

**THE NORTH KOREAN SIX-PARTY TALKS AND
IMPLEMENTATION ACTIVITIES**

HEARING
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
ONE HUNDRED TENTH CONGRESS
SECOND SESSION

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JULY 31, 2008
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THE NORTH KOREAN SIX-PARTY TALKS AND IMPLEMENTATION ACTIVITIES

THURSDAY, JULY 31, 2008

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:42 a.m. in room SR-325, Russell Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Warner, Sessions, Collins, Thune, and Martinez.

Other Senator present: Senator Brownback.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Madelyn R. Creedon, counsel; Gerald J. Leeling, counsel; and Michael J. Noblet, professional staff member.

Minority staff members present: Michael V. Kostiw, Republican staff director; William M. Caniano, professional staff member; Lynn F. Rusten, professional staff member, and Dana W. White, professional staff member.

Staff assistants present: Kevin A. Cronin, Benjamin L. Rubin, and Breon N. Wells.

Committee members' assistants present: David E. Bonine, assistant to Senator Byrd; Elizabeth King, assistant to Senator Reed; Darcie Tokioka, assistant to Senator Akaka; Jon Davey, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Jennifer Cave, assistant to Senator Warner; Lenwood Landrum and Todd Stiefner, assistants to Senator Sessions; Clyde A. Taylor IV, assistant to Senator Chambliss; Jason Van Beek, assistant to Senator Thune; and Brian W. Walsh, assistant to Senator Martinez; and Erskine W. Wells III, assistant to Senator Wicker.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. First, we welcome our witnesses this morning. On the panel that we'll have in this room, we have Ambassador Chris Hill, Assistant Secretary of State for East Asian and Pacific Affairs, and William Tobey, Deputy Administrator for Nuclear Nonproliferation, National Nuclear Security Administration (NNSA), of the Department of Energy.

Ambassador Hill and Mr. Tobey, we look forward to hearing from you today on the current status of the Six-Party Talks and efforts to denuclearize the Korean Peninsula. We look forward to understanding how the U.S. and other members of the Six-Party Talks

will be able to obtain a full and complete declaration of all North Korean nuclear programs, how that declaration will be verified, and then how the facilities and materials will be disabled and destroyed.

Resumption of the efforts to denuclearize North Korea is most welcome, but long overdue. The administration is almost back to where our country was when we pulled out of the Agreed Framework, except that we are worse off. North Korea has produced more plutonium and more nuclear warheads. It has conducted a nuclear test and has withdrawn from the Nonproliferation Treaty. That means that Ambassador Hill and Mr. Tobey are left with the difficult task of trying to turn back the clock and once again not only halt plutonium production, but also to get an accurate accounting of all of the plutonium that's been produced by North Korea, determine the status of the uranium enrichment program, and get the plutonium that is there under safeguards and their bombs destroyed.

What cannot be undone, however, is the knowledge that North Korea has gained in their nuclear development program since 2002. Through its nuclear weapons test, North Korea clearly proved that it has the ability to produce nuclear weapons. That knowledge will always exist and with it the concern that a weapons program could be resumed or the knowledge proliferated.

When we complete the first panel, we are going to move to a closed session in room S-407 of the Capitol. Ambassador Hill and Mr. Tobey will be joined by Ambassador Joseph DeTrani, who's the North Korean Mission Manager; and Vann Van Diepen, National Intelligence Officer for Weapons of Mass Destruction, both of whom are from the Office of the Director of National Intelligence.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT BY SENATOR CARL LEVIN

Good morning. Welcome to our witnesses this morning. On the first panel we have Ambassador Christopher Hill, Assistant Secretary of State for East Asian and Pacific Affairs; and William Tobey, Deputy Administrator for Nuclear Nonproliferation, National Nuclear Security Administration (NNSA), Department of Energy. Ambassador Hill and Mr. Tobey we look forward to hearing from you on the current status of the Six-Party Talks with North Korea and efforts to denuclearize the Korean peninsula.

Most importantly we look forward to understanding how the US and the other members of the Six-Party Talks will be able to obtain a full and complete declaration of all North Korean nuclear programs, how that declaration will be verified, and then how the facilities and materials will be disabled and destroyed.

Resumption of the efforts to denuclearize North Korea is most welcome but long overdue. The administration is almost back to where our country was when we pulled out of the Agreed Framework except that we are worse off—North Korea has produced more plutonium and more nuclear warheads, it conducted a nuclear test and withdrew from the Nonproliferation Treaty.

Ambassador Hill and Mr. Tobey you are left with the difficult task of trying to turn back the clock and once again not only halt plutonium production but also get an accurate accounting of all the plutonium produced, determine the status of the uranium enrichment program, get the plutonium under safeguards and the bombs destroyed. What cannot be undone, however, is the knowledge that North Korea gained in their nuclear development program since 2002. Through its nuclear weapons test North Korea clearly proved that it has the ability to produce nuclear weapons. That knowledge will always exist and with it the concern that a weapons program could be resumed or the knowledge proliferated.

When we complete the first panel we will move to a closed session in room S-407 of the Capitol. Ambassador Hill and Mr. Tobey will be joined by Ambassador Joseph DeTrani, North Korean Mission Manager, and Vann Van Diepen, National

Intelligence Officer for Weapons of Mass Destruction, both of whom are from the Office of the Director of National Intelligence.

Ambassador Hill we will begin with you. Please proceed with your opening statement.

Chairman LEVIN. Senator Warner.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman.

Welcome, gentlemen. I welcome all my colleagues and others who are here today.

Mr. Chairman, I'm going to ask that I put my whole statement in the record, but I want to talk about a couple of aspects of this very important hearing this morning. I had the opportunity to consult with Ambassador Hill and I asked that he address this morning the subject of human rights as a part of his presentation in the opening statement and then respond to such questions as may be propounded on this issue.

Mr. Ambassador, I have read through the testimony that you are submitting before the committee and I commend you for that action. I also commend you for what I think is one of the great chapters in the contemporary history of the Department of State and indeed, under the direction of the President and others, in achieving the current status with regard to North Korea, and indeed it's the whole Korean Peninsula that we're addressing. We're anxious to hear about the further progress we hope that you can make on the ground over there.

I want to say a word about the President's nominee to be Ambassador to South Korea. As I understand, she was a principal deputy. Her name is Kathy Stephens. I have met with her, talked with her at length. She has an extraordinary background. In my judgment, she is very, very capable of taking on this heavy responsibility.

I hope that the Senate—and I will so address the Senate on the floor—can proceed to a confirmation before the August recess to enable her to be there for the important visit, as I understand, scheduled by the President.

I say that, Mr. Chairman, with a deep sense of humility because in 1951–1952 I was a young officer in the Marine Corps stationed for a brief period in Korea during that conflict. That conflict is one that's very important to me. My participation was of no great consequence, but I certainly served alongside others who gave their full measure, their life and their limb, to see that South Korea would be preserved as a free and sovereign nation.

Of course, we had the United Nations (U.N.) forces in there. 37,000 Americans lost their life in enabling South Korea to survive as a sovereign nation. I think it's just important, the progress that's been made to maintain peace on that peninsula and to limit the capabilities of North Korea to project in one way or another either its influence or through the sales of weaponry or other issues, project beyond the shores of that peninsula and place in harm's way innocent people, wherever they may be, on the planet today.

I think the steps that you've achieved thus far are to be commended. Once again, I'll have further to say on the floor of the Senate, but I ask the chairman if part of my allocation of time on questions could be yielded to Senator Brownback, whom you know very

well, of the Foreign Relations Committee. He, as well as some other Senators, have understandable concerns on the issue of human rights and I do hope that a colloquy between the two of you can occur as a part of this hearing, which would underlie the hopeful confirmation by the Senate before the August recess of Ambassador Stephens.

I thank the chair.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

I join Chairman Levin in welcoming our witnesses today. Given recent developments in the Six-Party Talks with North Korea, it is important that the committee receive this update on the negotiations and the prospects for continued progress in persuading North Korea to disable, dismantle, and ultimately abandon its nuclear weapons program.

Ambassador Hill, you have faced many challenges in negotiating with a most difficult adversary—North Korea, in coordinating with our foreign partners in this effort, and in navigating a delicate political landscape right here in the U.S. Government and Congress. I thank you for your dedicated service, and commend you for the success you have achieved to date. The committee is keenly interested in your report this morning.

We are also eager to hear about the progress being made on the ground in North Korea, to include the role the National Nuclear Security Administration is playing in implementation and verification of North Korea's denuclearization commitments. In addition, we welcome our witnesses from the Office of the Director of National Intelligence who we hope will shed light on North Korea's intentions, its nuclear declaration, and its nuclear and missile programs.

Mr. Chairman, a word about a chapter in the history of the Korean Peninsula. I note the 55th anniversary of the Korean War Armistice. I acknowledge, with a deep sense of humility, that I was privileged to serve in Korea with the U.S. Marine Corps for a brief time during the 1951–1952 period of the Korean War. I bring a unique and heartfelt perspective to the past and present American involvement, with other nations, on the Korean Peninsula. Last week, I attended a solemn ceremony on the occasion of the 55th Anniversary of the Korean War Armistice. This event, sponsored by Senator Cardin and House Majority Leader Hoyer, honored the sacrifice and service of our Armed Forces in that war, where over 36,000 Americans gave their lives. Over 100,000 were wounded and today, a number of prisoners of war are still missing. American forces were a part of a United Nations force structure. Fifty-five years later, the Republic of Korea remains a free democracy and faithful ally to our Nation.

Because of my deep and abiding interest in Korea, and the relationship between our two nations, I requested a meeting with Ms. Kathleen Stevens, the President's nominee to be the next U.S. Ambassador to the Republic of Korea. I was impressed to hear that she started her distinguished career as a Peace Corps volunteer serving in rural South Korea. Her impressive experience rising through the ranks of the Foreign Service, up to and including her service as Principal Deputy and Political Advisor in the Bureau of East Asian and Pacific Affairs at the Department of State, combined with her fluency in the Korean language, make her uniquely and immensely qualified to be our next Ambassador to the Republic of Korea. If confirmed, she would succeed another outstanding Foreign Service Officer—Ambassador Sandy Vershbow—who has served with distinction, but is slated to leave Seoul in September.

Our President will travel to Asia next week for the Olympics, stopping first in Seoul. I think it is critically important that he be able on that visit to announce the confirmation of the next U.S. Ambassador to the Republic of Korea.

Therefore, I am urging my colleagues in the Senate to allow Ms. Stephens' nomination to be called up and voted upon before the Senate leaves for the summer recess.

With that I will conclude my remarks and look forward to our witnesses' testimony.

Chairman LEVIN. Thank you very much, Senator Warner.
Ambassador Hill?

STATEMENT OF HON. CHRISTOPHER R. HILL, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, DEPARTMENT OF STATE

Ambassador HILL. Thank you very much, Chairman Levin. Thank you very much, Senator Warner and distinguished members of this committee, for inviting me to come here and give you an update on the status of our efforts to achieve verifiable denuclearization of the Korean Peninsula through this Six-Party process.

I have a lengthy statement which, with your permission, I'd like to submit for the record, but make some comments drawing on that.

Chairman LEVIN. We thank you for that. The entire statement will be made a part of the record.

Ambassador HILL. Mr. Chairman, in addition to discussing what we are doing to try to achieve denuclearization of the Korean Peninsula, I would also like to talk today about our broader vision, as outlined in the 2005 joint statement, for the overall region and to ensure that region enjoys the benefits of human rights protection and also economic development that would accompany this denuclearization.

Senator Warner has spoken of his sacrifice, of his time in the Korean War. Some 55 years ago this month was the armistice. Senator Warner, I want to say to you, as someone who has spent a good bit of time on the Korean Peninsula, how important your efforts have been to that part of the world. South Korea today is one of the world's most vibrant economies, but, more importantly than that, it's one of the world's most vibrant democracies. It provides freedoms for its people. It provides human rights for its people. I think if you trace that human rights record, which wasn't easy to achieve and wasn't achieved overnight, but when you go back through the decades, when you look back at what happened in the 1990s, especially what happened in the 1980s with the student movement there, with the movement to release political prisoners—and I might mention in that regard, Senator Warner, that the candidate to become our next ambassador was very much involved as the Human Rights Officer of those times.

They were very difficult times. But none of this would have been possible without the sacrifice of your fellow soldiers and sailors, the efforts during that terrible war to maintain freedom there. So I think for all people who participated in that war, they can be very, very proud of what was achieved.

Our duty now is to see if we can achieve that, not only for the Republic of Korea, South Korea, but now to bring some of those freedoms to the people in North Korea. To get to that point, we need to focus very heavily on this, on denuclearization. But I want to stress, that is not the only area of our focus.

Senator WARNER. Thank you, Mr. Ambassador.

I wish to note, Mr. Chairman and others, that it is the 55th anniversary of that conflict, and we had two very solemn ceremonies here on Capitol Hill to allow veterans and others who participated in that conflict—I've always said mine was very modest compared to the others. But it is well remembered across America the sacrifices that this country and those other nations of the U.N. at that

time—it was a U.N. force structure—that participated in providing the security for South Korea.

Chairman LEVIN. One of the most extraordinary memorials in Washington is the Korean War Memorial, which too many people don't even know about, but when they go there they are absolutely stunned by its impact.

Thank you, Ambassador.

Ambassador HILL. If I could also mention that I'm very pleased to be joined here today by my colleague Will Tobey from the Department of Energy. The Department of Energy has a very key role in this process of denuclearization. Will and I have done some traveling together out there to the region. We've done some negotiating together, and I'm very pleased to have Will here today.

Mr. Chairman, we have made some important progress on the Six-Party Talks, but I must tell you as a person involved in it that we have a lot more to be done in order to implement the September 2005 joint statement, that is to achieve verifiable denuclearization and to achieve a better life on the Korean Peninsula.

Before turning, however, to the specific status of implementation of the Six-Party Agreements, I do want to reflect a little on the Six-Party process. In October 2002, President Bush and Chinese President Jiang Zemin discussed creating a Six-Party framework to deal with this, with the problem of North Korea's nuclear ambitions. Our President made it very clear that the United States alone cannot solve this problem. We need partners. We need to work with others. Indeed, we need to make sure that others understand that this is a problem that doesn't just threaten the U.S.; it threatens them as well.

Over the past 6 years we have seen the strategic importance of this framework, not only for dealing with the nuclear issue, but also for Northeast Asia more generally. Multilateral diplomacy takes time and effort, as President Bush has said from time to time. Merging the interests of six parties is not easy. I must say, as I've said before, it offers no refuge for those in need of instant gratification. It requires concerted efforts. I think in working with our partners we have achieved some accomplishments.

I would say our close cooperation with China in the Six-Party Talks has had implications beyond the Korean Peninsula and Northeast Asia. I believe it's had an important impact on China's emergence as a responsible stakeholder in the region. It is very important that we find ways to work with China. We hold China to certain international standards, whether it be in the proliferation area or the human rights area, and I think one of the best ways we've been able to do that is through the Six-Party process.

The Six-Party framework works because each nation represented at the table has a shared interest in a peaceful, stable, and denuclearized Korean Peninsula, and it makes North Korea accountable not just to us, but to all of its neighbors. The process is based on the principle of action for action. This was very much embodied in the September 2005 joint statement. That statement lays out the goals for the process, requiring that all the parties undertake to promote economic cooperation in the field of energy, trade, and investment. It also looks to bring the international standards

in all areas to this Korean Peninsula, in particular to the Democratic People's Republic of Korea (DPRK).

To be sure, this is a broad vision and full implementation of this joint statement would not only offer the North Korean people a better future, but it would provide a foundation for regional peace and stability based on recognized norms of international relations, including human rights.

Of course, this ambitious agenda cannot be realized all at once. The parties agreed to take a phased approach to reaching these goals. Each of these phases have been challenging, but we are making some progress. The action-for-action process has allowed us to build trust as each side knows that the process will only move forward when each side fulfills its commitments. Under the framework, DPRK receives something from the other parties only as it moves forward in its own commitments.

So what is the status of these agreements? The initial phase was concluded in 2007 and we're currently completing the second phase actions and we hope moving into the third phase of implementation. In the first two phases, we've made some important progress. Under the February 2007 agreement on initial actions, the DPRK shut down and sealed its core nuclear facility and invited the International Atomic Energy Agency (IAEA) personnel to conduct monitoring and verification. IAEA personnel have remained in place, monitoring the shutdown and sealing of the Yongbyon nuclear facility, since July 2007. Indeed, it was only 1 year ago this month that North Korea shut down its production of plutonium.

Under the October 2007 agreement on second phase actions, the DPRK took significant steps to disable its three core Yongbyon nuclear facilities, and on June 26, just about a month ago, it provided a declaration of all of its nuclear programs to the Chinese chair. On June 27, in an important symbol of its commitment to the process, it collapsed the cooling tower at Yongbyon to make clear that it has no intention of reviving this facility, this nuclear facility, in the future.

Since November 2007, a rotating team of U.S. experts has been on the ground overseeing disablement of the three core nuclear facilities. North Korea is no longer able to produce weapons-grade plutonium at Yongbyon. It's completed some eight out of eleven agreed disablement tasks. It's discharged more than half of the 8,000 spent fuel rods from the reactor. When it completes all of these 11 steps, it would have to expend significant time and effort, upwards of 12 months, maybe more, if it ever wanted to reconstitute the facilities. Our experts—and Mr. Tobey can speak in far greater detail on this—continue to report good working cooperation with the DPRK experts on the site.

The declaration package that the DPRK provided to the Chinese on June 26 addresses its nuclear program and acknowledged our concerns about uranium enrichment and its past nuclear proliferation activities, specifically with Syria.

The DPRK's declaration is not an end point, however, in our efforts to understand their nuclear program. Frankly, it's the basis now of a rigorous process of verifying all of their nuclear programs. We have reviewed copies of 18,000 pages of documents handed over to us by the North Koreans, consisting of operating records from

its 5-megawatt reactor in Yongbyon going back to 1987, and the re-processing facility that they gave us in May, and already it's producing some results.

The six parties have agreed on general principles for verification that are guiding the ongoing discussions of a verification mechanism. These principles include access to facilities, documents, and interviews with personnel, and other measures as agreed by the Six Parties.

In response to the North Korean actions to fulfil its commitments, the U.S. has also moved on fulfilling our second phase commitments. On June 26, President Bush announced that he was terminating the exercise of authorities under the Trading With the Enemy Act with respect to North Korea and notified Congress of his intent to rescind designation of North Korea as a state sponsor of terrorism following a minimum 45-day congressional notification period.

The President made very clear that during this 45-day period we would use that period to assess the DPRK cooperation, including on reaching an agreement on a verification protocol. Indeed, one cannot talk about a declaration without verification. They go hand-in-hand.

North Korea is also receiving some energy assistance in return for its denuclearization actions. To date they've received some 420,000 tons of heavy fuel oil and equivalent assistance, including 134,000 tons of heavy fuel oil provided by the U.S. heavy fuel oil, equivalent material, and equipment provided has also been consistent with U.S. laws controlling exports to the DPRK.

On July 12, the six parties announced agreement to work in parallel to complete all of the disablement work at Yongbyon and to contract to deliver remaining energy assistance by the end of October. That means that if the DPRK wants more energy assistance they will have to do more denuclearization.

The U.S. remains very much concerned about outstanding questions relating to North Korea's uranium enrichment efforts and proliferation. We'll continue to engage the DPRK in detailed and candid discussions on these issues until these issues are resolved in a verifiable way. The six parties have agreed to establish a monitoring mechanism, that all six parties have agreed to, to track all parties' obligations, including, and from our perspective especially, nonproliferation. We will use this mechanism to hold the DPRK to its commitment not to transfer nuclear materials, technology, or know-how. This is a commitment they have made to the other five. That commitment was in the October statement and we will monitor it with great care.

We will continue to press the DPRK to address questions about Japanese abductees. We'll continue to urge North Korea at every opportunity to address Japan's concerns. Japan is an important friend and ally of the United States. We'll continue to consult closely with the Japanese Government as we move forward. We have done this at every step of the way. Any move we have made with respect to the DPRK, we have worked very closely with the Japanese as our allies. Keep in mind that Japan has some special concerns here, namely the fact that several of their citizens, an undetermined number of citizens, were actually abducted, in some cases

right off the streets of Japan, in the late 1970s and early 1980s. Those citizens, whether the number is 12 or 20 or whether it's more, as some people do believe, there needs to be a proper accounting on that, and we have pressed the DPRK and I can assure you we will continue to press them because we consider that something that has to be addressed if we're going to achieve this sense of neighborhood in Northeast Asia that we're looking for.

But even as we make progress on these second phase actions and begin to move into the third and final denuclearization phase, significant work remains, including the abandonment of North Korea's nuclear weapons programs, the dismantlement of all of their facilities, and the removal of fissile material from the country and the verification that indeed there is an absence of fissile material. That is, once they have removed it we need to make sure that all of it has been removed and taken from the country.

In exchange, the United States is prepared to transform our relationship with North Korea into a more normal relationship. The U.S. and the DPRK are committed to improving bilateral relations and working toward full diplomatic relations, and one way we'll do this is by increasing bilateral exchanges aimed at enhancing mutual trust.

The issue of human rights will be a key element of this normalization process. We will continue to press the DPRK for the kind of meaningful progress that will be necessary for the DPRK to join the international community. The DPRK's human rights records is, quite frankly, abysmal and every day that the people of North Korea continue to suffer represents an unacceptable continuation of oppression.

I have personally seen satellite images of the DPRK's extensive prison camp system. This is truly a scar on the Korean Peninsula, in which it is reported that North Koreans suffer torture, forced abortion, and in some cases execution. The dangers faced by North Korean refugees who flee their country in search of a better life, often only to face suffering or eventual repatriation with a very uncertain fate, are similarly unacceptable.

The United States' dedication to improving the lives of the North Korean people will never wane and we will continue to seek all available opportunities to improve this heartbreaking situation. We have repeatedly made clear to the DPRK that human rights is not only a U.S. priority, frankly it's an international priority. It is part of the standard of joining the international community. We've emphasized how much we value the advancement of human rights in all societies and our need to have this and other outstanding issues of concern discussed in the normalization process.

We note, for example, that the Republic of Korea's National Assembly is currently considering legislation that also addresses North Korean human rights issues. Our Special Envoy on Human Rights to North Korea, Jay Lefkowitz, plans to travel to Seoul soon and we'll look for every opportunity to work with our partners in the region on our shared goal for a better future for the people of North Korea.

On a separate track, to respond to severe food shortages in the DPRK, the United States has joined in an international effort to provide food assistance to the DPRK in June, after establishing a

strong framework to ensure that food will reach those most in need. The administration also shares the desires of families and veterans from the Korean War to resume remains recovery operations in North Korea and we're prepared to do so at an appropriate time. The Department of Defense temporarily suspended remains recovery operations in May 2005 due to concern about our personnel and about heightened tensions between the U.S. and North Korea. As soon as we believe it's appropriate to reengage with North Korea on this to make sure that once we reengage our engagement can be sustained and not stopped again, we'll ensure that Congress is indeed informed.

Full implementation of the September 2005 joint statement may also provide a way forward for the transformation of the overall security relationships in Northeast Asia. The U.S. believes that a discussion of a Korean Peninsula peace regime could begin early in this next phase. We achieve a permanent peace arrangement on the Korean Peninsula once North Korea has verifiably denuclearized.

We also hope to move forward in the development of a Northeast Asia peace and security mechanism that could help further solidify the cooperative relationships built through the Six-Party process.

While we have made important progress toward full implementation of the September 2005 joint statement, much work remains to be done to verifiably denuclearize DPRK. We must continue to work forward in the Six-Party process to realize their abandonment of all nuclear weapons, existing nuclear programs in accordance with all their commitments, as well as to have them return to the Treaty on Nonproliferation of Nuclear Weapons and IAEA safeguards. We'll continue to work very closely with our Six-Party partners as we work forward in the tough tasks that lie ahead.

I want to thank you once again for allowing me to appear here and I stand ready to answer any and all of your questions. Thank you.

Chairman LEVIN. Ambassador, thank you very much. Thank you for your long commitment and your professionalism and your steadfastness.

[The prepared statement of Ambassador Hill follows:]

PREPARED STATEMENT BY HON. CHRISTOPHER R. HILL

INTRODUCTION

Thank you, Chairman Levin, Senator McCain, and distinguished members for inviting me to update you on the status of our efforts to achieve the verifiable denuclearization of the Korean Peninsula through the Six-Party process. I also want to talk today about our broader vision—as outlined in the September 2005 Joint Statement—of a region where the benefits of human rights protections and economic development go along with progress on denuclearization. I am pleased to be joined today by my colleague Will Tobey from the Department of Energy (DOE), a key partner in the implementation of our Six-Party agreements.

We have made important progress recently in the Six-Party Talks, but much work remains for the full implementation of the September 2005 Six-Party Joint Statement and the verifiable denuclearization of the Korean Peninsula. Before turning to the specific status of implementation of Six-Party agreements, I want to reflect on the importance of the Six-Party framework that we have built.

THE SIX-PARTY FRAMEWORK

In October 2002, President Bush and Chinese President Jiang Zemin discussed creating a Six-Party framework to deal with the North Korean nuclear issue. Over

the past 6 years, we have seen the strategic importance of this framework not only for dealing with the important North Korean nuclear issue, but for Northeast Asia more generally. Multilateral diplomacy takes time and effort, and merging the interests of six countries is not an easy feat. Yet, it is because of our common interests in the region and our concerted efforts that we have achieved important accomplishments to date.

Throughout this process, the Chinese Government, which chairs the Six-Party Talks, has played a key role. Our close cooperation with China in the Six-Party Talks has implications beyond the Korean Peninsula and Northeast Asia, and has an important, salutary impact on China's emergence as a responsible stakeholder in the region.

The Six-Party framework works because each nation represented at the table has a shared interest in a peaceful, stable and denuclearized Korean Peninsula, and because North Korea is accountable to all of its neighbors for its actions. Each of these nations complements one another in our efforts to hold North Korea to its commitments.

The Six-Party process is based on the principle of "action-for-action," which was embodied in the September 2005 Six-Party Joint Statement. The Joint Statement lays out the goals of the Six-Party Talks, most importantly the Democratic People's Republic of Korea (DPRK) commitment to abandon all nuclear weapons and existing nuclear programs, and return to the Treaty on the Non-Proliferation of Nuclear Weapons and to International Atomic Energy Agency (IAEA) safeguards. The Parties undertook to promote economic cooperation in the fields of energy, trade and investment, bilaterally and/or multilaterally, and the other Parties described their willingness to provide energy assistance to the DPRK. The joint statement outlines a vision for transforming relations in Northeast Asia, including through normalization of bilateral relations with the DPRK, exploration of ways and means for promoting security cooperation in Northeast Asia, and negotiation among directly related parties of a Peace Regime on the Korean Peninsula.

This is a broad vision. Full implementation of the September 2005 Joint Statement would not only offer the North Korean people a better future, but also provide a foundation for regional peace and stability, based on recognized norms of international relations, including human rights. Of course, this ambitious agenda cannot be realized all at once. Rather, the Parties agreed to take a phased approach to reaching these goals. Each of these phases has been challenging, but we have made important progress throughout each phase. With each step forward, we have reduced the number of tasks before us.

The action-for-action approach has allowed us to build trust, as each side knows that the process will only move forward when each party fulfills its commitments. Under this framework, the DPRK receives something from the other Parties only as it moves forward on its commitments. This process of building trust is of great importance, for the tasks will only become more difficult as we progress.

CURRENT STATUS OF SIX-PARTY ACTIONS

So what is the status of the implementation of these agreements? The Initial Phase was concluded in July 2007. We are currently completing Second Phase actions and moving into the Third Phase of implementing the September 2005 Joint Statement. In the first two phases, we have made important progress. Under the February 13, 2007 agreement on "Initial Actions for the Implementation of the Joint Statement," the DPRK shut down and sealed core nuclear facilities and invited back the IAEA to conduct monitoring and verification activities. IAEA personnel have remained in place, monitoring the shut-down and sealing of the Yongbyon nuclear facility, since July 2007. Under the October 3, 2007 agreement on "Second Phase Actions for the Implementation of the Joint Statement," the DPRK has taken significant steps to disable three core Yongbyon nuclear facilities, and on June 26, it provided a declaration of its nuclear programs to the Chinese chair. On June 27, in an important symbol of its commitment to the disablement process, North Korea collapsed the cooling tower at Yongbyon before the international media.

Since November 2007, a rotating team of U.S. experts has been on the ground overseeing disablement of the three core nuclear facilities at Yongbyon, and North Korea is no longer able to produce weapons-grade plutonium at Yongbyon. As of today, the DPRK has completed 8 out of 11 agreed disablement tasks, and has discharged more than half of the 8,000 spent fuel rods from the 5-MW(e) reactor. Upon completion of all 11 steps, the DPRK would have to expend significant effort, and time—upwards of 12 months—to reconstitute all of the disabled facilities. Our experts continue to report good cooperation with DPRK experts at the site.

The declaration package that the DPRK provided to the Chinese on June 26 addresses its plutonium program, and acknowledged our concerns about the DPRK's uranium enrichment and nuclear proliferation activities, specifically with regard to Syria. The DPRK's declaration is not an end point in our efforts to understand North Korea's nuclear programs, but rather is the basis for a rigorous process of verifying all of the DPRK's nuclear programs. Review of the copies of 19,000 pages of documents, consisting of copies of operating records from its 5-MW(e) reactor at Yongbyon and the reprocessing facility, that the DPRK provided to the United States in May, is already producing results. The Six Parties have agreed to general principles for verification that are guiding ongoing discussions of a verification mechanism. These principles include access to facilities, documents, and interviews with personnel, and other measures as agreed by the Six Parties. The verification process would include participation by experts from the Six Parties and the IAEA.

In response to the DPRK's actions to fulfill its Second Phase commitments, the United States has also moved forward on fulfilling our Second Phase commitments. On June 26, President Bush announced that he was terminating the exercise of authorities under the Trading with the Enemy Act with respect to the DPRK, and notified Congress of his intent to rescind designation of the DPRK as a state sponsor of terrorism following the 45-day congressional notification period. The President made clear that we would use this 45-day period to assess the DPRK's cooperation, including on reaching agreement on a verification protocol, and respond accordingly.

North Korea is also receiving energy assistance in return for its denuclearization actions in the First and Second Phases—equivalent to 1 million tons of Heavy Fuel Oil (HFO). To date, the DPRK has received approximately 420,000 tons of HFO and equivalent assistance, including 134,000 tons of HFO provided by the United States. HFO-equivalent materials and equipment provided have been consistent with U.S. laws controlling exports to the DPRK. On July 12, the Six Parties announced agreement to work in parallel to complete all remaining disablement work at Yongbyon and to contract for or deliver remaining energy assistance by the end of October.

Even as we have seen progress on these fronts, the United States remains concerned about outstanding questions relating to North Korea's uranium enrichment efforts and proliferation. We will continue to engage the DPRK in detailed and candid discussions on these issues until North Korea resolves these concerns in a verifiable manner. The Six Parties have agreed to establish a monitoring mechanism to track all Parties obligations—including nonproliferation and provision of energy assistance. We will use this mechanism to hold the DPRK to its commitment "not to transfer nuclear materials, technology, or know-how." The North Koreans are also cognizant of the fact that United Nations Security Council Resolution 1718 remains in effect.

At the same time, the United States will continue to press the DPRK to address questions about the Japanese abductees. We will continue to urge the DPRK at every opportunity to address Japan's concerns. Japan is an important friend and ally of the United States, and we will continue to consult closely with the Japanese government as we move forward.

OFFERING THE DPRK A BETTER FUTURE

Even as we make progress toward finalizing Second Phase actions and begin moving into the Third, and final, denuclearization Phase, significant work remains, including abandonment of North Korea's nuclear weapons and existing nuclear programs, dismantlement of all North Korea's nuclear facilities, removal of all fissile material, and verification of North Korea's denuclearization.

In exchange, the United States is prepared to transform our relations with the DPRK into a more normal relationship. The United States and DPRK have committed to improving bilateral relations and working toward full diplomatic relations. One way we will seek to do this is by increasing bilateral exchanges between the United States and DPRK aimed at enhancing mutual trust.

The issue of human rights will be a key element of the normalization process. We will continue to press the DPRK for the kind of meaningful progress that will be necessary for the DPRK to join the international community. The DPRK's human rights record is abysmal, and every day that the people of North Korea continue to suffer represents an unacceptable continuation of oppression. I have seen satellite images of the DPRK's extensive prison camp system—a scar on the Korean Peninsula—in which it is reported that North Koreans suffer torture, forced abortions, and in some cases execution. The dangers faced by North Korean refugees, who flee their country in search of a better life, often only to face suffering or repatriation, are similarly unacceptable. The United States' dedication to improving the lives of the North Korean people will never wane, and we continue to seek all available op-

portunities to improve this heartbreaking situation. We have repeatedly made clear to the DPRK that human rights is a U.S. priority. We have emphasized how much we value the advancement of human rights in all societies, and our need to have this and other outstanding issues of concern discussed in the normalization process.

We note that the ROK's National Assembly is considering legislation addressing North Korean human rights. Our Special Envoy on Human Rights in North Korea, Jay Lefkowitz, plans to travel to Seoul soon. We will look for every opportunity to work with our partners in the region on our shared goal of a better future for the people of North Korea. Our goal through this process has been and will remain improving the lives of the people of North Korea.

On a separate track, to respond to severe food shortages in the DPRK, the United States began providing food assistance to the DPRK in June after establishing a strong framework to ensure that the food will reach those most in need. The United States also assisted U.S. Nongovernmental Organizations (NGOs) in providing aid to fight the outbreak of infectious diseases following floods in North Korea last summer, and is working with U.S. NGOs to carry out a plan to improve the supply of electricity at provincial hospitals in North Korea.

The administration shares the desire of families and veterans to resume remains recovery operations in North Korea, and we are prepared to do so at the appropriate time. The Department of Defense temporarily suspended remains recovery operations in May 2005 due to concern for our personnel during a period of heightened tensions between the U.S. and North Korea. As soon as we believe it is appropriate to reengage with North Korea on these recovery efforts, we will ensure that Congress is informed.

Full implementation of the September 2005 joint statement may also provide a way forward for the transformation of overall security relations in Northeast Asia. We remain committed to replacing the 1953 Armistice with a permanent peace arrangement on the Korean Peninsula. The United States believes that discussions of a Korean Peninsula peace regime could begin early in the Third Phase. We can achieve a permanent peace arrangement on the Korean Peninsula once the DPRK has verifiably denuclearized. We also hope to move forward on the development of a Northeast Asia Peace and Security Mechanism, which could help further solidify the cooperative relationships built through the Six-Party process and provide a means for the parties to work together to address issues including greater economic opportunity and greater human rights protections for their citizens.

Our denuclearization efforts in the Third Phase will require substantial funding, and we welcome Congress' provision of the additional authorities necessary to undertake these important tasks. While the State Department's Nonproliferation and Disarmament Fund may continue to shoulder some costs in the Third Phase, we are hopeful that DOE will be able to provide funding, if the President exercises the recently enacted authority to waive needed elements of the Glenn Amendment sanctions imposed on the DPRK. My DOE colleague will speak to those estimates. We look forward to working with Congress to ensure that the administration has the necessary funding to undertake these important tasks.

THE ROAD AHEAD

While we have made important progress toward the full implementation of the September 2005 joint statement, much work remains on the road to verifiable denuclearization of the DPRK and all the goals laid out in that document. We must continue to move forward in the Six-Party process to realize the DPRK's abandonment of all nuclear weapons and existing nuclear programs in accordance with the September 2005 joint statement, as well as its return to the Treaty on Nonproliferation of Nuclear Weapons and to IAEA safeguards. We will continue to work closely with our Six-Party partners as we move forward on the tough tasks that lie ahead.

Thank you for the opportunity to appear before you today. I am happy to answer your questions.

Chairman LEVIN. Mr. Tobey?

Senator WARNER. I wish to join you, Mr. Chairman, in that observation.

Chairman LEVIN. Thank you.

STATEMENT OF HON. WILLIAM H. TOBEY, DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION, DEPARTMENT OF ENERGY

Mr. TOBEY. Chairman Levin, Senator Warner, members of the committee: Thank you very much for the opportunity to discuss achieving verifiable denuclearization of the Korean Peninsula. You and Ambassador Hill have eloquently defined the important context for our work, one that includes both conflict and the political and economic success of the Republic of Korea, and I'm certainly mindful of that context.

Since early November 2007, teams of NNSA nuclear monitors have maintained a continuous on-the-ground presence at the Yongbyon site, overseeing the implementation of agreed disablement tasks. Ambassador Hill has detailed the progress that has been made on those tasks and I agree with his characterization and I won't repeat that assessment.

Of course, North Korea's pledge to abandon all existing nuclear programs extends beyond the plutonium production plants at Yongbyon. It also includes other nuclear facilities or activities to be subject to verification, as agreed by the Six Parties.

Working level cooperation between U.S. teams and their North Korean counterparts has been generally constructive. Our experts have been able to perform maintenance on installed monitoring equipment, access the spent fuel pond to measure water temperature, clarity, and pH levels, and access the reprocessing plant and fuel fabrication plant to verify that completed disablement tasks remain in effect. Our working level relationship with IAEA inspectors monitoring the shutdown at Yongbyon has also been very strong.

As Ambassador Hill noted, the Six-Party Talks are moving toward Phase Three activities, including negotiation of a comprehensive verification protocol and negotiation of dismantlement and fissile material removal measures. The NNSA will continue to provide policy and technical support to these negotiations and we stand ready to implement agreed verification measures and other tasks as requested by the Six Parties.

Although the exact details of Phase Three are yet to be negotiated, our planning assumption is that the NNSA will be called upon to support implementation of comprehensive verification and denuclearization measures. We anticipate that the costs of implementing Phase Three activities will be substantially higher than the costs of Phase Two. To date the NNSA has spent approximately \$15 million in support of Phase Two implementation.

In addition, the State Department's Nonproliferation and Disarmament Fund has provided assistance of approximately \$20 million for the costs of completing disablement activities in Phase Two. This assistance has been necessary because the Department of Energy has been prohibited by Section 102[b] of the Arms Export Control Act, known also as the Glenn Amendment, from providing financial assistance to the DPRK in support of the denuclearization process.

By legislation recently enacted which provides the President with the authority to waive the so-called Glenn Amendment restrictions, Congress has addressed this problem and opened the door to more

substantial NNSA participation, and I thank the committee for its role in passing this legislation.

If the President exercises this waiver authority, the NNSA will be able to procure, ship to North Korea, and use equipment required to support the full range of disablement, dismantlement, verification, and material packaging and removal activities that phase three will likely entail. If these activities begin soon and continue at a more rapid pace, we estimate that the total implementation costs could amount to an additional \$34 million in 2008 and over \$360 million in fiscal year 2009. The bulk of these costs relate to packaging and disposition of separated plutonium and spent fuel at Yongbyon. But they also cover implementation of critical measures necessary to verify North Korea's nuclear declaration and to ensure our teams on the ground have adequate protective equipment and health physics support.

The cost to the U.S. Government for this effort could well fall on the NNSA, as the lion's share of verification work involves the time and expertise of technical specialists from the Department of Energy and the NNSA.

I would like to conclude by reiterating our strong commitment to supporting U.S. efforts to achieve the verifiable denuclearization of the Korean Peninsula. Through the Six-Party process, we have achieved tangible progress towards this goal and our dedicated staff of technical experts remains ready to provide whatever additional support may be required as the process moves forward.

I thank you again for this opportunity and look forward to your questions.

[The prepared statement of Mr. Tobey follows:]

PREPARED STATEMENT BY HON. WILLIAM H. TOBEY

Chairman Levin, Ranking Member McCain, and members of the committee, thank you for the invitation to appear today to discuss the process of achieving verifiable denuclearization of the Korean Peninsula. My remarks will focus on: (1) the role of the Department of Energy's (DOE) National Nuclear Security Administration (NNSA) in implementing agreed denuclearization measures in North Korea; (2) progress to date; and (3) planning for anticipated "Phase Three" verification and material removal activities, including the budget requirements for those activities.

DOE/NNSA provides two main forms of support for U.S. efforts to eliminate the nuclear threat posed by North Korea. First, we provide technical experts to advise Ambassador Hill and the U.S. delegation to the Six-Party Talks, including the Denuclearization Working Group and Economy and Energy Cooperation Working Group, on issues related to the disablement and dismantlement of North Korea's existing nuclear programs as well as verification. Second, we lead technical teams responsible for on-the-ground oversight of implementation of denuclearization measures agreed to in the Six-Party Talks context.

Under the September 2005 joint statement, North Korea committed to abandoning all of its nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Nonproliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards. As a first step towards this objective, North Korea agreed in the February 13, 2007 "Initial Actions Agreement" to shut down and seal its nuclear facility at Yongbyon, for the purpose of eventual abandonment, and also to invite back IAEA inspectors to conduct monitoring and verification as agreed between the IAEA and the DPRK. In July 2007, the IAEA confirmed that the Yongbyon facility had been shut down.

Under the October 3, 2007 Agreement on Second Phase Actions, North Korea agreed to disable all existing nuclear facilities subject to abandonment under the 2005 joint statement. North Korea further agreed to disable the three core facilities at the Yongbyon site—the 5MW(e) reactor, the reprocessing plant, and fuel fabrication plant—by the end of 2007. A list of 11 "Phase II" disablement tasks was agreed based on the findings of a Six-Party team of experts, including a technical rep-

representative from DOE/NNSA, that visited Yongbyon in September 2007 to assess the feasibility of various disablement approaches.

Since early November 2007, teams of DOE/NNSA-led nuclear monitors have maintained a continuous on-the-ground presence at the Yongbyon site overseeing the implementation of agreed disablement tasks. As of today, 8 of the 11 agreed tasks have been completed, including all agreed tasks at the reprocessing plant and the fuel fabrication plant. Discharge of the nearly 8,000 fuel rods from the core of the 5-MW(e) reactor continues, with over 4,000 rods discharged, but progress has been slower than anticipated.

Equipment developed by DOE/NNSA has been installed at the 5-MW(e) reactor to monitor the fuel rods as they are discharged. As a result of these disablement actions, we estimate that it would take North Korea a significant amount of time, upwards of 1 year or more, to reconstitute a plutonium production capability at Yongbyon. Of course, North Korea's pledge to abandon all existing nuclear programs extends beyond the plutonium production plants at Yongbyon. It also includes other nuclear facilities or activities to be subject to verification as agreed by the Six Parties.

Working-level cooperation between U.S. teams and their North Korean counterparts has been generally constructive. Our experts have been able to: perform maintenance on installed monitoring equipment; access the spent fuel pond to measure water temperature, clarity, and pH levels; and access the reprocessing plant and fuel fabrication plant to verify that completed disablement tasks remain in effect. Our working-level relationship with IAEA inspectors monitoring the shutdown at Yongbyon also has been very strong.

As Ambassador Hill has noted, the Six-Party Talks are moving toward Phase Three activities, including negotiation of a comprehensive verification protocol and negotiation of dismantlement and fissile material removal measures. DOE/NNSA will continue to provide policy and technical support to these negotiations, and we stand ready to implement agreed verification measures and other tasks as requested by the Six Parties.

While we have been actively planning to support implementation of Phase Three, it is difficult to predict the full scope and schedule of Phase Three activities. The Six Parties have agreed that verification will include access to facilities, documents and personnel, and we anticipate that DOE/NNSA will be called on to undertake technical measures to implement the verification process. The Six Parties continue to work on negotiating a comprehensive verification protocol outlining the full scope of verification activities. We hope to begin agreed activities quickly once the protocol is in place. The North Korean declaration and the more than 18,000 pages of operating records provided by the DPRK provides a basis to initiate further verification activities. We anticipate that verification will proceed in parallel with other Phase Three activities, which we hope will include dismantlement of facilities and removal of the DPRK's fissile and other nuclear materials.

Although the exact details of Phase Three are yet to be negotiated, our planning assumption is that DOE/NNSA will be called upon to support implementation of comprehensive verification and denuclearization measures. To plan for something less than this and then be caught unprepared is unacceptable.

We anticipate that the costs of implementing Phase Three activities will be substantially higher than the costs of Phase Two. To date, DOE/NNSA has spent approximately \$15 million in support of Phase Two implementation. In addition, the State Department's Nonproliferation and Disarmament Fund (NDF) has provided assistance of approximately \$20 million for the costs of completing the disablement activities in Phase Two. NDF assistance has been necessary because DOE has been prohibited by Section 102(b) of the Arms Export Control Act—also known as the Glenn Amendment—from providing financial assistance to the DPRK in support of the denuclearization process.

By legislation recently enacted which provides the President with the authority to waive Glenn Amendment restrictions, Congress has addressed this problem and opened the door to a more substantial DOE/NNSA role. If the President exercises this waiver authority, DOE/NNSA will be able to procure, ship to North Korea, and use equipment required to support the full range of disablement, dismantlement, verification, and material packaging and removal activities that Phase Three will likely entail.

If these activities begin soon and continue at a more rapid pace, we estimate that the total implementation costs could amount to an additional \$34 million in fiscal year 2008 and over \$360 million in fiscal year 2009. The bulk of these costs relate to packaging and disposition of separated plutonium and spent fuel at Yongbyon, but they also cover implementation of critical measures necessary to verify North Korea's nuclear declaration and ensure our teams on the ground have adequate pro-

tective equipment and health physics support. The cost to the U.S. Government of this effort will largely fall on DOE/NNSA, as the lion's share of verification work involves the time and expertise of technical specialists from DOE/NNSA.

I would like to conclude by reiterating our strong commitment to supporting U.S. efforts to achieve the verifiable denuclearization of the Korean Peninsula. Through the Six-Party process, we have achieved tangible progress towards this goal, and our dedicated staff of technical experts remains ready to provide whatever additional support may be required as the process moves forward.

Thank you and I look forward to your questions.

Chairman LEVIN. Thank you so much, Mr. Tobey. We're going to do a 7-minute round and try to complete the questioning during a first round so that we can go to S-407.

Ambassador, in the 2005 agreement in which North Korea agreed to denuclearize, did they agree to dismantle and destroy their nuclear weapons? Was that part of the agreement?

Ambassador HILL. Yes, they did. That is right up at the top of the agreement, all nuclear programs, specifically nuclear weapons.

Chairman LEVIN. Not be ended, but they agreed that they would dismantle and destroy those weapons?

Ambassador HILL. It was that they would be abandoned, and "abandoned" means taken out of the country. We don't have information to say how much of the kilos of plutonium that they have produced are actually embedded in weapons. But the point is all separated plutonium must be abandoned.

Chairman LEVIN. Whether it's in weapons or otherwise?

Ambassador HILL. Yes.

Chairman LEVIN. Now, back in 2002 Ambassador James Kelly confronted the North Koreans with evidence of a uranium enrichment program, and Ambassador Kelly reported that the North Korean foreign ministry representative acknowledged that North Korea had such a program. Of course, there's been a great deal of interest since then in trying to get a bead on that program, and we have received a letter apparently from North Korea which simply acknowledges U.S. concerns about uranium enrichment, but reportedly it does not acknowledge the existence of a program.

Has that letter been made public?

Ambassador HILL. That letter is part of the declaration package that they gave us. Essentially what they have said is that they do not now and will not in the future have a highly enriched uranium program. They acknowledge our concerns about it and also acknowledge the information, our information about it.

What we have tried to do is to pursue with them our information to run down the facts that we have. I think in closed session I can go into greater detail, but suffice to say in this context that we have in our view pretty compelling evidence that they made certain purchases that were very much in line with a uranium enrichment program. Our effort is to try to find out the disposition of those purchases, and they have tried to address some of our concerns with some of those purchases and have not yet addressed some of our other concerns. So it's a work in progress.

Chairman LEVIN. But in that letter they deny that they ever have had one?

Ambassador HILL. They did not deny they ever had one. They simply deny that they have one now.

Chairman LEVIN. Can that letter be made public?

Ambassador HILL. Let me get back to you on that. It is part of the declaration package and it was given as part of the package that was given to the six parties, and let me see how that can be disseminated.

Chairman LEVIN. Well, we would appreciate your informing us as to whether or not that letter can be made public and, if not, why not.

Ambassador HILL. All right.

Chairman LEVIN. In your judgment, does that letter constitute a complete declaration?

Ambassador HILL. What it constitutes is it provides a basis for us to continue to work on that issue such that, since it provides that basis, we can eventually make a judgment as to whether we have a complete and correct declaration. But we cannot make that judgment as of now. The letter obliges North Korea to continue to work to address our concerns.

Chairman LEVIN. So that as of now we don't have a complete declaration on the uranium issue?

Ambassador HILL. I cannot say that we do. I can only say that after we address our concerns with them, and if they are fully addressed then I can say, yes, it was complete. But I cannot make that statement today.

[The information referred to follows:]

As part of North Korea's declaration package, the DPRK acknowledged U.S. concerns relating to uranium enrichment. The entire declaration package was provided to relevant congressional committees, including the Senate Armed Services Committee. The declaration package is classified, and therefore, cannot be publicly released.

Chairman LEVIN. You made reference in your opening statement to the question of our recovery operations for the remains of missing Korean War veterans and we appreciate your reference to that. It's been an important subject that we press very hard to get a satisfactory explanation from our Defense Department as to why we have not resumed those recovery operations, given the fact that the talks have resumed.

Your statement is that it's not yet appropriate to reengage North Korea on these recovery efforts. Can you be a little more explicit as to why it's not yet appropriate?

Ambassador HILL. Senator, first of all I want to make very clear that my colleagues in the Defense Department need to address specific questions about this. But I can certainly answer the question as you've posed it to me.

I think one of the concerns is that we don't want a situation where things are restarted, only to be stopped again. The thinking here is foremost the humanitarian concerns about the families. So when these efforts are restarted, we want them to be sustained and not stopped again.

I can tell you, speaking from my vantage point, that I would like to see if we can do that, but I'm very respectful of my colleagues in the Department of Defense.

Chairman LEVIN. Can they run in parallel? Could these efforts be done in parallel, the talks and the recovery efforts going on at the same time?

Ambassador HILL. Again, I do not want to speak for my colleagues in the Defense Department, but from my vantage point that could be done.

Chairman LEVIN. Are North Korea's ballistic missiles included in the Six-Party Talks?

Ambassador HILL. No, sir, they are not. I share the concern of many people that we do need to get at their ballistic missile program. They have been exporting missiles and missile know-how to other countries and I think this is an issue that does need to be addressed. There are many problems in that country, as I alluded to in my statement, and what we have tried to focus on is what we feel is the most imminently dangerous problem, that is their nuclear program.

But I would certainly believe that missiles need to be addressed at an early opportunity.

Chairman LEVIN. As part of these talks?

Ambassador HILL. Not directly as part of these talks, but certainly as we go forward I would say that the Six Parties need to address missiles. I would emphasize again, for the same reason that we mentioned, in the issue of nuclear talks, that missiles are not just a problem for the U.S. They are a problem to all the other parties, and that's why it is appropriate to raise those in the Six-Party context and why I also, as I suggest in my testimony, address human rights issues as well. This is not just a U.S. concern. This is part of the price of admission to the international community and they need to address that.

Chairman LEVIN. We very much welcome that focus on human rights concerns. It's a very important part of any solution to the problems on the peninsula and it also represents something that America should always be in the lead in insisting upon.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. Mr. Chairman, I share your thoughts, as I'm sure other members of this panel do, about the issue of human rights.

Since I will be joining you for the balance of this hearing, I'll withhold my questions at this time and ask the permission of the chair, which has been granted to me, to let my time be used by my distinguished colleague Senator Brownback, who is an acknowledged person with expertise in the area of human rights. We're proud of him in the Senate for his voice on that, not only with regard to the Korean Peninsula, but elsewhere in the world.

Chairman LEVIN. We not only welcome Senator Brownback, but we have always welcomed his focus on human rights. It's a very important part of the U.S. Senate.

Senator Brownback.

STATEMENT OF HON. SAM BROWNBACK, U.S. SENATOR FROM THE STATE OF KANSAS

Senator BROWNBACK. Thank you very much, Mr. Chairman, and I really appreciate this incredible privilege you're granting me to be here today and join this distinguished panel, and my colleague from Virginia for allowing me to step forward.

We all share the same concern. Ambassador Hill and I have talked several times about human rights issues and I had some frustration about that.

[The prepared statement of Senator Brownback follows:]

PREPARED STATEMENT BY SENATOR SAM BROWNBACK

Mr. Chairman, ranking member, colleagues who serve on this committee: I want to start by thanking you for giving me the opportunity to join you today for this extremely important hearing. I know that my colleagues who serve on this committee have focused on the nuclear disarmament issues, and although I have numerous concerns about the way this process has moved forward—whether by ignoring uranium, proliferation to Syria, or even the deficiencies in the plutonium declaration itself—my purpose here today is to determine what specific steps the State Department has taken—is taking—and will take in the future—to improve the disastrous human rights situation of the North Korean people. I do not wish to take any more time than necessary, so I will move straight to my questions.

Ambassador Hill, I appreciate the opportunity to speak with you today. Thank you for your service.

In the interest of time, almost all of these questions can be answered with a simple yes or no response. My goal here is not to play “gotcha.” Most of the questions refer to U.S. law, international conventions, or previous agreements or public statements.

Refugees:

1. Congress passed the North Korean Human Rights Act nearly 4 years ago. That Act requires U.S. consular facilities to facilitate the submission of applications for political asylum in the United States. Nearly 4 years later, the United States has admitted just 60 North Korean refugees, and according to credible reports from human rights workers, our consular facilities are turning away North Korean refugees as their gates.

a. Ambassador Hill, has the State Department failed to execute this law, or is there a problem in understanding Congress’s legislative intent, even though the bill passed unanimously?

b. Would you agree that turning away North Korean refugees is contrary to at least the spirit of the law, if not the statutory requirement?

2. Have you heard the estimates that up to 300,000 North Korean refugees are living as fugitives in China, under the constant threat of being trafficked or repatriation to face torture or death?

a. Can you understand why some Members of this Congress would be dissatisfied at the admission of just 60 refugees?

3. I understand that it is the State Department’s position that it needs China’s concurrence to let a North Korean into one of our consular facilities in China to apply for asylum.

a. Does State believe that China is complying with its obligations under the Refugee Convention it signed?

b. When, if ever, will State clarify its instructions on North Korean asylum seekers for our consulates to better comply with the law?

Famine:

1. Are you aware of the estimate by Andrew Natsios that 2.5 million North Koreans may have died in the famine of the 1990s?

2. Have you read the research by Natsios, or by the experts Marcus Noland and Stephan Haggard suggesting that those deaths could have been prevented, but for the regime’s misallocation of food and other resources?

3. Are you aware of the call by Elie Wiesel and Vaclav Havel to ask the U.N. for Chapter VI sanctions against North Korea for failure to protect its population from famine?

4. Have you seen the reports this year, including reports by the U.N. this very week, that North Korea has slipped back into famine?

5. Are you aware that despite the reports of famine, North Korea has resumed construction on a 105-story, 4 million square foot hotel for tourists in the middle of Pyongyang—a hotel that sat unfinished for two decades until this year?

6. In your discussion of the normalization of relations—or in any other context—have you raised any of these issues about North Korea’s failure to protect its population?

- a. If so, when was this raised? What specific steps have been taken to link this issue to normalization?

Gulags/Concentration Camps:

1. Have you ever asked the North Korean regime about the 200,000 men, women, and children believed to be in their concentration camps?
2. Have you ever asked them about estimates that some of those camps have a 20 percent annual mortality rate, or the reports of widespread torture, starvation, and arbitrary executions there? If so, when, and how many times have you brought this up?
3. Have you ever asked them about allegations that they test chemical and biological weapons on political prisoners in those camps?
4. You were interviewed by the L.A. Times for a report that was published on March 4, 2008. The interviewer asked you about the relationship between the establishment of diplomatic relations and human rights. You said, "Obviously we have continued differences with them, but we can do that in the context of two states that have diplomatic relations." Do you recall that response?
5. Will you state on the record here today, and follow up in writing, that any prospect for normalization with North Korea is contingent upon the regime shutting down the political gulags and concentration camps?

Normalization/Diplomatic Relations:

1. Have you ever told the North Koreans when you expect the U.S. to begin the process of establishing diplomatic relations with NK?
2. Have the North Koreans ever told you when they will let the Red Cross visit any of those concentration camps?
3. Have you ever asked—or have they ever told you—when North Koreans will be able to speak, think, or worship freely?
4. Have the North Koreans told you when they will allow the World Food Program and USAID full and free access to their starving people?
5. Have they given you any promises, benchmarks, or deadlines about easing the oppression of their people?
6. Has the Special Envoy for Human Rights in North Korea ever been invited to take a place at the negotiating table in our normalization working group?
 - a. Will you state for the record that the Special Envoy will be invited to all future negotiating sessions with the North Koreans as a way of carrying out the NIC Human Rights Act and a way of firmly linking human rights?

Lifting of Sanctions/Trade:

1. Do you agree that lifting sanctions will make North Korea eligible to export certain goods to the United States? (If no, do you foresee that NK will be able to export goods to the U.S. in the next 3–5 years?)
2. Are you aware of the prohibition in the Tariff Act, at 19 U.S.C. § 1307, against landing any goods made with forced labor in U.S. ports?
3. You're aware that North Korea is a Tier III country for human trafficking?
4. Which means that North Korea does not fully comply with minimum standards for the elimination of human trafficking—which includes slave labor—and is not making significant efforts to do so.
5. If the North Korean regime were to attempt to land merchandise in our ports, what plans are in place to verify that the goods were not made in one of those concentration camps?
6. Have you made North Korea aware of the Tariff Act's prohibitions?

Abduction of U.S. Resident Reverend Kim Dong-shik:

I'd like to ask you about the case of Rev. Kim Dong-shik, who was abducted in 2000 from northeastern China and taken to North Korea for interrogation and imprisonment, [hold up picture] As I hope you now recall, he had raised the ire of the North Korean government by helping its citizens flee torture and repression and by attempting to convert North Korean athletes who attended the 1996 Olympic Games in Atlanta. When you came to my office in November of last year, I personally handed you the letter from Mrs. Kim, Rev. Kim's wife. Back in January 28, 2005, the entire Illinois delegation, including Senators Durbin and Obama wrote to the North Korean ambassador that "We view Rev. Kim Dong Shik as also being a hero who assisted with the escape of the powerless and forgotten . . . we will NOT [capitalized in the letter] support the removal of your government from the State Department list of State Sponsors of Terrorism until such time, among other reasons, as a full accounting is provided to the Kim family regarding the fate of the Rev. Kim Dong-Shik following his abduction into North Korea 5 years ago." [hold up letter]

1. Have you raised Rev. Kim's matter with the North Koreans in any of the many meetings you have had with the North Koreans?
2. What do you say to his wife, a US legal permanent resident, and to his children who are U.S. citizens, who in testifying before this Congress last month begged for an explanation as to how North Korea could be removed as a state sponsor of terror without her either being told exactly what had happened to her husband, let alone her receiving his remains for her to bury so she could have some closure and so he could rest in peace?
3. How long does the State Department believe she should have to wait?

Helsinki Process:

Please state for the record if and when there will be a Human Rights Framework established with respect to North Korea, that is modeled on the Helsinki Process, which explicitly links human rights with security concerns.

Senator BROWNBACK. Ambassador Hill, I appreciate your specific statement—I've read it in the record; I'm sorry I had to step out briefly while you were in the middle of that—on human rights. I would like for you to drill down on the specifics on this, though, for me, and I just want to ask you when and in what setting will specific issues of human rights be negotiated between the United States and North Korea, either in the Six-Party Talks or in some side setting?

Ambassador HILL. First of all, we have raised the issue many times with our interlocutors. The issue that you're addressing, though, is the crucial issue, how do we negotiate things and, frankly, what are we going to be negotiating. So what we want to do as we go forward into this next phase is we would like to set up our working group where we address the DPRK-U.S. relationship. In specific terms address human rights issues.

Now, this would involve a human rights dialogue of the kind we've had with other countries. It doesn't mean that a human rights dialogue is going to solve this problem, but it is a start to set up a dialogue and to begin to address the issue of prisoners of conscience, people who have been summarily put into prison, to try to address that, and also begin to address the issues of how their judiciary functions.

We are prepared to do that on a systematic basis as part of our overall effort at normalization, with the understanding that we do not normalize with North Korea absent a nuclear deal.

Senator BROWNBACK. In the next set of dialogues this will be a formal part of the negotiations?

Ambassador HILL. The plan is to make this a formal part of our series of meetings with the North Koreans, in our so-called bilateral working group, human rights would be riveted into that bilateral working group.

Senator, I want to again emphasize, human rights is not just for the United States. Other countries also have a human rights issue. I know that Japan will also raise this in their bilateral working group. Ideally, Senator, I would like to see it raised in a plenary. I can't get all of the parties to agree to that. But we will raise this systematically in our bilateral working group.

Senator BROWNBACK. Ambassador Hill, there's a Special Envoy for Human Rights in North Korea, which I don't believe has been invited to any of the negotiations to date between the United States and the Six-Party Talks.

Ambassador HILL. Well, first of all, he would be most welcome if he wishes to attend.

Senator BROWNBACK. I want to, because my time will be narrow here: will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

Ambassador HILL. I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK. Thank you.

Mr. Ambassador, you noted this earlier, that there are political gulags and concentration camps in North Korea. Will you state that any prospect of normalization with North Korea is contingent upon the regime shutting down the political gulags and concentration camps?

Ambassador HILL. I can say to you, Senator, that we will definitely raise these issues as an element of the normalization process. I'm not in a position at my level to state to you today what the specific conditions of normalization were, but they will be raised as part of that and clearly, we will be looking for more satisfactory answers on this.

Senator BROWNBACK. Mr. Ambassador, the Illinois delegation in total in a letter dated in 2005—noted the abduction of Reverend Kim Dong Shik, who's a U.S. citizen, and his wife is an Illinois resident, children U.S. citizens. I'm going to enter this letter in the record. It's from the Illinois delegation. They have said they would not support any normalization with North Korea until his abduction is dealt with.

[The information referred to follows:]

One Hundred Ninth Congress

Congress of the United States
Committee on International Relations
House of Representatives
Washington, DC 20515

(202) 225-5021

http://www.house.gov/international_relations/

January 28, 2005

His Excellency Pak Gil Yon
Ambassador
Permanent Representative of the Democratic People's
Republic of Korea to the United Nations
515 East 72nd Street, 38-F
New York, NY 10021

Dear Ambassador Pak:

This letter is to inform you and your government of the distress with which the undersigned Members of the Illinois Congressional Delegation received the finding from the Seoul Central District Prosecutor's Office on December 14, 2004 that South Korean citizen and U.S. permanent resident Reverend Kim Dong-Shik had been abducted by agents of your government in northeast China in January 2000 and taken forcibly into North Korea. Your government, regrettably, has, by its own admission, been involved in the abductions of a number of Japanese citizens, as well as an even greater number of South Korean citizens.

Reverend Kim Dong-Shik, as you may be aware, is the spouse of Mrs. Young Hwa Kim of Chicago, Illinois, and is the parent of U.S. citizens, one of whom is currently residing in Skokie, Illinois. Citizens from a Korean-American church in the Chicago area have also raised this matter as an issue of grave concern and have requested Congressional assistance in ascertaining the facts behind the disappearance and current whereabouts of Reverend Kim. In pursuit of these issues, Mrs. Kim and a delegation from Illinois will be visiting Capitol Hill in the near future.

The successful resolution of this case, therefore, is of critical importance to us, both because of the constituent interests involved as well as because it is a case involving the most fundamental of human rights. Reverend Kim, in his selfless efforts to assist refugees escaping in an underground network to third countries, brings to mind two great heroes held in high esteem in the United States. The first is Ms. Harriet Tubman, who established an underground railroad. His Excellency Pak Gil Yon

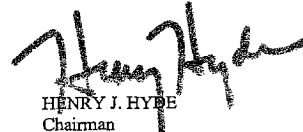
His Excellency Pak Gil Yon
January 13, 2005
Page Two

allowing for the escape from slavery of those held in bondage before President Lincoln issued the Emancipation Proclamation; the second is the Swedish diplomat Raoul Wallenberg who, during the dark days of the world conflict against fascism in the Second World War, rescued Jewish refugees trapped in Hungary. We view Reverend Kim Dong-Shik as also being a hero who assisted with the escape of the powerless and forgotten.


We, therefore, wish to inform the Government of the Democratic People's Republic of Korea (DPRK) that we will NOT support the removal of your government from the State Department list of State Sponsors of Terrorism until such time, among other reasons, as a full accounting is provided to the Kim family regarding the fate of the Reverend Kim Dong-Shik following his abduction into North Korea five years ago.

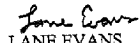
Sincerely,



J. DENNIS HASTERT
Speaker of the House of Representatives

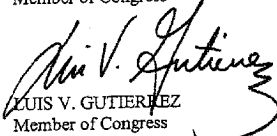

HENRY J. HYDE
Chairman

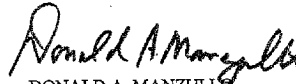

RICHARD J. DURBIN
United States Senator

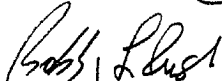

BARACK OBAMA
United States Senator


LANE EVANS
Member of Congress


JERRY F. COSTELLO
Member of Congress

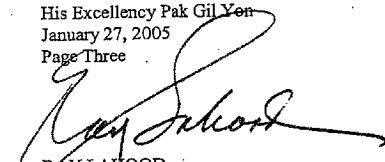

LUIS V. GUTIERREZ
Member of Congress


DONALD A. MANZULLO
Members of Congress



BOBBY L. RUSH
Member of Congress


JESSE L. JACKSON
Member of Congress

His Excellency Pak Gil Yon
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RAY LAHOOD
Member of Congress



JERRY WELLER
Member of Congress




DANNY DAVIS
Member of Congress



JOHN SHIMKUS
Member of Congress




JUDY BIGGERT
Member of Congress



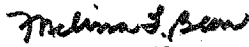
JAN D. SCHAKOWSKY
Member of Congress




TIMOTHY JOHNSON
Member of Congress



RAHM EMANUEL
Member of Congress



MELISSA L. BEAN
Member of Congress



DANIEL LIPINSKI
Member of Congress

HJH:dh/es/jec

Senator BROWNBACK. Are you familiar with this particular case?
Ambassador HILL. Yes, I am. I received a letter from his wife and I've answered it and offered to meet with them directly.

Senator BROWNBACK. Will you raise that with the North Koreans?

Ambassador HILL. Yes, I'm happy to do so, as I have done for the Japanese.

Senator BROWNBACK. It seems like this case is very similar to the Japanese that were abducted. Now, he has been a human rights advocate and really an underground railroad hero helping people out of North Korea. I think in the history of the Korean Peninsula his name will go down famously. It's just my hope and prayer that he's still alive and that he's somebody that we can get out.

Ambassador HILL. Senator Brownback, these are truly horrific stories and they are ones that I think require us to pursue them. I'm just pulling out of my wallet the list of the Japanese abductees that I carry. These are their pictures. I've raised these on individual terms with the North Koreans, and I'm most happy to raise his case specifically to see if we can find out what has happened to him.

The number taken from Japan is something between 12 and 20. The government is looking at those cases. Nongovernmental Organizations (NGOs) feel it's more. If you look at some of the numbers in South Korea, it's a lot more. There are a lot of South Korean fishermen, for example, who were caught and never returned, and it was never explained what happened to them. These all need to be pursued.

I think the best way to do this is to set up a process where we are talking about normalization. We will address these issues in the context of normalization, because I think the North Koreans need to understand. We need to establish a level of effort. We need to show the North Koreans this stuff is important to us. When they understand it's important to us and they understand that it's things they have to do in order to get what they want, I think it's a better way to proceed.

Senator BROWNBACK. Mr. Chairman, I want to thank you and my colleagues for this deferential treatment in allowing me to be here, and I want to thank you, Mr. Hill, for your direct answers to me.

Chairman LEVIN. Thank you very much, Senator Brownback.

Senator WARNER. Thank you, Senator Brownback. I associate myself with the concern you have on these issues. Thank you very much.

Chairman LEVIN. Thank you so much, Senator Brownback, for your focus on these issues. It's really critically important and I know you speak for so many of us when you speak about them.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Ambassador Hill, Mr. Tobey, thanks so much for your service. An expression of parochial pride in Mr. Tobey since he's a resident of Connecticut, where I know he looks forward to returning, and we will welcome him.

We talked earlier about the fact that in some ways we will know some years from now about how significant the breakthrough is that you've achieved with the North Koreans through the Six-Party Talks. But essentially, they have an opportunity that they've been given to become part of the community of civilized nations.

I want to ask you about one part of the agreement with the North Koreans and that is the removal of North Korea from the list, our list of state sponsors of terrorism. Frankly, I'm concerned that was premature. I understand that this was a first step. There had to be a quid pro quo. I think the removal of North Korea from the U.S. sanctions as part of the Trading With the Enemy Act was appropriate, the giving of more food was appropriate.

But here's the basis of my concern. The North Korean Government, as part of this recent agreement on June 10, issued a statement that they do not support international terrorism now and will not support international terrorism in the future. But my question is whether there's any real basis for believing that statement is true by the North Koreans.

I want to tell you what I'm concerned about, and I'm going to cite a few reports that are public. The Congressional Research Service, in a report earlier this year said: "North Korea's relationship with the Islamic Revolutionary Guard Corps of Iran (IRGC) appears to

be in two areas, coordination in support for Hezbollah and cooperation in ballistic missile development.”

Still quoting: “Reports also suggest that North Korea cooperates with the IRGC and other Iranian entities in the development of nuclear capabilities or nuclear weapons.”

A detailed report in the Los Angeles Times—it goes back, I will say, about 5 years—nonetheless stated that “Many North Koreans are working on nuclear missile projects in Iran. There is some evidence that the North Koreans have been supporting in one way or another the Tamil Tigers in Sri Lanka.”

There was a recent study completed and issued by the U.S. Army Combined Arms Center at Fort Leavenworth on the 2006 Lebanon War, that found evidence that North Korea had provided various forms of support to the Lebanese Hezbollah, including weapons and technical support.

So my question is whether the North Koreans’ statement that they’re not involved in terrorism and won’t be is actually true, and therefore whether they’ve really earned removal from the U.S. list of state sponsors of terrorism.

Ambassador HILL. Senator, I think the Coordinator for Counterterrorism, Dell Daley, should address some of these issues. But I want to say to you that I am aware that all of these allegations have been carefully looked at and it was the judgment of this interagency process that North Korea qualifies from the statute to be removed from the list.

All of these issues and these questions were very carefully looked at. You are quite correct that there have been these reports, but I know that they have taken each and every one of these reports.

The last known incident of North Korean terrorism was the explosion of a South Korean airliner in 1987. Prior to that it was the bombing of the South Korean cabinet in Rangoon back in 1983. My understanding from our counterterrorism people is that they do not have other examples since that time. Moreover, North Korea has since signed on to U.N. declarations, antiterrorism declarations.

My understanding, again from the experts, is that they qualify on this matter. Now, with respect to the negotiation issue of why did we agree to do this as part of the negotiation, first of all, they wanted us to take away economic sanctions against them and this would have resulted in the inflow of things of monetary value to North Korea, and we refused that. So what we’ve done is we’re in the process of negotiating an agreed on the removal from the list, state sponsors of terrorism, provided of course that we get the verification package that needs to be accompanied with their declaration. That’s where we are right now.

Senator LIEBERMAN. You cited two instances which were both direct North Korean acts of terrorism, as opposed to sponsorship of other terrorist groups. I remain concerned about it. I’m going to ask this question again in the closed session we’re going to have later this morning and perhaps would ask that Mr. Daley come before the committee or meet with me to pursue this, because it’s easy enough to say it, but I want to feel that we really have a verifiable understanding and will monitor, because of the North Koreans’ bad record here, that they really have stopped supporting some of the groups, such as the IRGC, that according to evidence

presented by the U.S. Army are responsible for training and equipping Iraqi extremists, who in turn are responsible for murdering hundreds of American soldiers.

I know that the law that creates the sponsor of terrorism list is a vague law. But what North Korea has done in support of terrorism is not vague, and I think we have a right to expect, before we essentially say they're clean, that they really are clean, not just that they're saying they're clean. I look forward to discussing this in the closed session.

I do want to ask you one other question if the time allows. I appreciate that you took out the pictures of the Japanese abductees, and I'm concerned. I know, as you know very well, that Japan is very concerned that we gave the North Koreans too much too soon. "Abductee" is a word. I don't have to tell you the stories, but these stories are unbelievable.

I mean, a Japanese school girl leaves her family in the morning, goes to school, and the North Koreans simply grab her off the street and take her to North Korea, and her family doesn't see her again. I mean, imagine if some foreign power did this to American kids and others.

Japan is our most consistent, closest ally in the Asia Pacific region, and they've now pulled back, as I understand it, from the Six-Party Talks, only in the sense that they're not, I gather, being part of the economic and energy assistance to North Korea as part of this. I just want to invite you to talk a little bit about that, because I worry that in going forward with the agreement as we have with North Korea we're jeopardizing the real rock of our relations in Asia, which is Japan.

Ambassador HILL. Well, first of all, Senator, I want to assure you that we cooperate very closely with the Japanese. We work with them extremely closely, and especially on this abduction issue. I have raised this issue. Virtually every time I see the North Koreans, I raise the Japanese abduction issue, and I've done it in very specific terms with them.

Second, with respect to the issue of the de-listing on the terrorism list, before we did that we worked very closely with the Japanese on what would constitute, from their vantage point, progress so that we would make sure that as we move forward in the overall denuclearization process they are also moving forward. We reached, with the Japanese, an understanding of what progress would be, and I raised this with the North Koreans in very specific terms: what we would need them to do vis-a-vis Japan.

This was part of the package. Senator, I completely agree with you, these are horrific, horrific human tragedies. It is frankly appalling what went on at this time. This was clearly an organized abduction program. It lasted several years from the late 1970s, early 1980s. There is no excuse for this sort of thing, I completely agree with you.

What we are trying to do is make progress on that. But at the same time, we are really trying to get this plutonium program shut down, because we had a problem where they were producing plutonium. We did not want to just have a situation, as we did in the past, where we got them to shut it off, and that's what we did a year ago, we got them to shut it off. We wanted to make sure it's

disabled so that even if they wanted to bring it back up, it would be very difficult.

That's what we're trying to do. Of course these things involve painful choices, Senator. I have met with many of these abductee families. I have met with the same in South Korea. This is an area of the world that just has had tragedy of the type that I think for many Americans is hard to understand. So it is not an easy process.

But what I can assure you—and I have said this on many occasions to the North Koreans directly—we are not going to see ourselves in a situation where we are going forward with you while causing problems with our very good ally Japan.

Senator LIEBERMAN. I appreciate that assurance. Thank you.

Thanks, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator REED.

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

First let me once again commend Ambassador Hill. Senator Lieberman takes parochial pride in Mr. Tobey. Let me assert the same prerogative for Ambassador Hill, who is a native of Rhode Island, who was educated in Rhode Island, and who was recently honored with an honorary degree from the University of Rhode Island.

But Ambassador Hill, you've done a remarkable job and only history will tell whether the negotiations within the administration were as difficult as the negotiations with the North Koreans. But we'll let history, a few years from now, make that judgment.

I think Senator Lieberman raised some very interesting questions along the lines of the terrorism list. But I would point out that while the Agreed Framework was in place the North Koreans were on the terrorism list, and unfortunately one of the prices of getting back to where we were several years ago is this new decision by the administration to remove them from that list.

The other issue, which I think we'll go into in more detail, is that the premise for taking apart the Agreed Framework was the issue of highly enriched uranium, which still proves elusive in terms of determining what they were doing and what they might be doing right now. So that is sort of a prologue.

But let me just ask a question and clarify what you said, I think, previously. If this process is successful, there will be a full accountability of their plutonium and removal of the plutonium, including those bits of plutonium which have been weaponized, is that correct?

Ambassador HILL. That's absolutely correct.

Senator REED. I know this is very difficult, but do you have a sense of how long this might take in terms of the process going forward?

Ambassador HILL. That is very difficult to assess. One of the reasons we're working on a step by step basis is the North Koreans, first of all, aren't very good at taking large leaps. They prefer small steps. So a lot of people felt they would not have shut down and disabled the Yongbyon facility. Yet they did it. But they only did it because we moved them along, first through just shutting it down.

We are committed, however, to completing this job, and we would like to be able to rule out any ongoing uranium enrichment program. They claim they do not have an ongoing uranium enrichment program—if we are able to continue on this disabling of Yongbyon, and we believe we are continuing on this disabling of Yongbyon, they will have a certain amount of plutonium, which we can talk about in closed session. They have to assess whether that pile of plutonium, whether it's in weapons or just in someone's pockets, whether that's worth not having recognition from the United States, whether that's worth not having any access to international financial institutions, whether that's worth not having a peace treaty on the Korean Peninsula to try to replace the armistice, whether that's worth not having the eventual Northeast Asia peace and security mechanism.

They have to gauge whether this pile of plutonium they have is, frankly, worth holding onto. My hope is that as they get down to just this pile of plutonium, with a completely disabled Yongbyon facility, they will understand what this is really costing them.

Senator REED. Thank you, Mr. Ambassador.

Mr. Ambassador, the International Atomic Energy Agency is participating with you. Is it the hope that in the long term, North Korea will be a non-weapons state party to the nonproliferation regime and that the IAEA will be actively engaged with us?

Ambassador HILL. It's not only our hope; it's expected. In the September 2005 statement they have committed to return to the Nonproliferation Treaty (NPT) with IAEA safeguards. So in order to do that, they have to cooperate with the IAEA. The North Koreans are very skeptical of the IAEA. We've made it very clear that they have to have a role in this process and we have an ongoing negotiation with them as we speak to try to address that.

Senator REED. Thank you very much. That, by the way, I think would be maybe even a new lease on life on the nonproliferation regime, if you could bring them back from the dark side.

Mr. Tobey, the administration has failed to ask for any money to implement the Six-Party Talks in either fiscal year 2008 or fiscal year 2009. We have included in the National Defense Authorization Bill \$50 million for NNSA. Does the administration plan to include a request in any supplemental? Otherwise, this is all very good rhetoric, but without the resources you're not going to be able to do your job.

Mr. TOBEY. Yes, Senator. As I outlined, the costs going forward could be substantially more than what we've incurred to date. There has been a high degree of uncertainty as to exactly when we would incur those costs. As Ambassador Hill has outlined, we've had a series of joint statements which have been helpful in moving progress forward, but it has been somewhat slower than we had at one point hoped for.

For example, there was, I believe, a commitment by the north to submit a declaration by the end of 2007, and of course it was much later that we actually got the declaration.

It's very difficult to ask others within our Department to budget within the regular budget process substantial amounts of money that we are highly uncertain as to whether or not we could actually spend. In my discussions with other members of the administration

and with the Office of Management and Budget, I have made the point—and as far as I can tell there has been general agreement—that extraordinary expenditures which can't be reliably predicted, but are clearly in the national interest, are just the sort of thing for which a supplemental request might be useful.

I would anticipate that if in fact we do go forward and can move forward at a very rapid pace, allowing us to spend these large amounts of money, something like that would be anticipated.

Senator REED. Just in terms of timing, the issue of a supplemental here is very much up in the air. This I think is something that the administration has to lead on, and the timing is very uncertain.

Let me ask, Ambassador Hill, just a concern that you might have, that there is some movement by the North Koreans, that we can't rapidly support because the funds are unavailable. Not only will we look a little silly, but that will give them an excuse to begin to walk away from something difficult that they've chosen to do.

Ambassador HILL. I think we have to be prepared for a lot of eventualities, even the one where North Korea moves faster than we expect. That has not tended to be our problem, but I think you're absolutely right, we have to be prepared for that.

I think we are tracking this very carefully, and I think we would be in a position to respond. So I think we do share your concerns about that.

It was, for us, very important when they began the disabling action. Often this isn't talked about, but they're not even doing maintenance in that facility. That facility is falling apart and that's exactly what we want it to do. So we certainly want to be prepared as we move to the dismantlement and get critical components out of there.

Senator REED. Thank you very much, gentlemen.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator Akaka.

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

I want to add my welcome to you, Mr. Tobey and Ambassador Hill, to the Senate committee here. I'd like to talk about something a little different and that's about money and about costs. Mr. Tobey, you have projected the costs of Phase Three of the denuclearization process, to be an additional \$34 million for fiscal year 2008, and more than \$360 million in fiscal year 2009. This is in addition to the \$35 million already spent during Phase Two.

While few doubt the importance of allocating resources to ensure a nuclear-free North Korea, it seems we are bearing a large share of the costs. So my question to you, Mr. Tobey, is what financial commitments have the other countries involved in the Six-Party Talks made thus far, and are they willing to contribute comparable amounts as compared to their respective gross domestic products over the coming 2 years?

Mr. TOBEY. Senator, I think you raise a very good point. I tried to be careful in my statement to talk about the costs that could be incurred, but not necessarily to talk about the funding sources for those costs. I would defer to Ambassador Hill in a moment to discuss what might have been talked about with other members of the

Six-Party Talks. But I would note that, because of the actions of Congress, our nonproliferation programs are generally able to accept contributions from other countries; that we have received substantial contributions, which we have put to use elsewhere in the world to detect, secure, and dispose of dangerous nuclear material.

I think it would be entirely possible and appropriate for other countries to bear some portion of these costs. But the actual negotiation of that process I think would be more in Ambassador Hill's domain than in mine.

Senator AKAKA. Ambassador Hill, would you comment further on that?

Ambassador HILL. Well, again, as I said to Senator Reed, we have really tried to project out what this third phase might look like. Now, I must say as someone who's been negotiating the second phase, which went on far longer than we wanted, if we can get to that third phase and we can get agreement on some of the elements that we need. Those are problems I would love to have, because we have really had real troubles getting through this disablement and the third phase would envision dismantlement and abandonment of these weapons.

But I don't want to speak for my colleagues, Acting Under Secretary John Rood or Acting Assistant Secretary Patty McNerney, but my understanding is that they have had a very careful look at how we're going to be able to manage this.

Senator AKAKA. Continuing on verification, Ambassador Hill, many of the critics of the Six-Party Talks have pointed to a North Korean regime that is untrustworthy. In response to these criticisms, you have been reported as saying: "This has nothing to do with trust; this has everything to do with verification."

Do you still agree with this view and if so has North Korean transparency, concerning its nuclear program, developed to the point where verification of their declarations would indeed be possible?

Ambassador HILL. You might make an agreement at the table that we'll do something and they'll do something, but the real issue is can we verify their declaration package on nuclear materials. So we cannot place any trust in that. We have to be able to verify.

It's our belief that, assuming we get a protocol of international standard that involves what we need in terms of site visits, in terms of access to documents, in terms of access to their personnel, and to make sure that our people are allowed to do what they would do in any other protocol in any other part of the world—and that's what we're negotiating with the North Koreans, and those are pretty firm positions on our part—we should be able to take samples, for example, and we should be able to determine that the number they gave us in plutonium is correct.

It's very important that we be able to do that, because we cannot come back to this committee, to Congress, and say that they've given us something that makes sense. We have to be able to verify it. Fortunately, thanks to a lot of modern technologies, we should be able to verify the statements that they've made to us.

Senator AKAKA. Ambassador Hill, during a recent talk at the Center for Strategic and International Studies you mentioned an idea of establishing a new regional framework for Northeast Asia

that could expand upon the Six-Party process. In particular, you mentioned membership considerations for a more permanent mechanism, that the Six-Party Talks could be the precursor of, and that both China and Russia had discussed this idea with Secretary Rice as well.

My question to you is, is this something that has been discussed with the remaining states involved in the Six-Party Talks and do you see this involving all the major states in the region?

Ambassador HILL. Absolutely. We believe we've made some progress on the Six-Party process and framework, with the understanding that we need to make more progress. But we would like to keep that framework together and maybe have it exist at first as a forum to discuss regional security issues, and eventually to broaden it and to bring in some other countries that are also interested in being part of sort of a neighborhood in Northeast Asia.

Now, in fact, in the Six-Party process we set up a working group to address this issue—we don't want a situation where anyone is concerned that somehow the creation of this very new concept, and at this point not very well defined concept, we don't want this in any way to be seen as replacing the bilateral alliances that we have in the region. That is the bedrock, that is the basis for us being there, are these bilateral relationships.

We would see this as complementing them, but by no means replacing them. So we have talked to all of our partners in the Six-Party Talks. The enthusiasm for pursuing this Six-Party—this peace and security mechanism, varies. Some partners have felt it's a little premature to be discussing the principles of it yet; we still have denuclearization to deal with. Others have felt it's time to get on with this. Asians often look at other parts of the world and they say: Wait, are we doing enough to foster a sense of community with multilateral structures.

I think opinions are mixed, but I think it was unanimous at the last Six-Party meeting that we should begin a discussion of principles, with the understanding that, with respect to North Korea, we cannot conclude anything until we denuclearize North Korea.

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

Chairman LEVIN. Thank you, Senator Akaka.

Senator SESSIONS.

Senator SESSIONS. Thank you.

Ambassador Hill, I know this is a tough, tough job, and we thank you for your steadfastness in undertaking it. I think you're wise to talk about verification. Some have tried to point out that, I think, and today some are taking inconsistent positions about verification. Isn't it true that during President Clinton's attempt to work with and develop a more peaceful relationship with the North Koreans, which I didn't oppose, we discovered they were conducting activities seriously in conflict with what they were publicly saying?

Ambassador HILL. That is correct, Senator. They appeared to be pursuing a uranium enrichment program, and this was something noted by our experts, and at the time when we had a so-called Agreed Framework which acted to freeze their plutonium production. So indeed this speaks to the issue of trust and speaks even more clearly to the issue of verification.

Senator SESSIONS. Well, it was a big deal. So while we were trying to negotiate a plutonium issue they were setting about secretly in direct violation of what they were saying publicly and to us.

Ambassador HILL. I think that's a fair statement.

Senator SESSIONS. Well, as a result of that President Bush pulled back, and he was roundly criticized by the people who today are criticizing you, some of them at least, for not being able to verify everything that goes on. But he moved forward in 2002 with Jiang Zemin and the Chinese and the Six-Party Talks, and frankly it looks like you're beginning to make some progress. I think we all ought to be cautious, but we all ought to be thankful that we have a President who's been firm in trying to make sure we're verifying what we are doing and not allow us to be too much manipulated by the North Koreans.

It's just a tragic thing that they seem to be so obsessed with negotiation and gameplaying and manipulation when their people are in such horrible shape, that starvation is again arising as a specter. It's just an international tragedy. It's just unbelievable to me that this nation, with such great potential, is in this state.

I think you were wise to acknowledge Senator Warner. 55 years ago he served as a marine as part of the Korean War. I was honored to be invited by former Secretary William Cohen to the Defense Department to have a dinner with Senior Minister Lee from Singapore, and he told the story that some of us may have thought we did not succeed in Vietnam, but he ticked off Singapore and Taiwan and Hong Kong and the Philippines and Malaysia and South Korea as free, independent, progressive states, and that that was part of the result of what we've done.

Just a few years ago, I just have to note, Senator Warner, the South Koreans invested \$1 billion in my home State of Alabama to build an automobile plant that has 4,000 direct employees and more indirect employees that that, paying our citizens high wages to produce a high quality, energy efficient automobile. So this is a remarkable thing that history has taught us, that sometimes it takes years for our actions to pay off.

Sometimes do you think we think in too short terms, Ambassador Hill?

Ambassador HILL. Oh, now and again, but I waited 86 years for my baseball team to win. [Laughter.]

Senator SESSIONS. Let me just briefly ask you to tell us what you could tell us in open session about the North Koreans and their actions involving the Syrian nuclear reactor that was attacked by Israel recently. What can you say to give any assurances that this kind of activity won't happen again?

Ambassador HILL. Obviously, this is an issue of very great concern, given the amount of evidence to support our conviction that we had a serious problem of proliferation of technology. So in addressing this with the North Koreans, they have acknowledged our information and very much our concerns on this. They have declared to us that they do not now have any programs involving nuclear proliferation. They have also said they will not in the future.

These are declarations. So what we have done is, first of all, these declarations are contained in a Six-Party instrument, meaning that they have made them to us, but they've also made them

to all of their neighbors, as of October 2007. To the best of our information, this declaration is accurate. As of October 2007, it is accurate. It would not have been accurate to describe the past.

What we did, and as recently as 2 weeks ago, in China when the heads of delegations met in the Six-Party process, we agreed to establish a monitoring mechanism at the level of head of delegation, a monitoring mechanism whereby we will continue to monitor and we put in specific terms the commitment to nonproliferation.

What does that mean by monitoring? It will essentially be an information-sharing ability, and any time we see examples of this we will bring it to the Six Parties as an example of noncompliance with commitments made.

At this point, I don't want to get into the hypothetical of "what if we find something," but I can tell you we will definitely raise it, and it will obviously be a very serious matter, not just for us but for all the other countries that were part of that agreement.

Senator SESSIONS. I would hope that we would take decisive action if they do anything like that again.

Could you tell us, based on the time you've been there and been a part of this effort, is there any realistic prospect that North Korea could see what's happened to their brothers to the south and the progress that other nations are making and that this leadership could somehow alter its course that's been so devastating to the people of Korea and so dangerous for the world and actually begin to participate with the decent nations of the world?

Ambassador HILL. Senator, I think this is really the fundamental question. I think North Korea needs to understand that their security and their well-being will depend on their willingness to open up. By that I mean not just economically, which is important, but also they need to open up to allow their people the freedoms that other people have. I think human rights really do need to be seen as part of this overall issue, where as long as they deny human rights and as long as they deny really the rights that I think other people all over the world expect, this is going to be a serious drag on their ability to create a more successful economy.

I think from the point of view of their leadership, they're trying to walk a very narrow path. They're very concerned about opening up in the ways that we think they have to do, because they feel that somehow to do that would be to destabilize the place. At the same time, they can't stay closed because in this information world we live in, they simply cannot survive as a completely closed society. They're afraid of their survival as an open society and they understand they can't survive as a closed society. So they're walking a very narrow path.

I think it's in our interest to try to point this out to them and explain to them that, with the understanding that if they denuclearize, we're prepared to help them on this path, we're prepared to help widen this path for them, and they shouldn't fear change, they shouldn't fear that we will somehow look to destabilize them. We will be prepared to work with them, but we cannot work with them as long as they continue to have nuclear weapons. It is simply unacceptable in so many different ways and we have to get at that problem.

Senator SESSIONS. Thank you.

Chairman LEVIN. Thank you, Senator Sessions.
Senator Martinez.

Senator MARTINEZ. Thank you, Mr. Chairman.

Gentlemen, thank you both for the work you've been doing, that's so important to the United States and to the world.

Ambassador Hill, I want to focus on the relationship between North and South Korea and the framework of the Six-Party Talks. First of all, I recall at the beginning of the Six-Party Talks that many criticized the lack of direct engagement between the United States and North Korea. I believe that the wisdom of the Six-Party Talks has been proven by the participation of China in such a vital way, as well as the engagement of neighbors that needed to be at the table, like Japan and South Korea particularly.

But I wonder if you would comment on the North-South relationship in the framework of the Six-Party Talks?

Ambassador HILL. If you think of the Six-Party Talks as not only a forum, but essentially a platform on which you can have a number of different configurations—you can have bilateral talks within the Six-Party process and we've been doing a lot of that with North Korea, especially as we're addressing issues like the terrorism list, which is very much a bilateral issue—we have found that countries that have had great difficulty talking to each other directly are able to do so within the Six-Party process. For example, North Korea and Japan were not talking for a long time, but did so within the Six-Party process. So it's clearly been a mechanism that has helped soften some of the very difficult bilateral problems.

Now, with respect to North and South Korea, of course they had a parallel structure known as a North-South Process, and this process has not gone well lately. If you ask the North Koreans, they criticize the South Korean government for, in the North Korean view, taking a harder line with them. But I think if you talk to the South Koreans, our allies in this, what they have really tried to do is to ensure that as they do things for North Korea in this North-South Process, they expect some things to be done by the North Koreans. They want this to be a two-way street.

They have raised some issues that haven't been raised before and the North Koreans have not taken this well. So the South Koreans have had, I think, to some extent a difficulty in this North-South Process.

But I think from the point of view of South Korea, they would like to reduce tensions on their peninsula. They would like to see a North-South Process continue. If you looked at the speech their President Lee Myung-Bak gave a couple of weeks ago, it really was a clear statement that they want this process of dialogue to continue.

I think they have continued to be able to talk to the North Koreans in the Six-Parties even as this North-South Process has become more difficult. From our vantage point, it's very important that North and South continue to talk and continue to address the instabilities on the peninsula. In particular, there was a very ugly incident just a couple of weeks ago, where you had a South Korean tourist in North Korea who, according to the North Korean authorities, strayed from the tourist enclave that was up in this Kumgang Mountain and, as a result of allegedly straying from this tourist

enclave, she was shot several times by automatic rifle fire. Clearly this is something that any government has to be extremely concerned about, and the South Korean Government has been extremely concerned about this.

Senator MARTINEZ. That sounds like a very dramatic sort of incident, the kind of thing that occurs in totalitarian, closed societies like North Korea and others around the world.

One of the things I noted is that we're now providing food aid to North Korea as part of this process. You mentioned in your testimony about a strong framework to ensure the food will reach those most in need. What is that framework, what are we doing, and is the food reaching those in need?

Ambassador HILL. Well, first of all, it is not part of the Six-Party process. It is based on our response to the World Food Program's assessment that there is a very serious food problem in North Korea today. It's caused by harvest failures, which in turn were caused by flooding and other factors.

The U.S. agreed to provide 500,000 tons of food aid in the framework of the World Food Program and also provided by several American NGOs. We, the United States Government, put together a protocol that they agreed to with the North Koreans, which goes into great detail about certain aspects of how this is going to be administered.

I think the key factor here, and it was very much of an unprecedented factor, is the degree of monitoring of this assistance. That is, we have an unprecedented number of monitors who will ensure that the food gets to those in need. Indeed, the first shipment was actually held up briefly because of some disagreements on how it would be handled. We continue to incur some of those problems. But we have made very, very clear to the North Koreans that we cannot move without the proper monitoring and, thanks to this protocol, which was assiduously negotiated between our food experts and North Korea, we can point to provisions throughout the document that I think will allow us to go forward with this.

We really want to see this food aid delivered. There are people starving. There are children who don't have enough food in that country. If you look at the average height and weight of North Korean children, it is a great tragedy. We want to be part of the process of helping that.

Senator MARTINEZ. What is the population of North Korea?

Ambassador HILL. The overall population of North Korea is estimated at about 22 million people. One of the issues in the food aid was to try to get to certain provinces where it was the judgment of our experts that the harvest conditions had been worse.

Senator MARTINEZ. I know the human rights situation was covered earlier. I was unfortunately not here, so I'm not going to ask you to repeat. But perhaps just as a treetop kind of a thing, do you believe that there is any progress on the human rights front as it relates to North Korea?

Ambassador HILL. As I said in my statement, I think North Korea's human rights record is abysmal and it needs to be addressed. It needs to be addressed in some fundamental ways. We have raised these issues with the North Koreans and we have made clear that as we move toward some sort of—assuming they're mov-

ing on denuclearization—I must be very clear with you; denuclearization is of fundamental importance to us. As we move forward, we would look to normalize our relationship with North Korea, with the understanding that we do not normalize unless they denuclearize.

As part of that normalization effort, we will have an ongoing human rights process to address human rights concerns. I must be very frank with you; the North Koreans don't like to hear the term "human rights." But that should not mean that we shouldn't raise it.

I think from North Korea's point of view, they need to understand this is not just an American issue; this is an international issue. Every country has challenges in human rights and I think the North Koreans need to understand that, while their challenges are more than other countries, they need to begin to address them. They cannot expect to be a member in good standing in the international community sporting the human rights record that they have today.

Senator MARTINEZ. My time has expired, but just very briefly, do you get any assistance from the other five members of the Six-Party Talks on this issue?

Ambassador HILL. I do, actually. I think it's important to have the North Koreans hearing this from someone besides me. I have certainly talked to other participants. Some help is greater than others.

Senator MARTINEZ. Understood.

Ambassador HILL. But I think everyone understands it's important to us and, frankly speaking, it's important to North Korea to just understand that, like it or not, this is part of the price of admission to the international community.

Senator MARTINEZ. Thank you, Mr. Hill.

Chairman LEVIN. Thank you, Senator Martinez.

Senator Warner.

Senator WARNER. First I would express my appreciation to the remarks of my colleague who just talked about the historical importance of the American participation during the Korean Conflict period, when we lost 37,000 killed and tens and tens of thousands more than that wounded.

But it also raised in my memory the acknowledgment that we owe to President Harry Truman, who had the foresight as Commander in Chief of those forces that went in and made the tough decision to see that freedom could well have been lost, not only in the Korean Peninsula, but in many, as Senator Sessions said, other smaller nations in that area. He was a Democrat President and I was proud to, in a very modest way, be just a youngster under his leadership as Commander in Chief. But a Democrat President, and now a Republican President is building on that foundation. I just think this is one of the better hearings that we've had in some time, and I commend both of you again for your service.

Why don't you take a little rest here for a minute, Ambassador Hill. I want to talk a little with Mr. Tobey.

I'm particularly interested in the participation of the IAEA in the Six-Party process.

Mr. TOBEY. Well, Senator, as I outlined, there are IAEA personnel at Yongbyon right now, and our people work closely with them.

Senator WARNER. That we know. But are they likely to stay there for a period?

Mr. TOBEY. That's my understanding, yes.

Senator WARNER. What sort of attitude does North Korea have towards the IAEA?

Mr. TOBEY. My impression is that North Korea is not favorably disposed toward the IAEA, although, as I've just noted, they have allowed IAEA personnel present, to be present. I think Ambassador Hill may wish to comment on this as well, but at least for a time the North Koreans would often attempt to turn this issue into a bilateral issue between the United States and North Korea, and in particular that applied to verification issues.

We in turn have equally tried to make sure that they understood that this was really a multilateral issue and that it necessarily would involve the IAEA as well, particularly with respect to their return to the NPT, which they agreed to in the September 19, 2005, joint statement.

Senator WARNER. Did you wish to add anything to his observations?

Ambassador HILL. No, I think that is correct. I think the North Koreans have tried to bilateralize as much as possible. We're prepared to do some things bilaterally, especially as we have the strong Six-Party platform to do it. I think from the point of view of the verification, we definitely want the IAEA there and we want them to have a role, because ultimately the objective here is to get them back in, back into the NPT. So it's very appropriate that they be there.

But I also want to say that as we've gone forward with this disablement of the facilities, I feel very good that every day we have Americans working on behalf of our Government and our Six Parties. As we sit here today, we have four Americans who probably about now are tucking themselves into their guest house in Yongbyon. So the fact that we have had the presence of some four Americans, often colleagues of Will's from the Department of Energy—they're courageous people, frankly. They've been out there supervising this disablement and I'm very pleased they're there.

As we go forward, I would like to see that the U.S. continues to play this very important role, because as we worry about verification I worry a lot less when I see Americans out there.

Senator WARNER. I might note, it's pretty cold up there this time of year.

Ambassador HILL. It will be.

Senator WARNER. It can get very cold over there.

Would you, Mr. Tobey, talk about the significance of Congress taking action this spring in the context of the budget, that is appropriations, waiving the Glenn Amendment so that you have broader authority now?

Mr. TOBEY. That was very significant, Senator Warner, and we are quite appreciative of that action.

Senator WARNER. Detail what that will enable you to do over and above?

Mr. TOBEY. Up until now, the activities have been funded through the State Department and those funds are relatively limited in their amounts. They've amounted to \$15 or \$20 million. The costs for packaging and removing the spent fuel and plutonium and uranium would be substantially higher and those were the costs that I spoke of earlier.

Because that amount of money would be spent by the NNSA, it would make sense that in fact we not rely on those relatively limited State Department funds. So allowing the Glenn Amendment to be waived was an important step as we move forward.

Senator WARNER. Ambassador Hill, going back to the 1953 armistice, people should recognize we never concluded that conflict in a formal manner other than the armistice agreement. That arrangement hopefully will be replaced by another framework. Do you have any more information you can provide the committee on that?

Ambassador HILL. That's exactly what we would like to do, replace the armistice with a peace process. At this point I want to reserve on the issue of whether we call it a treaty.

Senator WARNER. Sure, I would, too.

Ambassador HILL. But we need a more durable peace process. Of course, one of the key elements today is that ROK needs to be, the Republic of Korea, needs to be in the forefront of that peace process. They were not, of course, during the armistice days in 1953, so that will be a change from how the armistice was handled.

We have worked very closely with the South Koreans on how that would work. I would say that if you look at the Six-Party documentation on it, we use the term "directly related parties." It's a term of art, but it basically refers to four countries: U.S., China, and North and South Korea. But we want to make sure that Japan and Russia are also well informed. They have interests there. But the actual peace process would be conducted by these four countries.

Senator WARNER. Wouldn't the U.N. have a role, given the historical context?

Ambassador HILL. I think we've had a number of lawyers look at this issue and I think our sense is that they would not play a direct role, but at some point there would be a U.N. imprimatur on it because of their direct role in 1953.

Senator WARNER. I think that would be wise. I think it would be very wise.

Mr. Chairman, that concludes my questions until we go into the executive session. I thank you again, gentlemen.

Chairman LEVIN. Thank you both. When you talk, Ambassador Hill, about how good it is when you see Americans there at Yongbyon, you throw me back to my memory, because in 1997 or 1998 I went to Yongbyon. They let me in and I walked in, and there was an American from Texas who was I guess supervising the canning of those rods at that time under the Agreed Framework. That was a terrific sight. I actually saw those cans in those pools.

Then when we pulled out of the Agreed Framework because of the suspicions about their uranium program, and we pulled out I guess in 2002 or 2003, whenever we pulled out, it was a real step

backward, I'm afraid. But that's part of the history. You're working hard now to get us back on track. You have the Yongbyon facility apparently, if not out of commission, just about out of commission, and that is a good sight.

We again thank you both for all the work you've put in on this. We will now adjourn to S-407, where we will begin in 10 minutes. [Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN THUNE

NORTH KOREAN DECLARATION

1. Senator THUNE. Ambassador Hill, Ambassador John Bolton wrote in a June 30, 2008 op-ed for the Wall Street Journal that the administration has accepted a North Korean declaration that is "narrowly limited, incomplete, and almost certainly dishonest in material respects." How would you describe the North Korean declaration?

Ambassador HILL. North Korea submitted a declaration to the Chinese, as the chair of the Six-Party process, on June 26. In conjunction with the declaration submission, China issued a statement, which read, "The Parties agreed that the declaration will be subject to verification, and there is agreement within the Parties on a set of principles to guide the establishment of a verification regime."

This declaration package includes information about North Korea's plutonium program, which has produced fissile material for its nuclear weapons. As part of this package, the North Koreans acknowledged U.S. concerns about uranium enrichment and proliferation activities. By submitting this declaration, North Korea has begun to fulfill its declaration commitment, but much more remains to be done.

After intensive talks on verification measures October 1-3, United States and North Korean negotiators agreed on a series of verification measures to be used for evaluating North Korea's declaration. We understand that these measures will serve as the basis for a Verification Protocol to be finalized and adopted by the Six Parties in the near future and would allow Six-Party experts to assess the DPRK's June 2008 nuclear declaration. The package agreed on by the United States and North Korea provide that: experts from all Six Parties, including experts from non-nuclear states, may participate in verification activities; the IAEA will have an important consultative and support role in verification; experts will have access to all declared facilities, and based on mutual consent, to undeclared sites; experts will be allowed to review documents, interview personnel involved with the nuclear program, and use scientific procedures, including sampling and forensic activities; and all measures contained in the verification protocol will apply to the plutonium-based program and any uranium enrichment and nuclear proliferation activities.

2. Senator THUNE. Ambassador Hill, is Ambassador Bolton's description of the North Korean declaration as "incomplete" and "almost certainly dishonest in material respects" accurate?

Ambassador HILL. North Korea's provision of a declaration was an important step toward fulfilling its declaration commitment. Verification of the declaration has already begun with review of the copies of over 18,000 pages of operating records from Yongbyon that North Korea provided on May 8. Review of these operating records, which date back to 1986, has already yielded useful data and will contribute to the verification of North Korea's declaration. As we proceed with verification, discrepancies that may arise in the declaration will have to be satisfactorily explained and additional information provided as necessary, in order for the declaration ultimately to be deemed complete and correct.

At October 1-3 verification discussions in Pyongyang, the DPRK agreed to a series of verification measures. The President has determined that this agreement by the DPRK represents significant cooperation concerning the verification of North Korea's denuclearization actions.

[Whereupon, at 11:27 a.m., the committee adjourned.]

