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ASSESSING THE NORTH KOREA THREAT AND U.S. POLICY: STRATEGIC PATIENCE OR EFFECTIVE DETERRENCE?

HEARING

BEFORE THE

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

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ASSESSING THE NORTH KOREA THREAT AND U.S. POLICY: STRATEGIC PATIENCE OR EFFECTIVE DETERRENCE?

WEDNESDAY, OCTOBER 7, 2015

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND
INTERNATIONAL CYBERSECURITY POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:40 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Cory Gardner (chairman of the subcommittee) presiding.

Present: Senators Gardner and Cardin.

OPENING STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO

Senator GARDNER. This hearing will come to order.

Let me welcome you all to the fourth hearing for the Senate Foreign Relations Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy in the 114th Congress.

Thanks again to Senator Cardin for your work and cooperation in holding this important hearing today.

This hearing is intended to address what in many ways has been a forgotten threat, the threat of North Korea. While our Nation's attention is rightly focused on the Middle East, the North Korean threat has grown exponentially, while there seems to be a falling asleep, so to speak, at the switch when it comes to North Korea.

According to experts, North Korea may already have as many as 20 nuclear warheads and may have as many as 100 within the next 5 years. The regime has already tested nuclear weapons on three separate occasions in 2006, 2009, and 2013, in violation of multiple U.N. Security Council resolutions.

According to the Director of National Intelligence's 2015 Worldwide Threat Assessment, "North Korea's nuclear weapons and missile programs pose a serious threat to the United States and to the security environment in East Asia."

In April of this year, ADM Bill Gortney, the Commander of North American Aerospace Command, or NORAD, said that North Korea has developed the ability to launch a nuclear payload on its very own KN–08 intercontinental ballistic missile, that is capable of reaching the United States. As Admiral Gortney stated, "Pyongyang has the ability to put a nuclear weapon on a KN–08 and shoot it at the homeland."

Besides the conventional military threats, North Korean cyber capabilities are growing, as evidenced by North Korea's attack on South Korean financial and communication systems in March 2013 and the Sony hack of earlier this year.

Earlier this month, the Center for International and Strategic Studies, led by Dr. Victor Cha who is here with us today, produced a great study that described North Korea's dangerous new cyber capabilities. The report stated: North Korea is emerging as a significant actor in cyberspace with both its military and clandestine organizations gaining the ability to conduct cyber operations."

North Korea's regime is also responsible for horrific human rights abuses. North Korea maintains a vast network of political prison camps, where as many as 200,000 men, women, and children are confined to atrocious living conditions and are tortured, maimed, and killed.

The landmark 2014 United Nations Commission of Inquiry on Human Rights in North Korea found—and I quote—"systematic, widespread and gross human rights violations that in the commission's view entailed crimes against humanity."

Yet efforts to counter these destabilizing North Korean policies and the imminent threat the Kim Jong-un regime poses to the world have yet to be completely dealt with.

The policy of strategic patience in my view has been a strategic failure. This past August, I traveled to the region and met with top leaders in Japan and South Korea, including President Park who will be visiting Washington next week. In these meetings, I heard a tremendous amount of concern regarding the growing North Korea threat and the direction of United States policy.

So if this strategic policy will not change behavior, then I believe Congress needs to change the behavior. Yesterday I introduced a bill with several of my colleagues on this committee called the North Korea Sanctions and Policy Enhancement Act of 2015, which seeks to take decisive new action to counter the North Korean threat. This legislation corrects our policy and mandates broad new sanctions against individuals involved in North Korea's nuclear program and proliferation activities, as well as against officials involved in the regime's continued human rights abuses and destabilizing cyber activities. It would also codify two Executive orders released in 2015 authorizing sanctions against entities undermining U.S. national and economic security in cyberspace.

It is time to immediately reverse course and begin applying more pressure to the North Korean regime through additional financial sanctions, increased military engagement with our allies in the region, and more assertive diplomacy with China, which wields significant control over the fate of the regime.

And we must remember that more than 20 years ago, North Korea already pledged to dismantle its nuclear program. Yet, we now see a regime that has no respect for international agreements or international norms.

The United States should never engage in negotiations with Pyongyang without imposing strict preconditions that North Korea take immediate steps to halt its nuclear program, cease all military provocations, and make credible steps to respecting the human rights of its own people.

If the United States does not pursue increased actions against North Korea now, we could face much greater and eventually more consequential challenges in the future. Now is the time to enact a comprehensive strategy to quell North Korea's aggression and give our allies in the region a reason to trust us and our enemies a reason to fear us.

With that, Senator Cardin, I appreciate you being here today and I turn to you for your comments.

OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

Senator CARDIN. Well, thank you, Mr. Chairman, and thank you for convening this hearing. I think it is very important that we have this discussion in regards to North Korea.

When one visits the Republic of Korea, land in Seoul, and take the very short trip up to the demilitarized zone, you recognize the security challenges on the Korean Peninsula for our ally and friend, the Republic of Korea.

But the issues go far beyond that, the impact that North Korea is having on the security of that region. We know that they are reaching the capacity for a functional nuclear weapon. They have enough fissile material now for nuclear bombs. We know that. We know that they are testing, and we know that they have not at all adhered to any of its international understandings or commitments or statements that they have made.

And then as you pointed out, they are aggressive in the cyber area. We saw what happened to Sony.

And you quoted the U.N. Commission on Inquiry in 2014. Let me just quote one more thing from their finding. They said there is no country in the world that is equal to the extent of human rights abuses as North Korea. So they are number one in their brutal treatment of their own citizens. It includes large-scale executions, murders, enslavement, torture, imprisonment, rape, forced abortions, and other sexual violence. It operates a series of secretive prison camps where perceived opponents of the government are sent to face torture and abuse, starvation, enforced labor. Fear of collective punishment is used to silence dissent. There is no independent media, functioning civil societies, or religious freedom.

So this is a country where we have very, very serious challenges on all fronts, on the security front, on its nuclear proliferation, on its human rights, on its interference, so many areas that call upon our attention. As we look at the rebalance to Asia, we must look at our policies toward North Korea.

So I am particularly pleased that this hearing is taking place.

Our goals for North Korea are pretty simple. We want to stop proliferation. We wanted a denuclearized peninsula. It has been our stated purpose. We want to have regional security, and we certainly want the people of North Korea and the entire region to have basic human rights and that their opportunities are respected by their governments.

It is particularly challenging today because, quite frankly, the regime in North Korea seems to be getting a little bit stronger. I think we have to acknowledge that the regime has consolidated powers certainly by fear and certainly by executions, but they have

done that. And in recent months, there have at least been some reports that their economy is performing a little bit better. That is not saying very much considering the state of their economy is one of the worst in the world. But it does mean that perhaps we have to look at more effective ways to accomplish our objectives than we have in the past. And I understand, Mr. Chairman, the bill that you have filed, and I look forward to reviewing that with you. But I do think we need to take a look at what we can do to be more effective.

And in any policy, we have to work very closely with our close ally, the Republic of Korea. President Park, as I understand, will be in town next week. It is an opportunity for us to reinforce our mutual commitment to the security of the Korean Peninsula and our goal to denuclearize the Korean Peninsula.

But I would suggest that we have to work beyond just the Republic of Korea. We have got to work in Japan. We have got to work with China, and we have to work effectively to prevent North Korea's ambitions to expand their nuclear threat and their threat to the security of the region.

With that, I look forward to our witnesses and our discussion.

Senator GARDNER. Thank you, Senator Cardin.

And thank you again to the distinguished panel here today. Our first witness is Dr. Victor Cha, who serves as a senior adviser and Korea chair at the Center for International and Strategic Studies. From 2004 to 2007, Dr. Cha served as Director for Asian Affairs at the White House on the National Security Council responsible for policies regarding the Korean Peninsula. Dr. Cha was also the deputy head of delegation for the United States at the six-party talks in Beijing and received two outstanding service commendations during his tenure at the NSC.

Welcome, Dr. Cha. Please, we will proceed with your testimony.

STATEMENT OF DR. VICTOR CHA, SENIOR ADVISER AND KOREA CHAIR, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Dr. CHA. Thank you, Mr. Chairman, Senator Gardner, and Senator Cardin. It is a pleasure to be here with you.

I am going to make three sets of comments about the problem of North Korea today: one, about their strategy of provocations; two, about their leadership; and then three, the road ahead.

As we all know, there have been reports this month that the North Koreans might conduct some sort of provocation. Experts believe the most likely action would be some sort of launching of a satellite, which would be in violation of standing U.N. Security Council resolutions.

There are two systems of concern with regard to their launches for the United States: the untested KN–08 is an intermediate range ballistic missile, and the flight-tested Unha-3, also known as the Taepodong-3 missile. The KN–08 could potentially make North Korea's nuclear force more survivable and less deterrable. Its estimated range would put it within the reach of Alaska and areas within reach of Guam as well.

North Korea's cyber operations cannot be ruled out either. CSIS just completed a study, as the Senator mentioned, that warns that

North Korea is developing its cyber capabilities in tandem with its other asymmetric threats and has embedded these capabilities in party and military institutions responsible or events like the *Cheonan* sinking in 2010. This potentially means that cyber operations could become more than just criminal acts but could be integrated in the future with a military strategy designed to disrupt U.S. systems.

So in this regard, I applaud the Senate bill which has a focus on sanctioning the cyber activity.

With regard to a nuclear test, commercial satellite imagery at least does not suggest a nuclear test is in the offing, but again, with North Korea, you can never be sure what is going to happen.

I think the regime's strategy is to become recognized as a full-fledged nuclear weapons state with the capacity to reach the United States homeland with ballistic missiles and to deter the United States on the Korean Peninsula and in Asia. The sanctions under the Obama administration have not prevented the North from making progress in achieving this goal if we take seriously the recent spate of statements attesting to the advancement in their weapons programs. An appendix in my testimony lists all the statements that they have made recently.

The North is not interested in diplomatic give and take, but to win through coercive bargaining. That is, their strategy is to disrupt the peaceful status quo because they know we care about it more than they do, and then negotiate a dialing down of the crisis in return for benefits, some of which will then be reinvested into their weapons development.

The leadership is now in its 4th year, but there continues to emerge stories about purges of high-level officials. Some 70 high-level officials have been purged. The leadership is hypersensitive to external criticism of the regime's legitimacy, as we have seen in their responses to things like the movie, "The Interview," the U.N. Commission of Inquiry report, and most recently the DMZ loudspeaker broadcasts. To me this does not appear to be the signs of a well-ensconced and secure leadership.

In terms of the way forward, North Korea remains the greatest proliferation threat in the world today, and yet there are no clear and easy solutions. The issue has not been a front burner one for this administration which has practiced a policy of strategic patience. In the meantime, Pyongyang is growing its capabilities every day and slowly, but surely, seeking to alter the strategic balance on the peninsula.

A battery of financial sanctions on individuals involved in proliferation, cyber operations, and human rights abuses must be applied, the authorities of which were established in many of these Presidential EO's, but have not yet been fully implemented.

The North Korean threat provides proximate cause for a tightening of trilateral political and defense cooperation between the United States, Japan, and South Korea, which has weakened recently. Ally trilateralism is not just important for deterrence against a nuclear North Korea but for conveying to China the long-term strategic costs of the support of the regime.

Finally, any future denuclearization strategy for North Korea must not ignore the human rights condition in the country. This is

because the human rights issue hits at the very heart of the regime's legitimacy.

In the United States, the champions of this movement number no more than 172 despite a refugee resettlement program that was signed into action 11 years ago. According to research by the Bush Institute, these individuals are doing well but they lack support networks. Support of these individuals is the most direct way to improve the human condition in North Korea and to spread word of the regime's lies. In the end, the North Korean state is built on a myth of utopian leadership. The more that myth is broken, the more the regime will be forced to change.

Thank you very much.

[The prepared statement of Dr. Cha follows:]

PREPARED STATEMENT OF DR. VICTOR D. CHA

Senator Gardner, Senator Cardin (ranking Democrat) and members of the committee, it is a distinct honor to appear before this committee to discuss the challenges on the Korean Peninsula.

I have three sets of comments to make today about the problem of North Korea. The first has to do with discerning their strategy of provocations; the second relates to the stability of the leadership; and the third relates to the path forward on both weapons and human rights, and what we might do to contend with this very difficult problem.

A caveat. Our knowledge of North Korea leaves much to be desired. It is indeed one of the hardest intelligence targets in the world given the regime's opacity. I believe the Chinese have lost a great deal of insight after the execution of Jang Song-thaek in December 2013. There are far fewer NGOs operating in the country compared to the past. And overhead satellite imagery provides us with a bird's eye view only of happenings on the ground. Thus, our assessments are often based on assumptions, judgments, hunches, and even guesses with the modest data that is available.

There have been media reports that North Korea might conduct some form of provocation to celebrate the 70th anniversary of the Workers' Party of Korea on October 10 this year. Experts believe that the most likely action will be the launching of a satellite. While such a launch would be ostensibly for civilian purposes, given North Korea's special history of missile activities, a launch would be a violation of U.N. Security Council Resolutions 1718, 1874, 2087 and 2094.

The systems that are of particular concern are the ones that could reach the United States. There are two systems of note, the untested KN–08 IRBM, also known as Hwasong-13, and the flight-tested Unha-3, also called Taepodong-3.

The untested road-mobile KN–08 could potentially make North Korea's nuclear force more survivable and less deterrable. Its estimated range of between 3,100–3,700 miles will allow it to hit Alaska, and places it well within the reach of Guam. Although only mockups of the KN–08 have been paraded twice—once in 2012 and once in 2013—it was enough to garner the attention of NORAD commander Admiral William Gortney's, who voiced his concerns earlier this April with his acknowledgement of North Korea's capability to successfully finish and deploy this new missile system.

The Unha-3, as many of you may recall, was used to successfully launch North Korea's first satellite, the Kwangmyongsong-3 Unit 2 into orbit on December 2012. The three-stage missile test occurred in defiance of U.S. and regional objections and in clear violation of existing UNSCRs. The test occurred several months after North Korea had failed in its first attempt to put Unha-3 into orbit that April, which had derailed the "Leap Day Agreement."

U.S. forces in Japan and Korea are already under threat from the North's Nodong MRBMs, which has a range of 620 miles, far enough to hit all of Japan. North Korea is widely believed to have around 200 Nodongs, and potentially 100 of the untested but longer ranged Musudan MRBMs (2,000–2,500 miles). Last year marked the most intense North Korean missile tests period ever, with more than hundreds of missile, rocket, and artillery tests by the Kim Jong-un regime.

North Korean cyber operations cannot be ruled out either. The hack of Sony in November 2014 raised concerns and questions about the extent of this new threat. CSIS just completed a study this month that warns that the North is developing its cyber capabilities in tandem with its other asymmetric threats, and has embed-

ded these capabilities in party and military institutions responsible for events like the *Cheonan* naval ship sinking and other provocations. This potentially means that cyber operations could become more than just criminal acts, but could be integrated in the future with a military strategy designed to disrupt U.S. systems.

Commercial satellite imagery does not indicate a nuclear test in the offing. However statements by the U.S. and South Korean governments suggest that there is nothing to prevent another test at the Punggye-ri site.[1]

STRATEGY TO COERCE AND DIVIDE

North Korea's strategy is to become recognized as a full-fledged nuclear weapons state with the capacity to reach the United States homeland with ICBMs and to deter the U.S. on the peninsula with shorter range, even battlefield use, nuclear weapons. The sanctions under the Obama administration have not prevented the North from making progress in achieving this goal, if we take seriously the recent spate of statements attesting to advancements in their weapons (A list of those statements are attached in Appendix A).

The North is not interested in diplomatic give and take, but to win through coercive bargaining. That is, the strategy is to disrupt the peaceful status quo because they know we value it more than they, and then negotiate a dialing down of the crisis in return for benefits, some of which will be reinvested in their weapons development. That period of time when negotiations help to calm the waters after a provocation are seen by some as "successful diplomacy," but by others as mere extortion.

The North's strategy is also to divide allies. Sometimes known as "divide and conquer" Pyongyang likes to engage with one (i.e., the U.S.) while holding the other at arm's length (i.e., ROK). The North may be attempting some version of this currently as it will offer family reunions to the South in October while carrying out missile and nuclear tests directed at the U.S.

UNCERTAIN LEADERSHIP STABILITY

The leadership is now in its fourth year but there continue to emerge stories about purges of high-level officials. Aside from the infamous execution of his uncle and the unknown whereabouts of his aunt, Kim Kyong-hui, the leader has removed about 70 officials, including the Defense Minister. Many of these are his own people, not merely those of his father's generation. Moreover, the leadership is hypersensitive to external criticism of the regime's legitimacy. This is evident not just in the histrionic response to the screening of the movie, "The Interview," but also in the way they have reacted with anger at international criticisms for human rights abuses. In conjunction with the Bush Institute and several other NGOs, CSIS hosted an international conference on the 1-year anniversary of the U.N. Commission of Inquiry report on North Korea in February 2015 that drew pointed criticism and officials protests from the government in Pyongyang. This is unusual because we have done scores of conferences on the challenges of North Korea's nuclear threats in the past with no response from the North. This does not appear to be the signs of a well-ensconced and secure leadership.

THE WAY FORWARD

North Korea remains the greatest proliferation threat in the world today and yet there are no clear and easy solutions. The choices are often made between options that are bad, and options that are worse. The issue has not been a front-burner one for this administration which has practiced a policy of "strategic patience." In the meantime, Pyongyang is growing its capabilities every day and is slowly but surely seeking to alter the strategic balance on the peninsula and in the region.

The United States must maintain resolute deterrence and stand ready to respond with overwhelming force to North Korean threats even as Washington seeks a peaceful, diplomatic solution. Diplomacy cannot wholly remove the use of force from the table if there is to be any urgency on China's part to work with the other parties to denuclearize the North.

The international community cannot countenance further tests and/or provocations, as this would only exacerbate an already acute moral hazard problem in our policy. A battery of financial sanctions on individuals involved in proliferation, cyber operations, and human rights abuses must be applied, the authorities of which were established in the Presidential Executive Orders 13382, 13466, 13551, 13570, 13619, and 13687, but these have yet to be implemented fully.

The North Koreans also must be made to understand the "non-utility" of their nuclear arsenal and that any such use would lead to their ultimate destruction. The one lesson of the nuclear revolution is that states that acquire nuclear weapons do not use them. It is an open question whether the regime has any understanding of

the fundamentals of nuclear deterrence, which places an even higher premium on area missile defense in the region.

The North Korean threat provides proximate cause for a tightening of trilateral political and defense cooperation between the United States, Japan and ROK, which has been weakened recently. Allied trilateralism is not just important for deterrence against a nuclear North Korea, but for conveying to China the long-term strategic costs of its support of the regime.

The six-party talks need to be modified in the aftermath of the next North Korean provocation to other forms of multilateral coordination, including a five-party format involving the U.S., Japan, ROK, China, and Russia to include a more open discussion about the future of the peninsula and unification.

Finally, any future denuclearization strategy for North Korea must not ignore the human rights condition in the country. The international mobilization on North Korean human rights lacks partisan coloring, remains resilient, and puts as much pressure on the regime as the standing UNSCR sanctions regime. This is because the movement hits at the very heart of the regime's legitimacy.

In the United States, the champions of this movement number no more than 172 despite a refugee resettlement program that was signed into action 11 years ago. According to research by the Bush Institute, these individuals are doing well, but lack the support network that exists for the estimated 26,000 North Koreans that have resettled in South Korea, and yet they went through difficult ordeals to make this country their home.[2] Support of these individuals is the most direct way to improve the human condition in North Korea and to spread word of the regime's lies. No issue has raised more of a response than the direct calling out of the regime for how it treats its people. In the end, the North Korean state is built on a myth of utopian leadership. The more that myth is broken, the more the regime will be forced to change.

End Notes

[1] Kim Eun-jung, "N. Korea ready for atomic test, yet no imminent sign: Seoul's defense chief," Yonhap News, February 10, 2014.

[2] Victor Cha, "Light Through the Darkness," The Bush Institute at George W. Bush Presidential Center, January 2015.

Appendix A: DPRK Statements on Advancement of Missile/Nuclear Weapons Program in 2015[3]

Date	Statement's author	Statement's Details	Significance of Statement
February 7, 2015	Rodong Sinmun	▪ Kim Jong-un "watched a test-firing of new type of anti-ship rocket to be equipped at KPA naval units." ▪ "As the head of the East Sea Fleet ordered the test-firing, the ultra-precision anti-ship rocket blasted off from a rocket boat. The intelligent rocket precisely sought, tracked and hit the 'enemy' ship after taking a safe flight."	The statement confirmed the addition of an anti-ship cruise missile (ASCM) to the DPRK's growing missile program, specifically adding to the regional threat posed by the Korean People's Navy (KPN).
May 9, 2015	Korean Central News Agency (KCNA)	▪ Kim Jong-un had observed an "underwater test-fire of Korean-style powerful strategic submarine ballistic missile." ▪ "He stressed that the acquisition of the technology of firing ballistic missile from a strategic submarine underwater made it possible for the KPA to possess a world-level strategic weapon capable of striking and wiping out in any waters the hostile forces infringing upon the dignity of Songun Korea and conduct any underwater operation."	The announcement suggests progress in DPRK's nascent submarine launched ballistic missile (SLBM) program, which adds another component to its growing asymmetric capability. The SLBM Regardless of whether the test took place or not, the KCNA's announcement confirms DPRK's intentions to improve its submarine and SLBM capabilities.
May 20, 2015	Spokesman for the Policy Department of the National Defense Commision	▪ "The DPRK's underwater test-fire is part of the measures to increase the self-defence capability of its army and people, pursuant to the line of simultaneously developing the two fronts and a new higher level in the development of strategic striking means." ▪ "The DPRK has reached the stage of ensuring the highest precision and intelligence and best accuracy of not only medium-and short-range rockets but long-range ones."	The statement is a defense of DPRK's SLBM launch on May 9, and a reiteration of technological improvements in its ballistic missiles program.

[3] Thanks to Andy Lim for the research in this table.

June 15, 2015	Korean Central News Agency (KCNA)	▪ Kim Jong-un "watched a drill of firing new type anti-ship rockets…The highly intelligent rockets safely flew at the designated altitude, accurately detecting and hitting the 'enemy' warship."	The second test-fire of the new ASCM was another "milestone" in improving its operational capability for the KPN.
June 20, 2015	Rodong Sinmun	▪ "It is long since the DPRK entered into the full-fledged stage of manufacturing smaller and diverse nuclear strike means. It does not hide the fact that it has reached the phase of ensuring the precision and intellectual level and the highest rate of hits of its long-range rockets."	The Rodong Sinmun editorial was aimed at comments made by the new commander of PACOM, Admiral Harris who spoke to *TIME* magazine and said "the greatest threat we face is North Korea." In response, the editorial boasted about the continuing miniaturization of DPRK's nuclear weapons and ICBMs' capability.
September 14, 2015	Director of DPRK's National Aerospace Development Administration (NADA), interview with KCNA	▪ NADA "is pushing forward at a final phase the development of a new earth observation satellite for weather forecast, etc. positively conducive to the development of the nation's economy and made big progress in the research into the geostationary satellite, a new higher stage in the development of satellite" ▪ "the world will clearly see a series of satellites soaring into the sky at the times and locations determined by the WPK Central Committee"	The statement suggested improvements in DPRK's missile and satellite technology. DRPK successfully launched its first satellite, the Kwangmyongsong-3 Unit 2 into orbit in December 2012, which demonstrated its Unha-3/Taepodong 3's capability as a space launch vehicle (SLV) and as an ICBM threat. His statement also suggest plans for a potential long-range SLV launch to celebrate the upcoming 70th anniversary of the Workers' Party of Korea on October 10.
September 15, 2015	Director of DPRK's North Korean Atomic Energy Institute (unnamed), interview with KCNA	▪ "Scientists, technicians and workers in the field of atomic energy of the DPRK have made innovations day by day in their research and production to guarantee the reliability of the nuclear deterrent in every way by steadily improving the levels of nuclear weapons with various missions in quality and quantity as required by the prevailing situation." ▪ "…all the nuclear facilities in Nyo'ngbyo'n including the uranium enrichment plant and 5 MW graphite-moderated reactor were rearranged, changed or readjusted and they started normal operation…"	His statement confirmed the restart of the 5 MWe Reactor and uranium enrichment plant at the Yongbyon Nuclear Scientic Research Center. Furthermore, he confirmed that the Yongbyon facility, along with uranium enrichment had restarted two years ago, and proclaimed that both the quality and quantity of its nuclear weapons have improved.

Senator GARDNER. Thank you, Dr. Cha.

Our second witness is Mr. Jay Lefkowitz, who served from 2005 to 2009 as the United States Special Envoy on Human rights in North Korea. From 2001 to 2003, he served in the White House as Deputy Assistant to President Bush for Domestic Policy and as General Counsel in the Office of Management and Budget.

Earlier in his career, he served in the White House as Director of Cabinet Affairs and Deputy Executive Secretary to the Domestic Policy Council for President George H.W. Bush.

Mr. Lefkowitz is now in the private sector serving as partner at Kirkland & Ellis in New York City.

Welcome, Mr. Lefkowitz.

STATEMENT OF JAY P. LEFKOWITZ, P.C., PARTNER, KIRKLAND & ELLIS LLP, NEW YORK, NY

Mr. LEFKOWITZ. Thank you, Mr. Chairman, Senator Cardin. Thank you very much. And it is a pleasure to share this witness panel with Dr. Cha and Ambassador Gallucci.

Over the last 21 years, since President Clinton signed a nuclear freeze agreement with North Korea, the ironically named Democratic People's Republic of Korea has become a nuclear state. It is also widely known that North Korea proliferates its nuclear technology. In 2007, Israel destroyed a nuclear facility in Syria that had been a beneficiary of North Korean nuclear technology, and just a few months ago, Secretary of Defense Carter stated that North Korea and Iran could be cooperating to develop a nuclear weapon. There is no doubt, therefore, as the chairman and Senator Cardin pointed out, that North Korea now poses a grave threat to those well beyond South Korea, next to whose border a significant portion of North Korea's million-man army is permanently stationed.

Nor can one honestly say that with North Korea, its threats are mere bluster. It conducted nuclear tests in 2006, 2009, and 2013,

and it has repeatedly engaged in unprovoked conventional acts of warfare against its neighbor to the south.

We should not be surprised that a government that behaves this way mistreats its own citizens. There is no nation in the world with a more egregious human rights record than North Korea. To live in North Korea is to be subjected to total suppression of freedom of speech, religion, and expression of all sorts. And the regime operates an odious network of political concentration camps where people are subjected to systematic rape and torture.

It is against this backdrop that the United States has wrestled with crafting a policy toward North Korea over the last two decades. And while Presidents Clinton, Bush, and Obama have all spoken harshly at times about North Korea's nuclear ambitions and human rights violations, none has been willing to take serious steps to effectuate a regime change for fear of destabilizing the region. And for good reason. Without a North Korean public ready and able to take control of its own destiny, a sudden regime collapse would create a highly unstable and politically intolerable situation for China, South Korea, and Japan, the three largest and most powerful neighbors in the vicinity. Thus, while none of North Korea's neighbors may be happy with the status quo, they may well believe that the status quo was a more attractive short-term option than the uncertain future of a sudden regime collapse.

In lieu of a policy of rollback or of mere acquiescence in the status quo, successive American governments have adopted a policy of engagement and containment, vacillating back and forth between providing assistance, withdrawing assistance, food assistance, economic assistance, and the like. First we had the Agreed Framework under President Clinton. Then we had the six-party talks during President Bush's administration, and of course, the predictable result of all of this engagement has been a nuclear North Korea.

Nor has this pattern changed during the Obama administration. In May 2009, as a welcome to the new President, North Korea conducted an underground nuclear test. Two years later when the food situation took a turn for the worse, there was an agreement where in return for food aid, North Korea agreed to stop its nuclear activity in Yongbyon. And yet, no sooner was the ink dry on this agreement than North Korea launched a missile leading to the suspension of the food shipments.

So what should the United States do? Well, with a policy of regime change still premature, a policy focused only on containment is not likely to succeed given North Korea's increasing offensive capabilities and belligerence and the unwillingness of China to cut trade with the regime. Instead, the United States should remain open to a policy of constructive engagement alongside containment but with engagement on all issues, economic, security, and human rights, as we did in the waning years of the cold war with the Helsinki Accords and with legislation like the Jackson-Vanik amendment. Ultimately, though, security will only come when North Koreans are empowered to take destiny in their own hands.

As we saw from the experience of the captive nations of Eastern Europe at the end of the cold war, the promise of peacefully changing the situation in North Korea does not have to be a pipe dream. Military deterrence is crucial, but we have to work assiduously to

build an international coalition. And in that light, it would be useful to take President Park's comments about the long-term goal of peaceful reunification seriously. As she travels to Washington, DC, later this month, the Congress should explore not only more effective strategies to address North Korea's nuclear ambitions, but also what a strategy that focused on peaceful reunification would entail.

[The prepared statement of Mr. Lefkowitz follows:]

PREPARED STATEMENT OF JAY P. LEFKOWITZ

Over the last 21 years, since President Clinton signed a nuclear freeze agreement with North Korea, (known as the Agreed Framework), the ironically named Democratic People's Republic of Korea has become a nuclear state. The consensus among experts is that North Korea now possesses approximately 6–8 plutonium nuclear weapons and 4–8 uranium nuclear weapons.[1] And earlier this year, United States Admiral Bill Gortney, who is in charge of the North American Aerospace Defense Command (NORAD), announced that North Korea has developed the ability to miniaturize nuclear warheads and launch them at the U.S., though there is no evidence that the regime has tested the necessary missile yet. It is also widely known that North Korea proliferates its nuclear technology. In 2007, Israel destroyed a nuclear facility in Syria that had been the beneficiary of North Korean nuclear technology, and this past spring, Secretary of Defense Ashton Carter stated that North Korea and Iran "could be" cooperating to develop a nuclear weapon. There is no doubt, therefore, that North Korea now poses a grave threat to those well beyond South Korea, next to whose border a significant portion of North Korea's million-man army is permanently stationed.

Nor can one honestly say that with North Korea, its threats are merely bluster. It conducted nuclear weapons tests in 2006, 2009, and 2013. It has also engaged in unprovoked conventional acts of warfare with its neighbor to the south, sinking a South Korean warship, the *Cheonan*, in 2010, and killing 46 sailors; and then shelling the South Korean island of Yeonpyeong that same year, killing four South Koreans and injuring 19 others. In 2013, the regime was discovered to have been trading in weapons with Cuba, when Panama impounded a North Korean ship. And, of course, there was the cyber attack on Sony Pictures Entertainment in 2014, which, despite North Korea's protestations of innocence, has been attributed by the FBI to North Korea.

We should not be surprised that a government that behaves this way mistreats its own citizens. And, as is by now well documented, there is no nation in the world with a more egregious human rights record than North Korea. Its citizens have no say in their government's conduct; and they have extremely little say in their own lives. To live in North Korea is to be subjected to the total suppression of freedom of speech, freedom of expression, and freedom of religion. The regime operates a network of political concentration camps, where as many as 200,000 North Koreans are incarcerated without any due process and subjected to systematic rape and torture, the intentional destruction of families, and even executions. Access to outside information is so restricted that citizens must report purchases of radios and TVs, and the police often make inspections to ensure sets are tuned to official programming with draconian consequences for those who disobey the law. Possession of foreign books, magazines, and newspapers also is forbidden, although increasingly news of the outside world filters in through illegal radios and cell phones that are smuggled into the country and used near the borders.

To be sure, there is no trust even between the nation's Supreme Leader and his most senior diplomats. During my tenure as Special Envoy for Human Rights in North Korea, I recall vividly speaking with a North Korean Ambassador to a major European nation who told me about his wife and children, who were being held hostage in North Korea during his tenure as Ambassador, because the regime could not trust even its senior officials not to defect.

It is against this backdrop that United States officials have wrestled with crafting a policy toward North Korea over the last two decades. While Presidents Clinton, Bush, and Obama have all spoken harshly at times about North Korea's nuclear ambitions and human rights violations, none of them have been willing to take serious steps to effectuate a regime change for fear of seriously destabilizing the region.

[1] http://38north.org/wp-content/uploads/2015/02/NKNF-NK-Nuclear-Futures-Wit-0215.pdf; Blumenthal, Dan, chapter published in "Choosing to Lead: American Foreign Policy for a Disordered World." The John Hay Initiative, 2015.

And for good reason. Without a North Korean public ready and able to take control of its own destiny, a sudden regime collapse would create a highly unstable and potentially intolerable situation for China, South Korea, and Japan, the three largest and most powerful neighbors in the immediate vicinity. Both China and Japan would be very concerned about North Korea's nuclear facilities falling into to the hands of South Korea, which, were it to reunify the peninsula consistent with its stated policy of reunification would suddenly double in size and become a nuclear power. At the same time, South Korea would be very concerned about the prospect of millions of poor and undernourished North Korean refugees suddenly streaming across the border and putting enormous financial demands on South Korea. In short, while none of North Korea's neighbors may be happy with the current state of affairs in North Korea, the status quo may well be more attractive to each of them than the uncertain future of a sudden regime collapse.

In lieu of a policy of rollback or of mere acquiescence in the status quo, successive American governments have adopted a policy of engagement and containment intended, first and foremost, to prevent North Korea first from acquiring, and after that failed, from further developing, nuclear weapons. First there was President Clinton's Agreed Framework, which was his administration's response to North Korea's announcement in 1993 that it would withdraw from the Nuclear Non-Proliferation Treaty (NPT) to which it had become a party only 8 years earlier. Pyongyang promised to dismantle its plutonium processing plant at Yongbyon in exchange for up to $4.5 billion in aid, assistance in building two civilian nuclear reactors, and potential entry into the World Bank and IMF. President Clinton declared: "This is a good deal for the United States. North Korea will freeze and then dismantle its nuclear program. South Korea and our other allies will be better protected. The entire world will be safer as we slow the spread of nuclear weapons."

In reality, the Agreed Framework was flawed from the start. Like the recently negotiated Iran nuclear deal, it was an Executive agreement, rather than a treaty, and it had no real bipartisan support. When, predictably, the North Koreans started cheating by trying to develop nuclear material through another method, the Bush administration terminated a supply of fuel oil that was essential to the agreement, which prompted the North Koreans to kick out the U.S. inspectors and restart the nuclear plant. And as we now know, only 12 years later Pyongyang conducted its first nuclear test.

Next came the Bush administration's Six Party Talks, which began shortly after the collapse of the Agreed Framework when North Korea formally withdrew from the NPT. These talks followed much the same pattern as previous negotiations with North Korea: In exchange for financial assistance, Pyongyang would make promises to cease certain activities or allow inspections of certain facilities. Inevitably, North Korea would renege on such promises and engage in provocations intended to propel the United States to offer additional assistance in an effort to induce North Korea to make additional accommodations. Thus, by way of example, in September 2005, after 2 years of talks, North Korea agreed to give up its weapons in exchange for aid. A small amount was provided but then the same cycle restarted, with North Korea testing its first nuclear weapon in October 2006. The international community responded sharply with more talk of sanctions. The U.N. Security Council enacted additional sanctions although enforcement was questionable, especially by China. Then, in February 2007, North Korea promised to end its nuclear program in exchange for aid, which began to flow in significant amounts in 2008. Finally, during the waning months of the Bush administration, in response to North Korea's agreement to let inspectors visit certain nuclear facilities, North Korea was rewarded by being removed from the United States official list of state sponsors of terrorism. But by January 2009, as the Bush administration came to an end, North Korea had reneged on its 2007 agreement.

Nor has this pattern changed during Obama administration. In May 2009, as a welcome to the new President, North Korea conducted another underground nuclear test. Then, in March 2010, it raised the stakes regionally by sinking the South Korea warship *Cheonan*, which left 46 sailors dead. But in February 2011, the food situation took a turn for the worse as foot and mouth disease spread throughout the north and once again, the regime was eager to talk about making concessions. This led to the agreement in February 2012 where, in return for food aid from the United States, North Korea agreed to stop nuclear activity at its main facility in Yongbyon. Yet no sooner was the ink dry on this agreement then North Korea launched a missile in April leading to the suspension of food shipments.

By 2004, Congress had begun to recognize that the United States twin policies of constructive engagement with containment were yielding neither a constructive dialogue with Pyongyang nor effective containment. As a result, and taking from the history of the latter days of the cold war when the United States employed a policy

of linkage in its approach to the Soviet Union, negotiating on military, economic, and human rights issues side by side, Congress passed the North Korean Human Rights Act without dissent and with key support from members of both parties. I was privileged to be appointed by President Bush as the first Special Envoy pursuant to the Act.

In my role as Special Envoy, I tried to spotlight the regime's human rights abuses and in particular, assist those brave North Koreans who managed to escape and make their way across the border into China. Our administration worked closely with our friends and allies in the region to help accommodate increasing numbers of refugees, and on those occasions when China violated international law by sending captured North Korean refugees back into North Korea, we called them out on their unlawful conduct loudly and clearly. We also worked to expedite family reunifications for Korean families who live on opposite sides of the 38th parallel, and we increased our efforts, both governmental and in support of NGOs, to broadcast news from free nations into North Korea. President Bush also sought to put his personal spotlight on North Korea's human rights abuses by meeting very publicly with defectors such as Kang Chol-hwan, the author of "Aquariums of Pyongyang," and Kim Seong Min, the founder of Free North Korea Radio.

What we were unable to do sufficiently, however, and what the Obama administration has likewise failed to do, is link our focus on human rights issues to the broader security dialogue that we were having with Pyongyang. Where, during the latter years of the cold war, the United States regularly raised the issue of human rights in its direct dialogue with the Soviets (and even spoke directly to the Soviet Premiers about the plight of particular Jewish refuseniks), and Congress in 1974 passed the Jackson-Vanik law, an amendment to the Trade Act that impose limitations on U.S. trade with countries that restricted freedom of emigration and violated other human rights, the United States has thus far refused to adopt a similar policy of linkage with North Korea. This is regrettable. While changing the human rights situation in North Korea, though clearly a commendable goal, may not be an appropriate end in itself for our policy toward Pyongyang, there is surely a role for human rights in a multifaceted strategy toward North Korea. The Helsinki Accords in the 1970s demonstrated that an emphasis on human rights can well be a productive means toward a national security objective.

Unfortunately, the Obama administration has barely paid lip service to the human rights situation in North Korea or to China's treatment of North Korean defectors. During Secretary Clinton's trip to China in 2009 shortly after she became Secretary of State, she gingerly addressed the human rights issue, never once even mentioning China's practice of sending defectors back across the border, and spoke instead more generally about Tibet and Taiwan. Moreover, she was quick to point out that she would not let human rights issues play a serious role in her dialogue with China, noting that "our pressing on those issues can't interfere with the global economic crisis, the global climate change crisis, and the security crisis."

At the same time, the Obama administration has repeated many of the same mistakes of its predecessors, vacillating between support and sanctions. After offering North Korea an "outstretched hand" in his first inaugural address, which Pyongyang flatly rejected (refusing even to continue the Six Party Talks), President Obama's approached gradually shifted to one that he outlined in a 2015 statement on his foreign policy as one of "strategic patience." To be sure, his administration has now cut off even food aid to the regime, which given Pyongyang's practice of diverted such aid to its military is a welcome step, one wonders whether patience is really the best approach to a North Korea intent on growing its nuclear capabilities. Perhaps the Obama administration should learn a lesson from one of the missteps of the Bush administration, which was to lift the economic sanctions on Banco Delta Asia, a Macao-based bank that in 2007 the United States determined was holding $25 million in laundered North Korean assets. The effort to freeze these assets, perhaps more than any U.S. action before or since, got Pyongyang's attention. Yet inexplicably, without any progress on the nuclear talks, the U.S. lifted those sanctions in 2007.

Because we are on the verge of a new nuclear agreement that bears many hallmarks of President Clinton's Agreed Framework, I will conclude by observing that while our record of deterring nuclear attacks has been successful to date, our record of containing new nuclear regimes is not faring as well. At the same time, just as we have largely abandoned the human rights issue as a tool with which to pressure North Korea and build a multilateral coalition against the regime, we have also largely abandoned the promotion of dissent in Iran, even though events in recent years have demonstrated that a large percentage of the population is eager for reform. Indeed, the Iranian population is much more open to Western influences

than the North Koreans. With respect to both countries then, a serious national security strategy should incorporate human rights as one of our tools.

So what should the United States do? While a policy of regime change is still premature, a policy focused only on containment is not likely to succeed, given North Korea's increasing offensive capabilities and belligerence, and the unwillingness of China to cut trade with Pyongyang. Instead, the United States should remain open to a policy of constructive engagement alongside containment, but with engagement on all issues, security, economic, and human rights. Ultimately, security will only come when North Korean citizens are empowered to take their destiny into their own hands.

This means the United States should support the instincts and desires for self-governance that we know from defectors many North Koreans possess, and giving nonviolent, nonmilitary tools of statecraft a chance. Congress should pass the North Korean Sanctions Enforcement Act; make available significantly more financial resources for independent civilian broadcasts like Free North Korea Radio; help those North Koreans who defect travel safely to South Korea or other safe havens; and promote family reunification visits (ideally on both sides of the DMZ), and cultural exchanges with the West. The President should also use the bully pulpit to speak clearly about the threat posed by North Korea and about China's enablement of the North Korean Government. And because China has greater influence over North Korea than any other nation, our North Korea policy must be part and parcel of our China policy.

As we saw from the experience of the captive nations of Eastern Europe toward the end of the cold war, the promise of peacefully changing the situation in North Korea does not have to be a pipe dream. Military deterrence is crucial, and we need to work assiduously to build an international coalition aimed at preventing nuclear proliferation by North Korea. But we should also open the door to promoting evolution within the regime, and signaling our friendship and support to would-be reformers. In that light, it would be useful to take President Park's comments about the long-term goal of peaceful reunification seriously. As she travels to Washington, DC, later this month, the Congress should explore not only more effective strategies to address North Korea's nuclear ambitions, but also what a strategy that focused on peaceful reunification would entail.

Senator GARDNER. Thank you, Mr. Lefkowitz.

Our third witness is Ambassador Robert Gallucci who has just started his tenure last month as director of the John W. Kluge Center at the Library of Congress. Ambassador Gallucci served as president of the McArthur Foundation from 2009 to 2014. Prior to that, from 1996 to 2009, he served as dean of the Edmund A. Walsh School of Foreign Service at Georgetown University.

Ambassador Gallucci has 21 years of distinguished public service, as Ambassador at Large and Special Envoy for the U.S. Department of State, he dealt with threats posed by the proliferation of ballistic missiles and weapons of mass destruction. He was chief U.S. negotiator during the North Korean nuclear crisis of 1994 and served as Assistant Secretary of State for Political and Military Affairs and as Deputy Executive Chairman of the U.N. Special Commission overseeing the disarmament of Iraq following the first gulf war.

Mr. Ambassador, thank you for your service and welcome to today's panel.

STATEMENT OF AMBASSADOR ROBERT L. GALLUCCI, DIRECTOR, JOHN W. KLUGE CENTER AT THE LIBRARY OF CONGRESS, WASHINGTON, DC

Ambassador GALLUCCI. Thank you, Mr. Chairman, Senator Cardin. Thank you for the opportunity to be with you today.

I am advised I should say that my comments represent my views and not necessarily those of the Library of Congress or Georgetown University.

It seems to me that a fair characterization of this administration's policy toward North Korea is one of drift. I know it has been characterized as strategic patience, and I understand that it is true that the Obama administration has explored and made overtures in an attempt to engage the North Koreans. The North Koreans, I understand, claim that they have sought the opportunity to talk with the United States. We, for our part, I understand, have seen a lack of sincerity on the part of the North Koreans, and we have insisted that they show us, give some indication of their sincerity, make a concession of some kind. The North, for their part, has seen, and says they see, from us nothing but hostility, manifest in the military exercises between ourselves and the Republic of Korea. All that said, neither side apparently has seen the necessity to resolve this current situation, this sort of standoff.

The United States has been content apparently to demonstrate alliance cohesion and its deterrent posture by containing North Korea and by the application of a sanctions regime. The North Koreans for their part have China to limit the impact of that sanctions regime while they continue to develop their ballistic missiles and nuclear weapons unconstrained. So we should, I would think, recognize that the North Korea situation, unlike fine wine, does not get better with the passage of time.

The plutonium production, highly enriched uranium production has been variously estimated as moving the North Koreans from its current position of maybe less than 10 nuclear weapons to tens of nuclear weapons within 5 years or so, with ballistic missiles that will, as my colleagues have noted, reach at least the western coast of the United States.

In the meantime, the North can be counted upon intermittently to do provocative things, whether they be along the DMZ, at sea, or the islands off the coast of the peninsula. And I think we need to remember that any of these incidents in the future could escalate into a general war to conventional war conflict on the peninsula. We should not count, in other words, on restraint on the part of Seoul, the Republic of Korea. That will not always be the case.

Less dramatically this situation produces an outcome in which others in the region may plausibly respond. Particularly when the North Koreans test ballistic missiles or nuclear weapons, they energize debates in Seoul and Tokyo over the adequacy of the American extended deterrent and the coming vulnerability of the continental United States to a North Korean nuclear strike will only exacerbate those concerns.

But for now, at least for me, the most dangerous North Korean activity is the transfer of ballistic missiles and particularly nuclear material. The Pakistani Gari missile is really a Nodong knockoff. The Iranian Shah Hab III is really a Nodong IRBM knockoff. And as my colleague noted, the most worrisome transfer of all the transfer of a plutonium production reactor to Syria by the North Koreans, a plutonium production reactor which would be operating now under this circumstance were it not for the Israeli version of a nonproliferation policy and the flattening of that reactor. So patience alone in this case is not a virtue, and it certainly is not a strategic response.

I also want to give gratuitous advice about what we should do. Nine quick points.

First, obviously, sustain the deterrent posture with exercises, but I would add without unnecessary provocation. And this may be taking due care with respect to our naval presence or lights of our B–52s.

Second, do, of course, maintain the sanctions regime, maybe even reinforce the sanctions regime, but do not delude yourself into thinking that is itself a policy. That will not stop those programs. And given the existence of China to mitigate those sanctions, it probably will not cause the North Koreans to come to the table on bended knee.

Third, do push Beijing to be more accurate and use its influence in Pyongyang, but do not subcontract this issue, the most important strategic issue right now in the Asia-Pacific region, to our principal competitor in the Asia-Pacific region. Our allies are looking for us to take leadership here and we should do that.

Fourth, when, or if, we pursue negotiations—and I hope it is "when"—we should not make the goals of negotiations necessary preconditions for the negotiations. It is true that we do not want to engage with the North Koreans in any serious series of negotiations without having the North Koreans cease and desist the production of their nuclear material. So you do not want a situation in which we are negotiating and they are building. But beyond that, preconditions I think are not called for.

Fifth, the modality is not critical. The six-party talks may be dead or they may be alive. What is important is that the United States and the North Koreans engage and that we keep our allies particularly in Tokyo and Seoul well informed.

Sixth, nuclear weapons issues cannot any longer be separated from general political issues and certainly not from human rights issues. We did that with the Agreed Framework. That was then and this is now, and human rights must be part of an engagement.

Seventh, the eventual outcome of formal talks with the North Koreans must—must—envision a nonnuclear North Korea or else we will be, with our negotiations, legitimizing the nuclear weapons program in North Korea.

Eighth and perhaps most important of all, we should find an opportunity to draw a bright but genuine redline on the transfer of sensitive nuclear equipment or material or technology to national actors or nonnational actors.

And ninth, I think we should quietly prepare with our allies at least in Seoul and our friends in Beijing—sometimes friends in Beijing—prepare for a situation of a North Korean regime collapse, whether it be what has been called a hard landing or a soft landing.

In conclusion, if we are clear about what we are doing and why we are doing it, we may not get those negotiations that we should strive for, but we can protect and project strength, principled determination to honor our alliances and not seem passive in the face of a genuine threat.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Gallucci follows:]

PREPARED STATEMENT OF ROBERT L. GALLUCCI

It is hard not to feel a sense of drift when thinking about U.S. policy toward North Korea over the last decade or so. The current policy, at one point termed "strategic patience," by the Obama administration, has apparently been thought good enough, perhaps because of the other issues on the foreign policy agenda, and perhaps also because successive administrations have tried, with China and our allies, Japan and South Korea, to engage the North on numerous occasions to no avail.

From the American perspective, these overtures have failed because the North has not been serious about engagement. We perceive the DPRK as preferring instead to blame the United States and the Republic of Korea for their hostility, and embrace its imposed version of splendid isolation, while pursuing its nuclear weapons and ballistic missile programs and depending upon Beijing to do what is necessary to insure that their regime does not suffer economic or political collapse.

Threats may be characterized as the product of intentions and capabilities. Taking the second first, it is the North's nuclear weapons and ballistic missile programs, rather than its army, navy, air force, and special operations forces, that demand the most attention. For whatever reason, the North Koreans decided to forgo the accumulation of plutonium and nuclear weapons for almost a decade after the 1994 Agreed Framework, but when that deal collapsed, they moved promptly to again accumulate plutonium and begin to enrich uranium to support nuclear weapons development. By the end of this decade, by any estimate, North Korea will have tens of nuclear weapons, some mated to ballistic missiles for delivery to targets in the region and intercontinentally. This will be a new situation that plausibly will impact the North's intentions, which have never been particularly easy to read in the past.

One of the few things that observers of North Korea seem to agree upon is that the regime's first goal is its own survival. This means that the government's actions may predictably bring enormous hardship to its own people, sanctions may be imposed that bring most harm to the most vulnerable—the young and the old—and the regime will still not fear pressure to change course. The DPRK enjoys the peculiar stability of a totalitarian state. But no one can be certain about whether the coming acquisition of a true nuclear weapons capability—vice the possession of only a few "devices"—will make the North more likely to take risks, or more risk averse. At the same time, we can be fairly certain that the regime's policies will continue to be driven by the strategic objective of eventual reunification of the Korean people under its authority, and include instrumental goals of undercutting the U.S.–ROK and U.S.-Japan alliances, while preserving its relationship with Beijing.

Our experience with North Korea over the last couple of decades reveals an approach to achieving these goals which poses risks for the U.S. and its allies. The intermittent provocations to the South along the DMZ, on coastal islands and at sea could escalate into hostilities and full-scale conventional war. Intermittent missile and nuclear weapons tests remind the Japanese and the South Korean people that the North is developing weapons that their governments have forgone, making them dependent on America's "extended" deterrent. And reviewing that dependence will always be an option in Tokyo and Seoul.

Most directly threatening to the U.S. will be the emerging reality that America's west coast cities will be targetable by North Korean nuclear armed ballistic missiles. Deterrence, and some defense, will mitigate that new reality, but the essential psychological nature of a deterrent begs the question of effectiveness when dealing with what some suspect may be a psychopathic leader.

Perhaps the most dangerous activity that the North has pursued over the last couple of decades has been the transfer of sensitive nuclear technology and ballistic missiles to other countries. Pakistan's Gari intermediate range ballistic missile is based on the North Korean No Dung missile, as is the Iranian Shah Hab III. And late in the Bush administration, the Israelis alerted Washington to the North Korean construction of a plutonium production reactor in Syria—which Israel went on to flatten. The U.S.'s very reasonable concern about the possibility of a 9/11 nuclear attack is only heightened by this North Korean willingness to transfer nuclear capability to unstable governments willing to pay in hard currency.

So while there are very good reasons not to be passive in designing policy and strategy to deal with North Korea, the question remains of what might work to reduce this threat. Nine points follow which aim to define a policy and create a strategy to mange and eventually reduce the threat.

First, continued, visible security consultations and exercises with friends and allies in the region, Japan and the ROK most importantly, will serve to sustain deterrence of the North while reassuring allies of the U.S. commitment to their

security. This should be accomplished without undertaking unnecessary military or naval activity sure to provoke a North Korean response.

Second, we should continue to maintain a sanctions regime aimed at isolating and weakening North Korea, but not delude ourselves into thinking that sanctions alone will bring about the changes we seek in the North's behavior—not so long as China continues to moderate the impact of sanctions.

Third, we should not resist the urge to remind Beijing of its responsibility to use its influence with its clients in Pyongyang to avoid adventures and enter negotiations when the opportunity arises. But we should resist the temptation to subcontract the most urgent security issue in Northeast Asia to China, America's great power competitor in the Asia-Pacific region.

Fourth, we should avoid making the goals of any negotiations with the DPRK preconditions for entering those negotiations. At the same time, any U.S. administration must be wary of entering protracted negotiations with North Korea where they may visibly continue to advance their nuclear or ballistic capability while negotiations are underway. That would include test detonations or launches, or adding to fissile material accumulations at known facilities. In other words, there should be no advantage to the North of stalling, of building while talking.

Fifth, we should not hold preconceived notions of the modality for negotiations. Six party talks may be dead—or not—but the essential participants will be the U.S. and North Korea, whatever the formal structure may be. The critical elements will be a bilateral engagement with close consultations between the U.S. and Japan, the ROK and China.

Sixth, the days of isolating nuclear negotiations from human rights issues and a broader political settlement are over. We should expect such a settlement to eventually include a peace treaty to formally end a 60-year state of war.

Seventh, notwithstanding point number four, above, we should insist that the outcome of negotiations include the eventual reentry of the North into the Non-Proliferation Treaty regime—lest our negotiations legitimize their nuclear weapons program. It should be clear that would anticipate acceptance of a safeguards regime that provides sufficient transparency to confirm North Korea's status as a non-nuclear weapons state, and without any stockpile of fissile material or production capability to create one.

Eight, we should find an opportunity to unambiguously warn the North Koreans at the highest level that the transfer of sensitive nuclear technology to another state or nonnational actor cannot and will not be tolerated by the United States: drawing a genuine redline.

Ninth, we should take prudent steps with our allies to prepare for the realization of our ultimate goal of a unified Korea, whether through the slow transformation of the North Korean state or its sudden collapse.

It is possible, of course, that negotiations on the terms envisioned here cannot be launched, and we will be left with one or another version of containment. This would not be ideal, but any sense of policy adrift should be banished by clarity about what national and international security requires in light of the challenges presented by North Korea to the United States and its allies.

Senator GARDNER. Thank you again. Thank you to all three of you for your time and testimony today.

And we will begin our question time this afternoon.

You have said it in your statements. I believe all three of you have said parts and pieces of this. Ambassador Gallucci, you just laid nine points out in terms of what a new policy or additional policies would look like. But to Dr. Cha, to Mr. Lefkowitz—and of course, Ambassador Gallucci if you would like to address this as well—the policy of strategic patience, as it is today—has it been effective in deterring North Korea? And what should that policy that replaces it, if it has not been, look like?

Dr. CHA. Well, Mr. Chairman, I do not think the—well, I should say I think United States policy has been effective at deterring North Korea from a second invasion. So the creation of the U.S. ROK alliance in 1953—the prime purpose of it was to deter a second North Korean invasion. And in that regard, the alliance and the policy overall has been successful.

This concept of strategic patience, I do not think, has been successful at stopping their nuclear program. It may be marginally slowing it down. We really do not know. But based on their statements and based on what we have seen in the demonstrations that they have done so far, they are making progress.

So, yes, I do believe United States policy has deterred North Korea from conducting sort of major outright aggression, but it has not been successful at preventing the growth of this program, and it has not been successful at deterring missile tests or nuclear tests or cyber activity for that matter.

What should be the policy going forward? I mean, this is the question I think that we all struggle with. I agree entirely with my colleagues that whatever that policy is, the sanctions part of it, the so-called sticks, are very important not just to apply costs to North Korea for not coming to the negotiating table but those are things that should continue to be applied as a part of our denuclearization policy overall and our nonproliferation policy overall.

The concept of constructive engagement that Mr. Lefkowitz mentioned, this idea of being tough but at the same time being open to a broader discussion of the future of the Korean Peninsula and Northeast Asia, I think is an interesting idea. You know, in many cases some have argued that while our focus is the nuclear problem, we need to widen the aperture a little bit to take into account economic insecurity, human rights, and other sorts of issues. And perhaps it is a time to think of or do something like that. But it would require a real commitment on the part of any administration, whether it is the current administration or the next administration, to really want to see this through to the end.

The problem, in my opinion, with regard to North Korea policy in general has been for every administration, it is one of these issues where if there is a crisis, the initial reaction is to dampen down the crisis enough to put it on a shelf and then move on to the next issue because there always are more important issues, whether it is in the Middle East or whether it is the economy or other sorts of things. And this has worked to North Korea's strategic advantage because they have managed to continue to develop their programs over all of these years.

I am reminded very much of the cyber issue because right now, North Korea's tech base on cyber is really not that strong, and we see them doing some small things. But they are clearly moving in the direction trying to integrate it into an overall military strategy. Initially we might think that is not a threat right now, but in the late 1980s/early 1990s when North Korea was experimenting with a small 5-megawatt reactor, we did not think that was going to be a major threat, and look at what it has become today.

So certainly a more proactive policy than strategic patience is necessary, one that continues to apply or even heightens sanctions on the regime, but at the same time, remains open to something that widens the aperture while keeping nuclear weapons as the key objective but addressing things like economic insecurity and human rights.

Senator GARDNER. Mr. Lefkowitz.

Mr. LEFKOWITZ. Thank you, Mr. Chairman.

I agree very much with what Dr. Cha has said.

I think when you think about strategic patience, it kind of reminds me of a prevent defense in football. And the one thing you know whenever your team goes to a prevent defense is the other team is going to move the ball all the way down the field. Now, maybe they will not get into the end zone, but they are in the red zone, and who knows what will happen if we are patient for too much longer.

But, again, I think it is clear that regime change is not a viable option for a whole host of reasons now. And so I think a full engagement, a full court press, dealing with the nuclear issue, dealing with economic issues, both with carrots and sticks—we saw how much effect on North Korea $25 million in real sanctions exacted from them during the Banco Delta Asia situation a decade ago. That really resonated. And using economic sanctions with carrots, combining them with a human rights approach where we rally pushed for family unification visits, supporting independent civilian broadcasts, cultural exchanges, I think a comprehensive policy is an appropriate policy. Human rights is not an end, in and of itself, of United States policy in a foreign country, to be sure, but it can certainly be part of a coherent, multifaceted strategic approach to a country like North Korea.

And with respect to China, I certainly agree with Ambassador Gallucci. We do not want to subcontract our North Korea policy to China. But we also have to be honest enough to recognize that China is the biggest player in that region and has the most direct influence over North Korea. And China's objectives and aims are not necessarily what ours are in that region, which means if we are putting together a North Korea policy, it has to be part and parcel of our overall China policy.

Senator GARDNER. Ambassador.

Ambassador GALLUCCI. Thank you, Mr. Chairman.

Briefly, I think you find the three of us sort of in violent agreement to your, generally speaking, approach.

I think Dr. Cha did a service by disaggregating the deterrence issue. Yes, I do not think any of us are worried that the North Koreans believe they would get away with an invasion of the South without massive consequences. But clearly, we have not found the formula that deters the North Koreans from expanding their weapons programs, their ballistic missile program and particularly their nuclear weapons program. So it is not working in that sense, or to be a little clearer, it has failed. It has failed that test. We have not stopped them.

Moreover—and I know I emphasized this before, but I want to say again—we failed to deter the North Koreans from transferring a plutonium production reactor to Syria. We cannot afford that. If they decide they want hard currency so much and they have got enough fissile material with a highly enriched uranium program, they ought to supplement their plutonium program, and they become a source of that material for another country or nonnational group, no one will think we have done very well at protecting the national security of the United States.

So I think fundamental deterrence, yes, but a policy that has really managed to contain this threat, no, we have not succeeded at that.

Implicit in the recommendations that I have at least put forward is the idea that at some point engaging the North is the right thing to do. I do not have a particular view on a new set of sanctions except I would hate for us to fall in love with a sanctions regime. That is not an end in itself. It is only good if it produces an outcome, and I do not believe it will produce the outcome we are saying we do not yet have. It might play a role in getting them to the table or it might alienate them so they do not go to the table. But destroying their programs it will not do, and it will not do it certainly because China is there to mitigate the impact of those sanctions. So we ought to put some perspective on that.

Thank you.

Senator GARDNER. Senator Cardin.

Senator CARDIN. Once again, thank you all for your testimony. As you know, we have just finished—not finished. We have been engaged in a long review of the Iran nuclear policies, and during this review, we have asked frequently what is Iran's intentions. Why do they want to become a nuclear weapons state? We would like to know that answer to see how we can counter that with an effective strategy.

So I am trying to understand what North Korea's ultimate objective is in wanting to become a nuclear weapons state. One could very well argue that it is regime survival, that if they have the capacity of a nuclear weapon, it is unlikely that other powers would want to use military against them because of the fear of nuclear retaliation.

If that is the case, if it is regime survival, one could also argue then advancements on human rights, particularly freedom of expression, knowing this government, is going to be extremely difficult because I think they look at that as a threat to their regime because of the nature of their leadership.

Some of you mentioned the fact that one of our objectives is to prevent the transfer of this technology, which might be an economic incentive for North Korea to get some cash from using its nuclear capacity. If that is the issue, then there are ways that we can try to counter that.

Or maybe they are looking for an aggressive position on the continent.

So could you just share with me what you believe North Korea is trying to accomplish by perfecting a nuclear weapon?

Dr. CHA. Thank you, Mr. Senator.

So I think the three—I do not disagree with any of those three theories that you put forward with regard to why they might be interested in nuclear weapons. But let me offer a couple of others.

I think the whole desire for nuclear weapons comes down not necessarily to survival of the state, but to the nature of the leadership. You know, this sort of cult of personality leadership will forever feel insecure. They always feel insecure. So even if they had a peace treaty with the United States, they would still feel insecure. Even if there were no Western forces and South Korean forces arrayed south of the DMZ, they would still feel insecure. So I think a lot of it comes down to the nature of the leadership. Leaderships like this that suppress the rights of their people, that seek complete and total control do so out of sort inherent insecurity that

is based in the nature of the leadership. So I think that is one of the sources.

The other driver is the constant desire to try to legitimize this form of government, and seeking the ultimate weapon as a symbol of state strength helps to legitimize this leadership. So I think that is another reason that does not have necessarily to do with economics or with broader state survival.

Senator CARDIN. Both of those objectives—I do not disagree with you. It is hard for me to understand how they think because of the nature of their leadership. If that is true, then it is going to be very hard to negotiate away from those two issues. It is sort of their DNA more so than it is something that they are willing to trade for concessions as they see it.

I want to get to the other two witnesses, but let me throw into this equation and then maybe I will ask Mr. Lefkowitz first. Are we past the point of no return of stopping North Korea from having a nuclear weapon capacity?

Mr. LEFKOWITZ. I think we are probably, in my view, past the point of no return in terms of preventing them from being a nuclear power unless they overplay their hand and the regime falls. And if it falls hard, it is hard to know what the aftermath looks like and who is really in control of those nukes and the territory.

I think that they have not yet successfully tested proper delivery systems for their missiles. I think there is a long way for them still to go in their efforts, and I think they are, by all accounts, intent on achieving really fully operational nuclear capabilities. But I do not think that the United States has any intention, nor do I think it would necessarily be appropriate to go in with force to try to undo what has been done. So we really are dealing with a combination of containment and deterrence, and the problem is it is a game where patience is not necessarily a virtue.

And I agree with Dr. Cha that when we have a regime that is motivated not genuinely by defensive principles and not genuinely by a desire to develop nuclear weapons as the United States originally did to actually combat autocratic regimes, but really as part of cult of personality for national pride and to really potentially have the ability to proliferate to raise hard currency. I do not think that the status quo, and a status quo which we tolerate through strategic patience, is really a viable alternative.

Senator CARDIN. Ambassador Gallucci, I will let you respond, but let me throw one more question in and you can respond to either one of the two.

You were talking about direct negotiations or discussions between the United States and North Korea. At least, that was one of the things.

The Iran nuclear talks, the P5+1, was an interesting arrangement. One could argue whether it was successful or not. We are not going to get involved in that today, please. That question is not on the table. But it took the world powers and did not take the regional powers, and that is how those discussions took place with Iran.

The six-party talks for North Korea involves the major players in that region, certainly Korea and Japan, but also China. It seems to me it would be challenging for direct talks between the United

States and North Korea, particularly as it relates to China, but I would also expect there would be some concerns with the Republic of Korea and Japan on those types of dynamics, along with other countries.

So are you looking at the Iranian discussions and is that why you are suggesting just two-party talks? Or maybe you are not suggesting that.

Ambassador GALLUCCI. Thank you, Senator.

I see three questions there that I want to respond to. And we may have some violent disagreement here. Let me take the first one.

Senator CARDIN. Do not make it violent. Disagreement is fine. [Laughter.]

Ambassador GALLUCCI. The question about whether, as I understood it, the North Korean nuclear weapons posture right now is a fait accompli. We are done. It is a nuclear weapons state. For me, the answer to that is absolutely not, and it had better be absolutely not because the North Koreans want it to be absolutely so. They have changed their constitution to make it absolutely so. And it behooves us to recognize that states have built nuclear weapons—South Africa—and then dismantled them and subjected the fissile material to IAEA safeguards. Three states were born nuclear weapon states and gave up their weapons, former states of the Soviet Union. This is not like, as someone said, the loss of virginity. This is reversible and it ought to be—it must be, I would argue, a tenet of the negotiation that the eventual outcome would be for the North Korean state in any serious negotiation to become a non-nuclear weapon state.

Now, we all know the challenges of verification of monitoring, et cetera, and the difficulty of making sure there are not four objects somewhere in that country. We get that. But there is an issue here that is beyond legal, and it will be important to the South Koreans and it will be important to the Japanese if we engage with the North Koreans, that that is the goal we are going after because that is their status enshrined in the Nuclear Nonproliferation Treaty, and the North Koreans, as a result of what they have done should not come out ahead. That is on the first point.

A second point was about what, in terms of motivation, drives North Koreans. Just about 20 years ago, 21, 22 years ago, I led negotiations that began in 1993 in the spring. It did not end until the fall of 1994 with the North Koreans. And we had a lot of time to talk about why the North Koreans had a nuclear weapons program. I do not mean by saying we had a lot of time, that we came to the right answer. I mean we talked about it a lot.

And one thing I became convinced of—and I like Victor found your dichotomy or classification to be quite useful. But one thing we were quite sure of is that the North Koreans, for whatever else they had in mind with these nuclear weapons, were worried about the United States. And I had one-on-one conversations with their principal negotiator in which he told me they watched the United States action in Desert Storm, one, and they watched us do what we did. Later, they got to see what we did in Iraq, two, and they could see that we were capable of accomplishing regime change.

What they were looking for was something as a deterrent, yes, but if they were going to give it up in negotiations, a relationship with the United States of America which would allow them to believe that they could count on the United States not conducting actions to achieve regime change, a political settlement that was persuasive.

Were they, very soon after they signed that deal in 1994, cheating on that deal, the Agreed Framework? I do not know how soon, but certainly they did after that. Were they hedging or did they intend necessarily to have a weapons program? I do not know the answers to those questions.

But I am persuaded that had they gotten the political arrangement and they were satisfied that they did not need to worry about the United States of America that a security need would have been met. I am not saying that that would have meant no other nuclear weapons program. I just do not know. But I think that is a driver for the North Koreans.

Your last point, Senator?

Senator CARDIN. It was the six-party talks versus two-party talks.

Ambassador GALLUCCI. Yes. I had two-party talks, and after every negotiation with the North Koreans in the evening, I first met with the delegation from the Republic of Korea and then the next day I would go and meet with the Japanese and I would meet with the Chinese. But the South Koreans, as our treaty ally and closest in terms of the threat from North Korea, we met with every single day that we negotiated. We also met with the North Koreans. And we kept the Japanese as a treaty ally fully informed, and pretty fairly often we were also talking to the Chinese. These negotiations were mostly conducted in Geneva.

So I think that is not a bad model. I do not think the modality is terribly important because when you have six-party talks, nothing happens with six parties. It happens when two parties get together, and the important thing is that those discussions do not cause a break of any kind in our alliance either with the Japanese or the Republic of Korea.

Senator CARDIN. I appreciate that. I found your response on all three points very helpful. President Obama might disagree with you. A P5+1 equals six.

I have some other questions, but I will wait till the next round.

Senator GARDNER. Thank you again.

Dr. Cha, you and I have had this discussion before, this last conversation talking about six-party talks, two-party talks, right now no party talks. And so does it behoove the trilateral alliance of the United States, Japan, South Korea, others that may be a part of eventually six-party talks—does it behoove us to have at least five-party talks where we are all getting together finally and talking about North Korea? Right now, we do not seem to be even doing that.

Dr. CHA. Yes. I mean, I think that is a very good point.

So when Bob did bilateral talks, we did six-party talks. He did his in Geneva. We did ours in Beijing.

The whole concept of the six-party talks was to bring all the stakeholders to the table, all who had an interest in the resolution

of the North Korean nuclear problem. And if we could not get agreement among the six, then we should get agreement among as many of the others as possible.

And right now I think we are in the situation where the United States, the South Koreans, the Japanese, the Russians, and the Chinese all want the North Koreans to come back to the table and engage in a genuine negotiation. I think it is fair to say that all five parties have agreement on this.

And so if the North Koreans continue on a path where they just provoke or they test and they do things, it seems to me that your suggestion makes perfect sense. The five parties should get together, if anything, to compare notes, to figure out a way forward. Now, I certainly know that the administration sends their envoys out and they go and do bilateral meetings with each of the members of the six-party talks, but convening the five in Beijing really to chart a path forward, figure out what the next steps are, determine how to ramp up sanctions, if all parties are in agreement on ramping up sanctions, I think makes perfect sense.

The other thing that I would say is again on this question of whether we can get them to give up their programs and whether—the North Korean case is different from the three who were born with weapons and the ones who created them and gave them up. To me, the main question with regard to North Korea is their strategy at this point is to establish themselves as a recognized nuclear weapons state, and at that point they may be interested in engaging with the United States and others in what they would call arms control negotiations like the United States did with the Soviet Union. That is the position I think that they are seeking. And I think they are waiting out both the current administration here and the administration in South Korea and ramping up their capabilities to try to establish themselves for the next administration that comes in. And so for any policymaker, that is going to be the question. Can you pull them off that path of seeking to become a recognized nuclear weapons state who wants to engage in arms control negotiations?

Senator GARDNER. In my conversations last month in both Japan and South Korea, talking to the foreign ministry in Japan and to President Park in Seoul, talking about the importance of a strong trilateral relationship, what we can do, what measures we can do to make sure that the United States, South Korea, and Japan are building a strong alliance in terms of dealing with North Korea and also addressing China and how China can use its economic leverage against North Korea.

So I guess I have two questions for all of you. The first question would be, what can we be doing to strengthen our trilateral alliance between Japan, South Korea, and the United States?

And secondly, I think, Ambassador Gallucci, you said it in your statement, not so long as China continues to moderate the impact of sanctions in relation to the effectiveness of the willingness of China to use its leverage against North Korea, as they are moderating our sanctions right now.

So how can we most effectively use that trilateral relationship, that bolstered, strengthened trilateral relationship to encourage

China not to moderate the impact of sanctions but, indeed, work directly with North Korea using its economic leverage?

So whoever wants to take that one, feel free. And then I would love to hear from all three of you.

Ambassador GALLUCCI. There have been some bad ideas on how to do that. An example of a bad idea would be for either Tokyo or Seoul to say that the North Korean program, as it is advancing, is going to cause us to rethink our nonnuclear status. That is a bad idea that I will not now attribute but it was by senior policymaker from another administration. I do not believe that is the way we ought to go.

I think that Beijing has a very sophisticated approach to regional politics. I think that an approach in Beijing that is clearly one that is endorsed by, if not joined with, the South Koreans and the Japanese and Beijing to say that we need a new initiative, we need a new push from China to use its influence, I am not opposed to that. That is not the subcontracting problem. Long ago in another universe 20 years ago, I made several trips to Beijing in order to persuade them to be more active in Pyongyang. They know that their relationship is rocky and more rocky at different times, but they still are the one country that has the most influence as a result of what it does for Pyongyang.

So I think the idea that you have had of the trilateral relationship between our treaty allies and ourselves, using that as the basis, as a platform for approaching the Chinese to get them to move on the North Koreans and to have a serious plan to follow that with to engage the North Koreans—we do not want to push the Chinese on this and to be too busy somewhere else, which I believe we have been on occasion, not to engage the North Koreans. When we are ready, I think perhaps the first step after our allies create that trilateral relationship as a springboard to leverage in Beijing.

Dr. CHA. So in terms of the question of how we can consolidate trilateral United States, Japan, ROK trilateral—I mean, I agree with that entirely, Senator. I think that is one of the most important things that we can do now to both solidify the United States position in the region and to deter North Korea.

Very clearly, one very important aspect of this is improving the bilateral relationship between Seoul and Tokyo. It has been quite tattered recently, but it looks like it is on the mend. And so I think that is a positive thing. And so I think your trips to the region were important in that regard to help impress upon both sides the need to improve their bilateral relationship.

At the very highest levels, there has already been one trilateral summit between the United States, Japan, and Korea, President Obama, Prime Minister Abe, and President Park. And we have a number of opportunities coming up this fall, a number of multilateral meetings, G20 and others, where you could affect more of those trilateral meetings. That sends an important political signal to domestic audiences about the importance that the leaders place on trilateralism, a message that is not lost in Beijing, I can tell you for certain.

More specifically, there needs to be a lot more information and intelligence sharing between the three countries because that is de-

ficient. Missile defense cooperation is certainly another area where there are opportunities, given the very proximate threat from North Korea. And also just general phase zero trilateral cooperation on piracy, disaster relief, and these other sorts of things helps to improve readiness among the three sides.

Those signs of trilateral coordination and consolidation do impose costs on China. If the Chinese understand that part of the reason all this activity is happening is because of their support of North Korea, that imposes costs on China. And I think one hopes that it will affect the way they calculate their strategic equities on the Korean Peninsula, whether it should be with the North or whether it should be with the South. So that is certainly one way of doing these things to impose costs on China.

The other is to do these things, but then also be open to more strategic discussion with China on the future of the Korean Peninsula. The one piece of all the multilateralism in Asia is there really has not been a discussion among the United States, South Korea, and China about the future of the Korean Peninsula. Those are the three actors that will be the most affected. But that has been missing. And as long as the regime looks as unpredictable and uncertain as it does and with a young leader, for which there is not a clear line of succession in the North Korean royalty system—the next in line in succession is his infant daughter. So there really is not a line of succession. And the economic situation is getting worse and worse.

Senator CARDIN. That may add some maturity to this. [Laughter.]

Dr. CHA. A point well taken.

Mr. LEFKOWITZ. Mr. Chairman, I certainly embrace your view that we need to consolidate and strengthen the trilateral relationship. These are two countries, Japan and South Korea, with whom we have shared values, a lot of influence, strong historic relationships, and now is the time actually for the United States to step up and show that we are committed to working with them on their own regional security issues. It is certainly not the time to take a step back and cede any of that power and authority and influence to China.

But recognizing, as we must, that China is the critical actor with respect to North Korea—and as Victor just said, we have not really had a serious dialogue with China and with South Korea about the future of the peninsula, and it is important because these regimes, these Stalinist regimes eventually crumble. Let us stipulate that we are not going to necessarily overthrow the regime, but over time—and it could be a short time as what happened in Romania. It could be a slightly longer time. But the regime is going to crumble from within, and we should certainly be doing what we can to support the defector community, to embrace the human rights issues, and to help promote some of that type of dissent within that society. But to do so, we have to be prepared for the aftermath. And fundamentally, a policy that says the answer is reunification of the peninsula, which is our stated policy objective and South Korea's, may very well be completely antithetical to China's objective. And so we really do have to engage directly with China and in a trilateral way with China and with the ROK on that issue.

Senator GARDNER. Senator Cardin.

Senator CARDIN. Mr. Chairman, thanks again.

I want to cover one more point. I will try to do it very briefly. And that is, each of you have mentioned that we must be focused on the human rights advancements if we are going to accomplish our objectives on the Korean Peninsula, and I could not agree with you more.

But you have also mentioned that one of the principal objectives of North Korea is the preservation of regime, and it seems to me and knowing their DNA, they are not going to voluntarily agree to allow for a free press and dissent, et cetera. So how do we effectively influence human rights in North Korea?

Number two, it is difficult to get the State Department to focus on human rights when nuclear weapons are engaged. That always seems to be a secondary subject, if it is even a secondary subject.

So how do we get the United States to put a higher priority and visibility on human rights? And how do we get the North Koreans willing to move and make progress in this area?

Mr. LEFKOWITZ. Thank you, Senator.

When I had the privilege of serving as the special human rights envoy to North Korea, I certainly can echo your sense that it was hard sometimes to get the State Department to engage properly in the issue. I worked for a President who cared deeply about the issue. He actually gave all of us in the West Wing copies of "Aquariums of Pyongyang" to read and then talked to use about it and invited the author in for a very highly publicized meeting. And he met with other defectors in highly publicized meetings. We worked hard to try to help defectors, who had somehow been able to escape from North Korea, get out, and then when they got out, they came either to the United States or to South Korea. We helped with radio broadcasts into North Korea.

I think there is a lot that Congress and the United States can do. I think the North Korea Sanctions Enforcement Act is a very good start. I think we should make significantly more financial resources available for independent civilian broadcasts. So there is a lot we can do.

But it starts by recognizing that human rights issues are not completely separate from military and strategic security issues. And as I said before, I understand that our principal objective is and should be the security issue. Changing North Korea and helping North Korea change from within is ultimately going to help bring about a safer and more secure peninsula.

Dr. CHA. The nuclear weapons issue will be the objective of any future negotiation with North Korea. That is very clear. But the way to get there is to give North Korea what this administration or previous administrations have all said, which is you need to make a strategic decision, a strategic choice.

Their position on human rights is part of that strategic choice. In many ways, any nuclear agreement in the future is not credible unless there is other evidence that North Korea has made a strategic decision to take a different path. And so in that sense, the human rights element is actually very important for the credibility, the genuineness of any future agreement.

Short of that, the awareness raising and the pressure that it is putting on the regime in terms of human rights could translate into better terms and treatments of NGOs and humanitarian groups that are going into North Korea. These groups go in under the worst conditions in violation of all their working norms and principles. And so that could change if the North Koreans were to try to address that.

I would agree with everything that Jay said in terms of broadcasting information, but I would also add, as I did in my testimony, that there is also an opportunity to help the human condition here in the United States with the 170 or so refugees that are here now who have gone through an incredible ordeal to get here. And they are the living champions of a future North Korea.

Ambassador GALLUCCI. When we negotiated the Agreed Framework, we went to great lengths to insulate the negotiations from human rights concerns, and there were human rights concerns 21–22 years ago. And we did not put them on the table, and that was with malice aforethought. I mean, we wanted to deal with one issue, and if we could keep the human rights issues away, then that would be down the road somewhere. I think that was the right thing to do then. It clearly is no longer.

We have gone through a period now where it is not conceivable to me that the North Koreans would enter into a negotiation in which only their nuclear weapons program was on the table. They want more politically and economically. And I am fairly certain, based upon the experience that Victor had in other administrations, that the North Koreans want to settle the Korean war. They want a treaty of peace, and they want all the political stuff that will go with that. And we in that context will want to see performance on human rights, and that is how I think the nuclear issue, if it is going to be solved, will be solved. And that is how realists—I mean that in the kind of academic sense—will come to see human rights as essential to an agreement with North Korea. So that is half.

The other half is what you expect out of human rights because I think, Senator, you are quite correct. If you expect Jeffersonian democracy, you will once again be disappointed, as we are repeatedly when we look at what happens in other countries and we look at the Arab Spring, et cetera. So we have to be realistic about what is plausible. There are lots of other models out there of countries we deal with where they do not torture their own people, but they are a long way from what we would consider to be an adequate democratic system that is fully respectful of human rights. So I think if there is some movement on that side, it is not entirely implausible that there is a place where we can meet in the middle.

Senator CARDIN. I will just add if you look at the TPP sections on good governance and human rights, you see that we are developing some international standards that are not our standards but are minimum standards.

Senator GARDNER. Well, I want to thank the witnesses who are here today. I think we can both go back and forth for a while longer, but I am glad we finished.

I know Senator Cardin has been a champion on human rights issues around the globe, and to have these conversations, I think

we do have to include the human rights conditions and the acts in North Korea as part of these discussions. I think that is critically important. It seems to be one of the things that actually is making a difference in terms of their response and getting attention.

So thank you to all of you for appearing today before us and providing testimony.

For the information of members, the record will remain open until the close of business this Friday, including for members to submit questions for the record. I did not get to ask a question on cybersecurity. That will be submitted for the record. We ask the witnesses to respond as promptly as possible. Your responses will also be made a part of the record.

And thank you for traveling here today. Thank you for your participation today. And thanks to the committee.

This committee is now adjourned.

[Whereupon, at 3:55 p.m., the hearing was adjourned.]