the atmosphere the way plutonium does.

The PLA, historically, did have an involvement with the nuclear program in North Korea. It has been some time since that was the case. Jian Zemin denied that they had anything to do with it. I think what we saw with that TEL was more a matter of negligence than malicious support for North Korea, but it is an area we should be pressing the Chinese quite hard on, in my opinion.

Chairman ROS-LEHTINEN. Thank you very much. And sorry, I am out of time.

Mr. Berman is recognized.

Mr. BERMAN. Well, thank you very much, Madam Chairman. And while each of you emphasized different issues, the panel doesn't seem like it has a clash of approaches. I actually want to focus on China, but before I do that, Dr. Green, you had said something that caught my attention: That there are sanctioned entities openly doing business in China. Did I hear that right?

Mr. GREEN. Yes.

Mr. BERMAN. And so, if I did, does that say something about a Presidential Statement which talks about expanding the sanctions, then, to these, not being worth a lot? Is that the implication of what you were saying?

Mr. GREEN. To be exact, I have seen the photos that Japanese photojournalists have taken of the Tengzhong Trading Company, the one company on the sanctions companies list, open. You know, the sign up. The Chinese are not implementing the sanctions. I don't think the administration would say they are. And in the Security Council, they are blocking any effort to add new entities, or do any sort of further steps as——

Mr. BERMAN. I thought the Presidential Statement——

Mr. GREEN. The Presidential Statement was interesting, because China had to clear on it. And it did reference examining new entities, and that was a positive element. Now, we have got to follow up on it. And part of the problem Beijing has is that the Foreign Ministry, which controls that decision, rarely can implement within China. A lot of it is the dysfunctionalities in this huge, complex Chinese system. But I think we could be doing much more, in U.N. Security Council deliberations, in our discussions with the Chinese, to get Beijing to do more.

Mr. BERMAN. All right. Well, let us go to China, then. Is that little glimmer in the Presidential Statement any real sign that China is reconsidering its stability-first policy toward North Korea? In other words, is it a fool's errand to try to secure stronger cooperation from Beijing on trying to change Pyongyang's behavior, given that the Chinese security calculus just seems to be so different than ours, or some of the other countries in the region?

Any of you?

Mr. FLEITZ. I would note, Mr. Berman, that this was a Presidential Statement, and it is not binding. And this is what we resort to when we can't get China and Russia to agree to binding language. This was a fall-back position.

Mr. BERMAN. Right, I get you. And it is not binding. To the bigger question, is there any reason to have any hope that China is going to change its calculus, that a diplomatic push on China, who is so important to doing some of the things you suggested need to be done in terms of stopping what North Korea gets, in order to fund and implement its program. Is there anything out there that would indicate there is anything about Chinese behavior that might change, based on this most recent activity?

Mr. FLEITZ. The Chinese have already met with Kim Jong-Un, and I assume they urged him not to conduct this missile test, and he ignored them. I think the Chinese would like to restart multilateral talks under their sponsorship, and they are probably already working at that. But I don't think China is going to allow any sanctions from this missile to go forward. I think they are simply going to put it behind them.

Mr. BERMAN. Anyone else have any thoughts?

Mr. SNYDER. Let me just add that the panel of experts that is implementing the Security Council Resolution has a Chinese expert on it, that essentially his job is to keep the committee from adopting anything that would be critical toward China. And so there are real limits to the instrument that the Presidential Statement has identified as the vehicle by which it is going to strengthen sanctions.

With regard to China's broader strategic orientation, I think it is very clear that they are focused on stability, and the reason why the Presidential Statement went as far as it did was simply because President Hu heard such strong blow-back when he was in Seoul. But in terms of follow-through, it is probably not going to be there.

Mr. GREEN. The Chinese are going to keep their stability-first policy. You know, the quip for people who work on this is that PRC stands for "Please remain calm." They will do what they can to lower actions, by us or North Korea, that get in the way of a proc-

ess of talking. I think appealing to China's self-interest has limited utility. They know their own self-interest. They have made their calculations.

Part of our strategy has to be, I think, what Scott Snyder was referring to: Changing the atmosphere. That is why the trilateral U.S.-Japan-Korea piece, missile defense, are so important. Beijing needs to see that if they are not willing to use leverage more effectively on North Korea—and they have a lot—there is another path we have no choice but to take, which involves us strengthening our defenses and our relations with allies, which China, of course, in the long run would rather not see.

So, if we are not changing their calculations, if we are just appealing to their self-interest, we are not going to get much of a change.

Chairman ROS-LEHTINEN. Thank you very much. Thank you, Mr. Berman. Mr. Royce is recognized.

Mr. ROYCE. I am going to pass for the moment, Madam Chair.

Chairman ROS-LEHTINEN. Okay. Mr. Burton?

Mr. BURTON. Thank you, Madam Chairman, and I am sorry I was a little late. We had another committee hearing. But this is most important. That failed rocket launch cost $850 million, they estimate. And I have before me a report that says that would have bought 2.5 million tons of corn, 1.4 million tons of rice, or enough for the North Korean Government to feed millions of its people.

Why did they launch that, when they knew that that was a direct violation of the Leap Day agreement? It is like they said that they were going to have a hiatus on—"They want us to halt nuclear tests, missile tests, and allow the International Atomic Energy, IAEA inspectors back into the country after a 3-year hiatus?" They did that, and turned right around and launched a missile. How do you deal with that? I mean, you folks indicate that we ought to continue to try to negotiate with them, but every time we negotiate with them, they turn around and stick us right in the ear.

So that is the first question. The second thing I would like to ask is, in 2012 we have had both congressional and Presidential elections in the U.S. In South Korea it is going to be this year. North Korea is developing into a strong and prosperous nation. This was supposed to be the year that they were going to do that, whatever that means. It would appear that these three elements could form a perfect storm. In other words, do you expect North Korea to continue to saber-rattle and provoke further aggressive behavior this year, so as to try and impact the ongoing election cycle in South Korea?

And then the final question—you can actually answer them all at once, if you like—I know I am preaching to the choir when I say that South Korea is one of our closest allies and friends in the world. We even passed a free trade agreement this year, and I am glad that the President signed that.

Given the ever-present dangers posed by North Korea and the regime, what can we do here in Washington, in Congress, to create a more stable environment over there? And I am not talking about signing another agreement like the State Department did, saying that they were going to do certain things, and they turn right around and violate it.

Mr. Fleitz?

Mr. FLEITZ. Thank you, sir. I believe the launch of the rocket last year is consistent with an historical pattern of North Korea making agreements, then a provocation, then looking for concessions, and then they get more agreements. This seems to be a strategy that they engage in.

Mr. BURTON. But why do we keep caving in like that? I don't understand that. You know, I understand we want to be humanitarian and help the people up there, but when the food goes there, we don't know that it is going to get out to the people who are really starving out there. So we are giving food through the government, not through PVAs. And they take that money that they would use for food if they were going to do it, and they launch another missile. Eight hundred and fifty million bucks.

Mr. FLEITZ. I think that is right, sir. I would say that——

Mr. BURTON. I mean, it just seems like our Government, not just under Democrats but Republicans as well—we have reached out, trying to negotiate with these guys. And I don't see where we have gained a thing.

Mr. FLEITZ. I think that that is—it was a mistake to link the nuclear issues to the food deal. But I also——

Mr. BURTON. Wait a minute. Why?

Mr. FLEITZ. I don't think the North Korean people should suffer from the country's proliferation. However, I——

Mr. BURTON. Well, wait a minute. Does the government distribute the food that we give to them?

Mr. FLEITZ. Well, that is the point I was going to make.

Mr. BURTON. Okay, but the point is, you say we shouldn't tie the two together. Why even give the food to them, if they use it for their purposes and then launch a missile?

Mr. FLEITZ. They shouldn't get food unless there are verification provisions to make sure it gets to the North Korean——

Mr. BURTON. Well, they are not going to agree to that. Are they?

Mr. FLEITZ. Well, then, there shouldn't be a deal.

Mr. BURTON. That is the point. That is great.

Mr. FLEITZ. And I would say, sir, there are two things I think Congress could do. First of all, that is one provision. And second of all, we have to honor our friends, the Japanese. A provision of the six-party talks is the Japanese abductees, people kidnapped by the North Korean Government, maybe hundreds of them. This was supposed to be part of the six-party talks. It has been put off by two successive administrations. It is a matter of principle for the United States——

Mr. BURTON. It is terrible that those people are held.

Mr. FLEITZ. And——

Mr. BURTON. But to negotiate based on fear, and that they might do this or that, is a sign of weakness. It is a sign of weakness. And I can't understand why our Government, whether Republican or Democrat, why we continue to negotiate with terrorists, terrorist organizations, and countries that continue to say they are going to do one thing and then violate the other while we are giving them billions of dollars of food aid and other things.

I mean, all the way back to the Clinton administration and before, I remember when we negotiated for that reactor over there, the—what was it? The light water reactor. And they violated that.

Mr. FLEITZ. We offered them two light water reactors.

Mr. BURTON. I know. And I just don't understand the mentality. Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Very good points. Thank you very much, Mr. Burton. Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chairman. And Mr. Snyder, picking up from the last point my colleague, Mr. Burton, just made, perhaps making a Devil's advocate argument about it, though, the idea of "Why would we negotiate with or be engaged with a criminal regime?"

Some might observe that, in the very early weeks of the new then-George W. Bush administration, President Bush actually publicly overruled his own incoming Secretary of State, Powell, who had said, "We are going to continue the policy of engagement and negotiations of the Clinton administration." And President Bush said "No, we are not." And what followed from that was a much more aggressive North Korean pursuit of its nuclear program. Would that be a fair statement?

Mr. SNYDER. Yes, I think that that is an accurate characterization of what happened.

Mr. CONNOLLY. So while one can understand the concerns raised by my colleague, and I share them, on the other hand the idea of "let us not engage, let us in fact have a policy of implacable hostility," has consequences, given, frankly, the ability of North Korea to pursue inimical aims, including its nuclear program. Would that be a fair statement?

Mr. SNYDER. I think that there needs to be some kind of communication with North Korea in order to be able to manage and handle miscalculation.

Mr. CONNOLLY. Okay. Let me ask—Mr. Green, you wanted to comment?

Mr. GREEN. If you will indulge me, I was in the White House at that time. And I think a more accurate description would be that Kim Dae-jung came in March to President Bush, before most of his officials were in place, and said, "You should continue what President Clinton was thinking of doing, which is to go to North Korea."

And the White House position was "we need to review our policy," which we did, and in June 2001 put out a statement from the White House saying, "We will continue the agreed framework if North Korea honors it, and we will engage with North Korea." So it was, I don't think, a rejection of engagement. It was a request for a time to get the administration's strategy in place, because there had been so many problems in the past, over several administrations, with North Korea.

Mr. CONNOLLY. Fair point. I do, however, remember with some surprise, Secretary Powell at the time having his wings clipped a little bit, because he had gone out front, maybe before that assessment, which maybe also inadvertently sent a signal that had some consequences. I don't know.

I kind of think we are between a rock and a hard place, because I am not convinced about the efficacy, sometimes, of that engage-

ment. And I share Mr. Burton's concern—and heck, let me ask you, Dr. Green or Mr. Fleitz, the issue for me, here, and I think for Mr. Burton and others, is efficacy. Right after we provided some food aid to North Korea recently, they announced their intention to test a new rocket, or the existing rocket.

How do we handle this issue of efficacy? We don't want millions of people to starve, but on the other hand, that kind of engagement, in terms of the provision of assistance, seems to have very limited payoff if your hope is to moderate behavior.

Your comment?

Mr. FLEITZ. Sir, I don't think we should tie the regime's WMD programs to food, but as I said earlier, if food aid is provided to North Korea, there has to be strings attached. There has to be verification that the food will reach the people, and not be sold or given to their military. If they won't agree to those things, we shouldn't make an agreement.

Mr. CONNOLLY. And Dr. Green?

Mr. GREEN. Congressman Burton asked, "Why do we go into this cycle?" And we do, over several administrations. And the difference between us and North Korea is they are consistent and we are not. And every administration gets in a mode, after a particular provocation, of sanctions and pressure, and it is very hard for us, or Japan or South Korea, to continue that. It stresses us. We have Iran, we have domestic politics in these countries.

We, in 2010, were in that mode, putting pressure on the North. The Chinese felt the pressure. The North Koreans felt the pressure. We stood with South Korea, who had been attacked. By July of last year, we were shifting, in the United States, toward trying to engage, and putting pressure on South Korea to back off on their demands of the North. The North Koreans knew that.

So even though they lost the food aid, which was small, and Kim Jong-Un was not invested in it, they got points on the scoreboard by marginalizing Lee Myung-bak, our ally. And I don't think that was the administration's intention, but that is what happened.

Mr. CONNOLLY. If I had more time—I only have 13 seconds—I would ask you, this panel, to comment a little bit on the consolidation by the new leader in North Korea, and how real he is as a leader, versus maybe sort of a tool of the military.

Chairman ROS-LEHTINEN. And that question hangs. Thank you, Mr. Connolly. And Mr. Royce is ready now.

Mr. ROYCE. Thank you, Madam Chair. Since food aid is being discussed, I will just mention the Tom Lantos Human Rights Commission hearing that was held on this subject, where we heard testimony of sacks being delivered, actually, in a village, villagers being told, "Don't touch those," and the trucks coming back and picking up the sacks.

And so one of the questions here is, "What do they do with that?" Well, a French NGO, at another hearing, explained how it had tracked this and the food was being sold on the food exchange, in the capital of the country, in order to get hard currency for the regime. This is, perhaps, the greatest problem. Because, as we look at these interviews, debriefings done with defectors, they say, "Food does not go in the no-go areas anyway," right? The no-go areas are no-go areas, and food does not get out there.

So for the record, I had an amendment, the Royce amendment, here last year, that would have prohibited food aid from going to North Korea under these circumstances. That was watered down in the Senate, by the way. But I share the gentleman from Indiana's concerns about control of that food, and it indirectly propping up the regime, either by going to the military or being sold for hard currency.

A couple of points I wanted to just make here, and ask you questions about, was to go back to Mr. Berman's point about elevating the discussion of human rights in this whole dialogue. Do you think it would be helpful if that became sort of a strategic imperative? Because nowhere on the planet are people as ground down, from what I saw. And if you read the reports out of the—let us call them work camps, or concentration camps, in terms of the people being worked to death there, really I think it would be beneficial if there was greater understanding on that front.

And second, we now have broadcasting into North Korea. How about a little bit more robust Radio Free Asia broadcasting on what is actually going on in the country. For example, and the last question I will ask you here to comment on, is this admission on the part of the North Korean regime that the launch was a bust. And that is the first time, to my knowledge, that you had an official mention of that.

How about broadcasting out the cost of the launch, you know? Three quarters of a billion or more. The cost of that launch, and then the privations that people face, the conditions in North Korea, and make the connections for people.

Because increasingly, as people are leaving the country, they are saying—close to 40 percent are now saying they are listening to the broadcasts, they are getting access to these cheap radios that come over the border from China and they are listening to the broadcasts. How about—let me ask you your thoughts on those subjects.

Mr. CRONIN. Mr. Royce, thank you very much. When I was a third-ranking official at USAID in the George W. Bush administration, I worked every day on the North Korean food aid problem. We were trying to negotiate strict criteria for delivery. That is the key test. It should be based on the humanitarian criterion of making sure that our assistance gets to the people in need, not as a lever over a nuclear weapons program that North Korea doesn't want to negotiate away.

It is not really leverage. That is why, I think, Mr. Fleitz was saying this is not really the lever for negotiations over nuclear weapons. It should be based on humanitarian criteria. If we can't get it to the people in need, then you are right, we shouldn't deliver it. The North——

Mr. ROYCE. Then let us go back to better deploying RFA and VOA, because I think we have got a consensus on that.

Mr. CRONIN. Information is very important, sir, and that is why I am suggesting an information campaign like we have not seen before. But that has to be partly based on engagement. Because if you consider the 50,000 North Korean workers who are working in South Korea's one economic zone at Kaesing, that has been an intelligence mine for us. We can't go into this in open session, but

I can tell you in general that those people have had an eye-opening effect, by seeing South Korean prosperity.

They also get it across the Chinese border. We can both document human rights abuses in North Korea, and highlight the——

Mr. ROYCE. I understand all of this. But to the extent that we have got hard currency going into the regime, this is a regime that built a reactor for Syria.

Mr. CRONIN. Yes, sir.

Mr. ROYCE. That built a nuclear weapons program for Syria, and did it while we were under, supposedly, an agreement where they weren't going to proliferate. They were proliferating beyond anything we could have imagined, while doing a two-track nuclear program, and they are selling it who knows where. So at some point, we have got to figure out how to cut off the hard currency and accelerate the change inside. And giving them more access to it, I am not sure is the answer.

Mr. CRONIN. Targeting Chinese banks is the way to go after the people who are in charge.

Mr. ROYCE. Thank you. Good point.

Chairman ROS-LEHTINEN. Thank you very much. Thank you. Mr. Rohrabacher is recognized.

Mr. ROHRABACHER. Thank you very much, Madam Chairman. First of all, let me just note that, years ago, I can remember major debates in the House of Representatives over whether or not we should have a missile defense system. Thank God those of us who supported missile defense won that debate. And every loony regime that tries to get its hands on nuclear weapons and tries to launch a rocket reinforces the importance of having a missile defense system, because that is, perhaps, one of the only things that gives us leverage here, is that we can defend ourselves.

Also, I have been privy, as a member of this committee, to the debates over the years on food aid to North Korea. When did the United States assume the responsibility for the nutrition of the North Korean people? I mean, this is a loony policy on our side. Shall we just say that any dictatorship around the world that decides that they want to spend their money on weapons production, that they are going to automatically qualify for nutritional aid for their people from the United States, and that we are going to have expressions of sole concern that the food aid that we are giving them goes directly to their people?

What dictatorships are we leaving out of that equation? Does every dictator in the world that wants to spend more money on weapons just do it, and then we will give them food aid? Or is it just North Korea? I mean, this is an insane policy that I remember debating this 20 years ago. And it has happened now, and it hasn't done any good. Giving them all this money has provided them the resources they need to spend $850 million on a rocket launch. This is something that we need, again, to have reality checks when we go into debates on such policies as these.

I would like to ask about the Chinese, here. Do any of you have evidence that that rocket that was going up had important Chinese components on that rocket? And in their nuclear system that they have been building, their weapons system, are there not Chinese components to that that are vital to the success of those projects?

Whoever knows anything about it.

Mr. GREEN. Several of us have had clearances over the years, and there is only so much we know and only so much we can say. But we do know, and I think it is a matter of public record, that the North Koreans have put together their missile program, their uranium enrichment program, their reprocessing, by purchasing chemical precursors, highly refined uranium, dual-use materials, all over the world, in particular using the A.Q. Khan network. A lot of it——

Mr. ROHRABACHER. How about their hardware?

Mr. GREEN. A lot of it comes through China. Yes, a lot of it comes through China. So that is why Beijing following the letter of the sanctions resolution is hardly enough.

Mr. ROHRABACHER. So is it not possible, when we see this impoverished regime in North Korea that can't even feed its own people, a regime that counts its power on the number of people marching down the streets doing the goose-step, that this is the regime that actually is responsible for building these nuclear reactors and this technology?

Are we not dealing with Beijing? Is Beijing not using North Korea as a proxy? "Please stay calm. You know, forget what I am doing, stay calm, go and blame the other guy over there."

Mr. FLEITZ. I tend to think that China is not behind North Korea's nuclear program. I think China likes having North Korea as a buffer between it and South Korea. But from what I have seen in my career, China has never been terribly happy about North Korea's pursuit of nuclear weapons.

Mr. ROHRABACHER. Okay. I have got 15 seconds left on my time, and I am just going to suggest that China is the big player here. And just like we don't want to face reality that we shouldn't be giving food aid to a dictatorship like this or that we need a missile defense system, we just don't want to face reality of the downside of China. And for whatever reason, this has been going on for 20 years to America's detriment, and nowhere is that more clear than our policies with Korea.

Thank you.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Rohrabacher. Mr. Smith is recognized—no, sorry, Doctor Poe, Judge Poe, the vice chair of the Subcommittee on Oversight and Investigations. Just the way it is.

Mr. POE. It seems to me that Kim Jong-Un is just like his daddy. He follows in the footsteps of his daddy. He is trying to make a name for himself, makes a bunch of promises to the west. And like daddy and granddaddy, he lies. He breaks his word. Shock.

You know, where I come from, if a man breaks his word, you probably shouldn't trust him the next time he gives his word, not to do something or to do something. But it seems to me, here we are over here, the United States: "Okay, we will try it again in a few years, a few months. We will promise you the same thing if you just hold off on," in this case, "your nuclear capability."

It seems to me that just doesn't work for North Korea. It doesn't work for Iran. And we are pushing a decision to really do something, we just push it off to the next administration. And I know

we have heard from the other side about "well, this is Bush's fault, it is Clinton's fault." It doesn't make any difference.

Right now, we are in a situation where North Korea is going to be a threat, and my first question is, what is the policy of the United States, overall, in dealing with the nuclear capability of North Korea? Are we just going to keep making promises, keep trying to give them food, help the people? What is our policy toward North Korea? Dr. Fleitz?

Mr. FLEITZ. Well, part of the problem in dealing with both North Korea and Iran is that we are recognizing their right to nuclear technology. I was at the State Department, I remember when President Bush reaffirmed Iran's right to nuclear technology. And many of us had argued that if you pursue nuclear weapons secretly, or nuclear technology in violation of the IAEA, you aren't entitled to nuclear technology. And unfortunately, both administrations endorsed that. That may be something Congress could look into. States——

Mr. POE. What do you recommend?

Mr. FLEITZ. I think that states that cheat on their IAEA obligations——

Mr. POE. No kidding.

Mr. FLEITZ [continuing]. Have no right to peaceful nuclear technology, period. All right, the treaty says differently? We change the period. And I think that was one of the biggest mistakes of the Bush administration. We are seeing that in the negotiation with Iran. We have to make it clear that North Korea is not entitled to nuclear technology, because it will use it to make nuclear weapons.

The agreed framework was going to give North Korea two additional nuclear reactors. Now, they were proliferation-resistant, but they could still be used, under the right conditions, to make nuclear weapons fuel. That was a foolish agreement, and I think that—I guess if I were to find the biggest problem with our policy, that is it, and that is something we should work on.

Mr. POE. Dr. Green, briefly?

Mr. GREEN. I do not think any administration is going to offer North Korea light water reactors. I think that is now off the table. So de facto, I think Mr. Fleitz's policy is our policy toward North Korea. Iran is another story, and I agree completely on that front. And I think there is an assumption that, if we can contain the North Korean nuclear problem, if we can cut a deal and basically rent the program, and pay them off, we can manage it until the regime collapses.

Mr. POE. Extortion.

Mr. GREEN. The problem with that theory is, as I mentioned earlier, the North Koreans are not going to sit still. They are going to use these time-outs to increase their nuclear weapons capability, to threaten transfer, and to continue raising the asking price. So we need a strategy that focuses increasingly on rollback. Missile defense, alliance cooperation, interdiction, enforcement of sanctions. If we can't do it with China, then we do it without China.

I would still maintain a diplomatic element. I think you do need some channel for communication for a variety of reasons, but I think we have had it backwards for many years, which is that we

have made the negotiations the center stage, and all the other pieces the sort of secondary considerations.

Mr. POE. It seems to me that the North Koreans don't take us seriously. Would you agree with that or not, Dr. Green?

Mr. GREEN. Well, they take us very seriously in one sense. I mean, after the collapse of the Soviet Union, Kim Il-Sung's strategy was to develop a relationship with the U.S., to marginalize the South.

Mr. POE. I am talking about with sanctions or consequences.

Mr. GREEN. I suspect the North Koreans have gotten used to a pattern where we have a very hard time, in democratic societies, maintaining pressure on them.

Mr. POE. Credibility?

Mr. GREEN. That we will back off, and we will move on to other things. Even our approach in the Security Council is designed to save our ammo, our diplomatic ammo, to get China and Russia on board for Iran and Syria. And they know that.

Mr. POE. One last question, because I am out of time. Long-term, what are North Korea's intentions? What do you speculate?

Somebody needs to answer before my time is up.

Mr. FLEITZ. I think long-term is that this corrupt regime wants to stay in power. That is the purpose of this corrupt group of people behind Kim Jong-Un and his family. That is all they are interested in.

Mr. POE. You think we should have removed them from the foreign terrorist list?

Mr. FLEITZ. No.

Mr. GREEN. Absolutely not.

Mr. POE. All right. I yield back.

Chairman ROS-LEHTINEN. Thank you. Thank you very much. You got a lot in in those 11 seconds, Judge Poe. And Chris Smith is recognized. He is the chairman of the Subcommittee on Africa, Global Health, and Human Rights.

Mr. SMITH. Thank you very much, Madam Chair. Thank you for calling this very important and timely hearing. Madam Chair, at a hearing that I chaired in my subcommittee last September on human rights in North Korea, the witnesses made the following two important points. Many, but these are the two that I would like to bring up today: That any attempts to address the nuclear weapons issue while sidelining, or ignoring, or deprioritizing the human rights issue was doomed to fail. And second, it is imperative to provide the North Korean people with current, accurate information, so that they understand that there are alternatives to the repression under which they are suffering.

I also chaired a hearing on China's forced repatriation of North Korean refugees with the Congressional-Executive Commission on China on March 5th, which pointed out China's violation of its solemn obligations under the Refugee Convention. And some of our witnesses there also made those points that were made in September.

Some of our witnesses today, Madam Chair, have agreed, at least in their written testimony—I am sorry I missed your oral presentations—with many of the points raised at those hearings. Dr. Green, you indicate that "we need a human rights policy that is un-

flinching in our condemnation of abuses in North Korea, and our efforts to muster international support to prevent actions, such as those by China, to return refugees to North Korea against their will.

"Humanitarian and human rights policies toward North Korea," you went on to say, "deserve prioritization in their own merits, and should not be linked to the up and down tactics of negotiations."

Mr. Snyder, you indicate that providing information to North Koreans may be one of the most "effective options for influencing North Korea's internal choices." And Dr. Cronin, you recommended that the U.S. and South Korea expand our efforts to "dramatically expand the flow of information into North Korea."

VOA Korea and Radio Free Asia services broadcast 5 hours a day, 7 days a week, and seem to be having a positive impact in the country. One doctor who does humanitarian work in North Korea wrote to VOA Korean service that according to my friend, who was still in Pyongyang, you are not only the voice of America, but also the voice of victims of the North Korean dictatorship. RFA programming includes commentaries, as we all know, by North Korean defectors, to help North Koreans understand the broader world and how North Korea appears from the outside.

Could any or all of you comment on the role that you think human rights has played in this administration's policies toward North Korea, and what it should play, and further elaborate on the means of communication and the kind of information to all sectors of North Korean society that you think we should be promoting?

Mr. GREEN. Well, the administration's appointment of Robert King as the Ambassador for Human Rights was a good move. He comes from this committee, as I understand it, and is a good man doing a good job. I think we should be moving up to a higher level, though. In particular, I think we need a more robust multilateral strategy on human rights.

For us in the Bush administration, it was hard. We had a progressive left government in Seoul that didn't want to play on this, and then we had in Europe, in France and Germany, countries that preferred to point the human rights finger at the U.S.

We now have a very different lineup in Seoul and in Europe, and in Japan. And I think we could, with more effort, create more of a multilateral fund, pressing China on refoulement, the forced repatriation of refugees. And we know that North Korea is not going to fundamentally change its policy in the short term, but I think there is evidence that they are sensitive, particularly when there is a broad, multilateral indictment of their regime. So that is where I would encourage Ambassador King and his colleagues to bring it up to the next level.

Mr. SMITH. Thank you.

Mr. FLEITZ. I think human rights have basically been lacking from our talks with North Korea, and that is a big problem. We have focused on a handful of issues, trying to strike agreements on nuclear issues that were fairly weak, and we have put other issues, such as human rights and the abduction of Japanese citizens, to the side, because they were a distraction.

I think that has been a mistake, and we have to hold to our principles and fight for everything we believe in when we engage the

North Koreans, not just the issues that they are interested in talking about. We have to talk about what we need to talk about.

Mr. SMITH. Thank you.

Mr. CRONIN. And the million cell phones in North Korea today, even though North Koreans can only call other North Koreans, it means that information can now flow from one part of North Korea, where you cannot move around easily, to another part. So the more information we can pour into North Korea, it can seep in, and it is starting to.

And China is richer than it used to be, so it is no longer a bad example. It is the example that North Korea really is falling behind, because it is trying to prop up a military that is gobbling up more than a quarter of its weak GDP. A $27-billion gross domestic product, more than $5 billion is now coming in from China. China is the number one patron. We have got to expose this, and get information flowing in. We do need our South Korean ally, and there is an election coming up this December in South Korea.

Mr. SNYDER. Well, I just want to flag the fact that the North Korean Human Rights Act has been a major contribution from the U.S. Congress, the strong support for funding for information flows targeted at North Korea. We still need to work very hard on highlighting China's really terrible policy of repatriation of North Korean refugees, and I know you have been doing a lot of work to try to highlight that.

Mr. SMITH. Thank you very much. And thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you very much. And although we would normally conclude at this time, Mr. Connolly has an issue so pressing, so urgent, that I told him he could have a few minutes to ask it and bring it up, so as not to cause extreme stress, acid reflux, coronary disease, and any other medical complications that could ensue.

So Mr. Connolly is recognized.

Mr. CONNOLLY. Why do I have the feeling, Madam Chairman, that this is going to cost me a lot of chocolate? [Laughter.]

I wanted to give the panel the opportunity to answer that question that I put out there earlier. It seems to me an odd thing that we would have a hearing on North Korea and not talk about the change in leadership, and I think we would benefit from each of your observations, remembering we have to be succinct.

Who is this new leader, and what is our understanding of consolidation of power, and who really holds the power in the North, and what it might mean moving forward for the discussions we have had this morning?

Mr. Snyder?

Mr. SNYDER. Well, so far, I think that what we have seen on the surface is continuity. But as could be seen from the video, there is something odd, hard to accept in the west, about a 30-year-old kid running a country surrounded by 60-year-old generals. So we don't know what is happening under the surface. And we are watching it through a TV screen. The Chinese actually have better direct access. What we really need is to see how the leader is interacting with those around him directly, in order to make a clear determination.

Mr. GREEN. So far, he is following a clear game plan. They are making him up to look like his grandfather, the Great Leader. He is appearing more in public for on-the-spot guidance than people expected. Normally, there is a hundred day mourning period after the death of the father. But basically, he is following a game plan. I think that the missile and nuclear program is largely in place in terms of that plan, and that Kim Jong-Il, he called audibles. He made judgment calls about how to respond to western pressure and so forth.

The interesting and troubling thing about this young successor is, how will he handle the audibles? How will he handle when things start getting rough, after a future nuclear test, after future provocations? How will he handle that in the margins? And that is where the unpredictable factor comes in, and where we may see tensions emerging between him and the military or other leadership figures.

Mr. FLEITZ. I think Kim Jong-Un is probably secure, because Kim Jong-Il's ill health was known for some time. I think they did have a transition in place before he died. Whether Kim Jong-Un is really running the country, or whether Kim Jong-Il's powerful brother-in-law and his wife are part of a triumvirate, we don't know yet. But we will be watching this, just like we used to watch the Soviet generals on May Day, to see who is behind whom and what is really going on in the country.

But I just tend to think that the military is not going to challenge him, that the generals who might have long ago were purged, and they are all part of a regime that wants to stay in power.

Mr. CRONIN. The fact that Kim Jong-Un went ahead with the Leap Day deal, which had been negotiated last October in outline in Geneva, suggests that he did indeed want continuity, or that he could not overcome the military-first structure that he was inheriting. We don't know, is the key point, though. And I have done many television interviews about Kim Jong-Un, and this thing that they don't put on the television is the point that the U.S. Government, the South Korean Government, do not really know, because we don't have direct access to the dynamics of the leadership and how they make decisions.

We need to get much closer to this problem to have a better understanding, no matter which policy we go with, and then we need a long-term hard strategy, and we need to stick to it over time, because this is a long game.

Mr. CONNOLLY. Thank you. And Madam Chairman, thank you so much.

Chairman ROS-LEHTINEN. Thank you, Mr. Connolly. Mr. Berman and I thank the witnesses. Thank you for your excellent testimony. Sorry about messing up the order and totally dissing Dr. Cronin there at the end. My apologies. Thank you very much, ladies and gentlemen. Thank you for joining us. And the committee is adjourned.

[Whereupon, at 11:34 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

April 12, 2012

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building **(and available live via the Committee website at http://www.hcfa.house.gov)**:

DATE: April 18, 2012

TIME: 10:00 a.m.

SUBJECT: North Korea after Kim Jong-il: Still Dangerous and Erratic

WITNESSES: Mr. Frederick H. Fleitz
Managing Editor, LIGNET.com
Newsmax Media
(Former CIA Intelligence Officer and Former Chief of Staff, Under Secretary for Arms Control and International Security, U.S. Department of State)

Michael Green, Ph.D.
Senior Advisor and Japan Chair
Center for Strategic and International Studies

Mr. Scott Snyder
Senior Fellow for Korea Studies
Director of the Program on U.S.-Korea Policy
Council on Foreign Relations

Patrick M. Cronin, Ph.D.
Senior Advisor & Senior Director of the Asia Program
Center for a New American Security

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 FULL COMMITTEE HEARING

Day *Wednesday* **Date** *4/18/12* **Room** *2172*

Starting Time *10:00 A.M.* **Ending Time** *11:34 A.M.*

Recesses [ ] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Rep. Ileana Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

North Korea After Kim Jong-il: Still Dangerous and Erratic

COMMITTEE MEMBERS PRESENT:

Attendance sheet attached.

NON-COMMITTEE MEMBERS PRESENT:

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.)*

Rep. Connolly (SFR)

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:34 A.M.*

Jean Carroll, Director of Committee Operations

Hearing/Briefing Title: North Korea After Kim Jon-il: Still Dangerous and Erratic

Date: 4/18/12

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
X	Dan Burton, IN
X	Elton Gallegly, CA
X	Dana Rohrabacher, CA
X	Donald Manzullo, IL
X	Edward R. Royce, CA
X	Steve Chabot, OH
	Ron Paul, TX
	Mike Pence, IN
X	Joe Wilson, SC
	Connie Mack, FL
	Jeff Fortenberry, NE
	Michael McCaul, TX
X	Ted Poe, TX
	Gus M. Bilirakis, FL
	Jean Schmidt, OH
	Bill Johnson, OH
	David Rivera, FL
	Mike Kelly, PA
	Tim Griffin, AK
	Tom Marino, PA
	Jeff Duncan, SC
	Ann Marie Buerkle, NY
	Renee Ellmers, NC
	Robert Turner, NY

Present	Member
X	Howard L. Berman, CA
X	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
	Brad Sherman, CA
	Eliot Engel, NY
	Gregory Meeks, NY
	Russ Carnahan, MO
	Albio Sires, NJ
X	Gerry Connolly, VA
	Ted Deutch, FL
	Dennis Cardoza, CA
X	Ben Chandler, KY
	Brian Higgins, NY
	Allyson Schwartz, PA
	Chris Murphy, CT
	Frederica Wilson, FL
X	Karen Bass, CA
	William Keating, MA
X	David Cicilline, RI

The Honorable Gerald E. Connolly (VA-11)
HCFA Full Committee Hearing: North Korea after Kim Jong-il: Still Dangerous and Erratic
Wednesday, April 18th, 2012
10am

Last Friday as part of its celebration of the 100th birthday of Kim Il-Sung, North Korea violated UN Security Council Resolutions 1718 and 1874 by launching the Unha-3 rocket. According to news reports, the rocket disintegrated 90 seconds after liftoff from the Sohae launch site, with debris landing in the sea 103 miles west of Seoul, South Korea. As with any action of North Korea, the world watched closely to see how the event played out. Suffice it to say the rocket's disintegration fewer than two minutes after its launch was not quite the tribute for the "Great Leader" that Pyongyang was expecting.

The failed rocket launch requires an examination within the context of the U.S.'s North Korea policy. A month and-a-half before the launch, the United States announced the details of the "Leap Day Agreement," under which Pyongyang agreed to suspend a variety of tests and signaled its need for food aid. The State Department's press release on the issue said:

> To improve the atmosphere for dialogue and demonstrate its commitment to denuclearization, the DPRK has agreed to implement a moratorium on long-range missile launches, nuclear tests and nuclear activities at Yongbyon, including uranium enrichment activities. The DPRK has also agreed to the return of IAEA inspectors to verify and monitor the moratorium on uranium enrichment activities at Yongbyon and confirm the disablement of the 5-MW reactor and associated facilities.[1]

The statement went on to say that the United States had agreed to finalize the delivery of "240,000 metric tons of nutritional assistance along with the intensive monitoring required for the delivery of such assistance."[2] The agreement fell apart following North Korea's March 16 announcement of its intention to launch a satellite in mid-April. On March 28, the United States halted plans for aid and did not follow through on the Leap Day Agreement. Once again, North Korea's decision to violate international regulations halted any attempts at progress. This begs the question that we always seem to ask with North Korea—are they credible negotiators? If they are stalling with no intention to actually have a dialogue, then what are we doing? The international community has often grappled with how to deal with North Korea, but the recent ascension of Kim Jong-Un adds even more uncertainty to the situation.

Following the failed launch, a *New York Times* article raised disturbing scenarios by stating, "The very fact that the rocket test happened meant that the young Mr. Kim, believed to be about 28, was either willing to defy China, which warned against the test, or was overruled by others in the power structure."[3] The situation within the North Korean power structure could be more volatile than what the international community has traditionally observed. Pyongyang's recent past has shown a willingness to attack South Korean targets with no provocation.

The international community has come to almost expect North Korea's bizarre antics, including reneging on international agreements. But the failed rocket launch ought to be examined within a larger context which requires us to ask tough questions, namely—what is the United States' North Korea policy? Has this policy changed with the transition to Kim Jong-Un? And finally, is our North Korea policy working? I look forward to examining this issue with today's panel. Thank you, Madam Chairman.

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[1] Victoria Nuland, "U.S.-DPRK Bilateral Discussions," Office of the Spokesperson, U.S. Department of State, February 29, 2012.
[2] Ibid.
[3] Choe Sang-Hun and David E. Sanger, "Rocket Failure May Be Test of North Korean Leader's Power," *New York Times*, April 13, 2012.