

**U.S. POLICY TOWARD NORTH KOREA: WHERE
DO WE GO FROM HERE?**

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(II)

CONTENTS

	Page
Biden, Hon. Joseph R., Jr., U.S. Senator from Delaware, prepared statement .	10
Downs, Chuck, former Senior Defense and Foreign Policy Advisor, House Republican Policy Committee; and consultant, McLean, VA	11
Prepared statement	13
Gallucci, Hon. Robert L., dean, Georgetown University, Edmund A. Walsh School of Foreign Service, Washington, DC	2
Prepared statement	5
Laney, Hon. James T., co-chair, Council on Foreign Relations Korea Task Force, Atlanta, GA	7
Prepared statement	9
Vollertsen, Dr. Norbert, volunteer, German Emergency Doctors, Germany	17
Report and prepared statement	19

U.S. POLICY TOWARD NORTH KOREA: WHERE DO WE GO FROM HERE?

WEDNESDAY, MAY 23, 2001

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:45 p.m. in room SD-419, Dirksen Senate Office Building, Hon. Jesse Helms (chairman of the committee) presiding.

Present: Senators Helms, Biden, and Bill Nelson.

The CHAIRMAN. The committee will come to order. We have a rollcall vote on in the Senate, and other members are at least delayed. I hope some of them will be able to get here, but I have been authorized by the minority to proceed, which I appreciate.

This afternoon, the Foreign Relations Committee will be addressing U.S. policy regarding North Korea. Now, before getting into the Bush administration's review of this policy, I think it is worth remembering with whom we are dealing. The Communist dictatorship in North Korea has been one of the most evil regimes in this world. In more than 50 years the rulers of Pyongyang have terrorized, tortured, imprisoned, and murdered their own people, all of whom, and all of which continues to this good day, unabated, as we meet here in Washington, DC.

Freedom House has described North Korea as, "arguably the most tightly controlled country in the world." Now, that control is exercised through a variety of means, one being a penal code right out of George Orwell's "1984." According to the State Department, the North Korean Penal Code stipulates capital punishment for, and I am quoting, "crimes against the revolution," and that includes "defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing reactionary letters, and possessing critical material."

In recent years, upwards of 10 percent of its population perished from starvation and disease, but the North Korean regime is continuing to lavish its funds on its huge and offensively posturing military while watching the distribution of food by foreign humanitarian groups.

Now, several questions I think must be addressed concerning the policy of the United States regarding North Korea, but all of them in my view must be premised upon a clear understanding of the despicable regime with which we are dealing.

One issue that is properly being reviewed by the Bush administration is the future of what is called the Agreed Framework. Now, I have never believed that it has been sensible to provide nuclear

reactors to North Korea, a regime that has a history of aggression and is a proven proliferator of weaponry. Now, what conceivable interest does it serve the United States to give nuclear technology to such a regime?

In late 2000, it was reported that the Clinton administration sought South Korean and Japanese support for replacing the nuclear reactors with conventional power plants, and in March of this year the author of the Agreed Framework, Robert Gallucci, whom we have with us today, expressed his preference for the conventional power option.

Last, we must consider the threat posed to the United States and its allies by North Korea's ongoing missile program. We already know that from its 1998 test that North Korea has the capability to deliver a sizable warhead to Alaska and Hawaii. Moreover, we have yet to deal with North Korea's missile production deployment and/or exports.

In its zeal to dispense with the nuclear era and missile threat from North Korea and foster relations with its inhuman and dictatorial regime, the Clinton administration completely ignored North Korea's massive conventional army that still looms just over the border from Seoul, and we will continue to do that at our own peril.

So those are among the issues that I hope that our witnesses will examine today, and Senator Biden, when he comes, and if he is able to come, we will yield to him wherever we stand in the process.

I am very pleased and proud of the witnesses here today, and I am grateful to each of you for being here, and if I get your name wrong, please correct me. Dr. Norbert Vollertsen. This gentleman is formerly of the German Emergency Doctors, a humanitarian group assisting North Korea. Mr. Chuck Downs, former Deputy Director of the East Asian Office of the Pentagon, and author of the book, "Over the Line: North Korea's Negotiating Strategy." I had a copy here, and I will get it back. Ambassador Robert Gallucci, dean of the Georgetown School of Foreign Service, and last but not least, Ambassador James Laney, former Ambassador to South Korea.

And I suppose I always believe in starting on the left and proceeding to the right, so we end up in the right. Dr. Gallucci, we will be glad to hear from you. I believe there has been some agreement about our timing so that we can have a lot of questions. You may proceed, sir.

STATEMENT OF HON. ROBERT L. GALLUCCI, DEAN, GEORGETOWN UNIVERSITY, EDMUND A. WALSH SCHOOL OF FOREIGN SERVICE, WASHINGTON, DC

Ambassador GALLUCCI. Thank you, Mr. Chairman. Let me begin by saying that I am grateful and honored to have the opportunity to appear before you today and speak to the question of our future policy toward North Korea.

Mr. Chairman, with your permission I would like to submit a slightly longer statement for the record.

The CHAIRMAN. Yes, sir. We appreciate that. You can read from it as you please.

Ambassador GALLUCCI. It seems to me that we should begin to address this question by clearly stating that we do not want to go back to the past, to where we were 8 years ago. It was, in fact, on May 26, 1993 that I appeared before this committee to explain the Clinton administration's approach to the developing crisis over North Korea's nuclear weapons program.

Then we estimated that the Democratic People's Republic of Korea's [DPRK] existing research reactor, plus two more reactors under construction and an expanded reprocessing facility would give the North Koreans the capability to produce and separate annually roughly 150 kilograms of plutonium, easily enough for 30 nuclear weapons within 3 to 5 years.

Today, all the facilities we identified as essential to North Korea's nuclear weapons program are frozen and open to inspection. The DPRK remains in the nonproliferation treaty, and, under the terms of the 1994 Agreed Framework, the North will satisfy the International Atomic Energy Agency [IAEA] on all inspection issues before it can begin receiving equipment necessary to construct the light water reactors envisioned in the framework. Moreover, there has been a noticeable reduction in tensions between North and South Korea, as well as a significant amount of diplomatic engagement by the North with a number of countries around the world.

That said, we are not now where we wish to be with North Korea, far from it. I would state our objectives in priority order as first preserving our alliances with Japan and the Republic of Korea and protecting their security; second, preventing North Korea from acquiring nuclear weapons and a nuclear weapons production capability; third, reducing the risk of a war on the Korean Peninsula; fourth, preventing the North from further testing, production, deployment, or export of extended range ballistic missiles and ballistic missile technology; and fifth, promoting improved relations between North and South, leading to a reunified nation with a democratic government and a market economy.

To achieve these objectives, we should try to preserve the Agreed Framework so long as we believe it is denying North Korea the capability to produce fissile material for nuclear weapons. In other words, if we should conclude that there is good evidence that the North is cheating on its terms by constructing secret nuclear facilities, as we did in 1998, then we should do what we did then, insist on whatever access is necessary to resolve our concerns.

Note here that the access we enjoyed in that case did not come from any verification provisions in the Agreed Framework. It came from the political realities of our relationship. The benefits that flow to the North by virtue of the framework gave us sufficient leverage to gain access to the site that was the focus of our concern. This should be instructive as we consider other arrangements with North Korea where we may wish to have strict verification procedures.

The alternative to those procedures is not trust—the Agreed Framework could be considered a monument to the highest levels of mistrust between two nations—but a carefully crafted deal that exposes neither side to more harm than it would suffer absent an

agreement, even if the other side does cheat, and that provides a basis for inspection to resolve concerns about cheating.

Second, if we conclude that there is virtue in trying to improve the terms of the Agreed Framework by, for example, seeking to substitute fossil-fueled power plants for the nuclear reactors described in the framework, then we should approach the North only after consultation with, and the concurrence of, our allies in Seoul and Tokyo, and with no threat to the North that we would unilaterally abandon the framework if they did not accept the approach.

The point here is that our treaty allies who were with us throughout the negotiations of the framework have agreed to bear nearly the entire burden of the nuclear reactor construction cost, have put their own domestic political interests and bilateral relationship with the North at risk, and are of overriding importance to the United States long-term strategic goals in Northeast Asia.

As for the acceptance by the North Koreans, that follows from the first point, that we should not abandon the framework so long as it is fulfilling its primary purpose.

Third, we should clearly engage the North Koreans in a negotiation to see if we cannot end the threat that their ballistic missile program now poses to Japan, will pose to the United States, and does pose to the stability of South Asia and the Middle East by virtue of exports to those regions. We should do this not because we trust North Korea to live up to an agreement, but because we may be able to negotiate the verification provisions we need to monitor compliance, or craft an arrangement that improves our security and that of our allies, even if we achieve less than what we might want in inspection procedures.

The policy question revolves around defining available alternatives to achieve our national security objectives, and then making the right comparison when assessing a possible agreement, comparing the best deal that can be made with the North to making no deal at all, rather than to some notion of an ideal agreement.

Fourth, in close coordination with our allies from the South, we should eventually seek to engage the North in discussions that would reduce the risk of a conventional conflict on the Korean Peninsula. This would involve the kinds of confidence and security-building measures proposed and implemented elsewhere that reduce the risk of surprise attack, and increase levels of transparency on both sides.

Finally, we should be willing to engage the North in discussions of political, economic, and security issues, always in consultation with our allies, with the long-term objective of reducing tensions on the peninsula and contributing to a process that would lead to reunification. We should do this with our eyes open, aware that we do not know what calculations the leadership of North Korea is making in its recent openings to the United States, South Korea, and the rest of the world.

Anyone who has read the history of that country over the last 50 years, or reads the newspaper today, knows that North Korea has been responsible for war and horrendous acts of terrorism in the past, and that there are no guarantees about its future policy, as welcome as some of its policies of the last few years may be. More-

over, the regime in the North is as close to totalitarian as any on earth today, and we should not be optimistic about internal transformations any time soon.

But to conclude from this dismal picture that negotiation is wrong, that we should not reward North Korea with political and economic benefits in exchange for the outcomes we seek, is to retreat to superficially pleasing rhetoric that highlights the threat posed by North Korea, but offers no plausible policy to address it. Neither a policy of sanctions nor one that simply enhanced our defense and deterrent posture in the region would prevent North Korea from developing nuclear weapons and ballistic missiles that would directly threaten our country.

Were we to use force to block these programs, we would in the end no doubt prevail, but at the cost of lives, perhaps many lives. To do this unnecessarily, without exploring negotiated solutions, would not be in our Nation's interest, that of our allies, and certainly not in the best interests of the 37,000 Americans currently deployed in South Korea.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Gallucci follows:]

PREPARED STATEMENT OF HON. ROBERT L. GALLUCCI

Mr. Chairman and members of the Committee, let me begin by saying that I am grateful and honored to have the opportunity to appear before you today and speak to the question of our future policy toward North Korea.

It seems to me, that we should begin to address this question by clearly stating that we do not want to go back to the past, to where we were eight years ago. It was, in fact, on May 26th of 1993 that I appeared before this Committee to explain the Clinton Administration's approach to the developing crisis over North Korea's nuclear weapons program. Then, we estimated that the DPRK's existing research reactor, plus two more reactors under construction, and an expanded reprocessing facility, would give the North the capability to produce and separate, annually, roughly one hundred and fifty kilograms of plutonium, easily enough for thirty nuclear weapons, within three to five years. The DPRK had also announced its intention to withdraw from the Nuclear Non-Proliferation Treaty, and indicated that it would never accept the special inspections that the International Atomic Energy Agency said were necessary to determine how much plutonium it had produced in the past. In addition, relations between North and South Korea were tense and intermittently marked by provocations from North Korea, a country that was essentially isolated from the international community.

Today, all the facilities that we identified as essential to North Korea's nuclear weapons program are frozen and open to inspection, the DPRK remains in the NPT and, under the terms of the 1994 Agreed Framework, the North will satisfy the IAEA on all inspection issues before it can begin receiving equipment necessary to construct the light water reactors envisioned in the Framework. Moreover, there has been a noticeable reduction in tensions between North and South Korea, as well as a significant amount of diplomatic engagement by the North with a number of countries around the world.

That said, we are not now where we wish to be with North Korea; far from it. I would state our objectives, in priority order, as

- preserving our alliances with Japan and the Republic of Korea, and protecting their security;
- preventing North Korea from acquiring nuclear weapons and a nuclear weapons production capability;
- reducing the risk of a war on the Korean peninsula;
- preventing the North from further testing, production, deployment or export of extended range ballistic missiles and ballistic missile technology; and
- promoting improved relations between North and South leading to a reunified nation with a democratic government and a market economy.

To achieve these objectives, we should first try to preserve the Agreed Framework, so long as we believe that it is denying North Korea the capability to produce

fissile material for nuclear weapons. In other words, if we should conclude that there is good evidence that the North is cheating on its terms by constructing secret nuclear facilities, as we did in 1998, then we should do what we did then: insist on whatever access is necessary to resolve our concerns. Note here that the access we enjoyed in that case did not come from any verification provisions in the Agreed Framework. It came from the political realities of our relationship. The benefits that flow to the North, by virtue of the Framework, gave us sufficient leverage to gain access to the site that was the focus of our concern. This should be instructive as we consider other arrangements with North Korea where we may wish to have strict verification procedures. The alternative to those procedures is not trust—the Agreed Framework could be considered a monument to the highest levels of mistrust between two nations—but a carefully crafted deal that exposes neither side to more harm than it would suffer absent an agreement, even if the other side does cheat, and that provides a basis for inspection to resolve concerns about cheating.

Second, if we conclude that there is virtue in trying to improve the terms of the Agreed Framework by, for example, seeking to substitute fossil fueled power plants for the nuclear reactors described in the Framework, then we should approach the North only after consultation with and concurrence of our allies in Seoul and Tokyo, and with no threat to the North that we would unilaterally abandon the Framework if they did not accept our approach. The point here is that our Treaty allies were with us throughout the negotiations of the Framework, have agreed to bear nearly the entire burden of the nuclear reactor construction cost, have put their own domestic political interests and bilateral relationship with the North at risk, and are of overriding importance to the United States' long-term strategic goals in Northeast Asia. As for the acceptance by the North Koreans, that follows from the first point, that we should not abandon the Framework so long as it is fulfilling its primary purpose.

Third, we should clearly engage the North Koreans in negotiation to see if we can not end the threat that their ballistic missile program now poses to Japan, will pose to the United States, and does pose to the stability of South Asia and the Middle East by virtue of exports to those regions. This is the course that the Clinton Administration was on right up until the very end when Secretary of State Madeleine Albright visited Pyongyang last year. It is entirely consistent with the course set by former Secretary of Defense Perry in his report on “where we should go from here” with North Korea. We should do this, not because we trust North Korea to live up to an agreement, but because we may be able to negotiate the verification provisions we need to monitor compliance, or craft an arrangement that improves our security and that of our allies, even if we achieve less than what we might want in inspection procedures. For example, monitoring commitments not to test extended range ballistic missiles or to refrain from certain exports of material or technology, might be less demanding in terms of inspections than monitoring production or even deployment of those missiles. The policy question revolves around defining available alternatives to achieve our national security objectives, and then making the right comparison when assessing a possible agreement: comparing the best deal that can be made with the North to making no deal at all—rather than to some notion of an ideal agreement.

Fourth, in close coordination with our allies in the South, we should eventually seek to engage the North in discussions that would reduce the risk of a conventional conflict on the Korean peninsula. This would involve the kinds of confidence and security building measures proposed and implemented elsewhere that reduce the risk of surprise attack and increase levels of transparency on both sides.

Finally, we should be willing to engage the North in discussions of political, economic and security issues, always in consultation with our allies, with the long-term objective of reducing tensions on the peninsula and contributing to a process that would lead to reunification. We should do this with our eyes open, aware that we do not know what calculations the leadership of North Korea is making in its recent openings to the United States, South Korea and the rest of the world. Anyone who has read the history of that country over the last fifty years, or reads the newspaper today, knows that North Korea has been responsible for war and horrendous acts of terrorism in the past, and that there are no guarantees about its future policy, as welcome as some of its policies of the last few years may be. Moreover, the regime in the North is as close to totalitarian as any on earth today, and we should not be optimistic about internal transformations any time soon.

But to conclude from this dismal picture that negotiation is wrong, that we should not “reward” North Korea with political or economic benefits in exchange for the outcomes we seek, is to retreat to superficially pleasing rhetoric that highlights the threat posed by North Korea, but offers no plausible policy to address it. Neither a policy of sanctions nor one that simply enhanced our defense and deterrent pos-

ture in the region would prevent North Korea from developing nuclear weapons and ballistic missiles that would directly threaten our country. Were we to use force to block these programs, we would in the end no doubt prevail, but at the cost of lives, perhaps many lives. To do this unnecessarily, without exploring negotiated solutions would not be in our nation's interest, that of our allies, and certainly not in the best interests of the thirty-seven thousand Americans currently deployed in South Korea. Thank you Mr. Chairman.

The CHAIRMAN. Thank you, sir.

We have been joined by the distinguished Senator from Florida, Senator Bill Nelson. Sir, do you have any opening comments?

Senator NELSON. Mr. Chairman, no. Just, I am ready to participate in the questioning. I thank you.

The CHAIRMAN. We appreciate your coming.

Ambassador Laney. That is a familiar name down in my country.

**STATEMENT OF HON. JAMES T. LANEY, CO-CHAIR, COUNCIL
ON FOREIGN RELATIONS KOREA TASK FORCE, ATLANTA, GA**

Ambassador LANEY. I want to thank you for the privilege of appearing here today. I have been involved with Korea since I first went there in the Army in 1946 in counterintelligence, later returned as an educational missionary, and more recently served as Ambassador, so Korea is something that is close to my heart and to all of our concerns.

In my mind there are three parts to our Korea policy. The first is to maintain with our staunch ally, Seoul, a robust and unassailable deterrence, the second is to support the South's initiatives toward the North in reducing tension and encouraging Pyongyang to open up to the rest of the world, the third is for the United States to engage the North in negotiations designed to end the threat of nuclear weapons and missiles on the peninsula.

The first, the United States must continue to invest in the U.S.-ROK security partnership. That alliance has been extraordinarily successful in underpinning stability in Northeast Asia not just on the peninsula and establishing a position of strength from which South Korea could test reconciliation with the North.

Seoul has clearly stated that the U.S. military will remain critical to its security even after the North Korean threat has gone, whenever that might be. It is consistent with Seoul's efforts at reconciliation for the U.S. and ROK Governments to point in specific terms to the North Korean threat and to continue reinforcing deterrence, particularly in the areas of counterbattery fire missile defense and protection against weapons of mass destruction. The United States should improve U.S.-ROK joint readiness in these areas and begin preparing the alliance relationship for a longer term role in regional security.

Second, South Korea has made important progress in tension reduction with the North, and should have U.S. support. Seoul's strategy of cooperation and reconciliation with North Korea has moved the political dynamics on the peninsula in a positive direction. It is true that without a reduction of the North Korean military threat and improvement in human rights in the North, diplomacy with Pyongyang can only go so far. That is a given. However, these should be the goals of our policy and not preconditions for the South's efforts at tension reduction. Kim Dae-jung's focus on rec-

conciliation is the right way to begin the process and is clearly in U.S. interests, and we should offer full support for his initiatives.

Third, it is in the U.S. interest to negotiate a verifiable elimination of North Korea's long-range missile program. Last year, North Korea appeared interested in negotiating a comprehensive agreement to reduce its long-range ballistic missiles in exchange for various inducements. Such an agreement cannot be achieved without lengthy and deliberate negotiations, followed by effective verification measures. Nevertheless, the scope of North Korea's proposal was unprecedented, and the North would have prohibited all exports of long-range missiles and related items in exchange for in-kind assistance in such categories as food and medicine.

In addition, the North said it would ban further indigenous testing and production above a certain range, in exchange, again, for in-kind compensation. However, in working level talks the North balked at intrusive verification, did not address their deployed missiles, and remained vague about the threshold of the long-range missiles. For that reason, there were no talks.

The United States should resume talks on missiles in the near future, but should make the bottom line clear: effective verification, elimination of long-range missiles, a danger that the chairman has pointed to, provision of in-kind assistance to the North that would not include sensitive technology, and a movement toward subsequent steps to reduce tensions in the conventional military threat.

If those objectives can be met, a broad agreement with North Korea on missiles would be significant accomplishment, and would enhance stability in northeast Asia, and the South's efforts at reconciliation. In the meantime, I think the United States should invite its allies to review the Agreed Framework but without any unilateral changes by any party. For that reason, I defer to Ambassador Gallucci's comments.

The 1994 Agreed Framework has frozen North Korea's known nuclear weapons. Any review should focus on both remaining challenges to full implementation of the Framework Agreement as well as opportunities to engage North Korea on a revision of the terms to meet Pyongyang's immediate energy needs. I would also want to say that the United States would be wise to continue its energetic trilateral U.S.-ROK-Japan coordination.

Pyongyang's new diplomacy is the result of three developments, no change of heart, its desperate economic situation, Kim Dae-jung's patient diplomacy, and closer U.S.-Japan-South Korean trilateral coordination. A close trilateral relationship raises the cost for North Korean belligerence and defines the international community's terms for economic relations should the North change its stance. The United States should therefore support the trilateral coordination and oversight group process.

I think we must be firm and strong in dealing with North Korea, but I do think that we should avoid unnecessary bellicosity or demonizing. One of the welcome results of President Kim's policy has been the elimination of such language by the North both in the media and along the DMZ, reducing the hostile atmosphere.

Finally, I think our policy should make it clear to the North that it is in their interest to work with us in making the peninsula and

northeast Asia a more stable place, and to enable them to do that finally without losing face.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Laney follows:]

PREPARED STATEMENT OF HON. JAMES T. LANEY

I want to express my appreciation for the privilege of appearing before this distinguished Committee today. I have been involved with Korea since I first went there in 1946 in Army Counter Intelligence, later as an educational missionary from 1959-64, and more recently as ambassador from 1993-97. Needless to say, it is a subject close to my heart.

There are three parts to our Korean policy. The first is to maintain, with our staunch ally Seoul, a robust and unassailable deterrence. The second is to support the South's initiatives toward the North to reduce tension and encourage Pyongyang in opening up to the rest of the world. The third is for the U.S. to engage the North in negotiations designed to end the threat of nuclear weapons and missiles on the peninsula.

1. The U. S. must continue to invest in the U.S.-ROK security partnership. The U.S.-ROK alliance has been extraordinarily successful at underpinning stability in Northeast Asia and establishing a position of strength for South Korea to test reconciliation with the North. Seoul has clearly stated that the U.S. military will remain critical to its security even after the North Korean threat is gone. It is consistent with Seoul's efforts at reconciliation for the U.S. and ROK governments to point in specific terms to the North Korean threat and to continue reinforcing deterrence, particularly in the areas of counter-battery fire, missile defense, and protection against weapons of mass destruction. The U.S. should improve U.S.-ROK joint readiness in these areas and to begin preparing the alliance relationship for a longer-term role in regional security.

2. South Korea has made important progress in tension reduction with the North and should have U.S. support. Seoul's strategy of cooperation and reconciliation with North Korea has moved the political dynamics on the peninsula in a positive direction. It is true that without a reduction of the North Korean military threat and improvement in human rights in the North, diplomacy with Pyongyang will only go so far. However, these should be the goals of policy and not preconditions for the South's efforts at tension reduction. Kim Dae Jung's focus on cooperation and reconciliation is the right way to begin the process and is clearly in U.S. interests, and we should offer full support for his initiatives.

3. It is in U.S. interests to negotiate a verifiable elimination of North Korea's long-range missile program. Last year, North Korea appeared interested in negotiating a comprehensive agreement to reduce its long-range ballistic missiles in exchange for various inducements. Such an agreement cannot be achieved without lengthy and deliberate negotiations followed by effective verification measures. Nevertheless, the scope of North Korea's proposal was unprecedented. The North would prohibit all exports of long-range missiles and related items in exchange for in-kind assistance in categories such as food. In addition, the North said it would ban further indigenous testing and production above a certain range in exchange for in-kind compensation and assistance with launching commercial satellites. However, in working-level talks the North balked at "intrusive" verification, did not address already deployed missiles, and remained vague about the exact threshold for "long-range" missiles.

The United States should resume talks on missiles in the near future, but must make the bottom line clear: 1) effective verification; 2) elimination of long-range missiles already deployed; 3) provision of in-kind assistance to the North that would not include sensitive technology transfers; and, 4) movement toward subsequent steps to reduce tensions and the conventional military threat. If these objectives can be met, a broad agreement with North Korea on missiles would be a significant accomplishment and would enhance both stability in Northeast Asia and the South's efforts at reconciliation.

In the meantime, the United States should invite its allies to review the Agreed Framework, but there should be no unilateral changes by any party. The 1994 Agreed Framework has frozen North Korea's known nuclear weapons program. Any review should focus on both the remaining challenges to full implementation of the Agreed Framework as well as potential opportunities to engage North Korea on a revision of the terms to meet Pyongyang's immediate energy needs. It is striking, for example, that the North has recently asked for direct electrical energy from the

South until the light water reactors are ready. The South is under no obligation to provide this energy and should not do so without linking it to the North's obligations under the Agreed Framework. Nevertheless, this new development suggests that some reworking of the 1994 accord might be possible. The United States should stand by its commitments and its allies and make no unilateral changes to the Agreed Framework, and not accept any delay in the nonproliferation milestones contained within it. However, circumstances may require a fresh collective look at the LWR project.

The U.S. must also continue energetic trilateral U.S.-ROK-Japan coordination. Pyongyang's new diplomacy is the result of three developments: the North's desperate economic situation, Kim Dae Jung's patient diplomacy, and closer U.S.-Japan-South Korean trilateral coordination. A close trilateral relationship raises the cost for North Korean belligerence and defines the international community's terms for improved economic relations should the North change its stance. The U.S. should support the Trilateral Coordination and Oversight Group process.

While we must be firm and strong in dealing with North Korea, it does not follow that we must necessarily be bellicose or employ demonizing language. One of the welcome results of President Kim's policy has been the elimination of such language by the North both in the media and along the D.M.Z., reducing the hostile atmosphere. Finally, we must make it clear to the North how it is in their interests to work with us in making the peninsula a more stable place, and to enable them to do that without losing face.

The CHAIRMAN. Thank you, sir. We have been joined by the distinguished Ranking Member, Senator Biden. Do you have any opening comments?

Senator BIDEN. Mr. Chairman, I would ask unanimous consent my comments be placed in the record. I apologize to the witnesses for being tied up. I am anxious to hear and ask questions, but thank you.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Today, the Foreign Relations Committee examines the future of U.S. policy toward North Korea. This hearing is particularly timely, as the administration is in the middle of its Korea policy review.

I am glad that President Bush is spending some time to make sure the administration gets Korea policy right. It's a new administration, and it is understandable that they will need a few months to get their feet on the ground.

But I hope the administration will expeditiously complete its review and that it will conclude, as I have, that the best way to advance our interests is to join with our South Korean, Japanese, and European allies in a hard-headed strategy of engaging North Korea and luring it out of its isolation.

Over the April recess, I asked a member of the staff of the Foreign Relations Committee to travel to Northeast Asia to explore the prospects for peace and reconciliation on the Korean Peninsula. He was the first member of the United States Government to travel officially to North Korea since President Bush was inaugurated.

In a report released today, he concludes that North Korea is engaged in a major strategic opening to the outside world, and that this opening may afford the United States a unique opportunity to rein-in the North's nuclear and ballistic missile programs.

I urge the administration to test North Korea's commitment to peace. Specifically, I hope the administration will "pick up where the Clinton administration left off," on missile talks, as Secretary Powell pledged prior to the arrival of South Korean President Kim Dae-jung to Washington last March. North Korea earlier this month unilaterally extended its missile launch moratorium until 2003.

If that is not a signal of its willingness to talk about this issue, I don't know what is.

Progress on the missile issue would have profound implications for U.S. security interests not only on the Korean Peninsula, but around the world. If we were able to curtail North Korea's development and export of long-range missiles, we would gain much-needed time and flexibility in our own deliberations on national missile defenses.

President Bush has wondered aloud whether engaging North Korea is “naive,” and he has expressed his skepticism about North Korea as a negotiating partner. Who can blame him?

One of our witnesses today—Chuck Downs—literally “wrote the book” about North Korea’s truculent negotiating tactics, and another—Dean Gallucci—suffered through months of meetings with ornery North Korean counterparts.

Ambassador Laney knows the difficult challenges of negotiating not only with North Korea, but also with our South Korean allies!

I can’t speak for them, but I would wager that all of our witnesses would endorse an approach to North Korea based on President Reagan’s famous maxim of “trust, but verify.”

In the case of North Korea, perhaps we should “mistrust, and verify.” But we should also remember to keep our eye on the ball.

Advancing vital U.S. interests over time is the objective of engagement, not a *pre-requisite* for dialogue.

Some may argue that no verifiable deal is possible. There will always be those who prefer inaction to action, and sometimes their pessimism is warranted.

But the nay-sayers argued that North Korea would never sign the Agreed Framework and permit 24–7 International Atomic Energy Agency monitoring of its nuclear facility at Yongbyon, never shut its reprocessing plant, never let U.S. military personnel search for the remains of U.S. servicemen missing from the Korean War, never permit inspections of a suspicious underground military facility, never approve Chinese-style economic reforms, never permit monitoring of food aid deliveries, and never permit travel across the DMZ from Seoul to Pyongyang.

And they were wrong on all counts.

So I think we should give it a try.

I look forward to hearing from our distinguished panel of witnesses and to getting their advice on how the United States can best secure its vital national interests on the Korean Peninsula.

The CHAIRMAN. Mr. Downs.

STATEMENT OF MR. CHUCK DOWNS, FORMER DEFENSE POLICY ANALYST, HOUSE REPUBLICAN POLICY COMMITTEE AND CONSULTANT, McLEAN, VA

Mr. DOWNS. Thank you, Mr. Chairman. I appreciate being invited to discuss this issue with such a distinguished panel.

We should ask from the outset why we are all here today talking about North Korea. When you look at North Korea from any distance, you realize that it is a small, resource-poor, and very unpleasant country to deal with. Nicholas Eberstadt and Richard Ellings have just released a book today on North Korea that points out its population is roughly the same as Romania, and its international trade is essentially the same as Nepal’s. Yet we deal with North Korea as though it is an issue of great international significance, and it is.

But the reason that we deal with North Korea is because of its threats and because of its misery. Many have called for the Bush administration to forthwith resume direct negotiations with North Korea, presumably on the same basis that the Clinton administration had pursued its relations with North Korea. North Korea itself has called for a resumption of the talks, although North Korea was just a few years ago, extremely reluctant to enter into talks with the United States. There has been deep congressional disapproval of past policies that needs to be attended to before talks can resume.

As you know, I served on the staff of the House Policy Committee, and I would like to point out some of the actions taken by the House in recent years. In the 1999 DOD Authorization Act, the Congress called for the creation of a North Korea policy coordi-

nator. That began the “Perry process.” In the year 2000, both Houses of Congress passed the North Korea Threat Reduction Act, which required Presidential certification that North Korea had complied with the Agreed Framework and the nonproliferation treaty’s commitments.

In this past year there have been efforts, one called Gilman-Markey, a bipartisan House of Representatives effort requiring that before nuclear components could be transferred to North Korea there should be a positive action to approve a transfer on the part of the U.S. Congress. This passed the House of Representatives by a vote of 374 to 6. There was also a provision called Cox-Markey prohibiting U.S. indemnification of companies involved in the North Korean Nuclear Project. That measure was approved by 334 Members of the House of Representatives to 85.

There have been significant concerns voiced in this process: No. 1, the danger from plutonium that would be produced by light water reactors, No. 2, the larger question of enriching the regime with aid even while the regime’s people suffer severely, and No. 3, the question of whether the Agreed Framework, which provides for light water reactors, can actually be implemented—that is, whether it is technically possible to carry out many of the provisions of the agreement.

Talks can always be supported in general terms, but advanced coordination, as I think Ambassador Gallucci just pointed out quite articulately, is always essential for the process. Furthermore, we must be careful not to give the regime increased leverage as we push for a resumption of negotiations. In a context of a policy that has, at best, produced mixed results with North Korea, it is highly valuable for the new administration to conduct a thorough and wide-ranging policy review.

The current hiatus in direct negotiations between North Korea and the United States is not merely an opportunity for the Bush administration to get its act together. It is also an opportunity to test North Korea’s commitment to fulfill the rhetoric of cooperation that we have heard so much of in the last year. Furthermore, it is an opportunity to test the theory that guided so much of the Clinton administration’s approach. If North Korea in fact recognizes that because of its economic difficulties it must pursue reform in order to survive, that commitment on their part should be reflected in their behavior today.

During this time of review by the Bush administration, however, Pyongyang has been sending signals that it seeks to control the pace and substance of negotiations. In a sense, this is not surprising, and it is certainly consistent with Pyongyang’s negotiating strategy over the long term. North Korea has emphasized that it can turn the heat higher or lower, as it sees fit, in moves that appeared generous but was actually subtly coercive.

For example, Pyongyang said that it would continue its informal commitment not to test missiles until 2003, depending, it said, on the outcome of the Bush administration’s review. This is an understandable, perhaps even clever ploy, but it should be recognized as an attempt to pressure both the Bush administration and South Korea. In South Korea, the implication is that the North’s apparent cooperation may end when Kim Dae-jung leaves office.

Similarly, the flap over the Bush administration's statements on verification and reciprocity has also been instructive. The notion that there should be verification and reciprocity is not new. In fact, both terms were used by Secretary Perry in the Perry report, but this past January, when now-Deputy Secretary of State Richard Armitage mentioned the need for these two objectives, North Korea's official news service released a stream of invective.

What matters now is thoroughness. The thoroughness with which the Bush administration addresses the issues, and the ongoing consultations with our allies and friends must send strong signals to Pyongyang about the character and operational sophistication of the Bush administration. Lengthy consultations have already begun, and I would argue they have been quite successful. It would be irresponsible, and, in no uncertain terms, unresponsive to the Congress if the Bush administration did not take a good period for the review of our policy toward North Korea.

Does that bell mean my time has expired? Thank you very much. I will end on that note, then. Thank you.

[The prepared statement of Mr. Downs follows:]

PREPARED STATEMENT OF CHUCK DOWNS

NORTH KOREA'S NEGOTIATING BEHAVIOR

Mr. Chairman, I appreciate your invitation to appear before the Senate Foreign Relations Committee today to discuss our nation's policy toward North Korea. Although I have, in the past, served at the Pentagon and on Capitol Hill, I am not here to speak on behalf of the administration, the Department of Defense, or the House of Representatives. As you mentioned, I have written a book about North Korea's negotiating behavior that tracks their negotiating strategy over the five decades. I think there are very clear patterns that emerge from this study that can inform our discussions of how to proceed with North Korea, and I appreciate the opportunity to share some of my conclusions with the Committee.

First, we need to recognize how crucial the process of negotiation is to the North Korean regime. Few nations put such strong emphasis on the importance of negotiation as a principal instrument of foreign policy. When other nations have done so, it has often been because they entered negotiations from a position of strength. The North Korean regime, however, pursues negotiation because of its weakness. Simply put, negotiation is North Korea's means of obtaining benefits its system cannot provide.

It stands to reason that North Korea's leaders have more intimate familiarity with the failures of their own system than we do. They are unenviably aware of the conditions Dr. Vollertsen has described to us today. We talk of the regime's impending collapse, but they have been burdened with a failing system for fifty years. Their behavior at the negotiating table reveals their fears about their system.

The negotiating record shows that the North Korean regime has been overwhelmingly preoccupied with three principal concerns: the regime's tenuous hold on its people's loyalty, the dismal performance of its disastrous national economic policy, and the need to enhance the regime's survival by maintaining military capabilities that can threaten foreign rivals. Coming to the negotiating table has always been a means for addressing these severe systemic problems that plague the regime. North Korea therefore manages negotiations to accomplish 3 objectives: (1) to give esteem and power to the regime thereby strengthening its oppressive control over its people; (2) to obtain economic benefits that the regime's Socialist economy is unable to produce; and (3) to buy time and obtain resources for the development of threatening military capabilities. The North's military capabilities can then be used as a means of internal control and international extortion.

Because North Korea has little to bring to the negotiating table, it adopts negotiating stances that perpetually increase its leverage for subsequent negotiations. In *How Nations Negotiate*, Dr. Fred Iklé observed negotiations are not merely a question of reaching an agreement or not reaching an agreement. There are always at least three options at play, and one of the most important is developing the prospects for future bargaining. This is where North Korea excels. Even when no agreement is reached at the negotiating table, North Korea generally ends up in a strong-

er position than when it started the negotiations. In fact, it quite often extracts benefits from the other side merely for participating in the negotiation itself.

Despite the prevalent characterizations of “lunacy” in its negotiating style, North Korea has been extraordinarily consistent in how it accomplishes its objectives. It has repeatedly initiated negotiation by appearing to be open to fundamental changes in its policies, used its willingness to participate in talks to demand preconditions, benefits and concessions, and terminated discussions when it has gained maximum advantage, blaming the lack of agreement on the other side of the table. It manages negotiations so that its adversaries experience stages of optimism, disillusionment, and disappointment. Adversaries’ disappointment, in turn, paves the way for North Korea to create an illusion of fresh cooperation in the initial stage of the next negotiation. It’s all about increasing North Korea’s leverage in the next round of talks.

It is worth recalling that not long ago, the United States and South Korea had to cajole North Korea to attend talks on missile proliferation by offering to give North Korea humanitarian aid—primarily food. Now, North Korea complains that the new Administration is dragging its feet on proceeding with such talks. Little, if anything, has changed in North Korea’s position or its resistance to restraints on missile proliferation. It certainly is no less committed to driving a hard bargain; but it knows that complaining about some perceived slight enhances its leverage by increasing pressure on the Bush administration.

Almost anything can be used to enhance leverage. A case in point is the anticipated visit of Kim Jong Il to South Korea in reciprocity for Kim Dae Jung’s courageous visit to Pyongyang last year. The people of South Korea fervently hope to see it happen, and the outpouring of emotion if the visit goes well will be unparalleled. Knowing this, the North Korean regime delays and hedges regarding the proposed visit in order to increase leverage in its dealings with South Korea. It is on again, off again, depending on how Pyongyang wishes to express pleasure or displeasure with South Korea.

Meetings between North and South Korea have diminished since Vice-Marshal Cho Myung-rok visited Washington last October. At that time, North Korea shifted its attention from Seoul to Washington. Nevertheless, Pyongyang recently found a way to put additional pressure on Seoul and Washington. It said that North-South dialogue would be “suspended” until after the Bush administration completed its review of North Korea policy.

It is common for analysts of North Korea to discuss the gestures that North Korea made during the past year as though they indicated fundamental changes in North Korea’s character. The hospitality, even charm, of Kim Jong-Il has been viewed as evidence that North Korea wishes to change its offensive behavior. Kim Jong-Il’s facility in handling policy discussions, the joint North-South appearance at the Olympics, the exchange of visits between Pyongyang and Washington, and the January visit of Kim Jong Il to Shanghai have all been applauded. Pictures of smiling faces from Pyongyang accompany news of increased diplomatic ties between North Korea and Italy, Australia, the Philippines, Canada, Germany, Belgium, the UK, Netherlands, Spain, New Zealand, and Turkey. Many hope these developments signal a reversal of years of tension on the Korean peninsula.

At the same time, North Korea’s gestures could be inspired by the opposite purpose—to strengthen the regime, increase its oppressive control over its own people, and purchase time and resources for the North’s expanding military machine. Although there is certainly a different tone in the regime’s approach to other nations, there has not been a commensurate change in North Korea’s internal or international policies or actions.

Unfortunately, North Korea’s management of similar periods of “opening” in the past suggest that North Korea can be expected to reverse its approach whenever it concludes it has gained the maximum benefit for its show of charm. There were two earlier promising periods surrounding agreements in which North Korea was believed to be “opening up” toward the outside world: the South-North Communiqué of July 4, 1972 and the agreements signed in 1992, one on denuclearization and another called the basic agreement on North-South relations.

The 1972 communiqué produced agreement on principles that were largely identical to the agreement reached a year ago. In the euphoric words of the 1972 agreement, “unification shall be achieved through independent efforts without being subject to external imposition or interference” and “through peaceful means, and not through the use of force against each other.” A “South-North Coordinating Committee” (SNCC) was established ostensibly to carry out the objectives of the agreements. At Kim Il-Sung’s insistence, however, the implementation terms required subsequent agreement by both parties. Thus, North Korea retained an ability to block the enforcement of agreements it had already agreed to.

In the thirteen months following the 1972 communiqué, the two Koreas convened six North-South Coordinating Committee meetings, seven Red Cross plenary meetings, and numerous related subgroup meetings. Despite the electrifying momentum behind the communiqué and the succeeding months of contact, however, all the talks failed when the North tired of the process and stopped attending meetings.

Another period of euphoria followed the important North-South documents signed in 1992. The 1992 agreements were considerably more detailed than any that have been signed between the Koreas before or since. In them, the North and South agreed not to “test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons” and to “use nuclear energy solely for peaceful purposes.” Both sides agreed they would “not possess nuclear reprocessing and uranium enrichment facilities,” and would verify denuclearization of the Korean Peninsula through mutual inspections. This formal, signed document stated that South and North Korea would “establish and operate a South-North Joint Nuclear Control Commission within one month.”

Like the implementing arrangements of the 1972 communiqué, however, the implementing arrangements for the 1992 agreements required subsequent mutual agreement and therefore could be blocked by North Korea. The promising 1992 accords also came to naught.

Advocates of a conciliatory approach to North Korea suggest that times have changed, and North Korea’s economic worries require North Korea to take a more accommodating approach to the outside world.

The logic behind the Clinton administration’s approach to North Korea rested on a pragmatic belief that the pressure from economic and political collapse would naturally bring about change in North Korea. One of the administration’s leading experts on Korean issues, Ambassador Charles Kartman, observed in 1997, “dire prospects are pressing the North Korean leadership to review its traditional isolation, a development we, the ROK, and others want to encourage.” Madeleine Albright, on her first visit to Korea as Secretary of State, said the prospects for peace on the Korean peninsula depended “basically on how much the North Koreans are hurting,” and concluded, “North Korea has begun to move, ever so slowly, in the direction of greater contact and openness with the outside world.”

While Clinton administration officials claimed North Korea’s difficulties would bring about reform, however, they supported efforts to ameliorate the difficulties that presumably spurred the impulse to reform. They contributed food and economic assistance to North Korea that made the Stalinist country the largest recipient of American aid to Asia. U.S. aid to North Korea went from zero before the Clinton administration to more than \$270 million annually, a total of almost \$1 billion over President Clinton’s two terms.

This huge amount of aid was meant as a humanitarian gesture that would lure North Korea out of isolation, but when the regime controls the means of distribution, any benefit received from the outside can actually enhance the regime’s oppressive control. The regime itself determines that food supplies, health services, and commercial investments are provided to those who are loyal and withheld from those who are not. On September 29, 1998, the charitable organization *Médecins Sans Frontières* (MSF-Doctors Without Borders) withdrew its aid workers from North Korea because it observed the regime “feeding children from families loyal to the regime while neglecting others.” As the defector, former General Secretary of the Korean Worker Party Hwang Jang Yeop explained, “North Korea controls the entire country and people with food distribution. In other words, food distribution is a means of control.” External assistance also permits the regime to redirect its people’s labor and resources from addressing desperate economic problems to strengthening military capabilities.

While American policymakers believe collapse is inevitable, the policy of intervening to cushion collapse may yet prove it is not. The danger in providing aid to North Korea is that the United States will bear responsibility for prolonging the regime’s survival. In economic, political, security, and moral terms, shouldering the burden of helping the North Korean regime survive is a dubious objective for American foreign policy.

North Korea, not surprisingly, does not subscribe to the notion that its collapse is inevitable. As deplorable as it may seem, North Korea’s national objective is not to ensure its people’s survival; it is to ensure the regime’s survival. In this regard, weaponry is a more important investment than agriculture. Just as the North Korean regime can subvert the world’s humanitarian impulses to reinforce its oppressive domestic policies, it can also take advantage of the world’s confidence in security arrangements to gain time and resources to develop new military technology.

The Clinton Administration signed, on October 21, 1994, an informal bilateral arrangement called the Agreed Framework. It promised to deliver to North Korea

light water reactors nuclear electric generating plants—in exchange for a freeze on construction of North Korea's nuclear energy facilities.

One of the terms of the 1994 agreement called for the United States and North Korea to “work together to strengthen the international nuclear non-proliferation regime.” In spite of the North's commitment, after 1994, North Korea developed an extensive network for the proliferation of its missile technology.

It was able to sell missile technology to Pakistan, Libya and Iran. Pakistan put the North Korean technology to use in its launch of the *Ghauri* missile, a *No-dong* derivative, on April 6, 1998. Security analysts believe that test launch tipped the scales in India's decision to test nuclear weapons a month later. Iran used the North Korean technology in its launch of a *Shahab-3* missile, a *Tae-po-dong* derivative, on July 21, 1998. The *Shahab 3* has a range of 1,300 kilometers, allowing it to “strike all of Israel, all of Saudi Arabia, most of Turkey, and a tip of Russia . . . [and] put at risk all U.S. forces in the region.” After the tests, Iran and Pakistan returned important test data to North Korea that was useful in North Korea's own missile program.

The degree to which this technical exchange enhanced North Korea's capabilities was revealed at the time of the fiftieth anniversary of the founding of the North Korean Workers Party. On August 31, North Korea launched a three-stage *Tae-po-dong 1* missile 1,380 kilometers across Japan and into the Pacific Ocean.

The missile launch was an undeniably threatening act. It revealed with absolute clarity that North Korea had attained a new capability to threaten every part of the territory of two American allies—Japan and South Korea as well as the nearly 100,000 American troops stationed there. Asia's fragile confidence in America's ability to ensure security, which keeps South Korea from developing long-range missiles and Japan, Taiwan, and South Korea from developing nuclear capabilities, was called into question. The North Korean regime had apparently decided that lulling the West into a false sense of security was no longer as advantageous as threatening it.

Contrary to the Clinton administration's view that the agreed framework heralded a more accommodating North Korean approach to the outside world, North Korea actually undertook to develop a more threatening military posture after signing the agreed framework. North Korea's nuclear program did not stop, according to testimony the Director of Defense Intelligence gave before Congress in 1998. In fact, by the time of the Perry report in 1999, the Clinton administration could no longer claim that the “verifiable freeze” Under Secretary Slocum had trumpeted in 1994 was still in effect.

The Speaker of the House of Representatives commissioned a special study of how North Korea's behavior had changed in the years following the Agreed Framework. That report concluded “the threat from North Korea has advanced considerably over the past five years, particularly with the enhancement of North Korea's missile capabilities.” These findings were corroborated by CIA Director George J. Tenet when he told a Senate hearing on February 7, 2001, “the North Korean military appears for now to have halted its near-decade-long slide in military capabilities and is expanding its short- and medium-range missile arsenal.”

In the context of a policy that has, at best, produced mixed results, it is highly valuable for the new administration to conduct a thorough and wide-ranging policy review. The current hiatus in direct negotiations between North Korea and the United States is not merely an opportunity for the Bush administration to decide what course it will pursue as it sorts out these and other issues surrounding American policy toward North Korea. It is also an opportunity to test North Korea's commitment to fulfill the promise contained in the rhetoric of cooperation that has flourished in the year since the summit between Kim Dae Jung and Kim Jong Il. Furthermore, it is an opportunity to test the theory that guided so much of the Clinton administration's approach. If North Korea recognizes that it must change in order to survive, that effort should continue even without direct talks between Washington and Pyongyang.

During this time, Pyongyang has been sending signals that it controls the pace and substance of negotiations. It has subtly emphasized that it can turn the heat higher or lower as it sees fit. In a move that appeared generous, but was actually coercive, Pyongyang said it would continue its informal commitment not to test missiles until 2003, depending on the outcome of the Bush administration's review. This is an understandable, perhaps even clever, ploy, but it should be recognized as an attempt to pressure both the Bush administration and South Korea where the implication is that the North's apparent cooperation may end when Kim Dae Jung leaves office.

Similarly, the flap over the Bush administration's statements on verification and reciprocity was also instructive. The notion that there should be verification and rec-

iprocity in arrangements with North Korea is not a new idea—in fact, both terms were used in the Perry Report—but in January when (now) Deputy Secretary of State Richard L. Armitage mentioned the need for reciprocity and verification, North Korea's official news service unleashed a stream of invective. At about the same time, when Secretary Powell pointed out Kim Jong Il is a dictator, something Madeleine Albright had also done, Pyongyang pushed back by calling Powell a “gangster-like criminal.” It is valuable to recognize the relative *unimportance* of such posturing.

What matters is the thoroughness with which the Bush administration addresses the issues surrounding policy toward North Korea. The questions raised about the technical feasibility and proliferation dangers of proceeding with the construction of the light water reactors are among the questions that demand a serious re-assessment. For the Bush administration to have proceeded without a substantive review would have sent the wrong signals throughout Asia and weakened America's prestige.

Moreover, the depth of on-going consultations with our allies and friends is sending strong signals to Pyongyang about the character and operational effectiveness of the Bush administration. Lengthy, collegial consultations between officials of the Bush administration and the government of the Republic of Korea have already demonstrated how strong and resilient the foundation of the U.S.-ROK alliance is. An additional meeting of American, Japanese and Korean officials is planned next week. The conclusions of the Bush policy review are expected to be announced in June. Nothing meaningful has been lost during this review, but much has been gained. This period of review is laying the foundation for the difficult tasks that lie ahead in dealing with North Korea.

The CHAIRMAN. Mr. Vollertsen.

**STATEMENT OF DR. NORBERT VOLLERTSEN, VOLUNTEER,
GERMAN EMERGENCY DOCTORS, GERMANY**

Dr. VOLLERTSEN. Mr. Chairman, Senators, ladies and gentlemen, first I want to apologize for my poor German doctor's English. I do not want to sound stupid because this problem is so serious, but I am not a native language speaker. Sorry for that.

Senator BIDEN. We noticed, doctor, none of us are speaking German, so you are not the stupid one.

Dr. VOLLERTSEN. I was a member of German Emergency Doctors who entered North Korea in July 1999 to carry out humanitarian assistance. I remained in North Korea for 18 months, until I was expelled on December 30, 2000. Early during my stay I was summoned to treat a workman who had been badly burned by molten iron. He was one of my patients. I volunteered my own skin to be grafted onto this patient. For this action I was nationally acclaimed by the media, many, many journalists, television, like here, and I was awarded in the end as the first Western foreigner the Friendship Medal of the North Korean People. Together with this medal I was issued, and that was much more important, a so-called VIP passport and a private North Korean driving permit which allowed me to travel to many areas inaccessible to foreigners and even to the ordinary North Korean citizens.

Because of my so-called VIP status, I also was invited many times by the authorities of the government, and I learned about their nice lifestyle, in Korean, fashionable, fancy restaurants. A lifestyle like this, I was invited to those guesthouses. I know about their lifestyle. I learned about fancy restaurants, guesthouses, the casino, even a Chinese night club in Pyongyang.

When my driver was hospitalized because of a fractured skull, I learned that there are special hospitals for the elite in Pyongyang

which are well-equipped like a German hospital, X-ray, MRI, ultrasound, EKG, Japanese newest models.

On the opposite side I saw the children in the hospitals of the countryside starving and dying. For 1½ years I took care of 10 hospitals, 3 orphanages, and several hundred kindergartens all over the countryside. Every hospital was crowded with around 200 patients, and I saw no improvement in the general condition of these people because of a lack of food still going on, despite the enormous help of the outside world, and I wondered about the contrast. Where is all of the food aid going?

As an emergency doctor, I also took care of all the victims of any accident in and outside Pyongyang. In combination with my Friendship Medal and VIP passport, I got a lot of access, and I learned about the real life of the ordinary people. I traveled around 70,000 kilometers in this country.

My basic medical diagnosis was that all of these people in North Korea are mainly depressed. They are fed up, exhausted, and they are suffering from a so-called burn-out syndrome. They are fed up, and they are all extremely afraid. They are full of fear, and we were never allowed to prove why. We got no answer.

I only was allowed to make pre-announced monitoring in order to look at where the food is going to, like all the other humanitarian NGO's and aid workers in Pyongyang, and many of those persons, the NGO's, were my patients too, because they were all suffering under the unreal scenario of unreal monitoring.

During my 1½ year stay, the children in the hospitals were starving in the beginning and in the end of my stay. Even me, I was not allowed to travel to all areas in North Korea in order to count all the dead people. I do not know, 2,000, 200,000, 2 million dead people, I do not know. I was never allowed to prove it.

I saw one soldier who was obviously tortured, and I was not allowed to take a picture of this soldier, and so I do not have any evidence, no photos. I do not have any evidence about those so-called reform institutions. This is the criminal law of North Korea, and I can prove it, as you, Mr. Chairman, quoted it. It is written here what is the minimal punishment in this reform institution.

In order to get the knowledge, if there is any reason for this frightenedness, I looked around. I tried to speak to all those people. I tried to get the journalists interested in this question. I arranged a private trip for all of those delegations, all of those journalists who accompanied Mrs. Albright when she was in Pyongyang, and I arranged a private, secret trip, and I showed them around the hidden things in North Korea.

After I was expelled because of my actions, after all of those trips, I interviewed around 100 refugees in South Korea and Seoul, and I got the knowledge that there is something cruel going on. I got the evidence. I got the reports, the written accounts of all those refugees, and because my time here is limited to 5 minutes I cannot talk 5 hours about North Korea. I wrote a book about this. It is published in Japan now, the Japanese edition. It will be soon published in Korea, and then hopefully here in the United States.

I believe in the power of information. My approach is to open the country by journalists. I believe that there is engagement, and maybe a degree of pressure by brave journalists who try to enter

the country. I think we have to care. Look into the eyes of those children, and then try not to care. Those are the victims of this government and they are starving and they are dying, and it is my duty, especially as a German.

You know about German history. We were all accused that we did not care about rumors of concentration camps in Germany, so I think it is my duty to learn from history that even when there are rumors about concentration camps in North Korea, that I have to care, and I beg you all, do the same. Try to help those people, because the North Koreans are nice, warm-hearted people. They are the victims of this government. They are not devils. They are not enemies. They are those who are suffering. Try to help them.

Thank you very much.

[A report and prepared statement of Dr. Vollertsen follows:]

LIFE UNDER THE RED STAR

A PRISON COUNTRY

(By Norbert Vollertsen)

A Report From Inside North Korea
Tuesday, April 17, 2001 12:01 a.m. EDT

I know North Korea. I have lived there, and have witnessed its hell and madness. I was a doctor with a German medical group, "Cap Anamur," and entered North Korea in July 1999. I remained until my expulsion on Dec. 30, 2000, after I denounced the regime for its abuse of human rights, and its failure to distribute food aid to the people who needed it most. North Korea's starvation is not the result of natural disasters. The calamity is man-made. Only the regime's overthrow will end it.

Human rights are nonexistent. Peasants, slaves to the regime, lead lives of utter destitution. It is as if a basic right to exist—to be—is denied. Ordinary people starve and die. They are detained at the caprice of the regime. Forced labor is the basic way in which "order" is maintained.

I will recount some of my experiences. Early in my spell in North Korea I was summoned to treat a workman who had been badly burned by molten iron.

I volunteered my own skin to be grafted onto him. With a penknife, my skin was pulled from my left thigh and applied to the patient. For this, I was acclaimed by the state media—the only media—and awarded the Friendship Medal, one of only two foreigners ever to receive this honor.

I was also issued a "VIP passport" and a driver's license, which allowed me to travel to areas inaccessible to foreigners and ordinary citizens. I secretly photographed patients and their decrepit surroundings. Though I was assigned to a children's hospital in Pyongsong, 10 miles north of Pyongyang, I visited many hospitals in other provinces. In each one, I found unbelievable deprivation. Crude rubber drips were hooked to patients from old beer bottles. There were no bandages, scalpels, antibiotics or operation facilities, only broken beds on which children lay waiting to die. The children were emaciated, stunted, mute, emotionally depleted.

In the hospitals one sees kids too small for their age, with hollow eyes and skin stretched tight across their faces. They wear blue-and-white striped pajamas like the children in Hitler's Auschwitz. They are so malnourished, so drained of resistance, that a flu can kill them. Why are there so many orphans? Where are all the parents? What passes here for family life?

In North Korea, a repressive apparatus uncoils whenever there is criticism. The suffocation, by surveillance shadowing, wire-tapping and mail interception, is total. Most patients in hospitals suffer from psychosomatic illnesses, worn out by compulsory drills, innumerable parades, "patriotic" assemblies at six in the morning and droning propaganda. They are toilworn, prostrate, at the end of their tether. Clinical depression is rampant. Alcoholism is common because of mindnumbing rigidities, regimentation and hopelessness. In patients' eyes I saw no life, only lassitude.

Once, I had an opportunity to visit my driver, a member of the military, who was in the hospital because of injury. The authorities were vexed that I wanted to see him, but I was able to overcome objections. As was my custom on hospital visits, I took bandages and antibiotics—basics. On this occasion, I was embarrassed to see

that, unlike any other hospital I visited, this one looked as modern as any in Germany. It was equipped with the latest medical apparatus, such as magnetic resonance imaging, ultrasound, electrocardiograms and X-ray machines. There are two worlds in North Korea, one for the senior military and the elite; and a living hell for the rest.

I didn't see any improvement in the availability of food and medicine in any of the hospitals I worked in during my entire stay. One can only imagine what conditions are like in the "reform institutions," where whole families are imprisoned when any one member does or says something that offends the regime. These camps are closed to foreigners.

My initial naïveté that the starvation was the result of weather conditions disappeared when I saw that much of the food aid was being denied those who needed it most. Before Cap Anamur came to North Korea other agencies such as Oxfam and CARE pulled out because they weren't allowed to distribute aid directly to the people. They had to turn it over to the authorities, who took complete charge of distribution. Monitoring is impossible. Nobody really knows where the aid is going, except that it is not going to the starving citizens.

If a doctor's diagnosis is that North Korea suffers from society-wide fear and depression because of the cruel system, he has to think about the right therapy and to speak out against repression. The international community, especially humanitarian groups, must demand access to the shadowy world of labor camps, hidden from us by the system.

The system's beneficiaries are members of the Communist Party and high-ranking military personnel. In Pyongyang, these people enjoy a comfortable lifestyle—obscene in the context—with fancy restaurants and nightclubs. In diplomatic shops, they can buy such delicacies as Argentine steak, with which they supplement their supplies of food diverted from humanitarian aid. In the countryside, starving people, bypassed by the aid intended for them, forage for food. Pyongyang is fooling the world.

As a German, I know too well the guilt of my grandparents' generation for its silence under the Nazis. I feel it is my duty to expose this satanic regime, which has deified "Dear Leader" Kim Jong Il, just as it did his late father.

Even though virtually the entire North Korean economy is geared to the military, we should help ordinary citizens. But this must be on condition that aid goes to the deserving. Foreign NGOs, journalists and diplomats must be free to travel unannounced to the provinces to ensure that aid isn't misdirected. Only pressure on North Korea can save lives. The people can't help themselves. They are brainwashed, and too afraid to be able to overthrow their rulers. That's the medical diagnosis. Only the outside world can administer the right therapy and bring about a reformation of this depraved nation.

PREPARED STATEMENT OF DR. NORBERT VOLLERTSEN

In recent years, there has been a number of credible international reports expressing grave concern with the human rights violations in North Korea. However, little evidence has been available on the issue due to the strict controls on all information by the North Korean authorities.

However, since 1992, some North Koreans who defected to South Korea began to inform us of shocking crimes against humanity perpetuated in North Korea massively and systematically. They include two former prisoners in one of the detention settlements for political prisoners (concentration camps), two former guards at several of these life detention settlements and a prisoner of one of the women's prisons in North Korea. Unfortunately, their witness accounts have been in Korean and failed to attract international attention. Attached is a summary and an analysis in English of their accounts for your consideration.

Surprisingly, their accounts, full of details, have so many incidents in common even though they were from entirely different social backgrounds and arrived in South Korea at different times. They did not know each other and were not aware of earlier allegations when they told us about what they have actually experienced or witnessed.

In my opinion, further evidence and information is required to verify their accounts. At the same time, however, the alleged atrocities appear to be of such serious nature, perhaps the worst crimes against humanity in the world today, that I call for a special international scrutiny to be immediately organized in the name of humanity. Your kind attention and action will be greatly appreciated.

For the sake of credibility, the stories were presented with as much detailed information as possible (e.g., time, place, and people involved). Consideration was given to distinguish between eye-witness account (i.e., what they actually witnessed or ex-

perienced) and hearsay evidence (i.e., what they heard through word of mouth about what everybody believed).

We believe that all the imaginable atrocities known to humankind have been exhausted in North Korea's detention settlements and political prisons. However, we wish to reserve our comments on some of the allegations of extreme atrocity, such as feeding a newly-born infant to a dog, and concede that the possibility exists for exaggeration, misunderstanding, or even falsehood. Nevertheless, we are convinced that the most abominable and horrifying crimes against humanity, worse than those of Nazi concentration camps, Soviet gulags, or anywhere else, have been perpetrated in North Korea for decades. Although the twentieth century has witnessed terrible bloodshed from ethnic cleansing and genocide, political oppression, and religious hostilities, none has surpassed, we believe, the crimes of North Korea in terms of length, systematic practice, terror, and secrecy. We are convinced that the worst crimes in the world today are being committed daily in North Korea.

The allegations of the murderous treatment of prisoners and crimes against humanity appear credible, as they are consistent with the well-publicized harsh style of the North Korean government and the various international reports. Nonetheless; we wish to again reserve comment on some of the extreme incidents subject to further verification on the basis of new evidence and further information hopefully to be available in the near future.

It would be, therefore, inappropriate to generalize the conditions of political prisoners in North Korea on the basis of these extreme cases. At the same time, it would be equally inappropriate to simply discredit such allegations for the lack of undisputed evidence. Under the most conservative estimate, North Korea has committed and is continuing to commit grave human rights violations and crimes against humanity massively, systematically and constantly, most likely the worst in the world today.

In the worst case scenario, the world has entered the new millennium optimistically but not realizing that in North Korea, the most blatant, tragic, and heinous acts of the past century continue to persist. We are only anxious to gather further evidence and information so that the North Korean prison settlements and everything that goes on within those cold fences will be exposed to the world and the innocent prisoners will one day realize that they were not forgotten and there have been those who sought their freedom.

We wish to bring to your attention once again the criminal nature of concentration camps under Hitler and Stalin in the past and to the existence of such camps, worse than anything previous, in North Korea today.

- Hitler and Stalin have returned, hand in hand, with improved skills of crimes against humanity.
- Hand in hand, Hitler and Stalin have joined together and are now experimenting their improved skills of crimes against humanity in North Korea before spreading the new skills to the rest of the world.
- North Korea is an upgraded version of Hitler and Stalin put together.
- What Would You Do If Nazi Germany Were Still Reigning and Asking for Your Help to Feed Its Starving Germans While Numerless Innocent People, Women and Children, Continued to Perish in Nazi Concentration Camps Today?
- In other words, what would you do if Nazi Germany or Stalin's USSR were still reigning today but no longer powerful to defy international pressure, and asking for your help to feed their starving flood victims today while countless innocent men, women and children continued to perish in their concentration camps?
- We believe that this is exactly the situation we face when considering humanitarian assistance to North Korea.
- A child is now drowning. Would you not do anything simply because it is not your mandate?

This is exactly the situation you are up against when you consider appeals from North Korea for humanitarian assistance. Without prejudice to your offer of help, we are calling upon you to ask the North Korean government, out of international humanitarian obligation, whether or not there are concentration camps in North Korea.

Atrocities and cruelty, far exceeding Hitler's and Stalin's concentration camps, are daily and routine taking place behind closed doors in North Korean concentration camps today because the government of North Korea thinks nobody knows or cares about it. Your simple inquiry, reveal a worldwide knowledge of their camps, will make a difference between life and death for many and contribute to the improvement of conditions there, even though the Government will deny the accusation and the victims will not be released immediately.

You are in position to make that difference for some 200,000 poor victims in North Korean concentration camps. At every opportunity, simply ask, "Do concentration camps exist in North Korea?"

Human (humanitarian) obligation that transcends one's position or nationality.

If Germans are starving while innocent peoples are perishing in concentration camps under Hitler's Nazis today, how would you direct your humanitarian assistance to reach innocent victims? This is exactly what is happening in North Korea today.

I wish to make available to a wide international audience the stark realities of the existence of concentration camps in North Korea today and the plight of some 200,000 innocent people, including women and children. These people have been detained without judiciary process and live under the most atrocious and cruel conditions, perhaps exactly the worst in the world today.

Convincing evidence has come to our attention from a variety of sources indicating that today the worst crimes against humanity are being committed in these camps on a massive and systematic basis. The existence of these camps and the bleak conditions and atrocities committed there are undeniable as seen from eyewitness accounts from former prisoners and guards.

We believe that unless we stop such crimes against humanity from being committed in North Korea today they are bound to spread and occur elsewhere. We call on the international community to intervene in the situation as a matter of international responsibility by asking the North Korean authorities, as a first step, to explain their defiance of humanitarianism. We believe that international intervention works.

We are convinced that the North Korean authorities today continue what we believe to be clearly a crime against humanity with impunity behind closed doors because they believe that few know and care about it. Therefore, you can help some 200,000 innocent people, including women and children, in concentration camps in North Korea by simply asking the North Korean authorities today, out of international humanitarian obligation and human compassion, if indeed there are such camps in North Korea.

The CHAIRMAN. Thank you very much, doctor.

Suppose we have a round of about 7 minutes each and we will see how we do on that.

I am fascinated by your presentation, Dr. Vollertsen. You mentioned that the food aid inspection process in North Korea is rigged, and that the North Korean elites are profiting from the aid they get from the West. Now, do you have a suggestion about how to rectify that situation?

Dr. VOLLERTSEN. Try to engage, get more NGO's in, try to ask for free movement, freedom of the press, free movement for the aid workers, free movement for the diplomats, and mainly free movement for the journalists. Let them take the pictures of how the children are eating.

The CHAIRMAN. Well, that is very sensible, and I agree with you, but should we cease humanitarian aid until North Korea verifiably allows the aid to go to those who need it most?

Dr. VOLLERTSEN. No. I think try to continue, and even improve, but try to argue and try to argue for more NGO's so that there is real monitoring, and the easiest way to do it is to ask for free movement so that they are allowed to go to any place in North Korea without any pre-announcement. Now, they can only go where there is a pre-announcement, and then everything is prepared, and it is a fake. Everything is prepared, and no real situation can be proven.

I was an emergency doctor, and whenever there was an accident there was no prior arrangement. I managed to go into the hospital when nothing was pre-arranged, and found there was no food, no

medicine, no equipment, and I wondered where all the food aid is going.

The CHAIRMAN. Well, I agree with that, but this business of getting to it and correcting it, which is not a simple process, you mentioned that the North Korean people suffer from psychosomatic illnesses. Do you want to elaborate on that a little bit?

Dr. VOLLERTSEN. I think everybody can think about himself, when he is suffering from a bad marriage, or suffering from a bad job, or suffering from bad education or whatever. He cannot change the situation he is suffering, so the depression is intense. He will get depressed, and from a doctor's view, you can see that he will get stomach problems or ulcers, or whatever, even cancer.

Throughout my medical life as a medical doctor I realized that most of the people who cannot change their social situation get sick. Those people in North Korea, the main disease is that they are depressed, they are afraid, they are afraid to speak out because they are afraid for their families and for their own lives.

The CHAIRMAN. Now, I want to move on to Mr. Downs and others, but on the refugee situation I want to discuss that briefly.

Dr. VOLLERTSEN. I met those North Korean refugees direct at the North Korean-Chinese border I examined them. I checked them in a medical way, and through the translator and some journalists, brave journalists who tried to get the evidence, I interviewed them, and they all told me the same thing. They told me how 9-year-old boys, and 65-year-old ladies, talked about concentration camps, prison camps, reform institutions with torture, mass execution, public execution, killing of babies, killing of pregnant women. They even talked about cannibalism and I beg you to prove this.

It is not my duty. I am not a policeman, but according to German law I can go to a police station and accuse when there is something going wrong and that is the only wish I have. Prove if there is any evidence for concentration camps, and when it is proved, then it might be even worse than in Hitler's Germany.

The CHAIRMAN. Well, you have made quite a contribution to this hearing, and I appreciate it.

Now, the next question goes to any of the other three or all. Henry Sokoski and Victor Galinsky have identified the fact that it would take at least 3 years for the IAEA fully to inspect and document North Korea's nuclear program, something that is required before key nuclear components can be shipped to North Korea under the Agreed Framework.

Now, given the obvious fact that we are at the stage whereby "key"—and I put quotation marks around key. Key components will need to be delivered also in about 3 years. Does it make really any sense to proceed with the Agreed Framework at this time, and I would like all three of you to address that.

Ambassador GALLUCCI. Mr. Chairman, I would like to take a shot at that.

My recollection of the language of the framework is that it says that in effect none of the equipment that is listed on the trigger list of the nuclear supplier guidelines, which is really the key equipment for a nuclear reactor, can be delivered to North Korea until the IAEA is satisfied with respect to the implementation of the full scope safeguards agreement. It may be true that an ob-

server can look at the timeline and say, gee, that should come about in about 3 years, and gee, therefore the IAEA should start the process.

But this was a political agreement, the Agreed Framework with North Korea, and North Korea is still acting consistent with the terms of the agreement to delay the imposition of safeguards by the IAEA or the safeguards inspections until it comes time for delivery of that equipment.

Now, something should be quite obvious, which is that in the end here the time schedule for the construction of the reactors will be held up to the extent that North Korea does not cooperate with the IAEA. I do not want to be crude here, but that is all right with me. I mean, the idea here was to stop a nuclear weapons program.

We have a lot of other objectives, and you mentioned some of them in your opening statement. There were discussions about the conventional forces forward-deployed, about the ballistic missiles, but the North Koreans, if they wish to go slow with respect to safeguards, will slow down the construction of the reactor, and they will carry the burden for that, and that is not, in my view, necessarily a bad thing.

The CHAIRMAN. Senator Biden.

Senator BIDEN. Thank you very much. First of all, thank you for being here, and Doctor, for your humanity and concern the fact that you would give of your time and your effort as a medical doctor to be in Korea or any other place where you are trying to change the human condition is admirable, and I admire your work. I admire what you are doing, and what you were doing.

Dean, let me ask you about the Agreed Framework for a moment. Is there any case that can be made that the North Koreans are violating the terms of the Agreed Framework?

Ambassador GALLUCCI. Senator, I am not intimately aware of the discussions that must occur between the IAEA and the inspectors who go there regularly and the North Korean side. To my knowledge, I know of no substantive area in which the North Koreans are acting inconsistent with the framework. One used to be able to argue that they were not engaging the South in serious dialog, but now that President Kim Dae-jung has gone North I think that is a harder case to make, so I think I would not say there is no substantive violation that has been made public.

Senator BIDEN. Ambassador Laney, if I may ask you, if the North Koreans—if we were to engage the North Koreans, this administration, in follow on negotiations where things left off, if not under the same conditions but just begin to engage North Koreans after this review that Mr. Downs and others have spoken of, I assume at some point the administration is going to say, we have reviewed, we have made a judgment, and we are either not going to talk to, we are going to talk to, we are going to talk to under following conditions, whatever. They are going to say something at some point in the relatively near term.

Assume they were to follow, after the review, the judgment initially enunciated by Secretary Powell, and I am paraphrasing, where Powell said there are some very promising possibilities—I forget the exact phrase, but that is about it, some promising possi-

bilities that are worth pursuing, and again I am paraphrasing. I am not quoting him.

Assume they pursued, they, this administration, pursued after review along the lines that Powell had stated a month ago, or whenever the timeframe was, and focused on what was one of the remaining issues, verification. That is, the verifiability of the North Koreans that they (a) were not engaging in a continuation of seeking long-range missile capability, (b) that they were not producing fissile material to produce nuclear bombs, and (c) they were not proliferating the technology they now possess to other countries which they have in the past, and may be doing now, in return for something. I want to get to the something later.

But the first thing would be, verifiability. I think any administration hopefully would conclude that you would need a verifiable agreement, whatever the terms were. Is verifiability able to be accomplished? That is, is there any circumstance that you know of that would make it virtually impossible for there to be a verifiable agreement, or is it possible to have a verifiable agreement? Not will they, but is it possible?

Ambassador LANEY. It is certainly possible. Given North Korea's record it is going to be very difficult and, in fact, that was the reason why the breathtaking offer that North Korea made was not brought around to any kind of conclusion last fall, was because it foundered on the very issue of verifiability.

Senator BIDEN. That is not what I was told. I spent over 3 hours with Sandy Berger, with the Secretary, with Strobe Talbott, and with Perry's assistant, Wendy Sherman.

I understand it foundered on practical domestic political considerations, rightly or wrongly, that since it did not get sufficiently underway, that is, the verification talks, prior to the election, and the election had already taken place, that the sine qua non for the North Koreans moving forward was, they wanted an appearance of the President in North Korea to sort of legitimize them. That is something the administration was not prepared to do unless they had a more concrete assurance as to what the nature of the discussion relating to verifiability would be. By the time they got around to that the election had occurred. The President was, I think rightly, in the position of suggesting that President Bush had appeared to have won, although it was being contested. The President did not feel that it would be appropriate to go forward without consulting President-elect Bush, or the likely President. And yet to do so would have gotten the President in the middle of the election process by, in effect, conferring on Bush the status of being elected before that was followed through in the courts. That seems to me different than having arrived, as I understood you to say, at a judgment that the North Koreans were unwilling to deal with verifiability.

Dean, do you have a view on that?

Ambassador GALLUCCI. I do not, on this. I want to make a plea that as we focus on verification, because nobody wants to trust North Korea, that we be reasonable about this at the same time. We have what used to be called national technical means, but there are no real verification provisions in the Agreed Framework. We have national means to verify compliance to some degree, and then,

if there is a problem, we have an agreement of sorts in which the North Koreans have invested to give us access, to insist upon physical access.

Similarly, I would say when you look at this case, if you are talking about the ballistic missile components, there are four. It is the testing, the deployment, the production, and the export, and the verification requirements for these four are all different. For testing you do not need very much, for export we need a little more, arguably for deployment we need a little more, and for production we need the most. But we should be looking to compare the right things.

Whatever verification we were able to negotiate, we should then compare what that gives us to not having the agreement at all, and not to some abstract notion of perfect verification.

Senator BIDEN. I was not suggesting there had to be perfect verification. There are some, like my good friend the chairman of the committee, and he is my good friend, who often quotes—I forget who it is you quote, Mr. Chairman, when you say that whoever it was said “we have never lost a war nor won a treaty,” and there are those like the chairman who feel very strongly that there is verification, and then there is verification, and we probably disagree on the degree to which we have to verify whether we are dealing with Russians or we are dealing with anyone. That is an ongoing dispute.

But my time is up. I may come back to it, and I wanted to get to you, Mr. Downs, about verification, not now because my time is up. I will come back, but just to talk with me a little bit about what you believe the parameters are, what is required for verification and whether or not you think that it is worth attempting to determine whether or not the North Koreans are prepared to engage in such a dialog. I would be interested to know your views, but again, please let me give you a heads-up and I will come back to you on that.

Thank you very much.

The CHAIRMAN. I know the media and others will be dying to know who said that. That was Will Rogers, who could have been elected from either party, he was that popular. He chose not to be a politician.

Senator, we welcome you, sir.

Senator NELSON. Mr. Chairman, I am particularly interested in Korea. On the Easter break I went with Senator Shelby to a number of countries, including Korea, and I thank you for the opportunity of this hearing. I am interested to know, in your view, how should the United States respond to the President of South Korea's desire to negotiate a North-South peace agreement?

Ambassador LANEY. Well, if I may begin, Senator, I think that first of all the issue of the peace agreement is one that lies somewhat in the future. The more immediate issue, I think, for the President of South Korea is the United States Government's support for its strong ally, Seoul, and its attempt to engage the North in whichever ways are currently underway, and that eventually would include an attempt to come to some sort of peace agreement or peace treaty.

I think at this point the issue that faces the U.S. Government is the extent to which it sees its relationship with Seoul as the primary tie, and the principal foreign policy piece for the Korean Peninsula, and growing out of that, then the support for that government's initiatives in engaging the North.

Parallel with that, I think it is necessary to so engage the North in terms of trying to negate, as we have been talking about, the missile threat, and that has many aspects of verification and so forth.

The issue of how difficult that is going to be, and how protracted that sort of a negotiation might become remains to be seen. I am sure it will be both. Whether it is impossible, or whether it is not worth doing, I think is another issue altogether, but I think at this point the concern that I have about the posture of the United States with regard to Korea is the growing concern in South Korea that we are not fully supporting them, and they do not want to return to the cold war mentality.

We can all bring a brief against the atrocities and the evil aspects of North Korea, but the engagement policy of President Kim Dae-jung has changed the dynamics on the peninsula, and even though his popularity has plummeted, it is way down, there is a broad base—maybe as much as 80 percent of the populace, in support for a general approach to the North, some kind of engagement policy that continues reducing tension, avoiding war, and finally getting rid of the weapons of mass destruction, maybe leading to a peace treaty.

So in all of that I am saying the first thing is, we need to let South Korea know that we support them, and in doing that we encourage them in their attempts to engage, but that also in our turn we do the things that are necessary for us to do regarding missiles and weapons of mass destruction, and I think that would be very affirming, very strengthening for the South. There have been some very blistering editorials in South Korean papers about what they feel is a coolness toward the relationship.

Now, historically I would say for 50 years we have put as a mantra that our relationship with Seoul is the most important thing. We need to continue that.

Senator NELSON. And that has been a given, and you are talking about your concern about the coolness as a result primarily of the recent visit of President Kim here with President Bush?

Ambassador LANEY. Whether or not it is justified, the fact is, as I understand it, Deputy Secretary Armitage carried a letter from President Bush to President Kim supporting his efforts and I do not know the contents, but in other words, of giving some affirmation, which I think was very well-received. That was just in the last couple of weeks. That kind of affirmation, they do not want to be left out or feel like there is some sort of distance between us and them, I think.

Senator NELSON. Let me ask you this, any of you. There was some reaction in the South Korean press to President Kim's continuing initiatives as if they were not being received or reciprocated by the North Korean leadership. Give me your comments on that.

Ambassador LANEY. Well, I will speak very briefly, then turn it over, but that is very true, and this is part of his decline in popu-

larity. That I think, if Kim Jong-Il of North Korea returned in a summit to the South, that would greatly answer that barrage of criticism.

Senator NELSON. That is true with regard to the reaction of the press, but in your opinion is, in fact, that is true? President Kim does not think so.

Ambassador LANEY. We were talking about public opinion?

Senator NELSON. No. I am talking about what you think about his initiatives to the North, and if they are being reciprocated.

Ambassador LANEY. Well, I think that they have been reciprocated. I think in the last 6 months there has been a noticeable lull, and this is a cause of concern both in Seoul and in Washington, obviously.

Mr. DOWNS. If I might, I would offer an alternative view. I do not think that the initiatives of President Kim Dae-jung have been reciprocated by North Korea. I think that North Korea has manipulated every situation to obtain additional leverage, and as Ambassador Laney said, there has been a reduction in contacts in the last 6 months, and it goes back to a precise moment. It goes back to the moment when Vice Marshall Cho came to Washington.

At that point, North Korea was able to shift its focus from North-South talks to North-Washington talks. The U.S. always has a better purse to offer North Korea, so North Korea will always seek to deal directly with the United States when they can push South Korea out. In the same way, they will deal with South Korea when they think they have reached a standstill with the United States, which is what they did last April.

Senator NELSON. So you would take the cynical view, as opposed to the optimistic view of President Kim?

Mr. DOWNS. Yes. There was definitely a difference in tone, but very little in terms of specifics.

Ambassador GALLUCCI. I agree about 90 percent with what was just said, but there is a 10-percent difference. In other words, I think there is a trilateral political relationship here, but I would frame it differently. I would say that the North right now is holding negotiations, and specifically the visit to the South, hostage, waiting for the United States to finish its policy review and re-engage with the North, that once we do, then I think we will see a willingness on the part of the North to engage with the South.

We have made it quite a central feature of our discussions with the North that there needed to be some parallelism in terms of reduction in tensions in the dialog with the South. I do think that the North attempts, whenever it can, to play one off against the other and use leverage back and forth, but I think the outcome that would be acceptable to them and should be acceptable to us is one in which negotiations are proceeding at the same time, we with the North and the South with the North.

Senator NELSON. Mr. Chairman, may we get the Doctor's response?

The CHAIRMAN. Sure, go right ahead.

Dr. VOLLERTSEN. I would totally agree with Mr. Chuck Downs, and recall the subtitle of his book: "The North Koreans' Negotiation Strategy." They are very, very clever, and I met all those guys in Pyongyang. I spoke to the Vice Minister of Foreign Affairs. I

learned about their strategy. I was present during the first diplomatic talks with the leader of the German Interest Section, and I learned about their strategy to get as much as they can without giving anything in response.

And my latest news from Pyongyang—via e-mail I am still in contact with my former colleagues in Pyongyang. I am checking my e-mail every morning. I get the latest news from Pyongyang. There is no more free movement for the NGO's, no free movement for any journalists, no free movement for any diplomats.

There was an agreement, a five-point agreement with Germany where they guaranteed this when there are open diplomatic channels. This agreement was signed, but nothing is fulfilled, and my colleagues told me that it is even getting worse. There are more military posts on the street. There are more policemen there at the Chinese-North Korean border. The situation for the refugees is getting worse.

After all this publicity in the newspapers, in Time magazine, in Newsweek, it is more dangerous for the refugees to cross the border because the North Korean soldiers there at the border, they are very keen to suppress these actions and this information. So it is going down. All those preparations to reconnect the railroads, for example, to reconnect the motorways and whatever else was promised during the last summit, it is all going down. I think it was only a trap in order to get the money from the European countries, from Japan, from the United States, to get the donations.

I know that they are very, very proud about their army. They are very, very proud about their manpower in the army, and I know that there are many, many things in North Korea to hide. I know that they are very, very afraid about a situation of collapse similar to Romania. They know very well when the outside world will discover what is going on in the North Korean concentration camps, there will really be an outrage. There may be opposition of their own people, even maybe rebellion, or even maybe the same outcome as in Romania. They are very aware of this, and they are afraid of this, so I think they will not change by themselves.

The CHAIRMAN. Doctor, I admire your passion, and I can tell by the expressions on the other witnesses faces that they do, too.

Let us see, the North Koreans have offered to extend the current missile test moratorium to when, 2003, or something like that?

Mr. DOWNS. Yes, 2003.

The CHAIRMAN. Do you think we ought to—well, I will put it another way. How do you think we ought to interpret that, and I would ask all three of you.

Mr. DOWNS. Mr. Chairman, if I could respond to that, I would like to point out that there is an imbalance—and this follows up on Senator Nelson's comment as well—there is an imbalance in the kinds of things we and North Korea bring to the negotiating table.

They bring promises, pledges, courtesies, kindness, handshakes, and we respond with food aid, economic assistance, the removal of sanctions and light water reactors, things of that nature. We are providing hard, durable benefits the North Korean regime can use, and they are satisfying us with things like visits and commitments, as you point out, extending to 2003 the moratorium that they will keep in place as long as they feel like it. It is an easy commitment

for them to make, and there is a hidden bit of leverage in it, because they will say that if they can take offense at anything we do, they are no longer bound by their own pledge.

The CHAIRMAN. One of my friends is Ruth Graham, Billy Graham's wife—excuse me. You wanted to say something.

Ambassador GALLUCCI. I wanted to comment on that.

The CHAIRMAN. Please do.

Ambassador GALLUCCI. I think I would characterize this substantially differently than Mr. Downs. I do believe what the doctor has said, and we all have noticed that the North Koreans extract everything they possibly can from every discussion. I would, as a negotiator, expect no less, and therefore I think when we get into negotiations in which we do not expect to trust them, we expect a fair amount of cheating when they can get away with it, and we expect them to extract everything, we have to think about ending up with an arrangement which is in the end in our interests.

So I disagree with Mr. Downs that they come to the table and they get everything and we get nothing. I would observe that 1993, when the Clinton administration came to office, we were looking down the throat of a nuclear weapons program that was going to be producing 30 nuclear weapons a year with the capability to transfer fissile material and nuclear weapons around the world, that that program has been verifiably frozen since 1994. That is not nothing. That is close to, in terms of negotiating objectives, everything.

Now, we wanted a whole lot of other things after that, but that is what we went after with the Agreed Framework, and we got it. Nothing is forever when it comes to this stuff in North Korea or Iran, Iraq, or anywhere else, so we have to be aware of that, but we got quite a lot.

You asked, Mr. Chairman, about the moratorium. Now, I do not consider that nothing either. If there were a test tomorrow morning, that would be pretty big news. The Japanese would be very upset. We would be very upset, and it would indicate the program was moving ahead at a certain pace, depending upon what, exactly, the test was.

I like the idea that there is a moratorium. I do not believe we get gifts from the North Koreans, and I am sure there is a calculation behind it, but it is not nothing.

Ambassador LANEY. Well, I agree, Mr. Chairman. I think we all are deeply concerned about the human rights abuses and the terrible situation that the Doctor has dramatically set forth, and we deplore all of this. I mean, you know, we can all agree to that. The question is, what are we going to do?

We can say, well, we are not going to deal with them. All right, then we are going to isolate them. Well, what does that lead to? If we isolate them, then we take away all the leverage they go back to producing plutonium and they go back to testing their missiles because we have no leverage on them. Then are we going to go to war? How are we going to stop that?

The question is not whether, but how we deal with them. I think this is the issue, and I applaud President Bush's release of 100,000 tons of grain. This is not a concessions. This is not rung out of us. It is humanitarian. We all have a heart for this issue, and we are

all perplexed about how to deal with a regime we do not like, but it is not going to go away, and we have to think about the fact that while we sit over here on this side of the Pacific, our allies are 30 miles from the barrel of the long-range artillery, and we have to be sure that our actions and our statements and our policies do not further endanger our allies there and our 37,000 troops.

Now, that is a very significant issue, and this means that we are not going to simply condemn. We are going to have to find some way to resolve it. That does not mean we approve it, it does not mean we bless it, but it means we are going to deal with it, and we are going to deal with it tough, and we are going to lay down the law, and we are not going to let them get away with things, but they have not gotten—we have not been playing the fool.

We have gotten a whole lot of stuff here. It has been a meaningful thing, and the South Koreans would agree they do not want to go back to the status quo ante, to the cold war mentality. That is a universally held position in South Korea, and they do not want us to push them in that direction either.

Mr. DOWNS. Well, Mr. Chairman, with all due respect, I have tremendous regard for the achievements of Ambassador Gallucci in his negotiations with North Korea, and in a sense it is not nothing. But it is the absence of something, and we need to keep that in mind.

It is the absence of their offensive behavior on the development of nuclear capabilities. It is the absence of their violation of previously existing agreements. It is the absence of their refusal to allow inspections, and the replacement of them with a promise that in the future they will allow the inspections that they had agreed to in previous agreements with the IAEA 5 years earlier. What we are getting out of the North Koreans is a change in their own policy. Essentially that is not nothing, but it is not really something. It is a change in something that they could have decided to do correctly the first time.

When they behave this way we need to keep it in mind, because we need to understand the quality of the regime and how it gets advantages, and we need to recognize that what they get in return is definitely something. What they get is a new lease on life. It means U.S. money and U.S. efforts, U.S. diplomatic sponsorship, and sometimes direct aid that allows the regime to continue to exist and continue to oppress its people. That is very definitely something that we have to be concerned about.

The CHAIRMAN. Mr. Gallucci.

Ambassador GALLUCCI. I am not sure I am being responsive here, but again for the record, Mr. Chairman, I think it is important to point out that we were looking at facilities being built in North Korea which were, by the way, not in violation of any international undertaking. There is nothing in the NPT or the IAEA that says you cannot build gas graphite reactors, even though they are the most provocative and dangerous, most likely to lead to a nuclear weapons program, which we are absolutely confident they were intended to do, but they were not in violation.

This is not a matter of theory. The reactor had operated and produced 30 kilograms of plutonium, enough for five nuclear weapons. They had that material in spent fuel that was going to be reproc-

essed. They had a reprocessing facility that they were expanding. They had two reactors being constructed as we watched in slow motion with overhead photography. All that has been frozen in place. I submit again, please, this is very substantial. That is what got our attention.

Everything else, virtually, we were aware of, and we knew. We knew how horrible the regime was, how awful it treated its own people, how threatening it was to the South, but we sat essentially confident in a defense and deterrent posture in South Korea with North Korea contained.

The one thing we could not allow to go unaddressed was the nuclear weapons program, because of its ultimate possible impact, catastrophically on not only South Korea and Japan but the United States, if it was ever mated with the ballistic missile program, and we acted against that nuclear weapons program, and we froze it.

The question is now, will we act against the ballistic missile program and try to freeze that? It will not come free.

The CHAIRMAN. Senator Nelson.

Senator NELSON. You know, when I was growing up, Mr. Chairman, I was taught that partisan politics stopped at the water's edge, and I think we have two different points of view that are represented here today that reflect whether or not this administration did this or that, but the title of your hearing today is, where do we go from here, and so as a new member on this committee, I would like to further explore, given the riveting testimony of the Doctor—one of my closest friends up here is Congressman Tony Hall, who has told me what he has seen in North Korea, and how pervasive the starvation is there.

We have got a problem. We want to help. The Doctor has shared some testimony that he does not think all that food is getting there, so where do we go from here?

Doctor, I want to get back to these folks right here, all right. We have gotten certain progress on the nuclear. We have got to progress on the missile defense, but what do we do to support President Kim to encourage his peace initiatives without yanking the rug out from under him?

Ambassador LANEY. Well, I think first of all we need to reopen our talks with North Korea on the deployment and testing of missiles, and bring those to some sort of positive conclusion. I think if that happens that will open the door for a reciprocal visit of Kim Jung-Il to Seoul, or wherever that summit might take place.

If I may say so, Senator, I feel that President Kim realizes he is in the shank end of his term. He is not a lame duck yet, but he is getting close, and I think he realizes that the viability of the policy has got to succeed him, not just what he can accomplish himself, what the broad-based support for a policy of engagement in South Korea, supported by and abetted by a strong policy in the United States, and I feel at this point that working together in that trilateral coordination with Tokyo, Seoul, and Washington at a high level is going to work.

Now, I do not predict it is going to work, but I believe it can, but it has to be at a high level. It cannot be done at a functionary level. People at that level in North Korea cannot do anything. They have got to be up at the top, and I think that the appointment of Bill

Perry as special reviewer and envoy broke the log-jam, and while it did not open every door it made a lot of difference, and I think it really paved the way for the summit that Kim Dae-jung was able to have with North Korea, and so I am very much concerned.

This is not a give-away or anything else. We need to take up the cudgel on the terms that are acceptable to the Bush administration, but deal with it and see what kind of deal they can get. Going into it, there is nothing there.

You have got to engage them, and if we do engage them, I guarantee you that that will be a support not just for Kim Dae-jung, frankly. It will be a support for the people of South Korea, for South Korea itself, and in the long run we have got to maintain that strong relationship, otherwise we are going to lose our influence on the Korean Peninsula, and they will fall into the Chinese orbit. We are talking regional politics here. We are not just talking about North Korea.

The CHAIRMAN. I agree with that. Doctor.

Dr. VOLLERTSEN. Why not think about teamwork? I always believe in teamwork. Why not think about different approaches, the combination of all of those different approaches?

I fully support engagement, because only when there is engagement, when there is talking, you can educate the opposite. You have to talk to your children. Without any engagement they will never be a good human being, so you have to talk, so I believe in engagement policy.

I fully support sunshine policy, because I am from Germany. I know about German history. There was Willi Brandt, he opened up Germany by a sunshine policy, by the open hand, but I disagree with a sunshine policy when they are not allowed to talk about human rights issues, about concentration camps in North Korea. Then I disagree.

And I believe in nature. I simply believe in nature. When there is only sunshine, and when there is no thunderstorm or a little bit of rain, then there is desert. When there is only sunshine, then there is no life, and then there are all those people like the starving children.

So I believe in different approaches. Why not create teamwork, the nice guy and the bad guy, the nice guy who can continue a sunshine policy, maybe the fresh one, the brave one, the United States, the Japanese, the Germans. They can insist on human rights, and this different approach, maybe it can lead to something because there is a German common saying, and maybe it works also in diplomacy, "when you cannot convince them, try to confuse them," and I learned about the North Koreans, that throughout their negotiation strategy they always have this black and white scheme. They cannot deal with anybody who is friendly on the one side and who is an enemy on the other side.

After this Friendship Medal they called me their closest Western friend. Now I am their closest Western enemy, so it is up to them. I try to confuse them.

Senator NELSON. Mr. Chairman, can I ask Mr. Downs to respond to Mr. Laney?

The CHAIRMAN. Sure.

Mr. DOWNS. Well, I cannot remember, I confess, all of Ambassador Laney's points, but I thought many of them were extremely good and right on target. I think that there is a certain sophistication that we have to bring to our dealings with South Korea on tri-lateral North Korea, South Korea, and U.S. issues.

Quite often we have to restrain ourselves from rushing in to replace the role that South Korea would have in its dealings with North Korea, so we should maintain some distance both to be true to ourselves here in America and to represent what I think most American people think about North Korea, and to allow South Korea to obtain the benefits of the relationship directly to Pyongyang.

In an ideal world, Pyongyang would be forced to look to the South for all kinds of diplomatic and economic benefits. We need to encourage them to do so, and yet they will use every opportunity to deal directly with the United States, because they would rather play in our arena than to deal with the South. The South has tools, cultural tools, language tools and, I think, intelligence tools that it can use in dealing with North Korea that we should respect and allow to function fully, and I think that agrees with many of the things that Ambassador Laney said.

The CHAIRMAN. Well, I have presided over a lot of hearings, and this one ranks very high on the ones that really have been of interest to me. I know you gentlemen, each of you came at the sacrifice of your time. A good record has been made or is in the process of being made, and the Senators who were not able to be here are likely to have some questions that they would like to pose to you in writing, and I am going to suggest that they do so, and I hope that you can find time to respond.

In the meantime, I am grateful for the time you have spent to give me a very informative afternoon. I have been the beneficiary of your coming here.

I have one final question. Have you ever met Franklin Graham? He is not a doctor, but he is with the Samaritans, and I can see that you do not know him. I am going to have somebody give you his name and address.

Ambassador LANEY. I know him, Mr. Chairman.

The CHAIRMAN. Very well. There being no further business to come before the committee, with my appreciation to each of you once more, we stand in recess.

[Whereupon, at 4:10 p.m., the committee adjourned.]

