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**A REPORT ON LATEST ROUND OF SIX-WAY TALKS
REGARDING NUCLEAR WEAPONS IN NORTH
KOREA**

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

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A REPORT ON LATEST ROUND OF SIX-WAY TALKS REGARDING NUCLEAR WEAPONS IN NORTH KOREA

THURSDAY, JULY 15, 2004

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

The committee met at 9:35 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the committee), presiding.

Present: Senators Lugar, Hagel, Brownback, Biden, Feingold, and Bill Nelson.

OPENING STATEMENT OF SENATOR RICHARD G. LUGAR, CHAIRMAN

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order.

Today the committee once again turns its attention to North Korea. I am especially pleased to welcome Assistant Secretary of State James Kelly, who will provide an update on the latest round of six-party talks, as he did earlier this year during our March 2 hearing on North Korea. Secretary Kelly is accompanied today by Mr. Joseph DeTrani, Special Envoy for Negotiations with North Korea and U.S. Representative to the Korean Peninsula Energy Development Organization, KEDO.

The world acknowledges the importance of the six-party talks in providing regional stability and preventing another war on the Korean Peninsula. The North Korean regime's drive to build nuclear weapons and other weapons of mass destruction poses a grave threat to American national security. We are concerned about the transfer of North Korean weapons, materials, and technology to other countries or to terrorist groups. In addition, we must remain vigilant to avoid a miscalculation that could lead unintentionally to war.

The purpose of today's hearing is to provide Secretary Kelly and Special Envoy DeTrani an opportunity to provide a clear account of events in Beijing. They were the leaders of the United States delegation in the Plenary and Working Group sessions. I am very pleased by their willingness to visit with the committee in an open session.

As we meet, events are developing rapidly in northeast Asia. President Bush originally envisioned a strategy incorporating a multilateral approach to addressing North Korea's nuclear programs, with a goal of forging a united front with South Korea,

Japan, Russia, and China. However, in an effort to scuttle the six-party process, North Korea has accelerated bilateral dialog with its neighbors on a myriad of issues.

South Korea recently engaged in high level military-to-military discussions with North Korea and reached agreement on a number of issues. Kim Jong-il has displayed a new flexibility with the Japanese on the abduction issue, and it appears that Japan and North Korea may normalize relations within a year. The Chinese continue providing massive assistance to North Korea, and the Russian Foreign Minister recently returned to Moscow from a high-level visit to Pyongyang.

While I appreciate the inclination of countries within the region to respond to initiatives from Pyongyang, these initiatives have not diminished the necessity of eliminating North Korea's nuclear programs. And I am hopeful that the leadership of Japan, South Korea, Russia, and China will continue to work with the Bush administration in a multilateral context for a peaceful resolution of this matter.

Both North Korea and the United States presented detailed proposals in Beijing. Secretary Kelly and Special Envoy DeTrani exhibited appropriate flexibility by engaging in occasional bilateral interaction with North Korean officials.

I also extend appreciation to administration officials for continuing to raise human rights issues with the North Koreans. This committee is committed to the resolution of ongoing human suffering in North Korea's gulags and prison system.

In addition to Secretary Kelly and Special Envoy DeTrani, the committee will hear from Dr. Ashton Carter of the JFK School of Government at Harvard. As one who was deeply involved in launching the Pentagon's Counter-Proliferation Initiative some 10 years ago when he was Assistant Secretary of Defense in the Clinton administration, he knows that negotiations are only the first step in a successful counter-proliferation process. We have asked Dr. Carter to consider the administration's proposal to the North Koreans and to reflect on the kinds of strategies and programs necessary for freezing, disabling, and dismantling North Korea's nuclear programs. I am particularly interested in his analysis as to whether and how we might apply programs like the Nunn-Lugar Cooperative Threat Reduction program to North Korea. Is such a program feasible and what would be involved in its implementation? Under what circumstances, if any, might North Korea agree to open itself to unfettered inspections of its nuclear program?

Ambassador Jack Pritchard is with us today as well. He has extensive background on several fronts related to North Korea, and will specifically address the energy portion of the United States' proposal. He served as Ambassador and Special Envoy for Negotiations with North Korea and U.S. Representative to KEDO. During his 5 years on the National Security Council staff, Ambassador Pritchard was involved in negotiations with North Korea. He accompanied the Secretary of State, Ms. Albright, on her visit to Pyongyang in 2000.

We look forward to engaging our distinguished witnesses on the situation in North Korea and U.S. policy options toward the peninsula. It is a special privilege to have these four remarkable Ameri-

cans before us in open session so that all Americans may be the beneficiaries of this hearing and their wisdom and consideration.

When the ranking member, Senator Biden, arrives, I will recognize him, of course, for an opening comment. I ask my colleague, Senator Hagel, if he has an opening comment that he would like to make.

Senator HAGEL. Well, I have just been overtaken by events.

Senator BIDEN. No.

The CHAIRMAN. Please continue while Senator Biden is collecting his thoughts.

Senator BIDEN. I associate myself with my friend's remarks before he makes them.

Senator HAGEL. I have no formal statement, Mr. Chairman, other than to acknowledge once again your efforts to enlighten our country and this institution on some of the most critical policy issues that we are dealing with.

I appreciate, as you have noted, our witnesses and their service to our country and look forward to their testimony. Thank you.

The CHAIRMAN. Thank you very much, Senator Hagel.

Senator Biden.

OPENING STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.,
RANKING MEMBER

Senator BIDEN. Thank you, Mr. Chairman, and thank you for holding this hearing which is going to give us an update on our country's efforts to convince the North Koreans to abandon their dangerous pursuit of nuclear weapons and the path that they are on.

I am anxious to hear from our witnesses today, particularly Secretary Kelly.

At the recent third round of talks, the United States, for the first time in my understanding, put forward a reasonably comprehensive and detailed road map for how the crisis might be resolved. The U.S. plan reportedly offers various incentives to North Korea: multilateral security assurances, fuel oil, sanctions relief, and the promise for eventual diplomatic normalization, provided—a big caveat—that North Korea pledges to verifiably dismantle its nuclear programs and then follows through on that commitment.

I must note, Mr. Chairman, that the United States has not presented any proposal addressing North Korea's export of ballistic missiles, but perhaps that will come at a later date.

North Korea promised to study the U.S. proposal and also presented a freeze proposal of its own.

Obviously, an awful lot of hard work remains to be done if we are to reach out and get accord here, and it is not clear, for instance, in my view how any deal would be verified and by whom. North Korea still has not admitted to the existence of an uranium enrichment program, a program that has to be abandoned if we are to forge this new relationship.

But the exchange of views in Beijing represented progress in my view, and I hope we can now get to the real meat of these negotiations.

Mr. Chairman, it has been more than 3 years since the Secretary of State proclaimed the United States' intention to "pick up where

the Clinton administration left off” and work to eliminate North Korea’s—and that is a quote “pick up where the Clinton administration left off” and work to eliminate North Korea’s nuclear program and to curtail its destabilizing export of ballistic missile technology.

Unfortunately, the White House overruled Secretary Powell and adopted a posture in my view of benign neglect. Even after learning of North Korea’s attempts to develop uranium enrichment capacity in the summer of 2002, the administration took more than 2 years to resolve its internal divisions and settle on an approach for dealing with North Korea. North Korea has used this time apparently to quadruple its stockpile of plutonium, and therefore perhaps its nuclear arsenal, progressing from an estimated one to two nuclear weapons to perhaps as many as eight or more. North Korea has been busy modernizing and upgrading its ballistic missile force, although it has not flight-tested any new long-range missiles. The bottom line is that we now confront a much more dangerous adversary than we did in 2001.

I am not at all certain—and I want to make the point clearly. A little humility is in order here. I am not certain that if the administration listened to your suggestions and mine and others’ to do what they finally have done, have bilateral discussions with North Korea, which was proposed over 2 years ago by this committee, that we would necessarily be in any better shape. I do not know that. I cannot look back and suggest that. But I am certain that the approach taken was not productive.

But we are where we are. As former Defense Secretary William Perry reminds us, we must deal with North Korea as it is, not as we would wish it to be.

So I commend the administration for finally putting together a decent proposal to test North Korea’s intentions, and I hope North Korea will respond positively at the next round of talks scheduled in September.

Fortunately, North Korea’s neighbors share a commitment of achieving a non-nuclear Korean Peninsula, and I am pleased that the administration has begun to listen more closely to the advice that has been offered, consistently offered, by the South Korean and Japanese allies and by our Russian and Chinese negotiating partners. Together we might convince North Korea to change its course, although I am not betting next year’s tuition on that. I understand this is going to be very difficult.

Mr. Chairman, I hope North Korea will not squander this chance to improve its relations with its neighbors, to trade false security offered by its nuclear weapons for a very real security that would come from integration into one of the world’s most dynamic economic regions, and normalization of relations with South Korea, Japan, and the United States.

Convincing North Korea to completely and verifiably dismantle its nuclear weapons program and its missile program is not going to be easy. North Korea is a weak and isolated state. The North’s leaders consider weapons to be the ultimate guarantor of the regime’s survival, and they are obviously reluctant to give them up. But in reality, the North’s nuclear program is a giant albatross around its neck, a waste of resources, strains relations with its

neighbors, and jeopardizes the regional peace and security. I hope that the leadership of North Korea will come to realize, through the multilateral talks now underway, that North Korea will choose a path of peace and integration over a path of confrontation and isolation, although I am not prepared, as I said, to bet tuition on that.

I thank the chairman for his dedication to this issue, look forward to hearing the witnesses, and am delighted that we have at least moved to this point where there is a prospect of knowing what the full offer on the table is with us for North Korea. Again, I thank you, Mr. Chairman, for holding this hearing. I look forward to hearing our witnesses.

The CHAIRMAN. Well, I thank you, Senator Biden, for your leadership on this issue, and likewise for the bipartisan way in which we have approached a very serious issue for our country. It is in that spirit that the hearing is held this morning. We are grateful for these witnesses in open session.

I would like to call now, first of all, upon Secretary Kelly, to be followed by any comments that Mr. DeTrani might have. Would you please proceed.

STATEMENT OF HON. JAMES A. KELLY, ASSISTANT SECRETARY OF STATE, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE; ACCOMPANIED BY: JOSEPH R. DeTRANI, SPECIAL ENVOY FOR NEGOTIATIONS WITH NORTH KOREA, AND U.S. REPRESENTATIVE TO THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION, KEDO

Mr. KELLY. Thank you very much, Mr. Chairman, Senators, for this timely opportunity to meet with the committee again to discuss the efforts the United States and like-minded countries to deal with the threat of North Korea's nuclear ambitions.

I have a much longer statement for the record, and I will, with your permission, sir, present only an abbreviated version here orally.

The CHAIRMAN. The statement will be published in full, and that will be true for each of the submitted statements by our witnesses today.

Mr. KELLY. I will focus my remarks on these four topics: a brief overview of the DPRK's longstanding determination to move ahead with its nuclear weapons programs; second, the Bush administration's commitment to multilateral diplomacy; third, an explanation of the proposal that the U.S. tabled at the third round of the six-party talks last month and of the proposal tabled by the DPRK; and last, the opportunity the DPRK has now to improve its relations with the international community and to reap the full rewards of trade, aid, and investment, and what North Korea's neighbors and the international community expect in return.

North Korea's nuclear programs are a longstanding threat. As I detail in the full statement, the DPRK leadership decades ago set out on a path to acquire nuclear weapons. That effort led to mounting tensions with the United States and the international community.

In 1993, after North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty for the first time, the United States and North Korea began high-level talks that culminated in the Agreed Framework of 1994. That agreement obligated the DPRK not to produce fissile material at its declared nuclear facilities at Yongbyon and its preface stated that its purpose was “an overall resolution of the nuclear issue on the Korean Peninsula.”

The Agreed Framework did not, as we learned later, end the North Korean nuclear arms programs. By the fall of 2002, our intelligence community assessed that North Korea was pursuing a covert program to produce enriched uranium and had been pursuing it for a number of years, even as it negotiated with senior American officials to improve relations.

I led a delegation to Pyongyang in October of 2002 to confront the North Koreans with our assessment that they have a uranium enrichment program. Instead of taking the opportunity we had afforded them to begin walking back their covert uranium enrichment program, the North Koreans escalated the situation, expelling International Atomic Energy Agency inspectors, reactivating the 5-megawatt reactor at the place called Yongbyon, and announcing its withdrawal from the NPT. If the DPRK, as it has declared, has finished reprocessing its 8,000-plus existing spent fuel rods, it could have produced enough fissile material for several additional nuclear weapons.

The United States has adhered to two basic principles to resolve this threat. First, we seek the complete, verifiable, and irreversible dismantlement of its nuclear programs, nothing less. We cannot accept another partial solution that does not deal with the entirety of the problem, allowing North Korea to threaten others continually with the revival of its nuclear program. Second, because the North’s nuclear programs threaten its neighbors and the integrity of the global nuclear non-proliferation regime, the threat can best be dealt with through multilateral diplomacy.

I can report some progress to you on both counts. I have reported to you before on earlier trilateral and six-party discussions, all of which set the stage for our third round of discussions last month in Beijing. These were useful and constructive.

The working group met June 21 and 22 and the plenary for 4 days after that. Over the course of that time in Beijing, the United States met directly with all of the parties, as we have at all of the sessions of the six-party talks.

In addition to the United States’ proposal other parties put forward constructive proposals, which I have outlined in the prepared statement. We had not expected breakthroughs and I have none to report to the committee.

Under the U.S. proposal, developed in close coordination with the Republic of Korea and Japan, the DPRK would, as a first step, commit to dismantle all of its nuclear programs. The parties would then reach agreement on a detailed implementation plan requiring, at a minimum, the supervised disabling, dismantlement, and elimination of all nuclear-related facilities and materials; the removal of all nuclear weapons and weapons components, centrifuge and other nuclear parts, fissile material, and fuel rods; and a long-term moni-

toring program. This would include North Korea's uranium enrichment program, which the DPRK continues to deny.

We envisage a short initial preparatory period of perhaps 3 months' duration to prepare for the dismantlement and removal of the DPRK's nuclear programs. DPRK actions would be monitored, subject to international verification.

Under our proposal, as the DPRK carried out its commitments, the other parties would take some corresponding steps. These would be provisional or temporary in nature and would only yield lasting benefits to the DPRK after the dismantlement of its nuclear programs had been completed.

Now, the steps would include: Upon agreement of the overall approach, including a DPRK agreement to dismantle all nuclear programs in a permanent, thorough, and transparent manner, subject to effective verification, non-U.S. parties would provide heavy fuel oil to the DPRK. Upon acceptance of the DPRK declaration, the parties would provide provisional multilateral security assurances, which would become more enduring as the process proceeded. Begin a study to determine the energy requirements of North Korea and how to meet them by non-nuclear energy programs, and begin a discussion of steps necessary to lift remaining economic sanctions on the DPRK and on steps necessary to remove the DPRK from the list of state sponsors of terrorism.

Secretary Powell told the North Korean Foreign Minister, at the ASEAN regional forum in Indonesia on July 2, that the U.S. proposal aimed to go forward on the dismantlement of North Korean nuclear programs and that there is an opportunity for concrete progress.

The DPRK proposal restated its goal of a freeze for rewards, including energy assistance, lifting of sanctions, and removal from the list of countries sponsoring terrorism. We are continuing to study the North's proposal. As I noted, it is clear we are still far from agreement.

Our initial assessment is that the DPRK proposal lacks detail and is vague on a number of key elements. Still, there are some positive elements and positions that have been staked out. The DPRK claimed that the freeze would be the first step on the path to nuclear dismantlement, not an end to itself, and on that point we agree.

We and other parties have questions about the DPRK proposal, including what the scope of the freeze and dismantlement would be. We will continue to seek answers through the six-party process. To that end, the parties agreed to hold the fourth round of talks by the end of September and a working group meeting in the interim as soon as possible to prepare for the fourth round.

Mr. Chairman, the six-party talks offer North Korea the opportunity to improve its relations with the United States and Japan, to end its self-induced political and economic isolation, and to harness the benefits of normal international trade and aid, including establishing relationships with the international financial institutions.

Although I remain optimistic on where the talks could lead, I personally could not say at this point that the DPRK has, indeed, made the strategic calculation to give up its nuclear weapons in re-

turn for real peace and prosperity through trade, aid, and economic development.

I believe that diplomacy is the best way to overcome North Korea's nuclear threat and that the six-party process is the most appropriate approach. Our aim is to fully and finally resolve the nuclear program, not to implement half-measures or sweep the problem under the rug for future policymakers to deal with. We are pursuing this course patiently and are committed to its success.

That concludes my statement, Mr. Chairman. Mr. DeTrani, who does not have a statement, and I look forward to responding to the questions that you and the committee will offer.

[The prepared statement of Mr. Kelly follows:]

PREPARED STATEMENT OF HON. JAMES A. KELLY

DEALING WITH NORTH KOREA'S NUCLEAR PROGRAMS

Thank you, Mr. Chairman, for this timely opportunity to meet with the committee again to discuss the efforts of the United States and like-minded countries to deal with the threat of North Korea's nuclear ambitions.

I will focus my remarks on these four topics:

- A brief overview of the problem, of the DPRK's long-standing determination to move ahead with its nuclear weapons programs, and why previous efforts to achieve a nuclear-free Korean Peninsula did not succeed;
- The Bush Administration's commitment to multilateral diplomacy to achieve the full denuclearization of the Korean Peninsula, through the Six-Party Talks;
- An explanation of the proposal the U.S. tabled at the third round of the Six-Party Talks in Beijing last month, and of the proposal tabled by the DPRK; and
- The opportunity the DPRK has now to improve its relations with the international community and to reap the full rewards of trade, aid and investment—and what North Korea's neighbors and the international community expect in return.

North Korea's Nuclear Programs

North Korea's nuclear programs are a longstanding threat. The DPRK leadership decades ago set out on a path that would allow it to acquire nuclear weapons. After conducting research throughout the sixties and seventies at a reactor provided by the Soviet Union, the DPRK began construction in 1979 of the 5-MWe reactor at Yongbyon, from which it could extract and reprocess plutonium. That reactor became operational in 1986.

In 1985, while construction was going on at Yongbyon, international pressure convinced North Korea to sign the Nuclear Non-Proliferation Treaty. However, it was not until 1992 that it finally signed a comprehensive safeguards agreement and within months the IAEA found evidence of inconsistencies in North Korea's declarations. I should add that throughout the 1990s the IAEA continued to find the DPRK in noncompliance of its safeguards agreement.

Also in 1992, the DPRK reached an agreement with the Republic of Korea for a Korean Peninsula free of nuclear weapons, but the North never moved to implement it.

By 1993, IAEA pressure for additional inspections led North Korea to announce its intention to withdraw from the NPT. As tensions mounted, the United States and North Korea began high-level talks that culminated in the Agreed Framework of 1994. That agreement obligated the DPRK not to produce fissile material at its declared nuclear facilities at Yongbyon and its preface stated that its purpose was "an overall resolution of the nuclear issue on the Korean Peninsula."

The Agreed Framework left resolution of pre-1993 discrepancies, especially quantities of plutonium that the DPRK might have recovered, for the distant future, linked to construction progress on the light water reactors provided under the Agreed Framework. The Agreed Framework did not, as we learned later, end the North Korean nuclear arms programs. By the fall of 2002, our intelligence community assessed that North Korea was pursuing a covert program to produce enriched uranium—in violation of the Agreed Framework, the North-South Joint Declaration on the Denuclearization of the Korean Peninsula, the Nuclear Non-Proliferation Treaty, and the DPRK's Safeguards Agreement with the International Atomic En-

ergy Agency. In fact, we determined that North Korea had been pursuing the program for a number of years, even as it was negotiating with senior American officials to improve relations.

By the way, our negotiator for the Agreed Framework, Ambassador Robert Gallucci, had left the North Koreans in no doubt that that any uranium enrichment program would violate the Agreed Framework. Ambassador Gallucci testified before Congress in December 1994 that the Agreed Framework required the DPRK to implement the North-South Joint Denuclearization Declaration, which precludes any reprocessing or enrichment capability. "If there were ever any move to enrich," he told this committee, "we would argue they were not in compliance with the Agreed Framework."

I led a delegation to Pyongyang in October 2002 to confront the North Koreans with our assessment that they have a uranium enrichment program. DPRK First Vice Foreign Minister Kang Sok Ju told us that the hostile policy of the U.S. Administration had left North Korea with no choice but to pursue such a program. When I pointed out our assessment that North Korea had been pursuing such a program for years, he had no response.

Instead of taking the opportunity we had afforded them to begin walking back their covert uranium enrichment program, the North Koreans escalated the situation. In December 2002, they expelled IAEA inspectors and began to reactivate the 5-megawatt reactor at Yongbyon. In January, the DPRK announced its withdrawal from the NPT. And on several occasions in 2003, it declared it had finished reprocessing its 8,000-plus existing spent fuel rods. If that is indeed the case, it could have produced enough fissile material for several additional nuclear weapons. Since then, the DPRK has stated it is strengthening what it calls its nuclear deterrent capability.

Multilateral Solution to a Multilateral Problem

The United States has adhered to two basic principles to resolve this threat from the DPRK. First, we seek the complete, verifiable and irreversible dismantlement of the DPRK's nuclear programs—nothing less. We cannot accept another partial solution that does not deal with the entirety of the problem, allowing North Korea to threaten others continually with a revival of its nuclear program. Second, because the North's nuclear programs threaten its neighbors and the integrity of the global nuclear nonproliferation regime, the threat can best be dealt with through multilateral diplomacy.

I can report some progress to you on both counts.

Late in 2002, Secretary Powell began talking with countries in East Asia about a multilateral forum to make clear to the DPRK it must end its nuclear arms programs. He succeeded in persuading the Chinese, who in March 2003 took with them to Pyongyang the idea of five-party talks. The North Koreans resisted, but eventually agreed when the Chinese suggested trilateral talks in Beijing be held with the U.S., North Korea, and China.

After we consulted with our South Korean and Japanese allies, to ensure that they supported the idea and assured them they would be in future talks, we participated in the trilateral talks in Beijing April 23-25. By the way, it was at that forum that the North Koreans pulled me aside to say that they have nuclear weapons, will not dismantle them, and might transfer or demonstrate them. I strongly cautioned them against any escalation.

After those trilateral talks, we kept our promise and insisted that the next round of talks should include South Korea and Japan. We also supported Russia's inclusion. The Chinese did some more persuading, and the North Koreans agreed to participate in Six-Party talks. The first round was held in Beijing August 27-29, 2003.

The other five parties all told North Korea very clearly in plenary session that they will not accept North Korea's possessing nuclear arms. In response, the North Koreans threatened that they would demonstrate nuclear weapons. The North Korean belligerence at the Six-Party talks had the effect of isolating them. It was a useful first step in the difficult process of ensuring the complete, verifiable and irreversible dismantlement of the North Korean nuclear arms program.

The second round of Six-Party talks was in February 2004. The parties agreed to regularize the talks, and to establish a working group to set issues up for resolution at the plenary meetings. At the second round of talks, the ROK offered fuel aid to the DPRK, if there were a comprehensive and verifiable halt of its nuclear programs as a first step toward complete nuclear dismantlement.

The third round of talks, held late last month in Beijing, were useful and constructive. The working group met June 21-22, the plenary June 23-26. Over the course of that time in Beijing, the U.S. met directly with all of the parties. We held a two-and-a-half-hour discussion with the DPRK delegation. Some press accounts in-

icated that, during that meeting, the North Korean delegation threatened to test a nuclear weapon. The North Koreans said that there were some, not identified, in the DPRK who wanted to test a nuclear weapon and might presumably do so if there was not progress in the talks. The comment did not contribute to the comity of the meeting or to any atmosphere of trust.

In addition to the United States' proposal, the ROK put forward a concrete, detailed proposal to achieve a denuclearized Korean Peninsula. The ROK proposal was consistent with the U.S. approach, but I will leave it to our South Korean ally to describe its proposal in more detail if it chooses. North Korea, too, participated actively in the plenary, offering a proposal for what it describes as the first step toward full denuclearization—a freeze of its nuclear-weapons related programs in exchange for compensation from the other parties. The Japanese also had constructive ideas, strongly supporting proposals that would lead to the timely and comprehensive denuclearization of the Peninsula subject to international verification, and expressing a willingness to provide energy assistance to the DPRK when it is verified that the DPRK is actually on the road to denuclearization. The PRC, as host, played a role in bringing the parties to Beijing for the third round and vigorously sought agreement on the basic principles that would underlie any agreement on denuclearization. The Russian delegation, under the new leadership of Ambassador Alekseyev, also sought to promote agreement among all the parties, and offered details of their thinking. We had not expected breakthroughs and I have none to report to you. That said, all of the parties, including, in my view, the DPRK, went to Beijing prepared for substantive discussions.

While each party is pursuing its own interests in the talks, all have publicly embraced the goal of a denuclearized Korean Peninsula. I thought it was significant that Chairman Kim Jong Il discussed the talks when he met with Prime Minister Koizumi last month, affirming North Korea's commitment to them. That said, proposals offered by the parties differ very considerably in substance, as I will detail now.

The U.S. Proposal

The proposal the U.S. presented was developed in close coordination with the Republic of Korea and Japan. Under the U.S. proposal, the DPRK would, as a first step, commit to dismantle all of its nuclear programs. The parties would then reach agreement on a detailed implementation plan requiring, at a minimum, the supervised disabling, dismantlement and elimination of all nuclear-related facilities and materials; the removal of all nuclear weapons and weapons components, centrifuge and other nuclear parts, fissile material and fuel rods; and a long-term monitoring program.

We envisage a short initial preparatory period, of perhaps three months' duration, to prepare for the dismantlement and removal of the DPRK's nuclear programs. During that initial period, the DPRK would:

- Provide a complete listing of all its nuclear activities, and cease operations of all of its nuclear activities;
- Permit the securing of all fissile material and the monitoring of all fuel rods, and;
- Permit the publicly disclosed and observable disablement of all nuclear weapons/weapons components and key centrifuge parts.

These actions by the DPRK would be monitored subject to international verification.

At this juncture, I'll emphasize that, for the DPRK's declaration to be credible and for the process to get underway, the North would need to include its uranium enrichment program and existing weapons, as well as its plutonium program. As of now, the DPRK is denying that it has a program to enrich uranium, and it speaks of an existing "nuclear deterrent" but has refrained from stating publicly that it has "nuclear weapons."

Under our proposal, as the DPRK carried out its commitments, the other parties would take some corresponding steps. These would be provisional or temporary in nature and would only yield lasting benefits to the DPRK after the dismantlement of its nuclear programs had been completed. The steps would include:

- Upon agreement of the overall approach, including a DPRK agreement to dismantle all nuclear programs in a permanent, thorough and transparent manner subject to effective verification, non-U.S. parties would provide heavy fuel oil to the DPRK.
- Upon acceptance of the DPRK declaration, the parties would:

- > provide provisional multilateral security assurances, which would become more enduring as the process proceeded. North Korea's rhetoric on this issue notwithstanding, I would like to point out that it is reasonable to conclude that security assurances given through the multilateral Six-Party process would have considerably more weight than would bilateral assurances;
- > begin a study to determine the energy requirements of the DPRK and how to meet them by non-nuclear energy programs;
- > begin a discussion of steps necessary to lift remaining economic sanctions on the DPRK, and on the steps necessary for removal of the DPRK from the List of State Sponsors of Terrorism.

Secretary Powell told the DPRK Foreign Minister, at the ASEAN Regional Forum in Indonesia on July 2, that the U.S. proposal aimed to move forward on the dismantlement of the DPRK's nuclear programs, and that there is an opportunity for concrete progress.

The DPRK Proposal

The DPRK proposal restated its goal of a freeze for rewards, including energy assistance, lifting of sanctions, and removal from the list of countries sponsoring terrorism. We are continuing to study the North's proposal. As I noted, it is clear we are still far from agreement.

Our initial assessment is that the DPRK proposal lacks detail and is vague on a number of key elements. The scope is narrow in terms of the facilities covered and it ignores pre-2003 plutonium, nuclear weapons, and the uranium enrichment program. North Korea would exclude the IAEA from verification, seeking to create a new verification regime from the Six-Party talks participants. This unprecedented approach would be hard to set up and carry out.

Still, there are some positive elements in positions the DPRK staked out. The DPRK claimed that the freeze would be the first step on the path to nuclear dismantlement, not an end to itself, and on that point we agree.

The DPRK also confirmed that whatever would be included in the freeze would also be included in the commitment to dismantlement further down the line.

Specifically, the DPRK said it would freeze all facilities related to nuclear weapons and the products that resulted from their operation, refrain from producing more nuclear weapons, transferring them, and testing them. The DPRK delegation clearly identified the 5-MWe reactor as a nuclear weapons facility. While they said they wanted to maintain a civil nuclear program, they also acknowledged that most of their nuclear programs are weapons-related.

We and other parties have questions about the DPRK proposal, including what the scope of the freeze and dismantlement would be. Again, inclusion of the DPRK's uranium enrichment program is critical. We will continue to seek answers through the Six-Party process, though we have made clear all along that we are not talking for the sake of talking and that we expect tangible progress to be made. To that end, the parties agreed to hold the fourth round of talks by the end of September and a working group meeting in the interim as soon as possible to prepare for the fourth round.

North Korea's Choice

Mr. Chairman, the Six-Party talks offer North Korea the opportunity to improve its relations with the United States and Japan, to end its self-induced political and economic isolation, and to harness the benefits of normal international trade and aid, including establishing relationships with the international financial institutions.

We have outlined what is necessary to transform our relations with the DPRK, just as we have with another nation long isolated in the international community, Libya.

President Bush in his February 11 remarks to the National Defense University called on other governments engaged in covert nuclear arms programs to follow the affirmative example of Libya. The Libyan case demonstrates, as President Bush has said, that leaders who abandon the pursuit of weapons of mass destruction and their delivery means will find an open path to better relations with the United States and other free nations. When leaders make the wise and responsible choice, they serve the interests of their own people and they add to the security of all nations.

We have discussed Libya's example with our North Korean counterparts, and we hope they understand its significance.

Of course, to achieve full integration into the region and a wholly transformed relationship with the United States, North Korea must take other steps in addition

to making the strategic decision to give up its nuclear ambitions. It also needs to change its behavior on human rights, address the issues underlying its appearance on the U.S. list of states sponsoring terrorism, eliminate its illegal weapons of mass destruction programs, put an end to the proliferation of missiles and missile-related technology, and adopt a less provocative conventional force disposition.

Against the backdrop of the Six-Party talks, the DPRK is undertaking measures in response to its disastrous economy. It is too soon to evaluate the nature or impact of these steps, but we hope they will serve as a foundation upon which to build improved economic relations with other countries in the future. By addressing the world's concerns about its nuclear programs and other issues, the DPRK would have both new resources and opportunities to pursue policies for peaceful growth in the region that is already perhaps the world's most vibrant, East Asia.

The international community ultimately will gauge the results of the Six-Party talks to assess the seriousness of the DPRK's professed willingness to give up its nuclear weapons programs. Although I remain optimistic on where the talks could lead, I personally could not say at this point that the DPRK has indeed made the strategic calculation to give up its nuclear weapons in return for real peace and prosperity through trade, aid and economic development. My hope is that the serious and extensive discussions with the United States, the Republic of Korea, Japan, China and Russia will convince the DPRK that a truly denuclearized Korean Peninsula is its only viable option.

I believe that diplomacy is the best way to overcome North Korea's nuclear threat and that the Six-Party process is the most appropriate approach. Our aim is to fully and finally resolve the nuclear problem, not to implement half measures or sweep the problem under the rug for future policy makers to deal with. We are pursuing this course patiently and are committed to its success.

That concludes my statement, Mr. Chairman, and Mr. DeTrani and I look forward to responding to your questions.

The CHAIRMAN. Well, thank you very much, Secretary Kelly.

We have two distinguished panels today and we have a number of interested Senators. So I am going to suggest our first round of questions be limited to 7 minutes to each of us, and we will see how that proceeds. There may be opportunities for further questions if Senators wish to pursue that.

Secretary Kelly, I would begin by following through your reasoning today that the North Koreans might be willing to engage in a freeze of activities. As you say, many questions are still to be raised.

Is there an overall feeling on your part or among the group of six that there is a possible formula for the dismantlement and destruction of the weapons, in return for assurances of non-aggression, some degree of fuel oil, which you have mentioned, heavy oil, perhaps other energy resources? There is some now being provided, as you have testified before, by the Chinese, in substantial amounts. There has been some measure of nutrition, even going beyond that provided by the World Food Program of the U.N. and other humanitarian efforts, with a more substantial regularization of both aid and potential trade. Is this conceivably on the horizon as a strategy for the regime in North Korea, that they would be prepared ultimately, perhaps not this month or the next month, but down the trail, to move to that kind of framework?

Mr. KELLY. Mr. Chairman, I think that is very much on the possible horizons. It is one of the strengths of the six-party talks that, as all of the parties take their individual positions, there is an unanimous agreement on the goal of denuclearization on the Korean Peninsula. In particular, the other colleagues, the four other countries involved, made clear to North Korea what these opportunities can be in the future. And other countries do too. In particular, the EU, the British, Australia, a host of other countries have joined us in

seeking to persuade North Korea that its real security is best served by turning from nuclear weapons. But as I said, it is not clear that that choice has yet been made.

The CHAIRMAN. What sort of possibilities could the British, the EU, and others outside the six offer? Do you know that they have been involved in talks or public proposals of any sort?

Mr. KELLY. I think these are not so much in terms of public or specific proposals, but simply on the very low level of development assistance that has come. Over the last 10 years, there has been a considerable opening of North Korean contacts with European and other countries. That really did not exist at all 10 years ago, and also with South Korea and Japan. It is very clear, for example, with Prime Minister Koizumi's recent visit to North Korea, that he had serious concerns about abduction issues. But he made clear that the resolution of the nuclear issue was absolutely crucial to normalization of the relationship of Japan and the development of economic cooperation, which is a kind of code word for very substantial direct aid.

The CHAIRMAN. Have the United States' relations with the Chinese continued to strengthen because of mutual interests in this area?

Mr. KELLY. I will leave to others to judge whether our overall relationship has strengthened, although I think it is in pretty good shape. But China is always pursuing its own interests, and they rarely coincide exactly with those of ours. I think they share our determination that nuclear weapons have no role on the Korean Peninsula, but their pace and enthusiasm for pursuing the solution is not exactly the same as ours.

The CHAIRMAN. I believe that at a previous hearing you testified that one of the byproducts of the six-party talks was considerable visitation among the other five, or among those that are in Asia, even beyond the six-party talks. They have been thinking about Asian security, about the fact that Asia has never had a NATO or some organization of formal character. Such might be useful and, in fact, necessary in the future. This is not the purpose of the six-party talks. It is to deal with the nuclear dilemma in North Korea. Can you comment any further upon what you perceive to be the development of our overall strategy for organization of security in Asia arising from these contacts?

Mr. KELLY. The six-party talks are definitely a step forward. It is absolutely unprecedented to have any kind of a multilateral security dialog in Northeast Asia. In fact, the whole process is in its infancy, even though it is some 10, or I guess 11 years old now, that the ASEAN regional forum has proceeded. This in turn is giving a little more strength to the ASEAN regional forum as well. So we have got people talking to each other. We have very active participation within the six-party talks of each of these parties, and each one of the parties has a very direct and national interest in a satisfactory outcome to this. So there are, I think, some possibilities for broadening it in the future, but for now the focus is on the nuclear weapons issue on the Korean Peninsula.

The CHAIRMAN. Are there current indications of humanitarian crisis in North Korea beyond those that unfortunately are normal, namely a lot of very hungry people?

Mr. KELLY. I would say that is about right, Mr. Chairman. There continue to be lots of hungry people. There have been economic changes. I would not go so far as to call them reforms in North Korea. These are creating new groups and new sets of winners and losers. It is not at all clear what that outcome is going to be, but there certainly are many people in need and a completely rusted-out industrial structure.

The CHAIRMAN. Senator Biden.

Senator BIDEN. Thank you very much, Mr. Chairman.

There is a security dialog going on, obviously, but it also seems to be bilateral. The North Koreans and the South Koreans have decided not to wait around, and the North and the Japanese have apparently decided not to wait for outcomes. I mean, they are bilateral. The Prime Minister of Japan has indicated he hopes to have normalization of relations—correct me if I am wrong—with North Korea within a year, if I am not mistaken. I think that is what I heard. And the South Koreans have stepped up considerably their effort to deal bilaterally with the North regardless of what we are doing. It seems that way anyway. That is the impression.

So my question is, first of all, is the impression correct? And second, if it is, why is that occurring?

Mr. KELLY. It is occurring because of the variety of contacts that have developed over the years. Yes, Prime Minister Koizumi hopes to begin the process of normalizing the relationship with Japan and North Korea.

Senator BIDEN. He has begun that. Not he hopes to. He has begun that.

Mr. KELLY. He has not begun it. He has made it clear that without resolution of the nuclear weapons issue, that it will not occur.

Senator BIDEN. No, no, but my question is there is a question of beginning and ending. He has begun it. He said that in order to end it, he has to—the idea that it is static like our position has been, static—Korea you must do the following things before we do anything—that is not the position that has been taken by Tokyo.

Mr. KELLY. Or the position by the United States, Senator.

Senator BIDEN. It has not been our position?

Mr. KELLY. It is not our position.

Senator BIDEN. It has not been our position?

Mr. KELLY. It has been erroneously reported. It has never been our position that North Korea has to do everything before we do anything.

Senator BIDEN. No, I understand that. But it said they had to do a number of things. In the past, we made it pretty clear that there would be no action taken by us at all unless there were certain preconditions met by North Korea. Now your statement—and correct me if I am wrong. I may be wrong. It sounds as though that we are ready to phase in a negotiating structure that we were not prepared to do before. Or am I wrong about that?

Is something different here? I guess what I am trying to get at here is it seems as though the atmosphere has changed. Is it because all of a sudden North Korea has had an epiphany, or is it because South Korea and Japan are worried you guys are taking them down a road they do not want to get on and they are going

to go on their own path? I want to just be as blunt as we can here. What is the deal? What has happened? Has anything changed?

Mr. KELLY. What has changed I think is that North Korea has come to accept that the six-party process is what is going to resolve the issue and that it is one that they cannot really escape. I think they recognize that dealing with the United States is not sufficient, that there are going to have to be arrangements with the other countries.

I might add, Senator Biden, that the Japanese in particular and the South Koreans in particular have been completely steadfast as we would want our allies to be during the six-party talks. The commitment to complete denuclearization of the Korean Peninsula is very solid with all of these things.

Now, the bilateral discussion—

Senator BIDEN. That has always been their position. Right?

Mr. KELLY. Yes, sir, and it has not changed or weakened at all.

What we have got is a much deeper and broader set of contacts with North Korea that very much serve to convince them, or we expect will serve to convince them, that their interests are in bringing this nuclear weapons issue, not to mention the other important issues, to a full resolution.

Senator BIDEN. I want to talk about the other issues. In your testimony you included a long list of actions in addition to eliminating the nuclear weapons program that North Korea has to take to achieve “a wholly transformed relationship with the United States, including issues relating to human rights, state sponsorship of terrorism, other WMD programs, missile proliferation, and conventional force disposition.” Now, that might suggest—and I want to know whether it does—that even complete nuclear disarmament would not get North Korea much from the United States other than security assurances. It also seems a bit different from Dr. Rice’s statement that “North Korea will be surprised to see how much will be possible if it gives up its nuclear programs.”

Have you spelled out to the North Koreans just what aspects of a transformed relationship can be expected from each of these steps in addition to the process laid out for disarmament of its nuclear program? In other words, where do diplomatic relations, Nunn-Lugar-type assistance, trade relations, economic assistance fit into the various cycles of improvement of all these outstanding issues?

Because it seems to me you are—and I am not suggesting you should or should not, but you have moved the goalposts a little bit. Anybody listening to this hearing would assume we are talking about nuclear disarmament and their missile program. But we are back to where the President was at the outset, and it is consistent that at the very beginning he threw in its conventional forces. There had to be negotiation on that. Now is that a precondition for any significant change in our position that conventional forces, as the President said 2 years ago, have to be moved out of range of Seoul and so on, the redistribution of the conventional forces? What is the deal here?

Mr. KELLY. The deal is that the six-party talks are focused on the nuclear weapons issue. The full dimensions of a possible future relationship—and I very much agree with Dr. Rice’s statement about the things that are potentially possible—recognize that there

are other serious issues that are going to have to be resolved. The nuclear weapons issue is the most immediate and, I would argue, the most serious individual issue. Ballistic missiles, conventional forces, human rights issues are of concern.

Senator BIDEN. Do all of those have to be resolved for us to get to the point to give security assurances?

Mr. KELLY. No, sir.

Senator BIDEN. Now I got it. So I will conclude, Mr. Chairman.

The U.S. proposal in Beijing—and this is what I am trying to figure out, whether it really represents any change at all. It seems as though it did. The Beijing proposal seems to represent a change from past practices. The administration, based on your testimony and what I think was said in Beijing at the last meeting, has accepted the notion that North Korea should be offered explicit incentives in exchange for a commitment for nuclear disarmament.

Previously the administration has called that blackmail. Previously in testimony before this committee we were told flatly that any—any—offer of explicit incentives in return and exchange for disarmament constituted blackmail.

Now, am I correct? Have there been explicit incentives laid on the table for the North Koreans that suggest they are available if they in fact commit to verifiable nuclear disarmament?

Mr. KELLY. What we have done, Senator Biden, is to fill in the details of the framework that has really always been out there. There is a question about rewards for illegal and treaty-violating activity, and we certainly do not propose to offer such rewards. But we do—

Senator BIDEN. Excuse me. What does that mean? I am confused what you mean. Is an incentive not a reward? Are you making a distinction between—

Mr. KELLY. It means that we are not in negotiations multilaterally or bilaterally to offer sufficient money. When the former President of South Korea visited North Korea in June of the year 2000, it now turns out that payments well in excess of \$100 million were made immediately before that and facilitated that process. The United States has no intent of joining with any such thing now or in the future.

Senator BIDEN. Non-aggression is not a reward. Security assurance is not a reward. When you talk reward, you mean only money.

Mr. KELLY. No. There can be other tangible parts of rewards. But incentives or benefits that recognize the change, particularly the multilateral context of this, makes that particularly useful. The United States may not offer tangible benefits, but our allies may see fit within their relationships to provide—

Senator BIDEN. Security assurance is not a tangible benefit?

Mr. KELLY. Security assurance is not a tangible benefit. A security assurance is a condition that would convince anyone that disarming is in their interest.

Senator BIDEN. No, I got it. I am just trying to understand the vocabulary. There are revenue enhancements and tax increases. This is Washington. I am talking to the State Department. I have got to know the vocabulary, and I understand the vocabulary now. Thank you.

The CHAIRMAN. Well, thank you, Senator Biden.

Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

Secretary Kelly, welcome. Mr. DeTrani, thank you for appearing this morning.

The first question. Do you believe the U.S. Presidential election has any influence or bearing on the willingness of North Korea to negotiate or come to any agreements?

Mr. KELLY. It is not at all clear that this is the case, and in fact North Koreans have said that it is not. But who knows what they dream. What we have repeatedly told them—and I very much believe it—is that no American administration is going to accede to a nuclear-armed North Korea.

Senator HAGEL. Thank you.

How big a part is human rights in the process? You have mentioned it a couple of times in your remarks in response to the previous questions. Centerpiece of negotiation, part of many dynamics? Where would you put human rights?

Mr. KELLY. I would put human rights as part of the larger part of our future relationship with North Korea in the same category with other problems which would include ballistic missiles, conventional forces, other weapons of mass destruction. Human rights are a very important issue, but the principal and almost entire focus of the six-party talks has been on the nuclear weapons issue. So whether it be Japanese abductions or human rights issues, the list of terrorist states, these are items that we are going to have to address in great detail later on.

Senator HAGEL. How stable do you think Kim Jong-il's regime is?

Mr. KELLY. I do not know, Senator Hagel, and I do not think anybody around here knows. It is obviously a lot more stable than many people thought 10 years ago, but it is a strange kind of stability in which the economy seems to get worse and worse, more and more hungry people, deaths continue, Koreans in considerable numbers seek to leave the place. But there is a unique authoritarian police state that exists there and it has so far managed to survive.

Senator HAGEL. What lessons do you think, if you think there are any lessons, that we can learn or apply from Iraq to our current dealings with North Korea?

Mr. KELLY. Iraq is a very different situation. North Korea does not have the panoply of U.N. resolutions violated that Iraq had. It is in many ways as difficult or more difficult an intelligence target. It has, once again, a particular location in that South Korea, its 47 million people and some 13 million to 15 million people that live in the Seoul area are literally within artillery range of the demilitarized zone. So the stakes of possible combat and the potential for loss of life is in my view even greater than it was in Iraq.

Senator HAGEL. What lessons, if any, do you think the North Koreans have taken from the current situation in Iraq? Start with our invasion of Iraq. Do you think that has an effect on their negotiating position, how they see the world, how they see the United States?

Mr. KELLY. It would just be speculation to say what they have done other than some rhetorical points that keep turning up in the propaganda one way or another. In particular, the North Koreans

try to say that all their nuclear weapons aspirations have somehow sprung up over the last 2 or 3 years, and that simply is not the case.

Senator HAGEL. Do you see a role for the United Nations in the negotiations in North Korea? And the next follow-on question would be, is there a role anywhere in the near future in North Korea for the United Nations?

Mr. KELLY. There could be and probably should be a role for the United Nations Security Council with respect to North Korea, although as long as the multilateral process is proceeding along, it is likely that China in particular will not be very interested in having the Security Council pursue it. It is obvious that there is great sensitivity in Pyongyang to United Nations involvement in that. So at the moment, the Security Council is seized of the matter, which means it has been sitting on it for a couple of years.

Senator HAGEL. You mentioned some of the conditions regarding North Korea's nuclear capacity and verification you have mentioned a couple of times obviously is a key component. Is it your sense that we, in fact, can design a verifiable monitoring regime for North Korea? I assume it is, and if you could elaborate on that.

By the way, Mr. DeTrani, if you have any comments on this, you are welcome to join in.

Mr. KELLY. I am going to ask Joe DeTrani to join me on this answer.

The answer is, of course, yes, a verification regime can be developed. This is very much the task that the working group has before it. But key to this, once again, is this choice by the North Koreans to meaningfully turn away from nuclear weapons. A solution that has inspectors racing around that country trying to dig holes is not going to be the solution that we need. And in the end dismantlement and removal of the nuclear weapons program is going to be essential to its resolution.

Senator HAGEL. Well, that is obviously why I asked the question because you have just said it and we all understand it, and this is the real world. It seems to me this is a key component of anything, and it is probably the most difficult component. The reality of it is something I know you are dealing with, and Mr. DeTrani is going to amplify on your points.

But I think the more we all can understand this and where we are going, it not only deals with an expectation dynamic—that is part of, I think, our problem that we have today in Iraq—but expectations are important not only to the people who live there, but the guarantor of a country's security like we are right now in Iraq. What did we expect 15 months ago where we are today? Now is the time to lay that out as much as we can in our dealings with North Korea, which you know I know, Mr. Secretary.

Mr. DeTrani.

Mr. DETRANI. Sir, I just want to add something, Assistant Secretary Kelly, that that is part of what we do in the working group. We look at all the issues. Indeed, verification is a critical issue because there is so much we do not know about North Korea, and there has to be a commitment on their part to move toward denuclearization rather than, as Mr. Kelly indicated a few minutes ago, to have a covert uranium enrichment program. That is not the

spirit. We would need cooperation on their part. We would need transparency on their part, and down the road we are looking at the IAEA and others who have a great deal of expertise in North Korea to participate in a process of that nature. But it would have to be a strategic decision taken by Kim Jong-il at the highest levels to commit to denuclearization and not to come up with, if you will, a covert program to ensure they have a nuclear card in the longer term.

Senator HAGEL. Thank you.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much, Senator Hagel.

Senator Feingold.

[The prepared statement of Senator Feingold follows:]

PREPARED STATEMENT OF SENATOR RUSSELL D. FEINGOLD

I thank Chairman Lugar and Senator Biden for holding this important hearing, and I thank Assistant Secretary Kelly, Mr. DeTrani, and all of the private witnesses for being here today.

It seems that every few months, we have another hearing focused on North Korea and the North Korean pursuit of nuclear weapons. Each hearing is a reminder of how serious this issue is. Each hearing is an opportunity to reflect on North Korea's alarming history of proliferation. And as time passes between each hearing, North Korea has increasing opportunities to develop its nuclear weapons program, and potentially to provide nuclear know-how or technology to others. Yet, as time passes, it is not at all clear that the United States gains any particular negotiating leverage.

What is fundamentally different about the situation in North Korea today as opposed to the situation in North Korea a year ago—besides the likelihood that the North Koreans now possess more nuclear weapons? North Korea's nuclear defiance is an urgent national security issue. But since October of 2002, the administration has failed to effectively address this problem, and I believe has failed to make this issue the priority that it should be. I hope that the last round of talks created some new momentum, but given the gravity of the situation before us and the amount of time that has passed, I am not satisfied with the faint wisps of fragile hope to be found in the latest rhetoric. I am interested in concrete progress that advances our security.

Senator FEINGOLD. Thank you, Mr. Chairman. Good to see you again, Secretary Kelly.

We have been dealing with this aspect of this issue for over a year and a half now. I wonder if you could just say a little bit about what good time does for us. Is it not the case that as time passes, North Korea could be adding to its nuclear arsenal? And what do you see as any additional leverage that the United States gains as time passes?

Mr. KELLY. Time is certainly a valid factor in this. Obviously, it would be better to reach an agreement sooner. We do not know the details, but it is quite possible that North Korea is proceeding along developing additional fissionable material and possibly additional nuclear weapons. The idea is that we have to have an agreement that in fact really ends this program, and that is the challenge of peaceful solutions through diplomatic means.

Senator FEINGOLD. Are you confident that North Korea cannot transfer nuclear capacity or know-how to other actors while we wait for the next round of talks, Mr. Secretary? On what would you base that confidence?

Mr. KELLY. I do not have any such confidence. I would note that after a remark of April 2003 by a North Korean interlocutor that

it might be possible for them to transfer nuclear material or weapons, that they have gone quite the other direction and, in fact, in response to specific questions, have repeatedly stated that they would not transfer nuclear weapons or fissionable material to any other destination outside of their country. But that assurance, like all the assurances from North Korea, has, unfortunately, not an unlimited value.

Senator FEINGOLD. I assume that part of the North Korean strategy at these talks is to drive a wedge between other parties at the talks. How do they try to do this? Have they had any success at it? You could interpret the bilateral efforts of South Korea and Japan to suggest that they may have had some success in this regard. Could you comment on that?

Mr. KELLY. Senator Feingold, I do not see the bilateral efforts that Japan and North Korea have and that South Korea and North Korea have as undercutting our efforts in any respect. I see them as enhancing our efforts. This is something that did not exist at all 10 years ago, and I think it very much puts us in a broader dimension of how to do it.

Yes, sir, there have been some attempts, particularly in I think the first round of the six-party talks, but they have not worked. The fact is if there was any change in atmosphere in the talks, it was because the self-isolation that was so obvious in the first two rounds of the six-party talks was something that North Korea was trying to avoid, but they really could not entirely avoid it.

Senator FEINGOLD. Thank you.

Finally, how do North Korean officials react when human rights issues are raised, if you would characterize their reaction to discussion of these issues for me?

Mr. KELLY. They refuse to discuss them. Because our focus in these particular talks is on the nuclear weapons issue, we have not pressed the issue beyond that.

Senator FEINGOLD. Thank you for your answers.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Feingold.

Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman, and welcome to the witnesses.

Maybe I will ask Mr. DeTrani since he has not had a chance to weigh in here much.

Secretary Kelly said in his prepared statement that the proposal the United States presented was developed in close coordination with the Republic of Korea and Japan. So it begs the question, why not in close coordination with Russia and the PRC?

Mr. DETRANI. Sir, certainly Russia and the PRC were consulted on the proposal that the United States presented at the last round. We have had very intense discussions with the Republic of Korea and with the Government of Japan all along, certainly with the People's Republic of China and the Russian Federation also.

So let me say I think we could categorize it that way because the Republic of Korea has been very forthcoming in proposing things. They have actually put proposals in front of us where they have said, we would like to move on it. They have been a bit more proactive in saying we need to put something on the table and

being very definitive. The same for the Government of Japan. It does not mean, however, sir, that the People's Republic of China and the Russian Federation have not been forward-leaning. It is just that we have had more concrete proposals by both those governments which fit in very nicely with our game plan where we wanted to present a road map. Knowing that North Korea is moving toward economic reforms, knowing that they are looking for, if you will, international legitimacy, we thought this was the time to pull all the pieces together.

Senator CHAFEE. The meetings, of course, are being held in Beijing. How important is China to our success here?

Mr. DETRANI. Extremely important, sir. Extremely important. China is in many ways the key to success. They have a very, very close working relationship with the Democratic People's Republic of Korea. As we speak, their Minister of Defense is visiting in Beijing. They have had high-level visits going back and forth, Kim Jong-il into Beijing, and they have had senior Chinese officials into Pyongyang. So China is very critical and they have been facilitating the six-party process in a very effective way, sir.

We continue to ask for more assistance. We continue to ask the People's Republic of China to better convince the DPRK that they need to be more forthcoming in these talks. The relationship is close with the PRC.

Senator CHAFEE. My experience in dealing with officials from the PRC is that the top priority for them is cross-strait relations and certainly the sale of arms to Taiwan. About the same time these talks were going on, Condoleezza Rice was over there saying the United States will continue to sell arms to Taiwan. As you look at our efforts to denuclearize North Korea, to have this dynamic injected—and you just said that China is key. So by virtue of that word, we are not going to have success without their cooperation. At the same time, we are kind of battling over this issue. But I will ask Mr. DeTrani. I would like to have you answer.

Mr. DETRANI. Sir, I am going to ask Assistant Secretary Kelly. But my quick response to that would be in all the discussions I have had with the PRC and Jim Kelly in all our meetings, Taiwan has never been mentioned in any of our discussions as we work the North Korea issue. But I will look to Assistant Secretary Kelly to elaborate.

Mr. KELLY. That is a big issue in the full bilateral relationship, but when it comes to the six-party talks, the Chinese are not posing that as a tactical issue in any respect.

I would also add, sir, that we consult very closely with China and Russia, but we have a 50-year alliance with the Republic of Korea and with Japan. We have a longstanding practice of consulting with them on scores, if not hundreds, of issues. That is really why the proposal was more carefully developed with them.

Senator CHAFEE. I myself just think it is hard to believe that knowing how strongly they feel about this, that it is not a factor. At the same time we are asking for their cooperation, we are not listening to them on this issue. But you have a different point of view and I respect that.

Mr. KELLY. We are listening to them, Senator Chafee.

Senator CHAFEE. On the sale of arms to Taiwan?

Mr. KELLY. Oh. Well, sir, we have something called the Taiwan Relations Act since 1979 that requires the U.S. Government to provide, after its own assessment, necessary defensive arms to Taiwan. Our relationship with China is based on the three joint communiques and on the Taiwan Relations Act which is the U.S. law.

Senator CHAFEE. Well, thank you. I will switch gears a little bit.

You said that we are going to, in return for the denuclearization, do three things: provide for some multilateral security assurances, begin a study to determine the energy requirements and to meet them by non-nuclear energy programs, and begin discussions of steps to lift the economic sanctions. In the middle of those three, what specifically can we talk to them about on their energy needs? Help them build dams? Get natural gas from Russia? What specifically non-nuclear energy can we offer them?

Mr. KELLY. North Korea has a huge energy insufficiency and problem, and it is operating in every respect. It is operating, for example, Senator, with a grid that was put up by the Japanese in the early part of the last century.

The light water reactor project that is now in full suspension but that was a part of the Agreed Framework, among its many anomalies is there was no way to connect the reactors, if they had ever been completed, with the rest of North Korea. So there are many non-nuclear aspects, ranging all the way from wind power to Russian or other natural gas to South Korean support for other kinds of non-nuclear power generation. There is a very broad panoply, and it has not been adequately studied and I think it would be helpful if that occurred.

Senator CHAFEE. Mr. DeTrani, have we gotten far enough to think about what specifically we could help them with in their non-nuclear energy needs?

Mr. DETRANI. Sir, we have discussed this in the working group sessions. We get into these various issues. So we have talked about natural gas, coal-fired plants, et cetera as opportunities ahead for them. I think the North Koreans see it in that light.

Senator CHAFEE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Chafee.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

Mr. Kelly, are you ready to put economic assistance on the table to get rid of their nukes?

Mr. KELLY. No, sir.

Senator NELSON. Tell me why.

Mr. KELLY. We should not give in to a pricing contest, and moreover, this is a global concern and this has got to be resolved in a multilateral way, and a unilateral U.S. bid is simply going to result in other bids and then an inability to check the results.

Senator NELSON. That could certainly be done multilaterally.

Mr. KELLY. Economic assistance from many different sources is absolutely in prospect. That is what Dr. Rice was referring to, I believe, when she said that they would be surprised at all the things that would occur. From the discussions I have had with people all around the world, the world loves a reformed sinner, and there would be many who would be receptive to helping North Korea's

development if it turns away from nuclear weapons and perhaps some of its other activities as well.

Senator NELSON. Well, sometimes the sinner can be encouraged more to reform if there are the incentives that you are talking about. Economic assistance is one of those. Energy supplies are another. Clearly the Chinese have an opportunity to be part of that multilateral effort in either extending or withholding their energy supplies. I recall they cut them off there for about 3 days running at one point to underscore a point.

What do you think about the Chinese? You used the words "the pace and enthusiasm of China is lacking." Tell us about that.

Mr. KELLY. I did not say it is lacking. I think I meant that it is different from our own. China wants North Korea to end its nuclear weapons program, but it also wants a stable situation on the Korean Peninsula. So it tends in the direction of positive incentives, and it is not yet clear whether positive incentives will work.

Senator NELSON. Well, we have let all of these negotiations drag out. I understand and commend you for everything that you are doing, and your poker face is probably excellent as you deal with the Chinese.

But let me ask you, what should we do? How are you going to respond if North Korea tests a nuclear weapon or a new long-range ballistic missile?

Mr. KELLY. The United States would respond with its allies, as has been the case for all these years. Our alliances with Japan and North Korea have to do with the possibility of hostilities. A nuclear test would certainly be a remarkable development in northeast Asian security, and I do not think I could or should speculate on exactly what the United States would do. But I know there would be a very strong reaction from all of the countries involved in the six-party talks, for sure, including China were such a thing to occur.

A long-range ballistic missile test is something that the North Koreans have even again recently pledged to the Japanese that they would not do. So this also would be a very significant development if it were to occur.

Senator NELSON. Well, as you project to the future, how long are we going to continue to allow North Korea to develop nuclear weapons?

Mr. KELLY. We do not allow North Korea to develop nuclear weapons, Senator Nelson.

Senator NELSON. Well, they are developing them.

Mr. KELLY. And the day is never going to come, I very much hope, and it will certainly never come in this administration that we will accept or accede to North Korea as a nuclear weapon state. I know that Japan and the Republic of Korea have the very same view.

Senator NELSON. Of course, it is the policy of the United States that we do not allow North Korea to develop nuclear weapons, but by the delays that have occurred, they are developing nuclear weapons.

Well, let me just conclude with this, Mr. Chairman. When do you think it would be appropriate to take North Korea's defiance of the

international protocols, the resolutions, and the laws to the Security Council?

Mr. KELLY. As I mentioned earlier, Senator, it would be appropriate for it to go to the Security Council now. The International Atomic Energy Agency made a report to the Security Council at the time in 2003 when the DPRK withdrew from the NPT. There is not a consensus in the Security Council, however, to bring it at this time, but that could occur at any moment when other countries than just the U.S.—it is not within our power to bring items to the Security Council only because we wish it.

Senator NELSON. In a couple of weeks, I expect to be with a delegation meeting with President Hu in Beijing. What would you like me to ask him?

Mr. KELLY. I think that you can simply ask him to explain to you and to other Senators in his own way what China's views are on this. Dr. Rice was in China last week, I think spoke with President Hu about this very issue. I think you and the other Senators will find China's views very interesting, especially after they finish the Taiwan lecture that they will give you.

Senator NELSON. I have heard that several times.

Mr. KELLY. You will hear it again, sir, I am afraid.

The CHAIRMAN. Thank you very much, Senator Nelson.

Senator Brownback.

Senator BROWNBACK. Thank you, Mr. Chairman, and thank you for holding this hearing and for your focus on North Korea.

Secretary Kelly, welcome. I appreciate all your great work in this area. I really appreciate what the administration is doing in holding a light up on what is happening in North Korea and not just taking kind of an easy answer, let us put a band aid on this and let us move on, because we have done that before and it has failed and it has been a great problem. So I appreciate the difficulty of what you are doing and I appreciate you are attempting to get real answers in this.

I do, though, want to raise a series of questions about who we are dealing with in Kim Jong-il and this regime and what we know. You know this regime very well. You have been more successful than anybody about getting truth out of them, to admit things that we have alleged for years and that they have said.

It is a terrorist state by our own definition. It is a charter member of the "axis of evil" by our definition. By the numbers I have, they have killed about 10 percent of their own population over the last 10 years through starvation, deprivation, about 2 million of a 22 million population, a little under 10 percent. If you have different figures on any of this, correct me as we go through it.

They operate a gulag system. For that, Mr. Chairman, I would like to enter into the record at this point the summary of a report on David Hawk's "The Hidden Gulag, Exposing North Korea's Prison Camps," which I know the Secretary is familiar with.

The CHAIRMAN. It will be included in the hearing record.

[The summary referred to follows:]

THE HIDDEN GULAG
EXPOSING NORTH KOREA'S PRISON CAMPS

(David Hawk, U.S. Committee for Human Rights in North Korea)

[Following is the Executive Summary of the full report that was released October 22, 2003]

EXECUTIVE SUMMARY

This report describes a number of penal institutions in the Democratic People's Republic of Korea (DPRK) administered by two different North Korean police agencies: the *In-min-bo-an-seong* (People's Safety Agency)¹ and the more political *Kuk-ga-bo-wi-bu* (National Security Agency). The report outlines two distinct systems of repression: first, a North Korean gulag² of forced-labor colonies, camps, and prisons where scores of thousands of prisoners—some political, some convicted felons—are worked, many to their deaths, in mining, logging, farming, and industrial enterprises, often in remote valleys located in the mountainous areas of North Korea; and second, a system of smaller, shorter-term detention facilities along the North Korea-China border used to brutally punish North Koreans who flee to China—usually in search of food during the North Korean famine crisis of the middle to late 1990s—but are arrested by Chinese police and forcibly repatriated to the DPRK.

Both police agencies above are involved with both repressive systems detailed and categorized in the following pages. And both systems involve extreme phenomena of repression that, to the researcher's knowledge, are unique to North Korea: guilt-by-association, lifetime sentences of hard labor for three generations of individuals related to the purged political prisoners who are sent to the gulag with no judicial process whatsoever; and forced abortions for detained North Korean pregnant women forcibly repatriated from China or the murder of their newborn infants.

Introduction. The introduction of this report outlines the methodology, sources, and information-base used in creating the report and contains a glossary of terms related to North Korean repression.

PART ONE. Part One of this report begins by describing the phenomena of repression associated with the North Korean *kwan-li-so*, most descriptively translated as "political penal-labor colonies." In the *kwan-li-so*, tens of thousands of political prisoners—along with up to three generations of their families—are banished and imprisoned without any judicial process for usually lifetime sentences. Their sentences entail slave labor in mining, logging, and farming enterprises in the valleys of mountainous areas in north and north-central North Korea. The *kwan-li-so* are described as colonies because they are sprawling encampments, twenty or more miles long and ten to twenty miles wide, containing multiple, enclosed, self-contained sections, or "villages," for different categories of prisoners. Some of the sections are for the political prisoners; others are for the families of the presumed political offenders, so that purged political prisoners have no contact with their imprisoned parents, grandparents, or children.

The existence of the political forced-labor camps is denied by the DPRK. Part One of this report also describes how the outside world has come to know about these political penal-labor colonies, and what is known about who the prisoners are.

One of the *kwan-li-so*, No. 15, at Yodok in South Hamgyong Province, is unique in that it has a re-education section, from which small numbers of prisoners can be released. At least four such prisoners have been released from Yodok, fled North Korea, and were interviewed for this report. They are profiled, along with a description of *Kwan-li-so* No. 15 drawn from their accounts. Only one former prisoner is known to have escaped from the *kwan-li-so*. He is profiled along with his account of No. 14 and No. 18, where he was imprisoned. A former guard at several *kwan-li-so* defected to South Korea. His story is told along with his description of *Kwan-li-so* No. 22. With the exception of *Kwan-li-so* No. 18, the political penal-labor colonies are administered by the *Kuk-ga-bo-wi-bu* (National Security Agency).

Formerly there had been a dozen *kwan-li-so*, but these have been consolidated into six or seven colonies. This consolidation and what is known about the closed camps is briefly described. Within the last several months, commercial satellite photographs of several *kwan-li-so* have become available. Several such photographs are contained in this report, with specific buildings identified by the former prisoners.

Part One of this report goes on to describe the second component of the North Korean gulag: a series of smaller penal-labor camps and penitentiary-like institu-

¹ Before 1998, called the *Sa-hoe-an-jeon-bu* (Social Safety Agency).

² A Russian-language acronym for *Glavnoe Upravlenie Lageret*, the "general administration of [slave labor] camps."

tions called *kyo-hwa-so*. In the *kyo-hwa-so*, as in the *kwan-li-so*, prisoners are compelled to perform hard labor—virtually slave labor—under dreadfully harsh conditions, in mining, logging, textile manufacturing, or other industrial projects, such as brick- or cement-making. However, these prisoners are subjected to a judicial process and given fixed-term sentences according to the DPRK criminal code, after which they can be released. The *kyo-hwa-so* are administered by the *In-min-bo-an-seong* (People’s Safety Agency).

The majority of *kyo-hwa-so* prisoners are imprisoned because they have been convicted of what would be in any society felony crimes. But some prisoners are “political” in that they are convicted for actions that would not be normally criminalized: one woman interviewed for this report, for example, described being convicted of disturbing the “socialist order” for singing, in a private home, a South Korean pop song.

A major phenomenon of repression associated with the *kyo-hwa-so* is the shockingly large number of deaths in detention from slave labor under dangerous circumstances and from starvation-level food rations. Former prisoners interviewed for this report explain that many of their fellow captives did not expect to survive long enough to complete their sentences—and that thousands of them did not survive. States, of course, have the right to deprive duly convicted criminals of liberty and remove them from society. States do not have the right to deprive prisoners of their right to food, or to work them, literally, to death. Eight former *kyo-hwa-so* prisoners were interviewed for this report. Their stories, and their accounts of seven different prison-labor camps, are described in Part One.

PART TWO. Part Two of this report describes a series of detention facilities, administered by North Korean police forces, that are located in areas along the North Korea-China border and used to interrogate and punish North Koreans forcibly repatriated from China. These facilities are called *ka-mok* (police-station jails) or *ku-ryu-jang* (detention-interrogation facilities, typically inside a police station). The two types of penal-labor facilities in this system are called *ro-dong-dan-ryeon-dae* (labor-training camps) and *jip-kyul-so* (detention/forced-labor centers). Provincial *jip-kyul-so* are referred to as *do-jip-kyul-so*.

The *jip-kyul-so* detention centers are facilities where both repatriated North Koreans and low- or misdemeanor-level criminals are held for up to six months of hard labor, for example brick-making or local construction projects. It should be noted that many technically illegal misdemeanor offenses are famine-motivated, for example taking food from state storehouses or state farm fields; not showing up at one’s assigned workplace (when the North Korean production-distribution system broke down and enterprises were no longer in production or paying wages, many workers stopped going to their assigned jobs); unauthorized private enterprise; unauthorized trading or economic activity; leaving one’s assigned village without authorization; or leaving the country without authorization.

The *ro-dong-dan-ryeon-dae* labor-training camps are even shorter-term, more localized detention/forced-labor facilities. One former detainee stated that, unlike the *jip-kyul-so* detention centers and the *kyo-hwa-so* prison-labor facilities, the *ro-dong-dan-ryeon-dae* do not appear in the North Korean statute books. Rather, they are ad hoc measures initiated by local authorities to cope with the overflow of famine-related misdemeanor arrestees. Another former detainee mentioned that all inmates in one labor-training camp were former repatriates who were being isolated from the common-crime detainees in the provincial detention center, so that the repatriated detainees could not tell the common-crime detainees about the prosperity and personal freedoms available in China.

When first repatriated from China, North Koreans are questioned in the police jails and detention facilities about why they went to China, what they did there, and when. More ominous questions follow, revolving around whether the individual being questioned had any contact with South Koreans while in China, which is deemed a political offense. (Many North Koreans do have contact with South Koreans there, as this part of northeast China, formerly known as Manchuria, is frequented by South Korean businessmen, students, tourists, missionaries, and refugee and humanitarian aid workers.) Fearing transfer to a *kwan-li-so* or *kyo-hwa-so*,³ or even execution, repatriated North Koreans typically deny having had any contact with South Koreans or exposure to South Korean radio stations, television programs, movies, or music while in China. But such denials often are not deemed credible by the North Korean police, who literally attempt to beat the truth out of the repatriated detainees. When the police are satisfied, the repatriates are transferred to the *jip-kyul-so* police detention centers or *ro-dong-dan-ryeon-dae* labor-training camps. This report tells the stories of nine North Koreans forcibly repatri-

³Three former repatriated persons interviewed for this report were so transferred.

ated from China, and the police interrogations, detentions, and mistreatments these Koreans were subjected to upon repatriation.

Two phenomena of extreme repression are associated with the treatments meted out to repatriated Koreans. First, the *jip-kyul-so*, despite the shortness of sentences served there, are characterized by very high levels of deaths in detention from inadequate food combined with excessively hard labor—most seriously affecting those detainees lacking nearby relatives to bring them extra food. (Many detainees, when they become too emaciated or sick to perform hard labor, are given sick-leave or release so that they can recover or die at home, reducing the number of deaths in detention.) Second, in at least three places of detention along the North Korea-China border cited by persons interviewed for this report, North Korean women who were pregnant when repatriated were subsequently subjected to forced abortions, or if the pregnancy was too advanced, were allowed to deliver their babies only to have them killed immediately after birth (based on the possibility that the Korean women had been impregnated by Han Chinese men).

PART THREE. Most of the prisoners and detainees interviewed for this report were tortured, many horribly and repeatedly. Part Three of this report summarizes the methods of torture endured or witnessed by the former prisoners and detainees interviewed. It also summarizes the testimony of eight former detainees who themselves witnessed or have firsthand knowledge of forced abortions and ethnic infanticide.

PART FOUR. The concluding section of this report, Part Four, makes various recommendations to the DRPK, to China and South Korea, as North Korea's closest neighbors, and to other U.N. Member States in the international community. In regards to the last, this report includes recommendations that all intergovernmental contact with North Korea should include discussion of improvements of human rights conditions. Further, it makes the case for incorporating human rights conditions in any comprehensive approach to the multiple crises that North Korea faces with nearby and other states—security-related, political-diplomatic, and humanitarian.

Specifically, any security and cooperation agreement for the Korean peninsula should require that all parties, including North Korea, demonstrate respect for human rights, including the rights of refugees who have fled North Korea, encourage human contact, promote the reunification of families, and provide for the free flow of information. Additionally, verified improvements in North Korea's human rights situation should be included in any comprehensive approach to the Korean crises involving foreign aid to or investment in North Korea. Any multilateral or bilateral arrangements involving foreign investment in extraction or production enterprises in North Korea for export to world markets should preclude the utilization of forced, slave, or prison labor, or the evolution of a situation where privileged workers in exclusive export zones produce for world markets, while production for domestic consumption is based on prison, forced, and slave labor.

Senator BROWNBACK. I also would like to include in the record an article by Anne Applebaum, who is an authority on gulags, about "Auschwitz Under Our Noses," where she talks about the gulag system in North Korea being very akin to Nazi Germany's gulag system.

The CHAIRMAN. That will be included.
[The article referred to follows:]

[From The Washington Post—Feb. 4, 2004]

AUSCHWITZ UNDER OUR NOSES

(By Anne Applebaum)

Nearly 60 years ago last week, Auschwitz was liberated. On Jan. 27, 1945, four Russian soldiers rode into the camp. They seemed "wonderfully concrete and real," remembered Primo Levi, one of the prisoners, "perched on their enormous horses, between the gray of the snow and the gray of the sky." But they did not smile, nor did they greet the starving men and women. Levi thought he knew why: They felt "the shame that a just man experiences at another man's crime, the feeling of guilt that such a crime should exist."

Nowadays, it seems impossible to understand why so few people, at the time of the Auschwitz liberation, even knew that the camp existed. It seems even harder to explain why those who did know did nothing. In recent years a plethora of re-

spectable institutions—the Vatican, the U.S. government, the international Jewish community, the Allied commanders—have all been accused of “allowing” the Holocaust to occur, through ignorance or ill will or fear, or simply because there were other priorities, such as fighting the war.

We shake our heads self-righteously, certain that if we’d been there, liberation would have come earlier—all the while failing to see that the present is no different. Quite a lot has changed in 60 years, but the ways in which information about crimes against humanity can simultaneously be “known” and not known hasn’t changed at all. Nor have other interests and other priorities ceased to distract people from the feelings of shame and guilt they would certainly feel, if only they focused on them.

Look, for example, at the international reaction to a documentary, aired last Sunday night on the BBC. It described atrocities committed in the concentration camps of contemporary North Korea, where, it was alleged, chemical weapons are tested on prisoners. Central to the film was the testimony of Kwon Hyuk, a former administrator at a North Korean camp. “I witnessed a whole family being tested on suffocating gas and dying in the gas chamber,” he said. “The parents, son and a daughter. The parents were vomiting and dying, but till the very last moment they tried to save the kids by doing mouth-to-mouth breathing.” The documentary also included testimony from a former prisoner, who says she saw 50 women die after being deliberately fed poison. And it included documents smuggled out of the country that seemed to sentence a prisoner to a camp “for the purpose of human experimentation.”

But the documentary was only a piece of journalism. Do we really know that it is true? We don’t. It was aired on the BBC, after all, an organization whose journalistic standards have recently been questioned. It was based on witness testimony, which is notoriously unreliable. All kinds of people might have had an interest in making the film more sensational, including journalists (good for their careers) or North Korean defectors (good for their cause).

The veracity of the information has been further undermined by the absence of official confirmation. The South Korean government, which believes that appeasement of the North will lead to reunification, has already voiced skepticism about the claims: “We will need to investigate,” a spokesman said. The U.S. government has other business on the Korean Peninsula too. On Monday Secretary of State Colin L. Powell told a group of Post journalists that he feels optimistic about the prospect of a new round of nuclear talks between North Korea and its neighbors. He didn’t mention the gas chambers, even whether he’s heard about them.

In the days since the documentary aired, few other news organizations have picked up the story either. There are other priorities: the president’s budget, ricin in the Senate office building, David Kay’s testimony, a murder of a high school student, Super Tuesday, Janet Jackson. With the possible exception of the last, these are all genuinely important subjects. They are issues people care deeply about. North Korea is far away and, quite frankly, it doesn’t seem there’s a lot we can do about it.

Later—in 10 years, or in 60—it will surely turn out that quite a lot was known in 2004 about the camps of North Korea. It will turn out that information collected by various human rights groups, South Korean churches, oddball journalists and spies added up to a damning and largely accurate picture of an evil regime. It will also turn out that there were things that could have been done, approaches the South Korean government might have made, diplomatic channels the U.S. government might have opened, pressure the Chinese might have applied.

Historians in Asia, Europe and here will finger various institutions, just as we do now, and demand they justify their past actions. And no one will be able to understand how it was possible that we knew of the existence of the gas chambers but failed to act.

Senator BROWNBACK. You know people that have come out and I know you have met with some that have come out of the gulag system, as I have. We think there are somewhere around 150,000-200,000 people in the North Korean gulag system. They operate that type of horrific system.

They have lied or at least misled us in incredible ways on nuclear negotiations in the past. The 1994 agreement—I believe quoting Secretary Powell, “the ink was not even dry and they were looking for other sources of nuclear material.” I have that from one

of the top defectors that came out, and I believe it is in the public knowledge or realm at this point in time. So this is not a trust-worthy regime to negotiate with on nuclear issues given past performance in the 1994 signed agreement.

They are arms merchants for virtually every evil regime in the world.

They are drug runners as a government. I held a hearing on that.

Counterfeiting money, other items, a number of places, U.S. currency.

Human traffickers. I have got the State Department Trafficking in Persons report of June 2004, and Mr. Chairman, I would like for this to be entered into the record, the page on North Korea. Just to read it very briefly, if I could. "Source country for persons trafficked for the purpose of forced labor and sexual exploitation. The DPRK operates forced labor prison camps to punish criminals and repatriated North Koreans. Imposes slave-like labor conditions on its prisoners." This is a State Department document.

[The page of the report referred to follows:]

NORTH KOREA (TIER 3)

The Democratic People's Republic of Korea (D.P.R.K.) is a source country for persons trafficked for the purposes of forced labor and sexual exploitation. The D.P.R.K. operates forced-labor prison camps to punish criminals and repatriated North Koreans. Thousands of North Korean men, women, and children are forced to work and often perish under conditions of slavery. Many nations provide humanitarian assistance and food to the North Korean people, but deteriorating economic conditions continue to pressure thousands into fleeing to China, Russia, and Mongolia. The North Koreans' illegal status in other nations increases their vulnerability to trafficking schemes and sexual and physical abuse.

The Government of North Korea does not fully comply with the minimum standards for the elimination of trafficking and is not making efforts to do so. The government does not recognize trafficking as a problem and imposes slave-like labor conditions on its prisoners.

Prosecution

There are no reports that the D.P.R.K. prosecutes traffickers.

Protection

The Government of North Korea makes no effort to protect trafficking victims.

Prevention

There are no reports of any government anti-trafficking efforts.

Senator BROWNBACK. Kidnapers in Japan. Maybe they are starting to get those cleared up.

Chemical weapons tests on prisoners. Now, this is only according to the BBC and several other documents coming out. So in my estimation, it has not risen to the level of proof yet, but I quote here from this Anne Applebaum story of a former administrator of a North Korean camp. "I witnessed a whole family being tested on suffocating gas and dying in a gas chamber," he said. "The parents, son and a daughter. The parents were vomiting and dying, but till the very last moment they tried to save the kids by doing mouth-to-mouth breathing." Chemical testing on their own people.

They are, as I stated at the outset, a charter member of the "axis of evil." This is Kim Jong-il's regime that we are negotiating with.

Can you really negotiate with this group? We have this track record of what they have or are doing.

Mr. KELLY. There is no way to put a good face on the DPRK and there is nothing you said, Senator Brownback, that I have any evidence to deny. To the best of my knowledge, everything you said there, or at least the vast majority of it, is absolutely unchallenged and widely known.

Can we negotiate with them? We do not intend to negotiate with North Korea ourselves. We believe that the multilateral process, that the international community is very much involved in this, and that is why we want the six-party talks or other international fora to take that lead.

With that said, is it possible for us to be a party to any negotiations? The answer, sir, is that it is. I had the honor to work for the late President Reagan and he put it best: "Trust but verify." If there is the verification, if there is a dismantlement, even then we may not be 100 percent sure, but I certainly would feel much more comfortable if the kind of quantities, that I believe are there, of nuclear materials were removed from North Korea.

Senator BROWNBACK. And I would too.

But let me finish on this point. With all these human rights abuses at the extraordinary level, comparing their gulag with Hitler's concentration camps, tier 3 trafficking, chemical weapons tests on their own people, 10 percent of their population dying in the last 10 years, if we provide resources from here for something in North Korea in exchange for their dropping of nuclear weapons, completely verified nuclear weapons dropping, we see it, we take it out of the country or the Chinese, with us watching, take it actually physically out, it is dismantled, and you are still giving money to a country operating a gulag, operating trafficking, operating chemical weapons tests on its own people?

That is the heart of the North Korea Freedom Act that we have put forward that I have talked with you about is that I cannot in good conscience say, we are going to fund something in here, and recognize we will get a verifiable nuclear weapons removal, when all the rest of this is going on. And we know it is going on and it is right there in front of our eyes and we just cannot deny it.

I really would plead with you that you tell the North Koreans that Congress is requiring you to put the human rights issues in this portfolio. I know they do not want to talk about it. I would not want to talk about it if I were Kim Jong-il or anybody in his regime, given their track record. But this is horrific.

I have spoken to you privately about that and I will continue to do so. I really hope that we can put that issue in there rather than us saying we will fund this for the nuclear weapons, given the level of other things that are going on in that regime.

Mr. KELLY. Senator, we are not seeking funds and we have no plans to provide funds. The one possible exception might be the Nunn-Lugar money precisely for dismantlement of nuclear weapons. But we are not seeking funding. We are not looking to bribe North Korea to end its nuclear weapons state. We see this as a very important objective, but then we have made clear that the normalization of our relations would have to follow these other important issues. Human rights is co-equal in importance, perhaps even more important than conventional forces, chemical weapons, ballistic missiles, matters of that sort.

Senator BROWNBACK. Thank you for your work on this. I do not want to demean it because I think you have done very important work. But there is a level of frustration with what is there too.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Brownback.

I have one question. I know the distinguished ranking member has another question.

Let me just state it this way. Has the United States clearly expressed to North Korea what actions on their part related to the export or trade of nuclear-related materials would have the equivalence of crossing a red line with the United States and our allies?

Mr. KELLY. I do not know whether that is the assessment or not. We have not talked about red lines in any direct fora. Obviously, North Korea knows that the threat of transfer of fissionable material or nuclear weapons would be an extremely serious matter, or at least I expect that they know it and we have made that clear. But exactly what the response would be has got to remain with all options on the table.

The CHAIRMAN. Do our partners around the table share that view of the seriousness of that export?

Mr. KELLY. I believe they do, Mr. Chairman, yes, sir.

The CHAIRMAN. Senator Biden.

Senator BIDEN. I have one last question, Mr. Chairman. It has been prompted by the exchange between Senator Brownback, who has done an incredible amount of work on this issue. I want to make sure I understand.

If there was a complete, verifiable disarmament of the nuclear program, abandonment of a nuclear program by North Korea, as I understand your statement, we would sanction non-U.S. participation by the other five that would provide heavy fuel oil, that upon acceptance by the DPRK of a declaration, the parties, including us, would provide multilateral security assurances which would become more enduring as the process proceeded. We would participate in a study to determine the energy requirements. We would begin a discussion with others of the steps necessary for lifting economic sanctions and the steps necessary for removal for the DPRK from the list of state sponsored terrorism. So they are the things we would be prepared to do either sign on to others providing and not object to and what we would participate in considering. Is that correct?

Mr. KELLY. That is the nature of the proposal that we offered in the last session. It may be possible that some things would be added to that, but essentially, sir, you have described it accurately.

Senator BIDEN. So these things, as we have proposed it, if it were accepted, could go forward notwithstanding the fact there was no alteration of North Korea's conduct relative to the human rights abuses cited by my colleague, Senator Brownback.

Mr. KELLY. We have not made that a condition for solving the nuclear weapons issue, but we made it clear that it is an issue that would have to be dealt with in terms of a normalization of our relationship at some time in the future. And when and how that sort of talk could begin—after all, that was the presentation that I was taking to North Korea in the early part of 2002.

Senator BIDEN. By the way, I have no doubt that the President and the Secretary of State and all the administration feels extremely strongly about these human rights abuses and I have no doubt that there would be no normalization absent remedying this, full normalization. But so I am not confused anyway, we are making a distinction here between the full normalization of relationships and what would flow from a dismantlement of verifiable assurances that they were no longer engaged in their nuclear program, that they are distinct. They may overlap. They could be the same. But some things can move forward based upon total verifiable disarmament of nuclear capability, but the whole of the relationship cannot be mended without other things occurring, as well as disarmament. Is that a fair statement?

Mr. KELLY. Yes, sir. And this is really the start of the nuclear dismantlement process that our proposal addresses in some detail. There is much more detail that is going to have to be filled in for this to succeed.

Senator BIDEN. I thank you very much.

Senator BROWNBACk. Mr. Chairman, could I ask one more question?

The CHAIRMAN. Yes, Senator Brownback.

Senator BROWNBACk. I very much appreciate, Senator Biden, you getting to the bifurcation of the issue there.

Secretary Kelly, I am sure you have talked about this a lot, about putting the human rights issues on the table now to get them in the negotiations. It sure seems to me that that is really the key in driving this. When we look at past negotiations with the Soviet Union at another time, it was the set of human rights issues at the front end of it that really drove the radicalized change in the regime and in the country. And these are critically important.

I understand the difficulty, but why not put these in the first tranche and not on the bigger package of normalized relations when you have such a horrific set and such a useful tool actually to talk about with them?

Mr. KELLY. Human rights issues are out there, and the work you have done, Senator, the reports that you cite are a part of this. This is not completely ignored in other parts of the world, although I do not think it receives the attention that it really needs to. So the movement of refugees into China and on to South Korea and other countries is something that goes on. There is this in the background.

Whether or not we should make the nuclear issue co-dependent and co-equal with the human rights issue is really a question of tactics as to what would come first. In our consultations with the allies and partners, they feel that it is best to try to get movement on the nuclear weapons issue first if only because of the additional progress that is being made in developing ever-greater amounts of fissionable material.

Senator BROWNBACk. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you very much, Senator Brownback.

Mr. DeTrani, I understand that you discuss regularly the human rights issues. Will you describe what you are doing?

Mr. DETRANI. Mr. Chairman, that is correct. We usually are in a working group, and certainly when we have direct contact with

our North Korean colleagues, we get into the whole panoply of the issues, in addition to the nuclear issue. We do speak about what you just spoke about, Senator Brownback. And certainly human rights is right on top of the list there. Our North Korean counterparts are very much aware of this, sir, understanding that these issues, certainly the human rights issue, have to be addressed as we move toward normalization.

And we see the DPRK looking toward normalization as the ultimate goal for international legitimacy, what it means for the economic reforms, and so forth. So the word that was used this morning—"incentive"—there is an extreme incentive out there for them to move on all these issues, indeed, to include the human rights issue. With more transparency and the greater knowledge we have about these, the more pressure on them to rectify some of this very unfortunate behavior.

The CHAIRMAN. Thank you very much. I thank both of you for your testimony today. We are looking forward to inviting you again because these negotiations will continue. We really appreciate your availability. Obviously the committee is very supportive of your work as you proceed on behalf of our country. Thank you for coming.

Mr. KELLY. Thank you, Mr. Chairman and the committee. We really appreciate the support and the intense interest that you and so many other Senators have had at every step of this way. Thank you.

The CHAIRMAN. Thank you, sir.

I would like to call now Dr. Carter and Ambassador Pritchard to the witness stand.

We welcome the Honorable Ashton B. Carter, former Assistant Secretary of Defense for International Security Policy, now Professor of Science and International Affairs at the John F. Kennedy School of Government at Harvard University in Cambridge, Massachusetts. His testimony will be followed by that of the Honorable Charles L. Pritchard, Visiting Fellow of The Brookings Institution in Washington, DC.

Dr. Carter.

STATEMENT OF HON. ASHTON B. CARTER, FORMER ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY; PROFESSOR OF SCIENCE AND INTERNATIONAL AFFAIRS, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY

Dr. CARTER. Thank you, Mr. Chairman, and members of the committee, for inviting me to appear before you today to speak about the implementation of a possible agreement with North Korea for the complete, verifiable, and irreversible dismantlement, that is, CVID, of its nuclear weapons program.

As you know, I was very much involved in the original Nunn-Lugar program, which was a very successful effort established by you, Mr. Chairman, and Senator Nunn. It accomplished CVID in Ukraine, Kazakhstan, and Belarus and also diminished, dismantled, and secured a large portion of the nuclear weapons legacy of the Soviet Union inherited by Russia. These very same methods, Nunn-Lugar methods, are at work today in Libya, in Iraq, and in

securing highly enriched uranium around the world. We all hope that something similar can be done in North Korea.

I would like to share with you nine recommendations about how we might do that. But before I get there, I do not want to put the cart before the horse. I have to say that in my estimation, we are a long way from an agreement with North Korea on CVID. I do not know whether at this point North Korea is susceptible to a diplomatic solution to the nuclear crisis at all. President Bush is correct to give diplomacy a try before moving to other more coercive paths, but I think we have to look at it as only a try.

The alternatives to diplomacy are dangerous because they could spark a violent war on the Korean Peninsula. Additionally, they cannot be fully effective unless others join us in implementing them. For example, economic penalties cannot be effectively imposed on North Korea, if diplomacy fails, unless China, South Korea, and Russia agree not to undercut those penalties. We need international support on either path, whether diplomatic or more coercive. This is not a matter of getting a permission slip from anyone; it is a matter of making our policy more effective. And we are not going to get that support for a more coercive path unless and until the diplomatic path has been tried and has been shown to have failed.

The last time I appeared before this committee, I called for a total overhaul of U.S. counter-proliferation capabilities. I argued that President Bush was absolutely right when he said that keeping the worst weapons out of the hands of the worst people was the highest national security priority for any American President. But I also pointed out that U.S. policy in recent years has focused mostly on the worst people and far too little on the worst weapons. We have waged a war on terrorism but have not yet begun a parallel war on weapons of mass destruction. In fact, the only major action taken against weapons of mass destruction was the invasion of Iraq, which was an action I supported, in the firm conviction that Saddam Hussein's weapons of mass destruction would be found after the war. But it turns out that pre-war intelligence falsely overstated Iraq's weapons of mass destruction capabilities.

Meanwhile, as all eyes were on Iraq, North Korea and Iran plunged forward with their nuclear programs. Efforts to secure materials in Russia and worldwide proceeded at their pre-9/11 bureaucratic pace, and the Department of Homeland Security, the Department of Defense and the intelligence community continued to give inadequate attention to overhauling their counter-proliferation programs to deal with the age of terrorism.

The most adverse of all these recent developments in counter-proliferation has taken place in North Korea. The North quadrupled its stock of plutonium in the most significant proliferation disaster since Pakistan went nuclear in the 1980s under the scientific leadership of A.Q. Khan. Letting North Korea go nuclear would represent a security catastrophe for the United States in no fewer than five ways.

First, it would weaken deterrence on the Korean Peninsula and make destructive war there both more likely and more destructive.

Second, it could lead to a domino effect of proliferation in East Asia, as South Korea, Japan, Taiwan, and others reconsider their decisions to forego nuclear weapons.

Third, it would undercut the global nuclear Non-Proliferation Treaty regime.

Fourth, North Korea might well sell plutonium as it sells ballistic missiles.

And fifth, if North Korea collapses, we will need to worry about where its plutonium goes during the upheaval.

These last two points alone illustrate why a nuclear North Korea is unacceptable to U.S. and international security, because they show that proliferation to states is also a potential route to sub-state nuclear terrorism.

For these five reasons, the United States must put stopping the nuclear program first in its priorities in dealing with North Korea, above reducing North Korea's conventional forces, and above transforming its repressive political system and backward economic system. Strategy is about priorities. These other objectives remain important U.S. goals, but the Bush administration is correct to put nuclear CVID at the center of its negotiating strategy.

Unfortunately, the U.S. negotiating position has deteriorated significantly since the crisis began in late 2002, when North Korea's plutonium program was unfrozen and its uranium enrichment program revealed. For the 8 preceding years, the 8,000 fuel rods containing several bombs' worth of weapons grade plutonium were at Yongbyon, where they could be inspected—or, for that matter, destroyed—and were months away from being converted into bomb form. Now they are out of Yongbyon, location unknown, and presumably at least some of them have been reprocessed to extract bomb-ready plutonium.

The U.S. position among other parties in the region has also taken a turn for the worse. South Korea and China have the power to reward and coerce North Korea—they possess carrots and sticks that are at least as potent as ours—if they can be persuaded to wield them in the nuclear diplomacy. But in the absence of a clear U.S. negotiating strategy, each of these partners has begun to go its own way.

In South Korea, a younger generation seems to have lost its strategic bearings entirely, wishing away the North Korean threat and even going so far as to make the astonishing suggestion that the United States is the greater threat. The older generation of South Korean leaders has done too little to educate the younger generation about the South's actual interests and responsibilities. The United States has exacerbated this situation through 3½ years of delay in formulating a negotiating strategy, and by its clumsy handling of its plans to rebase U.S. forces on the peninsula.

China should apply its full weight to pressuring North Korea to agree to a reasonable U.S. negotiating position. But in the absence of a clear U.S. position, China has also been looking the other way as North Korea advances its nuclear program. In fact, China and South Korea appear to be collaborating closely. This is a symptom of a larger trend in East Asia, where China's power and influence grow and regional states find themselves tempted to align with China and move away from the United States. Our government's

near-total focus on the Middle East has kept us from countering this trend toward the erosion of the U.S. strategic position in East Asia.

Mr. Chairman and members of the committee, I therefore approach my assigned task in this hearing with grave doubts. But in the spirit of hope, allow me to make some observations on how the Nunn-Lugar method might be applied in implementing a denuclearization agreement with North Korea.

First, Nunn-Lugar-like assistance with CVID is a reasonable carrot for the United States to offer North Korea. This Nation, always loath to bribe North Korea, and burned once in the Agreed Framework by North Korean cheating, can hardly be expected to give North Korea large tangible rewards for stepping back from the nuclear threshold. It is likely that South Korea, China, Russia, and Japan will do so but not the United States.

But the U.S. can reasonably offer two carrots. The first is an intangible: namely, a pledge not to attack North Korea if it foregoes nuclear weapons. This simply makes explicit what should be our policy anyway. The second is Nunn-Lugar-like assistance with CVID. Such assistance, like the Nunn-Lugar program in general, should be seen as an investment in our own security, not a reward to North Korea. Secretary of Defense Bill Perry used to call the Nunn-Lugar program in the former Soviet Union "defense by other means."

Second, while CVID must be the end state prescribed in any agreement, as a practical matter this state will be approached in stages. Recall that the Agreed Framework also prescribed CVID of North Korea's plutonium infrastructure. Its uranium provisions were not verifiable and, sure enough, North Korea cheated on them. The problem with the Agreed Framework's plutonium provisions was not that it did not have the right goal, or that it approached that goal in stages. The problem was that implementation never progressed beyond the first stage, the so-called freeze. We need to make sure any new agreement does not get stuck in an early stage of implementation. The agreement will need to build in penalties to North Korea for stalling. On our side, Congress especially will need to support the implementation of the agreement over time and over successive administrations until CVID is achieved. With the Agreed Framework, first Congress and then the Clinton administration betrayed signs of buyer's regret soon after the agreement was signed, and this played into the hands of North Korea's desire to stall at the freeze stage.

Third, the United States should begin program design for CVID now. The program design should include technical objectives and milestones, supply and construction plans, estimated costs, and a program management structure giving clear authority and accountability to a single U.S. official. This last point is important. Over the history of the Nunn-Lugar program, its projects have been implemented by Defense, State, Energy, and Commerce. These Departments have developed expertise in these types of projects and it would be imprudent not to exploit it for the North Korea program. But we cannot confront North Korea with the same bureaucratic chaos with which the states of the former Soviet Union still contend.

The program design should be shown to the North Koreans and their input solicited. Doing so will smooth things down the road if an agreement is reached, and it might even whet their appetite for such an agreement in the first place.

Obviously a program plan can only be notional at this stage and will need to be refined as we learn more about North Korea's nuclear infrastructure. Without a specific program plan, it is difficult to estimate costs. But a reasonable estimate would be that the North Korea Nunn-Lugar program would be a factor of ten smaller than the former Soviet Union program—that is, tens of millions of dollars per year for a 10-year period.

Fifth, by far the preferable role for congressional oversight is to review the program plan in advance as it considers the overall wisdom of any agreement the executive branch reaches with North Korea. To the extent possible, we should avoid a situation in which every stage of implementation and every needed appropriation for assistance becomes a mini-crisis in U.S. politics. The North will exploit such crises to stall and re-bargain the agreement. The result will be to the U.S. disadvantage in the long run. Well-intentioned but totally counterproductive congressional restrictions have greatly damaged the denuclearization effort in the former Soviet Union.

To yield results that are complete, the "C" in CVID, and irreversible, the "I" in CVID, the Nunn-Lugar concept for North Korea, like that for Ukraine, Kazakhstan, and Belarus, should cover all portions of the nuclear infrastructure: weapons and materials, production and storage facilities, R&D centers, and the scientists and workers who populate it.

Seventh, verification, the "V" in CVID, will be aided by a Nunn-Lugar approach. A cooperative effort in which the United States is deeply involved, on the ground and in person with North Korean technologists, will give important insights and confidence to complement formal verification measures and national intelligence collection.

Eighth, while in principle other nations in the six-party talks could also provide Nunn-Lugar type assistance to implement an agreement, it is probably preferable that the program to implement the agreement be U.S. only. The United States has the expertise of the existing Nunn-Lugar program under its belt, an enormous incentive to see CVID succeed, and a disinclination to provide other types of assistance to North Korea that China, Russia, South Korea, and Japan might provide.

Ninth and finally, elimination of chemical and biological weapons and ballistic missiles can be added to the agreement and to the resulting Nunn-Lugar program, though with lesser priority than nuclear weapons. Chemical weapons are not much more destructive, pound for pound or liter for liter, than conventional weapons and hardly deserve the mass destruction designation. Biological weapons are a true weapon of mass destruction, but the United States must formulate strong counters against biowarfare and bioterrorism irrespective of North Korea, and these countermeasures, if taken, will likely provide comparable protection against North Korean bioweapons. And ballistic missiles are a poor way for an attacker to spend money unless they carry nuclear and biological warheads. So our concerns about missiles end up being derivative

of these weapons. For these reasons I think it is safe to sequence these other weapon types after nuclear weapons from a purely military perspective.

Mr. Chairman and members of the committee, let me close by stressing that policymaking and implementation are different processes requiring different skills. Too often our policy is brilliant, but when it comes to spending the taxpayers' money on complex and novel technical projects, especially in foreign lands, our performance is less than brilliant. Joint military operations are, fortunately, an exception to this observation. But when one considers the fumbling in the early years of the Nunn-Lugar program in the former Soviet Union, to which I can attest personally, the first year of the Coalition Provisional Authority in Iraq, the first 3 years of the U.S. Homeland Security program, one can easily see that successful implementation is not always assured even when the policy objectives are crystal clear. The complexity of a North Korea CVID program based on the Nunn-Lugar precedent, together with the inimitable qualities of the North Korean Government, mean that implementation will require stamina and finesse on the part of both the executive and legislative branches.

Thank you.

[The prepared statement of Dr. Carter follows:]

PREPARED STATEMENT OF HON. ASHTON B. CARTER

IMPLEMENTING A DENUCLEARIZATION AGREEMENT WITH NORTH KOREA

Mr. Chairman and Members of the Committee, thank you for inviting me to appear before you to discuss the implementation of a possible agreement with North Korea for the complete, verifiable, and irreversible dismantlement (CVID) of its nuclear weapons program. I was deeply involved in the Nunn-Lugar program from 1991 to 1996, a very successful effort established by the Chairman of this Committee and Senator Nunn. The Nunn-Lugar program accomplished CVID in Ukraine, Kazakhstan, and Belarus, as well as the dismantlement and securing of a large portion of Russia's nuclear weapons legacy from the Soviet Union. Currently the methods it pioneered are also at work in Iraq and Libya, and in securing highly enriched uranium around the world.

We all hope something similar can be accomplished in North Korea. I must begin, however, by warning that in my estimation we are a long way from an agreement with North Korea on CVID. I do not know whether at this point North Korea is susceptible to a diplomatic solution to the nuclear crisis at all. But President Bush is correct to give diplomacy a try before moving to other, more coercive paths. The alternatives to diplomacy are dangerous because they could spark a violent war on the Korean Peninsula. Additionally, they cannot be fully effective unless others join us in implementing them. For example, economic penalties cannot be imposed on North Korea unless China, South Korea, and Russia agree not to undercut them. This needed international support is not a matter of a "permission slip," it is critical to making U.S.-led policy effective. We will not get this support unless the diplomatic path has been tried and been shown to have failed.

The last time I appeared before this Committee I called for an overhaul of U.S. counterproliferation capabilities. I argued that President Bush was dead on when he said that keeping the worst weapons out of the hands of the worst people was an American president's highest national security priority. The worst weapons are nuclear and biological; the worst people are rogue states and increasingly terrorists. But I also pointed out that U.S. policy in recent years has been focused mostly on the worst people and far too little on the worst weapons. We have waged a war on terrorism but have not yet begun a parallel war on weapons of mass destruction (WMD). The only major action taken against WMD was the invasion of Iraq, an action which I supported in the firm conviction that Saddam Hussein's WMD would be found after the war. But it turns out that pre-war intelligence falsely overstated Iraq's WMD capabilities. Meanwhile, as all eyes were on Iraq, North Korea and Iran plunged forward with their nuclear programs; efforts to secure nuclear materials in Russia and worldwide proceeded at their pre-9/11 bureaucratic pace; and the De-

partment of Homeland Security, Department of Defense, and Intelligence Community continued to give inadequate attention to overhauling their counterproliferation programs to deal with the age of terrorism.

The most adverse of all these recent developments in counterproliferation has taken place in North Korea. The North quadrupled its stock of plutonium, in the most significant proliferation disaster since Pakistan went nuclear in the 1980s under the leadership of scientist A.Q. Khan. Letting North Korea go nuclear represents a security catastrophe in no fewer than five ways. First, it would weaken deterrence on the Korean Peninsula and make war there both more likely and more destructive. Second, it could lead to a domino effect of proliferation in East Asia as South Korea, Japan, Taiwan, and others reconsider their decisions to forego nuclear weapons. Third, it would undercut the global Nuclear Nonproliferation Treaty (NPT) regime. Fourth, North Korea might sell plutonium, as it sells ballistic missiles. And fifth, if North Korea collapses we will need to worry about where its plutonium goes during the upheaval. These last two points alone illustrate why a North Korean nuclear program is unacceptable to U.S. and international security, because they show that proliferation to states is also a potential route to sub-state nuclear terrorism.

For these five reasons, the United States must put stopping the nuclear program first in its priorities when dealing with North Korea—above reducing North Korea's conventional forces, and above transforming its repressive political system and backward economic system. Strategy is about priorities. These other objectives remain important U.S. goals, but the Bush administration is correct to put nuclear CVID at the center of its negotiating strategy.

Unfortunately, the U.S. negotiating position has deteriorated significantly since the crisis began in late 2002, when North Korea's plutonium program was unfrozen and its uranium enrichment program revealed. For the eight preceding years, the 8,000 fuel rods containing several bombs' worth of weapons grade plutonium were at Yongbyon, where they could be inspected (or, for that matter, destroyed) and were months away from being converted into bomb form. Now they are out of Yongbyon, location unknown, and presumably at least some of them have been reprocessed to extract bomb-ready plutonium.

The U.S. position among other parties in the region has also taken a turn for the worse. South Korea and China have the power to reward and coerce North Korea—they possess carrots and sticks—that are at least as potent as ours—if they can be persuaded to wield them in the nuclear diplomacy. But in the absence of a clear U.S. negotiating strategy, each of these partners has begun to go its own way.

In South Korea, a younger generation seems to have lost its strategic bearings entirely, wishing away the North Korean threat and even going so far as to make the astonishing suggestion that the United States is the greater threat. The older generation of South Korean leaders has done too little to educate the younger generation about the South's actual interests and responsibilities. The United States has exacerbated this situation through three and a half years of delay in formulating a negotiating strategy, and by its clumsy handling of its plans to rebase U.S. forces on the peninsula.

China should apply its full weight to pressuring North Korea to agree to a reasonable U.S. negotiating position. But in the absence of a clear U.S. position, China also has been looking the other way as North Korea advances its nuclear program. In fact, China and South Korea appear to be collaborating closely. This is a symptom of a larger trend in East Asia, where China's power and influence grow and regional states find themselves tempted to align with China and move away from the United States. Our government's near-total focus on the Middle East has kept us from countering this trend towards the erosion of the U.S. strategic position in East Asia.

Mr. Chairman and Members of the Committee, I therefore approach my assigned task in this hearing with grave doubts. But in a spirit of hope, allow me to make some observations on how the "Nunn-Lugar method" might be applied to implementing a denuclearization agreement with North Korea.

1. Nunn-Lugar assistance with CVID is a reasonable "carrot" for the United States to offer North Korea. This nation—always loath to "bribe" North Korea, and burned once in the Agreed Framework by North Korean cheating—can hardly be expected to give North Korea large tangible rewards for stepping back from the nuclear threshold. It is likely that South Korea, China, Russia, and Japan will do so, but not the United States. But the U.S. can reasonably offer two carrots. The first is an intangible; namely, a pledge not to attack North Korea if it foregoes nuclear weapons. This simply makes explicit what should be our policy anyway. The second is Nunn-Lugar-like assistance with CVID. Such assistance, like the Nunn-Lugar program in general, should be seen as an investment in our own security, not a re-

ward to North Korea. Secretary of Defense Bill Perry used to call the Nunn-Lugar program in the former Soviet Union “defense by other means.”

2. While CVID must be the end-state prescribed in any agreement, as a practical matter this state will be approached in stages. Recall that the Agreed Framework also prescribed CVID of North Korea’s plutonium infrastructure (its uranium provisions were not verifiable, and sure enough North Korea cheated on them). The problem with the Agreed Framework’s plutonium provision was not that it did not have the right goal, or that it approached that goal in stages. The problem was that implementation never progressed beyond the first stage, the so-called “freeze.” We need to make sure any new agreement does not get stuck in an early stage of implementation. The agreement will need to build in penalties to North Korea for stalling. On our side, Congress especially will need to support the implementation of the agreement over time and over successive administrations until CVID is achieved. With the Agreed Framework, first Congress and then the Clinton administration betrayed signs of “buyer’s regret” soon after the agreement was signed, and this played into the hands of North Korea’s desire to stall at the “freeze” stage.

3. The United States should begin program design for CVID now. The program design should include technical objectives and milestones, supply and construction plans, estimated costs, and a program management structure giving clear authority and accountability to a single U.S. official. This last point is important. Over the history of the Nunn-Lugar program, its projects have been implemented by Defense, State, Energy, and Commerce. These departments have developed expertise in these types of projects, and it would be imprudent not to exploit it for a North Korea program. But we cannot confront North Korea with the same bureaucratic chaos with which the states of the former Soviet Union still contend.

The program design should be shown to the North Koreans and their input solicited. Doing so will smooth things down the road if an agreement is reached, and it might whet their appetite for such an agreement in the first place.

4. Obviously a program plan can only be notional at this stage and will need to be refined as we learn more about North Korea’s nuclear infrastructure. Without a program plan, it is impossible to estimate costs. A reasonable estimate would be that the North Korea Nunn-Lugar program would be a factor often smaller than the former Soviet Union program—that is, tens of millions of dollars per year for a ten year period.

5. By far the preferable role for Congressional oversight is to review the program plan in advance as it considers the overall wisdom of any agreement the executive branch reaches with North Korea. To the extent possible, we should avoid a situation in which every stage of implementation and every needed appropriation for assistance becomes a mini-crisis in U.S. politics. The North will exploit such crises to stall and re-bargain the agreement. The result will be to the U.S. disadvantage in the long run. Well-intentioned but totally counterproductive Congressional restrictions have greatly damaged the denuclearization effort in the former Soviet Union.

6. To yield complete (the C in CVID) and irreversible (the I in CVID) results, the “Nunn-Lugar” concept for North Korea, like those for Ukraine, Kazakstan, and Belarus, should cover all portions of its nuclear infrastructure: weapons and materials, production and storage facilities, R&D centers, and the scientists and workers who populate it.

7. Verification (the V in CVID) will be aided by a Nunn-Lugar approach. A cooperative effort in which the United States is deeply involved, on the ground and in person with North Korean technologists, will give important insights and confidence to complement formal verification measures and national intelligence collection.

8. While in principle other nations in the Six-Party talks could also provide Nunn-Lugar-type assistance to implement an agreement, it is probably preferable that the program to implement the agreement be U.S.-only. The United States has the experience of the existing Nunn-Lugar program under its belt, an enormous incentive to see CVID succeed, and a disinclination to provide the other types of assistance to North Korea that China, Russia, South Korea, and Japan might provide.

9. Elimination of chemical and biological weapons and ballistic missiles can be added to the agreement and to the resulting Nunn-Lugar-like program, though with lesser priority than nuclear weapons. Chemical weapons are not much more destructive, pound for pound or liter for liter, than conventional weapons and hardly deserve the “mass destruction” designation. Biological weapons are a true WMD, but the United States must formulate strong counters against biowarfare and bioterrorism irrespective of North Korea, and those countermeasures—if taken—will likely provide protection against North Korean bioweapons. Ballistic missiles are a poor way for an attacker to spend money unless they carry nuclear or biological warheads, so our concerns about missiles end up being derivative of these weapons.

Mr. Chairman and Members of the Committee, let me close by stressing that policymaking and implementation are different processes requiring different skills. Too often our policy is brilliant but when it comes to spending the taxpayers' money on complex and novel technical projects, especially in foreign lands, our performance is less than brilliant. (Joint military operations are fortunately an exception to this observation.) But when one considers the fumbling in the early years of the Nunn-Lugar program in the former Soviet Union (to which I can attest personally), the first year of the Coalition Provisional Authority and "stability operations" in Iraq, and the first three years of the U.S. Homeland Security program, one can easily see that successful implementation is not always assured even when the policy objectives are crystal clear. The complexity of a North Korea CVID program based on the Nunn-Lugar precedent, together with the inimitable qualities of the North Korean government, mean that implementation will require stamina and finesse on the part of both the executive and legislative branches.

The CHAIRMAN. Thank you very much, Dr. Carter.
Ambassador Pritchard.

**STATEMENT OF HON. CHARLES L. PRITCHARD, VISITING
FELLOW, THE BROOKINGS INSTITUTION**

Ambassador PRITCHARD. Mr. Chairman, thank you very much for the opportunity to speak here today. I am very pleased that this committee has taken the lead in educating the American public on such a critical issue.

You have asked me to address the energy component of a theoretical resolution of the current nuclear crisis on the Korean Peninsula. While I am not an energy expert per se, I did have the opportunity to serve as the U.S. Representative to the Korean Peninsula Energy Development Organization for about 2½ years. So I am going to use that as a springboard to move forward to answer your question. But first, I thought I would review a little bit why energy is so important in this particular situation and why I think it is going to be critical in the resolution of anything that we are able to achieve.

In 1985, the former Soviet Union was able to get the North Koreans to agree to join the nuclear Non-Proliferation Treaty in exchange for the concept that Moscow would sell to North Korea four light water reactors [LWRs] for the provision of energy. That particular reactor that went into the NPT was a 5 megawatt reactor that Mr. Luse and I visited this past January. It is now back on line. It originally came on line in 1986 and, as we later found out, was taken off line for several months between 1989 and 1990 while the North Koreans removed several hundred spent fuel rods and ultimately extracted enough plutonium to create perhaps one or two nuclear weapons.

That same reactor was ultimately covered in the 1994 Agreed Framework which froze the nuclear facilities at Yongbyon. It was shut down and the spent fuel rods removed and safely stored under IAEA supervision. As part of the negotiated deal, the United States pledged to organize under its leadership a consortium to finance and to supply two light water reactors and provide interim fuel in the form of heavy fuel oil until the first light water reactor came on line. In practice, the South Koreans pledged to finance 70 percent of that light water reactor operation while the Japanese pledged a dollar amount of \$1 billion. It did not quite add up to 100 percent, but it was close. For our part, for the United States' part, we pledged to organize and to supply the heavy fuel oil that

was calculated by what was going to be the foregone amount of energy that the North Koreans would lose by freezing their nuclear facilities, both the 5 megawatt and what they calculated was under construction at the time, a 50 megawatt reactor and also a 200 megawatt reactor. That amount was set at 500,000 metric tons of fuel oil per year.

Following Assistant Secretary Kelly's trip to Pyongyang in October of 2002 to confront North Korea over their secret highly enriched uranium program, I led an effort as the U.S. Representative to KEDO, upon instructions, to suspend KEDO's provision of heavy fuel oil to North Korea until there was a resolution of the HEU program. We later then suspended the construction on the two light water reactor programs.

What happened in rapid succession after that was the North Koreans' response to that November 2002 suspension of heavy fuel oil was for the North Koreans to declare that the United States had effectively killed the Agreed Framework and they then began to toss out the IAEA inspectors, as you know, and began to restart their 5 megawatt reactor in January 2002, unfreezing their facilities at Yongbyon. Their initial rationale that they provided me was they needed to provide energy as a replacement for the heavy fuel oil that had been suspended.

In this latest round of six-party talks, North Korea is reported to have demanded that the United States, at the point that the freeze goes into effect, take part in energy aid of some 2 million kilowatts, in addition from removing them from the list of state sponsors of terrorism and lifting the economic sanctions as part of its reward for freeze program.

This gap, I would point out, between the United States and others may simply be termed as something that would be predictable at this stage of negotiations and not something I would be extremely concerned about. North Korea is attempting to devalue the U.S. offer while they increase the demand that it is making for its own settlement. But more importantly, it highlights the important role that energy plays in any settlement, particularly from a North Korean point of view.

What I also need to do at this point is to point out to you, before we get any further into this discussion on energy, that there are several private and quasi-official efforts proceeding in the area of possible provision of energy to North Korea. One of these efforts involves the United Nations Secretary General's Special Envoy to North Korea. I will leave it to him to explain how, if at all, his efforts have been coordinated in the ongoing multilateral talks and how it may or may not support a negotiated settlement.

What is clear, Mr. Chairman, is that North Korea has a severe energy shortage that has affected all aspects of national and individual life. Industrial capacity is down. Electricity for agricultural use is insufficient. Basic necessities of life, such as heating and electricity, are unreliable. This was the same situation that U.S. negotiators used as leverage in 1994 that led to the Agreed Framework and it is the same situation that can provide U.S. negotiators a similar level of leverage today.

Energy that was supplied to North Korea, as a result of the Agreed Framework, was both short- and long-term. It was con-

trolled and reversible in the event North Korea reneged on its commitments. As I mentioned earlier, we suspended further deliveries of near-term energy assistance in the form of heavy fuel oil in November 2002 and later suspended the longer-term energy assistance in the form of LWR projects in December this past year. It is appropriate that future deliveries of energy that are part of a diplomatic resolution of the current crisis likewise be phased and tied to North Korean performance of its objectives and obligations.

That being said, the situation today requires full consideration be given to all variables we face. For example, it would be easy from an American point of view to declare the Agreed Framework dead, ending any and all support of the LWR project at Kumho. I believe that would be short-sighted. While personally I do not envision any scenario in which the current LWR project is completed as originally contemplated and the keys of an operational LWR nuclear facility turned over to Pyongyang, I do think we must look further down the road to a point in time when reunification of North and South Korea is a reality. My assumption is that when the time comes, a reunified peninsula would be ruled by a democratic government allied to the United States. That reunified nation, let alone the projected needs of the current Republic of Korea, will have vastly greater energy requirements. It stands to reason that some of that energy may well be supplied by nuclear facilities yet to be built. In that regard, I can see value to preserving the current LWR work at Kumho or even advancing it under a formula that keeps control in the hands of the ROK or some other international entity until reunification occurs.

Since I have mentioned KEDO and the LWR project, let me continue on that theme, if I may. I must confess that when I worked on the National Security Council for about 5 years, I functioned as the deputy to Ambassador Chuck Kartman who first as the chief negotiator and concurrently as the U.S. Representative to KEDO urged me to be more fully involved with KEDO. I viewed that as a tar pit and did my best to stay away from it to my regret, for as you know, I succeeded him in that job as U.S. Representative to KEDO.

What I learned very quickly, once in that job in May 2001 and had reinforced over the next 2½ years, is that KEDO has an extremely strong international staff composed of experts from each of the consortium's countries, the United States and Japan, the Republic of Korea, and the European Union. I worked closely with each of the consortium board members, as well as its executive director, Ambassador Kartman. I have concluded that KEDO as an organization is well placed to transition with minimal effort to an organization that could contribute to the procurement and distribution of non-nuclear forms of energy assistance to North Korea as a part of a diplomatic resolution to the current nuclear crisis.

KEDO has years of experience in purchasing HFO on the world market and having it delivered to North Korea. It has negotiated tough protocols with Pyongyang requiring internationally acceptable behavior and the development of responsible internal regulations governing conduct and the rights at the LWR site at Kumho. Equally important, the KEDO staff has established a professional, non-political relationship in doing business with its North Korean

counterparts. Moreover, the North Koreans have had 9 years of experience in dealing with KEDO. They have developed confidence in the ability to work with its people, both from a policy and operational standpoint. In addition, they have established a bureaucratic counterpart to KEDO with enough standing in their own system to get decisions carried out.

Before KEDO can be restructured as a tool of six-party diplomacy, the EU needs to be brought into the current nuclear resolution process, if only on an informal basis. As a voting member of the board of directors, having EU approval for the future transition of KEDO is essential. Any organization, in my opinion, that was created to replicate KEDO's expertise would be an unnecessary waste of time and energy.

Having established that a key element in the provision of energy to North Korea already exists, let me turn to potential energy packages that could be considered.

When talking about energy assistance to North Korea, you have to expand your initial thoughts that normally turn to coal or oil to all aspects of the energy system that would be beneficial and therefore of value to North Korea. First of all, North Korea's infrastructure is obsolete and inefficient. Basic upgrades from insulating homes and businesses, to grid improvements, rehabilitation of old plants and mines, to construction of new power plants would play an important role in the equivalent delivery of energy assistance to North Korea. I think that is important.

Natural gas has been mentioned earlier. Natural gas via pipeline from Russia is another possibility, but one that could be part of a longer-term package. However, that has been thrown around as though it is an easy remedy. The cost involved might very well be prohibitive in a shorter-term solution and therefore might necessarily be part of a longer-term solution and very well might need to be part of a government commercial mix or simply an entirely commercial venture.

For negotiating reasons, a phased approach providing energy assistance is best. Near-term provision of energy could easily come in the form of heavy fuel oil, and that is what I believe is probably the most wise thing to do. I do not think it is wise for the United States to exclude itself from participation in the provision of HFO, as was explained in the U.S. proposal today. Nor do I think North Korea would find such a proposal acceptable. North Korea has the capacity to handle and convert HFO to electricity if provided on a scheduled basis.

One of the problems that we have had in the past with HFO is the delivery. We have had problems finding the money, getting the money on time, purchasing, having it delivered. Usually it came at the end of the calendar year and it came in great quantities. It overwhelmed the North Korean system. They were unable to plan and use the HFO efficiently. So any effort to provide HFO ought to be done on a scheduled and regular basis. It would be the most efficient thing to do.

In addition to HFO, pilot projects designed to repair existing mines and conventional power plants could be undertaken. One novel idea is the first construction of a new conventional power plant could occur at Kumho, which is the site of the current LWR

project. The infrastructure at Kumho already exists. I was there in August 2002, and I can tell you it is a world-class facility. Moving forward on another project using those existing facilities would save time and effort rather than replicate them someplace else.

Longer-term projects that could be phased in as progress is made in fulfilling non-proliferation obligations would include transmission grid rehabilitation. As Assistant Secretary Kelly mentioned, their grid system was created by the Japanese at the beginning of the last century. It is dilapidated. They lose up to perhaps 25 percent of their energy just through the transmission over that grid system. Increases in natural gas pipeline construction, modernization of existing facilities, and construction of hydroelectric power plants should be considered.

A long-term rehabilitation of the energy infrastructure would be enormously important to South Korea. When reunification takes place, the cost of bringing North Korea up to minimum South Korean standards will be enormous. Any opportunity for Seoul to get started in infrastructure rehabilitation in North Korea before reunification would be a welcome head start.

Key to any longer-term energy assistance, as Assistant Secretary Kelly has pointed out, would be a serious energy needs survey of North Korea. I would say that that survey must be validated by South Korea.

All the programs I have mentioned have costs that have to be calibrated to the value that the six parties must agree upon in connection with the elimination of North Korea's nuclear program. I do believe energy assistance will be an important component in the eventual resolution of the nuclear crisis.

If I may, let me just reiterate and perhaps expand a bit on some of the things that I just said in way of conclusion.

First, I think we already have an organization in existence that could be used on short notice and that is KEDO. It requires only that we find a way in which the European Union is brought in in some way to the current six-party process, whether it is as an observer or not. It has an added benefit that Senator Brownback might find acceptable in that the European Union probably, even though it is embryonic, has had far better success in discussing with North Korea matters of human rights and humanitarian affairs. They could bring that dimension into the current process as well.

I do believe the United States should be involved. I cannot imagine that we would want an organization that would have an independent voice in how HFO is purchased and delivered that does not include the United States. We would lose our influence and leverage. I do not think, as I mentioned earlier, that North Korea would accept anything less. It shows a less than full commitment by the United States and it is one in which I think on principle we ought to be involved in.

I do believe HFO is the initial way to go, and it ought to be phased. And I also believe that it ought not to exceed the 500,000 metric tons that was originally part of the Agreed Framework. As you do recall, the 500,000 metric tons was geared to the plutonium portion of the nuclear program. The fact that the North Koreans have cheated on that program, to suggest that we would do more

because there is an HEU component does smack as though we are purchasing the HEU component rather than have the North Koreans acknowledge their violation of the Agreed Framework. So I do think the initial limitation should be no more than 500,000 metric tons of fuel oil.

And I think we need to look beyond, as I mentioned, the short term to infrastructure development. That certainly would be of long-term assistance to South Korea. It would help in our development of our relationship with South Korea.

The energy survey that I mentioned needs to be done. I think it needs to be done concurrent at the initial phase, not later at some date prior to the dismantlement or during the dismantlement, but an initial phase in which the North Koreans would be able to ascertain the intentions of the United States and understand that we were serious about the longer-term benefits of energy provision that would flow their way.

Finally, if possible, in the longer term, I would look to expand the participation to include China and Russia. Right now, the Chinese have their own bilateral assistance of energy to North Korea. It would be better if a portion of that were included in the resolution of this nuclear issue.

Mr. Chairman, thank you very much.

[The prepared statement of Ambassador Pritchard follows:]

PREPARED STATEMENT OF HON. CHARLES L. PRITCHARD

Mr. Chairman, thank you for the opportunity to speak today on an important topic. I am also pleased to see this committee take the lead in educating the American public on such a critical issue. I have been asked to address the energy component of a theoretical resolution of the current nuclear crisis on the Korean Peninsula.

While I do not claim to be an energy expert, per se, I had the privilege of serving as the United States Representative to the Korean Peninsula Energy Development Organization (KEDO) from May 2001 until the end of August 2003. In that capacity and from my previous experience of working the North Korean issue from the National Security Council staff, I have had the opportunity to talk to a number of more qualified people about what an energy component to an overall settlement might look like.

I propose to provide you today with some thoughts on what might be possible and to point out problems that will have to be addressed along the way. First, let me briefly review how energy has come to play such a prominent role in past and future dealings with North Korea.

In exchange for agreeing to join the Non-Proliferation Treaty (NPT) in December 1985 and put its 5 MW(e) reactor under international supervision, Moscow promised to sell Pyongyang four Light Water Reactors (LWRs) for energy purposes. The existing reactor went on line in 1986 and, as we learned later, was shut down for a few months in 1989 and 1990 while the North Koreans removed hundreds of spent fuel rods and extracted enough plutonium for 1 or 2 nuclear weapons. This 5 MW(e) reactor was covered in the October 1994 Agreed Framework which was designed to freeze and eventually eliminate North Korea's fissile material production program. The reactor was shut down and its spent fuel rods removed and safely stored under IAEA supervision. As part of the negotiated deal, the United States pledged to organize under its leadership a consortium to finance and supply 2 LWRs and provide interim Heavy Fuel Oil (HFO) until the first LWR came on line. The practical breakout of responsibilities resulted in South Korea and Japan agreeing to build and principally fund the LWRs while the United States provided Heavy Fuel Oil. The amount of HFO was related to the notional electrical output of the facilities that North Korea was to freeze. That amount was set at 500,000 metric tons per year.

Following Assistant Secretary Kelly's trip to Pyongyang in October 2002 to confront North Korea over their secret Highly Enriched Uranium (HEU) program, I led an effort as the U.S. Representative to KEDO, upon instructions, in November 2002

to suspend further deliveries of HFO by KEDO pending resolution of the HEU issue. In response to that suspension, Pyongyang declared that the United States had effectively killed the Agreed Framework and then proceeded to unfreeze their nuclear facilities at Yongbyon. Part of Pyongyang's initial rationale for restarting its 5 MW(e) reactor in January 2003 was for the production of energy to replace the now suspended HFO.

In the latest round of Six Party Talks, North Korea is reported to have demanded that the United States, at the point that the freeze goes into effect, take part in energy aid of two million kilowatts, in addition to removing them from the list of states sponsoring terrorism and lifting economic sanctions as part of its "reward for freeze" proposition.

This gap between what the United States and others may be prepared to provide as part of an initial step toward complete resolution of the current nuclear crisis and what the North Koreans are demanding can be described as routine and predictable at this stage of diplomacy. North Korea is attempting to devalue the U.S. proposal while increasing the price it is demanding for settlement. But more importantly, it highlights the important role energy will play in any settlement.

I must point out now before we get much further into the discussion of energy that there are several private and quasi-official efforts proceeding in the area of possible provision of energy to North Korea. One of these efforts involves the United Nations Secretary General's special envoy to North Korea. I will leave to him or others to explain how, if at all, his efforts have been coordinated with the on going multilateral talks and how it may or may not support a negotiated settlement.

What is clear is that North Korea has an energy shortage that has affected all aspects of national and individual life. Industrial capacity is down, electricity for agricultural use is insufficient and basic necessities of life such as heating and electricity are unreliable. This was the situation that gave U.S. negotiators certain leverage in 1994 that led to the Agreed Framework and it is the same situation that can provide U.S. negotiators a similar level of leverage today.

Energy that was supplied to North Korea as a result of the Agreed Framework was both short- and longer-term. It was controlled and reversible, in the event Pyongyang reneged on its commitments. As I mentioned earlier, we suspended further deliveries of near-term energy assistance (HFO) in November 2002 and later suspended work on the longer-term energy assistance (the LWR project). It is appropriate that future deliveries of energy that are part of a diplomatic resolution of the current crisis likewise be phased and tied to North Korean performance of its obligations.

That being said, the situation today requires full consideration be given to all the variables we face. For example, it is easy from an American point of view to declare the Agreed Framework dead, ending any and all support for the LWR project at Kumho. That would be short-sighted. While I personally do not envision a scenario in which the current LWR project is completed as originally contemplated and the keys to an operational nuclear facility turned over to Pyongyang, I do think we must look further down the road to a point in time when reunification of North and South Korea is a reality. My assumption is that when that time comes, a reunified peninsula will be ruled by a democratic government allied to the United States. That reunified nation, let alone the projected needs of the current Republic of Korea, will have vastly greater energy requirements. It stands to reason that some of that energy might well be supplied by nuclear facilities yet to be built. In that regard, I can see value to preserving the current LWR work at Kumho or even advancing it under a formula that keeps control in the hands of the ROK or some other international entity until reunification occurs.

Since I have mentioned KEDO and the LWR project, let me continue on that theme. I must confess that when I worked on the National Security Council staff for several years and functioned as Ambassador Charles Kartman's deputy in negotiations with the DPRK, he tried his best to get me involved in KEDO. To my regret, I resisted his wise counsel, for in May 2001, I succeeded Ambassador Kartman as the U.S. Representative to KEDO.

What I learned very quickly then and had reinforced over the next two and half years is that KEDO has an exceedingly strong international staff composed of experts from each of the consortium's member countries: the United States, Japan, the Republic of Korea and the European Union. I worked closely with each of the consortium's Board Members as well as its Executive Director, Ambassador Kartman. I have concluded that KEDO, as an organization, is well placed to transition with minimal effort to an organization that could contribute to the procurement and distribution of non-nuclear forms of energy assistance to North Korea as part of a diplomatic resolution to the nuclear crisis.

KEDO has years of experience in purchasing HFO on the world market and having it delivered to North Korea. It has negotiated tough protocols with Pyongyang requiring internationally acceptable behavior and the development of responsible internal regulations governing conduct and rights at the LWR site at Kumho. Equally important, the KEDO staff has established a professional, non-political relationship in doing business with its North Korean counterparts. Moreover, the North Koreans now have nine years of experience dealing with KEDO. They have developed confidence in their ability to work with its people, from both a policy and operational standpoint. In addition, they have established a bureaucratic counterpart to KEDO with enough standing in their own system to get decisions carried out.

Before KEDO can be restructured as a tool of Six Party Diplomacy, the EU needs to be brought into the nuclear resolution process, even if only on an informal basis. As a voting member of the Board of Directors, having EU approval for the future transition of KEDO is essential. Any organization that was created to replicate KEDO's expertise would be an unnecessary waste of time and energy, in my opinion.

Having established that a key element in the provision of energy to North Korea already exists, let me turn to potential energy packages that could be considered.

When talking about energy assistance to North Korea, you have to expand your initial thoughts of oil or coal to all aspects of the energy system that would be beneficial, and therefore of value, to North Korea. First of all, North Korea's infrastructure is obsolete and inefficient. Basic upgrades from insulating homes and businesses, to grid improvements, to rehabilitation of old plants and mines to new constructions of power plants would play a role in the equivalent delivery of energy assistance to North Korea. Natural gas via a pipeline from Russia is another possibility but one that could be part of a longer-term package. However, the cost involved may dictate that it be a mix of government-commercial if not an outright commercial venture.

For negotiating reasons, a phased approach to providing energy assistance is best. Near-term provision of energy could easily come in the form of Heavy Fuel Oil. North Korea has the capacity to handle and convert HFO to electricity, if provided on a scheduled basis. In the past, North Korea complained that U.S.-provided HFO inevitably was unpredictable and arrived in quantities too large for them to handle efficiently. In addition to HFO, pilot projects designed to repair existing mines and conventional power plants could be undertaken. The first construction of a new conventional power plant could occur at Kumho, the site of the current LWR project. The infrastructure at Kumho already exists, thus shortening the time that otherwise would be required to begin such a project.

Longer-term projects that could be phased in as progress is made in fulfilling non-proliferation obligations would include transmission grid rehabilitation, natural gas pipeline construction, the modernization of existing power plants, and construction of hydroelectric power plants throughout the country. The longer-term rehabilitation of the energy infrastructure is of enormous importance to South Korea. When reunification takes place the cost to bring North Korea up to minimum South Korean standards will be enormous. Any opportunity for Seoul to get started in infrastructure rehabilitation in North Korea before reunification would be a welcome head start. Key to any longer-term energy assistance would be a serious energy needs survey of North Korea validated by South Korea.

All of the programs I have mentioned have costs that have to be calibrated to the value that the Six Parties must agree upon in connection to the elimination of North Korea's nuclear weapons program. I do believe energy assistance will be an important component in the eventual resolution of the nuclear crisis.

Mr. Chairman, I want to thank you for the opportunity to appear this morning and look forward to answering any questions you may have.

The CHAIRMAN. Well, thank you very much, Ambassador Pritchard.

In this round of questions, Senators will have 10 minutes. I will commence my part of that questioning by commenting that, Secretary Carter, you mentioned at the outset, before you got into the constructive phase of your program, a certain degree of pessimism about how the negotiations are proceeding. You put that on the record, but you said that even notwithstanding this, down the trail things still may get better.

On the other hand, without underscoring it, you mentioned the fact that we might not be successful. There could be military action, economic sanctions, in other words, some activity on the part of our government or others because of the seriousness of the proliferation problem. You have listed five crises that occur if things remained in the status quo. That is an ominous overtone, but nevertheless one based on your own experience.

In view of that, I am struck by the fact that you suggested that if a so-called Nunn-Lugar approach was to be adopted here, one thing that we might think about would be the careful design of that program now, as a part of the negotiations, if there is a North Korean Nunn-Lugar program. We have a pretty good idea of who does what in this situation. We acknowledge the importance of the continuity of such a program. It ought not to go through all the hazards of the programs with regard to Russia or the Newly Independent States which you point out, from your own experience, and which I know from my own, led to many congressional restrictions. There were pauses during which there was no activity at all for a while, followed by waivers by the President to get it all going again. The problem of dealing with the North Koreans in this matter is that they might very well take advantage of these intervals, or of the lack of decision, the lack of continuity on our part. Having gone down that trail before, understanding hazards of something that starts from scratch, we need not go through all of that this time.

It is important that we have the organization all set up. The North Koreans can look at it. In the negotiating situation, as it stands, we are discussing the fact that at the end of the trail there may be some of these discussions. This would pertain likewise to the energy component. But the specifics of this are not very clear for us or for them. So as a result, this is almost bound to cause more delay in the negotiations as the parties try to flesh it out.

To pick up a subject that you have talked about, Ambassador Pritchard, with KEDO, we have an entity that people have heard about and has worked. However, if we eliminate KEDO, what happens if fuel comes again, heavy fuel or otherwise?

Let us take the worst case scenario, as I think through your testimony, regarding the six-party talks, assume negotiations do not work. Time goes on and there comes from one source or another more evidence that nuclear weapons are being formed in whatever form and, furthermore, that there may be proliferation.

Is there not some value in having these designs set up in light of the point you make, Ambassador Pritchard, of how this might ultimately be integrated into the energy components or programs of South Korea?

For example, let us say that at the end of the day the North Korean regime is in fact overthrown. Now, many have said, this would be a catastrophe, because if Iraq was a problem, in terms of lack of planning about what happens the day after, then North Korea, in its current status of starving people, with a total lack of energy needs for development and so forth, would be in even worse shape. Physically, who does what? In either case, war or peace—preferably peace, because you have the credibility of planning—there is real value in having these designs physically available.

They show that we have done our homework. They demonstrate the concentration of American and international expertise as we bring the process along. It brings a new dimension, to these negotiations, as opposed to us simply hoping at the end of September that people will be in a better mood than they were in when we last met.

Does this thinking strike any chords with either of you?

Dr. CARTER. It certainly does with me, Mr. Chairman, both on the up side and on the down side. I am referring to the formulation that former Secretary of Defense Bill Perry used in the North Korea policy review, in which I participated. We talked of the upward path and the downward path for North Korea; that is, painting for them a portrait of how things get better for them if they forebear in the nuclear area, but also of how things can get worse for them, and distinctly worse, if they do not. The essence of diplomacy of the kind in which we are engaged is to create the fork in the road in which they need to choose that upward path or the downward path. The more vividly we can portray both of those paths, the more effective our diplomacy will be. So on the upward path, I absolutely agree with you that the more we can show them what a Nunn-Lugar ingredient of a solution might be, what an energy ingredient of a solution might be, the better will be our test of whether they are willing to give up their nuclear weapons.

And as you point out, even if diplomacy does not succeed, the North Korean regime is not going to be around forever, but the plutonium is, or essentially forever, because plutonium lasts 24,000 years. So even if Kim Jong-il's regime goes away, we still have the problem of safeguarding the material his regime made. So the plans that we devise now would be pertinent in that scenario also.

I think painting the downward path vividly is important as well. Economic sanctions are on that path. As you know 1994 was the year of my first acquaintance, within the Department of Defense, with the North Korean previous nuclear crisis. We did consider, in different circumstances from today, I will grant, military action against North Korea's nuclear program, specifically a strike upon the Yongbyon complex at that time, because we felt that the consequences of North Korea going nuclear were so grave that they were worth the risk attendant upon military action in the Korean Peninsula. And I do not think that is something that ought to be taken off the table by the United States now.

If I may just make one other comment. Another thing you said, with which I agree absolutely and to which I alluded in my statement, is that threat reductions, stability operations—these are things that we are not very good at. We are tremendously good at joint military operations. I am very proud that we are, and that is the paramount capability that we have for action overseas. But when it comes to doing other things, we do not always accomplish them very well. Your idea, in the matter of stability operations, and also threat reduction, to learn from our experience and bottle, so to speak, the experience we have in the former Soviet Union for Nunn-Lugar, and in Bosnia and Iraq for stability operations, for the future, is terribly important. Otherwise, every time we do this kind of thing, we are going to stand up all over again and fall down

all over again and have to pick ourselves up. I completely agree with that point you made also.

The CHAIRMAN. Do you have thoughts?

Ambassador PRITCHARD. Mr. Chairman, I could not agree with you more in terms of the preparation that needs to be there. It will help in the negotiations. It will help in the long run.

What is striking about the six-party talks is that any kind of element of concrete that has been put forward we have taken as a very positive sign. The North Koreans likewise are looking for anything, whether it is a negative concrete or a positive concrete likewise.

Two years ago when I had the job as Special Envoy, I went to see Senator Nunn, thinking ahead of the process of how Nunn-Lugar might apply to North Korea, to pick his brains on how it could be applied, thinking along the lines that you are now. Unfortunately, that was subsumed by the HEU revelation and we were not able to move anywhere. But I think that was a mistake. We should have done so early on.

I would also say as an example of standing up KEDO or any kind of mechanism, whether it is Nunn-Lugar or something else, shows the North Koreans there is a long-term prospect in place. It gives them the incentive to continue to either cooperate or, in this case, one of the things that is missing that was asked of Assistant Secretary Kelly was the establishment of red lines. There have been no discussions with the North Koreans about what would occur should the North Koreans transfer fissile material or technology. That ought to be established early. It should have been established 2 years ago and it is not too late to do so now to put in place the concrete nature of the downward path that we might ultimately be faced off with. I hope we are not, but it needs to be there.

The CHAIRMAN. I appreciate those answers. Let me just say that it has certainly been the thrust of our committee efforts to think about structures for nation-building for procedures that we need to follow. We will continue to pursue this in our modest way, in the hope that we can spur activity by the administration.

Likewise, we are appreciative of the fact that for the first time, a year ago, the Nunn-Lugar funds were available, at least \$50 million, for application outside the former Soviet Union. So even though theoretically thoughts have arisen about having these programs somewhere else, inexplicably until this time, it was very, very difficult for all of our colleagues in the Senate and the House to agree that this program might be useful somewhere else. That has finally come about, mercifully.

Even if the endeavor would be more modest than it was in Russia, it could still be expensive. You are suggesting, Secretary Carter, a 10-year period of time, or at least some period that requires some continuity of thought and some bipartisan cooperation through several administrations, Congresses, and so forth, if our foreign policy in this very critical area is to be effective.

Senator Biden.

Senator BIDEN. Thank you very much. I will be brief, gentlemen. I know we have kept you a long time.

Ambassador Pritchard, if the United States does not want to assist North Korea's energy sector, are the other parties of the six-

party talks capable of putting an enticing enough package on the table in return for North Korea's nuclear disarmament?

Ambassador PRITCHARD. The answer is probably not in terms of the overall package in the long term of the total removal of the North Korean—certainly—

Senator BIDEN. The total removal of North Korean?

Ambassador PRITCHARD. Nuclear program.

Senator BIDEN. So then this is a non-starter.

Ambassador PRITCHARD. Well, let me suggest the initial phase, in terms of provisions of heavy fuel oil or interim energy, Japan and South Korea are capable of doing. There are other ways in which to skin this cat, when you take a look at the value of energy, when you take a look at rehabilitation efforts, not simply the provision of concrete coal or other things that would be of significant value, the rehabilitation of mining, new construction. Others can do that.

Senator BIDEN. But the bottom line is, are you saying that if Secretary Kelly's position, as he stated it here today, were a concrete position held by this administration, that we will not participate in providing any of the energy needs of North Korea in return for a commitment, as I understood it, for total disarmament of the nuclear capability, then what is there that—I mean, is this not a non-starter?

Ambassador PRITCHARD. If I may, sir. There are two parts to that, one of which is the absolute. Could the others come up together with absolute packages of energy that might be able to entice in absolute terms North Korea to do *x*, *y*, or *z*?

Senator BIDEN. Not *x*, *y*, or *z*. Total disarmament is specifically my question.

Ambassador PRITCHARD. Theoretically perhaps. I would tell you as a negotiator that it is a non-starter from a North Korean point of view—

Senator BIDEN. That is what I am saying.

Ambassador PRITCHARD [continuing]. That the lack of U.S. commitment and involvement in this process, allowing others to do this, where the only commitment from a North Korean point of view in the 1994 Agreed Framework in terms of the provision of benefits was the U.S.—

Senator BIDEN. Provision of energy. I am just trying to focus specifically. I asked Secretary Kelly are we prepared to provide for what I called incentives and he was calling incentives in the nature of fuel or money. And he said no, we are not prepared to do that. We will not reward them for doing the right thing, which is to disarm or end their nuclear program. So if your expert opinion is there is no reasonable circumstance in which the North Koreans would be prepared to agree to forego their nuclear program and nuclear capability because they could not get a sufficient commitment on their energy needs, absent a U.S. commitment as part of their energy needs, then this is a non-starter in your view.

Ambassador PRITCHARD. It is a non-starter, but it is not solely linked to energy. It is the commitment by the United States to be part of the process and it is simply insufficient for a North Korean to accept that the only U.S. commitment is the provision of a security guarantee.

Senator BIDEN. No. They said they would do other things. They said they would consider other commitments.

But at any rate, I do not want to beat this to death. I was just trying to get a sense of this.

Secretary Carter, you have criticized the Bush policy, as I have I might add, toward North Korea as being ineffective, lacking carrots and sticks. How do you view this latest round of negotiations, particularly the new U.S. proposal as laid out and as articulated by Secretary Kelly today? Is it good, bad, indifferent? Is it sufficient? How would you characterize it? Is it still ineffective policy?

Dr. CARTER. Senator, it is not even possible to say whether the policy has been effective or not, because in my observation, the administration has been divided within itself for the last few years.

Senator BIDEN. Well, that is clear.

Dr. CARTER. That is the basic reason why a proposal has not been tabled up until now.

Senator BIDEN. Well, they tabled the proposal, though.

Dr. CARTER. Now they have a proposal tabled.

Senator BIDEN. How about the present proposal? Is it an effective proposal? Is it the way you would be moving? Given the circumstances as they have unfolded in the last 2½ years, notwithstanding what I happen to believe are your legitimate observations of the mistakes made and the opportunities lost, notwithstanding that, tomorrow the President of the United States or a future President of the United States says to you, Carter, you are in charge of this policy. What do you do now today? You are in charge. What do you do relative to North Korea or the five other parties that is not being done now, or is what has been recently tabled a sufficient and the appropriate starting point from this day forward?

Dr. CARTER. I do not know whether it is sufficient, but I think it has the right ingredients in it, namely on our part the offer of, first of all, the security assurances, which I think are very significant to North Korea, coming from us. They are intangible. As I said, I think there is something we should be prepared to offer, and I think we have substantial leverage with that.

Second, the provision of Nunn-Lugar type assistance with dismantlement, as I said, is not a reward but is a defense by other means, as I quoted from Bill Perry to characterize that kind of assistance.

When you get to what else we, the United States, might offer that is tangible, I think it is still not clear in this proposal, and it was not clear to me anyway from the testimony just given.

Senator BIDEN. Would you put forward—

Dr. CARTER. Let me just finish that thought.

One of the strengths, Senator Biden, of the six-party talks and in the past of working with our allies was that together the portfolio of things that we, being different countries with different proclivities and different historical traditions and so forth, are willing to offer North Korea, and also the penalties that we can impose, are different for all our different negotiating partners. That is a strength of the six-party approach. So it may be that Japan, it may be that South Korea, it may be that Russia, it may be that China are prepared to do things in the energy field that the United States, at the end of the day, is not prepared to do. That is fine.

They can still be part of the deal. I am not prepared to say now that if the United States is not the provider of energy assistance, that energy assistance will not be an effective part of this package.

So I am comfortable with the mix of ingredients that are in here, as you characterized. I absolutely agree. I regret that years have passed and we have not been exploring this path. I think this is a reasonable mix of things to put in an initial package before North Korea. Whether they will go for it, as I said, at this point I am not sure.

Senator BIDEN. Right. I think we are all in that same position.

Let me conclude with one more question, Mr. Chairman. I remember early on when the Clinton administration concluded the original deal, the Agreed Framework, with North Korea talking to then Secretary of Defense Perry, and I asked him what the most important element was, and he said staying on the same page as the South Koreans and the Japanese. It struck me as both self-evident and elusive, that notion. I had not thought of it in those terms. I just subconsciously assumed that was necessary, but I did not think of it in terms of a need for a proactive and sometimes difficult undertaking.

Are we on the same page now, do you think? Is this administration now on the same page as Tokyo and Seoul as it relates to North Korea?

Dr. CARTER. I do not think we have been fully on the same page in the last few years. I hope this begins to put us on the same page. You are right. Bill Perry was right. No American policy toward North Korea can succeed unless it has the support of at least Japan and South Korea. Both in the carrots area and in the sticks department, as I mentioned earlier, we are stronger if we are working with them, because they have carrots and they have sticks that we do not have, and as a phalanx, we are a more powerful force in dealing with—

Senator BIDEN. And conversely our ultimate stick does not have much stick if it is clear that Japan and South Korea do not support it.

One of the things that I find interesting, after having had the honor of serving with seven Presidents, is that Presidents or administrations never like to acknowledge that they are changing course on anything. But it seems to me that one of the benefits of the six-party talks has been that the South Koreans and the Japanese have basically said, hey, we ain't continuing down this road you have been going. We are going to start to explore outside these six-party talks a different and emerging relationship with North Korea, which it seems to me was a bit of an epiphany for this administration and brought us to the point we are now of having tabled something that has the elements that in my view should have been tabled on day one.

I draw some sense of optimism about not what North Korea will or will not do, based on the time squandered and how far behind the 8 ball we are now, but on the notion that at least we seem to be over, within this administration, what was an extremely difficult ideological conflict that was taking place which was to even think about guaranteeing security. No matter what a member of the "axis of evil" did, they were still per se evil, and how can you

sign an agreement or sign onto a multiparty agreement that provides security assurances for an evil empire?

That seemed to me to be the ultimate difficulty this administration faced. They knew any part of any agreement, any possibility of an agreement with North Korea required a security assurance, and how do you do that? How do you do that if you have already decided—whether or not they have nuclear weapons, no matter what they do, the people in power are bad guys? I hope this reflects that that debate has been settled within the administration, but I do not know.

Dr. CARTER. May I comment on one thing you said?

Senator BIDEN. Yes, please respond.

Dr. CARTER. I also believe that the fact that our partners and allies were beginning to stray and seek their own separate channels to North Korea was a factor that lent urgency to the need for us to—I will not say change course—but to chart a course in these negotiations which we had had difficulty doing. So both for that reason, and because of the paramount reason, which is that North Korea is reprocessing plutonium, it is urgent to chart this course and get on with it; to do the experiment of seeing whether North Korea can, in fact, be persuaded diplomatically to give up its nuclear program.

Senator BIDEN. I thank you both very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you again, Senator Biden.

We had good questions raised by our colleague, Senator Brownback, about human rights, as well as an assertion by Assistant Secretary Kelly that this is an extremely important point. However, there are priorities with regard to all of this, in the context of the nuclear problem. Nuclear proliferation is the prime focus of our negotiators. I mention this because reference has been made to our experiences with the former Soviet Union, and then the successor states. Many times during the Nunn-Lugar debates, people would bring up, how can you possibly think about sending assistance of any sort, technical or money, to a regime that has caused the loss of its own people? How can you deal with this?

That is going to be a recurring problem. Regarding the Soviet Union, we decided that we should deal with this in terms of our security, so that warheads and missiles that are aimed at us, 13,000 of them would not be aimed at us. It is a tough call. As you can see in our own dialog today, we have different points of emphasis, although you always hope it all comes out in the same way.

Being on the same page with South Korea and Japan is an optimum situation. Dr. Carter mentioned that the young people in South Korea are not really on the same page with us, and might not be for a while. In other words, in the timeframe of how we all get to the same page, some very bad things could occur. Now, that does not call for unilateral action on our part. But I appreciate the problem of our negotiators, who are trying to move along in the six-party talks with a high degree of unity, which I think they are attempting to achieve.

Having said that, our committee has, as it was indicated earlier today by my friend, Joe Biden, been spurring our negotiators for some time to move toward the position that apparently they now

have. So there is some satisfaction in seeing that kind of movement. We are grateful to our negotiators for coming to the committee in public session. But the fact is we have had today a hearing about very serious American diplomacy in a public session with very well informed people from the past administrations as well as the current one.

So I call upon that as an achievement of sorts in itself. We have heard some very good ideas that we might pursue, including these designs that you have suggested about the explicit nature of what might be more credible in terms of our own negotiating procedure. Perhaps we can assist our own negotiators in trying to formulate some of those ideas even further in concrete terms that will be helpful to us.

I thank both of you very much for your testimony, for your excellent papers, and for your forthcoming responses. We look forward to visiting with you both again.

The hearing is adjourned.

[Whereupon, 12:15 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

STATEMENT SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF U.S. COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

PART THREE

SUMMARY OF TORTURE AND INFANTICIDE INFORMATION PROVIDED BY FORMER PRISONERS AND DETAINEES INTERVIEWED FOR THIS REPORT

I. Torture Summary

- According to almost all of the former-prisoner testimony gathered for this report—from All Lamada's 1967 Sariwon prison testimony to the post-2000 testimonies of North Koreans forcibly repatriated from China—the practice of torture permeates the North Korean prison and detention system.
- Former Detainee #1 was beaten unconscious for hunger-related rule infractions in 1997 at the Nongpo jip-kyul-so (detention center) in Chongjin City. He also reported that detainees there were beaten with shovels if they did not work fast enough.
- Former Detainee #3 reported the use of an undersized punishment box at the Danchun prison camp in which camp rule-breakers were held for fifteen days, unable to stand-up or lie down. He also reported that beatings of the prisoners by guards were common.
- LEE Young Kuk reported that he was subjected to motionless-kneeling and water torture and facial and shin beatings with rifle butts at the Kuk-ga-bo-wi-bu interrogation/detention facility in Pyongyang in 1994, leaving permanent damage in one ear, double vision in one eye, and his shins still bruised and discolored as of late 2002.
- KANG Chol Hwan reported the existence of separate punishment cells within Kwan-li-so No. 15 Yodok, from which few prisoners returned alive.
- Former Prisoner #6 reported that prisoners were beaten to death by prison workunit leaders at Danchun Kyo-hwa-so No. 77 in North Hamgyong Province in the late 1980s.
- AHN Myong Chol, a former guard, reported that all three of the kwan-li-so at which he worked had isolated detention facilities in which many prisoners died from mistreatment, and that at Kwan-li-so No. 22 there were so many deaths by beatings from guards that the guards were told to be less violent.
- Former Detainee #8 reported that male prisoners were beaten by guards at the Chongjin jip-kyul-so in mid-2000.
- Former Detainee #9 reported that detainees at the Onsong ro-dong-dan-ryeon-dae (labor-training camp) were compelled to beat each other.
- KIM Sung Min reported that in 1997 at the Onsong bo-wi-bu (National Security Agency) detention center, his fingers were broken and he was kicked and beaten on the head and face until his ears, eyes, nose, and mouth bled.

- RHYU Young II saw, in 1997, that out of six persons in an adjacent cell in the bo-wi-bu interrogation facility where he was detained in Pyongyang, two were carried out on stretchers, two could walk only with the assistance of guards, and two could walk out by themselves. Detainees who moved while they were supposed to be sitting motionless and silent for long periods were handcuffed from the upper bars of their cells with their feet off the floor. Detainees who talked when they were supposed to be sitting motionless and silent were compelled to slap and hit each other.

- Former Prisoner #12 reported that at Hoeryong kyo-hwa-so in the early to middle 1990s, minor rule-breakers were beaten by their cellmates on the orders of the guards, and major rule-breakers were placed in a 1.5-meter-square (16.5-foot-square) punishment cell for a week or more.

- LEE Min Bok reported being beaten “many times” on his fingernails and the back of his hands with a metal rod during interrogation at the Hyesan detention center in 1990. He also reported that at the Hyesan In-min-bo-an-seong (People’s Safety Agency) detention facility, where he was subsequently held, prisoners were compelled to beat each other. Lee witnessed one prisoner, KIM Jae Chul, beaten to death.

- Former Detainee #15 reported that he was beaten with chairs and sticks at both the Hoeryong and Onsong In-min-bo-an-seong jails in early 2002.

- LEE Soon Ok reported that she experienced beatings, strappings, and water torture leading to loss of consciousness, and was held outside in freezing January weather at the Chongjin In-min-bo-an-seong pretrial detention center in 1986. Her account of beatings and brutalities in the early to middle 1990s at Kaechon women’s prison, Kyo-hwa-so No. 1, (in her prison memoirs) are too numerous to detail here.

- JI Hae Nam confirmed the existence of miniature punishment cells at Kyo-hwa-so No. 1 and reported that beatings and kicking of women prisoners were a daily occurrence in the mid-1990s. She also reported beatings, during interrogation or for prison regulation infractions, in late 1999 at the Sinuiju bo-wi-bu jail, where she was required to kneel motionless, hit with broomsticks, and required to do stand-up/sit-down repetitions to the point of collapse, in her case in thirty to forty minutes.

- KIM Yong reported that he was beaten at the bo-wi-bu police jail at Maram and was subjected to water torture and hung by his wrists in the bo-wi-bu police jail at Moonsu in 1993.

- KIM Tae Jin reported that he was beaten, deprived of sleep, and made to kneel motionless for many hours at the bo-wi-bu police detention/interrogation facility in Chongjin in late 1998/early 1999.

- YOU Chun Sik reported that he was kicked, beaten, and subjected to daylong motionless-sitting torture at the bo-wi-bu police jail in Sinuiju in 2000. He described the motionless-sitting as being more painful than the beatings.

- Former Detainee #21 reported that she was beaten unconscious in mid-1999 at the In-min-bo-an-seong (People’s Safety Agency) ku-ryu-jang (detention/interrogation facility) at Onsong, where detainees were beaten so badly that they confessed to doing things they had not done. Women were hit on their fingertips. She witnessed one very ill woman who was compelled to do stand-up/sit-down repetitions until she died.

- Former Detainee #22 reported that he was beaten with chairs at Onsong bo-wi-bu (State Security Agency) police jail in late 2001, and beaten even worse at the Chongjin In-min-bo-an-seong detention center in early 2002.

- Former Detainee #24 reported that there were beatings at the bo-wi-bu police jail in Sinuiju in January 2000.

- Former Detainee #25 reported that one woman, a former schoolteacher who had been caught in Mongolia and repatriated to China and North Korea, was beaten nearly to death at the Onsong In-min-bo-an-seong detention center in November 1999, and then taken away either to die or, if she recovered, for transfer to Kyo-hwa-so No. 22.

- Former Detainee #26 was made to kneel motionless at the Onsong bo-wi-bu police jail in June 2000 and was made to sit motionless for six days at the Hoeryong bo-wi-bu police jail in July 2001.

- Former Detainee #28 reported that prisoners were beaten to death at the Kyo-hwa-so No. 12 at Jeonger-ri in North Hamgyong Province in 1999.

II. Ethnic Infanticide Summary

There are sporadic reports of forced abortions and baby killings at the kwan-li-so, where, except for a very few privileged couples, the prisoners were not allowed to have sex or children. There are also sporadic reports of forced abortion and baby killings at the kwan-li-so, where sex between prisoners is prohibited.

And there are sporadic reports of killings of pregnant women who were raped or coerced into sex by prison guards. However, this report focuses on the forced abortions and baby killings directed against and inflicted on women forcibly repatriated from China, because of the ethnic and policy components of those atrocities.

- CHOI Yong Hwa assisted in the delivery of babies, three of whom were promptly killed, at the Sinuiju do-jip-kyul-so (provincial detention center) in mid-2000.

- Former Detainee #8 witnessed six forced abortions at Chongjin do-jip-kyul-so in mid-2000.

- Former Detainee #9 witnessed ten forced abortions at Onsong ro-dong-dan-ryeon-dae (labor-training camp) in mid-2000.

- YOU Chun Sik reported that four pregnant women at the bo-wi-bu (National Security Agency) police station in Sinuiju were subjected to forced abortions in mid-2000.

- Former Detainee #21 reported two baby killings at the Onsong In-min-bo-an-seong (People's Safety Agency) police station in late 1999.

- Former Detainee #24 helped deliver seven babies who were killed at the Backtori, South Sinuiju In-min-bo-an-seong police detention center in January 2000.

- Former Detainee #25 witnessed four babies killed at Nongpo In-min-bo-an-seong police detention center in Chongjin in late 1999, and another six pregnant women subjected to forced abortion.

- Former Detainee #26 witnessed three forced abortions and seven babies killed at the Nongpo jip-kyul-so (detention center), Chongjin City, in May 2000.

