

**Senate Foreign Relations Subcommittee on East Asia, The Pacific, and International
Cybersecurity Policy**

Hearing on “U.S. Policy Towards North Korea After the Second Summit”

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Chairman Gardner, Ranking Member Markey, and members of the Committee: it is an honor to be invited to give testimony today on U.S. policy towards North Korea after the Hanoi Summit. It is also a great honor to testify alongside Dr. Cha, whose extensive experience on this issue is unmatched and whose analysis I seek to inform my own.

Today, after two U.S.-North Korea summits in Singapore and Hanoi, North Korea still has upwards of 60 nuclear weapons and is continuing to accumulate fissile material to make more. It retains the ballistic missile capability to threaten Hawaii, Alaska, the West Coast, and of course, our ally Japan and has proven the capability to range most of the continental United States. And North Korea retains a conventional capacity to put South Korea at unacceptable risk. In sum, the threat has not changed.

I want to be clear at the outset that I am strong supporter of diplomacy with North Korea, but I want to also be clear that I think the Administration is doing it wrong. And while better than the days of “fire and fury,” this problem is not going to be solved through reality TV episodes. It’s going to take deliberate, integrated and coherent interagency effort in close partnership with the international community.

Analysis of the Hanoi Summit

In the case of the Hanoi summit, many of us were worried about the possibility of a bad deal. The good news is that this did not happen. The bad news is that the way forward is now deeply uncertain and full of risks. We cannot be complacent in the status quo, even if it is better than “fire and fury.” We cannot keep grading on a curve.

The reality is that the Hanoi summit never should have happened. The President of the United States went into a room with Kim Jong Un for a second time with no firm commitments and only a rough outline of possibilities, as well as maximalist illusions of a grand bargain that he alone could make. It turns out that this is not a real estate deal – it's actual rocket science.

It is also not entirely clear what happened in Hanoi – whether the President or Kim Jong Un attempted any meaningful compromises. There has been mixed reporting about what may have been offered by the North Koreans – vague promises of steps on Yongbyon in exchange for some level of sanctions relief. And reports that President Trump offered to “go big” with a much more expansive deal. Both leaders walked away with their own version of events, but what it revealed was the continued disconnect on the scope and definition of denuclearization. The fact that we do not have a clear understanding of what we are negotiating *towards* continues to be the basic rub. So, we are where we are.

What next for diplomacy?

Setbacks in diplomacy are to be expected. With proper preparation, they can be managed and can even be clarifying for both sides. This was the case for the Reykjavik Summit between President Reagan and Gorbachev. But it's always better to under-promise and over-deliver. Unfortunately, the opposite has been the case since 2017. And it's putting us on a path to mismatched expectations and possible miscalculations.

In my view, the U.S. team needs to get back to some **first principles**:

- **First, reinforce that the United States remains not just open to but actually interested in negotiating.** This will be important for both diplomacy and international sanctions enforcement to demonstrate our seriousness. We have no way to control whether North Korea chooses to engage seriously but do control what we say and do.
- **Second, there should be no more summits without substance.** We have now tested the theory that leader-level negotiations will deliver better results than the hard slog of substantive diplomacy. The diplomacy leading up to the JCPOA took years of sub-Cabinet and Cabinet level effort and a comprehensive deal was achieved without summits.
- **Third, we need a coherent interagency strategy that is supported by both the President and his national security team.** The North Koreans are exploiting the divisions between the President and his national security team. This bifurcation is creating dysfunction in our diplomacy, dysfunction in our alliance relationships and ultimately undermining our interests.
- **Fourth, the President needs to stop ingratiating himself to Kim Jong Un.** While developing a practical relationship with an adversary to advance your interests is often necessary, there are basic values a U.S. President should not abandon.
- **Finally, we need to set realistic objectives on realistic time horizons.** While complete denuclearization should be our long-term goal, we all know a unilateral surrender by Kim Jong Un and beach resorts suddenly popping up on the coast of North Korea are not in the cards anytime soon or maybe even ever. This is a negotiation. The U.S. negotiating team needs to prepare multiple alternatives to its maximalist positions and look for pathways to get meaningful concessions at an acceptable price. And yes, that means reconsidering a "step by step" approach.

The Hanoi Summit was useful in that it clarified some negotiating contours: the U.S. will not allow significant sanctions relief for a meaningless deal and North Korea remains deeply interested in sanctions relief and willing to take steps but is not interested in grand bargains. Within these contours, the Administration should also consider what the outlines of an acceptable interim deal might look like. While reasonable people can debate the JCPOA, the interim Joint Plan of Action reached in 2013 demonstrated that you can in fact perform mutual confidence building measures (sanctions relief and freezing significant portions of programs) without collapsing international sanctions pressure and still reaching a final, more comprehensive deal. Elements of that interim deal could include formalizing the current freeze;

additional freeze on enrichment and reprocessing; limited sanctions relief; and other confidence-building measures.

Where do we go with alliance management?

As we enter this period of uncertainty, alliance relations between the U.S. and the Republic of Korea will require a new level of mutual dexterity. I am concerned that we are not entirely on the same page with our ally despite all the efforts to portray unity. As North Korea maintains straining and splitting the U.S.-ROK alliance as one of its top objectives, active alliance management must be a critical component of the U.S. strategy as we cannot have an effective North Korea strategy without Seoul. We need to be sending senior officials to Seoul often, making good use of our alliance coordination mechanisms, and most importantly, avoiding own goals like the recent heavy-handed U.S. approach to the Special Measures Agreement negotiations.

Washington and Seoul will need to come to a mutual understanding of how to handle the stress tests to the alliance that likely lie in the months ahead, including a potential return to a provocation cycle by the North, new sanctions enforcement measures, or setbacks in inter-Korean diplomacy such as the recent unexpected North Korean withdrawal of its personnel from the Kaesong liaison office. North Korea will seek every opportunity put pressure on Seoul, and we should anticipate and prepare for those moves together.

Meanwhile, Tokyo is undoubtedly relieved that a bad deal was not reached in Hanoi. But to be clear, the lack of progress towards denuclearization is also not in Japan's interest even if the current freeze on nuclear and ballistic missile testing provides some temporary comfort. There is no doubt Prime Minister Abe is happy that North Korean ballistic missiles are not flying over Japan. Despite President Trump's public promises to Prime Minister Abe that he would raise Japanese abductees with North Korea during negotiations, his words absolving Kim Jong Un of any responsibility for the death of Otto Warmbier probably offer little comfort to Japan of the President's sincerity. Frankly, the President's words should give us all pause. At the same time, a little coordination with Tokyo can go a long way: surprises like the unilateral suspension of military exercises feed Japanese anxiety about U.S. diplomacy with North Korea.

But the most important alliance management effort that the United States should be taking right now is working to improve relations between Seoul and Tokyo, which may be at their lowest point since the restoration of relations in 1965. This will require consistent high-level effort by the United States, including at the leader level. During this period of diplomatic uncertainty, the North Koreans need to look out and see that lack of diplomatic progress is bringing the U.S., Seoul and Tokyo closer together and not farther apart – that delay is not cost-free with respect to its regional security interests. In this regard, the recent bicameral Congressional legislation to emphasize the importance of trilateral cooperation was an extremely important political signal. The President should also put his political weight behind these efforts.

What next for the pressure campaign?

It is important to remember that the goal of sanctions is to support diplomacy – they are not an end in themselves. And while sanctions will not bring North Korea to its knees, it was clear from Kim Jong Un’s own behavior at the Hanoi Summit that the pressure is working. North Korea remains focused on meaningful sanctions relief as its primary objective. It is important to note that the North Korean economy has had negative growth for three years in a row.

In the absence of North Korean provocations, **the logical focus now should be on aggressive sanctions enforcement rather than new sanctions.** Maintaining the current level of pressure on North Korea will be no easy task and requires full time, high-level attention. The UN Panel on Experts on North Korea outlined several areas where sanctions enforcement is falling short. In this regards, the Administration's decision this week to designate the two Chinese shipping companies for sanctions evasion was the right decision. The confusing presidential tweet afterwards was not. It portrayed stunning incoherence – an incoherence that North Korea, China and others will exploit.

And if serious diplomacy restarts, the Administration should explore what limited sanctions relief might support an interim agreement without necessarily removing leverage. Here, it will be important to ensure that UN sanctions that deal directly with North Korea’s nuclear and ballistic programs remain in place. However, the Administration can look to temporary and proportional sanctions relief – through waivers and exemptions -- with built in snap-back provisions to incentivize North Korea to not just take but sustain increasingly meaningful steps.

How do we maintain adequate deterrence?

During this period of diplomatic uncertainty, it will also be especially important that the United States maintains an adequate deterrence posture vis-à-vis North Korea. The sustained suspension of major alliance joint exercises will present some challenges in this regard. While modifying the exercises and finding creative alternatives can maintain readiness, it is not a complete substitute for the high-end exercising. This training and exercising is frankly even more important for the readiness of South Korean forces than American forces. That said, I do believe sustained suspension is necessary for now to ensure that the window for diplomacy is not closed prematurely. Unfortunately, when the President made the unilateral decision to suspend the exercises temporarily after Singapore, he all but guaranteed that any future resurrection would be framed as provocative. In that regard, again, we are where we are. In the event of serious North Korean provocations, the Administration should clearly revisit its position.

Regardless of the ups and downs of diplomacy, the U.S. and its allies should be preparing for the long game on deterrence with respect to North Korea. If diplomacy ultimately fails, we may find ourselves in a long-term deterrence and containment scenario. That is going to require a fresh look at defense and intelligence requirements to ensure that North Korea cannot proliferate its technology and material, as it has in the past. It is going to require that the U.S. take steps to ensure adequate defense of our allies and our homeland.

The Role of Congress

I want to commend the members of this subcommittee for their active attention to the North Korea challenge. Active congressional oversight on this issue is essential and Congress has the right to understand and help shape U.S. policy. As a former Defense Department official, I can guarantee you that active congressional oversight is the best way to ensure that U.S. strategy is grounded in the interests of the American people.

That said, I would also encourage Congress to also think carefully about its role in the pressure campaign. While Congress can usefully play the bad cop to add leverage to negotiations and keep pressure on the White House, as it did in the case of the Iran, it needs to be well-coordinated with our diplomatic strategy. This is where the Administration could do a much better job of briefing and coordinating with Congress and viewing it as an equal partner. What made our Iran pressure campaign so successful in 2010 in bringing Iran to the table was that we had a well-sequenced campaign of UN, European and U.S congressional sanctions.

One area where more pressure can and should be applied in the near term by Congress as well as the international community is on human rights. However, instead of just purely punitive measures against the regime, we should explore ways to improve the lives of the North Korean people. The State Department took some steps in this regard earlier this year, lifting travel restrictions on aid workers and lifting some restrictions on humanitarian supplies. But there is far more than can and should be done. According to the United Nations, humanitarian funding for North Korea is at a 10-year low. [In 2012, it was \\$117.8 million. In 2018, it was \\$17.1 million.](#) Full funding of UN and other NGO programs providing critical food and medical relief to the North Korean people is essential to demonstrating that the United States remains a compassionate global leader. Further, the position of Special Envoy for North Korean Human Rights Issues remains vacant, and this body should demand the Administration quickly fill it.

Conclusion

We all want diplomacy to succeed, but the United States must demonstrate to the world that any failure of diplomacy rests squarely with Kim Jong Un. We should avoid generating easy opportunities for North Korea to split us from our allies. We must be steady, deliberate and coherent in how we execute our strategy instead of looking for big splashy wins and made for TV moments. Only then can we set the conditions for real progress.

Thank you again for the opportunity to testify today before this committee. I look forward to your questions.